



AGENDA

CANBY CITY COUNCIL MEETING

June 1, 2016

7:30 PM

Council Chambers
155 NW 2nd Avenue

Mayor Brian Hodson

*Council President Tim Dale
Councilor Clint Coleman
Councilor Tracie Heidt*

*Councilor Traci Hensley
Councilor Greg Parker
Councilor Todd Rocha*

CITY COUNCIL MEETING

1. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance
- C. Canby Livability Day Proclamation

Pg. 1

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens 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.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. 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 April 29, 2016 City Council Work Session
- B. Approval of Minutes of the May 18, 2016 City Council Work Session & Regular Meeting

7. PUBLIC HEARINGS

- A. ANN/ZC 16-01 Oliver/Walch (1.85 Acres) Pg. 24
- B. ANN/ZC 16-02 ManDan LLC (4.57 Acres) Pg. 72
- C. ANN/ZC 16-03 Manuel et al (31.83 Acres) Pg. 118

8. RESOLUTIONS & ORDINANCES

- A. Res. 1236, Adopting an Amendment to the Property Lease Agreement Between the City of Canby and Canby Telephone Association Pg. 2
- B. Ord. 1441, Auth. Contract with True North Environmental for the Purchase of a 2016 Camera Van with Specific Equipment, Installation Services, and Delivery (**2nd Reading**) Pg. 22
- C. Ord. 1442, Proclaiming Annexation into the City of Canby 1.85 Acres and Amending the Zoning from County Rural Residential Farm Forest 5-Acre (RRFF5) to City Low Density Residential (R-1) and Setting the Boundaries of the Property to be Included Within the City Limits Pg. 64
- D. Ord. 1443, Proclaiming Annexation into the City of Canby 4.57 Acres and Amending the Zoning from County Rural Residential Farm Forest 5-Acre (RRFF5) to City Medium Density Residential (R-1.5) for Tax Lots (301 & 302) and to City High Density Residential (R-2) for Tax Lot (300) and Setting the Boundaries of the Property to be Included Within the City Limits Pg. 110
- E. Ord. 1444, Proclaiming Annexation into the City of Canby, 31.83 Acres and Amending the Zoning from County Rural Residential Farm Forest 5-Acre (RRFF5) to City Low Density Residential (R-1) and Setting the Boundaries of the Property to be Included Within the City Limits Pg. 150

9. UNFINISHED BUSINESS

- A. ANN/ZC 16-01 Findings, Conclusions and Order Pg. 68
- B. ANN/ZC 16-02 Findings, Conclusions and Order Pg. 116
- C. ANN/ZC 16-03 Findings, Conclusions and Order Pg. 155

10. NEW BUSINESS

11. CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS

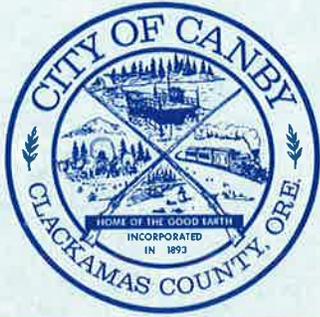
12. CITIZEN INPUT

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.ci.canby.or.us. City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.



Office of the Mayor

Proclamation

“Canby Livability Day”

WHEREAS, The Canby Livability Coalition is dedicated to maintaining the quality of life in the community of Canby by empowering citizens and providing resources to preserve livability for future generations; and

WHEREAS, Citizens, organizations, and neighborhood associations are encouraged to select community service clean-up projects and activities that beautify the City of Canby before summer festivities.

NOW, THEREFORE, I, Brian Hodson, by the virtue of the authority vested in me as the Mayor of the City of Canby, hereby proclaim the last Sunday in June this year as:

Canby Livability Day

in Canby and encourage all citizens to join in this observance and volunteer on June 26, 2016 at one of the clean-up sites.

Given unto my hand this 1st day of June 2016.

Brian Hodson
Mayor



RESOLUTION NO. 1236

A RESOLUTION ADOPTING AN AMENDMENT TO THE PROPERTY LEASE AGREEMENT BETWEEN THE CITY OF CANBY AND CANBY TELEPHONE ASSOCIATION.

WHEREAS, the CITY OF CANBY, hereinafter referred to as “CITY” a municipal corporation, and CANBY TELEPHONE ASSOCIATION, herein after referred to as “CTA” wish to enter into an Amendment to a certain Property Lease Agreement; and.

WHEREAS, CITY and CTA entered into a Property Lease Agreement dated November 2, 2004, recorded November 2, 2004, Recorder’s Fee No. 2004-101361, Clackamas County Deed Records, whereby CITY leased to CTA and CTA leased from CITY certain real property described as Parcel 1 and Parcel 2 of Exhibit A under the terms and conditions of said Property Lease Agreement; and,

WHEREAS, CTA desires to expand Parcel 1 of said Property Lease Agreement by approximately 900 square feet in order to construct, operate, and maintain additional telecommunications equipment necessary to meet growing telecommunications service needs, including those of its subscribers in the local area, and, in consequence thereof, to also add Parcel 3 and modify certain other terms and conditions of the Property Lease Agreement; and,

WHEREAS, the Canby City Council believes it is in the best interests of the citizens of Canby to enter into such a lease, now therefore

IT IS HEREBY RESOLVED by the City of Canby Council as follows:

1. That the attached Amendment to Property Lease Agreement and supporting documentation, by this reference incorporated herein, by and between the City of Canby and the Canby Telephone Association is hereby adopted.
2. The City Administrator is authorized to sign the Amendment to Property Lease Agreement, and carry out such other steps as may be required to complete the Amendment to Property Lease Agreement.

This Resolution shall take effect June 1, 2016.

ADOPTED this 1st day of June 2016, by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

3-1E-27-300, 600

AFTER RECORDING, RETURN TO: Affiliated Land Services, Inc. P.O. Box 17035 Salem, OR 97305	FOR RECORDER'S USE:
<u>AMENDMENT TO PROPERTY LEASE AGREEMENT</u>	
GRANTOR(S): The City of Canby P.O. Box 930 Canby, OR 97013	GRANTEE(S): Canby Telephone Association P.O. Box 880 Canby, OR 97013

This Amendment to Property Lease Agreement is entered into between the CITY OF CANBY, hereinafter referred to as "CITY" a municipal corporation, and CANBY TELEPHONE ASSOCIATION, herein after referred to as "CTA". This amendment is made and entered into between these parties on the date of the signatures hereto.

WHEREAS, CITY and CTA entered into a Property Lease Agreement dated November 2, 2004, recorded November 2, 2004, Recorder's Fee No. 2004-101361, Clackamas County Deed Records, whereby CITY leased to CTA and CTA leased from CITY certain real property described as Parcel 1 and Parcel 2 of Exhibit A under the terms and conditions of said Property Lease Agreement; and,

WHEREAS, CTA desires to expand Parcel 1 of said Property Lease Agreement by approximately 900 square feet in order to construct, operate, and maintain additional telecommunications equipment necessary to meet growing telecommunications service needs, including those of its subscribers in the local area, and, in consequence thereof, to also add Parcel 3 and modify certain other terms and conditions of the Property Lease Agreement; and,

WHEREAS, CITY agrees to lease to CTA the additional real property required for expansion of CTA's facilities, and, in consequence thereof, to modify Parcel 1, add Parcel 3 and modify certain other terms and conditions of the Property Lease Agreement;

NOW THEREFORE, the parties hereto mutually agree that said Property Lease Agreement is hereby amended as follows:

1 Paragraph 1 of the Property Lease Agreement is hereby replaced by the following:

The property that is the subject of the Property Lease Agreement is described as follows:

a) Parcel 1 (Amended), Parcel 2 (Unchanged), and Parcel 3 (New). Each are fully described in Exhibit A, which is attached hereto and incorporated herein, and generally shown on Exhibit B (Amended), which is attached hereto and incorporated herein;

b) Parcel 1 (Amended) consists of approximately 1,800 square feet shall be used as a communications site;

c) Parcel 2 (Unchanged) and Parcel 3 (New) shall be used for the placement and maintenance of underground telecommunications cables, including conduits, vaults, wires, and other appurtenances thereto;

d) The property subject to this lease agreement shall also include Tax Lot 00300, Section 27, Township 3 South, Range 1 East, W.M., Clackamas County, Oregon, more particularly described in that Statutory Warranty Deed recorded December 29, 2008, Recorder's Fee No. 2008-083809, Clackamas County Deed Records, to be used solely for the purposes of temporary construction road access described herein; and,

e) The purpose of the Property Lease Agreement, including all modifications made herein, shall be for telecommunications purposes, including the provision of telecommunications service availability to residents in the surrounding area.

2 Paragraph 3 of the Property Lease Agreement is hereby amended so that CTA will, upon execution of this Amendment to Property Lease Agreement, pay in advance to the CITY the additional fixed rent of Five Thousand Seven Hundred and Fifty (\$5,750.00) Dollars for the remainder of the fifty (50) year term specified in the Property Lease Agreement. Furthermore, in the event that this lease is renewed under the provisions of Paragraph 2 of the Property Lease Agreement, an amended further advance fixed rent total of \$11,210.00 will be paid by CTA to the CITY at the time the renewal notice is sent to the CITY.

3 Paragraph 4 of the Property Lease Agreement is hereby replaced by the following:

a CTA, at its sole cost and expense, shall construct and maintain a six (6) foot high chain link fence (no barbed wire top) around the perimeter of Parcel 1 of attached Exhibit "A", and shall, at all times during the term of the Property Lease Agreement, install and maintain aesthetic green slats in said chain link fence, sufficient to buffer views of the site from adjacent properties.

4 Paragraph 5 of the Property Lease Agreement is hereby replaced by the following:

a. CTA shall, at all times during the term of this lease, have the right of reasonable access to and from the property subject to this lease over and across adjacent lands of the City, and, with the prior permission of the CITY, CTA may temporarily use said adjacent lands of the CITY in its exercise of the rights granted herein, including, but not limited to, the right to construct temporary construction road access across said adjacent lands of the CITY. CTA shall be solely responsible to a) maintain the communications site (Parcels 1, 2 and 3 of attached Exhibit "A") in a neat and orderly manner; and, b) promptly restore the surface of all lands of CITY impacted by CTA's exercise of the rights granted herein to prior or better condition in a workmanlike manner. CITY

agrees to allow other utilities to serve CTA's facilities located at the property subject to this lease agreement, and further agrees to promptly execute whatever authorizations as may be reasonably required for this purpose.

All other terms and conditions of said Property Lease Agreement dated November 2, 2004 shall remain in full force and effect until further amended by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this _____ day of _____, 2016.

(CITY)
CITY OF CANBY,

(CTA)
CANBY TELEPHONE ASSOCIATION,

By: _____

By: _____

Title: _____

Title: _____

STATE OF _____)
)
COUNTY OF _____) ss.

BE IT REMEMBERED, That on this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, the person who signed as of CANBY TELEPHONE ASSOCIATION, the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the State of _____

STATE OF OREGON)
)
COUNTY OF CLACKAMAS) ss.

BE IT REMEMBERED, That on this _____ day of June, 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Richard Robinson, the person known to me to be the City Administrator of the CITY OF CANBY, and who signed the within instrument on behalf of said CITY OF CANBY by authority of its Council, and who acknowledged said instrument to be its voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the State of Oregon
My Commission expires:_____

EXHIBIT A

(Amendment to Property Lease Agreement)

PARCEL 1 (Amended):

A tract of land in the SW¹/₄ Section 27, T.3S., R.1E., W.M., and being more particularly described as follows:

Beginning at an iron rod at the intersection of the Northerly boundary of Territorial Road (County Road No. 1485) with the East boundary of a tract of land conveyed to the City of Canby in that Bargain and Sale Deed recorded May 5, 1976, Recorder's Fee No. 76-14257, Clackamas County Deed Records; thence North, along said East boundary, a distance of 218.35 feet to a point; thence West, at right angles to the last course, a distance of 63.12 feet to a 5/8" diameter iron rod marking the Northeast corner of a "Communications Site" described in that Survey recorded January 10, 2005, SN 2005-006 of Clackamas County Survey Records (herein after referred to as the "Davis Survey"), said point being the TRUE POINT OF BEGINNING of the tract of land described herein; thence North 77°48' 00" East a distance of 5.00 feet; thence North 12°12' 00" West, at right angles, a distance of 30.00 feet; thence South 77°48' 00" West, at right angles, a distance of 30.00 feet; thence South 12°12' 12" East, at right angles, a distance of 30.00 feet to a point on the Northerly boundary of said "Communications Site" described in the Davis Survey; thence South 77°48' 00" West, along the Northerly boundary of said Communications Site described in the Davis Survey, a distance of 5.00 feet to a 5/8" diameter iron rod marking the Northwest corner of said Communications Site described in the Davis Survey; thence South 12°12' 00" East, along the Westerly boundary of said Communications Site described in the Davis Survey, to a 5/8" diameter iron rod marking the Southwest corner of said Communications Site described in the Davis Survey; thence North 77°48' 00" East, along the Southerly boundary of said Communications Site described in the Davis Survey, a distance of 30.00 feet; thence North 12°12' 00" West, along the Easterly boundary of said Communications Site described in the Davis Survey, a distance of 30.00 feet to the true point of beginning, containing 1,800 square feet, more or less.

PARCEL 2 (Unchanged):

A strip of land ten (10) feet in width situated in the SW¹/₄ Section 27, T.3S., R.1E., W.M., the centerline of said strip being more particularly described as follows:

Beginning at a point on the Easterly boundary of the above described Parcel 1 that bears North 12°12' 00" West a distance of 5.00 feet from the Southeast corner of said Parcel 1; thence North 77°48' 00" East a distance of 4.49 feet to a point of curve; thence along the arc of a 40.00 radius curve to the right (whose long chord bears South 51° 06' 00" East 62.26 feet and whose central angle is 102°12' 00") an arc distance of 71.35 feet; thence South, parallel to and 5.00 feet distant Westerly of, when measured at right angles thereto, the East boundary of a tract of land conveyed to the City of Canby in that Bargain and Sale Deed recorded May 5, 1976, Recorder's Fee No. 76-14257, Clackamas County Deed Records, a distance of 117.63 feet to a point of curve; thence along the arc of a 40.00 foot radius curve to the right (whose long chord bears South 29°16' 25" West 39.12 feet and whose central angle is 58°32' 50") an arc distance of 40.87 feet; thence South 58°32' 50" West a distance of 35.53 feet to an angle point; thence South 35°00' 00" West a distance of 10.53 feet to the North boundary of Territorial Road (County Road No. 1485) and the terminus of this centerline description. The sidelines of said strip of land shall be lengthened or foreshortened so as to terminate on the Easterly boundary of the above described Parcel 1 and on the North right-of-way boundary of said Territorial Road.

PARCEL 3 (New):

A strip of land five (5) feet in width situated in the SW¼ Section 27, T.3S., R.1E., W.M., the centerline of said strip being more particularly described as follows:

Beginning at the true point of beginning of Parcel 1, above, thence North 77° 48' 00" East, along the Southerly boundary of said Parcel 1, a distance of 2.50 feet to the TRUE POINT OF BEGINNING of this centerline description; thence South 12° 12' 00" East, parallel to and 2.50 feet distant Easterly of, when measured at right angles thereto, the Easterly boundary of Parcel 1, above, a distance of 20.00 feet, more or less, to a point on the Northerly boundary of Parcel 2, above, and the termination of this centerline description. The sidelines of said strip of land shall be lengthened or foreshortened so as to terminate on a 5.00 foot long Southerly boundary leg of Parcel 1, above, and on the Northerly boundary of Parcel 2, above.

SITE PLAN

N Redwood St

Driveway to 1470 NE Territorial Rd

190+/- FT to Territorial Rd (see survey)

Telephone cable

Power line

NE Territorial Road

EXHIBIT B (AMENDED)
Sheet 1 of 2

Center line of 10ft cable route strip
(Parcel 2-Unchanged)

TAX PARCEL 3-1E-27-600
CITY OF CANBY

Centerline of Parcel 3 (Added)

TAX PARCEL 3-1E-27-300
CITY OF CANBY

gravel approach & pull out

12" culvert

GATE

Existing Site Area

-Parcel 1-

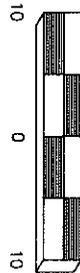
(SEE SHEET 2 FOR SITE DETAILS)

2'-6"

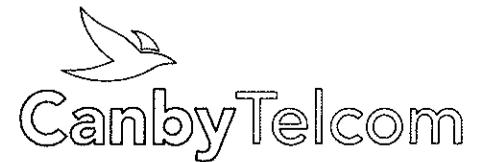
Additional Site Area

Existing vegetation to be retained

10' Wide temporary construction road



Plot Date: 5-3-2016
Plot Time:
SITE LAYOUT



Approved by Eric Kehler		Date Approved	
Engineered By Eng		Phone 503-266-8223	
Inspected by Ron Stenger		Date	
Exchange CNB	Township 3S	Range 1E	Section 27
Project Title Redwood Remote Addition			
Project No. City Council Packet Page 10 of 156 2016-0003 of 2			

Driveway to 1570 NE Territorial Rd (abandoned)

EOP

Driveway to 1470 NE Territorial Rd

EXHIBIT B (AMENDED)
Sheet 2 of 2

EOP

power line

**Pullout area
to be graveled**

-- Existing vegetation
to be retained --

6' Chain link fence to match
existing, with green insert slats
around entire perimeter fence

SITE PLAN

Redwood Remote Expanded Site
Canby Telcom

DEVELOPMENT NOTES

1. SECURITY FENCE MATCH EXISTING GALVANIZED CHAIN LINK FENCE WITH GREEN INSERT SLATS AROUND ENTIRE PERIMETER FENCE.
2. SWITCHING BLDG: 11'5"W x 20'L x 9'H PRE-CAST CONCRETE
3. 150 KW GENERATOR: 6'6"L x 2'10"W ON 8'6"L x 5'W PAD WITH WEATHER/SOUND HOUSING (PROPANE GAS POWER).
4. 2-120 GAL TANKS ON 4'X8' PAD.
5. GATE: 2- 5'X6' SWING GALVANIZED CHAIN LINK WITH GREEN INSERT SLATS.
6. CONTRACTOR TO PROVIDE ELECTRICAL PERMIT.
7. PLACE WEED BARRIER UNDER ALL GRAVELED AREAS.

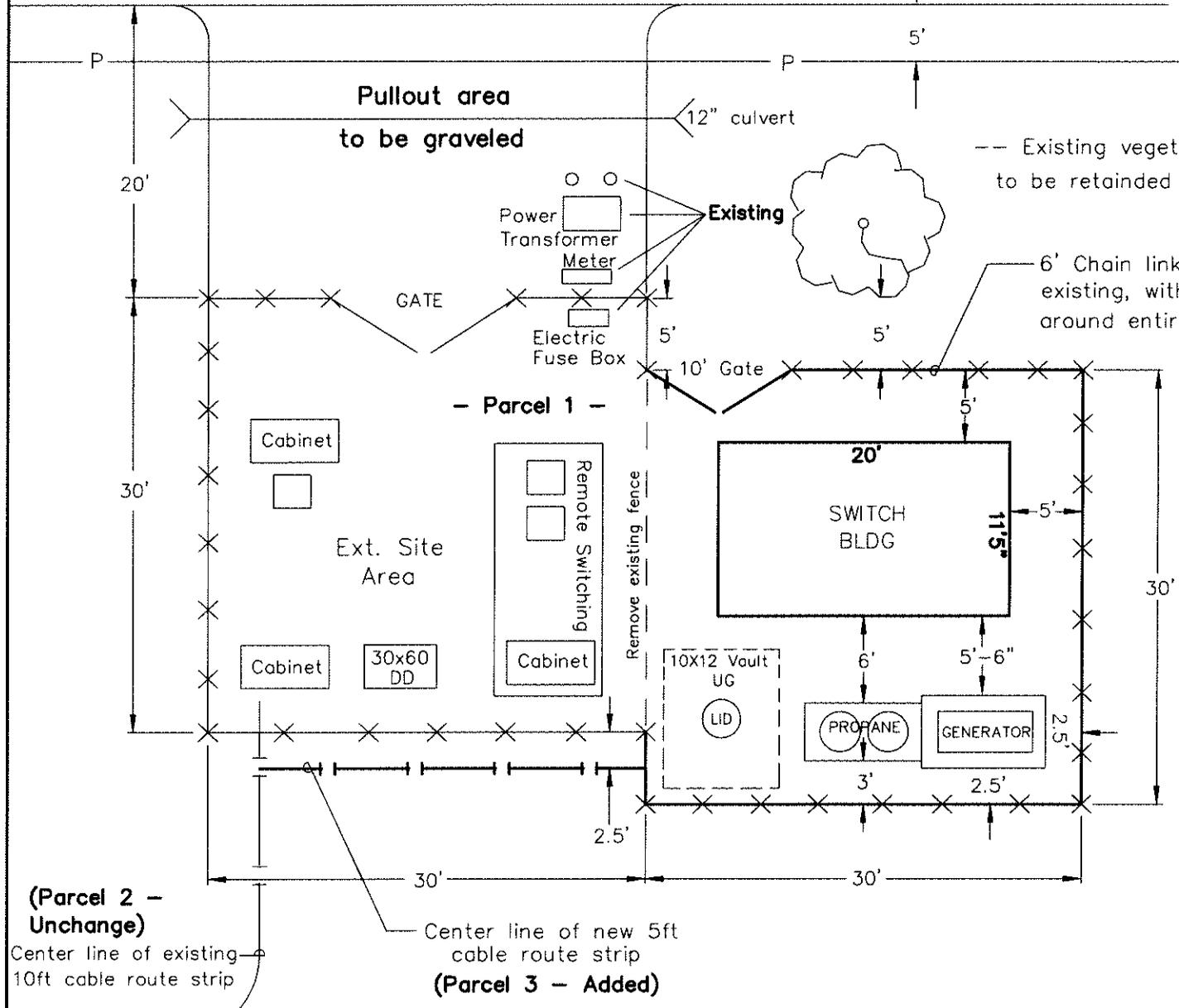
-- Existing vegetation
to be retained --



- Parcel 1 -

**(Parcel 2 -
Unchange)**

(Parcel 3 - Added)



Center line of existing
10ft cable route strip

Center line of new 5ft
cable route strip

Plot Date: 5-3-2016
 Plot Time:
 CITY SITE LAYOUT



Approved by Eric Kehler		Date Approved	
Engineered By Eng		Phone 503-266-8223	
Inspected by Ron Stenger		Date	
Exchange CNB	Township 3S	Range 1E	Section 27
Project Title Redwood Remote Addition			
Project No. City Council Packet Page 11 of 156 2016-0003			

Clackamas County Official Records
Sherry Hall, County Clerk

2004-101361

When recorded, return to:
Affiliated Land Services
P.O. Box 17035
Salem, OR 97305



\$51.00

11/02/2004 03:09:05 PM

D-L Cnt=1 Str=2 BEVL
\$30.00 \$11.00 \$10.00

PROPERTY LEASE AGREEMENT

This lease agreement is entered into between the CITY OF CANBY, hereinafter referred to as "CITY", a municipal corporation, and CANBY TELEPHONE ASSOCIATION, hereinafter referred to as "CTA". This agreement is made and entered into between these parties on the date of the signatures hereto.

1. The property subject to this lease agreement, located in Tax Lot 00600, Section 27, Township 3 South Range 1 East, W.M., Clackamas County, Oregon, is more particularly described in Exhibit "A", attached hereto and by this reference made part hereof. Parcel 1 of said Exhibit "A" consists of approximately 900 square feet of land to be used by CTA for a communication site for the provision of telecommunications service availability to residents of the surrounding area. Parcel 2 of Exhibit "A" consists of a strip of land ten (10) feet in width to be used by CTA for placement and maintenance of underground telecommunications cable facilities, including conduits, wires, and other appurtenances thereto, said facilities also being for the provision of telecommunications service availability to residents in the surrounding area. The property subject to this lease agreement shall be used by CTA for no other purpose.

CITY agrees to lease the above described land to CTA for a term of fifty (50) years beginning on October 31, 2004. This agreement may be renewed for an additional forty (40) year term, provided written notice of intent to renew is given within six (6) months prior to the date of expiration of the first term. If no intent to renew is received, this lease will terminate automatically on the fiftieth year anniversary of this agreement. This lease may be terminated sooner as provided in this lease.

3. CTA will pay in advance to the CITY the fixed rent of Six Thousand (\$6000) Dollars for the fifty (50) year term. In the event this lease is renewed, a further advance fixed rent of \$5000.00 will be paid by CTA to the CITY at the time the renewal notice is sent to the CITY. CTA shall have the right to terminate this lease at any time upon thirty (30) days written notice to the CITY, provided, however, that in the event of such early termination, no refund of any portion of fixed rent already paid by CTA to the CITY shall be due to CTA from the CITY.

Property Lease Agreement. Page 1

4. CTA, at its sole cost and expense, shall construct and maintain a six (6) foot chain link fence in a location shown on the attached Exhibit "A". Furthermore, CTA shall, at all times during the term of this lease agreement plant and maintain arborvitae plants in the location shown on the attached Exhibit "B"(Site Plan), also attached hereto and by this reference made part hereof. Said arborvitae plants shall not be less than 6 feet nor more than 10 feet in height above ground level and shall be maintained solely by CTA.

5. CTA shall, at all times during the term of this lease, have the right of reasonable access to and from the property subject to this lease over and across adjacent lands of the CITY, and with the prior permission of the CITY, CTA may temporarily use said adjacent lands of the CITY in its exercise of the rights granted herein as shown on Exhibit "A". CTA shall be solely responsible to a) maintain the communications site (Parcel 1 of attached Exhibit "A") in a neat and orderly manner; and b) promptly restore the surface of any other lands of CITY impacted by CTA's exercise of the rights granted herein to prior or better condition in a workmanlike manner. CITY agrees to allow other utilities to serve CTA's facilities located at the property subject to this lease agreement, and further agrees to promptly execute whatever authorizations as may be reasonably required for this purpose.

6. CTA shall be responsible for any damage to adjacent lands of the CITY caused directly by CTA's exercise of the rights herein granted. CTA shall indemnify and defend the CITY from any and all claims from third parties arising from CTA's exercise of the rights granted herein. CTA shall, at least annually, provide CITY with a certificate of insurance evidencing CITY to be an additional named insured under CTA's comprehensive general liability insurance policy in an amount of not less than one million dollars combined/single limit.

7. CTA will make no unlawful, improper or illegal use of the premises. CTA will comply with all applicable municipal ordinances, including the City's noise ordinance restrictions in the event that CTA installs and uses any type of generator. With reasonable notice, the CITY may inspect the site for compliance with the terms of this lease. At the expiration of the lease term, or upon any prior termination of this Agreement, CTA will vacate the premises and shall remove all above ground facilities from the site, leaving the premises in the same or similar condition as when the lease commenced.

8. Should CTA abandon or fail to use the premises for a continuous period of two (2) years, this lease shall automatically terminate and all rights granted to CTA herein shall cease and revert to the CITY or its successors or assigns. As set forth above, CTA shall remove all above ground facilities from the site. Underground facilities placed by CTA may be abandoned in place if the CITY determines such underground facilities will not



interfere with the future use of the premises by the CITY.

9. In the event CTA shall neglect or fail to do or perform any of the covenants set forth above at any time thereafter, CTA shall be in default. The CITY shall provide thirty (30) days written notice to CTA of the nature of the default and allow CTA to correct the problem. If CTA fails to correct the default, the CITY may enter into and upon said premises and repossess the same and expel CTA from the premises and terminate the lease Agreement with no liability to CTA whatsoever.

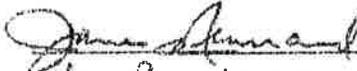
10. Any waiver of any breach of covenants herein to be performed by CTA shall not be deemed or considered as a continuing waiver and shall not operate to bar or prevent the CITY from declaring a forfeiture for any succeeding breach, either of the same condition or covenant or a different condition or covenant.

11. In the event any suit or action is instituted for any default, breach or action to regain possession of said premises, the losing party agrees to pay the prevailing party its costs and disbursements, including reasonable attorney fees, both at the trial court level and any subsequent appeal.

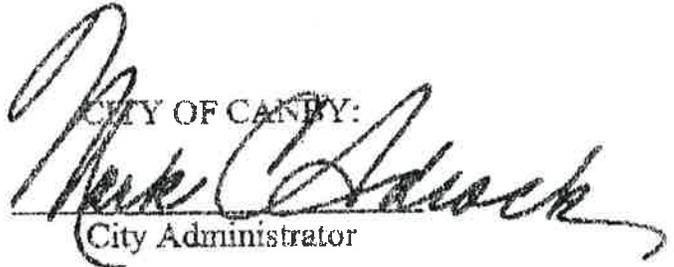
12. Any holding over by CTA after expiration of the term of this lease or any extension thereof shall be as a tenancy from month-to-month and not otherwise.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 2nd day of November, 2004.

CANBY TELEPHONE ASSOCIATION


Vice President

CITY OF CANBY:

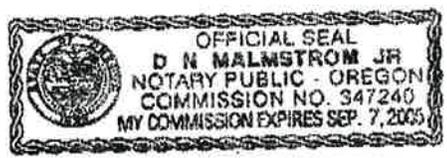

City Administrator

STATE OF OREGON)
) ss
County of Clackamas)

November 2, 2004

Personally appeared James Renard and _____
before me and known to be Vice President and _____, respectively of
Canby Telephone Association, and that the seal affixed to the foregoing instrument
is the corporate seal of said corporation and that said instrument was signed and
sealed on behalf of said corporation by authority of its board of directors and
acknowledged said instrument to be its voluntary act and deed.

Before me:



[Signature]
Notary Public for Oregon
My commission expires: 9-7-2005

STATE OF OREGON)
) ss
County of Clackamas)

November 2, 2004

Personally appeared Mark Adcock before me and known to be City
Administrator of the City of Canby, and that the seal affixed to the foregoing
instrument is the corporate seal of said municipal corporation and that said
instrument was signed and sealed on behalf of said City of Canby by authority of
its Council and acknowledged said instrument to be its voluntary act and deed.

Before me:



[Signature]
Notary Public for Oregon
My commission expires: 9-7-2005

EXHIBIT A

PARCEL 1: A 30' x 30' tract of land situated in the SW¼ Section 27, T.3S., R.1E., W.M., and being more particularly described as follows:

Beginning at a iron rod at the intersection of the Northerly boundary of Territorial Road (County Road No. 1485) with the East boundary of a tract of land conveyed to the City of Canby in that Bargain and Sale Deed recorded May 5, 1976, Recorder's Fee No. 76-14257, Clackamas County Deed Records; thence North along said East boundary a distance of 218.35 feet to a point; thence West, at right angles to the last course, a distance of 63.12 feet to an iron rod and the TRUE POINT OF BEGINNING of the tract of land described herein, said point being the Northeast corner thereof; thence South 77°48'00" West a distance of 30.00 feet to an iron rod; thence South 12°12'00" East, at right angles to the last course, a distance of 30.00 feet to an iron rod; thence North 77°48'00" East, at right angles to the last course, a distance of 30.00 feet to an iron rod; thence North 12°12'00" West, at right angles to the last course, a distance of 30.00 feet to the true point of beginning.

