

**AGENDA  
CANBY CITY COUNCIL  
EXECUTIVE SESSION – 7:00 PM  
REGULAR MEETING – 7:30 PM**

**October 20, 2021**

**Virtual Meeting/** Council Chambers - 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor

**Register here to attend the meetings virtually:**

**[https://us06web.zoom.us/webinar/register/WN\\_BXkzMaEESnGJRS3YAFLSBQ](https://us06web.zoom.us/webinar/register/WN_BXkzMaEESnGJRS3YAFLSBQ)**

***The City Council Regular meeting can be viewed on CTV Channel 5 and YouTube:***

**<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>**

Mayor Brian Hodson

Councilor Christopher Bangs  
Councilor David Bajorin  
Council President Traci Hensley

Councilor Sarah Spoon  
Councilor Greg Parker  
Councilor Shawn Varwig

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**EXECUTIVE SESSION – 7:00 PM**

**EXECUTIVE SESSIONS ARE CLOSED TO THE PUBLIC. Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision.**

- 1. CALL TO ORDER**
- 2. EXECUTIVE SESSION:** ORS 192.660 (2) (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- 3. ADJOURN**

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**Regular Meeting – 7:30 PM**

- 1. CALL TO ORDER**
- 2. OATH OF OFFICE FOR APPOINTED CITY COUNCILOR – DAVID BAJORIN**

- 3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** This is an opportunity for audience members to address the City Council on items not on the agenda. Each person will be given 3 minutes to speak. Staff and the City Council will make every effort to respond to questions raised during citizens input before the meeting ends or as quickly as possible thereafter. **\*\*\*If you would like to speak please email or call the City Recorder by 7:30 pm on October 20, 2021 with your name, the topic you'd like to speak on and contact information: [bissetm@canbyoregon.gov](mailto:bissetm@canbyoregon.gov) or call 503-266-0733. Once your information is received, you will be sent instructions to speak. Please note that Council will be attending this meeting virtually.**
- 4. PUBLIC HEARING**
- a. Applications to annex and apply a City zoning classification to 1495 S. Fir Street ANN/ ZC 21-02: Annexation and Zone Change 1495 S. Fir Street. Pg. 1
- 5. ORDINANCES**
- a. Consider **Ordinance No. 1563:** An Ordinance Proclaiming annexation into the City of Canby, Oregon 1.31 Acres of real property described as land situated Southwest 1/4 of Section 4, T.4S., R.1E., W.M.. (Tax Map 41E04CA); and approx. 0.06 acres of adjacent South Fir Street Right-Of-Way; and amending the existing County Zoning from Exclusive Farm Use (EFU) to City Medium Density Residential (R-1.5) for the entire area; and setting the boundaries of the property to be included within the Canby City Limits. *(First Reading)* Pg. 144
- b. Consider **Ordinance No. 1560:** An Ordinance authorizing the City of Canby to enter into a purchase agreement with Columbia Western Machinery to buy a new Front-End Loader. *(Second Reading)* Pg. 148
- c. Consider **Ordinance No. 1561:** An Ordinance amending Canby Municipal Code (M) Chapter 220 to include the Library Advisory Board High School Member as a voting member with additional changes to Library Board Secretary. *(Second Reading)* Pg. 162
- d. Consider **Ordinance No. 1562:** An Ordinance authorizing the City of Canby to enter into a purchase agreement with Western Systems to buy a sewer pipe crawler camera. *(First Reading)* Pg. 166
- 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 the Minutes of the September 1, 2021 Regular City Council Meeting. Pg. 175
- 7. DISCUSSION REGARDING OPEN AIR CANBY PROGRAM.** Pg. 179
- 8. MAYOR'S BUSINESS**
- 9. COUNCILOR COMMENTS & LIAISON REPORTS**
- 10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**
- a. Parks and Recreation Master Plan Update

## 11. CITIZEN INPUT

## 12. ACTION REVIEW

## 13. ADJOURN

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\*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 Melissa Bisset at 503.266.0733. A copy of this Agenda can be found on the City's web page at [www.canbyoregon.gov](http://www.canbyoregon.gov). **City Council and Planning Commission Meetings are typically broadcast live and can be viewed on CTV Channel 5.** For a schedule of the playback times, please call 503.263.6287.

**\*\*We are requesting that rather than attending in person you view the meeting on CTV Channel 5 or on YouTube:**

<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>

**If you do not have access virtually, there are a small number of chairs provided inside to allow for distancing.**



# City of Canby

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## MEMORANDUM

**DATE:** October 14, 2021 for October 20, 2021 City Council Hearing  
**TO:** Mayor and City Council  
**FROM:** Brianna Addotta, Associate Planner  
**RE:** Annexation / Zone Change (File No. ANN/ZC 21-02)

## BACKGROUND

The Planning Commission held a regularly scheduled and duly noticed public hearing on September 27, 2021 to consider the Annexation and Zone Change of 1495 S. Fir Street into the City of Canby. The Planning Commission voted to recommend the City Council approve the annexation and zone change application (City File ANN/ZC 21-02) by a unanimous 6/0 vote with one member absent.

The portion of real property proposed for annexation and rezone is 1.31 acres, address 1495 S. Fir St., Tax lot 41E04CA 01400. The property is located in Clackamas County and is surrounded by the City of Canby on all sides. The property is owned by the applicants, Brian, Bridget and Blake DuPont.

If City Council approves this application, 0.06 acres of land would be dedicated to the S. Fir Street right of way, and 1.31 acres of real property would be annexed into the city and rezoned from County zone EFU to City zone R-1.5, Medium Density Residential. The annexation and subsequent rezone are consistent with the provisions of the Southwest Canby Area Development Concept Plan and City of Canby Comprehensive Plan.

## DISCUSSION OF ANNEXATION ZONE CHANGE - ANN/ZC 21-02

In most cases, the City of Canby's annexation ordinances requires either a Development Concept Plan (DCP) or a Development Agreement (DA) for properties that are subject to an annexation request. The property subject to this annexation request is within the boundaries of the Southwest Canby DCP which provides long range planning and development guidance for property that is annexed in this area. This is consistent with and satisfies the annexation ordinance requirements pursuant to [CMC 16.84.040(A)].

The Planning Commission deliberated and accepted evidence in the staff report – generally supporting the applicant's proposal. The annexation area itself would provide approximately 6 to 8 new parcels zoned R-1.5. The applicant team has provided a



conceptual subdivision plan showing the feasibility of future development of the property, but no application to subdivide or further develop the property at this time.

All necessary public services are readily available for extension by the developer to serve this property and included annexation area. No park land dedication is anticipated as part of this proposal.

Pursuant to Oregon Revised Statute (ORS) and Transportation Planning Rules (TPR), a Traffic Impact Analysis is required when a city rezones land. The purpose of the rule is to demonstrate that the rezoning process will remain consistent with the acknowledged Transportation System Plan (TSP). That study found that the rezoning process would not be inconsistent with the TSP.

### **PLANNING COMMISSION RECOMMENDATION**

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

1. Approve Annexation/Zone Change ANN/ZC 21-02 ;
2. Upon annexation, the zoning of the subject properties shall be designated R-1.5 Medium Density Residential, consistent with the Canby Comprehensive Plan Map (MDR) Medium Density Residential designation;
3. Move to attach the following conditions:
  - a. Annexation (ANN 21-02) and Zone Change (ZC 21-02) must be free of appeals and final land use decisions as defined by ORS 197.015 prior to gaining subdivision approval. Any action on behalf of the applicant that invalidates or disqualifies ANN 21-02 and ZC 21-02 would require another Type IV review before subdivision through the City of Canby is an option.
  - b. Annexation approval shall conform to all other applicable City of Canby ordinances, municipal code, state law and administrative rule.

### **RECOMMENDED COUNCIL MOTION**

Move to approve the Annexation and Zone Change File ANN/ZC 21-02 pursuant to the recommendation forwarded by the Planning Commission.

### **ATTACHMENTS**

1. Planning Commission Packet
  - a. Staff Report for ANN 21-02/ZC 21-02
    - Attach. A. Land Use Application– Annexation and Zone Change, Type IV;
    - Attach. B. Applicant Narrative
    - Attach. C. Annexation Petition
    - Attach. D. Pre-Application Conference Summary
    - Attach. E. Southwest Canby Development Concept Plan

Attach. F. Neighborhood Meeting Materials and Summary  
Attach. G. Survey of Property, Legal Description, and Warranty Deed  
Attach. H. Maps  
Attach. I. Transportation Planning Rule Memo



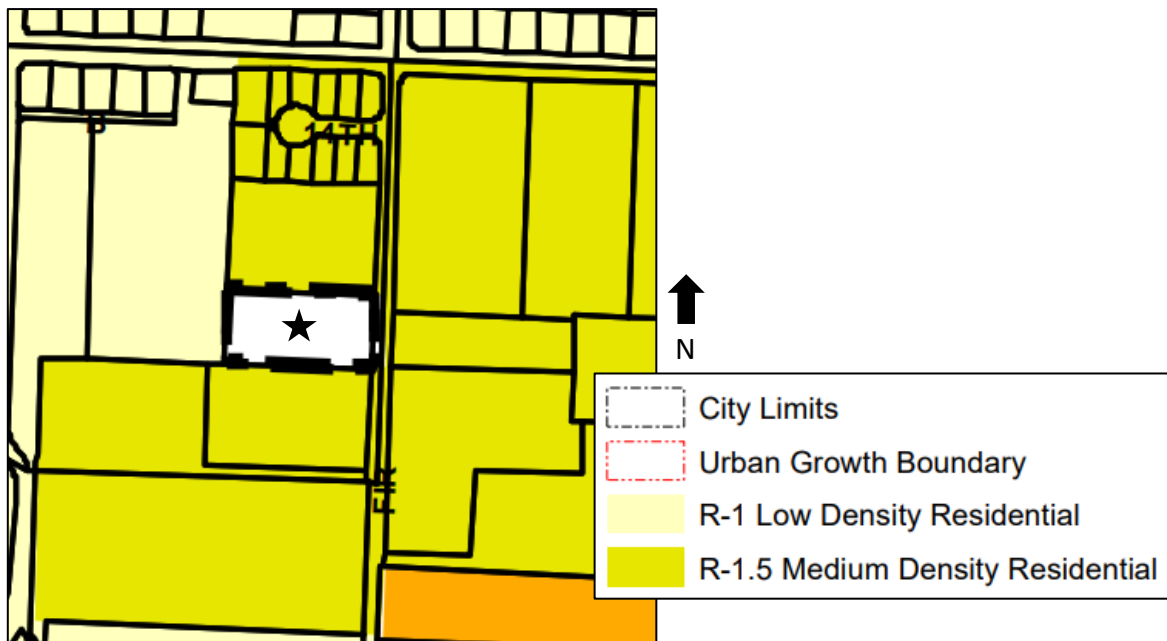
# City of Canby

## File #: ANN/ZC 21-02 – 1495 S. Fir St. Annexation

**HEARING DATE:** September 27, 2021  
**STAFF REPORT DATE:** September 17, 2021  
**TO:** Planning Commission  
**STAFF:** Brianna Addotta, Associate Planner

### Proposal

The applicant requests approval to annex 1.37 acres of land located at 1495 S. Fir Street into the City of Canby. As part of the annexation request, the applicant is also seeking an amendment to the zoning map which would change the annexed property from Clackamas County Exclusive Farm Use (EFU) to City of Canby Medium Density Residential (R-1.5).



### Staff Recommendation

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommend that the Planning Commission recommends Approval of **ANN/ZC 21-02** to the City Council pursuant to the Conditions of Approval presented in **Section VI** at the end of this report.

**Project Overview**

This proposal is a request to annex a parcel of land on south Fir Street between south 13<sup>th</sup> and 16<sup>th</sup> Avenues. The property address is 1495 S. Fir Street, the tax lot number is 41E04CA 01400. This zone change is a request to rezone the subject properties to City of Canby zoning of Medium Density Residential R-1.5 in accordance with the corresponding City Comprehensive Plan Map land use designation and prior approved Development Concept Plan (DCP). The area is currently within Clackamas County’s jurisdiction and is presently zoned Exclusive Farm Use (EFU). The zone designation will take effect when the properties are annexed as indicated in this application.

The annexation area is located within the City of Canby’s Urban Growth Boundary. The City of Canby Comprehensive Plan has envisioned the ultimate urbanization of this area and its intended land use, and the Comprehensive Plan Map for these particular lots indicates a medium density residential use designation.

**Property/Owner Information**

<b>Location</b>	1495 S. Fir St.
<b>Tax Lot(s)</b>	41E04CA 01400
<b>Property Size</b>	1.31 acres
<b>Comprehensive Plan</b>	Medium Density Residential
<b>Zoning</b>	EFU
<b>Owner</b>	Brian and Bridget DuPont
<b>Applicant</b>	Blake DuPont
<b>Application Type</b>	Annexation and Quasi-Judicial/Legislative & Zone Change – Type IV
<b>City File Number(s)</b>	ANN 21-02 and ZC 21-02

**Exhibits of Record**

- A. Land Use Application materials – Annexation and Zone Change, Type IV;
- B. Applicant Narrative
- C. Annexation Petition
- D. Pre-Application Conference Summary
- E. Southwest Canby Development Concept Plan
- F. Neighborhood Meeting Materials and Summary
- G. Survey of Property, Legal Description, and Warranty Deed
- H. Maps
- I. Transportation Planning Rule Memo

**I. Existing Conditions:**

This proposal is a request to annex a parcel of land on south Fir Street between south 13<sup>th</sup> and 16<sup>th</sup> Avenues. The property address is 1495 S. Fir Street, the tax lot number is 41E04CA 01400. As part of the annexation proposal, the subject property would be rezoned to Medium Density Residential (R-1.5). The area is currently within Clackamas County’s jurisdiction and is presently zoned Exclusive Farm Use (EFU). This zone change is a request to rezone the subject properties to City of Canby zoning of Medium Density Residential R-1.5 in accordance with the corresponding City Comprehensive Plan Map land use designation. The zone designation will take effect when the properties are annexed as indicated in this application.

***SW Canby Development Concept Plan:***

City of Canby’s annexation ordinance requires either a Development Concept Plan (DCP) or a Development Agreement (DA) for most properties that are a part of an annexation request. This property is within the South Canby Development Concept Plan, which was approved in 2018 concurrent with the Beck Pond Subdivision, located to the south of the subject property. Subsequent to that approval, the owners of the property immediately to the south (1547 S. Fir St., Tax Lot 1500) appealed the approval (APP 18-02). The appeal of the subdivision was not successful but City Council did choose to modify the original approval with an amendment. The specified amendment included an additional condition of approval that the ‘approval of the Beck Pond subdivision shall not determine the configuration of any future development on Tax Lot 1500. Any future development shall be judged on its’ own merits at the time when an application is submitted.’ Based on information in APP 18-02 and information provided by the owners of Tax Lot 1500 at the neighborhood meeting, the future proposal for development of their tax lot will likely include an east-west roadway from the current terminus of SW 15th Avenue eastward to S Fir Street with no street stub to the north to serve the proposed annexation site. While the applicant has submitted for annexation and zone change, and not a subdivision, at this time, they’ve provided a potential layout which shows conformance to the amended DCP taking access off of S. Ivy St.

***Surrounding Land Uses:***

<i>Direction</i>	<i>Zoning</i>	<i>Land Uses</i>
North	R-1.5	Hope Village Cottages
West	R-1	Residential (Elmwood Mobile Home Community)
South	R-1.5	Residential Single Family
East	R-1.5	Hope Village Main Campus

**Utilities/Sewer/Disposal/Fire/Police:**

- Water and electric service will be provided by Canby Utility.
- Wastewater, storm drainage, and streets are managed by the City of Canby Public Works.

- Disposal services are provided by Canby Disposal.
- Fire services are provided by Canby Fire District.
- Police services are provided by Canby Police Department.

Staff has provided conditions of approval at the end of this staff report (Section VI), written to ensure the necessary public infrastructure is constructed and installed in accordance with all applicable city, county, state, and federal requirements.

## II. **Approval Criteria:**

In addition to components of the City of Canby Comprehensive Plan, applicable criteria used in evaluating (ANN 20-01/ZC 20-01) are listed in the following sections of the City of Canby’s Land Development and Planning Ordinance:

- CMC 16.08 General Provisions
- CMC 16.18 R-1.5 Medium Density Residential Zone
- CMC 16.54 Amendments to Zoning Map
- CMC 16.84 Annexations
  - ORS 222.225 Annexations
- CMC 16.88 General Standards and Procedures
- CMC 16.89 Application and Review Procedures

## III. **Summary of Findings:**

Consistent with Section 16.84 of the Canby Land Development and Planning Ordinance (the Ordinance), Chapter 16 of the Municipal Code, the proposed application qualifies as an Annexation, and is part of the City of Canby Annexation Development Map per Figure 16.84.040.

Section 16.84 of the Ordinance identifies the purpose and scope of annexations and sets forth regulations for annexing land into the City. Section 16.84 and specifically ORS 222.225 govern the application process for annexation and sets forth the standards and approval criteria for which the applicant must respond to in their narrative within their submitted application materials. Staff incorporates the applicant’s written response as findings in support of the criteria. Additional facts and findings are provided herein.

### **Canby Municipal Code (CMC) Section 16.84 Annexations**

#### **CMC 16.84.020 – State Regulations.**

**The regulations and requirements of Oregon Revised Statutes Chapter 222 are adopted by reference and made a part of this division. (Ord. 740 section 10.6.20, 1984)**

**Finding:** The State of Oregon passed Senate Bill 1573, effective March 15, 2017. The bill eliminated specific requirements for elections when processing annexations if specific criteria are met, specifically the annexation must demonstrate that:

1. It was submitted on behalf of all owners of land in the annexation territory;
2. The annexation territory must be included within the urban growth boundary of the city or Metro and is, or will be, subject to acknowledged comprehensive plan of city;

3. At least one parcel in the annexation territory must be contiguous to city limits; and
4. The proposal must conform to all other requirements of the city's ordinances.

Staff finds that the proposal meets the above criteria. The application contains a signed petition of owners of record in the application, is within the urban growth boundary, is subject to the comprehensive plan and has contiguous city limits with property to the north, south, east and west. As a condition of approval, the proposal shall meet all other requirements as stated in the city's development code and ordinances. Therefore, this annexation proposal may forego the elections proceedings stated in CMC 16.84.030.

**CMC 16.84.030 – Filing Procedure.**

**Whenever an application for annexation is filed, it shall be reviewed in accordance with the following procedures:**

**A. Application Filing Deadlines. Application deadlines are established to permit public hearings by both the Planning Commission and the City Council in time to meet state and county requirements for submitting ballot information for these election dates. Application deadlines are as follows:**

**1. Regular annexation dates are in May and November. Annexations must be filed with the City before 5:00 p.m. on the last working day in August for a ballot election in May and the last working day in February for a ballot election in November. Incomplete applications may result in missing these planned election dates, at the City's discretion.**

**2. Annexations can be scheduled for a special election provided that all costs associated with the special election are covered by the applicant. Special elections will be scheduled by the City Council following the required City Council hearing on the application.**

**Finding:** The above criteria are not applicable to this proposal. This annexation is not processed through an election proceeding.

**B. Application Submittal. Application procedures shall be as described in Chapter 16.89, on forms provided by the Planning Department. (Ord. 899 section 6, 1993; Ord. 740 section 10.6.30, 1984; Ord. 981 section 36, 1997; Ord. 1019 section 18-20, 1999; Ord. 1080, 2001; Ord 1237, 2007; Ord. 1294, 2008)**

**Finding:** Staff finds this criterion has been met; the application procedures and forms were completed as prescribed.

**CMC 16.84.040 – Standards and criteria.**

**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.**

**Finding:** The applicant indicates that the proposed annexation area is within the SW Canby Development Concept Plan and that the development will conform to the requirements indicated in the plan for this area. A development agreement and signed covenant are not necessitated by this development proposal according to the City of Canby Annexation Development Map found in the Annexation Chapter of the CMC, but does require a DCP. Staff finds these criteria are met.

**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. Stormwater
4. Access
5. Internal Circulation
6. Street Standards
7. Fire Department requirements
8. Parks and open space

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

**Finding:** The proposed annexation is within the established SW Canby DCP Area and the development must conform to the requirements indicated in the plan for this area. The SW Canby DCP criteria approval can be met as conditioned.

**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;**



**Finding:** The applicant has provided a needs analysis for single family residential lots in the City of Canby over the next five years using population projections and an account of residential development according to recently approved and in process single family residential land use applications.

In summary, the Current Single Family Residential (SFR) Lot Inventory (May 17, 2021) has been determined to be 60 lots, or a 10-month supply, based on current growth. The available SFR lot inventory is anticipated to climb with approval and development of several “In Process” subdivisions through late 2022, with the peak of the inventory being slightly less than a 3-year lot supply. The available inventory would then be projected to drop through the remainder of 2022, 2023 and 2024, unless other subdivision applications were submitted and approved for other subdivisions not currently being considered.

The DuPont annexation property is minor in the overall City of Canby buildable lot inventory. When developed as a single-family residential subdivision, it is anticipated to add approximately 6 SFR lots to the buildable SFR lot inventory, approximately a one-month supply. The first of these residences would be expected to be livable in early 2023, nearly two years from now. If no subdivision applications are submitted and approved between now and mid-2024, the available SFR lot inventory projected for July 1, 2024, would be approximately a one-year supply. However, additional applications for subdivisions and partitions are anticipated to be approved by the City of Canby over the next two years that would add to the City’s available inventory of buildable SFR lots.

Given the circumstances of the annexation and that this area is within the SW Canby DCP, has been planned for development, and addresses connectivity issues, staff concurs with the applicant and finds these criteria are sufficiently addressed. Staff finds that the land has already been designated for annexation through an application process guided by the established SW Canby DCP. This criterion is satisfied.

**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.**

**Finding:** The applicant states and staff generally agree that there are no known or identified physical, aesthetic or related social effects that will result from the proposed annexation. There are no identified negative impacts anticipated to create a burden on or harm the community / neighborhood as result of this proposal. Impacts are expected to be generally similar to already existing subdivisions in the area and have been adequately planned for as part of SW Canby DCP.

The applicant held a virtual neighborhood meeting for neighborhood representatives, neighboring property owners and residents on Thursday, May 13, 2021. The meeting was held virtually, rather than in person, to comply with State and County Covid-19 restrictions. Approximately 250 notices were mailed to surrounding residents and property owners including a list of resident addresses provided by Hope Village management for residents in the nearby Meadow and Cascade House buildings. Meeting attendance included four people in total, including the applicant, the applicant’s representative, and the owners of Tax Lot 1500 to the south of the subject site.

The applicant’s representative began the meeting by discussing the proposal, explaining the City of Canby annexation process, residents’ opportunities for input, and then showing maps of the annexation

area. After roughly 10 minutes, the meeting was opened for questions and comments. Much of the discussion was centered on the development of the Southwest Canby Development Concept Plan. The owners of Tax Lot 1500 appealed the initial approval of the Southwest Canby DCP due to the street configuration of the plan near and on their property. The appeal (APP 18-02) was heard by City Council and was rejected, with the City Council approving the DCP and the subdivision application with a specified amendment. The specified amendment included the additional condition of approval that the approval of the Beck Pond subdivision shall not determine the configuration of any future development on Tax Lot 1500 and that any future development proposal on Tax Lot 1500 shall be judged upon its' own merits at the time when an application is submitted. Being as though the applicant and none of the City Planning Staff were involved in the approval of the Southwest Canby DCP, the information from the owners of Tax Lot 1500 was extremely helpful. Based on the information from the owners of Tax Lot 1500, the applicant revised the conceptual development plan for the proposed annexation site to conform to their plan for the extension of SW 15th Avenue through their site. After approximately 30 minutes of discussion and questions, the meeting was ended.