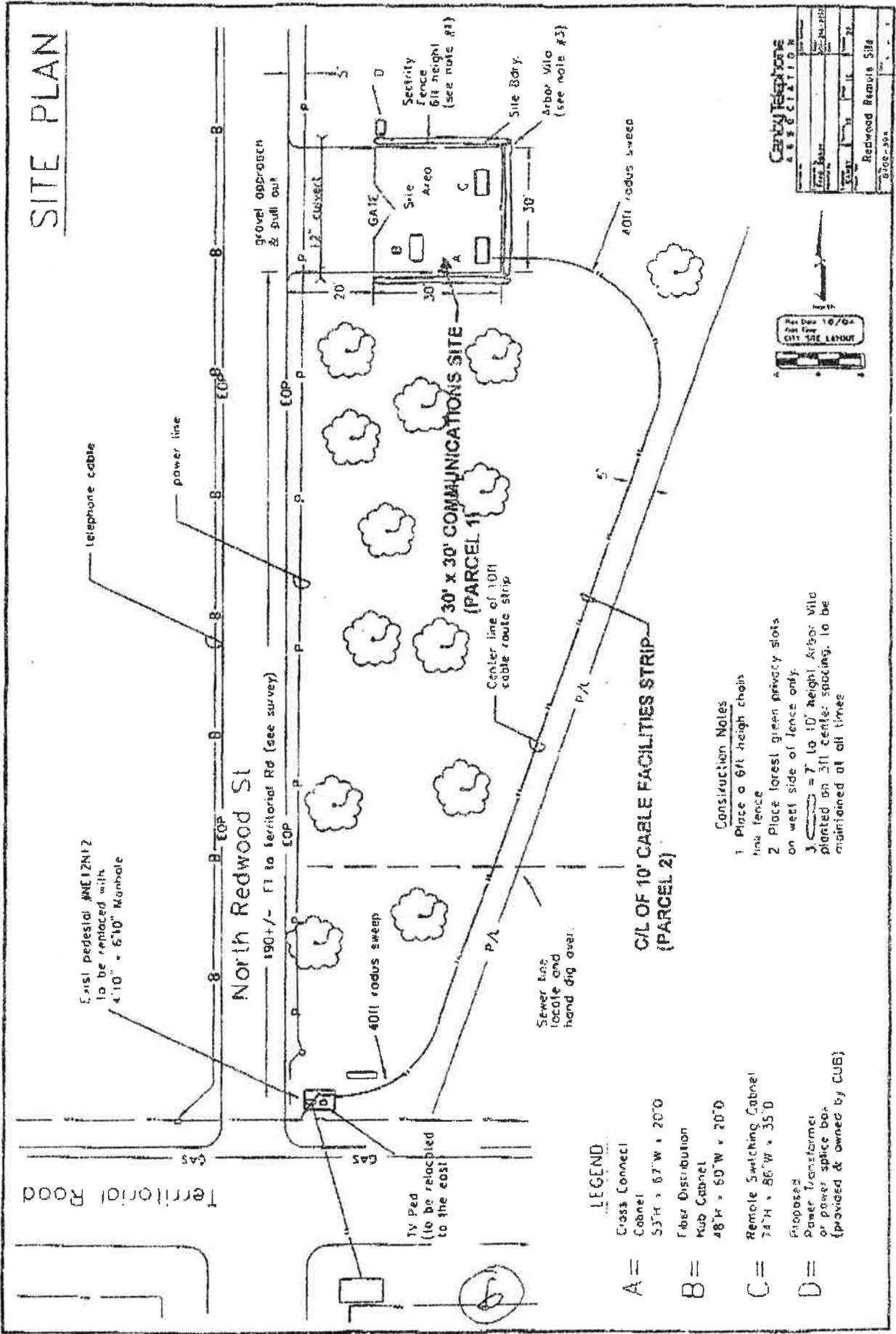
PARCEL 2: A strip of land ten (10) feet in width situated in the SW¼ Section 27, T.3S., R.1E., W.M., the centerline of said strip being more particularly described as follows:

Beginning at a point on the Easterly boundary of the above described Parcel 1 that bears North 12°12'00" West a distance of 5.00 feet from the Southeast corner of said Parcel 1; thence North 77°48'00" East a distance of 4.49 feet to a point of curve; thence along the arc of a 40.00 foot radius curve to the right (whose long chord bears South 51°06'00" East 62.26 feet and whose central angle is 102°12'00") an arc distance of 71.35 feet; thence South, parallel to and 5.00 feet distant westerly of, when measured at right angles thereto, the East boundary of a tract of land conveyed to the City of Canby in that Bargain and Sale Deed recorded May 5, 1976, Recorder's Fee No. 76-14257, Clackamas County Deed Records, a distance of 117.63 feet to a point of curve; thence along the arc of a 40.00 foot radius curve to the right (whose long chord bears South 29°16'25" West 39.12 feet and whose central angle is 59°32'50") an arc distance of 40.87 feet; thence South 58°32'50" West a distance of 35.53 feet to an angle point; thence South 35°00'00" West a distance of 10.53 feet to the North boundary of Territorial Road (County Road No. 1485) and the terminus of this centerline description. The sidelines of said strip of land shall be lengthened or foreshortened so as to terminate on the Easterly boundary of the above described Parcel 1 and on the North right-of-way boundary of said Territorial Road.

5

EXHIBIT B

SITE PLAN



Exist pedestal #ME1ZM1Z
to be replaced with
4'10" x 6'10" Manhole

North Redwood St
190+/- FT to Territorial Rd (see survey)

gravel approach
& pull out
12' sidewalk

30' x 30' COMMUNICATIONS SITE
(PARCEL 1)
Center line of 10ft
cable route strip

Sewer line
locate and
hand dig over

C/O OF 10' CABLE FACILITIES STRIP
(PARCEL 2)

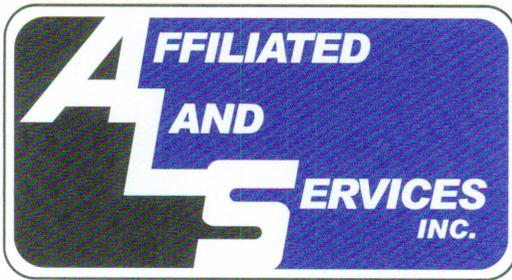
Construction Notes

- 1 Place a 6ft high chain link fence
- 2 Place forest green privacy slats on west side of fence only.
- 3 $\text{---} = 7'$ to 10' height Arbor Vito planted on 3ft center spacing. To be maintained at all times

LEGEND

- A = Glass Connect Cabinet
53"H x 67"W x 20"D
- B = Fiber Distribution Hub Cabinet
48"H x 50"W x 20"D
- C = Remote Switching Cabinet
74"H x 56"W x 35"D
- D = Proposed Power Transformer or power space box (provided & owned by CUB)

Cable Telephone ASSOCIATION	
File No.	10/04
Site No.	101
Site Name	Redwood Remains Site
Scale	1" = 10'
Drawn By	gpc-304



D.N. MALMSTROM, JR. - PRESIDENT

P.O. BOX 17035 • SALEM, OREGON 97305 • PHONE: (503) 588-0555 • FAX: (503) 588-0725 • DON@AFFILIATEDLAND.COM

May 10, 2016

Rick Robinson, City Administrator
City of Canby
P.O. Box 930
Canby, OR 97013

RE: Canby Telephone Association
Request for Amendment to Property Lease Agreement
Territorial Road Communications Site

Dear Rick:

Following our preliminary discussions and on-site meetings, Canby Telephone Association (CTA) requests amendment of that Property Lease Agreement recorded November 2, 2004, Recorder's Fee No. 2004-101361, Clackamas County Deed Records, to facilitate expansion of the existing 30' x 30' communications equipment site, as described below. Site expansion is necessary in order to keep pace with current industry technology and, in particular, new residential development in the area, which the existing site lacks the capacity to serve. In this regard, enclosed please a proposed Amendment to Property Lease Agreement, including Exhibit "A" (legal description of the expanded site for which amended lease authorization is requested), and Exhibit "B", Sheets 1 and 2 of 2, comprising the newly proposed site plan.

Site expansion is proposed to include the following:

- 1 An additional 30' x 30' area, annexed to the north side of the existing site, within which to house the following facilities:
 - a 11.5' x 20' x 9' (height) pre-cast concrete switching building
 - b 150kV propane powered generator, set on a 5' x 8½' concrete pad
 - c 2 - 120-gallon propane tanks, set on a 4' x 8' concrete pad.
 - d 10' x 12' underground utility vault with ground surface lid.
 - e 6' high chain link security fence, matching the height of the existing site fence, with aesthetic green insert slats placed along the entire site perimeter fence, existing and new. The fence along the common boundary between the existing and new site area will be removed.
- 2 An additional 5' wide strip for placement of buried communications cable facilities, extending north along the easterly exterior of the existing site area from the north edge of the existing 10' wide buried cable facilities placement strip, and terminating on the 5' offset in the perimeter fence proposed for the site expansion area.
- 3 Additional buried power and communications cables, and appurtenant cabinets and enclosures, as required for operation of the expanded communications site.
- 4 Provision for temporary construction road access from the adjacent City-owned parcel (Tax Lot 3-1E-27-300) located east of the site.

Site expansion is proposed to extend north from the existing site in order to maintain adequate visual buffering when viewed from Territorial Road. A 5' offset in the expansion area will be utilized to protect an existing tree located northwest of the existing site, and the fence along the boundary common to the existing site area and the expansion area will be removed. The existing above ground power transformer, meter and protective posts (located adjacent to the northwesterly corner of the existing site) will comprise the only above-ground facilities required outside of the new total site area, as fenced. There will be two (2) vehicle entry gates into the new site, namely, the existing 10' wide site area entry gate, and an additional double sided chain link gate placed at the southwesterly corner of the added site area. Additional buried communications cables will be placed from an existing vault at the Territorial Road-N. Redwood Street intersection, northerly within the existing 10' wide buried cable route strip, and entering the site as currently routed. However, in order to extend the communications facilities to the new switch building, an additional five (5) foot wide buried cable route strip is requested, as described in #2, above, and described and shown on Exhibits "A" and "B" of the proposed lease amendment document.

The switch building will be pre-cast concrete construction, with earth tone aggregate finish. Two (2) typical photos of this type of switch building are attached for reference. The structure will be hauled to the site on a flatbed trailer and set on its foundation by use of a crane, which will access the site via a temporary construction roadway extending from the existing driveway to 1570 NE Territorial Road (abandoned). Following completion of construction, road rock placed during equipment access will be removed and the access area, and all other adjacent City lands impacted by the construction process, will be restored, as nearly as reasonably possible, to prior or better condition in a workmanlike manner.

Lease rental amounts shown in Paragraph 2 of the proposed lease amendment, both the pro-rated amount to the end of the existing 50-year lease, and also the new total renewal amount, have been calculated by applying the CPI-U factor as follows:

CPI-U, February, 2016:	237.11
CPI-U, October, 2004:	<u>-190.90</u>
	46.21 / 190.90 = 24.1% CPI-U Increase Factor

Construction is proposed during the second quarter of 2016, and should be completed by September 30, 2016.

Thank you for your consideration of this request. We look forward to providing any additional information required in this regard.

Sincerely,

Affiliated Land Services, Inc.
Representing Canby Telephone Association



Don Malmstrom

DM/wp
enc

TYPICAL BUILDING PHOTO #1



TYPICAL BUILDING PHOTO #2



ORDINANCE NO. 1441

AN ORDINANCE AUTHORIZING A CONTRACT BETWEEN THE CITY OF CANBY AND TRUE NORTH ENVIRONMENTAL FOR THE PURCHASE OF A 2016 CAMERA VAN WITH SPECIFIC EQUIPMENT, INSTALLATION SERVICES, AND DELIVERY

WHEREAS, a camera van is an essential tool for the City of Canby Public Works Department for use with sewer inspection, maintenance, and locates; and

WHEREAS, the camera van currently owned by the City of Canby and used by the Public Works Department has reached the end of its useful life, with costs of maintenance outpacing its value; and

WHEREAS, True North Environmental manufactures a 2016 camera van that meets the Public Works Department's needs and specifications as set out in its Contract Pricing Worksheet in agreement with the National Joint Powers Alliance; and

WHEREAS, True North Environmental offers the lowest cost bid through the National Joint Powers Alliance for its 2016 camera van with specific equipment and installation services; and

WHEREAS, the City of Canby desires to purchase the 2016 camera van for use by its Public Works Department; now therefore

THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

Section 1. The City Administrator is hereby authorized on behalf of the City of Canby to enter into a contract with True North Environmental to purchase one 2016 camera van with equipment, installation services, and delivery for the purchase price of \$82,527.00. A copy of the Contract Pricing Worksheet from True North Environmental is attached hereto and marked as Exhibit "A" and by this reference incorporated herein.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on May 18, 2016; ordered posted as required by the Canby City Charter and scheduled for second reading on June 1, 2016, after the hour of 7:30 p.m. at the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

2nd Reading

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 1st day of June 2016, by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



City of Canby

Date: June 1, 2016

From: Bryan Brown, Planning Director

RE: ANN/ZC 16-01

At their May 9, 2016 meeting, the Canby Planning Commission recommended that annexation and zone change (File ANN/ZC 16-01) be approved by the City Council. This request if approved annexes 2.0 acres including 1.85 acres of real property and 0.15 acres of adjacent N. Redwood Street Right-of-way into the City and assigns the Low Density Residential (R-1) zone designation to the property.

The Planning Commission discussed a staff recommendation to approve the application subject to recording an annexation agreement that would require the property owners of both tax lots to follow-up within 6-months of annexation with an appropriate City application to resolve the two individual nonconforming situations that result from assigning the R-1 zone with the annexation of these tax lots that each have two existing detached single-family homes. One is considered a violation under current county zone regulations, while the other has been issued a continuing hardship permit by the County through the years. Staff offers that City application processes are available that would lead to likely successful correction of the zoning district nonconformity created by assignment of the R-1 zone to the properties. The Planning Commission was swayed to accept the nonconformity – considering the structures and uses exist today in an area destined and ready to move into the City with possible future redevelopment which will correct the situation and bring the properties in-line with City standards if and when possible redevelopment occurs. Nothing physically changes in terms of appearance on the property as a result of the annexation and assignment of the new zone district to neighbors and it was surmised to not cause a problem for the owners until they decide to sell their property or make some other kind of improvement needing a City permit. The Planning Commission's Final Findings reflect a recommendation without a condition to correct the nonconformity and is as follows:

1. Approve Annexation/Zone Change 16-01 and direct staff to complete the remaining boundary change processes with the State, County, and district service providers to finalize the decision; and,
2. Change the zoning of the subject property to R-1 on the official zoning map for the City of Canby.

Sample motion: *I move to approve Annexation/Zone Change File ANN/ZC 16-01 pursuant to the above recommendation by the Planning Commission.*

Attachments:

- Planning Commission Final Findings
- Planning Commission Annexation Public Hearing Draft Minutes (5.09.16-if available)
- Staff Report ANN/ZC 16-01 to the Planning Commission with written public comments
- Applicant's submittal, including application forms, narrative, neighborhood meeting notes, pre-application meeting minutes, legal description and survey, Development Concept Plan Maps, and TPR Revised Letter



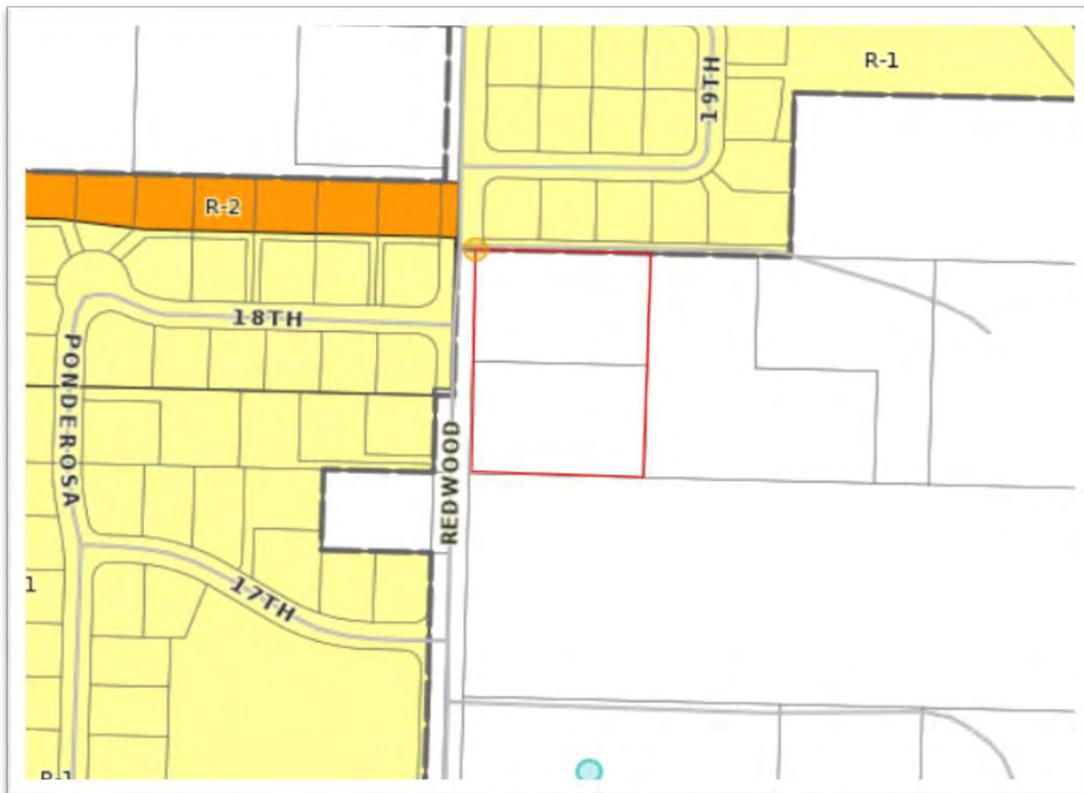
City of Canby

ANNEXATION AND ZONE CHANGE STAFF REPORT

FILE #: ANN/ZC 16-01

Prepared for the May 9, 2016 Planning Commission Meeting

LOCATION: 1850 and 1794 N. Redwood Street



ANNEXATION PROPERTY SIZE: The site is a total of 1.85 acres

TAX LOTS: Tax Lots 31E27C 01100, 31E27C 01101

COMPREHENSIVE PLAN DESIGNATION: Low Density Residential (LDR)

CURRENT ZONING DESIGNATION: Clackamas County: Rural Residential Farm Forest 5-Acre (RRFF5)

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

OWNER: RYAN & KERRIE OLIVER AND LLOYD & JOANN WALCH

APPLICANT: Ryan Oliver

APPLICATION TYPE: Annexation/Zone Change (Type IV)

CITY FILE NUMBER: ANN/ZC 16-01

DATE OF REPORT: April 29, 2016

DATE OF PUBLIC HEARING: May 9, 2016

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The property owners of two parcels of land located on N. Redwood Street propose the annexation of their properties into the City of Canby. The property owners also propose a zone change application to change the current zoning from its Clackamas County designation to the City of Canby's R-1 Zone that is designated Low Density Residential in the Canby Zone Code.

The City of Canby's annexation ordinance requires a Concept Development Plan for tax lots which are a part of an annexation request. This annexation, along with others, were precipitated by the City's initiative to seek and secure grant funding through the Transportation Growth Manage Program to fund the completion of a Development Concept Plan for the North Redwood area which is a requirement prior to annexation for properties in this area. The property owners involved with this annexation have worked together with other property owners in the North Redwood area by participating in the City's planning effort to meet the Concept Development Plan requirements for the area. Subsequently, the North Redwood Development Concept Plan (NRDCP) was adopted by the Canby City Council on October 7, 2015.

The existing 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 Low Density Residential use. The area is currently within Clackamas County's jurisdiction and is presently zoned as Rural Residential Farm Forest 5-Acre (RRFF5). This annexation request is to rezone the properties involved to the City zoning of R-1 in accordance with the corresponding City Comprehensive Plan Map land use designation. This zone designation will take effect if annexed as indicated in this application.

The North Redwood Development Concept Plan (NRDCP) is intended to address City of Canby infrastructure requirements for the North Redwood area. The NRDCP is not a specific development proposal, but a design concept that provides an understanding and framework prior to annexation of how the properties must be developed when brought into the City.

II. ATTACHMENTS

- A. Applications
- B. Narrative
- C. Available Platted Lot Supply in Canby
- D. Survey of Property to Be Annexed and Legal Description of Private Property and ½ of adjacent Redwood Street Right-of-Way to be Annexed
- E. Maps
- F. Development Concept Plan
- G. Neighborhood Meeting Info
- H. ODOT Transportation Planning Rule Compliance Letter
- I. Senate Bill 1573
- J. Agency/Citizen Comments

III. **APPLICABLE REVIEW CRITERIA & FINDINGS**

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

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

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

Chapter 16.84 Annexation Compliance

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

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

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

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

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

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 the North Redwood Development Concept Plan (NRDCP) is included in the file. The NRDCP provided an extensive packet of information to address City of Canby future infrastructure requirements for the area, and a great deal of engineering level work has gone into planning for how the concept plan defined area would best be developed and served by all necessary infrastructure. A traffic analysis of the entire subject area was incorporated into the plan to address traffic impacts associated with anticipated full development of the properties in accordance with the applicable zoning designation. Additionally, DKS Engineering provided a memorandum, dated April 4, 2016 that summarized how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for the subject properties as well as two additional current annexation applications located within the NRDCP area. The surrounding roadways and intersections were found to have sufficient capacity to accommodate the proposed annexation, zone change, and the development concept plan. The Transportation Planning Rule requirements of State Statute were determined to have been met as documented in a revised letter from DKS to address clarifications requested by Oregon Department of Transportation (ODOT). All necessary utility services are generally available or can be made available through service line extensions to the annexation area. The Concept Plan maps, along with the Concept Plan & Infrastructure narrative, indicate the options for necessary infrastructure services to serve this area. Stormwater was discussed in the NRDCP, and stormwater management for street runoff will be handled with the installation of new public underground injection wells and the associated catch basins and pollution control manholes for water quality treatment. Private property runoff will be handled on-site with swales or underground soaking trenches within the individual yard areas. A future city park is proposed to be dedicated in-lieu of payment of the park system development charge for an equivalent value exchange as determined by an appraisal at the time it is to be dedicated to the City. The park proposed in the NRDCP was determined a desirable property for park and recreation purposes conforming with and as set forth in the Canby Park and Recreation Master Plan and Acquisition Plan. The NRDCP states that the basic strategy recommended for park appropriation 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 needs to be established by appraisal. This process is explained in the NRDCP. This criterion can be met.

Criteria 16.84.040.A.2 *Analysis of the need for additional property within the city limits shall be provided. The analysis shall include the amount of developable land (within the same class of zoning – low density residential, light industrial, etc.) Currently within the city limits; the*

approximate rate of development of those lands; and how the proposed annexation will affect the supply of developable land within the city limits. A supply of developable residential land to provide for the anticipated population growth over the following three years is considered to be sufficient.

Findings: A land needs analysis is required with all annexations to assess the current amount of developable land within the same zone designation of that requested in the application. A 3-year supply of developable R-1 zoned land is to be considered sufficient. The City Council previously provided a defined policy direction to staff that stated analysis of actual number of platted lots based on a reasonable assessment of expected consumption rate moving forward is the appropriate metric to utilize in determining the adequacy of the developable land supply. The applicant included in the file an analysis indicating that there are ninety-eight R-1 zoned vacant platted lots remaining as an inventory within the city limits. The city has had an average absorption rate of nearly 45 lots per year for the last 10 years. This indicates that the supply of readily available platted lots with all necessary infrastructures is below a three-year supply. If annexed, this property would add to the buildable land supply. It will likely take 2 to 3 years for this land to be fully platted and the lots made available. Staff concludes that information indicates this criterion is met.

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

Findings: Future development is anticipated to develop the site at a net density of 6.2 units per acre. Potential traffic generation has been shown to be within the capabilities of the surrounding road system with no mitigation necessary other than additional right-of-way dedication along North Redwood Street as a requirement during the development process. The addition of a new neighborhood park that will be located within the NRDCP near the subject annexation will add to the social and aesthetic effects of development on the subject properties and the future development of the neighborhood livability. Staff does not foresee any significant impacts from the proposal or need to mitigate any identified concerns. Staff agrees the annexation and future development of the subject parcels is consistent with development indicated by the Development Concept Plan and appropriate in this area of Canby. This criterion is satisfied.

Criteria 16.84.040.A.4 *Statement of availability, capacity an*

d status of existing water, sewer, drainage, transportation, park and school facilities

Findings: The North Redwood Development Concept Plan provides maps that demonstrate how utility infrastructure will be made available, and unmanageable capacity issues were not identified by City departments and agencies during the NRDCP review process. The proposed public park will be beneficial in serving this area of Canby. There are significant tree resources available for the park area and the conceptual plan provides easy direct access from the subject properties to the park trails and facilities. This criterion can be met at the time of development.

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

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

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

Findings: This staff report incorporates the relevant section of the applicant's narrative and the infrastructure section of the NRDCP as findings. All necessary utility extensions are available to serve this area when development occurs after annexation. The infrastructure section of the NRDCP indicates that connections to existing facilities are available and preferred depending on the development project. Staff finds that the applicant narrative and NRDCP information is sufficient and this criterion is or can be met.

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

Findings: The applicant will pay the necessary costs of their own development. Information in the NRDCP indicated that most infrastructure facilities in the North Redwood area are expected to be built by individual developers. The exception is the proposed park that can be funded with shared costs of property owners. Staff finds that information in the NRDCP is sufficient for this case, and the applicable criteria are or can be met.

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

Findings: The applicant intends to follow the Low Density Residential zoning designation of the Comprehensive Plan. The only change is a zoning map amendment to change the zone to R-1, and the Zone Map Change Application that accompanies this annexation request to satisfy the Development Concept Plan.

However, it must be noted that 4 dwellings are currently located on the two subject parcels. The R-1 Zone allows one single-family dwelling per lot. Subsequently, by approving an annexation of the properties, the City will create two non-conforming parcels that are not in compliance with the applied R-1 Zone designation or the Comprehensive Plan. To correct the land use violation and bring the properties into compliance, the property owners must divide the properties in a way that places each of the 4 existing dwellings on a separate lot or meet criteria for an accessory dwelling sited in 16.16.010(D). However, staff was notified by the property owners of 1794 N. Redwood St. (tax lot 1101) that the additional dwelling on their parcel is a temporary mobile home used for medical hardship purposes that was approved by Clackamas County. Subsequently, in this particular case, the property owners must file a Special Permit Application for a Hardship Situation and meet criteria listed in Section 16.44.100 CMC. The Planning Director has determined that in order for this Annexation Application to move forward, the property owners must sign and record, with the Clackamas

County Clerk's Office, an Annexation Agreement that states the property owners will file, within 6 months of the annexation approval, a City of Canby land use application to divide the land in an appropriate way to place each of the existing dwellings on a separate lot that meets the development standards of the R-1 Zone or obtain approval of a Conditional Use Permit allowing the existence of a detached accessory dwelling unit or file a Special Permit Application. Staff finds that the criterion in 16.84.040.A.8 can be met subject to meeting the provisions stated above.

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. This criterion has been met.**

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

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

16.54.040 Standards and criteria

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

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

Findings: The subject property and the NRDCP 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. 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 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 mention, DKS Engineering provided a memo that confirmed the proposed annexation met provisions of the TPR. Additionally, a Traffic Analysis was incorporated in the NRDCP to discuss any future traffic impacts when development occurred with zone change proposals. 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 March 31, 2016, at least 20-days prior to the hearing. Prior notification and neighborhood meetings were held during the North Redwood Development Concept Plan process as well as for this Annexation Application. The site was posted with a Public Hearing Notice sign by April 29, 2016. A notice meeting ordinance requirements of the public hearings was published in the Canby Herald on May 4, 2016. Due to the extensive meetings conducted during the NRDCP process, a pre-application meeting was not required 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 March 31, 2016. Comments are summarized below while 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:

Agency/City Department Comments.

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

- Doug Burnum and Daniel Webb citizens in the area, contacted staff by telephone and requested information regarding the impacts of this application on future annexations and development in the area.

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. A City adopted satisfactory Development Concept Plan and explanatory narrative was submitted as required by the annexation ordinance detailing how all necessary infrastructures to the properties proposed to be annexed will serve the area.
3. The proposed annexation can meet the approval criteria set forth in CMC 16.84.040.A.
4. The zoning of the property, if annexed, should be R-1 as indicated in the application and pursuant to the approval criteria set forth for map amendments in CMC 16.54.040.
5. The proposed annexation's requested zoning district of R-1 is in conformance with the Comprehensive Plan Land Use Plan Map.
6. The application complies with all applicable Oregon Revised Statutes.
7. There are sufficient public and private agency utility and service capacity to serve the site at the anticipated development intensity.
8. In accordance with the UGMA with Clackamas County, this proposed annexation application includes one-half of the adjacent road right-of-way with the properties proposed for annexation.
9. It has been determined that existing land available is below a three-year supply of developed R-1 zoned lots within the City limits. Therefore, the supply does not exceed a three-year supply and there is a "need" for low density residential zoned land for development at this time.

16.89 Recommendation

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

1. ANN/ZC 16-01 be approved subject to ***the property owners signing and recording, with the Clackamas County Clerk's Office, an Annexation Agreement that states the property owners will file, within 6 months of the annexation approval, a City of Canby land use application to divide the land in an appropriate way to place each of the existing dwellings on a separate lot that meets the development standards of the R-1 Zone or submit a Conditional Use Permit Application to gain approval for the existence of a detached accessory dwelling unit of the properties or a Special Permit Application for the existing Hardship Mobile Home*** and,
2. Upon annexation, the zoning of the subject properties be designated as R-1 as indicated by the North Redwood Development Concept Plan Map and the Canby Comprehensive Plan Map.