Minutes of that meeting are part of the record. Staff finds this criteria has been met.

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

**Finding:** The applicant indicates in the submitted narrative that all required services are available to adequately provide for the future development of the subject property. Existing sewer, water, power and other utility infrastructure are already in place or will be extended as appropriate to accommodate the annexation area. This infrastructure is currently capable of providing service to the future development of Redwood Landing 2, which includes this proposed annexation area. The applicant proposes drywells and on-site roof stormwater percolation systems through the building permit process of Redwood Landing 2 subdivision's individual lot approvals to address stormwater runoff. These stormwater systems will be evaluated by a professional engineer and coordinated with the Canby's City engineer.

The subject parcel is in a Development Concept Plan Area of the Canby Annexation Development Map. The applicant is aware of the obligation to provide dedications for future public facilities and the construction of streets and water and sewer lines as well as other related development. The adopted Development Concept Plan demonstrates how utility infrastructure will be made available, and unmanageable capacity issues were not identified by City departments and agencies during this review process. Staff finds these criteria can be met at the time of development.

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

**Finding:** The annexation and rezone currently proposed will not increase demand for public services. Staff and applicant acknowledge that future subdivision of the property will create buildable lots for single family homes that will increase demand for public water, sanitary sewer, streets, emergency services, parks and schools. These utilities and services would be provided by the developer through construction of new public utility infrastructure at the time of subdivision approval. System Development Charges (SDCs) are paid by the homebuilders at the time Site and Design review is approved for each lot, meant to offset impacts to the utility, roadway, and park or school system.

**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;**

**Finding:** No phasing or additional facilities or infrastructure is required or anticipated with this annexation proposal.

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

**Finding:** Public facilities needed to serve the development will be provided by the development through construction of new facilities by a developer and through payment of SDC fees by homebuilders building homes within the development. Homebuilders will also pay the construction excise tax for the school district.

**8. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development. Proposed zoning must be consistent with zoning identified in any applicable adopted Development Concept Plan. (Ord. 1292, 2008; Ord. 1422, 2015);**

**Finding:** The proposed use of the site is consistent with the adopted Comprehensive Plan Map designation and the text contained in the City’s Land Development and Planning Ordinance, No text or map amendments are required for development of this site.

**9. Compliance with other applicable city ordinances or policies;**

**Finding:** According to the applicant’s submittal and City of Canby ordinances and policies, staff finds that this proposal is in compliance with applicable regulations as conditioned.

**10. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (Ord. 740 section 10.6.40, 1984; Ord. 981 section 37, 1997; Ord. 1294, 2008);**

**Finding:** As stated above, the applicant indicates in the submitted narrative that The State of Oregon passed Senate Bill 1573, effective March 15, 2017. The bill eliminated specific requirements for election requirements when processing annexations if specific criteria are met, specifically the annexation must demonstrate that:

1. Be submitted by all owners of land in the annexation territory;
2. The annexation territory must be included within the urban growth boundary of the city or Metro and is, or will be, subject to acknowledged comprehensive plan of city;
3. At least one parcel in the annexation territory must be contiguous to city limits; and
4. The proposal must conform to all other requirements of the city’s ordinances.

Staff finds that the proposal meets the above criteria. The application contains a signed petition of owners of record in the application, is within the urban growth boundary, is subject to the comprehensive plan and has contiguous city limits with property to the north, south, east and west. As a condition of approval, the proposal shall meet all other requirements as stated in the city’s development code and ordinances. Therefore, this annexation proposal may forego the elections proceedings stated in CMC 16.84.030. Staff finds that the applicant has met the applicable standards of ORS Chapter 222.

**CMC 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.

**Finding:** A Pre-application conference was held on April 8, 2021.

- 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.

**Finding:** A neighborhood meeting consisted with standards was held by the applicant on Thursday, May 13, 2021. The meeting was held virtually due to State and County COVID-19 restrictions. Meeting minutes are included in the applicant materials attached to this report.

- 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.

**Finding:** The standards for application requirements and public noticing have been met.

- 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 are a party to the public hearing conducted by the Planning Commission were 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)**

**Finding:** 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 July 27, 2021 at least 20-days prior to the hearing. Prior notification and neighborhood meetings were completed during the application process. The site was posted with a Public Hearing Notice sign on September 7, 2021. Notice meeting ordinance requirements of the public hearings was published in the Canby Herald on September 1, 2021. The A pre-application conference was held on April 8, 2021. These findings indicate that all processing requirements have been satisfied with this application to date.

**IV. 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 July 27, 2021. Complete comments are documented in the file. As of the date of this Staff Report, one comment from a member of the public has been received and is attached to this report.

**Conclusion Regarding Consistency with the Standards of the Canby Municipal Code**

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

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

**V. Recommendation to Planning Commission: ANN 21-02/ZC 21-02**

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. The Planning Commission move to recommend ANN 21-02/ZC 21-02 for approval to the City Council;
2. The Planning Commission move to change the zoning of the subject property from Clackamas County EFU to City of Canby R-1.5 as indicated by the Canby Comprehensive Plan Map and the SW Canby Development Concept Plan.

The Planning Commission move to attach the following conditions to this recommendation of approval:

1. Annexation (ANN 21-02) and Zone Change (ZC 21-02) must be free of appeals and final land use decisions as defined by ORS 197.015 prior to gaining subdivision approval. Any action on behalf of the applicant that invalidates or disqualifies ANN 21-02 and ZC 21-02 would require another Type IV review before subdivision through the City of Canby is an option.
2. Annexation approval shall conform to all other applicable City of Canby ordinances, municipal code, state law and administrative rule.

**RECEIVED**

By Canby Planning Brianna Addotta at 2:00 pm, Jun 28, 2021

# **Application for Annexation with R-1.5 Zoning Applied**

## **1495 S Fir Street Canby, OR 97013**

Applicant/Owner:	Blake DuPont 2785 SE Territorial Road Canby, OR 97013 Phone: (503) 502-9949
Owners:	Brian & Bridget DuPont 9757 Lariat LN Aurora, OR 97002
Location	1495 S Fir Street South of SW 13 <sup>th</sup> Avenue on the west side of S Fir Street opposite Hope Village.
Legal Description	Tax Lot 1400, Sec. 04CA, T4S R1E WM (Assessor Map 4 1E 04CA)
Zoning	Current: Clackamas County, EFU Proposed: City of Canby, R-1.5
Proposal	Annexation of 1.37 acres into the City of Canby 1.31 acres of real property & 0.06 acres of S Fir Street right-of-way
Date	June, 2021

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- V. Neighborhood Meeting Summary
- VI. Warranty Deed & Legal Description
- VII. Legal Descriptions for Annexation
- VIII. Exhibit Map for Annexation
- IX. Maps
  - a. Vicinity Map
  - b. Aerial Map
  - c. Assessor Map
  - d. Comprehensive Plan Map
  - e. Record of Survey
  - f. Existing Conditions / Topographic Map
  - g. Conceptual Site Plan
- X. SW Canby Development Concept Plan & Appeal APP 18-02
- XI. Transportation Planning Rule Memo
  
- Loose Mailing Labels  
Full Size Plans



# I. Application Forms



City of Canby  
 Planning Department  
 222 NE 2<sup>nd</sup> 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: Blake DuPont Phone: (503) 502-9949  
 Address: 2785 SE Territorial Road Email: blake@willametteplastics.com  
 City/State: Canby, OR Zip: 97013

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

Property Owner Name: Blake DuPont Phone: (503) 502-9949  
 Signature:   
 Address: 2785 SE Territorial Road Email: blake@willametteplastics.com  
 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.
- 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.

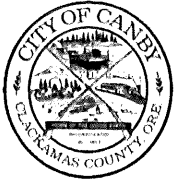
**PROPERTY & PROJECT INFORMATION:**

1495 S Fir Street 1.31 Ac. 41E04CA01400  
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

One existing home with multiple outbuildings EFU MDR - Medium Density Res.  
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Annexation into the City of Canby and apply R-1.5 zoning.  
 Describe the Proposed Development or Use of Subject Property

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



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

# LAND USE APPLICATION

## ANNEXATION Process Type IV

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 Address: 375 Portland Avenue Email: patsisul@sisulengineering.com  
 City/State: Gladstone, OR Zip: 97027

Property Owner Name: Brian DuPont Phone: (503) 502-8388  
 Signature: [Signature]  
 Address: 9757 Lariat LN Email: brian@willametteplastics.com  
 City/State: Aurora, OR Zip: 97002

Property Owner Name: Bridget DuPont Phone: (503) 572-2147  
 Signature: [Signature]  
 Address: 9757 Lariat LN Email: bridgetdupont@gmail.com  
 City/State: Aurora, OR Zip: 97002

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

- 1 All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- 2 All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations.
- 3 All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

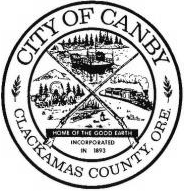
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 Describe the Proposed Development or Use of Subject Property

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City of Canby  
 Planning Department  
 222 NE 2<sup>nd</sup> Avenue  
 P.O. Box 930  
 Canby, OR 97013  
 Ph: 503-266-7001  
 Fax: 503-266-1574

# CHECKLIST

## ANNEXATION – TYPE IV

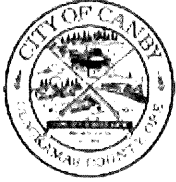
**All required application submittals detailed below must also be submitted in ELECTRONIC FORMAT on a CD, flash drive, FTP site, or via email to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)**

- | Applicant<br>Check                  | City<br>Check            |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Payment of appropriate fees: Cash, check or credit card. Checks should be made out to the <i>City of Canby</i> .   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>One (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT</b> for all property owners and all residents within 500 feet of the subject property. If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to "Occupant." A list of property owners may be obtained from a title insurance company or from the County Assessor's office.                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | One (1) copy of a written statement and an electronic copy in <b>WORD</b> format describing the property to be annexed, including all existing improvements on the land, and detailing how the annexation and proposed zoning meet the approval criteria, and availability and adequacy of public facilities and services. <b><u>Ask staff for applicable Municipal Code chapters and approval criteria.</u></b> Applicable Code Criteria for this application includes:<br><hr/><br><hr/><br><hr/><br><hr/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | One (1) copy in written format of the minutes of the neighborhood meeting is required by Municipal Code 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | One (1) copy in written format of the minutes of the pre-application meeting   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | One (1) copy of a written statement, signed by at least 51% of the owners of land in the territory to be annexed that states, pursuant to ORS 222.170: "Consent to annex is hereby given by the undersigned, who represent more than half the owners of land in the territory, and who also own more than half of the land and real property in the contiguous territory, which represents more than half of the assessed value of all real property in the contiguous territory."                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | One (1) copy of the full quarter-section tax assessor's map with the subject property outlined.  |

- One (1) copy of the legal description of the property to be annexed, and a boundary survey certified by a registered engineer or surveyor containing bearings and one half of the adjacent street right-of-way, if applicable.
- One (1) copy of a Traffic Impact Study (TIS), conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the traffic engineer will conduct or review a traffic impact study. Ask staff to determine if a TIS is required.  
*Note: A traffic impact analysis is not required if all the property to be annexed is located within the boundaries of an approved Development Concept Plan and a traffic impact analysis was completed for the Development Concept Plan.*
- If the property to be annexed is located inside a “Development Concept Area” identified on the Annexation Development Map, Figure 16.84.040 of Canby Municipal Code Chapter 16.84, then submit one (1) copy of an approved Development Concept Plan.
- If the property to be annexed is located inside a “Development Agreement Area” identified on the Annexation Development Map, Figure 16.84.040 of Canby Municipal Code Chapter 16.84, then submit one (1) copy of a Development Agreement intended to be approved and recorded with the property.