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

LAND USE APPLICATION

ANNEXATION Process Type IV

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

Applicant Name: OLIVER / WALCH Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Representative Name: RYAN OLIVER Phone: 503.709.7681
 Address: 101 N. IVY ST. Email: RYAN@oliverinsurance.net
 City/State: CANBY, OR Zip: 97013

Property Owner Name: RYAN + KERRIE OLIVER Phone: 503.709.7681
 Signature: [Signature] Email: RYAN@oliverinsurance.net
 Address: 1850 N. REDWOOD ST.
 City/State: CANBY, OR Zip: 97013

Property Owner Name: LLOYD + JOANN WALCH Phone: 503.266.9029
 Signature: [Signature] Email: _____
 Address: 1794 N. REDWOOD ST.
 City/State: CANBY, OR Zip: 97013

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

- 1 All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- 2 All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- 3 All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

PROPERTY & PROJECT INFORMATION:

1850 + 1794 N. REDWOOD ST. 1.85 ACRES 31E27C01100
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

3 SFR EFU R-1 LDR
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

NORTH REDWOOD DEVELOPMENT CONCEPT PLAN
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
<u>ANN 16-01</u>	<u>2-26-16</u>	<u>[Signature]</u>		
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

**CITY OF CANBY
ZONE MAP CHANGE APPLICATION**

Fee \$2,640

OWNERS

APPLICANT**

Name Ryan & Kerrie Oliver
Lloyd & Joann Walch
Address 1850 N Redwood St & _____
1794 N Redwood St
City Canby State OR Zip 97013
Phone 503-709-7681 Oliver Fax _____
503-266-9029 Walch
E-mail _____

Name Same as owners
Address _____
City _____ State _____ Zip _____
Phone _____ Fax _____
E-mail _____

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

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

OWNER'S SIGNATURE Signatures on File ANN 16-01

DESCRIPTION OF PROPERTY

Address Same as Above
Tax Map 31E27CO01100 & 1101 Tax Lot(s) _____ Lot Size 1.85
(Acres/Sq.Ft.)
Existing Use 3 SFR
Proposed Use R-1
Existing Structures 3 SFR
Zoning EFU Comprehensive Plan Designation _____
Project Description Annexation & Zone Change
Previous Land Use Action (If any) _____

FOR CITY USE ONLY	
File # : ZC 16-01	
Date Received: 2-26-16	By: <u>LF</u>
Completeness:	
Pre-App Meeting:	
Hearing Date:	

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

Application for Annexation

Applicant: Ryan & Kerrie Oliver
1850 N Redwood Street
Canby, Oregon 97013
503-266-2715

Lloyd & Joann Walch
1794 N Redwood Street
Canby, Oregon 97013
503-266-9029

Owners: Ryan & Kerrie Oliver
Tax Lot 1100
.925 Acres

Lloyd & Joann Walch
Tax Lot 1101
.9256 Acres

Location: East side of North Redwood Street, adjacent to the
Northeast 18th Place and North Redwood Street
intersection

Legal Description: Tax Lots 1100 & 1101, SW 1/4 27, T.3S R.1E W.M

Comprehensive Plan: Low Density - R-1

Zone: Current County Zone - EFU
Proposed City - R-1, consistent with Comprehensive
Plan designation

Site Size: Tax Lot 1100 - .925 acres
Tax Lot 1101 - .9256 acres
Total - 1.8506 acres
(includes street right of way)

Proposal: Annexation of 1.8506 acres

Proposal

The applicants propose annexation of 1.8506 acres. Annexation will allow the potential future development of 6-8 residential home lots.

The site is included in the North Redwood Development Concept Plan (DCP) as approved by the City of Canby. The DCP is binding on the properties as shown on the City of Canby Annexation Development Map.

Site Description

The site is located on the East side of North Redwood Street near the intersection of NE 18th Place and N Redwood St.

The site has frontage on North Redwood Street. The site is bordered by City of Canby residential subdivisions on the North and West sides. The parcels to the South and East are in Clackamas County but are also part of the North Redwood DCP.

Tax lot 1100 contains two single family residences and one out building. Tax lot 1101 contains a single family residence as well as a manufactured home.

The site is mostly flat with grade falling slightly from West to East. There are no identified natural resources or physical hazards on the site. The site contains several trees of varying species and size.

Public sewer and water are available to the site in North Redwood Street. A public storm drainage line is in North Redwood Street but has minimal remaining capacity. Storm water will be managed via a method acceptable to the City of Canby Public Works Design Standards for water quality treatment and runoff.

The North Redwood Street DCP shows that the site will connect to North Redwood Street at NE 18th Place via a "Neighborhood Street". This street will continue to the East and adjoin other properties included in the DCP to the East and South. Furthermore, the DCP shows that a "Local Street" will connect into NE 18th Place on the East side of the site and run South, allowing connection into other sites included in the DCP.

Applicable Criteria and Standards

The requirements for a proposal for annexation are listed here and discussed in the following narrative:

City of Canby Municipal Code Section - 16.84.040 Annexation Standards and criteria.

The following criteria shall apply to all annexation requests.

1. 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.....

RESPONSE: The site is within the North Redwood Street Development Concept Plan which became effective October 7, 2015 via Ordinance # CPA 15-02/TA 15-01. The site will become obligated to follow the DCP upon annexation.

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

See Enclosed Available Lot Survey

RESPONSE: In 2015 there were 85 permits issued for new residential construction. The 10 year historical average number of new residential permits issued in one year is 44.7. The 3 year historical average number of new residential permits issued in one year is 45.3.

As of February 25, 2016 the City has a total of 126 buildable residential lots. This equals approximately a 3 year supply based upon historical average of permits issued. However, the annexation vote for the site will occur in November 2016. Assuming historical averages we would assume that at the end of 2016 there will be approximately 88 buildable lots remaining - less than a 2 year supply.

The site is 1.8506 acres and is expected to yield 6-8 new R-1 residential building lots if/when it is developed. Thus the site will potentially add approximately a 2 month supply of lots based upon historical averages.

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.....

RESPONSE: The property is currently not being used for agricultural purposes. Agriculture use is most likely not economically feasible for the site long-term. Therefore, the best use of the property is for residential purposes.

There are no known natural resources, physical hazards, surface water, historic sites, fish & wildlife habitat, wetlands, steep slopes, floor prone areas, or poor soils on the site.

The site is part of the North Redwood Street DCP. This concept includes a cohesive and coordinated approach to future development. The DCP is structured using innovative development parameters to maximize the benefits for the community.

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

RESPONSE: Water Service is available in North Redwood Street via an existing 12 inch waterline. Sanitary Sewer service is available in North Redwood Street via an existing 15 inch sewer line. A Storm Water line exists in North Redwood Street but has limited capacity. Storm water will be managed via a method acceptable to the City of Canby Public Works Design Standards for water quality treatment and runoff.

A traffic impact study has been commissioned to review the sites impact if/when developed. The site is small so no significant transportation impact is anticipated. The site currently contains four residences and the site is expected to only realize a maximum total of 6-8 residences if/when fully developed. Therefore, it is expected that only 2-4 additional residences could be added with development, thus the traffic impact is expected to be minimal.

Our school district has experienced enrollment decline for several years. All schools have capacity for additional enrollment at this time.

The DCP recommends that the entire area included in the DCP boundary combine efforts to participate in the development of "Willow Creek Park" and a "Neighborhood Park". It is anticipated that as the sites in the DCP annex and begin development improvements, the City will help coordinate the location of the parks as well as property owner participation in both Park improvements.

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

RESPONSE: The site is reasonably small compared to the overall DCP boundary. None of the existing homes are using City of Canby utility services so additional impact to services is expected. However, all public services appear to have capacity to serve the site if/when developed. The annexation of the site is not expected to burden any public services.

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, if any.

RESPONSE: The site will make System Development Contribution payments if/when developed to help offset the increased demand to public facilities. Furthermore, the improvements property tax revenue will help increase the tax base for the City of Canby to assist in other areas of demand.

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

RESPONSE: When the site is improved for development, the developer will supply financing as necessary to complete the improvements. The site is relatively small and the capital requirement is not expected to be significant.

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

RESPONSE: The site is designated "EFU" by Clackamas County, an agricultural zone. The site is not being used for agricultural purposes at this time. The soil type is identified as "Latourell Loam" which is suitable for agriculture or development. Since the site is within the Urban Growth Boundary, the policy has been established by the City and County that the site ultimately will be developed for urban use.

The site is designated as R-1 Low Density Residential on the City's Comprehensive Plan. If annexed into the City, the property will be zoned R-1 LDR for future development consideration.

9. Compliance with other applicable city ordinances or policies;

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

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

RESPONSE: The applicant expects to comply with all provisions of ORS Chapter 222.

Conclusion: The criteria of City of Canby Municipal Code Section - 16.84.040 Annexation Standards and criteria are satisfied, as demonstrated by the foregoing narrative.

Conclusion

The foregoing narrative describes a proposal for annexation of 1.8506 acres. The annexation proposal supports the City of Canby's goals and policies. Furthermore, the annexation satisfies applicable criteria identified in the City of Canby's Comprehensive Plan and Land Development/Planning Code.

Once the annexation of the site occurs, the property owners will be bound to the North Redwood Street DCP. This will ensure a cohesive and coordinated approach to future development. Therefore, the proposed annexation should be approved, along with establishing the zoning according to the City of Canby's Comprehensive Plan designation (R-10 LDR).

Available Platted Lots in Canby by Subdivisions

As of February 25, 2016

<u>YEAR</u>	<u>PLAT #</u>	<u>SUBDIVISION NAME</u>	<u>Zoning</u>	<u>Total Lots</u>	<u>Homes Permitted</u>	<u>R-1 Zone Lots Remaining</u>	<u>R-1.5 Zone Lots Remaining</u>	<u>R-2 Zone Lots Remaining</u>	<u>Total Remaining</u>
1991	2995	North Pine Addition No. 2	R-1	13	12	1	0	0	1
2004	3947	Yorkfield	R-2	136	133	0	0	3	3
2005	4089	Kraft Place	R-1	4	1	3	0	0	3
2006	4095	Bremer Court	R-1	7	6	1	0	0	1
2006	4218	Dinsmore Estates	R-1	14	13	1	0	0	1
2006	4162	Knott Commons	R-2	10	7	0	0	3	3
2014	4396	Northwoods Estates No. 2	R-1	33	9	24	0	0	24
2015	4409	Dinsmore Estates - 2	R-1	41	33	8	0	0	8
2015	4422	Pine Meadow	R-1	19	11	8	0	0	8
2015	4423	Poplar Townhomes	R-2	6	0	0	0	6	6
2015	4433	Faist Addition Phase 6	R-1	30	2	28	0	0	28
2015	4436	Dinsmore Estates - 3	R-1.5	10	3	0	7	0	7
2016	not recorded	Emerald Gardens	R-2	15	0	0	0	15	15
2016	not recorded	Franz Meadow	R-1	18	0	18	0	0	18

Total Platted Lots Remaining in Subdivisions as of 2/25/16	92	7	27	126
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Available Platted Lots in Canby by Minor Land Partitions

As of February 25, 2016

<u>YEAR</u>	<u>PLAT #</u>	<u>SUBDIVISION NAME</u>	<u>Zoning</u>	<u>Total Lots</u>	<u>Homes Permitted</u>	<u>R-1 Zone Lots Remaining</u>	<u>R-1.5 Zone Lots Remaining</u>	<u>R-2 Zone Lots Remaining</u>	<u>Total Remaining</u>
2008	PP2008-022	Fawver	R-2	2	1	0	0	1	1
2008	PP2008-100	Kacalek	R-1	2	1	1	0	0	1
2009	PP2009-036	City of Canby	R-1	3	0	3	0	0	3
2009	PP2009-048	WVCC	R-1	2	1	1	0	0	1
2011	PP2011-038	Zimmer	R-2	3	1	0	0	2	2
2015	PP2015-004	White River Homes	R-1	2	1	1	0	0	1

Total Platted Lots Remaining MLP as of 2/25/16	6	0	3	9
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	<u>R-1 Zone Lots Remaining</u>	<u>R-1.5 Zone Lots Remaining</u>	<u>R-2 Zone Lots Remaining</u>	<u>TOTAL REMAINING</u>
Total Buildable Residential Lots as of 2/25/16	98	7	30	135
TOTAL SFR (R-1 & R1.5)	105			
TOTAL MFR (R-2)	30			

2015			
<u>Month</u>	<u>SFR</u>	<u>MFR</u>	<u>TOTAL Permits</u>
Jan	4	0	4
Feb	1	2	3
March	6	6	12
April	4	0	4
May	4	3	7
June	4	0	4
July	13	0	13
August	6	6	12
Sept	8	0	8
Oct	8	0	8
Nov	4	0	4
Dec	6	0	6
Total	68	17	85

SFR = Single Family Residential
MFR = Multi Family Residential

<i>TOTAL BUILDING PERMITS - NEW RESIDENTIAL CONSTRUCTION - as of January 1, 2016</i>				
10 Year Historical Average	<i>447 Permits</i>		<i>44.7 per year</i>	<i>3.73 per month</i>
3 Year Historical Average	<i>136 Permits</i>		<i>45.3 per year</i>	<i>3.78 per month</i>
2015 Actuals	<i>68 Permits</i>	<i>17 Permits</i>	<i>85 per year</i>	<i>7.08 per month</i>
	<i>SFR</i>	<i>MFR</i>	<i>Total</i>	

<i>**REMAINING BUILDABLE LOT SUPPLY - as of February 25, 2016</i>		
	<i>Avg Permits</i>	<i>In Years</i>
10 Year Historical Average	<i>44.7 per year</i>	<i>3.02 years</i>
3 Year Historical Average	<i>45.3 per year</i>	<i>2.98 years</i>
2015 Actuals	<i>85 per year</i>	<i>1.59 years</i>
<i>** as of January 1, 2016</i>		

<i>***REMAINING BUILDABLE LOT SUPPLY - End of 2016</i>		
	<i>Avg Permits</i>	<i>In Years</i>
10 Year Historical Average	<i>44.7 per year</i>	<i>2.19 years</i>
3 Year Historical Average	<i>45.3 per year</i>	<i>2.15 years</i>
2015 Actuals	<i>85 per year</i>	<i>0.59 years</i>
<i>***Estimate End of 2016</i>		



#7675
RYAN OLIVER
PROPOSED ANNEXATION TO THE CITY OF CANBY

"EXHIBIT A"

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING A PORTION OF LOT 99, "CANBY GARDENS", A SUBDIVISION PLAT OF RECORD, PLAT NO. 230, CLACKAMAS COUNTY PLAT RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

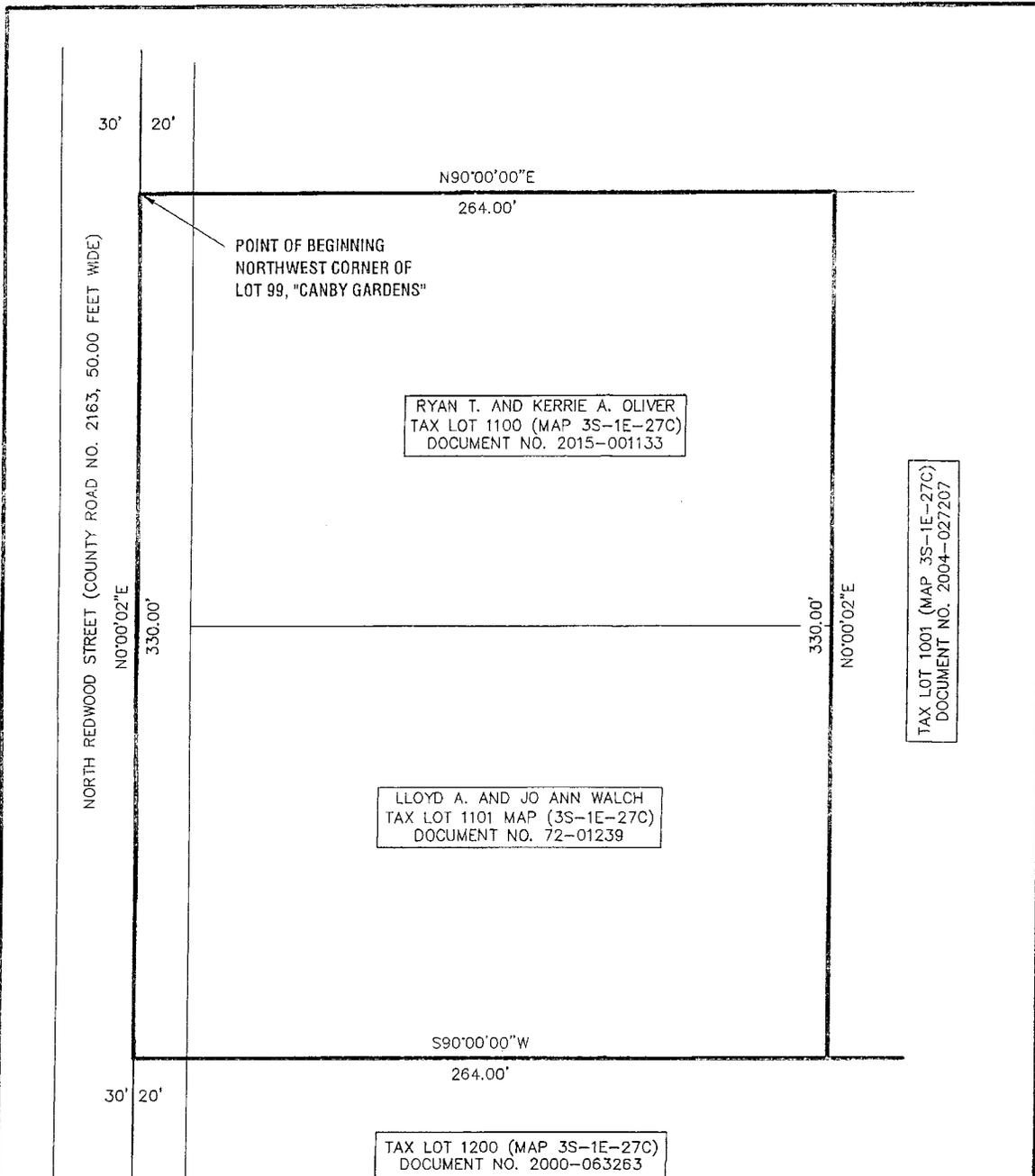
BEGINNING AT THE NORTHWEST CORNER OF LOT 99, "CANBY GARDENS", PLAT NO. 230, CLACKAMAS COUNTY PLAT RECORDS, SAID POINT BEING ON CENTERLINE OF NORTH REDWOOD STREET (COUNTY ROAD NO. 2163, 50.00 FEET WIDE); THENCE N.90°00'00"E., 264.00 FEET; THENCE S.00°00'02"W., 330.00 FEET TO THE SOUTH LINE OF LOT 99, "CANBY GARDENS"; THENCE ALONG THE SOUTH LINE OF LOT 99, S.90°00'00"W., 264.00 FEET TO THE CENTERLINE OF NORTH REDWOOD STREET, BEING THE WEST LINE OF LOT 99; THENCE ALONG SAID CENTERLINE, N.00°00'02"E., 330.00 FEET TO THE POINT OF BEGINNING, CONTAINING 87120 SQUARE FEET (2.00± ACRES) MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

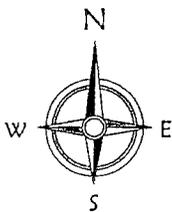
OREGON
FEBRUARY 8, 2000
JOSEPH C. McALLISTER
49695

DATE OF SIGNATURE: 2/22/16
EXPIRES: 12/31/2016





PROPOSED ANNEXATION
 87,120 SQUARE FEET ±
 2.00 ACRES ±



Scale: 1" = 50'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

 OREGON
 FEBRUARY 8, 2000
 JOSEPH C. McALLISTER
 49695

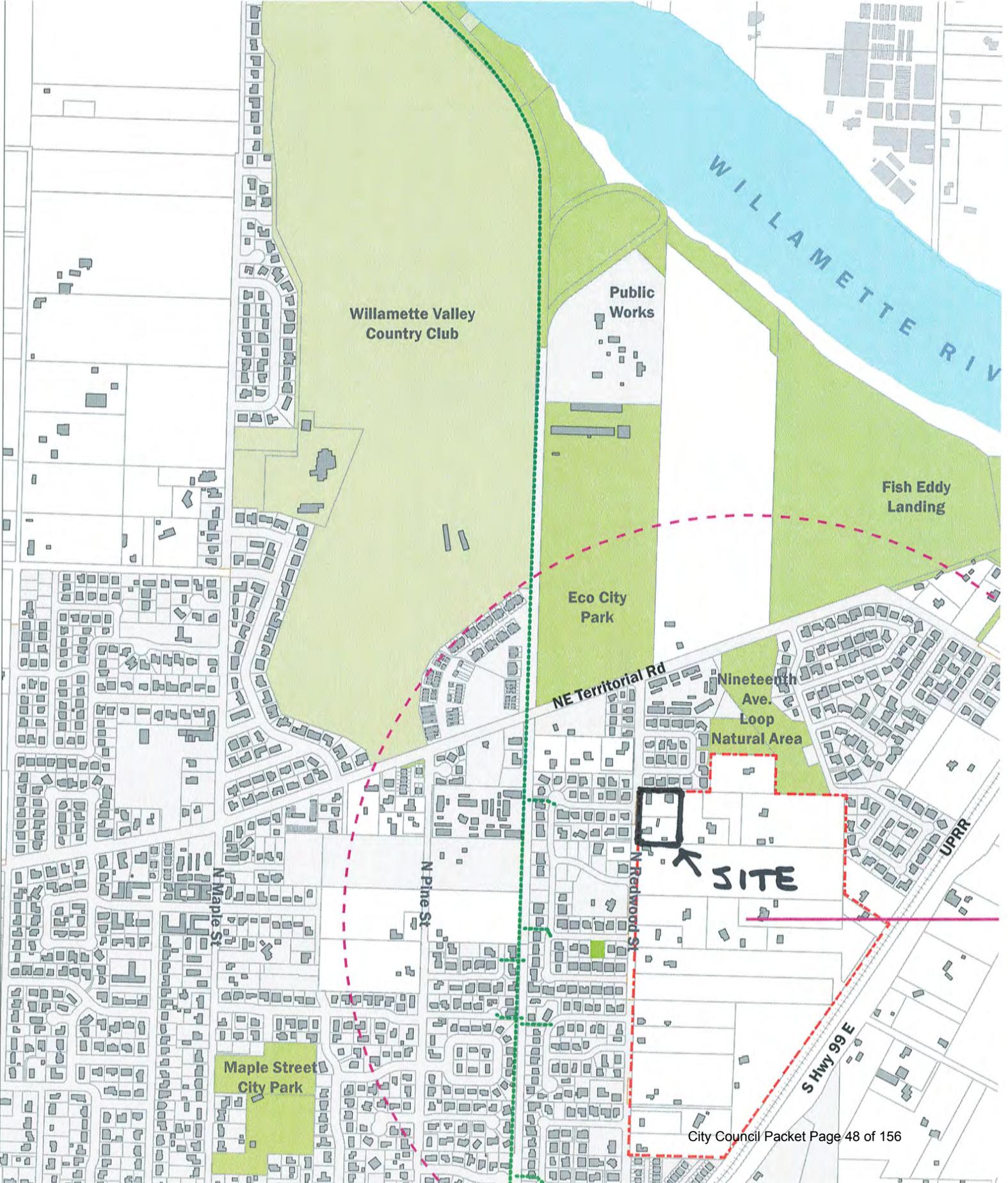
DATE OF SIGNATURE: 2/22/16
 EXPIRES: 12/31/2016

EXHIBIT "B"

7675EXH2.dwg

CMPASS Land Surveyors
 4107 SE International Way, Suite 705
 Milwaukie, Oregon 97222 503-653-9093

**PROPOSED ANNEXATION TO THE CITY OF
 CANBY, OREGON FOR RYAN OLIVER, LOCATED
 IN THE SW 1/4 OF SECTION 27, T.3S., R.1E., WM**



Willamette Valley
Country Club

Public
Works

WILLAMETTE RIV

Fish Eddy
Landing

Eco City
Park

NE Territorial Rd

Nineteenth
Ave.
Loop
Natural Area

SITE

Maple Street
City Park

Eco-Park

NE Territorial Road

R-2

Redwood Terrace

19th Ave Loop Natural Area

NE 21st Ave

NE 20th Ave

NE 19th Ave

N Teakwood Street

N Redwood Street

NE 19th Loop

HDR

NE 18th Place

↑ SITE

LDR

NE 17th Ave

R-1

N Ponderosa Street

NE 16th Ave

NE 15th Ave

N Redwood Street

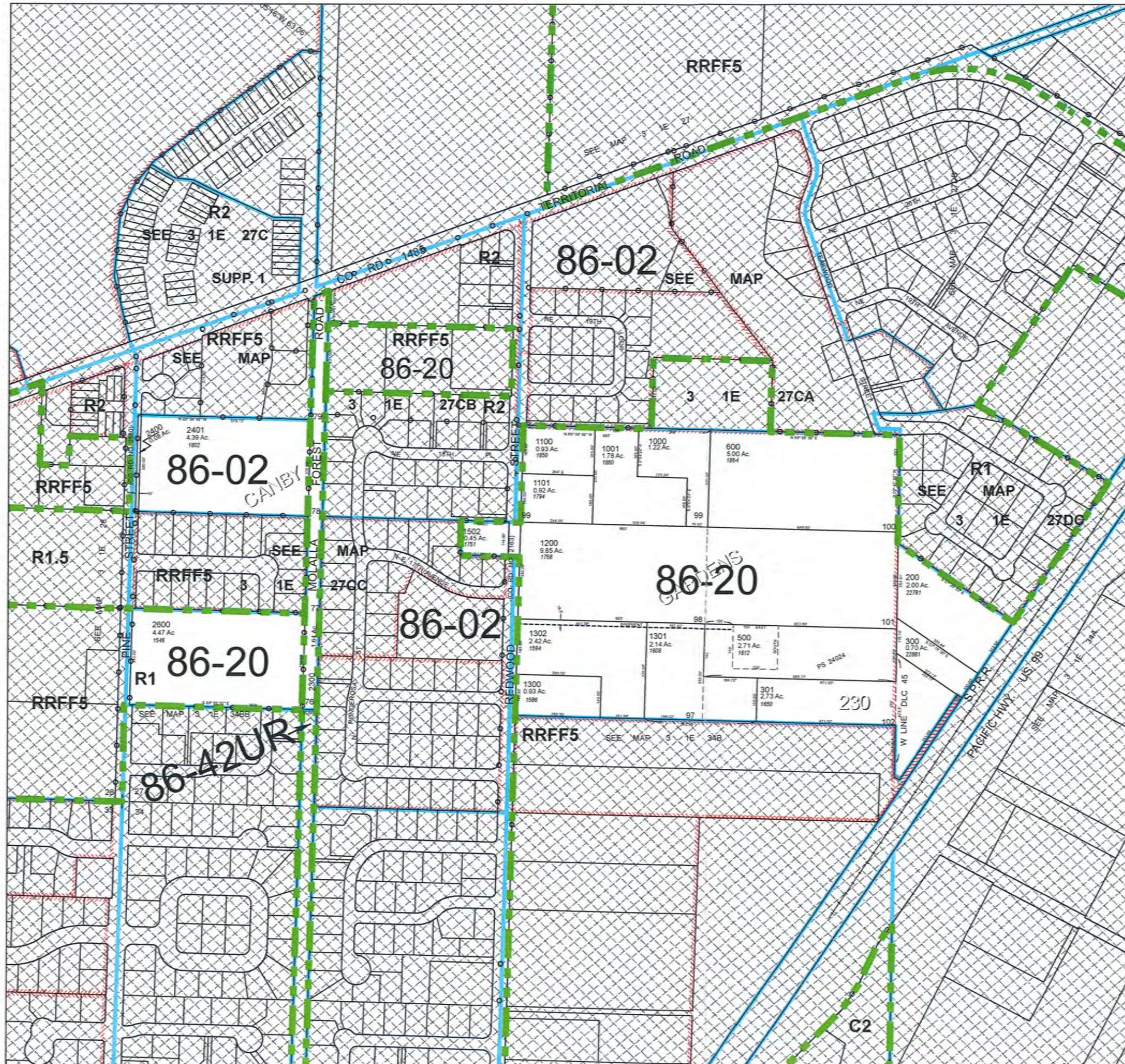
3 1 E 27C
CANBY

S.W.1/4 SEC.27 T.3S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 200'

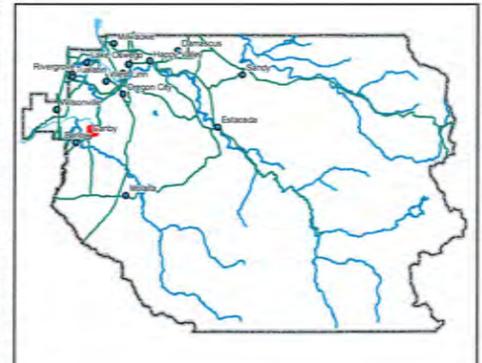
D. L. C.
WALTER FISH NO. 45

Cancelled Taxlots

- 2001
- 2000
- 302
- 1500
- 1603
- 1604
- 1605
- 1700
- 1800
- 2100
- 1602
- 1501
- 400
- 1503
- 703
- 801
- 901
- 2200
- 2201
- 2202
- 701
- 704
- 700
- 702
- 800
- 900
- 100
- 1600
- 1601
- 1400
- 1401
- 1500
- 2500



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

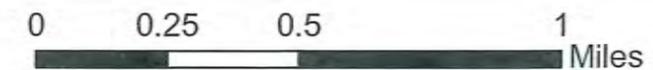


THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

7/14/2015

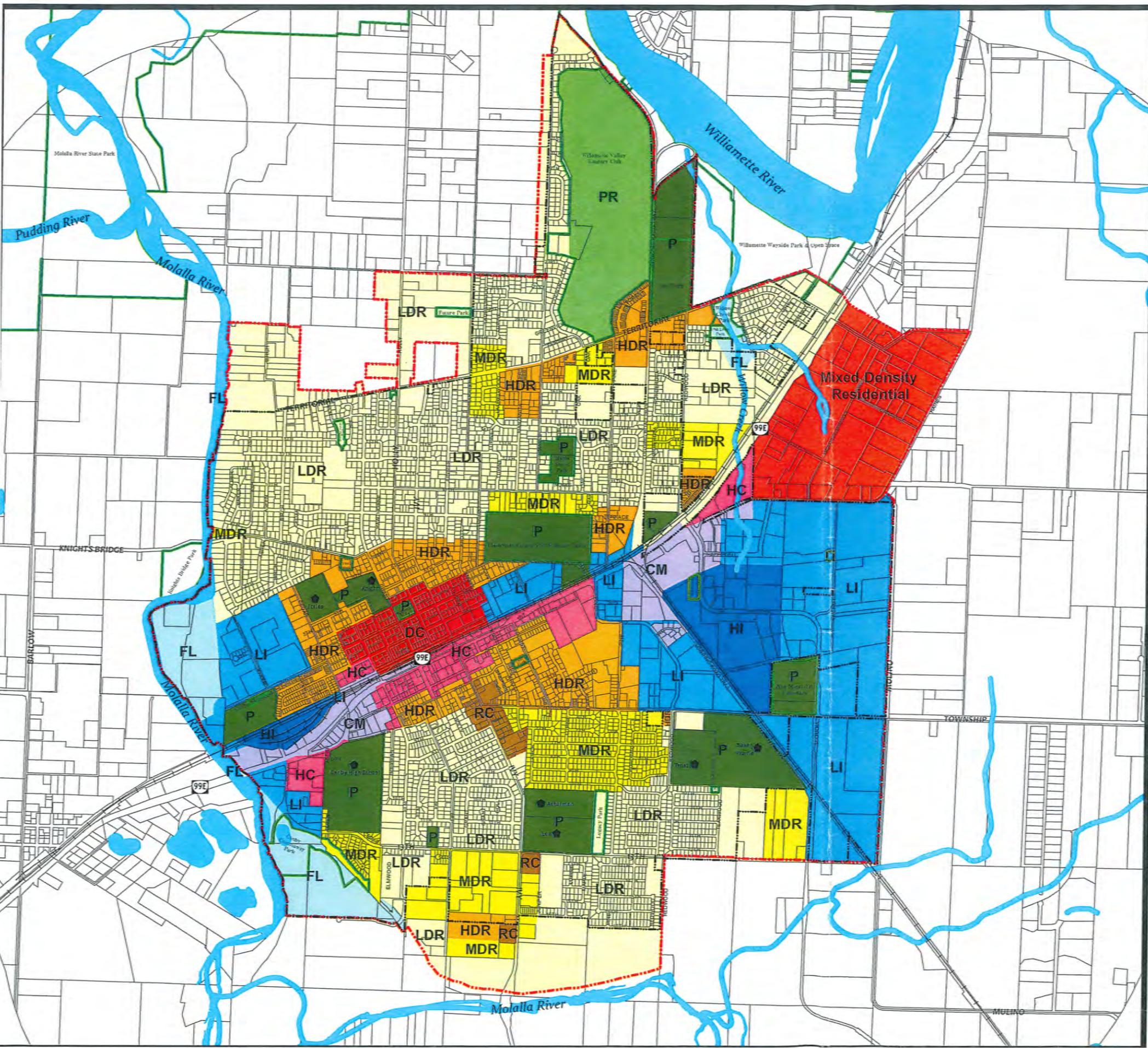
3 1 E 27C
CANBY

City of Canby Comprehensive Plan Map



May 2014

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



**Ryan & Kerrie Oliver
Lloyd & Joann Walch**

1850 & 1794 N Redwood ST.
Canby, Oregon 97013
503-266-2715

January 26, 2016

RE: Neighborhood Meeting - Proposed Annexation - North Redwood Street
Tax Lot #31E27C01100 Oliver - .925 acres
Tax Lot #31E27C01101 Walch - .9256 acres
Total - 1.8506 acres

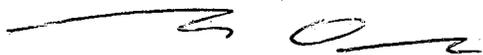
Dear Property Owner,

You are invited to attend a neighborhood meeting to discuss a proposed annexation for properties located at 1794 N Redwood St and 1850 N Redwood St in Canby. The meeting will be held at 7:00pm on Tuesday, February 23, 2016 at the Canby Adult Center - 1250 S. Ivy St.

We will be providing general information on the proposed annexation. If you have any questions, concerns or thoughts about the annexation we would like to discuss them at this meeting. Thank you for your time and we look forward to seeing you at the meeting.

If you are unable to attend the meeting but would like to discuss the development with us, please give us a call at 503-266-2715 or e-mail to Ryan@oliverinsurance.net

Sincerely,



Ryan Oliver

Neighborhood Meeting

Applicant: Ryan & Kerrie Oliver
1850 N Redwood Street
Canby, Oregon 97013
503-266-2715

Lloyd & Joann Walch
1794 N Redwood Street
Canby, Oregon 97013
503-266-9029

Owners: Ryan & Kerrie Oliver
Tax Lot 1100
.925 Acres

Lloyd & Joann Walch
Tax Lot 1101
.9256 Acres

Location: East side of North Redwood Street, adjacent to the Northeast 18th Place
and North Redwood Street intersection

Legal Description: Tax Lots 1100 & 1101, SW 1/4 27, T.3S R.1E W.M

To Whom it may concern:

A neighborhood meeting was held at the Canby Adult Center on Tuesday, February 23rd at 7:00pm for the discussion on our proposed annexation. All property owners living within 500 feet of the subject property were notified at least fourteen (14) days in advance. The following citizens were in attendance:

- Ryan Oliver-Applicant
- Kerrie Oliver-Applicant
- Lloyd Walch-Applicant
- Joann Walch-Applicant
- Dan Leischner- Northeast Neighborhood Association President 503.266.5612
- Dan Webb- 1864 N Redwood / 503.510.9029

The following is a list of comments and questions raised during meeting:

- Oliver & Walch described the annexation they are presenting and the reasons for it. Describing there is no planned development to take place
- Is there a masterplan for the annexation?
- Transportation study and boundary survey were done
- Do we need to partition off secondary dwellings?

- will the city require road improvements?
- Are you required to hook up to utilities?
- Will it need to be approved by city council and planning commission before development?

All in attendance seemed to be satisfied with our response to the above questions. No serious issues were raised and guests seemed to be supportive.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Oliver". The signature is fluid and cursive, with a long horizontal stroke at the beginning and a small loop at the end.

Ryan Oliver
Applicant

- SIGN IN

<u>NAMES</u>	<u>PHONES</u>
Dan Leischer	266-5612
Dan Webb	510-9998 1864 N. Redwood
JoAnn + Lloyd Welch	503-9029 1794 N. Redwood
Ryan Oliver + Kerrie	503-263-7979

Minutes:

Joint annexation
Oliver's annexing in for purposes

Walch's trying to eliminate hardship

- Question - do we have to masterplan?
No - because we are not developing
- Oliver's had to do transportation study +
boundary dedication
Nothing
- partitioned off when go to sell
- make sure city doesn't require partitioning

Sewer & water - storm water - we are not entirely
sure - this comes into play
when you partition.

Keep things triggered with development not annexation.

has to be approved by city council before it goes to vote.

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 111 NW Second Street
E-mail: brownb@ci.canby.or.us

Written comments to be included in Planning Commission packet are due by Wednesday, April 27, 2014.
Written comments to be included in City Council packet are due by Wednesday, May 18, 2016. Written and oral comments can be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.

Application: ANN/ZC 16-01, ANN/ZC 16-02 & ANN/ZC 16-03

COMMENTS:

WE HAVE NO CONCERNS WITH THIS APPLICATION.

NAME: HASSAN IBRAHIM
EMAIL: hai@curran-mcleod.com
ORGANIZATION/BUSINESS/AGENCY: CURRAN-MCLEOD, INC.
ADDRESS: 6655 SW HAMPTON ST. SUITE 210
PHONE # (optional): 503 684 3478
DATE: April 11, 2016

AGENCY RESPONSE - *Please check one box and fill in your Name/Agency/Date above:*

- 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

**A REVISED TPR COMPLIANCE LETTER IS BEING
PREPARED BY ODOT TO ADD CLARIFICATION**



Oregon

Kate Brown, Governor

Department of Transportation
Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

April 15, 2016

City of Canby
PO Box 930
Canby, OR 97013

ODOT Case No: 7080

Subject: Ann/ZC 16-01, 02, 03: N. Redwood St. Annexations and Zone Changes
S Highway 99E between N. Redwood St. and NE Territorial Road

Attn: Bryan Brown, Planner

We have reviewed the applicant's proposal to for annexation and zone changes of 72.15 acres of land along N. Redwood St. at multiple addresses in Canby. Proposed zone changes are from EFU to R-1; RRFF5 to R-1, R-1.5 & R-2. The site is adjacent to PACIFIC HIGHWAY EAST. ODOT has permitting authority for this facility¹ and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified a REGIONAL highway and the performance standard is 0.75 volume to capacity (v/c) ratio in unincorporated communities.

For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT requests that the City of Canby require the applicant to prepare a traffic impact study (TIS) prepared by a transportation engineer registered in Oregon. The analysis should address the following:

1. A comparison between the land use with the highest reasonable trip generation rate allowed outright under the proposed zoning/comp plan designation and the land use with the highest reasonable trip generation rate allowed outright under the existing zoning/comprehensive plan designation (this is commonly referred to as the "reasonable worst case" traffic analysis). The analysis should utilize the current edition of Institute of Transportation Engineers (ITE) *Trip Generation* manual, unless otherwise directed. To determine the maximum amount of building square footage

¹ OAR 734-051 website: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html

that could be put on the site the analyst should look at the number of parking spaces, building height, and required landscaping in the local development code.

Note: It is important that the applicant's transportation engineer provide ODOT the opportunity to review and concur with the mix of land uses and square footage they propose to use for the "reasonable worst case" traffic analysis for both existing and proposed zoning prior to commencing the traffic analysis, particularly if the applicant chooses to perform their analysis using a trip generation rate determined by any means other than ITE *Trip Generation*.

2. Analysis may rely on existing and planned transportation improvements in which a funding mechanism is in place including but not limited to projects identified in:
 - State Transportation Improvement Program (STIP),
 - Local/County Capital Improvement Plans (CIP),
 - Financially constrained Regional Transportation System Plan (RTP),
3. The analysis should apply the highway mobility standard (volume-to-capacity ratio) identified in the OHP over the planning horizon in the adopted local transportation system plan of the area or 15 years from the proposed date of amendment adoption, whichever is greater (OHP Action 1F2).
4. In situations where the highway facility is operating above the OHP mobility standard and transportation improvements are not anticipated within the planning horizon to bring performance to standard, the performance standard is to avoid further degradation. If the proposed zone change or comprehensive plan amendment increases the volume-to-capacity ratio further, it will significantly affect the facility (OHP Action 1F6).
5. The analysis should not include any existing or proposed approaches on the highway unless the proposed site is landlocked². If landlocked, the analysis should only use one approach to the highway.

Prior to commencing the TIS, the applicant should contact **Andy Jeffrey, ODOT Region 1 Traffic at 503.731.8435** to obtain ODOT concurrence with the scope of the study.

Thank you for providing ODOT the opportunity to participate in this land use review. If you have any questions regarding this matter, please contact me at .

Sincerely,

P Elise Scolnick
Development Review Planner

C: Andy Jeffrey, ODOT Region 1 Traffic

² A parcel is considered 'landlocked' if it has no other reasonable access other than to a state highway. Burden of proof is on the applicant to provide justification as to why access to a road other than a state highway is not reasonable.

Enrolled Senate Bill 1573

Sponsored by Senator BEYER (Presession filed.)

CHAPTER

AN ACT

Relating to boundary changes; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 222.111 to 222.180.

SECTION 2. (1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the city's ordinances.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.

SECTION 3. This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Governor Kate Brown (/gov/Pages/index.aspx) / Administration (/gov/admin/Pages/default.aspx) / Bills Signed

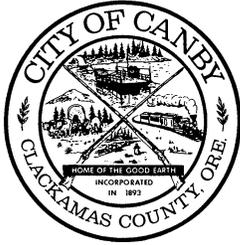
Bills Signed

For more information about legislative history on these bills, **click here** (<https://olis.leg.state.or.us/liz/2013I1>).

Bills Signed 2016

Bills Signed By Governor Brown 2016		
	Measure Number	Signed or Vetoed
53	SB 1503	Signed
54	SB 1512	Signed
55	SB 1513	Signed
56	SB 1522	Signed
57	SB 1527	Signed
58	SB 1533	Signed
59	SB 1566	Signed
60	SB 1573	Signed
61	SB 1582	Signed
62	SB 1591	Signed
63	HB 4037	Signed
64	HB 4009	Signed
65	HB 4107	Signed

Bills Signed 2015



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

**A REQUEST FOR APPROVAL OF)
ANNEXATION AND ZONE CHANGE)
FOR PROPERTY LOCATED AT)
1850 N REDWOOD ST AND)
1794 N REDWOOD ST)**

**FINDINGS, CONCLUSION & FINAL ORDER
ANN/ZC 16-01
RYAN & KERRIE OLIVER
LLOYD & JOANN WALCH**

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change application #ANN/ZC 16-01 of 1.85 acres of real property described as Tax Lots 31E27C01100 and 31E27C01101, Clackamas County, Oregon. The property is zoned County RRFF and is requested to be zoned city R-1 (Low Density Residential).

HEARINGS

The Planning Commission considered applications ANN/ZC 16-01 after the duly noticed hearing on May 9, 2016 during which the Planning Commission recommended by a ___/___ vote that the City Council approve ANN/ZC 16-01 per the recommendation contained in the staff report.

CRITERIA AND STANDARDS

In judging whether or not an annexation and zone change application 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 May 9, 2016 and presented at the May 9, 2016 public hearing of the Planning Commission.

FINDINGS AND REASONS

The Planning Commission considered applications ANN/ZC 16-01 at a public hearing held on May 9, 2016 during which the staff report was presented, including all attachments, and a PowerPoint presentation from staff. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed annexation, new zoning designations, and adoption of the development concept plan submitted by the applicants.

After hearing public testimony, and closing the public hearing, the Planning Commission made the following 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 Files #ANN/ZC 16-01 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/ZC 16-01** as follows:

1. ANN/ZC 16-01 be approved subject to the property owners signing and recording, with the Clackamas County Clerk's Office, an Annexation Agreement that states the property owners will file, within 6 months of the annexation approval, a City of Canby land use application to divide the land in an appropriate way to place each of the existing dwellings on a separate lot that meets the development standards of the R-1 Zone or submit a Conditional Use Permit Application to gain approval for the existence of a detached accessory dwelling unit of the properties and,
2. Upon annexation, the zoning of the subject properties be designated as R-1 as indicated by the North Redwood Development Concept Plan Map and the Canby Comprehensive Plan Map.

ORDINANCE NO. 1442

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 2.0 ACRES INCLUDING 1.85 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 1100 AND 1101 OF SECTION 27C, T3S, R1E, WM (ASSESSOR TAX MAP 3-1E-27C AND .15 ACRES (6600 SQUARE FEET) OF ADJACENT N. REDWOOD STREET RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF5) TO CITY LOW DENSITY RESIDENTIAL (R-1) AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.

WHEREAS, on June 1, 2016, at a public hearing the City Council of the City of Canby approved by a vote of ____ to ____, Annexation/Zone Change 16-01 which called for the annexation of 2.0 acres into the City of Canby. Applicant and owners of the annexed property are Ryan T. and Kerrie A. Oliver of tax lot 1100 and Lloyd and Jo Ann Walch of tax lot 1101 Section 27C, T3S R1E WM (Assessor Map 3-1E-27C) and one-half of the adjacent right-of-way located on the east side of N. Redwood Street. A complete legal description of the tax lots and adjacent right-of-way is attached hereto as Exhibit "A", and a map showing the location of the tax lots and adjacent right-of-way is attached hereto as Exhibit "B" and by this reference are all incorporated herein; and

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

WHEREAS, the zoning of the annexed land shall be designated as R-1 Low Density Residential for tax lots 1100 and 1101 which conforms with the Canby Comprehensive Plan, 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/owners listed above to change the zoning of two parcels and one-half the adjacent right-of-way totaling 2.00 acres from Rural Residential Farm Forest 5-Acre (RRFF5) to Low Density Residential (R-1); and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on May 9, 2016 after public notices were mailed, posted and printed 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 at a public hearing on May 9, 2016 and at the conclusion of the public hearing, the Planning Commission voted 4-0 to recommend that the City Council approve the applications. The written Findings, Conclusions and Order was approved by the Planning Commission and forwarded to the Council with its recommendation; 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 June 1, 2016; and

WHEREAS, the Canby City Council, after considering the staff report, reviewing the record of the Planning Commission's decision and conducting its own public hearing, voted to accept the Planning Commission's recommendation; and

WHEREAS, the written Findings, Conclusions and Order was approved by the City Council on June 1, 2016.

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

Section 1. It is hereby proclaimed by the Council of Canby that 2.0 acres of property described in Exhibit "A" and shown on Exhibit "B" is annexed into the corporate limits of the City of Canby, Oregon. Said boundaries of the property are set by the legal descriptions set forth in Exhibit "A".

Section 2. The annexed land shall be rezoned from the county Rural Residential Farm forest 5-Acre (RRFF5) to city Low Density Residential (R-1) as called for in Canby's Comprehensive Plan and 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 June 1, 2016 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 June 15, 2016, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

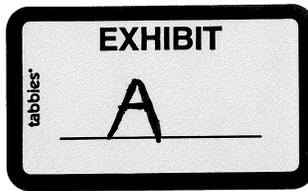
PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on June 15, 2016 by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



#7675
 RYAN OLIVER
 PROPOSED ANNEXATION TO THE CITY OF CANBY

"EXHIBIT A"

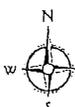
A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING A PORTION OF LOT 99, "CANBY GARDENS", A SUBDIVISION PLAT OF RECORD, PLAT NO. 230, CLACKAMAS COUNTY PLAT RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF LOT 99, "CANBY GARDENS", PLAT NO. 230, CLACKAMAS COUNTY PLAT RECORDS, SAID POINT BEING ON CENTERLINE OF NORTH REDWOOD STREET (COUNTY ROAD NO. 2163, 50.00 FEET WIDE); THENCE N.90°00'00"E., 264.00 FEET; THENCE S.00°00'02"W., 330.00 FEET TO THE SOUTH LINE OF LOT 99, "CANBY GARDENS"; THENCE ALONG THE SOUTH LINE OF LOT 99, S.90°00'00"W., 264.00 FEET TO THE CENTERLINE OF NORTH REDWOOD STREET, BEING THE WEST LINE OF LOT 99; THENCE ALONG SAID CENTERLINE, N.00°00'02"E., 330.00 FEET TO THE POINT OF BEGINNING, CONTAINING 87120 SQUARE FEET (2.00± ACRES) MORE OR LESS.

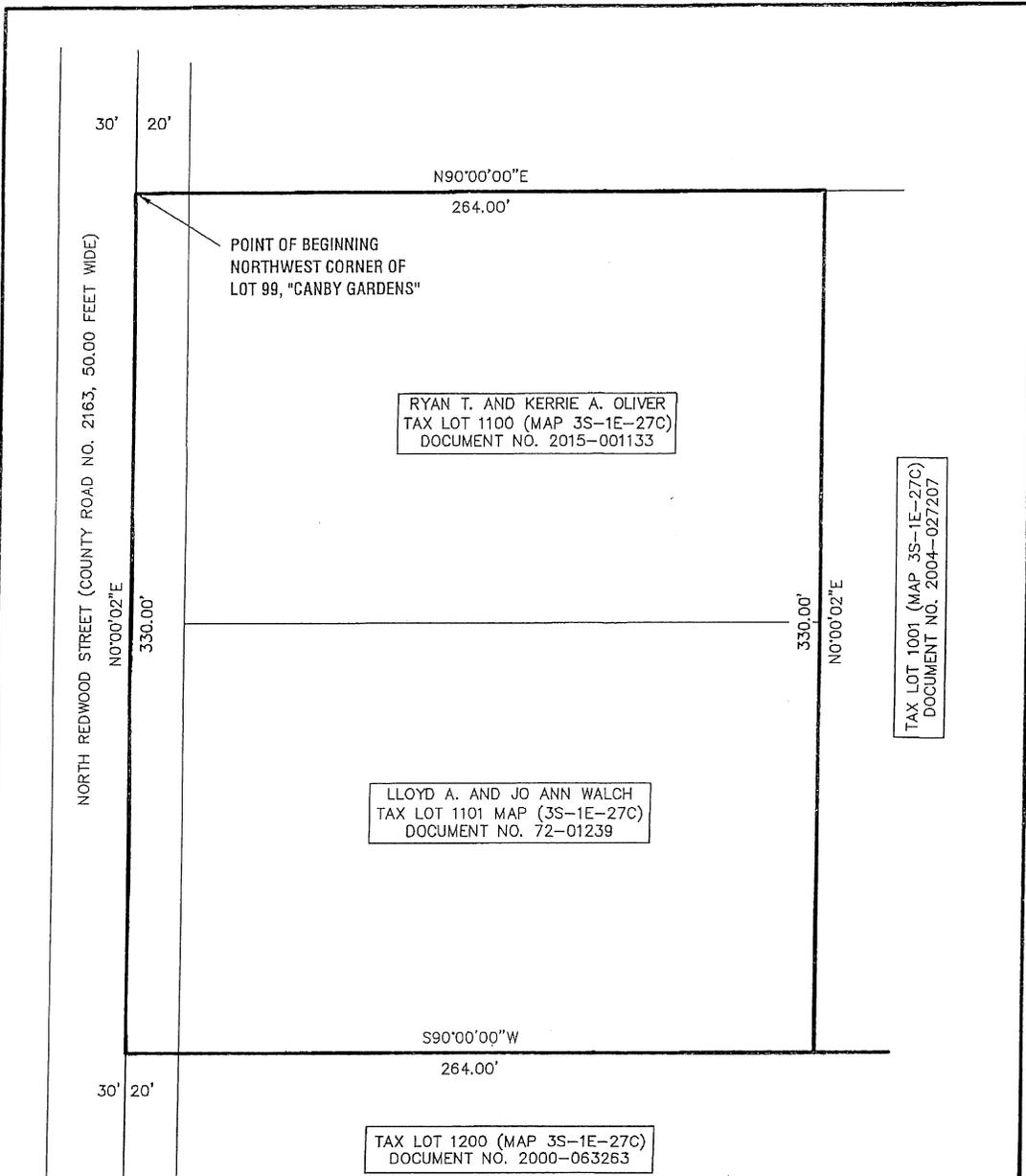
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Joseph C. McAllister
 OREGON
 FEBRUARY 8, 2000
 JOSEPH C. McALLISTER
 49695

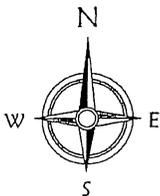
DATE OF SIGNATURE: 2/22/16
 EXPIRES: 12/31/2016



4107 SE International Way, Suite 705, Milwaukie, Oregon 97222
 Phone: 503.653.9093 Fax: 503.653.9095 Email: compass@compass-landsurveyors.com



PROPOSED ANNEXATION
87,120 SQUARE FEET ±
2.00 ACRES ±



Scale: 1" = 50'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Joseph C. McAllister
OREGON
FEBRUARY 8, 2000
JOSEPH C. McALLISTER
49695

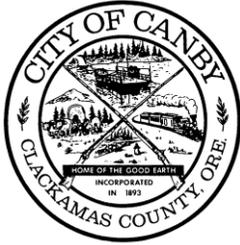
DATE OF SIGNATURE: 2/22/16
EXPIRES: 12/31/2016

EXHIBIT "B"

7675EXH2.dwg

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

**PROPOSED ANNEXATION TO THE CITY OF
CANBY, OREGON FOR RYAN OLIVER, LOCATED
IN THE SW 1/4 OF SECTION 27, T.3S., R.1E., WM**



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

**A REQUEST FOR APPROVAL OF)
ANNEXATION AND ZONE CHANGE)
FOR PROPERTY LOCATED AT)
1850 N REDWOOD ST AND)
1794 N REDWOOD ST)**

**FINDINGS, CONCLUSION & FINAL ORDER
ANN/ZC 16-01
RYAN & KERRIE OLIVER
LLOYD & JOANN WALCH**

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change application **File# ANN/ZC 16-01** of 1.85 acres of real property described as Tax Lots 31E27C01100 and 31E27C01101, Clackamas County, Oregon. The property is zoned County RRF5 and is requested to be zoned city R-1 (Low Density Residential).

HEARINGS

The Planning Commission considered applications **File# ANN/ZC 16-01** after the duly noticed hearing on May 9, 2016 during which the Planning Commission recommended by a 4/0 vote that the City Council approve **File# ANN/ZC 16-01** per the recommendation contained in the staff report.

The City Council considered applications **File# ANN/ZC 16-01** after the duly noticed hearing on June 1, 2016 during which the Council voted ____ to approve **File# ANN/ZC 16-01**. These findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not an annexation and zone change application shall be approved, the City Council 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 May 9, 2016 and presented at the June 1, 2016 public hearing of the Canby City Council along with the Planning Commission’s recommendation.

FINDINGS AND REASONS

The Staff Report was presented and written and oral testimony was received at the Council public hearing. The recommendation to approve **File# ANN/ZC 16-01** by the Planning Commission was noted by staff.

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

-

CONCLUSION

In summary, the City Council adopted the findings contained in the staff report and Planning Commission's additional findings, concluding that the annexation/zone change applications meets all applicable approval criteria, and approved **File# ANN/ZC 16-01** as stated below. The City Council's order is reflected below.

ORDER

Based on the application submitted and the facts, findings and conclusions of the staff report, the Planning Commission findings, and the supplemental findings from the Council public hearing, the City Council of the City of Canby **APPROVES ANNEXATION/ZONE CHANGE** applications **File# ANN/ZC 16-01** as follows:

1. Upon annexation, the zoning of the subject properties be designated as R-1 as indicated by the North Redwood Development Concept Plan Map and the Canby Comprehensive Plan Map.

I CERTIFY THAT THIS ORDER approving **ANN/ZC 16-01** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 1st day of June 2016

Brian Hodson
Mayor

Bryan Brown
Planning Director

ORAL DECISION – June 1, 2016

AYES:
NOES:
ABSTAIN:
ABSENT:

WRITTEN FINDINGS – June 1, 2016

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Kimberly Scheafer, MMC
City Recorder

Kim Scheafer

From: Bryan Brown
Sent: Tuesday, May 17, 2016 3:47 PM
To: Kim Scheafer
Subject: FW: Notice of Public Hearing and Request for Comments/City File(s) ANN/ZC 16-01 and ANN/ZC 16-03

Kim,

This citizen comment "email" needs to be placed in front of the Council in association with ANN/ZC 16-01.

Bryan

Bryan Brown | Planning Director

City of Canby | Development Services

111 NW 2nd Avenue | PO Box 930

Canby, OR 97013

ph: 503-266-0702 | fax: 503-266-1574

email: brownb@ci.canby.or.us

www.canbydevelopment.com | www.ci.canby.or.us

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.

From: pharmerjarmer@canby.com [mailto:pharmerjarmer@canby.com]

Sent: Sunday, May 15, 2016 4:28 PM

To: Bryan Brown

Cc: Jarmer

Subject: Notice of Public Hearing and Request for Comments/City File(s) ANN/ZC 16-01 and ANN/ZC 16-03

CANBY CITY COUNCIL

My wife and I own 3 acres directly behind Oliver and Walch, and adjacent to Boyle who owns the property on the southern border of our home.

We have no objection to these parties maximizing the potential of their property and joining the City of Canby.

However, I would like to take an opportunity to remind the City of a few important points.

1. We and our neighbors behind us, have a permanent right of way on both the northern and southern border of my property for access to and from N. Redwood st.(This would be the north edge of Oliver and the south property line of Walch)

2. This annexation will create for Oliver a flag lot with 2 homes. One home a primary residence and the other as a potential income producing residence(rental) and that is great for them, I believe they should have this.

3. This annexation will facilitate the connection of Oliver, Walch and Boyle to the City water power and sewer infrastructure-all good things.

I would hope that the City would be fair minded if and when I or my neighbors find it desirable to approach the City regarding annexation of our properties. A little forward thinking by the Planning Commission might acknowledge that this annexation deviates from the comprehensive plan. It allows for a flag lot, it does not address continuity from the west across Redwood from 18th Place, the comprehensive plan places a disproportionate burden of roads on the properties behind Oliver and Walch and to the north of Boyle.

Very clearly, the comprehensive plan is only fair if one big developer owns all the land. We don't want to find ourselves land-locked and/or left with no creative options for connectivity to City infrastructure except what is left to us by the eventual street layout on the properties from Boyle to the south. Possibly the water and sewer and power hook-up for the subject properties in front of us might come in on one or both of these existing right of ways. This would relieve some concern.

We and our neighbors behind us deserve some consideration as this process moves forward. Perhaps the City should be very careful to guarantee that we and our neighbors have real and substantial opportunities to work with the City or Planning Board to facilitate a fair and reasonable plan when roadways are designed. The City should be prepared to make exceptions to the comprehensive plan for us as they may do with the proposed annexation and have done for others in the past.

Thanks,

ANDREW AND PAULA JARMER
1860 N Redwood St
Canby, OR 97013
pharmerjarmer@canby.com

PUBLIC RECORDS LEGAL DISCLOSURE

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

Date: June 1, 2016

From: Bryan Brown, Planning Director

RE: ANN/ZC 16-02

At their May 9, 2016 meeting, the Canby Planning Commission recommended that annexation and zone change (File ANN/ZC 16-02) be approved by the City Council. This request if approved annexes 4.71 acres including 4.57 acres of real property and 0.14 acres of adjacent N. Redwood Street Right-of-way into the City and assigns the Medium Density Residential (R-1.5) zone designation to Tax Lots (300 & 302) and the High Density Residential (R-2) zone designation to Tax Lot (300).

During the Planning Commission public hearing, Ethan Manual representing Allen Manual who could not attend, indicated that the generalized traffic analysis performed during the process of adopting the N Redwood Development Concept Plan indicated that the anticipated increased traffic from future development of the area would be acceptable at the Territorial and N Redwood Street intersection. Proponent Daniel Webb who had provided written testimony indicated he was in support of this particular annexation but still thought planning staff had missed the boat in exercising their authority to waive the neighborhood meeting. It was agreed that the change caused by SB1573 added some heightened concern in the processing of these applications. The Planning Commission's Final Findings reflect a recommendation to the City Council as follows:

1. Approve Annexation/Zone Change 16-02 and direct staff to complete the remaining boundary change processes with the State, County, and district service providers to finalize the decision; and,
2. Change the zoning of the subject property to R-1.5 and R-2 as indicated by the North Redwood Development Concept Plan Map and the Canby Comprehensive Plan Map.

Sample motion: I move to approve Annexation/Zone Change File ANN/ZC 16-02 pursuant to the above recommendation by the Planning Commission.