**ANNEXATION APPLICATION – TYPE IV: APPLICATION PROCESS**

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and 2 paper copies of the preliminary plans to the City Planner, and all submittal materials must be submitted in electronic format. The City Planner shall forward the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The fee for a pre-application meeting for an annexation is indicated in the City of Canby Master Fee Schedule for Pre-Application Conferences for Type III and IV applications.
2. Prior to submitting an application, all applicants must hold a neighborhood meeting with surrounding property owners and any recognized neighborhood association representative, pursuant to the procedures described in Canby Municipal Code Section 16.89.070. In certain situations, the Planning Director may waive the neighborhood meeting requirement.
3. At the time an application is submitted to the City, payment of required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
4. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
5. Staff investigates the application, writes a staff report, issues public notice, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
6. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. This material will be posted by staff at least ten (10) days before the public hearing.



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

# LAND USE APPLICATION

## Zone Map Change Application

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

Applicant Name: Blake DuPont Phone: (503) 502-9949  
 Address: 2785 SE Territorial Road Email: blake@willametteplastics.com  
 City/State: Canby, OR Zip: 97013

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

Property Owner Name(s)\*: Blake Dupont Phone: (503) 502-9949  
 Signature:   
 Address: 2785 SE Territorial Road Email: blake@willametteplastics.com  
 City/State: Canby, OR Zip: 97013

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

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

**PROPERTY & PROJECT INFORMATION:**

1495 S Fir Street 1.31 Ac. 41E04CA01400  
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

One home and multiple outbuildings EFU MDR - Medium Density Res.  
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

To annex the property into the City of Canby with R-1.5 zoning, consistent with the MDR zone  
 Brief description of proposed development or use  
designation shown on the Comprehensive Plan.

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

Visit our website at: [www.canbyoregon.gov](http://www.canbyoregon.gov)

Email Application to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov) City Council Packet - Page 23 of 183



City of Canby  
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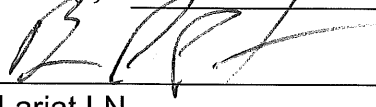
# LAND USE APPLICATION

## Zone Map Change Application

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 City/State: Gladstone, OR Zip: 97027

Property Owner Name(s)\*: Brian DuPont Phone: (503) 502-8388  
 Signature:   
 Address: 9757 Lariat LN Email: brian@willametteplastics.com  
 City/State: Aurora, OR Zip: 97002

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

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**PROPERTY & PROJECT INFORMATION:**

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One home and multiple outbuildings EFU MDR - Medium Density Res.  
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

To annex the property into the City of Canby with R-1.5 zoning, consistent with the MDR zone  
 Brief description of proposed development or use  
designation shown on the Comprehensive Plan.

STAFF USE ONLY				
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City of Canby  
 Planning Department  
 222 NE 2<sup>nd</sup> Avenue  
 PO Box 930  
 Canby, OR 97013  
 (503) 266-7001

# LAND USE APPLICATION

## Zone Map Change Application

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

Applicant Name: Blake DuPont Phone: (503) 502-9949  
 Address: 2785 SE Territorial Road Email: blake@willametteplastics.com  
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 Address: 375 Portland Avenue Email: patsisul@sisulengineering.com  
 City/State: Gladstone, OR Zip: 97027

Property Owner Name(s)\*: Bridget DuPont Phone: (503) 572-2147  
 Signature: Bridget DuPont  
 Address: 9757 Lariat LN Email: bridgetdupont@gmail.com  
 City/State: Aurora, OR Zip: 97002

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

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

One home and multiple outbuildings EFU MDR - Medium Density Res.  
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

To annex the property into the City of Canby with R-1.5 zoning, consistent with the MDR zone  
 Brief description of proposed development or use  
designation shown on the Comprehensive Plan.

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

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City of Canby  
 Planning Department  
 222 NE 2<sup>nd</sup> Avenue  
 P.O. Box 930  
 Canby, OR 97013  
 Ph: 503-266-7001  
 Fax: 503-266-1574

# CHECKLIST

## ZONE MAP CHANGE (Amendments to Zoning Map Chapter 16.54)

**All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)**

Applicant City  
 Check Check

- One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.
- Payment of appropriate fees – cash or check only. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
- Please submit one (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** for all property owners and all residents within 500 feet of the subject property. If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.” A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.
- Comprehensive Plan designation of the property.
- The application shall be accompanied by a written narrative explaining the existing use of the property and the need for the change in zoning.
- Two (2) paper copies of the proposed plans, printed to scale no smaller than 1”=50’ on 11 ½ x 17” paper. The plans shall include the following information:
  - Vicinity Map. Vicinity map at a scale of 1”=400’ showing the relationship of the project site to the existing street or road pattern.
  - Site Plan-the following general information shall be included on the site plan:
    - Date, north arrow, and scale of drawing;
    - Name and address of the developer, engineer, architect, or other individual(s) who prepared the site plan;
    - Property lines (legal lot of record boundaries);
    - Location, width, and names of all existing or planned streets, other public ways, and easements within or adjacent to the property, and other important features;
    - Location of all jurisdictional wetlands or watercourses on or abutting the property;
    - Finished grading contour lines of site and abutting public ways;
    - Location of all existing structures, and whether or not they are to be retained with the proposed development;
    - The location of streets, sewer, water, electric, and other utility services;
    - Major topographic and landscape features.
- One (1) copy of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes to include the date of the meeting and a list of attendees.

3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application

Visit our website at: [www.canbyoregon.gov](http://www.canbyoregon.gov)

Email Application to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov) Council Packet - Page 26 of 183

**Application for Annexation**

Applicant/Owner	Blake DuPont 2785 SE Territorial Rd. Canby, OR 97013 Phone (503) 502-9949
Owners	Brian & Bridget DuPont 9757 Lariat LN Aurora, OR 97002
Consultant	Sisul Engineering, Pat Sisul 375 Portland Avenue Gladstone, OR 97027 Phone: (503) 657-0188 Email: patsisul@sisulengineering.com
Location	1495 S Fir Street South of SW 13 <sup>th</sup> Avenue on the west side of S Fir Street opposite Hope Village.
Legal Description	Tax Lot 1400, Sec. 04CA, T4S R1E WM (Assessor Map 4 1E 04CA)
Zoning	Current: Clackamas County, EFU Proposed: City of Canby, R-1.5
Site Size	1.31 Acres
Proposal	Annexation of 1.37 acres into the City of Canby 1.31 acres of real property & 0.06 acres of S Fir Street right-of-way
Date	June, 2021

## PROPOSAL

The applicants propose annexation of 1.31 acres of real property into the City of Canby with zoning of R-1.5, Medium Density Residential, in conformance with the adopted Comprehensive Plan designation. Annexation will allow, in theory, development of approximately 6-9 new single-family residences as shown on the approved SW Canby Development Concept Plan for this area and the conceptual site plan submitted with the application. In addition, 0.06 acres of S Fir Street right-of-way is proposed for annexation along the frontage of the site.

## SITE LOCATION



## SITE DESCRIPTION

The site is located south of SW 13<sup>th</sup> Avenue and west of S Fir Street. The property is located across S Fir Street from the main Hope Village Campus and is to the south of the Hope Village Cottages located on SW Pacific Crest Drive. The western boundary of the site borders the Elmwood Mobile Home Community and there is one undeveloped 2-acre lot, Tax Lot 1500 to south of the site along the west side of S Fir Street. The new Beck Pond subdivision is located south and west of the site between S Elm St and S Fir St and the new Ivy Ridge Estates subdivision is located south and east of the site between S Fir St and S Ivy St.

The site has one home and two outbuildings located on it. The outbuildings were used as part of a small farm that operated onsite through the summer of 2019. The lot measures approximately 337 feet east-west by 169 feet north-south. S Fir Street borders the eastern side of the site and there is 169 feet of street frontage on S Fir St. The width of the S Fir Street right-of-way is 40 feet, and the pavement width varies between 30 and 38 feet within the right-of-way. On the Hope Village side of S Fir Street there are curb tight sidewalks, while the nearest sidewalks on the west side of S Fir Street have sidewalks with planter strips adjacent to the street. The portion of S Fir Street in front of this site is under the jurisdiction of the City of Canby and is designated as a Local Street in the Transportation System Plan.

The property is an island of County land surrounded by the City of Canby. The nearest County land lies over 900 feet to the south near the southern terminus of S Fir Street. This site currently carries Clackamas County's Exclusive Farm Use zoning, and it is proposed to annex into the City with R-1.5 zoning, in conformance with the zone identified on the City of Canby Comprehensive Plan Map. Most surrounding properties carry the City's R-1.5 zoning, including the main Hope Village campus and most properties on the west side of S Fir Street. The Elmwood Mobile Home Community and the southern portion of Beck Pond are zoned R-1, Low Density Residential. South of the existing Hope Village campus on the east side of S Fir Street, the land in the future Hope Village Southern Expansion area is zoned high-density R-2.

Much of the site has been farmed for an extended period. Existing landscaping includes lawn, shrubs, a hedge, and several trees in the vicinity of the home, however much of the site is void of trees and significant landscaping. Trees around the home would remain when the property was annexed, but some trees and shrubs may require removal when the site is later subdivided. The grade of the site is nearly flat, with less than 2 feet of fall across the site.

Public sanitary sewer and water are available to the site in S Fir Street. Both utilities are already extended past the site. Other public utilities, such as natural gas, power and communications are also available from S Fir Street. Fire protection is available to the property from Canby Fire District and police protection is available from the City of Canby Police Department. Storm drainage can be accommodated onsite through infiltration into the underlying soils.

## Applicable Criteria and Standards

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

### *Canby Comprehensive Plan*

### *Canby Municipal Code*

- 16.08 General Provisions*
  - 16.08.040 Zoning of Annexed Areas*
  - 16.08.150 Traffic Impact Study*
  
- 16.54 Amendments to the Zoning Map*
  - 16.54.010 Authorization to Initiate Amendments*
  - 16.54.020 Application and Fee*
  - 16.54.030 Public Hearing on Amendment*
  - 16.54.040 Standards and Criteria*
  - 16.54.060 Improvement Conditions*
  
- 16.84 Annexations*
  - ORS 222.225 Annexations (adopted by reference)*
  - 16.84.030 Filing Procedures*
  - 16.84.040 Standards and Criteria*
  - 16.84.050 Consideration of Applications*
  - 16.84.090 Exceptions*
  
- 16.88 General Standards and Procedures*
  - 16.88.010 Applicability*
  
- 16.89 Application and Review Procedures*
  - 16.89.060 Process Compliance (Type IV Decision)*
  - 16.89.070 Neighborhood Meetings*

## CANBY COMPREHENSIVE PLAN

### Urban Growth Element

*Goal 1. To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.*

Response: The site is designated "EFU" by Clackamas County, a rural residential zone. The soil type onsite identified by the Web Soil Survey is "Latourell Loam", which is suitable for agriculture or for development. Although the site was used for agriculture in the past, it is not currently being used for that purpose. The site is an island of undeveloped County land and is too small to be a viable farm. The site is bordered by newer urban developments to the north and east, by a manufactured home community to the west and by a single-family home on an oversized lot to the south that was annexed into the City of Canby in 2018. Because the property is within the City's Urban Growth Boundary, the policy has been established by the City and County that the site will ultimately be developed for urban uses.

*Goal 2. To provide adequate urbanizable area for the growth of the City, within the framework of an efficient system for the transition from rural to urban land use.*

Response: The site is an area of Canby that had been slowly growing and converting to urban uses in locations where public utilities were available. Hope Village to the east and the Elmwood Mobile Home Community to the west have existed for many years. More recently, development has been slowly extending south along the west side of S Fir Street. In 2018, a Development Concept Plan for the area was approved by the City Council and all surrounding properties that were not already within the City, were annexed. Recent significant residential developments south of the site include the Beck Pond and Ivy Ridge Estates (aka Riverside Park) subdivisions. Hope Village was also recently approved for a southerly expansion. City street improvements and utilities have been extended past this site in S Fir Street to serve other properties and are available to serve this site at the time of annexation. With this parcel being in the County, the provisions of some services are currently less efficient than if the land within this island were to be included within the City.

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

Response: The Comprehensive Plan is the adopted policy for the city and county. The proposed zoning for the site is consistent with the adopted Comprehensive Plan.