Attachments:

- Planning Commission Final Findings
- Planning Commission Annexation Public Hearing Draft Minutes (5.09.16-if available)
- Staff Report for ANN 16/ZC 16-02 to the Planning Commission with written public comments
- Applicant's submittal, including application forms, narrative, neighborhood meeting notes, pre-application meeting minutes, legal description and survey, Development Concept Plan Maps, and TPR Revised Letter



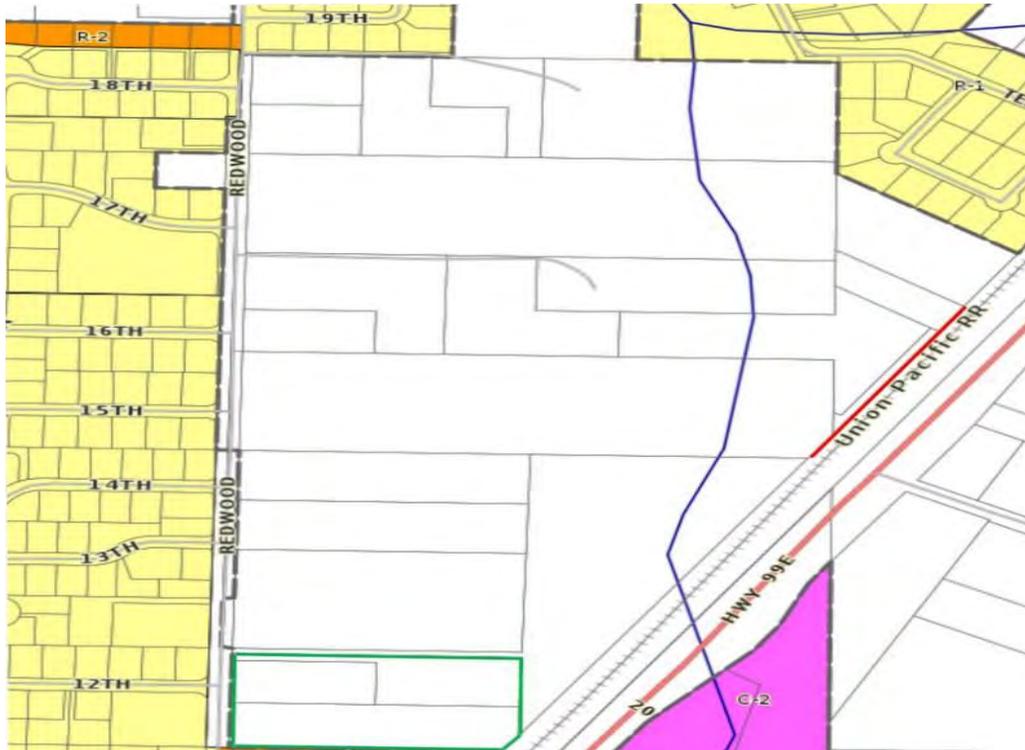
City of Canby

ANNEXATION AND ZONE CHANGE STAFF REPORT

FILE #: ANN/ZC16-02

Prepared for the May 9, 2016 Planning Commission Meeting

LOCATION: 1212, 1234, and 1176 N. Redwood Street



ANNEXATION PROPERTY SIZE: The site is a total of 4.57 acres

TAX LOTS: Tax Lots 31E34B 00300, 31E34B 00301, 31E34B 00302

COMPREHENSIVE PLAN DESIGNATION: Medium Density Residential (MDR) & High Density Residential (HDR)

CURRENT ZONING DESIGNATION: Clackamas County: Rural Residential Farm Forest 5-Acre (RRFF5)

PROPOSED ZONING: City: Medium Density Residential and High Density Residential (R-1.5 & R-2)

OWNER: MANDAN, LLC

APPLICANT: Allen Manuel

APPLICATION TYPE: Annexation/Zone Change (Type IV)

CITY FILE NUMBER: ANN/ZC 16-02

DATE OF REPORT: April 29, 2016

DATE OF PUBLIC HEARING: May 9, 2016

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The property owner of three parcels of land located on N. Redwood Street proposes the annexation of their properties into the City of Canby. The property owner also proposes a zone change application to change the current zoning from its Clackamas County designation to the City of Canby's R-1.5 and R-2 zone that is designated Medium Density Residential and High Density Residential in the Canby Zone Code. Two of the subject parcels (tax lots 301 & 302) have the corresponding MDR-Medium Density Residential Comprehensive Plan designation, and the most southerly parcel (tax lot 300) has a Comprehensive Plan designation of HDR-High Density Residential.

The City of Canby's annexation ordinance requires a Concept Development Plan for the tax lots which are a part of this annexation request. This annexation, along with others, were precipitated by the City's initiative to seek and secure grant funding through the Transportation Growth Manage Program to fund the completion of a Development Concept Plan for the North Redwood area which is a requirement prior to annexation for properties in this area. The property owner involved with this annexation has worked together with other property owners in the North Redwood area by participating in the City's planning effort to meet the Concept Development Plan requirements for the area. Subsequently, the North Redwood Development Concept Plan (NRDCP) was adopted by the Canby City Council on October 7, 2015.

The existing 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. The Comprehensive Plan Map for these particular lots indicates residential use with a portion shown at medium density and a portion at high density. The area is currently within Clackamas County's jurisdiction and is presently zoned as Rural Residential Farm Forest 5-Acre (RRFF5). This annexation request is to rezone the properties involved to the City zoning of R-1.5 and R-2 in accordance with the corresponding City Comprehensive Plan Map land use designation. These zone designations will take effect if annexed as indicated in this application with tax lots 301 and 302 zoned R-1.5 – Medium Density Residential (2.4 acres) and tax lot 300 zoned R-2 – High Density Residential (2.17 acres).

The North Redwood Development Concept Plan (NRDCP) is intended to address City of Canby infrastructure requirements for the North Redwood area. The NRDCP is not a specific development proposal, but a design concept that provides an understanding and framework prior to annexation of how the properties must be developed when brought into the City occurs.

II. ATTACHMENTS

- A.** Applications
- B.** Narrative
- C.** Available Platted Lot Supply in Canby
- D.** Survey of Property to Be Annexed and Legal Description of Private Property and ½ of adjacent Redwood Street Right-of-Way to be Annexed
- E.** Maps: Assessor Map, Canby Comprehensive Plan Map, Proposed Annexation Area Map

- F. Traffic Analysis
- G. SB1573
- H. Agency/Citizen Comments

III. **APPLICABLE REVIEW CRITERIA & FINDINGS**

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

- 16.84 Annexations
- 16.54 Amendments to Zoning Map
- 16.89 Application and Review Procedures
- 16.18 R-1.5 Medium Density Residential Zone
- 16.20 R-2 High Density Residential Zone

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

Chapter 16.84 Annexation Compliance

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

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

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

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

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

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

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

Development Map. A Development Concept Plan shall address City of Canby infrastructure requirements including:

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

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

Findings: The North Redwood Development Concept Plan (NRDCP) is included in the file. The NRDCP provided an extensive packet of information to address City of Canby future infrastructure requirements for the area, and a great deal of engineering level work has gone into planning for how the concept plan defined area would best be developed and served by all necessary infrastructure. A traffic analysis of the entire subject area was incorporated in the plan to address traffic impacts associated with anticipated full development of the properties in accordance with the applicable zoning designation. Additionally, DKS Engineering provided a memorandum, dated April 4, 2016 that summarized how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for the subject properties as well as two additional current annexation applications located within the NRDCP area. The surrounding roadways and intersections were found to have sufficient capacity to accommodate the proposed annexation, zone change, and development concept plan. The Transportation Planning Rule requirements of State Statute were determined to have been met as documented in a revised letter from DKS to address clarification requested by Oregon Department of Transportation (ODOT). All necessary utility services are generally available or can be made available through service line extensions to the annexation area. The Concept Plan maps, along with the Concept Plan & Infrastructure narrative, indicate the options for necessary infrastructure services to serve this area. Stormwater was discussed in the NRDCP, and stormwater management for street runoff will be handled with the installation of new public underground injection wells and the associated catch basins and pollution control manholes for water quality treatment. Private property runoff will be handled on-site with swales or underground soaking trenches within the individual yard areas. A future city park is proposed to be dedicated in-lieu of payment of the park system development charge for an equivalent value exchange as determined by an appraisal at the time it is to be dedicated to the City. The park proposed in the NRDCP was determined a desirable property for park and recreation purposes conforming with and as set forth in the Canby Park and Recreation Master Plan and Acquisition Plan. The NRDCP states that the basic strategy recommended for park appropriation 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 needs to be established by appraisal. This process is explained in the NRDCP. This criterion can be met.

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

Findings: A land needs analysis is required with all annexations to assess the current amount of developable land within the same zone designation of that requested in the application. A 3-year supply of developable R-2 and 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 included in the file an analysis indicating that there are thirty R-2 and seven R-1.5 zoned vacant platted lots remaining as an inventory within the city limits. The city has had an average absorption rate of nearly 45 lots per year for the last 10 years. This indicates that the supply of readily available platted lots with all necessary infrastructures is below a three-year supply. If annexed, this property would add to the buildable land supply. It will likely take 2 to 3 years for this land to be fully platted and the lots made available. Staff concludes that information indicates this criterion is met.

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

Findings: This staff report incorporates the relevant section of the applicant's narrative as findings. Future development is anticipated to develop the site at a net density of 6 units per acre in the 2.2 acres zoned R-1.5 and 14 units per acre in the area zoned R-2. Potential traffic generation has been shown to be within the capabilities of the surrounding road system with no mitigation necessary other than additional right-of-way dedication along North Redwood Street as a requirement during the development process. The addition of a new neighborhood park that will be located within the NRDCP near the subject annexation will add to the social and aesthetic effects of development on the subject properties and the future development of the neighborhood livability. Staff does not foresee any significant impacts from the proposal or need to mitigate any identified concerns. Staff agrees the annexation and future development of the subject parcels is consistent with development indicated by the Development Concept Plan and appropriate 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: This staff report incorporates the relevant section of the applicant's narrative as findings. The North Redwood Development Concept Plan provides maps that demonstrate how utility infrastructure will be made available, and unmanageable capacity issues were not identified by City departments and agencies during the NRDCP review process. The proposed public park will be beneficial in serving this area of Canby. There are significant tree resources available for the park area and the conceptual plan provides easy direct access from the subject properties to the park trails and facilities. This criterion can be met at the time of development.

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

Findings: Staff accepts the relevant section of the applicant's narrative as findings. Staff finds that the applicant's narrative and information contained in the NRDCP infrastructure section is sufficient, and the applicable criteria can be met.

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

Findings: This staff report incorporates the relevant section of the applicant's narrative and the infrastructure section of the NRDCP as findings. All necessary utility extensions are available to serve this area when development occurs after annexation. The infrastructure section of the NRDCP indicates that connections to existing facilities are available and preferred depending on the development project. Staff finds that the applicant narrative and NRDCP information is sufficient and this criterion is or can be met.

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

Findings: The applicant will pay the necessary costs of their own development. Information in the NRDCP indicated that most infrastructure facilities in the North Redwood area are expected to be built by individual developers. The exception is the proposed park that can be funded with shared costs of property owners. Staff finds that information in the NRDCP is sufficient for this case, and the applicable criteria are or can be met.

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

Findings: The applicant intends to follow the zoning designation of the Comprehensive Plan. The only change is a zoning map amendment, and the Zone Map Change Application that accompanies this annexation request to satisfy the Development Concept Plan. Staff finds that this criterion has been 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 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 etc. 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 owner has authorized initiation of the proposed annexation and map amendment by signing an application form. This criterion has been met.**

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

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

16.54.040 Standards and criteria

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

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

Findings: The subject property and the NRDCP are not identified as being in an “Area of Special Concern” that is delineated in Policy 6 of the Comprehensive Plan. Additionally, the proposed zones for the properties are consistent with the zone designations 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. 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 within State Statute (OAR 660-12-0060-9) requires that there be a record of traffic generation findings which are consistent with the City's Transportation System Plan with any Comp Plan Map Amendment or Zoning Map Amendment. As previously mention, DKS Engineering provided a memo that confirmed the proposed annexation met provisions of the TPR. Additionally, a Traffic Analysis was incorporated in the NRDCP to discuss any future traffic impacts when development occurred with zone change proposals. 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 for this annexation application.

Notice of this application and the Planning Commission and Council Hearing dates was made to surrounding property owners on March 31, 2016, at least 20-days prior to the hearing. Prior notification and neighborhood meetings were held during the North Redwood Development Concept Plan process. The site was posted with a Public Hearing Notice sign by April 29, 2016. A notice, meeting ordinance requirements of the public hearings, was published in the Canby Herald on May 4, 2016. Due to the extensive meetings conducted during the NRDCP process, a pre-application meeting was not required 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 March 31, 2016. As of the date of this Staff Report, the following comments were received by City of Canby from the following persons/agencies:

Agency/City Department Comments.

Comments were received from the following agencies/city departments:

- Doug Burnum and Daniel Webb citizens in the area, contacted staff by telephone and requested information regarding the impacts of this application on future annexations and development in the area.

Conclusion Regarding Consistency with the Standards of the Canby Municipal Code

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

1. The applications and proposed use is in conformance with applicable sections of the City's Comprehensive Plan and Land Development and Planning Ordinance when the conditions contained in this staff report are applied.
2. A City adopted satisfactory Development Concept Plan and explanatory narrative was submitted as required by the annexation ordinance detailing how all necessary infrastructure to the properties proposed to be annexed will serve the area.
3. The proposed annexation can meet the approval criteria set forth in CMC 16.84.040.A.
4. The zoning of the property, if annexed, should be R-1.5 and R-2 as indicated in the application and pursuant to the approval criteria set forth for map amendments in CMC 16.54.040.
5. The proposed annexation's requested zoning districts of R-1.5 and R-2 is in conformance with the Comprehensive Plan Land Use Plan Map.
6. The application complies with all applicable Oregon Revised Statutes.
7. There are sufficient public and private agency utility and service capacity to serve the site at the anticipated development intensity.
8. In accordance with the UGMA with Clackamas County, this proposed annexation application

includes one-half of the adjacent road right-of-way with the properties proposed for annexation.

9. It has been determined that existing land available is well below a three-year supply of developed R-1.5 and R-2 zoned lots within the City limits. Therefore, the supply does not exceed a three-year supply and there is a “need” for high to moderate density residential zoned land for development at this time.

16.89 Recommendation

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

1. ANN/ZC 16-02 be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1.5 and R-2 as indicated by the North Redwood Development Concept Plan Map and the Canby Comprehensive Plan Map.



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

LAND USE APPLICATION

ANNEXATION Process Type IV

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

Applicant Name: Mike Dinn Phone: 503-266-4900
 Address: 409 2nd Street Email: mdinn@canby.or.us
 City/State: Canby OR Zip: 97013

Representative Name: _____ Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Property Owner Name: Mike Dinn LLC Phone: 503-266-4900
 Signature: Mike Dinn
 Address: 409 2nd Street Email: mdinn@canby.or.us
 City/State: Canby OR Zip: 97013

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

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

- 1 All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- 2 All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- 3 All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

PROPERTY & PROJECT INFORMATION:

1113 2nd St SE (Sub 1) 4.57 ac 318340 20301302
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

Single lot R100 R10 & R2
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Residential housing according to comprehensive plan
 Describe the Proposed Development or Use of Subject Property

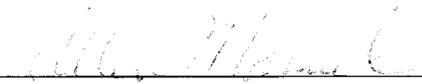
STAFF USE ONLY				
<u>ANN 16-02</u>	<u>2-22-16</u>			
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

ZC 16-02

Annexation Consent

2/13/2016

Consent to annex is hereby given by the undersigned, representing the whole ownership of ManDan LLC, the sole owner of record of the 4.57 acres of property known as T3S R1E Section 34B, Tax Lots 300, 301, and 302.

Allen Manuel, Member 

Glennette Danforth, Member 

Annexation Application: ManDan, LLC

4.57 acres on North Redwood, medium and high density
2/26/2016 Application

This annexation application is presented to you by ManDan LLC, a Canby based property management and development company wholly owned by myself, Allen Manuel, and my partner, Glennette Danforth. I arrived in Canby in 1969 to pursue our family nursery business. Glennette arrived here in 1970 in search of housing, being born and raised in Oregon City. We have both raised our families here and our children and grandchildren for the most part still live here. We have been engaged in property management and real estate sales and brokerage in Canby since about 1984.

Our annexation proposal covers 4.57 acres on the east side of North Redwood Street adjacent to the Gardens Crossing project. This application is for an annexation that if approved would appear on the general election ballot this November.

Overview:

This proposal contains three parcels of land and three homes. One or two of these homes would be preserved in any development proposal with the remainder probably demolished. The three parcels comprise one of the old East Canby Gardens lots, and as such have been removed from large scale farming for many years. The land is level to rolling and extends from N. Redwood to the rail right-of-way on the east.

The comprehensive plan designation for this land is a mixture of R1.5 and R2. Upon annexation the new zoning would reflect this designation as would any development proposal. In past annexation proposals the applicant has included a plan with small-lot single family on the north half of the property and townhomes on the south half. Any future development proposal will have to reflect the then existing economic conditions and zoning applied at annexation.

The applicant is putting forth the present proposal to annex pursuant to the recently adopted North Redwood development concept plan. The applicants have applied for annexation to the city three times over the last 15 years. The first time the city council denied the application and the other two efforts were rejected by the voters. This is the first election cycle opportunity to annex after the adoption of the new DCP.

STATEMENT OF AVAILABILITY, CAPACITY, AND STATUS OF: WATER: SEWER: DRAINAGE: TRANSPORTATION: PARK: SCHOOL FACILITIES:

1. This site has several features that single it out for urban level development. All required utility services are located in N Redwood. The utilities have been sized to accommodate a complete level of urbanization on both sides of the road. A major power feeder, large water line, large sewer trunk as well as phone, cable and gas are available. The natural drainage-way for this land is north-easterly along a swale area and eventually to Willow Creek.
2. Transportation facilities are more than adequate in the area now because of the closeness to Hiway 99-E and the improvement and signalization of the 99-E intersections at Territorial

and at Pine Street. Future development of this property will make N Redwood a full width street for an additional 300 feet carrying full width past the North entrance to Erika Acres.

3. When developed this property would add to the park facilities through payment of park SDC's and/or the development of private and public open spaces as appropriate as envisioned in the DCP.
4. All new residential development increases the load the local schools are expected to carry. The school district has planned for expansion with a new and upgraded schools currently available.
5. The subject property is at the extreme south end of a Design Concept Plan area that stretches along the east side of N. Redwood Street. The DCP does not offer much detail for the higher density residential areas.

STATEMENT OF INCREASED DEMAND FOR SUCH FACILITIES TO BE GENERATED BY THE PROPOSED DEVELOPMENT, IF ANY, AT THIS TIME.

1. This property is designated for a mix of R-1.5 (medium) and R-2 (High Density) development in the Comprehensive Plan.
2. During the last comprehensive plan revision additional higher density land was identified as one of the major needs of the city growth process. The many neighborhood meetings identified this property as one suitable to fill that need. In any case the services of water, sewer, drainage, transportation and parks would experience a small increase. School facilities would probably experience a more perceptible increase in demand than the other facilities.
3. One of the outstanding features of this property is its location close to transportation, shopping, walking trails and the industrial park area. Residents in the area commonly walk or bike to the shopping center. These use patterns are facilitated by the pedestrian friendly signalized intersection with 99E and the planned availability of bike lanes on both sides of N Redwood. This closeness to work and shopping reduces dependence on automobiles and as such could actually reduce demand for some facilities over a project located on the periphery.

STATEMENT OF OVERALL DEVELOPMENT CONCEPT AND METHODS BY WHICH PHYSICAL AND RELATED SOCIAL ENVIRONMENT OF THE SITE, SURROUNDING AREA, AND COMMUNITY WILL BE ENHANCED:

1. Any development concept we propose for this land probably will be similar to that of Garden Crossing except at a somewhat lower density. When the time comes we will hire an architect to help us with the final layouts.
2. The development of this site will push the full street width of N. Redwood 300 feet more to the north. Development will probably provide a cross street intersection at NE 12 Ave. Sound buffering as well as construction of new homes will generally reduce sound levels heard at Erika Acres and Heritage Park. Additional facilities required when this property is

developed will be within the project and be paid for by the development. These improvements will include interior circulation and storm water disposal.

STATEMENT OF POTENTIAL POSITIVE AND NEGATIVE PHYSICAL, AESTHETIC, AND RELATED SOCIAL EFFECTS OF PROPOSED, OR POTENTIAL, DEVELOPMENT ON THE COMMUNITY AS A WHOLE AND ON THE SMALL SUBCOMMUNITY OR NEIGHBORHOOD OF WHICH IT WILL BECOME A PART; AND PROPOSED ACTION TO MITIGATE SUCH NEGATIVE EFFECTS (IF ANY):

1. The negative effects of development should be minimal unless we call development itself negative. The main items of concern for the subject property are the disposal of storm water and the control of sound pollution from the railroad and highway. We expect to connect to and continue the sound buffering being developed at Garden Crossing to the south. We also expect to develop and connect to an integrated storm water management system that will filter and meter runoff into the Willow Creek drainage. Any future plan will meet the requirements of the design concept plan adopted for the area.

NARRATIVE DEMONSTRATING THE NEED FOR URBAN DEVELOPMENT PROPOSED FOR THE ANNEXATION AREA.

1. The subject site will be zoned a mixture of high and medium density. In the recent comprehensive plan review both of these zones were identified as areas of need. Additional medium and high density land was included in the revised plan. The subject property is one of those properties identified as meeting the higher density needs of the city. The subject property is half medium density and half high density. The medium density application allows for about 13 units and the high density application allows for about 24 units at allowable buildout.
2. The closer that growth occurs to major transportation corridors, jobs, and shopping the less traffic and congestion will be created and the more efficiently the system will work. The subject site is very close to Hiway 99-E, the Fred Meyer shopping center and the Logging Road industrial park. As major tenants arrive in the new industrial areas the demand for additional housing will be intense. The subject parcel is ideally located to provide affordable housing for those new industrial workers.

A STATEMENT INDICATING THE TYPE AND NATURE OF ANY COMPREHENSIVE PLAN TEST OR MAP AMENDMENTS OR LAND DEVELOPMENT AND PLANNING ORDINANCE OR ZONING MAP AMENDMENTS THAT MAY BE REQUIRED TO COMPLETE THE PLANNED DEVELOPMENT.

1. We plan to follow the comprehensive plan zoning designation. Upon annexation the south half of this property will be designated high density, R-2 and the north half will be designated medium density, R1.5.
- 2.

CONCLUSIONS:

We purchased this property in 1998. A lot has changed in the neighborhood. The Fred Meyer shopping center arrived, the traffic lights at N. Redwood and 99E and Territorial and 99-E were finally installed. Heritage Park, Erica Acres and Garden Crossing were completed and Postlewait Estates is nearly built-out. The city has increased the planned density on the subject property. It is time by annexation to position this property to start the long process that will supply additional housing in the neighborhood. We ask you to support our annexation application as we go through the process with the ultimate goal of referring the proposal to the voters this fall.

Available Platted Lots in Canby by Subdivisions

As of February 25, 2016

<u>YEAR</u>	<u>PLAT #</u>	<u>SUBDIVISION NAME</u>	<u>Zoning</u>	<u>Total Lots</u>	<u>Homes Permitted</u>	<u>R-1 Zone Lots Remaining</u>	<u>R-1.5 Zone Lots Remaining</u>	<u>R-2 Zone Lots Remaining</u>	<u>Total Remaining</u>
1991	2995	North Pine Addition No. 2	R-1	13	12	1	0	0	1
2004	3947	Yorkfield	R-2	136	133	0	0	3	3
2005	4089	Kraft Place	R-1	4	1	3	0	0	3
2006	4095	Bremer Court	R-1	7	6	1	0	0	1
2006	4218	Dinsmore Estates	R-1	14	13	1	0	0	1
2006	4162	Knott Commons	R-2	10	7	0	0	3	3
2014	4396	Northwoods Estates No. 2	R-1	33	9	24	0	0	24
2015	4409	Dinsmore Estates - 2	R-1	41	33	8	0	0	8
2015	4422	Pine Meadow	R-1	19	11	8	0	0	8
2015	4423	Poplar Townhomes	R-2	6	0	0	0	6	6
2015	4433	Faist Addition Phase 6	R-1	30	2	28	0	0	28
2015	4436	Dinsmore Estates - 3	R-1.5	10	3	0	7	0	7
2016	not recorded	Emerald Gardens	R-2	15	0	0	0	15	15
2016	not recorded	Franz Meadow	R-1	18	0	18	0	0	18

Total Platted Lots Remaining in Subdivisions as of 2/25/16	92	7	27	126
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Available Platted Lots in Canby by Minor Land Partitions

As of February 25, 2016

<u>YEAR</u>	<u>PLAT #</u>	<u>SUBDIVISION NAME</u>	<u>Zoning</u>	<u>Total Lots</u>	<u>Homes Permitted</u>	<u>R-1 Zone Lots Remaining</u>	<u>R-1.5 Zone Lots Remaining</u>	<u>R-2 Zone Lots Remaining</u>	<u>Total Remaining</u>
2008	PP2008-022	Fawver	R-2	2	1	0	0	1	1
2008	PP2008-100	Kacalek	R-1	2	1	1	0	0	1
2009	PP2009-036	City of Canby	R-1	3	0	3	0	0	3
2009	PP2009-048	WVCC	R-1	2	1	1	0	0	1
2011	PP2011-038	Zimmer	R-2	3	1	0	0	2	2
2015	PP2015-004	White River Homes	R-1	2	1	1	0	0	1

Total Platted Lots Remaining MLP as of 2/25/16	6	0	3	9
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Total Buildable Residential Lots as of 2/25/16	<u>R-1 Zone</u>	<u>R-1.5 Zone</u>	<u>R-2 Zone</u>	<u>TOTAL</u>
	<u>Lots Remaining</u>	<u>Lots Remaining</u>	<u>Lots Remaining</u>	<u>REMAINING</u>
	98	7	30	135
	TOTAL SFR (R-1 & R1.5)	105		
	TOTAL MFR (R-2)	30		

2015			
<u>Month</u>	<u>SFR</u>	<u>MFR</u>	<u>TOTAL Permits</u>
Jan	4	0	4
Feb	1	2	3
March	6	6	12
April	4	0	4
May	4	3	7
June	4	0	4
July	13	0	13
August	6	6	12
Sept	8	0	8
Oct	8	0	8
Nov	4	0	4
Dec	6	0	6
Total	68	17	85

SFR = Single Family Residential
MFR = Multi Family Residential

<u>TOTAL BUILDING PERMITS - NEW RESIDENTIAL CONSTRUCTION - as of January 1, 2016</u>				
10 Year Historical Average	<i>447 Permits</i>		<i>44.7 per year</i>	<i>3.73 per month</i>
3 Year Historical Average	<i>136 Permits</i>		<i>45.3 per year</i>	<i>3.78 per month</i>
2015 Actuals	<i>68 Permits</i>	<i>17 Permits</i>	<i>85 per year</i>	<i>7.08 per month</i>
	<i>SFR</i>	<i>MFR</i>	<i>Total</i>	

<u>**REMAINING BUILDABLE LOT SUPPLY - as of February 25, 2016</u>		
	<i>Avg Permits</i>	<i>In Years</i>
10 Year Historical Average	<i>44.7 per year</i>	<i>3.02 years</i>
3 Year Historical Average	<i>45.3 per year</i>	<i>2.98 years</i>
2015 Actuals	<i>85 per year</i>	<i>1.59 years</i>
** as of January 1, 2016		

<u>***REMAINING BUILDABLE LOT SUPPLY - End of 2016</u>		
	<i>Avg Permits</i>	<i>In Years</i>
10 Year Historical Average	<i>44.7 per year</i>	<i>2.19 years</i>
3 Year Historical Average	<i>45.3 per year</i>	<i>2.15 years</i>
2015 Actuals	<i>85 per year</i>	<i>0.59 years</i>
***Estimate End of 2016		

Griffin Land Surveying Inc.

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

Office: (503)201-3116

April 25, 2016

MANDAN LLC

Project: 0160

Total Property Description
Tax Lots 300, 301, 302 Map 31E34B
Clackamas County, Oregon

Lot 93 "Canby Gardens", a subdivision filed in Clackamas County Plat Records, situated in the Northwest 1/4 of Section 31, Township 3 South, Range 1 East, Willamette Meridian, in the County of Clackamas, State of Oregon.

EXCEPT the North 16.50 feet of said Lot 93.

ALSO EXCEPTING THE FOLLOWING:

Beginning at the SW corner of said Lot 93, being on the centerline of Redwood Street (County Road No. 2163); thence S 89°58'21" E along the South line of said Lot 93, 20.00 feet to the East right of way line of said Redwood Street; thence N 0°01'32" W along said East right of way line, 313.50 feet to a point 16.50 feet Southerly of the North line of said Lot 93; thence N 89°58'21" W parallel with the North line of said Lot 93, 20.00 feet to said centerline; thence S 0°01'32" E along said centerline, 313.50 feet to the point of beginning.

Contains 4.57 acres.



Griffin Land Surveying Inc.

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

Office: (503)201-3116

April 25, 2016

MANDAN LLC

Project: 0160

Redwood Street Right of Way Description

Map 31E34B

Clackamas County, Oregon

A portion of Lot 93 "Canby Gardens", a subdivision filed in Clackamas County Plat Records, situated in the Northwest 1/4 of Section 31, Township 3 South, Range 1 East, Willamette Meridian, in the County of Clackamas, State of Oregon, being more particularly described as follows:

Beginning at the SW corner of said Lot 93, being on the centerline of Redwood Street (County Road No. 2163); thence S 89°58'21" E along the South line of said Lot 93, 20.00 feet to the East right of way line of said Redwood Street; thence N 0°01'32" W along said East right of way line, 313.50 feet to a point 16.50 feet Southerly of the North line of said Lot 93; thence N 89°58'21" W parallel with the North line of said Lot 93, 20.00 feet to said centerline; thence S 0°01'32" E along said centerline, 313.50 feet to the point of beginning.



TOWNHOME LOTS

16.5' Access Easement (not a part)

639.28'

120'

10'

Common Area
Public Access
5,288 Sq. Feet
0.121 Acres

Lot 8
SFR

Lot 9
SFR

Lot 10
SFR

Lot 11
SFR

Lot 12
SFR

Lot 13
SFR

Lot 14
SFR

Lot 15
SFR

Existing Hse
To be Removed

Duplex Lot

5,001 Sq. Feet
0.115 Acres

N E 12th Avenue Extension

Fire Truck
Turn-a-round

Duplex Lot

5,001 Sq. Feet
0.115 Acres

313.50'

Lot 3
SFR

Lot 4
SFR

Lot 5
SFR

Lot 6
SFR

Lot 7
SFR

Duplex Lot

5,001 Sq. Feet
0.115 Acres

Private Drive 28'

Duplex Lot

5,001 Sq. Feet
0.115 Acres

Lot 1
Existing Home

Lot 2
Moved Home

1176, 1212, & 1234 North Redwood

Proposed Annexation, 4.8 Acres

R 1.5 and R2

DATE: 1/30/2016

SCALE: 1" = 60'

DRAWN BY: A. Manuel

130'
Elevation

Overhead Electrical Primary

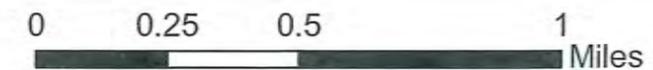
12" Water Main

N REDWOOD ST - 60'

CL

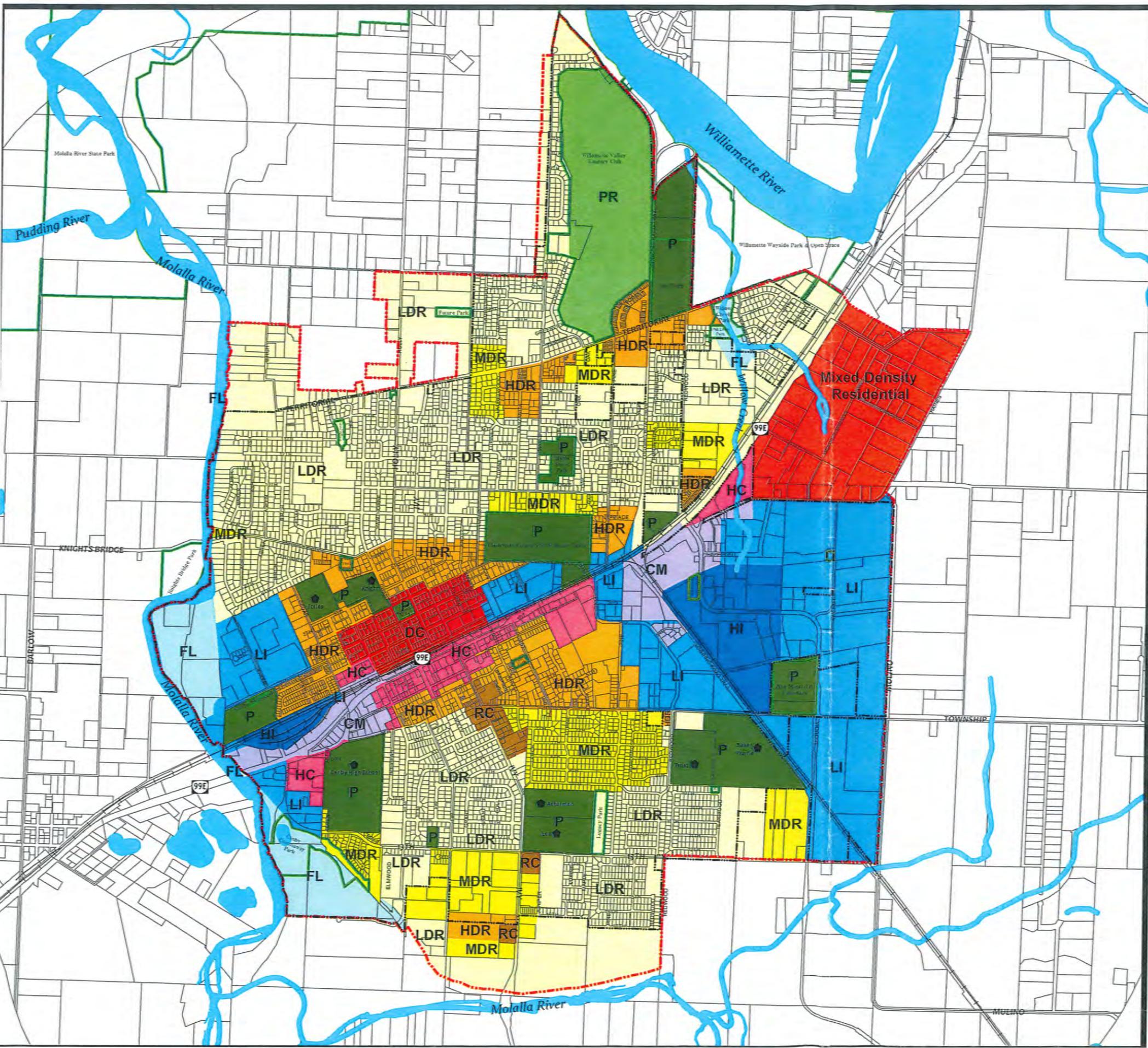
24" Sewer Main

City of Canby Comprehensive Plan Map



May 2014

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



Enrolled Senate Bill 1573

Sponsored by Senator BEYER (Presession filed.)

CHAPTER

AN ACT

Relating to boundary changes; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 222.111 to 222.180.

SECTION 2. (1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the city's ordinances.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.

SECTION 3. This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Governor Kate Brown (/gov/Pages/index.aspx) / Administration (/gov/admin/Pages/default.aspx) / Bills Signed

Bills Signed

For more information about legislative history on these bills, **click here** (<https://olis.leg.state.or.us/liz/2013I1>).

Bills Signed 2016

Bills Signed By Governor Brown 2016		
	Measure Number	Signed or Vetoed
53	SB 1503	Signed
54	SB 1512	Signed
55	SB 1513	Signed
56	SB 1522	Signed
57	SB 1527	Signed
58	SB 1533	Signed
59	SB 1566	Signed
60	SB 1573	Signed
61	SB 1582	Signed
62	SB 1591	Signed
63	HB 4037	Signed
64	HB 4009	Signed
65	HB 4107	Signed

Bills Signed 2015

**A REVISED TPR COMPLIANCE LETTER IS BEING
PREPARED BY ODOT TO ADD CLARIFICATION**



Oregon

Kate Brown, Governor

Department of Transportation
Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

April 15, 2016

City of Canby
PO Box 930
Canby, OR 97013

ODOT Case No: 7080

Subject: Ann/ZC 16-01, 02, 03: N. Redwood St. Annexations and Zone Changes
S Highway 99E between N. Redwood St. and NE Territorial Road

Attn: Bryan Brown, Planner

We have reviewed the applicant's proposal to for annexation and zone changes of 72.15 acres of land along N. Redwood St. at multiple addresses in Canby. Proposed zone changes are from EFU to R-1; RRFF5 to R-1, R-1.5 & R-2. The site is adjacent to PACIFIC HIGHWAY EAST. ODOT has permitting authority for this facility¹ and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified a REGIONAL highway and the performance standard is 0.75 volume to capacity (v/c) ratio in unincorporated communities.

For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT requests that the City of Canby require the applicant to prepare a traffic impact study (TIS) prepared by a transportation engineer registered in Oregon. The analysis should address the following:

1. A comparison between the land use with the highest reasonable trip generation rate allowed outright under the proposed zoning/comp plan designation and the land use with the highest reasonable trip generation rate allowed outright under the existing zoning/comprehensive plan designation (this is commonly referred to as the "reasonable worst case" traffic analysis). The analysis should utilize the current edition of Institute of Transportation Engineers (ITE) *Trip Generation* manual, unless otherwise directed. To determine the maximum amount of building square footage

¹ OAR 734-051 website: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html

that could be put on the site the analyst should look at the number of parking spaces, building height, and required landscaping in the local development code.

Note: It is important that the applicant's transportation engineer provide ODOT the opportunity to review and concur with the mix of land uses and square footage they propose to use for the "reasonable worst case" traffic analysis for both existing and proposed zoning prior to commencing the traffic analysis, particularly if the applicant chooses to perform their analysis using a trip generation rate determined by any means other than ITE *Trip Generation*.

2. Analysis may rely on existing and planned transportation improvements in which a funding mechanism is in place including but not limited to projects identified in:
 - State Transportation Improvement Program (STIP),
 - Local/County Capital Improvement Plans (CIP),
 - Financially constrained Regional Transportation System Plan (RTP),
3. The analysis should apply the highway mobility standard (volume-to-capacity ratio) identified in the OHP over the planning horizon in the adopted local transportation system plan of the area or 15 years from the proposed date of amendment adoption, whichever is greater (OHP Action 1F2).
4. In situations where the highway facility is operating above the OHP mobility standard and transportation improvements are not anticipated within the planning horizon to bring performance to standard, the performance standard is to avoid further degradation. If the proposed zone change or comprehensive plan amendment increases the volume-to-capacity ratio further, it will significantly affect the facility (OHP Action 1F6).
5. The analysis should not include any existing or proposed approaches on the highway unless the proposed site is landlocked². If landlocked, the analysis should only use one approach to the highway.

Prior to commencing the TIS, the applicant should contact **Andy Jeffrey, ODOT Region 1 Traffic at 503.731.8435** to obtain ODOT concurrence with the scope of the study.

Thank you for providing ODOT the opportunity to participate in this land use review. If you have any questions regarding this matter, please contact me at .

Sincerely,

P Elise Scolnick
Development Review Planner

C: Andy Jeffrey, ODOT Region 1 Traffic

² A parcel is considered 'landlocked' if it has no other reasonable access other than to a state highway. Burden of proof is on the applicant to provide justification as to why access to a road other than a state highway is not reasonable.

April 26, 2016

To: Canby Planning Commission

From: Daniel Webb on behalf of Linda Thomas
1864 N. Redwood St.
Canby, Oregon 97013

RE: Annexation applications, ANN/ZC 16-02 and 16-03.

References: Canby Municipal Code Chapter 16
Division VI. – ANNEXATIONS Chapter 16.84 REGULATIONS & 16.89 Application and Review
Procedures

We recently received notice of a Public Hearing and Request for Comments relating to the annexation applications, ANN/ZC 16-01, 16-02 and 16-03. The comments below apply to 16-02 and 16-03 and specifically to **16.84.030 Filing procedure, 16.84.040 Standards and criteria and 16.89.060 Type IV Decision and 16.89.070 Neighborhood Meetings**

B. The following criteria shall apply to **all** annexation requests. **A neighborhood meeting is required as per Table 16.89.020 of the City of Canby Land Development and Planning Ordinance.**

We contacted the Planning department after receiving notification of the Planning Commission Hearing had been scheduled to consider the applications referenced above to ask why we were not notified of the public meeting that was held. The Planning Director informed us the staff had waived the requirement for the public meeting because staff had enough public input from what was received during the process of the adoption of the "North Redwood St. Master Plan". Although the Planning Director may waive this requirement as outlined in 16.89.070, which he has done, we feel an annexation of this magnitude (The Largest in recent history if not the largest ever for the City of Canby), the Planning Director should not have waived the requirement for a neighborhood meeting as clearly outlined under 16.84.040, paragraph #3. Therefore, the Staff should not have submitted the application to the Planning Commission for consideration since all the requirements for a complete application would not been met.

We respectfully ask the Planning Commission to send this application back to Staff to be completed with a Neighborhood Meeting before any consideration or review by the Commission.

Neighborhood Meeting Needed for Input from the Citizens of Canby

The "Stake Holders Advisory Committee" and the "Technical Advisory Committee" for the Redwood St. Master Plan discussed many different aspects of the Master Plan. The discussions and input from the Stake Holders, and the public input (which was very limited), during the process never discussed any issues relating to Annexation. Furthermore, the neighbors and neighborhood organizations have not had the opportunity to review and comment on the applicant's analysis of the need for additional property within the city limits. The amount of developable land (within the same class of zoning) 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 to provide for the anticipated population growth over the next three years. The 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 the proposed actions to mitigate any identified concerns. These are clearly outlined in the application requirements and outlined in the Standards and Criteria for Annexation Requests.

Furthermore, under 16.84.040 Standards and Criteria, paragraph 7, "a Statement outlining a method and source of financing required to provide additional facilities, if any, is required". The North Redwood St. Master Plan addressed many of the methods and sources for the financing of the infrastructure required for development of the area including sewer, water, storm water, streets, etc. However, the method and source of financing the additional development and maintenance of the large areas which will be dedicated to the City for parks and or open space was discussed but a method of, and source of, funding by the City was not answered. I believe Staff indicated that this would be addressed when and if they were presented with new parks and open space dedication. When recently asked the question about funding for development and maintenance of the City's current inventory of parks, Staff indicated the City does not have adequate funding available to maintain the current inventory of parks and has park inventory which has not yet been developed nor was there any remedy for the future.

We submit to the Planning Commission that parks are "additional facilities" and the method and source for the funding for development and maintenance of any future dedication of land to the City for parks or open space needs to be answered prior to any lands being annexed which would in turn require dedication of land for parks when developed.

The land owners/developers of the properties being annexed will be required to follow the N. Redwood St. Master Plan as their "Roadmap" for development. They will also be required to demonstrate the availability of facilities to serve their development and or plans to provide the facilities, including a guarantee (bond) the development will be completed in a timely manner. The Master Plan also included detailed plans for the dedication and development of parks within the plan as well. We submit the City should follow the same roadmap and develop the land which is dedicated for parks in a timely manner and provide a method of, and source of, funding by the City.

I'm all for development done the proper way. I'm for parks for our community, parks we can actually use.

Since the City can no longer require a vote of the people on annexation requests, we feel a Neighborhood meeting is needed more than ever. In recent years the voters of Canby have been very vocal and concerned over annexations of all sizes. With the magnitude of this annexation request, we believe the Planning Commission would be remiss to review the application without the benefit of input a neighborhood meeting would provide.

Respectfully,

Daniel Webb on behalf of Linda Thomas

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 111 NW Second Street
E-mail: brownb@ci.canby.or.us

Written comments to be included in Planning Commission packet are due by Wednesday, April 27, 2014.
Written comments to be included in City Council packet are due by Wednesday, May 18, 2016. Written and oral comments can be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.

Application: ANN/ZC 16-01, ANN/ZC 16-02 & ANN/ZC 16-03

COMMENTS:

WE HAVE NO CONCERNS WITH THIS APPLICATION.

NAME: HASSAN IBRAHIM
EMAIL: haci@curran-mcleod.com
ORGANIZATION/BUSINESS/AGENCY: CURRAN-MCLEOD, INC.
ADDRESS: 6655 SW HAMPTON ST. SUITE 210
PHONE # (optional): 503 684 3478
DATE: April 11, 2016

AGENCY RESPONSE - *Please check one box and fill in your Name/Agency/Date above:*

- 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

**A REVISED TPR COMPLIANCE LETTER IS BEING
PREPARED BY ODOT TO ADD CLARIFICATION**



Oregon

Kate Brown, Governor

Department of Transportation
Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

April 15, 2016

City of Canby
PO Box 930
Canby, OR 97013

ODOT Case No: 7080

Subject: Ann/ZC 16-01, 02, 03: N. Redwood St. Annexations and Zone Changes
S Highway 99E between N. Redwood St. and NE Territorial Road

Attn: Bryan Brown, Planner

We have reviewed the applicant's proposal to for annexation and zone changes of 72.15 acres of land along N. Redwood St. at multiple addresses in Canby. Proposed zone changes are from EFU to R-1; RRFF5 to R-1, R-1.5 & R-2. The site is adjacent to PACIFIC HIGHWAY EAST. ODOT has permitting authority for this facility¹ and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified a REGIONAL highway and the performance standard is 0.75 volume to capacity (v/c) ratio in unincorporated communities.

For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT requests that the City of Canby require the applicant to prepare a traffic impact study (TIS) prepared by a transportation engineer registered in Oregon. The analysis should address the following:

1. A comparison between the land use with the highest reasonable trip generation rate allowed outright under the proposed zoning/comp plan designation and the land use with the highest reasonable trip generation rate allowed outright under the existing zoning/comprehensive plan designation (this is commonly referred to as the "reasonable worst case" traffic analysis). The analysis should utilize the current edition of Institute of Transportation Engineers (ITE) *Trip Generation* manual, unless otherwise directed. To determine the maximum amount of building square footage

¹ OAR 734-051 website: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html

that could be put on the site the analyst should look at the number of parking spaces, building height, and required landscaping in the local development code.

Note: It is important that the applicant's transportation engineer provide ODOT the opportunity to review and concur with the mix of land uses and square footage they propose to use for the "reasonable worst case" traffic analysis for both existing and proposed zoning prior to commencing the traffic analysis, particularly if the applicant chooses to perform their analysis using a trip generation rate determined by any means other than ITE *Trip Generation*.

2. Analysis may rely on existing and planned transportation improvements in which a funding mechanism is in place including but not limited to projects identified in:
 - State Transportation Improvement Program (STIP),
 - Local/County Capital Improvement Plans (CIP),
 - Financially constrained Regional Transportation System Plan (RTP),
3. The analysis should apply the highway mobility standard (volume-to-capacity ratio) identified in the OHP over the planning horizon in the adopted local transportation system plan of the area or 15 years from the proposed date of amendment adoption, whichever is greater (OHP Action 1F2).
4. In situations where the highway facility is operating above the OHP mobility standard and transportation improvements are not anticipated within the planning horizon to bring performance to standard, the performance standard is to avoid further degradation. If the proposed zone change or comprehensive plan amendment increases the volume-to-capacity ratio further, it will significantly affect the facility (OHP Action 1F6).
5. The analysis should not include any existing or proposed approaches on the highway unless the proposed site is landlocked². If landlocked, the analysis should only use one approach to the highway.

Prior to commencing the TIS, the applicant should contact **Andy Jeffrey, ODOT Region 1 Traffic at 503.731.8435** to obtain ODOT concurrence with the scope of the study.

Thank you for providing ODOT the opportunity to participate in this land use review. If you have any questions regarding this matter, please contact me at .

Sincerely,

P Elise Scolnick
Development Review Planner

C: Andy Jeffrey, ODOT Region 1 Traffic

² A parcel is considered 'landlocked' if it has no other reasonable access other than to a state highway. Burden of proof is on the applicant to provide justification as to why access to a road other than a state highway is not reasonable.

Enrolled
Senate Bill 1573

Sponsored by Senator BEYER (Presession filed.)

CHAPTER

AN ACT

Relating to boundary changes; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 222.111 to 222.180.

SECTION 2. (1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the city's ordinances.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.

SECTION 3. This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Governor Kate Brown (/gov/Pages/index.aspx) / Administration (/gov/admin/Pages/default.aspx) / Bills Signed

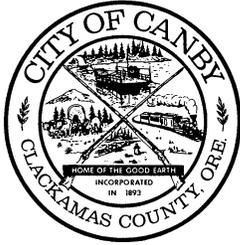
Bills Signed

For more information about legislative history on these bills, **click here** (<https://olis.leg.state.or.us/liz/2013I1>).

Bills Signed 2016

Bills Signed By Governor Brown 2016		
	Measure Number	Signed or Vetoed
53	SB 1503	Signed
54	SB 1512	Signed
55	SB 1513	Signed
56	SB 1522	Signed
57	SB 1527	Signed
58	SB 1533	Signed
59	SB 1566	Signed
60	SB 1573	Signed
61	SB 1582	Signed
62	SB 1591	Signed
63	HB 4037	Signed
64	HB 4009	Signed
65	HB 4107	Signed

Bills Signed 2015



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

**A REQUEST FOR APPROVAL OF)
ANNEXATION AND ZONE CHANGE)
FOR PROPERTY LOCATED AT)
1212, 1234 AND 1176)
N REDWOOD ST)**

**FINDINGS, CONCLUSION & FINAL ORDER
ANN/ZC 16-02
ManDan, LLC**

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change application #ANN/ZC 16-02 of 4.57 acres of real property described as Tax Lots 31E34B00300, 31E34B00301, and 31E34B00302, Clackamas County, Oregon. The property is zoned County RRF5 and is requested to be zoned city R-1.5 (Low Density Residential), and R.2 (High Density Residential).

HEARINGS

The Planning Commission considered applications ANN/ZC 16-02 after the duly noticed hearing on May 9, 2016 during which the Planning Commission recommended by a ___/___ vote that the City Council approve ANN/ZC 16-02 per the recommendation contained in the staff report.

CRITERIA AND STANDARDS

In judging whether or not an annexation and zone change application 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 May 9, 2016 and presented at the May 9, 2016 public hearing of the Planning Commission.

FINDINGS AND REASONS

The Planning Commission considered applications ANN/ZC 16-02 at a public hearing held on May 9, 2016 during which the staff report was presented, including all attachments, and a PowerPoint presentation from staff. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed annexation and new zoning designations submitted by the applicants.

After hearing public testimony, and closing the public hearing, the Planning Commission made the following 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 Files #ANN/ZC 16-02 as stated below. The Planning Commission's order is reflected below.

ORDER

Based on the application submitted and the facts, findings and conclusions of the staff report, and the supplemental findings from the public hearing, the Planning Commission recommended to the City Council **APPROVAL** of annexation and zone change applications **ANN/ZC 16-02** as follows:

1. ANN/ZC 16-02 be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1.5 and R-2 as indicated by the North Redwood Development Concept Plan Map and the Canby Comprehensive Plan Map.

ORDINANCE NO. 1443

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 4.71 ACRES INCLUDING 4.57 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 300, 301, AND 302 OF SECTION 34B, T3S, R1E, WM (ASSESSOR TAX MAP 3-1E-34B AND .14 ACRES (6270 SQUARE FEET) OF ADJACENT N. REDWOOD STREET RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF5) TO CITY MEDIUM DENSITY RESIDENTIAL (R-1.5) FOR TAX LOTS (301 & 302) AND TO CITY HIGH DENSITY RESIDENTIAL (R-2) FOR TAX LOT (300) AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.

WHEREAS, on June 1, 2016, at a public hearing the City Council of the City of Canby approved by a vote of _____ to _____, Annexation/Zone Change 16-02 which called for the annexation of 4.71 acres into the City of Canby. Applicant (Allen Manuel) and owners of the annexed property ManDan, LLC consisting of member Allen Manual and member Glennette Danforth, tax lots 300, 301, and 302 Section 34B, T3S R1E WM (Assessor Map 3-1E-34B) along with one-half of the adjacent right-of-way located on the east side of N. Redwood Street. A complete legal description of the tax lots and adjacent right-of-way is attached hereto as Exhibit "A", and a map showing the location of the tax lots and adjacent right-of-way is attached hereto as Exhibit "B" and by this reference are all incorporated herein; and

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

WHEREAS, the zoning of the annexed land shall be designated as R-1.5 Medium Density Residential for tax lots 301 and 302 and R-2 High Density Residential for tax lot 300 conforming with the Canby Comprehensive Plan, 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/owners listed above to change the zoning of three parcels and one-half the adjacent right-of-way totaling 4.71 acres from Rural Residential Farm Forest 5-Acre (RRFF5) to Medium Low Density Residential (R-1.5) and High Density Residential R-2; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on May 9, 2016 after public notices were mailed, posted and printed 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 at a public hearing on May 9, 2016 and at the conclusion of the public hearing, the Planning Commission voted 4-0 to recommend that the City Council approve the applications. The written Findings, Conclusions and Order was approved by the Planning Commission and forwarded to the Council with its recommendation; 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 June 1, 2016; and

WHEREAS, the Canby City Council, after considering the staff report, reviewing the record of the Planning Commission's decision and conducting its own public hearing, voted to accept the Planning Commission's recommendation; and

WHEREAS, the written Findings, Conclusions and Order was approved by the City Council on June 1, 2016; and

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

Section 1. It is hereby proclaimed by the Council of Canby that 4.71 acres of property described in Exhibit "A" and shown on Exhibit "B" is annexed into the corporate limits of the City of Canby, Oregon. Said boundaries of the property are set by the legal descriptions set forth in Exhibit "A".

Section 2. The annexed land shall be rezoned from the county Rural Residential Farm forest 5-Acre (RRFF5) to city Medium Density Residential (R-1.5) and High Density Residential (R-2) as called for in Canby's Comprehensive Plan and 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 June 1, 2016 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 June 15, 2016, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

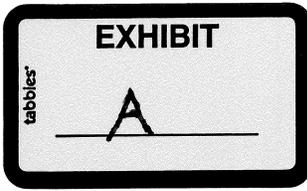
PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on June 15, 2016 by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



Griffin Land Surveying Inc.

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

Office: (503)201-3116

April 25, 2016
MANDAN LLC
Project: 0160

Redwood Street Right of Way Description Map 31E34B Clackamas County, Oregon

A portion of Lot 93 "Canby Gardens", a subdivision filed in Clackamas County Plat Records, situated in the Northwest 1/4 of Section 31, Township 3 South, Range 1 East, Willamette Meridian, in the County of Clackamas, State of Oregon, being more particularly described as follows:

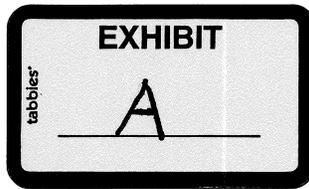
Beginning at the SW corner of said Lot 93, being on the centerline of Redwood Street (County Road No. 2163); thence S 89°58'21" E along the South line of said Lot 93, 20.00 feet to the East right of way line of said Redwood Street; thence N 0°01'32" W along said East right of way line, 313.50 feet to a point 16.50 feet Southerly of the North line of said Lot 93; thence N 89°58'21" W parallel with the North line of said Lot 93, 20.00 feet to said centerline; thence S 0°01'32" E along said centerline, 313.50 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

A handwritten signature in black ink, appearing to read "Kenneth D. Griffin", is written over the signature line of the stamp.

OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147

RENEWS: 6/30/17



Griffin Land Surveying Inc.

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

Office: (503)201-3116

April 25, 2016
MANDAN LLC
Project: 0160

Total Property Description
Tax Lots 300, 301, 302 Map 31E34B
Clackamas County, Oregon

Lot 93 "Canby Gardens", a subdivision filed in Clackamas County Plat Records, situated in the Northwest 1/4 of Section 31, Township 3 South, Range 1 East, Willamette Meridian, in the County of Clackamas, State of Oregon.

EXCEPT the North 16.50 feet of said Lot 93.

ALSO EXCEPTING THE FOLLOWING:

Beginning at the SW corner of said Lot 93, being on the centerline of Redwood Street (County Road No. 2163); thence S 89°58'21" E along the South line of said Lot 93, 20.00 feet to the East right of way line of said Redwood Street; thence N 0°01'32" W along said East right of way line, 313.50 feet to a point 16.50 feet Southerly of the North line of said Lot 93; thence N 89°58'21" W parallel with the North line of said Lot 93, 20.00 feet to said centerline; thence S 0°01'32" E along said centerline, 313.50 feet to the point of beginning.

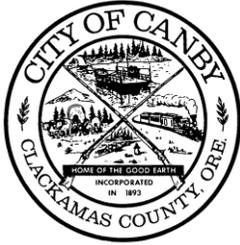
Contains 4.57 acres.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

A handwritten signature in black ink, appearing to read "Kenneth D. Griffin".

OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147

RENEWS: 6/30/17



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

**A REQUEST FOR APPROVAL OF)
ANNEXATION AND ZONE CHANGE)
FOR PROPERTY LOCATED AT)
1212, 1234 AND 1176)
N REDWOOD ST)**

**FINDINGS, CONCLUSION & FINAL ORDER
ANN/ZC 16-02
ManDan, LLC**

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change application **FILE# ANN/ZC 16-02** of 4.57 acres of real property described as Tax Lots 31E34B00300, 31E34B00301, and 31E34B00302, Clackamas County, Oregon. The property is zoned County RRRF5 and is requested to be zoned city R-1.5 (Medium Density Residential), and R.2 (High Density Residential).

HEARINGS

The Planning Commission considered applications **FILE# ANN/ZC 16-02** after the duly noticed hearing on May 9, 2016 during which the Planning Commission recommended by a 4/0 vote that the City Council approve **FILE# ANN/ZC 16-02** per the recommendation contained in the staff report.

The City Council considered applications **FILE# ANN/ZC 16-02** after the duly noticed hearing on June 1, 2016 during which the Council voted ____ to approve **FILE# ANN/ZC 16-02**. These findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not an annexation and zone change application 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 May 9, 2016 and presented at the June 1, 2016 public hearing of the Canby City Council along with the Planning Commission's recommendation.

FINDINGS AND REASONS

The Staff Report was presented and written and oral testimony was received at the Council public hearing. The recommendation to approve **FILE# ANN/ZC 16-02** by the Planning Commission was noted by staff.

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

-

CONCLUSION

In summary, the City Council adopted the findings contained in the staff report and Planning Commission's additional findings, concluding that the annexation/zone change applications meets all applicable approval criteria, and approved **File# ANN/ZC 16-02** as stated below. The City Council's order is reflected below.

ORDER

Based on the application submitted and the facts, findings and conclusions of the staff report, the Planning Commission findings, and the supplemental findings from the Council public hearing, the City Council of the City of Canby **APPROVES ANNEXATION/ZONE CHANGE** applications **FILE# ANN/ZC 16-02** as follows:

1. Upon annexation, the zoning of the subject properties be designated as R-1.5 (Medium Density Residential) and R-2 (High Density Residential) as indicated by the North Redwood Development Concept Plan Map and the Canby Comprehensive Plan Map.

I CERTIFY THAT THIS ORDER approving **ANN/ZC 16-02** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 1st day of June 2016

Brian Hodson
Mayor

Bryan Brown
Planning Director

ORAL DECISION – June 1, 2016

AYES:
NOES:
ABSTAIN:
ABSENT:

WRITTEN FINDINGS – June 1, 2016

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Kimberly Scheafer, MMC
City Recorder



City of Canby

Date: June 1, 2016

From: Bryan Brown, Planning Director

RE: ANN/ZC 16-03

At their May 9, 2016 meeting, the Canby Planning Commission recommended that annexation and zone change (File ANN/ZC 16-03) be approved by the City Council. This request if approved annexes 31.83 acres including 31.38 acres of real property and 0.45 acres of adjacent N. Redwood Street Right-of-way into the City and assigns the Low Density Residential (R-1) zone designation to all the properties.

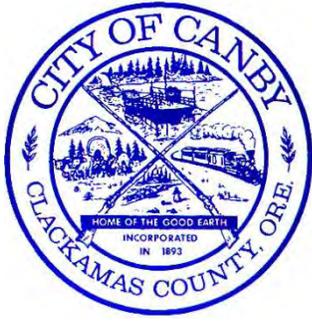
Testimony taken during the Planning Commission public hearing was in support of this annexation except for that of Daniel Webb who emphasized that property values can be adversely impacted by an oversupply of land available for development that would exist when considering all the property proposed to be annexed along with all currently proposed subdivisions - exceeding a 3 year land supply. His primary opposition to this annexation is that it involves property that will be required to be dedicated for a City park when development is proposed. He did not think the City should be annexing land that includes parks prior to knowing how they would be maintained. The Planning Commission's Final Findings reflect a recommendation to the City Council as follows:

1. Approve Annexation/Zone Change 16-03 and direct staff to complete the remaining boundary change processes with the State, County, and district service providers to finalize the decision; and,
2. Change the zoning of the subject property to R-1 as indicated by the North Redwood Development Concept Plan Map and the Canby Comprehensive Plan Map.

Sample motion: I move to approve Annexation/Zone Change File ANN/ZC 16-03 pursuant to the above recommendation by the Planning Commission.