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

Response: Public facilities and services are available to the site from S Fir Street. Public sanitary sewer and water are available within S Fir Street and the applicant has been advised that the City has adequate capacity to serve the site. Other public utilities,

including natural gas, power, and communications are also available in S Fir Street. Fire protection is available through Canby Fire District and police protection is available from the City of Canby Police Department. Service providers have indicated that the site can be served at density levels consistent with the site's future R-1.5 zoning.

Upon development of Tax Lot 1500 to the south of this site, neighborhood access will be further enhanced from an easterly extension of SW 15<sup>th</sup> Avenue to S Fir Street. Public improvements, such as the water and natural gas systems will also benefit by having additional loops and redundancies within their systems.

A Transportation Planning Rule memo, paid for by the applicant, and prepared by DKS Associates, the City of Canby's traffic consultant, determined that when the site is developed as an R-1.5 subdivision, traffic from the site will not have a significant impact on the surrounding roadway system. The transportation assessment performed as a part of the City's Transportation System Plan accounted for the proposed development of the site as an R-1.5 subdivision, and therefore the rezoning of the site to R-1.5 is consistent with the acknowledged transportation system plan.

Public schools, by law, are required to provide for students within the district. The property is already located within the Canby School District and is served by Lee Elementary, Baker Prairie Middle School and Canby High School. According to school enrollment reports, Canby School District has fewer students enrolled in the 2020-2021 school year than during the 2019-2020 school year. The school district enrollment projections indicate that enrollment is anticipated to remain nearly flat for the next few years, even with the growth in the city. The school district has some classes nearer capacity, while other are below capacity. Below is a comparison of the number of students enrolled at each school serving this site during the past two school years. In each case, there are fewer students enrolled in the 2020-2021 school year than in the 2019-2020 school year.

Lee Elementary:	2020-2021:	331
	2019-2020:	399
Baker Prairie Middle School:	2020-2021:	607
	2019-2020:	611
Canby High School:	2020-2021:	1364
	2019-2020:	1418

The applicants intend to annex their land at this point and are unsure of how soon it may be developed as a subdivision. With the length of time required to go through the annexation and subdivision approval processes, the very earliest that homes would be anticipated to begin construction on the site would be late in the summer of 2022. Any new students generated by having new homes on this property would not impact district schools until fall or winter 2022 at the earliest. Since the site is small, the impact on the need for public services, including additional school resources, is anticipated to be minor.

Land Use Element

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

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

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

This site is identified in the Comprehensive Plan as MDR – Medium Density Residential. Density in this zone is controlled by permitted maximum and minimum lot sizes identified in the Development Code for the R-1.5 zone. The ability to increase the density of the site, when developed, is limited by the requirements of the R-1.5 Chapter.

In order to satisfy building demand, the City Council adopted annexation supply policy to assure a 3-year supply of available platted lots for consumption.

According to an analysis performed by the applicant (see Appendix A), based on the Portland State University Population Research Center and METRO estimates and forecasts, the average number of SFR homes needed per year for the next three years is 71 year, and 213 total.

Comparing the recent building permit activity in the City of Canby to the population estimates the recent building permit activity is outpacing the projected growth. According to Clackamas County Building Permit Data available online through the County’s Accela onsite permitting program, the number of new SFR permits issued in the City of Canby for the past three years is:

2018:	84 permits		
2019:	129 permits		
2020:	144 permits		
<hr/>			
Total:	357 permits	Average:	119 permits / year

According to an analysis performed by the Applicant, as of May 17, 2021, there were 60 platted available SFR lots in the City of Canby. Based on an average of 71 new SFR permits needed annually, the existing inventory of buildable lots (60) would provide approximately a 10-month supply, far below a 3-year available platted supply.

However, other “in process” development applications are anticipated to add 274 additional lots by the third quarter of 2022. The available lot inventory would be anticipated to peak slightly below a year supply around August 1, 2022, then gradually decrease through the remainder of 2022, 2023, and 2024, unless additional subdivisions are approved and constructed.



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

The proposed annexation would add approximately 1.31 acres of buildable land to the City, although the developable portion of the site would be smaller considering that there is already a home on the site. Per the methodology in the Comprehensive Plan, the anticipated number of new dwelling units would be 3 and the number of new persons accommodated on the site would be 8, as calculated below:

1. 1.31 acres less 0.20 acres (right-of-way and easements) = 1.11 acres
2. 1.11 acres less 0.11 acres (pubic & semi-public open space) = 1.00 acres
3. 1.00 acres less 0.05 acres (vacancy factor) = 0.95 acres
4. 0.95 acres x 4.5 units per acre = 4.3 dwelling units
5. 1 existing home already exists = 3.3 new dwelling units (rounds down to 3)
6. 3 new dwelling units with 2.6 persons/dwelling unit = 8 people

Based on a Conceptual Development Plan prepared by the applicant, the proposed annexation site could potentially add 6 buildable lots for new SFR homes. This is a considerable increase over the number of lots anticipated by the Comprehensive Plan.

The Southwest Canby Master Plan, prepared in 2018, identified the one existing home and 7 new lots for this parcel. However, due to the Southwest Canby Master Plan being appealed by the owners of Tax Lot 1500 (south of this site) and Tax Lot 1500 being removed from the adopted Southwest Canby Master Plan, the street and lot layout reflected for this area of the Master Plan are no longer applicable to Tax Lots 1400 or 1500. In addition, because the Master Plan identified a lot layout for this parcel having a substandard cul-de-sac radius, the number of lots shown on the Master Plan would likely not have been approved by the Planning Commission without approval of a variance.

Annexation of the land would not immediately result in any new units being available for development. Following annexation, an application for subdivision would have to be completed, with approval required by the Planning Commission. Then construction plans would have to be prepared, land development would need to occur, and a subdivision plat would have to be filed. Given the number of processes required to develop raw land into a subdivision, the earliest that this would be anticipated to be accomplished would be summer or fall of 2022. Home construction would be anticipated to possibly begin in late summer or early fall 2022 with the first new dwellings becoming available for occupancy in late 2022 or early 2023, after much of the current buildable lot inventory has been depleted.

If annexed, and once the land is fully platted, it would be expected to add approximately six new single-family residential units to the available lot supply. Based

on the rate of growth projected for Canby (see Appendix A), this is anticipated to be a one-month supply.

The site adjacent to an area of newer development. Public facilities are installed in front of the property and are available to serve this lot when it is annexed into the City. Annexation of the site would facilitate completion of road and sidewalk improvements to western half of S Fir Street, which is included as part of the annexation.

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

Response: The applicant has contacted the City and other service providers. No problems were identified with the provision of any public facility or service for this 1.3 acre site.

*Policy No. 6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the Land Development and Planning Ordinance, in guiding the use and development of these unique areas.*

*Implementation Measures:*

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

Response: The site is not located within an "Area of Special Concern" as mapped in the Comprehensive Plan.

*Policy No. 7: Canby shall strive to ensure the efficient and effective provision of infrastructure to serve newly annexed areas.*

*Implementation Measures:*

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

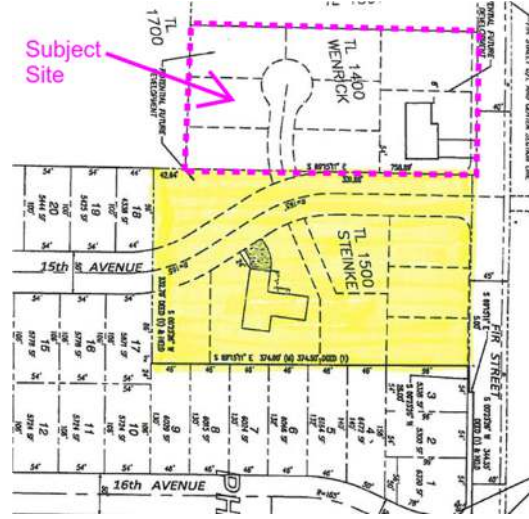
Response: This site is located within a Development Concept Plan Area as noted on the City's annexation Development Map. The Southwest Canby Master Plan was created and approved by the City Council in 2018 and much of the land within the Master Plan area was annexed and has been developed as new neighborhoods.

The original Master Plan layout submitted to the City identified a conceptual layout showing a north-south street through Tax Lot 1500 ending with a cul-de-sac in Tax Lot

1400. After the Master Plan was submitted, a revised plan was created showing an extension of SW 15<sup>th</sup> Avenue through Tax Lot 1500 to S Fir Street with a cul-de-sac north to serve Tax Lot 1400. The original submitted plan and the modified plan that was initially approved by the City are shown below. The subject site, Tax Lot 1400 is noted with pink, while Tax Lot 1500 is noted in yellow.



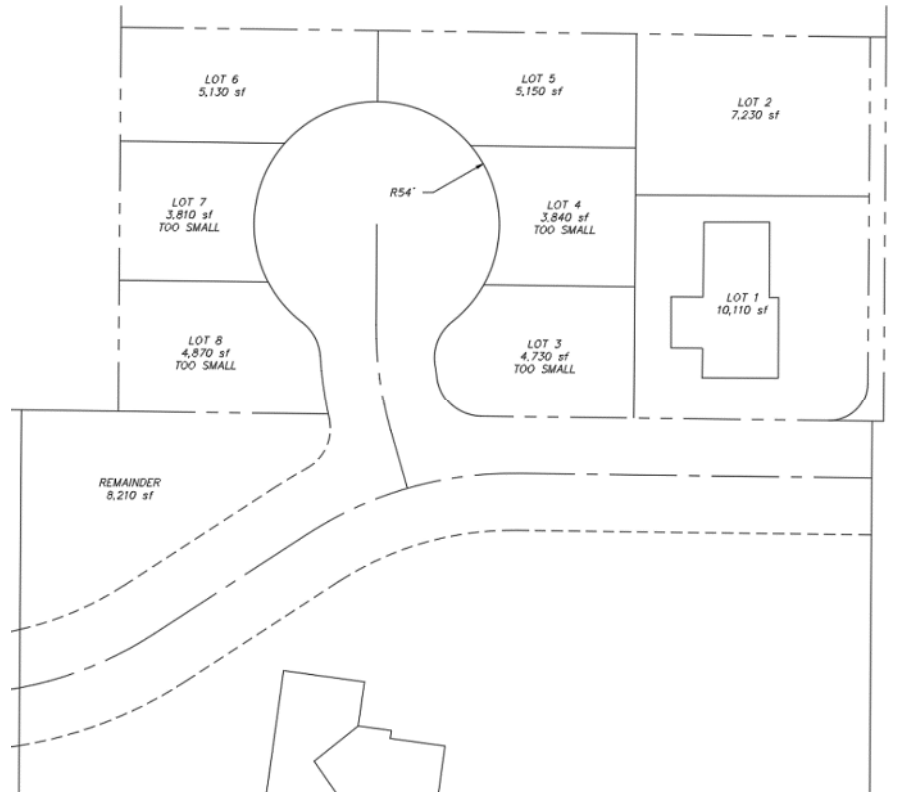
Original Submitted Plan



Modified Plan Approved

Both the original and modified plans above show Tax Lot 1400 having a substandard cul-de-sac radius bulb not meeting the requirements of the City Public Works Design