Attachments:

- Planning Commission Final Findings
- Planning Commission Annexation Public Hearing Draft Minutes (5.09.16-if available)
- Staff Report for ANN 16/ZC 16-03 to the Planning Commission with written public comments
- Applicant's submittal, including application forms, narrative, neighborhood meeting notes, pre-application meeting minutes, legal description and survey, Development Concept Plan Maps, and TPR Revised Letter



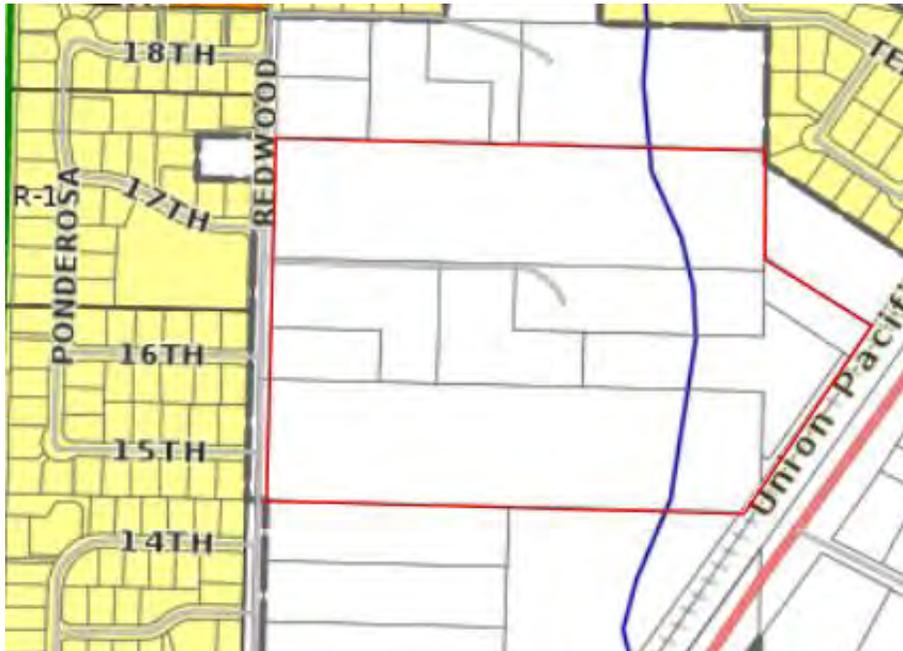
City of Canby

ANNEXATION AND ZONE CHANGE STAFF REPORT

FILE #: ANN/ZC16-03

Prepared for the May 9, 2016 Planning Commission Meeting

LOCATION: 22881 S. Hwy. 99E, 1650, 1612, 1548, 1440, 1758, 1586, 1608, 1594 N. Redwood Street



ANNEXATION PROPERTY SIZE: The site is a total of 31.83 acres

TAX LOTS: 31E27C00300, 31E27C00301, 31E27C00500, 31E27C01200, 31E27C01300, 31E27C01301, 31E27C01302, 31E34B00700, 31E34B00701

COMPREHENSIVE PLAN DESIGNATION: Low Density Residential (LDR)

CURRENT ZONING DESIGNATION: Clackamas County: Rural Residential Farm Forest 5-Acre (RRFF5)

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

OWNER: ETHAN & STEPHANIE MANUEL, STEVEN STEWART, JIM, HUGH, JOHN BOYLE, KAREN, KRISTEEN, KATHLEEN BOYLE, JERRY & LONDA CORCORAN, DAMON & CYNTHIA LILES, ERIC & JOSEPHINE RECHT

APPLICANT: Ethan Manuel

APPLICATION TYPE: Annexation/Zone Change (Type IV)

CITY FILE NUMBER: ANN/ZC 16-03

DATE OF REPORT: April 29, 2016

DATE OF PUBLIC HEARING: May 9, 2016

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The property owners of nine parcels of land located on N. Redwood Street and S. Hwy 99E propose the annexation of their properties into the City of Canby. The property owners also propose a zone change application to change the current zoning from its Clackamas County designation to the City of Canby's R-1 Zone that is designated Low Density Residential in the Canby Zone Code. According to the applicants, there are eight existing homes on separate parcels within the annexation area, and six of these homes will be incorporated into future development plans.

The City of Canby's annexation ordinance requires a Concept Development Plan for tax lots which are a part of an annexation request. This annexation, along with others, were precipitated by the City's initiative to seek and secure grant funding through the Transportation Growth Manage Program to fund the completion of a Development Concept Plan for the North Redwood area which is a requirement prior to annexation for properties in this area. The property owners involved with this annexation have worked together with other property owners in the North Redwood area by participating in the City's planning effort to meet the Concept Development Plan requirements for the area. Subsequently, the North Redwood Development Concept Plan (NRDCP) was adopted by the Canby City Council on October 7, 2015.

The existing 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 Low Density Residential use. The area is currently within Clackamas County's jurisdiction and is presently zoned as Rural Residential Farm Forest 5-Acre (RRFF5). This annexation request is to rezone the properties involved to the City zoning of R-1 in accordance with the corresponding City Comprehensive Plan Map land use designation. This zone designation will take effect if annexed as indicated in this application.

The North Redwood Development Concept Plan (NRDCP) is intended to address City of Canby infrastructure requirements for the North Redwood area. The NRDCP is not a specific development proposal, but a design concept that provides an understanding and framework prior to annexation of how the properties must be developed when brought into the City.

II. ATTACHMENTS

- A.** Application forms for property owner
- B.** Submitted Written Narrative
- C.** Chart of Available Platted Lot Supply in Canby
- D.** Survey of Property to Be Annexed and Legal Description of Private Property describing ½ of adjacent Redwood Street Right-of-Way to be Annexed
- E.** Tax Lot Ownership Survey
- F.** Maps: Aerial Vicinity Map, Assessor Map, Canby Comprehensive Plan Map, Proposed Annexation Area Map
- G.** Development Concept Plan submittal
- H.** Traffic Analysis - contracted by applicant with City's Consulting Traffic Engineer
- I.** Copy of SB1573
- J.** Agency/Citizen Comments

III. **APPLICABLE REVIEW CRITERIA & FINDINGS**

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

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

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

Chapter 16.84 Annexation Compliance

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

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

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

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

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

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 the North Redwood Development Concept Plan (NRDCP) is included in the file. The NRDCP provided an extensive packet of information to address City of Canby future infrastructure requirements for the area, and a great deal of engineering level work has gone into planning for how the concept plan defined area would best be developed and served by all necessary infrastructure. A traffic analysis of the entire subject area was incorporated into the plan to address traffic impacts associated with anticipated full development of the properties in accordance with the applicable zoning designation. Additionally, DKS Engineering provided a memorandum, dated April 4, 2016 that summarized how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for the subject properties as well as two additional current annexation applications located within the NRDCP area. The surrounding roadways and intersections were found to have sufficient capacity to accommodate the proposed annexation, zone change, and the development concept plan. The Transportation Planning Rule requirements of State Statute were determined to have been met as documented in a revised letter from DKS to address clarifications requested by Oregon Department of Transportation (ODOT). All necessary utility services are generally available or can be made available through service line extensions to the annexation area. The Concept Plan maps, along with the Concept Plan & Infrastructure narrative, indicate the options for necessary infrastructure services to serve this area. Stormwater was discussed in the NRDCP, and stormwater management for street runoff will be handled with the installation of new public underground injection wells and the associated catch basins and pollution control manholes for water quality treatment. Private property runoff will be handled on-site with swales or underground soaking trenches within the individual yard areas. A future city park is proposed to be dedicated in-lieu of payment of the park system development charge for an equivalent value exchange as determined by an appraisal at the time it is to be dedicated to the City. The park proposed in the NRDCP was determined a desirable property for park and recreation purposes conforming with and as set forth in the Canby Park and Recreation Master Plan and Acquisition Plan. The park is planned to extend along the bank of Willow Creek, and the creek flows across five of the subject parcels, tax lots 301, 500, 700, 701, and 1200. The NRDCP states that the basic strategy recommended for park appropriation 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 needs to be established by appraisal. A more detailed explanation of this process is located in the NRDCP. This criterion can be met.

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

Findings: A land needs analysis is required with all annexations to assess the current amount of developable land within the same zone designation of that requested in the application. A 3-year supply of developable R-1 zoned land is to be considered sufficient. The City Council previously provided a defined policy direction to staff that stated analysis of actual number of platted lots based on a reasonable assessment of expected consumption rate moving forward is the appropriate metric to utilize in determining the adequacy of the developable land supply. The applicant included in the file an analysis indicating that there are ninety-eight R-1 zoned vacant platted lots remaining as an inventory within the city limits. The city has had an average absorption rate of nearly 45 lots per year for the last 10 years. This indicates that the supply of readily available platted lots with all necessary infrastructures is below a three-year supply. If annexed, this property would add to the buildable land supply. It will likely take 2 to 3 years for this land to be fully platted and the lots made available. Staff concludes that information indicates this criterion is met.

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

Findings: Future development is anticipated to develop the site at a net density of 6.2 units per acre. Potential traffic generation has been shown to be within the capabilities of the surrounding road system with no mitigation necessary other than additional right-of-way dedication along North Redwood Street as a requirement during the development process. The addition of a new neighborhood park that will be located within the NRDCP and partially encompassed inside the boundaries of this annexation, will add to the social and aesthetic effects of development on the subject properties and the future development of the neighborhood livability. Staff does not foresee any significant impacts from the proposal or need to mitigate any identified concerns. Staff agrees the annexation and future development of the subject parcels is consistent with development indicated by the Development Concept Plan and appropriate 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 North Redwood Development Concept Plan provides maps that demonstrate how utility infrastructure will be made available, and unmanageable capacity issues were not identified by City departments and agencies during the NRDCP review process. The proposed public park will be beneficial in serving this area of Canby. There are significant tree resources available for the park area and the conceptual plan provides easy direct

access from the subject properties to the park trails and facilities. This criterion can be met at the time of development.

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

Findings: Staff finds that the information contained in the NRDCP infrastructure section is sufficient, and the applicable criteria can be met.

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

Findings: This staff report incorporates the infrastructure section of the NRDCP as findings. All necessary utility extensions are available to serve this area when development occurs after annexation. The infrastructure section of the NRDCP indicates that connections to existing facilities are available and preferred depending on the development project. Staff finds that NRDCP information is sufficient and this criterion is or can be met.

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

Findings: The applicant will pay the necessary costs of their own development. Information in the NRDCP indicated that most infrastructure facilities in the North Redwood area are expected to be built by individual developers. The exception is the proposed park that can be funded with shared costs of property owners. Staff finds that information in the NRDCP is sufficient for this case, and the applicable criteria can be met.

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

Findings: The applicant intends to follow the Low Density Residential zoning designation of the Comprehensive Plan. The only change is a zoning map amendment to change the zone to R-1, and the Zone Map Change Application that accompanies this annexation request to satisfy the Development Concept Plan. 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. This criterion has been met.**

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

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

16.54.040 Standards and criteria

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

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

Findings: **The subject properties and the NRDCP 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. 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 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 memo that confirmed the proposed annexation met provisions of the TPR. Additionally, a Traffic Analysis was incorporated in the NRDCP to discuss any future traffic impacts when development occurred with zone change proposals. 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 March 31, 2016, at least 20-days prior to the hearing. Prior notification and neighborhood meetings were completed during the North Redwood Development Concept Plan process. The site was posted with a Public Hearing Notice sign by April 29, 2016. A notice meeting ordinance requirements of the public hearings was

published in the Canby Herald on May 4, 2016. Due to the extensive meetings conducted during the NRDCP process, a pre-application meeting was not required 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 March 31, 2016. Comments are summarized below while 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:

- Doug Burnum and Daniel Webb citizens in the area, contacted staff by telephone and requested information regarding the impacts of this application on future annexations and development in the area.

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. A City adopted satisfactory Development Concept Plan and explanatory narrative was submitted detailing how all necessary infrastructures to the properties proposed to be annexed will serve the area as required by the annexation ordinance.
 3. The proposed annexation can meet the approval criteria set forth in CMC 16.84.040.A.
 4. The zoning of the property, if annexed, should be R-1 as indicated in the application and pursuant to the approval criteria set forth for map amendments in CMC 16.54.040.
 5. The proposed annexation's requested zoning district of R-1 is in conformance with the Comprehensive Plan Land Use Plan Map.
 6. The application complies with all applicable Oregon Revised Statutes.
 7. There are sufficient public and private agency utility and service capacity to serve the site at the anticipated development intensity.
 8. In accordance with the UGMA with Clackamas County, this proposed annexation application includes a description of one-half of the adjacent road right-of-way with the properties proposed for annexation.
 9. It has been determined that existing land available is below a three-year supply of developed R-1 zoned lots within the City limits. Therefore, the supply does not exceed a three-year supply and there is a "need" for low density residential zoned land for development at this time.
-

16.89 Recommendation

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

1. ANN/ZC 16-03 be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1 as indicated by the North Redwood Development Concept Plan Map and the Canby Comprehensive Plan Map.



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

LAND USE APPLICATION

ANNEXATION Process Type IV

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

Applicant Name: _____ Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Representative Name: _____ Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

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

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

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

- ① All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ② All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- ③ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

PROPERTY & PROJECT INFORMATION:

 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

 Describe the Proposed Development or Use of Subject Property

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

Exhibit A: Owner Statement – Annexation Consent

2-15-16

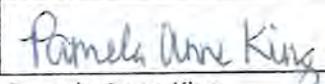
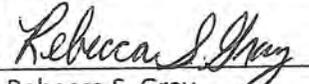
Consent to annex into the City of Canby is hereby given by the undersigned, who represent 100% of the land owners in the 31.46 acre territory. In addition, consent to file application for annexation via Land Use Application: Annexation Process Type IV is hereby given by the undersigned.

Signatures for Tax Lots 300, 301, 500 (3S-1E-27C), and 700 (3S-1E-34B)

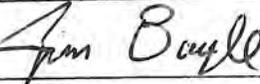
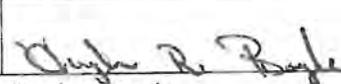
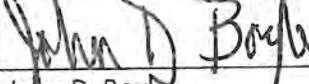
	
Ethan A. Manuel (a)	Stephanie L. Manuel (a)

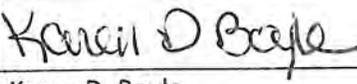
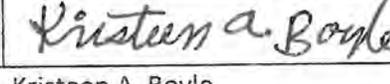
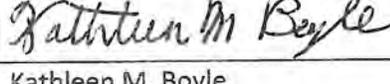
(a) As owner and as member of Proudest Monkey Development, LLC

Signatures for Tax Lot 701 (3S-1E-34B)

		
Steven K. Stewart	Pamela Anne King	Rebecca S. Gray

Signatures for Tax Lot 1200 (3S-1E-27C)

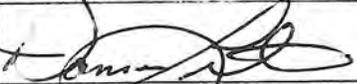
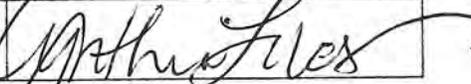
		
Jim Boyle	Hugh R. Boyle	John D. Boyle

		
Karen D. Boyle	Kristeen A. Boyle	Kathleen M. Boyle

Signatures for Tax Lot 1300 (3S-1E-27C)

	
Jerry Corcoran	Londa Corcoran

Signatures for Tax Lot 1301 (3S-1E-27C)

	
Damon K. Liles	Cynthia L. Liles

Signatures for Tax Lot 1302 (3S-1E-27C)

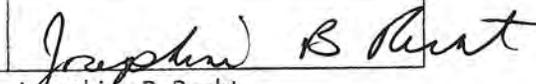
	
Eric W. Recht	Josephine B. Recht

Exhibit B: Annexation Description Statement

2-15-16

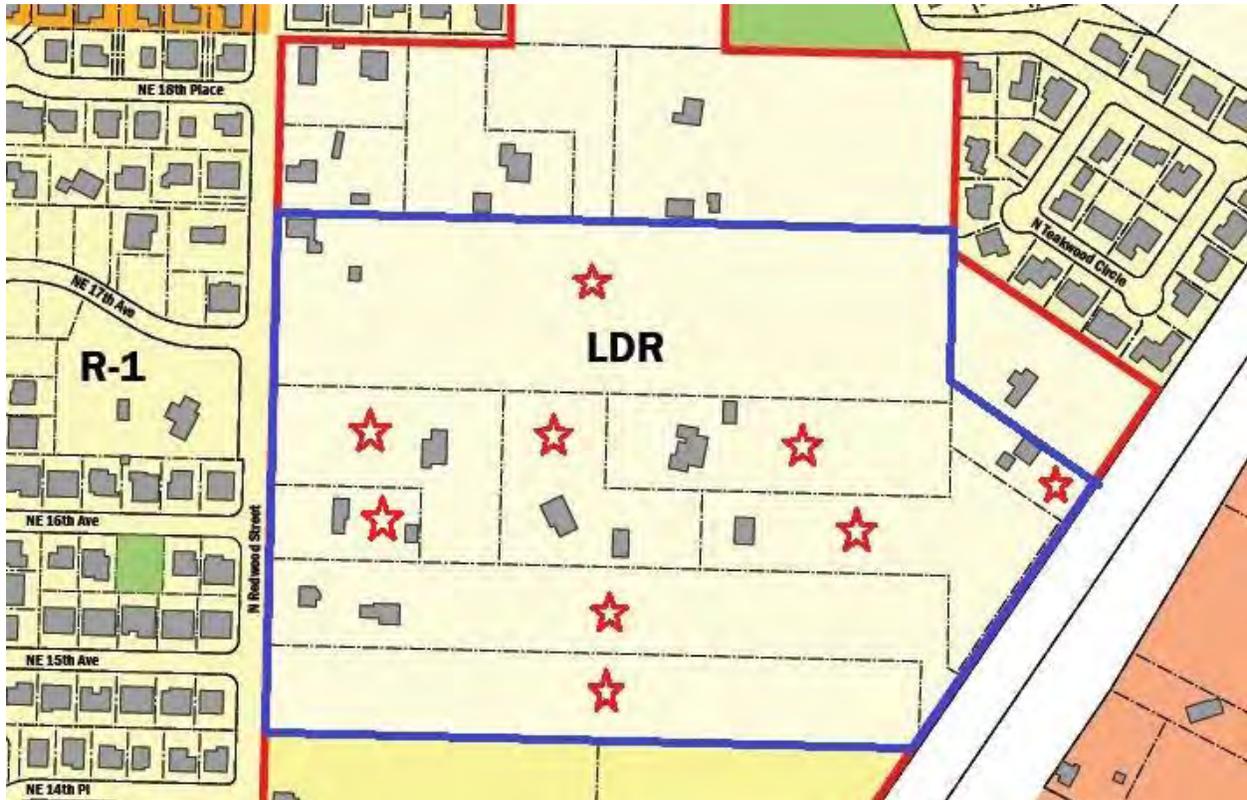
Six ownership groups within the North Redwood Development Concept Plan (DCP) wish to annex 31.46 contiguous acres into the City of Canby. The property information can be seen in the table below.

Owner	Acreage	Tax Lot	Existing House	Existing Outbuilding	Address
Manuel	0.70	300	1	1	22881 S Hwy 99-E
Manuel	2.73	301	1		1650 N Redwood St
Manuel	2.71	500	1	1	1612 N Redwood St
Manuel	5.25	700	1	1	1548 N Redwood St
Stewart	4.73	701			1440 N Redwood St
Boyle	9.85	1200	1	1	1758 N Redwood St
Corcoran	.93	1300	1	1	1586 N Redwood St
Liles	2.14	1301	1	1	1608 N Redwood St
Recht	2.42	1302	1		1594 N Redwood St
Totals	31.46		8	6	

There are eight existing single family homes, six detached shop/garage buildings on the property, and Willow Creek runs across five of the parcels, TL 301, 500, 700, 701 & 1200. The portions of land on either side of the creek will likely develop at different times depending on availability of access, and development will consist of single family homes consistent with the North Redwood Development Concept Plan.

Of the existing structures, six single family homes will be incorporated into future development plans. These homes are 1650, 1612, 1758, 1586, 1608 & 1594 N Redwood St, on tax lots 301, 500, 1200, 1300, 1301 and 1302 respectively.

The map below shows the 31.46 acres outlined in blue with red stars on each tax lot participating in this annexation application.



All 31.46 acres are within the North Redwood Development Concept Plan, and thus are governed by the recommendations in that concept plan. The North Redwood DCP addresses zoning (low density residential for this property), adequacy of public facilities and services, infrastructure such as sewer, water, roads and parks, and approval criteria for annexation. The DCP finds that there are adequate services for this property, that it meets the approval criteria for annexation, and that future development can be done in an integrated cohesive fashion maintaining the “small town” existing fabric of our Canby community. It also highlights one of the truly unique opportunities provided by this area to create a community park and walking trail along Willow Creek. With the annexation of this 31.46 acres, most of creek necessary to create this community treasure becomes available. Rather than repeating all the DCP findings here, I refer you to the North Redwood Development Concept Plan adopted by the City of Canby in 2015.

Available Platted Lots in Canby by Subdivisions

As of February 25, 2016

<u>YEAR</u>	<u>PLAT #</u>	<u>SUBDIVISION NAME</u>	<u>Zoning</u>	<u>Total Lots</u>	<u>Homes Permitted</u>	<u>R-1 Zone Lots Remaining</u>	<u>R-1.5 Zone Lots Remaining</u>	<u>R-2 Zone Lots Remaining</u>	<u>Total Remaining</u>
1991	2995	North Pine Addition No. 2	R-1	13	12	1	0	0	1
2004	3947	Yorkfield	R-2	136	133	0	0	3	3
2005	4089	Kraft Place	R-1	4	1	3	0	0	3
2006	4095	Bremer Court	R-1	7	6	1	0	0	1
2006	4218	Dinsmore Estates	R-1	14	13	1	0	0	1
2006	4162	Knott Commons	R-2	10	7	0	0	3	3
2014	4396	Northwoods Estates No. 2	R-1	33	9	24	0	0	24
2015	4409	Dinsmore Estates - 2	R-1	41	33	8	0	0	8
2015	4422	Pine Meadow	R-1	19	11	8	0	0	8
2015	4423	Poplar Townhomes	R-2	6	0	0	0	6	6
2015	4433	Faist Addition Phase 6	R-1	30	2	28	0	0	28
2015	4436	Dinsmore Estates - 3	R-1.5	10	3	0	7	0	7
2016	not recorded	Emerald Gardens	R-2	15	0	0	0	15	15
2016	not recorded	Franz Meadow	R-1	18	0	18	0	0	18

Total Platted Lots Remaining in Subdivions as of 2/25/16	92	7	27	126
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Available Platted Lots in Canby by Minor Land Partitions

As of February 25, 2016

<u>YEAR</u>	<u>PLAT #</u>	<u>SUBDIVISION NAME</u>	<u>Zoning</u>	<u>Total Lots</u>	<u>Homes Permitted</u>	<u>R-1 Zone Lots Remaining</u>	<u>R-1.5 Zone Lots Remaining</u>	<u>R-2 Zone Lots Remaining</u>	<u>Total Remaining</u>
2008	PP2008-022	Fawver	R-2	2	1	0	0	1	1
2008	PP2008-100	Kacalek	R-1	2	1	1	0	0	1
2009	PP2009-036	City of Canby	R-1	3	0	3	0	0	3
2009	PP2009-048	WVCC	R-1	2	1	1	0	0	1
2011	PP2011-038	Zimmer	R-2	3	1	0	0	2	2
2015	PP2015-004	White River Homes	R-1	2	1	1	0	0	1

Total Platted Lots Remaining MLP as of 2/25/16	6	0	3	9
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	<u>R-1 Zone Lots Remaining</u>	<u>R-1.5 Zone Lots Remaining</u>	<u>R-2 Zone Lots Remaining</u>	<u>TOTAL REMAINING</u>
Total Buildable Residential Lots as of 2/25/16	98	7	30	135
TOTAL SFR (R-1 & R1.5)	105			
TOTAL MFR (R-2)		30		

2015			
<u>Month</u>	<u>SFR</u>	<u>MFR</u>	<u>TOTAL Permits</u>
Jan	4	0	4
Feb	1	2	3
March	6	6	12
April	4	0	4
May	4	3	7
June	4	0	4
July	13	0	13
August	6	6	12
Sept	8	0	8
Oct	8	0	8
Nov	4	0	4
Dec	6	0	6
Total	68	17	85

SFR = Single Family Residential
MFR = Multi Family Residential

TOTAL BUILDING PERMITS - NEW RESIDENTIAL CONSTRUCTION - as of January 1, 2016				
10 Year Historical Average	<i>447 Permits</i>		<i>44.7 per year</i>	<i>3.73 per month</i>
3 Year Historical Average	<i>136 Permits</i>		<i>45.3 per year</i>	<i>3.78 per month</i>
2015 Actuals	<i>68 Permits</i>	<i>17 Permits</i>	<i>85 per year</i>	<i>7.08 per month</i>
	<i>SFR</i>	<i>MFR</i>	<i>Total</i>	

**REMAINING BUILDABLE LOT SUPPLY - as of February 25, 2016		
	<i>Avg Permits</i>	<i>In Years</i>
10 Year Historical Average	<i>44.7 per year</i>	<i>3.02 years</i>
3 Year Historical Average	<i>45.3 per year</i>	<i>2.98 years</i>
2015 Actuals	<i>85 per year</i>	<i>1.59 years</i>
** as of January 1, 2016		

***REMAINING BUILDABLE LOT SUPPLY - End of 2016		
	<i>Avg Permits</i>	<i>In Years</i>
10 Year Historical Average	<i>44.7 per year</i>	<i>2.19 years</i>
3 Year Historical Average	<i>45.3 per year</i>	<i>2.15 years</i>
2015 Actuals	<i>85 per year</i>	<i>0.59 years</i>
***Estimate End of 2016		

#7675
ETHAN MANUEL
PROPOSED ANNEXATION TO THE CITY OF CANBY

"EXHIBIT A"

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27 AND THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF LOT 96, "CANBY GARDENS", A SUBDIVISION PLAT OF RECORD, PLAT NO. 230, CLACKAMAS COUNTY PLAT RECORDS; SAID POINT BEING ON THE CENTERLINE OF NORTH REDWOOD STREET (COUNTY ROAD NO. 2163, 50.00 FEET WIDE), ALSO BEING THE WEST LINE OF LOTS 96, 97 AND 98, OF "CANBY GARDENS"; THENCE ALONG SAID CENTERLINE, N.00°00'02"E., 990.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 98; THENCE ALONG THE NORTH LINE OF SAID LOT 98 AND THE EASTERLY EXTENSION THEREOF, BEING THE NORTH LINE OF LOT 101 OF "CANBY GARDENS", N.90°00'00"E., 1308.42 FEET TO THE NORTHEAST CORNER OF SAID LOT 101, SAID CORNER BEING ON THE WEST LINE OF "WILLOW CREEK ESTATES 2", A SUBDIVISION PLAT OF RECORD, PLAT NO. 3050, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG SAID WEST LINE, BEING THE EAST LINE OF AFORESAID LOT 101, S.00°47'00"E., 294.81 FEET TO THE NORTH CORNER OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2010-022504, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE NORTHEASTERLY LINE OF SAID TRACT, S.57°19'38"E., 338.12 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD (100.00 FEET WIDE); THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, BEING THE SOUTHEASTERLY LINE OF SAID DOCUMENT NO. 2010-022504, S.32°37'29"W., 100.00 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, BEING THE MOST EASTERLY LINE OF PARCEL 1, OF PARTITION PLAT NO. 2013-009, S.32°37'29"W., 509.41 FEET TO THE SOUTHEAST CORNER OF PARCEL 2, PARTITION PLAT NO. 2013-009; THENCE ALONG THE SOUTH LINE OF SAID PARCEL 2 THE FOLLOWING TWO COURSES; N.89°57'13"W., 609.06 FEET; THENCE N.89°59'36"W., 659.46 FEET TO THE POINT OF BEGINNING, CONTAINING 1386719 SQUARE FEET (31.83± ACRES), MORE OR LESS.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

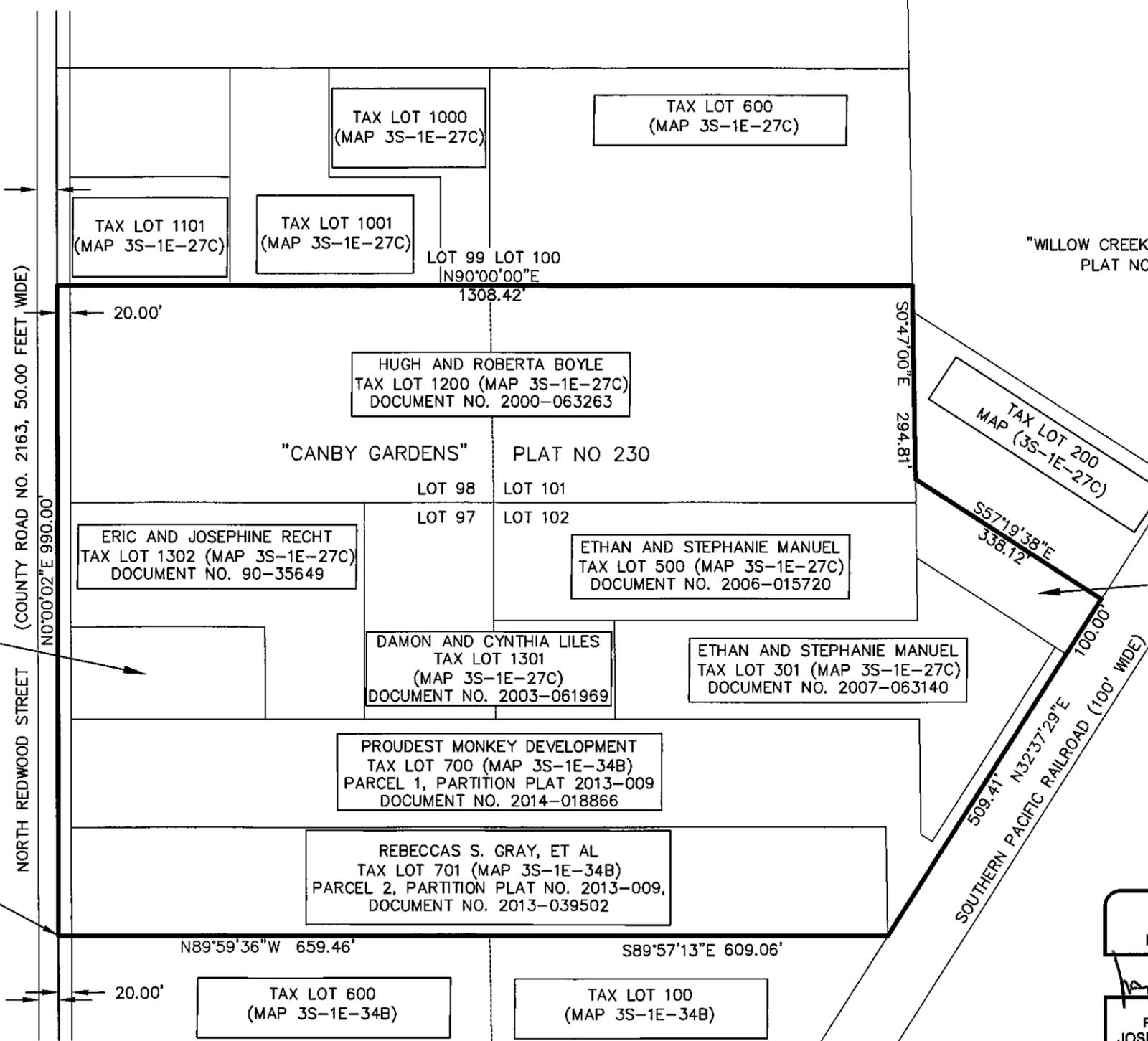
Joseph C. McAllister
**OREGON
FEBRUARY 8, 2000
JOSEPH C. McALLISTER
49695**

DATE OF SIGNATURE: 2/22/16
EXPIRES: 12/31/2016



PROPOSED ANNEXATION
1386719± SQUARE FEET
31.83± ACRES

"WILLOW CREEK ESTATES 2"
 PLAT NO 3050



JERRY AND LONDA CORCORAN
 TAX LOT 1300 (MAP 3S-1E-27C)
 DOCUMENT NO. 92-68577

ERIC AND JOSEPHINE RECHT
 TAX LOT 1302 (MAP 3S-1E-27C)
 DOCUMENT NO. 90-35649

HUGH AND ROBERTA BOYLE
 TAX LOT 1200 (MAP 3S-1E-27C)
 DOCUMENT NO. 2000-063263

ETHAN AND STEPHANIE MANUEL
 TAX LOT 500 (MAP 3S-1E-27C)
 DOCUMENT NO. 2006-015720

DAMON AND CYNTHIA LILES
 TAX LOT 1301
 (MAP 3S-1E-27C)
 DOCUMENT NO. 2003-061969

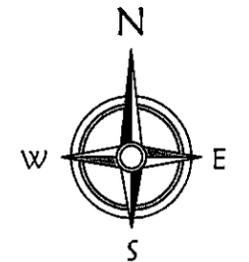
ETHAN AND STEPHANIE MANUEL
 TAX LOT 301 (MAP 3S-1E-27C)
 DOCUMENT NO. 2007-063140

PROUDEST MONKEY DEVELOPMENT
 TAX LOT 700 (MAP 3S-1E-34B)
 PARCEL 1, PARTITION PLAT 2013-009
 DOCUMENT NO. 2014-018866

REBECCAS S. GRAY, ET AL
 TAX LOT 701 (MAP 3S-1E-34B)
 PARCEL 2, PARTITION PLAT NO. 2013-009,
 DOCUMENT NO. 2013-039502

ETHAN AND STEPHANIE MANUEL
 TAX LOT 300 (MAP 3S-1E-27C)
 DOCUMENT NO. 2010-022504

POINT OF BEGINNING
 SOUTHWEST CORNER OF
 LOT 96, "CANBY GARDENS"



Scale: 1" = 200'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

 OREGON
 FEBRUARY 8, 2000
 JOSEPH C. McALLISTER
 49695

DATE OF SIGNATURE: 2/22/10
 EXPIRES: 12/31/2016

EXHIBIT B

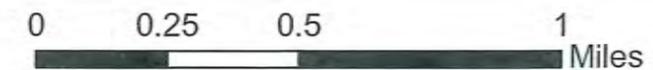
DRAWN JCM	DESIGN	CHECK MAR
SCALE: 1" = 200'		DATE: FEBRUARY 19, 2016
7675 EXHIBIT 1		

COMPASS Land Surveyors
 4107 SE International Way, Suite 705
 Milwaukie, Oregon 97222 503-653-9093

ETHAN MANUEL
 1612 N. REDWOOD STREET
 CANBY, OREGON

**PROPOSED ANNEXATION TO THE
 CITY OF CANBY, OREGON
 LOCATED IN THE SW 1/4 OF SECTION 27 AND THE
 NW 1/4 OF SECTION 34, T3S, R1E, W1M**

City of Canby Comprehensive Plan Map



May 2014

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



Enrolled Senate Bill 1573

Sponsored by Senator BEYER (Presession filed.)