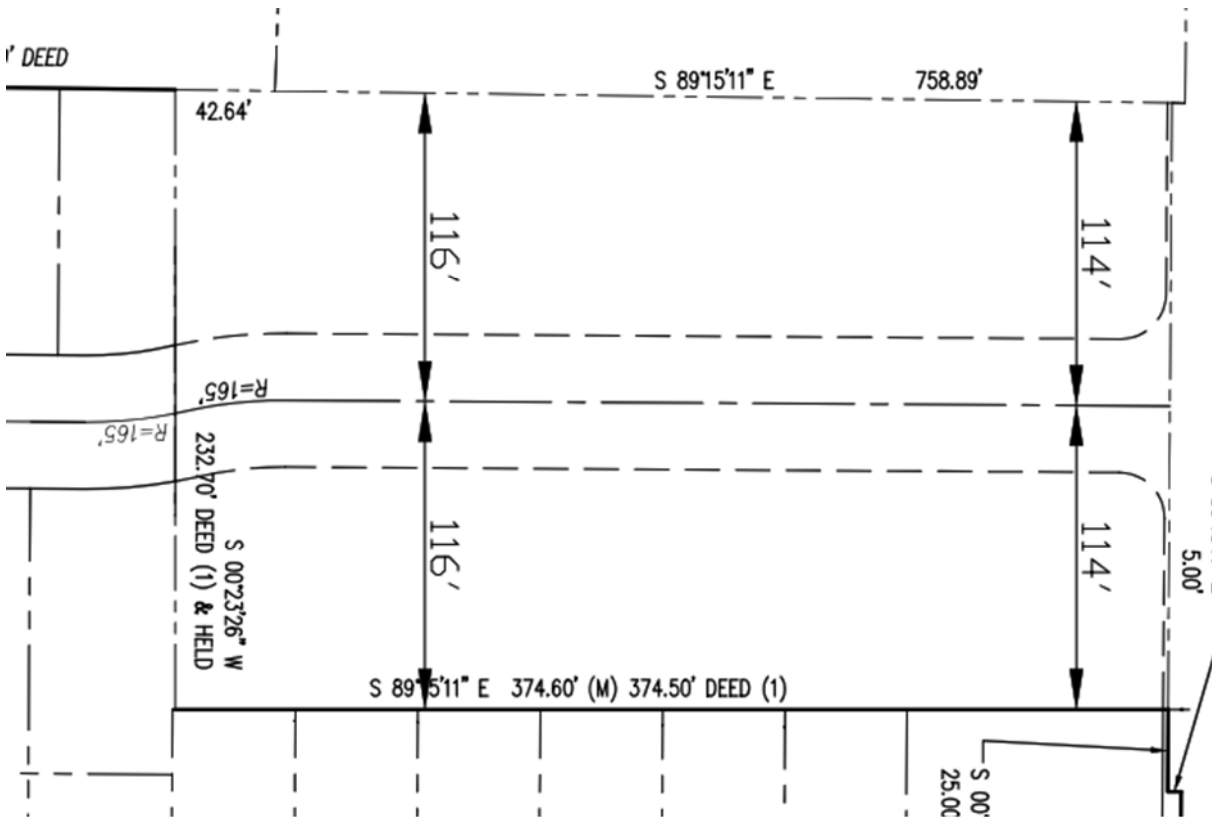
Standards. A layout like what was indicated on either Master Plan drawing would likely not be approved by the Planning Commission without approval of a variance. A cul-de-sac having a standard sized cul-de-sac bulb (see plan at right) would force two of



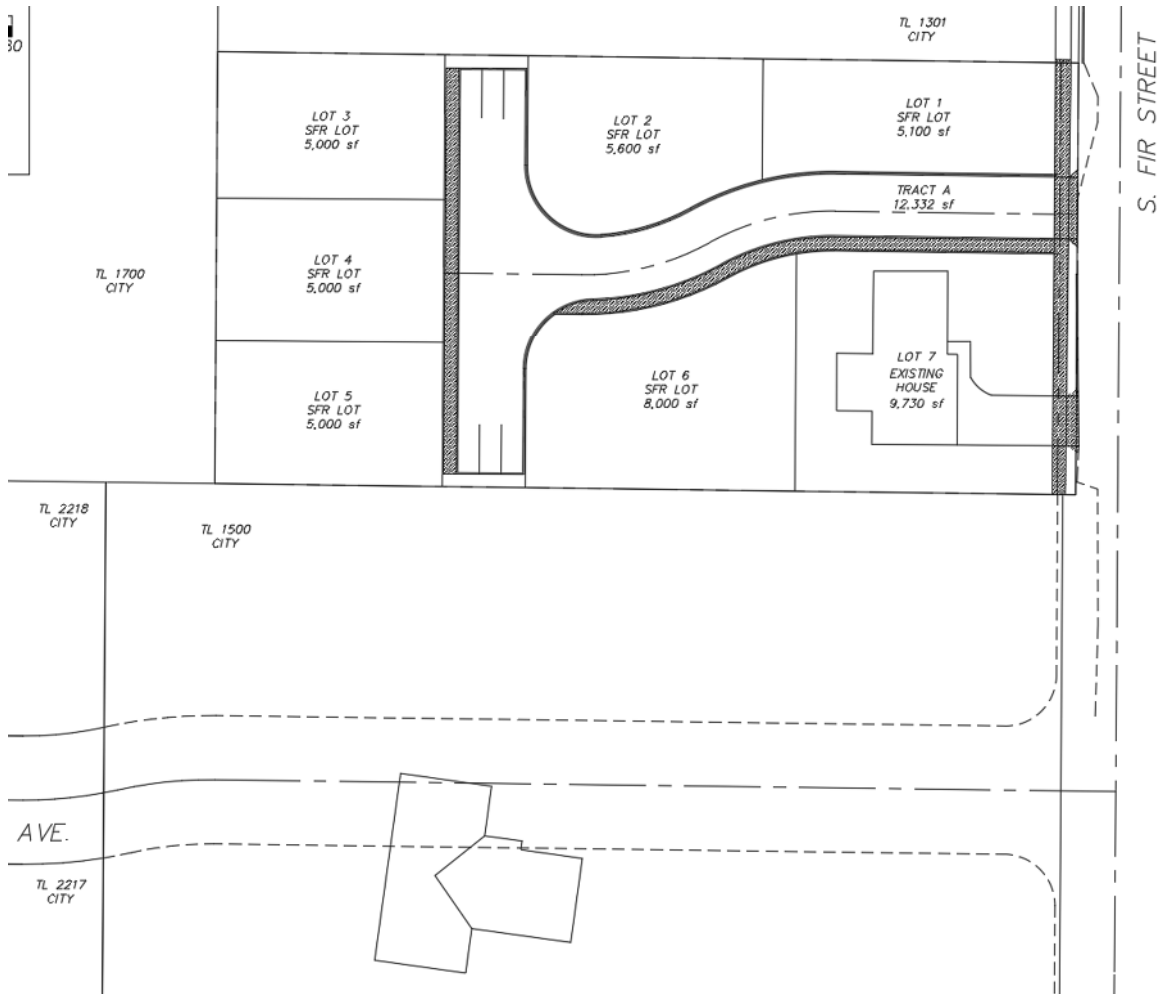
the six lots indicated around the bulb to be eliminated because the lots are undersized for the R-1.5 zone. The resulting layout would be an inefficient use of the land.

The original approval of the Southwest Canby Master Plan was appealed by the owners of Tax Lot 1500 after it had been approved. Although the appeal (APP 18-02) was denied by the City Council, the Council included a Condition of Approval that removed the determination of any future development on Tax Lot 1500 from the SW Canby Master Plan and added that “any future development proposal...shall be judged upon its own merits if and when submitted and shall not be bound by any shadow plat which has previously come before the City.” A copy of the Findings from the rejection of the appeal have been included with this application in Section X, SW Canby Development Concept Plan and City File No. APP18-02.

Because the subject site (Tax Lot 1400) only had connectivity with the other lots in the SW Canby Master Plan area through Tax Lot 1500, removal of the shadow platting of Tax Lot 1500 from the Master Plan also effectively removed the shadow platting on the subject site from consideration. The Findings for APP 18-02 mention that the appellant presented an illustration of the appellants preferred future street alignment across their property. Although the appellant’s preferred alignment (below) was not in any way adopted or binding, it showed how SW 15<sup>th</sup> Avenue could be extended eastward to S Fir Street by dividing the property exactly in half north to south with equal future lot depths on each side. The City Council acknowledged that this was one of several viable possible development options for Tax Lot 1500.



For the reasons detailed above, the applicant has submitted a Conceptual Site Plan for the annexation site (Tax Lot 1400) that is different from shown on the original and modified versions of the SW Canby Development Concept Plan. The plan below would work with the street alignment for SW 15<sup>th</sup> Avenue preferred by the owners of Tax Lot 1500, and it would result in six new lots for new SFR homes. As the current application is for annexation only, the submitted Conceptual Site Plan is non-binding and will need to be approved by a separate application process and a public hearing before the Planning Commission.



The public infrastructure is in place to serve this site from S Fir Street, and it is anticipated that all access and infrastructure to serve the site will come from S Fir Street. The western portion of the S Fir Street right-of-way fronting this site that has not been annexed into the City of Canby is also included in the proposed annexation.

Environmental Concerns Element

*Goal 1. To protect identified natural and historical resources.*

*Goal 2. To prevent air, water, land, and noise pollution.*

*Goal 3. To protect lives and property from natural hazards.*

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

Response: The site was farmed through the summer of 2019, however, at only 1.3 acres and with one existing home on the lot, the site is not large enough to be viable as a farm any longer. In addition to being small, the site is bordered by urban development within the City of Canby, which conflicts with the noise, dust, and chemicals associated with most agricultural operations. The ultimate destiny for this site was settled with establishment of the Urban Growth Boundary and earlier annexations that have edged up to the site and now surround property.

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

Response: The site was farmed through the summer of 2019, however, is no longer viable as a farm due to its small size and the surrounding urban development. Although it was farmed until recently, there is no current agricultural use of this land. The site is therefore unproductive agricultural land and should be a first priority for annexation.

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

Response: No surface water features are located on or near this site. The site currently has a well which is used for domestic and irrigation water, which would continue to be used for the existing home onsite following annexation. Annexation would not negatively impact surface water or groundwater resources.

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

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

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

Response: The site has no creeks, ravines, and few trees. Because the site has historically been farmed, it has historically provided little habitat for fish or wildlife. Annexation and future development of the site would have no more of an adverse impact on fish or wildlife than the other recent annexations surrounding this site that have been approved.

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

Response: No wetlands exist on the site. Annexation will have no impact on wetlands.

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

Response: The site is nearly flat and has no flood prone areas. Onsite soils are “Latourell Loam”, a soil type which covers significant areas of the City of Canby. Latourell Loam is suitable for development as housing. The Soil Construction Limitation Map in the City of Canby Comprehensive Plan identifies no soil construction limitations in the City near this site. Hazards associated with topography, slope, flood prone areas and poor soils are not applicable.

### Transportation Element

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

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

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

Response: In 2018, the Clackamas County surrendered jurisdiction of S Fir Street south of SW 13<sup>th</sup> Avenue to the southern line of the Beck Pond subdivision to the City of Canby. S Fir Street is now maintained by the City of Canby and is designated as a local street in the City’s Transportation System Plan. No street improvements will be required for annexation into the City. Future street improvements to be required at the time the site is subdivided will include street widening, curbs on the west side of S Fir Street and installation of a planter strip, street trees and sidewalk.

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

Response: A site plan for a future subdivision can be designed to provide access for all lots and to facilitate access for emergency vehicles. This will be demonstrated in the context of one or more subdivision applications, after the site has been annexed into the City and City zoning has been applied. A conceptual layout for the site is included with this application, showing how new streets could be extended to provide adequate

emergency access, vehicular access, and safe and convenient bicycle and pedestrian access for neighborhood residents.

*Public Facilities and Services Element*

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

Response: To the best of the applicant's knowledge, all public facilities and services are available to the site for future development.

*Housing Element*

*Goal: To provide for the housing needs of the citizens of Canby.*

Response: The site is part of the land supply within the Urban Growth Boundary of the City of Canby that is planned to provide the future housing needs of citizens. Annexation of the property into the City of Canby will help fulfill housing needs for the citizens of Canby.

**Conclusion: The proposed annexation supports applicable policies of the Canby Comprehensive Plan, based on the foregoing discussion of goals and policies.**

**CANBY MUNICIPAL CODE:**

*Chapter 16.08            General Provisions*

*16.08.040 Zoning of annexed areas.*

*Zoning of newly annexed areas shall be considered by the Planning Commission in its review and by the Council in conducting its public hearing for the annexation.*

Response: The applicant has submitted an application requesting the annexed area to be given the City zoning of R-1.5, consistent with the adopted Comprehensive Plan for the site. The applicant requests that the Planning Commission review and recommend approval to the City Council and that the City Council approve the annexation.

*16.08.150 Traffic Impact Study (TIS).*

*A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards to determine when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine*



*whether conditions are needed to minimize impacts to and protect transportation facilities: what information must be included in a Traffic Impact Study; and who is qualified to prepare the Study.*

*B. Initial scoping. During the pre-application conference, the city will review existing transportation data to determine whether a proposed development will have impacts on the transportation system. It is the responsibility of the applicant to provide enough detailed information for the city to make a determination. If the city cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. If a TIS is required, the city will provide the applicant with a "scoping checklist" to be used when preparing the TIS.*

*C. 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).*

*D. TIS General Provisions*

- 1. All transportation impact studies, including neighborhood through-trip and access studies, shall be prepared and certified by a registered Traffic or Civil Engineer in the State of Oregon.*
- 2. Prior to TIS scope preparation and review, the applicant shall pay to the city the fees and deposits associated with TIS scope preparation and review in accordance with the adopted fee schedule. The city's costs associated with TIS scope preparation and review will be charged against the respective deposits. Additional funds may be required if actual costs exceed deposit amounts. Any unused deposit funds will be refunded to the applicant upon final billing.*
- 3. For preparation of the TIS, the applicant may choose one of the following:*
  - a. The applicant may hire a registered Oregon Traffic or Civil Engineer to prepare the TIS for submittal to the city. The city Traffic Engineer will then review the TIS and the applicant will be required to pay to the city any fees associated with the TIS review; or*
  - b. The applicant may request that the city Traffic Engineer prepare the TIS. The applicant will pay to the city any fees associated with preparation of the TIS by the city Traffic Engineer.*

4. *The TIS shall be submitted with a concurrent land use application and associated with application materials. The city will not accept a land use application for process if it does not include the required TIS.*
5. *The city may require a TIS review conference with the applicant to discuss the information provided in the TIS once it is complete. This conference would be in addition to any required pre-application conference. If such a conference is required, the city will not accept the land use application for processing until the conference has taken place. The applicant shall pay the TIS review conference fee at the time of conference scheduling, in accordance with the adopted fee schedule.*
6. *A TIS determination is not a land use action and may not be appealed.*

*E. TIS Scope. The city shall determine the study area, study intersections, trip rates, traffic distribution, and required content of the TIS based on information provided by the applicant about the proposed development.*

1. *The study area will generally comprise an area within a ½-mile radius of the development site. If the city determines that development impacts may extend more than ½ mile from the development site, a larger study area may be required. Required study intersections will generally include (in addition to the primary access points) collector/collector and above intersections with an anticipated peak hour traffic increase of five-percent from the proposed project.*
2. *If notice to ODOT or other agency is required pursuant to noticing requirements in Chapter 16.89, the city will coordinate with those agencies to provide a comprehensive TIS scope. ODOT may also require a TIS directly to support an OR 99E approach permit application.*

*F. TIS Content. A project-specific TIS checklist will be provided to the applicant by the city once the city has determined the TIS scope. A TIS shall include all of the following elements, unless waived by the city.*

1. *Introduction and Summary. This section shall include existing and projected trip generation including vehicular trips and mitigation of approved development not built to date; existing level and proposed level of service standard for city and county streets and volume to capacity for state roads; project build year and average growth in traffic between traffic count year and build year; summary of transportation operations; traffic queuing and delays at study area intersections; and proposed mitigation(s).*
2. *Existing Conditions. This section shall include a study area description, including information about existing study intersection level of service.*
3. *Impacts. This section should include the proposed site plan, evaluation of the proposed site plan, and a project-related trip analysis. A figure showing the assumed future year roadway network (number and type of lanes at each intersection) also shall be provided. For subdivision and other developments, the future analysis shall be for the year of proposed site build-out. For proposed comprehensive plan and/or zoning map amendments, the future analysis year shall be 20 years from the date of the City's adopted TSP, or 15 years, whichever is greater.*

4. *Mitigation. This section shall include proposed site and area-wide specific mitigation measures. Mitigation measures shall be roughly proportional to potential impacts. See Subsection K below for rough proportionality determination.*
5. *Appendix. This section shall include traffic counts, capacity calculations, warrant analysis, and any other information necessary to convey a complete understanding of the technical adequacy of the TIS.*

*G. TIS Methodology. The City will include the required TIS methodology with the TIS scope.*

*H. Neighborhood Through-Trip Study. Any development projected to add more than 30 through-vehicles in a peak hour or 300 through-vehicle per day to an adjacent residential local street or neighborhood route will be require assessment and mitigation of residential street impacts. Through-trips are defined as those to and from a proposed development that have neither an origin nor a destination in the neighborhood. The through-trip study may be required as a component of the TIS or may be a stand-alone study, depending on the level of study required in the scoping checklist. The through-trip study shall include all of the following:*

1. *Existing number of through-trips per day on adjacent residential local streets or neighborhood routes.*
2. *Projected number of through-trips per day on adjacent residential local streets or neighborhood routes that will be added by the proposed development.*
3. *Traffic management strategies to mitigate for the impacts of projected throughtrip consistent.*

*If a residential street is significantly impacted, mitigation shall be required. Thresholds used to determine if residential streets are significantly impacted are:*

1. *Local residential street volumes should not increase above 1,200 average daily trips*
2. *Local residential street speeds should not exceed 28 miles per hour (85th percentile speed).*

*I. Mitigation. Transportation impacts shall be mitigated at the time of development when the TIS identifies an increase in demand for vehicular, pedestrian, bicycle, or transit transportation facilities within the study area. Mitigation measures may be suggested by the applicant or recommended by ODOT or Clackamas County in circumstances where a state or county facility will be impacted by a proposed development. The city shall determine if the proposed mitigation measures are adequate and feasible. ODOT must be consulted to determine if improvements proposed for OR 99E comply with ODOT standards and are supported by ODOT. The following measures may be used to meet mitigation requirements:*

1. *On-and off-site improvements beyond required standard frontage improvements.*
2. *Development of a transportation demand management program.*

3. *Payment of a fee in lieu of construction, if construction is not feasible.*
4. *Correction of off-site transportation deficiencies within the study area that are substantially exacerbated by development impacts.*
5. *Construction of on-site facilities or facilities located within the right-of-way adjoining the development site that exceed minimum required standards and that have a transportation benefit to the public.*

*J. Conditions of Approval. The city may deny, approve, or approve with appropriate conditions a development proposal in order to minimize impacts and protect transportation facilities.*

1. *Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.*
2. *Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, traffic channelization, construction of sidewalks, bikeways, accessways, paths, or street that serve the proposed use may be required.*
3. *The city may require the development to grant a cross-over access easement(s) to adjacent parcel(s) to address access spacing standards on arterials and collector roadways or site-specific safety concerns. Construction of shared access may be required at the time of development if feasible, given existing adjacent land use. The access easement must be established by deed.*

*K. Rough Proportionality Determination. Improvements to mitigate impacts identified in the TIS shall be provided in rough proportion to the transportation impacts of the proposed development.*

1. *The TIS shall include information regarding how the proportional share of improvements was calculated, using the ratio of development trips to growth trips and the anticipated cost of the full Canby Transportation System Plan. The calculation is provided below:*

*Proportionate Share Contribution = [Net New Trips/(Planning Period Trips Existing Trips)] X Estimated Construction Cost.*

- a. *Net new trips means the estimated number of new trips that will be created by the proposed development within the study area.*
- b. *Planning period trips means the estimated number of total trips within the study area within the planning period identified in the TSP.*
- c. *Existing trips means the estimated number of existing trips within the study area at the time of TIS preparation.*
- d. *Estimated construction cost means the estimated total cost of construction of identified improvements in the TSP.*

Response: As part of the pre-application conference, City Planning Staff contacted DKS, their transportation consultant, regarding the scope of the of the project and what level of study is needed for annexation. The City's consultant determined that a Transportation Planning Rule (TPR) memo is required for annexation. The applicant paid the City \$800 for DKS to prepare a scoping memo and \$1,400 for DKS to prepare a TPR memo.

The TPR memo determined that when the site is developed as an R-1.5 subdivision, traffic from the site will not have a significant impact on the surrounding roadway system. The transportation assessment performed as a part of the City's Transportation System Plan accounted for the proposed development of the site as an R-1.5 subdivision, and therefore the rezoning of the site to R-1.5 is consistent with the acknowledged transportation system plan.

*Chapter 16.54 Amendments to the Zoning Map*

*16.54.010 Authorization to initiate amendments. An amendment to the zoning map may be initiated by the City Council, by the Planning Commission, or by application of the property owner or his authorized agent. The Planning Commission shall, within forty days after closing the hearing, recommend to the City Council, approval, disapproval or modification of the proposed amendment.*

Response: The proposed annexation and amendment to the Zoning Map has been initiated by the owners of the property, one of which is the applicant. The criterion has been met.

*16.54.020 Application and fee. Application procedures shall be as described in Chapter 16.89.*

Response: The applicant has submitted an application as required by Chapter 16.89 and the City is processing the application in accordance with adopted Codes.

*16.54.030 Public hearing on amendment. Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment following the requirements for advertising and conduct of hearing prescribed in Division VIII.*

Response: The application will be heard before the Planning Commission in accordance with adopted procedures.

*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 the following criteria:*

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

*B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.*

Response: The site is not located within an “Area of Special Concern”, as mapped in the Comprehensive Plan. Public water and sewer are available to serve the site from S Fir Street, as are power, gas, and communications. The criteria of this section are met.

*16.54.60 Improvement conditions.*

*A. In acting on an application for a zone change, the Planning Commission may recommend and the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change. Allowable conditions of approval may include, but are not necessarily limited to:*

- 1. Street and sidewalk construction or improvements;*
- 2. Extension of water, sewer, or other forms of utility lines;*
- 3. Installation of fire hydrants.*

*B. The city will not use the imposition of improvement conditions as a means of preventing planned development, and will consider the potential impact of the costs or required improvements on needed housing. The Planning Commission and City Council will assure that the required improvements will not reduce housing densities below those anticipated in the Comprehensive Plan.*

Response: Improvement conditions will be discussed at the time of the Planning Commission hearing. The applicant would anticipate having to construct typical infrastructure improvements at the time of land division, such as those identified in 16.54.60.A numbers 1 through 3, above.

## *DIVISION VI. – ANNEXATIONS*

### *Chapter 16.84 Regulations*

*16.84.020 State regulations. The regulations and requirements of Oregon Revised Statutes Chapter 222 are adopted by reference and made a part of this division.*

#### *ORS 222.225 Annexations*

*The State of Oregon passed Senate Bill 1573, effective March 15, 2017. The bill eliminated specific requirements for elections when processing annexations if specific criteria are met, specifically the annexation must demonstrate that:*

- 1. It was submitted on behalf of all owners of land in the annexation territory;*

2. *The annexation territory must be included within the urban growth boundary of the city or Metro and is, or will be, subject to acknowledged comprehensive plan of city;*
3. *At least one parcel in the annexation territory must be contiguous to city limits;*
4. *The proposal must conform to all other requirements of the city's ordinances.*

Response: The application contains a signed petition of owners of record in the application, is within the urban growth boundary, is subject to the comprehensive plan and has contiguous city limits on all four sides. This annexation proposal may forego the elections proceedings stated in CMC 16.84.030.

*16.84.030 Filing procedure. Whenever an application for annexation is filed, it shall be reviewed in accordance with the following procedures:*

*A. Application Filing Deadlines. Application deadlines are established to permit public hearings by both the Planning Commission and the City Council in time to meet state and county requirements for submitting ballot information for these election dates.*

*Application deadlines are as follows:*

*1. Regular annexation dates are in May and November. Annexations must be filed with the City before 5:00 p.m. on the last working day in August for a ballot election in May and the last working day in February for a ballot election in November. Incomplete applications may result in missing these planned election dates, at the City's discretion.*

*2. Annexations can be scheduled for a special election provided that all costs associated with the special election are covered by the applicant. Special elections will be scheduled by the City Council following the required City Council hearing on the application.*

*B. Application Submittal. Application procedures shall be as described in Chapter 16.89, on forms provided by the Planning Department.*

Response: The criteria of Section 16.84.030 is out of date, as annexation are no longer required to go to a vote of the citizens. The application has been submitted using standard City of Canby application forms provided on the City's website.