CHAPTER

AN ACT

Relating to boundary changes; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 222.111 to 222.180.

SECTION 2. (1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the city's ordinances.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.

SECTION 3. This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Governor Kate Brown (/gov/Pages/index.aspx) / Administration (/gov/admin/Pages/default.aspx) / Bills Signed

Bills Signed

For more information about legislative history on these bills, **click here** (<https://olis.leg.state.or.us/liz/2013I1>).

Bills Signed 2016

Bills Signed By Governor Brown 2016		
	Measure Number	Signed or Vetoed
53	SB 1503	Signed
54	SB 1512	Signed
55	SB 1513	Signed
56	SB 1522	Signed
57	SB 1527	Signed
58	SB 1533	Signed
59	SB 1566	Signed
60	SB 1573	Signed
61	SB 1582	Signed
62	SB 1591	Signed
63	HB 4037	Signed
64	HB 4009	Signed
65	HB 4107	Signed

Bills Signed 2015

**A REVISED TPR COMPLIANCE LETTER IS BEING
PREPARED BY ODOT TO ADD CLARIFICATION**



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

April 15, 2016

City of Canby
PO Box 930
Canby, OR 97013

ODOT Case No: 7080

Subject: Ann/ZC 16-01, 02, 03: N. Redwood St. Annexations and Zone Changes
S Highway 99E between N. Redwood St. and NE Territorial Road

Attn: Bryan Brown, Planner

We have reviewed the applicant's proposal to for annexation and zone changes of 72.15 acres of land along N. Redwood St. at multiple addresses in Canby. Proposed zone changes are from EFU to R-1; RRFF5 to R-1, R-1.5 & R-2. The site is adjacent to PACIFIC HIGHWAY EAST. ODOT has permitting authority for this facility¹ and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified a REGIONAL highway and the performance standard is 0.75 volume to capacity (v/c) ratio in unincorporated communities.

For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT requests that the City of Canby require the applicant to prepare a traffic impact study (TIS) prepared by a transportation engineer registered in Oregon. The analysis should address the following:

1. A comparison between the land use with the highest reasonable trip generation rate allowed outright under the proposed zoning/comp plan designation and the land use with the highest reasonable trip generation rate allowed outright under the existing zoning/comprehensive plan designation (this is commonly referred to as the "reasonable worst case" traffic analysis). The analysis should utilize the current edition of Institute of Transportation Engineers (ITE) *Trip Generation* manual, unless otherwise directed. To determine the maximum amount of building square footage

¹ OAR 734-051 website: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html

that could be put on the site the analyst should look at the number of parking spaces, building height, and required landscaping in the local development code.

Note: It is important that the applicant's transportation engineer provide ODOT the opportunity to review and concur with the mix of land uses and square footage they propose to use for the "reasonable worst case" traffic analysis for both existing and proposed zoning prior to commencing the traffic analysis, particularly if the applicant chooses to perform their analysis using a trip generation rate determined by any means other than ITE *Trip Generation*.

2. Analysis may rely on existing and planned transportation improvements in which a funding mechanism is in place including but not limited to projects identified in:
 - State Transportation Improvement Program (STIP),
 - Local/County Capital Improvement Plans (CIP),
 - Financially constrained Regional Transportation System Plan (RTP),
3. The analysis should apply the highway mobility standard (volume-to-capacity ratio) identified in the OHP over the planning horizon in the adopted local transportation system plan of the area or 15 years from the proposed date of amendment adoption, whichever is greater (OHP Action 1F2).
4. In situations where the highway facility is operating above the OHP mobility standard and transportation improvements are not anticipated within the planning horizon to bring performance to standard, the performance standard is to avoid further degradation. If the proposed zone change or comprehensive plan amendment increases the volume-to-capacity ratio further, it will significantly affect the facility (OHP Action 1F6).
5. The analysis should not include any existing or proposed approaches on the highway unless the proposed site is landlocked². If landlocked, the analysis should only use one approach to the highway.

Prior to commencing the TIS, the applicant should contact **Andy Jeffrey, ODOT Region 1 Traffic at 503.731.8435** to obtain ODOT concurrence with the scope of the study.

Thank you for providing ODOT the opportunity to participate in this land use review. If you have any questions regarding this matter, please contact me at .

Sincerely,

P Elise Scolnick
Development Review Planner

C: Andy Jeffrey, ODOT Region 1 Traffic

² A parcel is considered 'landlocked' if it has no other reasonable access other than to a state highway. Burden of proof is on the applicant to provide justification as to why access to a road other than a state highway is not reasonable.

April 26, 2016

To: Canby Planning Commission

From: Daniel Webb on behalf of Linda Thomas
1864 N. Redwood St.
Canby, Oregon 97013

RE: Annexation applications, ANN/ZC 16-02 and 16-03.

References: Canby Municipal Code Chapter 16
Division VI. – ANNEXATIONS Chapter 16.84 REGULATIONS & 16.89 Application and Review
Procedures

We recently received notice of a Public Hearing and Request for Comments relating to the annexation applications, ANN/ZC 16-01, 16-02 and 16-03. The comments below apply to 16-02 and 16-03 and specifically to **16.84.030 Filing procedure, 16.84.040 Standards and criteria and 16.89.060 Type IV Decision and 16.89.070 Neighborhood Meetings**

B. The following criteria shall apply to **all** annexation requests. **A neighborhood meeting is required as per Table 16.89.020 of the City of Canby Land Development and Planning Ordinance.**

We contacted the Planning department after receiving notification of the Planning Commission Hearing had been scheduled to consider the applications referenced above to ask why we were not notified of the public meeting that was held. The Planning Director informed us the staff had waived the requirement for the public meeting because staff had enough public input from what was received during the process of the adoption of the “North Redwood St. Master Plan”. Although the Planning Director may waive this requirement as outlined in 16.89.070, which he has done, we feel an annexation of this magnitude (The Largest in recent history if not the largest ever for the City of Canby), the Planning Director should not have waived the requirement for a neighborhood meeting as clearly outlined under 16.84.040, paragraph #3. Therefore, the Staff should not have submitted the application to the Planning Commission for consideration since all the requirements for a complete application would not been met.

We respectfully ask the Planning Commission to send this application back to Staff to be completed with a Neighborhood Meeting before any consideration or review by the Commission.

Neighborhood Meeting Needed for Input from the Citizens of Canby

The “Stake Holders Advisory Committee” and the “Technical Advisory Committee” for the Redwood St. Master Plan discussed many different aspects of the Master Plan. The discussions and input from the Stake Holders, and the public input (which was very limited), during the process never discussed any issues relating to Annexation. Furthermore, the neighbors and neighborhood organizations have not had the opportunity to review and comment on the applicant’s analysis of the need for additional property within the city limits. The amount of developable land (within the same class of zoning) 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 to provide for the anticipated population growth over the next three years. The 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 the proposed actions to mitigate any identified concerns. These are clearly outlined in the application requirements and outlined in the Standards and Criteria for Annexation Requests.

Furthermore, under 16.84.040 Standards and Criteria, paragraph 7, "a Statement outlining a method and source of financing required to provide additional facilities, if any, is required". The North Redwood St. Master Plan addressed many of the methods and sources for the financing of the infrastructure required for development of the area including sewer, water, storm water, streets, etc. However, the method and source of financing the additional development and maintenance of the large areas which will be dedicated to the City for parks and or open space was discussed but a method of, and source of, funding by the City was not answered. I believe Staff indicated that this would be addressed when and if they were presented with new parks and open space dedication. When recently asked the question about funding for development and maintenance of the City's current inventory of parks, Staff indicated the City does not have adequate funding available to maintain the current inventory of parks and has park inventory which has not yet been developed nor was there any remedy for the future.

We submit to the Planning Commission that parks are "additional facilities" and the method and source for the funding for development and maintenance of any future dedication of land to the City for parks or open space needs to be answered prior to any lands being annexed which would in turn require dedication of land for parks when developed.

The land owners/developers of the properties being annexed will be required to follow the N. Redwood St. Master Plan as their "Roadmap" for development. They will also be required to demonstrate the availability of facilities to serve their development and or plans to provide the facilities, including a guarantee (bond) the development will be completed in a timely manner. The Master Plan also included detailed plans for the dedication and development of parks within the plan as well. We submit the City should follow the same roadmap and develop the land which is dedicated for parks in a timely manner and provide a method of, and source of, funding by the City.

I'm all for development done the proper way. I'm for parks for our community, parks we can actually use.

Since the City can no longer require a vote of the people on annexation requests, we feel a Neighborhood meeting is needed more than ever. In recent years the voters of Canby have been very vocal and concerned over annexations of all sizes. With the magnitude of this annexation request, we believe the Planning Commission would be remiss to review the application without the benefit of input a neighborhood meeting would provide.

Respectfully,

Daniel Webb on behalf of Linda Thomas

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 111 NW Second Street
E-mail: brownb@ci.canby.or.us

Written comments to be included in Planning Commission packet are due by Wednesday, April 27, 2014.
Written comments to be included in City Council packet are due by Wednesday, May 18, 2016. Written and oral comments can be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.

Application: ANN/ZC 16-01, ANN/ZC 16-02 & ANN/ZC 16-03

COMMENTS:

WE HAVE NO CONCERNS WITH THIS APPLICATION.

NAME: HASSAN IBRAHIM
EMAIL: haci@curran-mcleod.com
ORGANIZATION/BUSINESS/AGENCY: CURRAN-MCLEOD, INC.
ADDRESS: 6655 SW HAMPTON ST. SUITE 210
PHONE # (optional): 503 684 3478
DATE: April 11, 2016

AGENCY RESPONSE - *Please check one box and fill in your Name/Agency/Date above:*

- 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

April 26, 2016

To: Canby Planning Commission

From: Daniel Webb on behalf of Linda Thomas
1864 N. Redwood St.
Canby, Oregon 97013

RE: Annexation applications, ANN/ZC 16-02 and 16-03.

References: Canby Municipal Code Chapter 16
Division VI. – ANNEXATIONS Chapter 16.84 REGULATIONS & 16.89 Application and Review
Procedures

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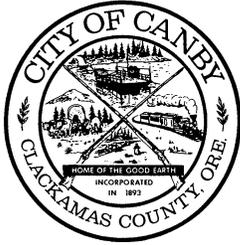
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Respectfully,

Daniel Webb on behalf of Linda Thomas



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

A REQUEST FOR APPROVAL OF	)	FINDINGS, CONCLUSION & FINAL ORDER
ANNEXATION AND ZONE CHANGE	)	ANN/ZC 16-03
FOR PROPERTY LOCATED AT	)	ETHAN & STEPHANIE MANUEL, STEVEN STEWART,
1650, 1612, 1548, 1440, 1758,	)	JIM, HUGH, JOHN BOYLE, KAREN, KRISTEEN,
1586, 1608, & 1594 N REDWOOD ST	)	KATHLEEN BOYLE, JERRY & LONDA CORCORAN
AND 22881 S HWY 99E	)	DAMON & CYNTHIA LILES & ERIC & JOSEPHINE RECHT

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change application #ANN/ZC 16-03 of 31.83 acres of real property described as Tax Lots 31E27C00300, 31E27C00301, 31E27C00500, 31E27C01200, 31E27C01300, 31E27C01301, 31E27C01302, 31E34B00700, 31E34B00701, Clackamas County, Oregon. The property is zoned County RRRF5 and is requested to be zoned City R-1 (Low Density Residential).

HEARINGS

The Planning Commission considered applications ANN/ZC 16-03 after the duly noticed hearing on May 9, 2016 during which the Planning Commission recommended by a ___/___ vote that the City Council approve ANN/ZC 16-03 per the recommendation contained in the staff report.

CRITERIA AND STANDARDS

In judging whether or not an annexation and zone change application 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 May 9, 2016 and presented at the May 9, 2016 public hearing of the Planning Commission.

FINDINGS AND REASONS

The Planning Commission considered applications ANN/ZC 16-03 at a public hearing held on May 9, 2016 during which the staff report was presented, including all attachments, and a PowerPoint presentation from staff. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed annexation, new zoning designations, and adoption of the development concept plan submitted by the applicants.

After hearing public testimony, and closing the public hearing, the Planning Commission made the following 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 Files #ANN/ZC 16-03 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/ZC 16-03** as follows:

1. ANN/ZC 16-03 be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1 as indicated by the North Redwood Development Concept Plan Map and the Canby Comprehensive Plan Map.

ORDINANCE NO. 1444

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 31.83 ACRES INCLUDING 31.38 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 300, 301, 500, 1200, 1300, 1301, AND 1302, OF SECTION 27C, T3S, R1E, WM (ASSESSOR TAX MAP 3-1E-27C) AND TAX LOTS 700 AND 701 OF SECTION 34B, T3S, R1E WM (ASSESSOR TAX MAP 3-1E-34B) AND .45 ACRES OF ADJACENT N. REDWOOD STREET RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF5) TO CITY LOW DENSITY RESIDENTIAL (R-1) AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.

WHEREAS, on June 1, 2016, at a public hearing the City Council of the City of Canby approved by a vote of _____ to _____, Annexation/Zone Change 16-03 which called for the annexation of 31.83 acres into the City of Canby. Applicant (Ethan Manuel) and owners of the annexed property are: Ethan A. and Stephanie L. Manuel, tax lots 300, 301, 500 (3S-1E-27C) and 700 (3S-1E-34B); Steven K. Stewart, Pamela Anne King, Rebecca S. Gray Tax Lot 701 (3S-1E-34B); Jim Boyle, Hugh R. Boyle, John D. Boyle, Karen D. Boyle, Kristeen A. Boyle, Kathleen M. Boyle, Tax Lot 1200 (3S-1E-27C), Jerry and Londa Corcoran Tax Lot 1300 (3S-1E-27C), Damon K. and Cynthia L. Liles Tax Lot 1301 (3S-1E-27C), Eric W. and Josephine B. Recht Tax Lot 1302 (3S-1E-27C), and one-half of the adjacent right-of-way located on the east side of N. Redwood Street. A complete legal description of the tax lots and adjacent right-of-way is attached hereto as Exhibit "A", and a map showing the location of the tax lots and adjacent right-of-way is attached hereto as Exhibit "B" and by this reference are all incorporated herein; and

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

WHEREAS, the zoning of the annexed land shall be designated as R-1 Low Density Residential which conforms with the Canby Comprehensive Plan, 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/owners listed above to change the zoning of nine parcels and one-half the adjacent right-of-way totaling 31.83 acres from Rural Residential Farm Forest 5-Acre (RRFF5) to Low Density Residential (R-1); and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on May 9, 2016 after public notices were mailed, posted and printed 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 at a public hearing on May 9, 2016 and at the conclusion of the public hearing, the Planning Commission voted 4-0 to recommend that the City Council

approve the applications. The written Findings, Conclusions and Order was approved by the Planning Commission and forwarded to the Council with its recommendation; 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 June 1, 2016; and

WHEREAS, the Canby City Council, after considering the staff report, reviewing the record of the Planning Commission's decision and conducting its own public hearing, voted to accept the Planning Commission's recommendation; and

WHEREAS, the written Findings, Conclusions and Order was approved by the City Council on June 1, 2016.

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

Section 1. It is hereby proclaimed by the Council of Canby that 31.83 acres of property described in Exhibit "A" and shown on Exhibit "B" is annexed into the corporate limits of the City of Canby, Oregon. Said boundaries of the property are set by the legal descriptions set forth in Exhibit "A".

Section 2. The annexed land shall be rezoned from the county Rural Residential Farm Forest 5-Acre (RRFF5) to City Low Density Residential (R-1) as called for in Canby's Comprehensive Plan and 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 June 1, 2016 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 June 15, 2016, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

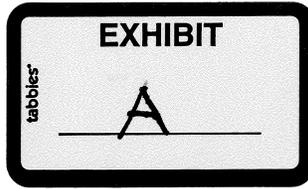
PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on June 15, 2016 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



#7675
 ETHAN MANUEL
 PROPOSED ANNEXATION TO THE CITY OF CANBY

"EXHIBIT A"

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27 AND THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF LOT 96, "CANBY GARDENS", A SUBDIVISION PLAT OF RECORD, PLAT NO. 230, CLACKAMAS COUNTY PLAT RECORDS; SAID POINT BEING ON THE CENTERLINE OF NORTH REDWOOD STREET (COUNTY ROAD NO. 2163, 50.00 FEET WIDE), ALSO BEING THE WEST LINE OF LOTS 96, 97 AND 98, OF "CANBY GARDENS"; THENCE ALONG SAID CENTERLINE, N.00°00'02"E., 990.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 98; THENCE ALONG THE NORTH LINE OF SAID LOT 98 AND THE EASTERLY EXTENSION THEREOF, BEING THE NORTH LINE OF LOT 101 OF "CANBY GARDENS", N.90°00'00"E., 1308.42 FEET TO THE NORTHEAST CORNER OF SAID LOT 101, SAID CORNER BEING ON THE WEST LINE OF "WILLOW CREEK ESTATES 2", A SUBDIVISION PLAT OF RECORD, PLAT NO. 3050, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG SAID WEST LINE, BEING THE EAST LINE OF AFORESAID LOT 101, S.00°47'00"E., 294.81 FEET TO THE NORTH CORNER OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2010-022504, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE NORTHEASTERLY LINE OF SAID TRACT, S.57°19'38"E., 338.12 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD (100.00 FEET WIDE); THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, BEING THE SOUTHEASTERLY LINE OF SAID DOCUMENT NO. 2010-022504, S.32°37'29"W., 100.00 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, BEING THE MOST EASTERLY LINE OF PARCEL 1, OF PARTITION PLAT NO. 2013-009, S.32°37'29"W., 509.41 FEET TO THE SOUTHEAST CORNER OF PARCEL 2, PARTITION PLAT NO. 2013-009; THENCE ALONG THE SOUTH LINE OF SAID PARCEL 2 THE FOLLOWING TWO COURSES; N.89°57'13"W., 609.06 FEET; THENCE N.89°59'36"W., 659.46 FEET TO THE POINT OF BEGINNING, CONTAINING 1386719 SQUARE FEET (31.83± ACRES), MORE OR LESS.

**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

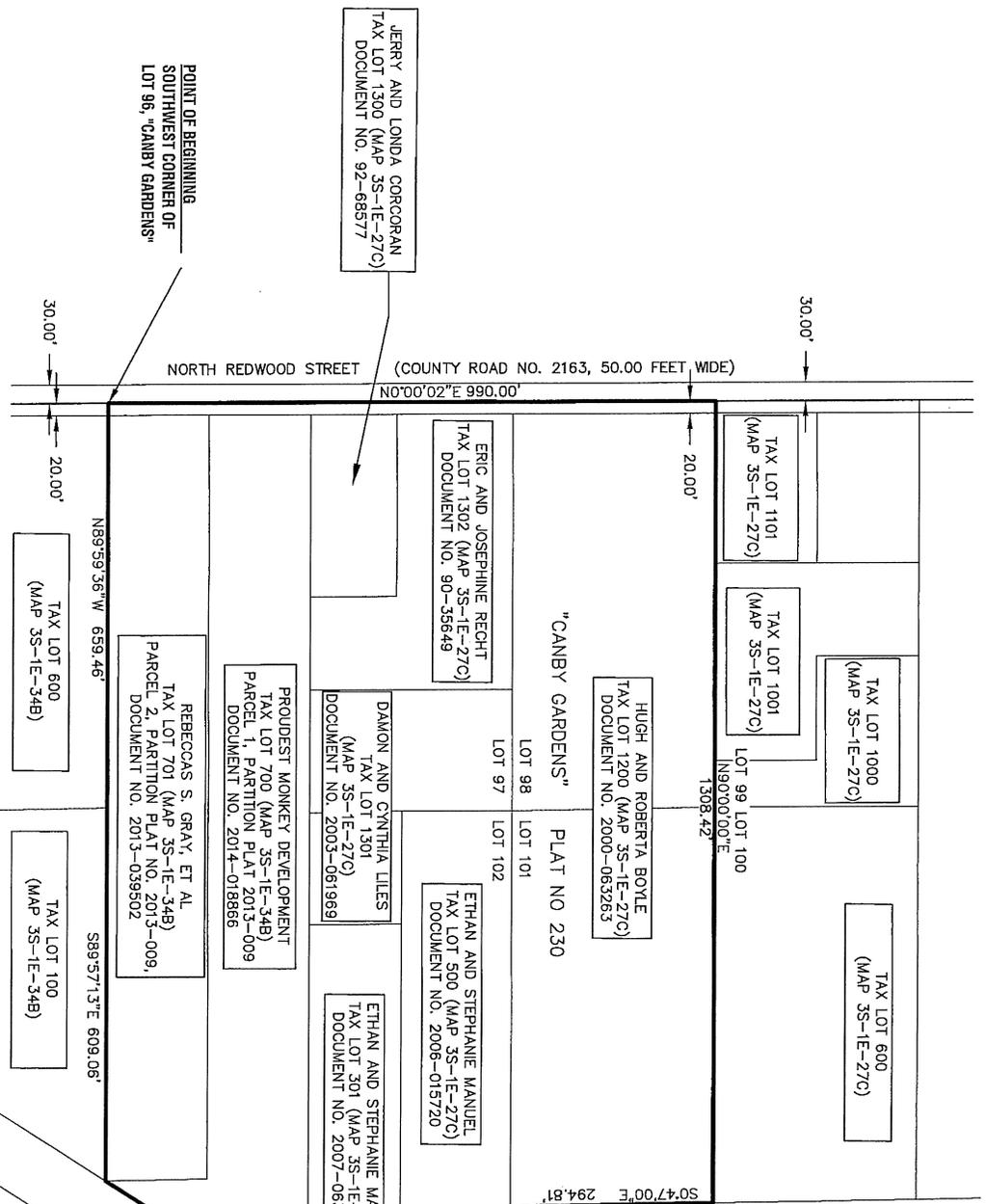

**OREGON
 FEBRUARY 8, 2000
 JOSEPH C. McALLISTER
 49695**

DATE OF SIGNATURE: 2/22/16
EXPIRES: 12/31/2016



PROPOSED ANNEXATION
1386719± SQUARE FEET
31.83± ACRES

"WILLOW CREEK ESTATES 2"
PLAT NO 3050



POINT OF BEGINNING
SOUTHWEST CORNER OF
LOT 96, "CANBY GARDENS"

JERRY AND LONDA CORCORAN
TAX LOT 1300 (MAP 3S-1E-27C)
DOCUMENT NO. 92-68577

ERIC AND JOSEPHINE RECHT
TAX LOT 1302 (MAP 3S-1E-27C)
DOCUMENT NO. 90-35649

HUGH AND ROBERTA BOYLE
TAX LOT 1200 (MAP 3S-1E-27C)
DOCUMENT NO. 2000-063265

PROUDDEST MONKEY DEVELOPMENT
TAX LOT 700 (MAP 3S-1E-34B)
PARCEL 1, PARTITION PLAT 2013-009
DOCUMENT NO. 2014-018866

REBECCA S. GRAY, ET AL
TAX LOT 701 (MAP 3S-1E-34B)
PARCEL 2, PARTITION PLAT NO. 2013-009,
DOCUMENT NO. 2013-039502

DAMON AND CYNTHIA LILES
TAX LOT 1301
(MAP 3S-1E-27C)
DOCUMENT NO. 2003-061969

ETHAN AND STEPHANIE MANUEL
TAX LOT 500 (MAP 3S-1E-27C)
DOCUMENT NO. 2006-015720

ETHAN AND STEPHANIE MANUEL
TAX LOT 301 (MAP 3S-1E-27C)
DOCUMENT NO. 2007-065140

TAX LOT 600
(MAP 3S-1E-34B)

TAX LOT 100
(MAP 3S-1E-34B)

TAX LOT 600
(MAP 3S-1E-27C)

TAX LOT 200
(MAP 3S-1E-27C)

ETHAN AND STEPHANIE MANUEL
TAX LOT 300 (MAP 3S-1E-27C)
DOCUMENT NO. 2010-022504

SOUTHERN PACIFIC RAILROAD (100' WIDE)
509.41' N32°37'29"E
100.00'
S57°19'38"E
338.12'

30.00'

30.00'

20.00'

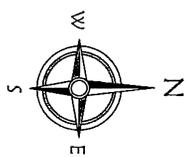
N0°00'02"E 990.00'

NORTH REDWOOD STREET (COUNTY ROAD NO. 2163, 50.00 FEET WIDE)

189°59'36" W 659.46'

S89°57'13"E 609.06'

S0°47'00"E 294.81'



Scale: 1" = 200'

REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
FEBRUARY 9, 2000
JOSEPH C. McALLISTER
48895

DATE OF SIGNATURE: 2/22/16
EXPIRES: 12/31/2016

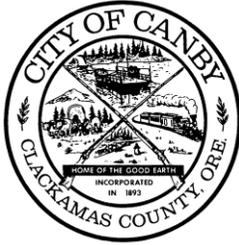
EXHIBIT B

DRAWN	JCM	DESIGN	CHECK	MAR
SCALE:	1" = 200'	DATE:	FEBRUARY 19, 2016	

MPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

ETHAN MANUEL
1612 N. REDWOOD STREET
CANBY, OREGON

PROPOSED ANNEXATION TO THE
CITY OF CANBY, OREGON
LOCATED IN THE SW ¼ OF SECTION 27 AND THE
NW ¼ OF SECTION 34, T3S, R.1 E., WM



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

A REQUEST FOR APPROVAL OF	)	FINDINGS, CONCLUSION & FINAL ORDER
ANNEXATION AND ZONE CHANGE	)	ANN/ZC 16-03
FOR PROPERTY LOCATED AT	)	ETHAN & STEPHANIE MANUEL, STEVEN STEWART,
1650, 1612, 1548, 1440, 1758,	)	JIM, HUGH, JOHN BOYLE, KAREN, KRISTEEN,
1586, 1608, & 1594 N REDWOOD ST	)	KATHLEEN BOYLE, JERRY & LONDA CORCORAN
AND 22881 S HWY 99E	)	DAMON & CYNTHIA LILES & ERIC & JOSEPHINE RECHT

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change application **File# ANN/ZC 16-03** of 31.83 acres of real property described as Tax Lots 31E27C00300, 31E27C00301, 31E27C00500, 31E27C01200, 31E27C01300, 31E27C01301, 31E27C01302, 31E34B00700, 31E34B00701, Clackamas County, Oregon. The property is zoned County RRRF5 and is requested to be zoned City R-1 (Low Density Residential).

HEARINGS

The Planning Commission considered applications **File# ANN/ZC 16-03** after the duly noticed hearing on May 9, 2016 during which the Planning Commission recommended by a 4/0 vote that the City Council approve **File# ANN/ZC 16-03** per the recommendation contained in the staff report.

The City Council considered applications **File# ANN/ZC 16-03** after the duly noticed hearing on June 1, 2016 during which the Council voted ____ to approve **File# ANN/ZC 16-03**. These findings are entered to document the approval.

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 May 9, 2016 and presented at the May 9, 2016 public hearing of the Planning Commission, and presented at the June 1, 2016 public hearing of the Canby City Council along with the Planning Commission’s recommendation.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the Council public hearing. The recommendation to approve **File# ANN/ZC 16-03** by the Planning Commission was noted by staff.

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

-

CONCLUSION

In summary, the City Council adopted the findings contained in the staff report and Planning Commission's additional findings, concluding that the annexation/zone change applications meets all applicable approval criteria, and approved **File# ANN/ZC 16-03** as stated below. The City Council's order is reflected below.

ORDER

Based on the application submitted and the facts, findings and conclusions of the staff report, the Planning Commission findings, and the supplemental findings from the Council public hearing, the City Council of the City of Canby **APPROVES ANNEXATION/ZONE CHANGE** applications **File# ANN/ZC 16-03** as follows:

1. Upon annexation, the zoning of the subject properties be designated as R-1 as indicated by the North Redwood Development Concept Plan Map and the Canby Comprehensive Plan Map.

I CERTIFY THAT THIS ORDER approving **ANN/ZC 16-01** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 1st day of June 2016

Brian Hodson
Mayor

Bryan Brown
Planning Director

ORAL DECISION – June 1, 2016

AYES:
NOES:
ABSTAIN:
ABSENT:

WRITTEN FINDINGS – June 1, 2016

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Kimberly Scheafer, MMC
City Recorder