*16.84.040 Standards and Criteria*

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

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

- a. *A Development Agreement (DA) binding for all properties located within the boundaries of the designated DA area as shown on the City of Canby Annexation*

*Development Map. The terms of the Development Agreement may include, but are not limited to:*

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

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

Response: The site is not within a Development Agreement area shown on the City of Canby Annexation Development Map. The provisions of Section (a) do not apply.

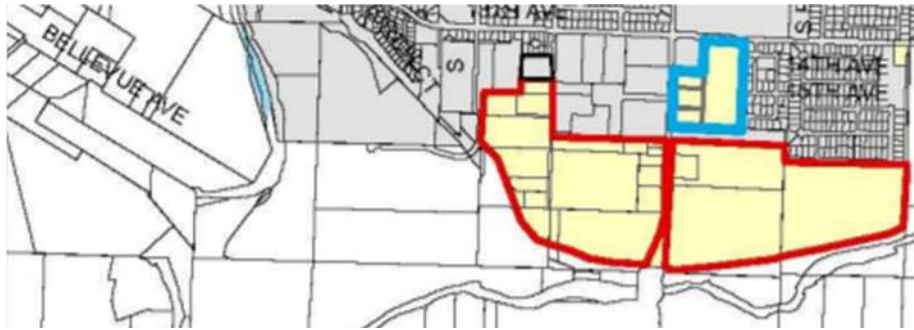
- b. A Development Concept Plan (DCP) binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map. A Development Concept Plan shall address City infrastructure requirements including:*

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

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

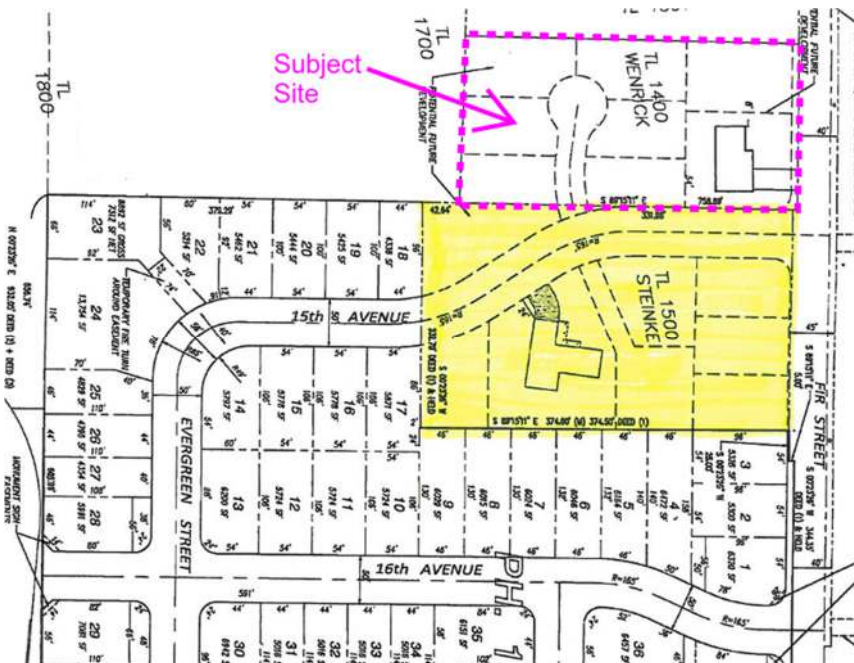
Response: The site is within a Development Concept Plan area shown on the City of Canby Annexation Development Map. The area (identified by a red polyline) includes one parcel north of this site and other properties south of the site to the Molalla River bluff and east to S Ivy Street as shown on the City's Annexation Development Map:





A Development Concept Plan and Map were prepared for the site in 2018, prior to annexation of several properties within the DCP area.

At right is a plan showing the northern portion of the original submitted DCP site plan. The parcel in pink is the subject of this annexation. This original plan was modified during the City’s review/approval process based on discussions between the applicant, the owners of Tax Lot 1500, and the City of Canby. In the original plan, SW 15<sup>th</sup> Avenue has a “tee” intersection with Street ‘F’.



The street layout shown on Tax lots 1400 & 1500 was revised during the approval process as shown at left.

The owners of Tax Lot 1500 filed an appeal to the approval of the Beck Pond subdivision and the Southwest Canby Development Concept Plan (APP 18-02) to challenge this plan.

City File No. APP 18-02 was heard by the Canby City Council in August 2018. The appeal to deny the approval of the Beck Pond subdivision and the SW Canby Development Concept Plan was rejected by the City Council, however, the Council did modify the original approval with the addition of a specified amendment. The specified amendment included an additional condition of approval that the approval of the Beck Pond subdivision shall not determine the configuration of any future development on Tax Lot 1500 and that any future development proposal on Tax Lot 1500 shall be judged upon its' own merits at the time when an application is submitted.

Based on information in APP 18-02 and information provided by the owners of Tax Lot 1500 at the neighborhood meeting, the future proposal for development of their tax lot will likely include an east-west roadway from the current terminus of SW 15<sup>th</sup> Avenue eastward to S Fir Street with no street stub to the north to serve the proposed annexation site. The future layout for Tax Lot 1500 would look roughly as indicated below:



Based on the likely development plan to be proposed by the owners of Tax Lot 1500 and the condition added to the approval of the Southwest Canby DCP by the City Council with the rejection of APP 18-02, the applicant for the proposed annexation has provided a conceptual site plan showing all access for the proposed annexation site to come from S

Fir Street and not from an extension of SW 15<sup>th</sup> Avenue through Tax Lot 1500. This plan was shown earlier in this narrative and is on plans submitted with this application.

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

Response: A detailed study of need is located in Appendix A at the end of this narrative. In summary, the Current Single Family Residential (SFR) Lot Inventory (May 17, 2021) has been determined to be 60 lots, or a 10-month supply, based on current growth. The available SFR lot inventory is anticipated to climb with approval and development of several "In Process" subdivisions through late 2022, with the peak of the inventory being slightly less than a 3-year lot supply. The available inventory would then be projected to drop through the remainder of 2022, 2023 and 2024, unless other subdivision applications were submitted and approved for other subdivisions not currently being considered.

The DuPont annexation property is minor in the overall City of Canby buildable lot inventory. When developed as a single-family residential subdivision, it is anticipated to add approximately 6 SFR lots to the buildable SFR lot inventory, approximately a one-month supply. The first of these residences would be expected to be livable in early 2023, nearly two years from now. If no subdivision applications are submitted and approved between now and mid-2024, the available SFR lot inventory projected for July 1, 2024, would be approximately a one-year supply. However, additional applications for subdivisions and partitions are anticipated to be approved by the City of Canby over the next two years that would add to the City's available inventory of buildable SFR lots.

*3. Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part; and proposed actions to mitigate proposed concerns, if any.*

Response: The site is within the City's UGB, and is expected to develop according to the Comprehensive Plan designations. Some residents on adjacent properties will experience a loss of open space. However, vacant and undeveloped land within an UGB is expected to be utilized to accomplish the community's goals as expressed in the Comprehensive Plan. Therefore, the aesthetic and social impacts of development of the annexation site should be within the anticipated range of impacts associated with continuing growth within the City of Canby.

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

Response: Public facilities and services are available as previously discussed. Public sanitary sewer and water are available in S Fir Street to serve the site. Drainage is not provided by a public facility but is generally accommodated onsite through the installation of underground infiltration systems with the development. Other developments surrounding this site have used a variety of infiltration devices including drywells, infiltration chambers, rock galleries, and vegetated swales to dispose of stormwater runoff. The underlying soils of this area can accept the runoff from newly developed impervious surfaces.

Public streets nearby this site are local streets and have the capacity to carry the number of trips expected to be generated by this site at the R-1.5 zoning shown on the Comprehensive Plan. This is discussed in the Transportation Analysis Letter prepared by DKS Associates, the City's Traffic Engineer.

Public park facilities located near the site include the Canby Community Park on SW Berg Parkway, Legacy Park on SE 13<sup>th</sup> Avenue, and some new trail space that has been created along the Molalla River within the Beck Pond and Ivy Ridge Estates subdivisions. When developed, this site will pay additional fees toward acquisition and development of additional parks.

As discussed earlier in this narrative, Canby schools that would serve this site include Lee Elementary, Baker Prairie Middle School and Canby High School. Each of these schools has fewer students enrolled in the 2020-2021 school year than during the 2019-2020 school year. School enrollment has been flat and is projected to remain flat for the next few years.

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

Response: Annexation by itself will not generate an increased demand on public services. One home, constructed in 1975, is currently located on the property. The existing home, which faces S Fir Street in the SE corner of the property is in good condition and will remain onsite when the property is subdivided.

Subdivision of the property into multiple lots, each with a new home, would increase the demand for City facilities. Because the site is located within the City's UGB, it is expected to develop according to its Comprehensive Plan designation and therefore, the increased demand for public services should be within the range of anticipated impacts. The applicant had a pre-application meeting with City service providers and no issues regarding an inability to serve the property were raised by service providers.

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

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

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

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

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

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

*9. Compliance with other applicable city ordinances or policies.*

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

*10. Compliance with applicable sections of ORS 222.*

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

*16.84.090 Exceptions. The City Council may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for reasons including, but not limited to: identified health hazards, limited development potential, or administrative error. An exception to referring an annexation application that meets the approval criteria to an election cannot be granted except as provided in the Oregon Revised Statutes.*

Response: No exceptions to the requirements of this chapter are necessary.

#### *Division VIII. – GENERAL STANDARDS*

*Chapter 16.88 Standards and Procedures: General, Text Amendments, Comprehensive Plan Amendments, and Transportation Planning*

*16.88.010 Applicability. The general standards and procedures set out in this chapter apply to the regulations of all sections of this title, except as may be specifically noted.*

Response: The general standards and procedures noted in Chapter 16.88 include a wide array of standards and procedures that apply to applicants, City Staff and officials, and to

the public, and apply to all sections of this title. The applicant duly notes that the regulations and procedures on Chapter 16.88 are applicable to the submitted application for annexation.

*Chapter 16.89            Application and Review Procedures*

*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.*

Response: Annexation is identified as a Type IV application procedure with the City Council being the decision body. The applicant has had a pre-application meeting with the City Staff and utility service providers, had a neighborhood meeting with surrounding property owners and residents, and has paid fees and submitted an application for annexation on forms provided on the City's website. Once the application is deemed complete, City Planning Staff review the application, prepare a Staff Report, and schedule a public hearing before the Planning Commission. The Planning Commission will hold a public hearing with opportunity for public testimony and following the hearing will make a recommendation to the City Council. City Council will then conduct another public hearing with opportunity for public testimony and will make the final decision. The applicant is hopeful that City Staff, the Planning Commission and the City Council will agree that this is the appropriate time to annex this 1.3-acre island of County land into the City of Canby.

*16.89.070 Neighborhood Meetings.*

*A. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input, identify issues, and exchange information about the proposed meeting.*

*B. The Planning Commission or Planning Director may require an applicant to hold a meeting in the neighborhood prior to accepting an application as complete. A neighborhood meeting is required for some application types, as shown in Table 16.89.020, unless this requirement is waived by the Planning Director.*

*C. At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:*

- 1. The appointed chair of any neighborhood association in whose boundaries the application lies; and*
- 2. All of those who would receive notice of the application's public hearing before the Planning Commission.*

*D. The meeting shall be held in a fully accessible location approved by the City.*

*E. Following a required neighborhood meeting, applicants shall prepare a written summary of pertinent issues raised and shall prepare a detailed response to each issue. This material shall be submitted to the Planning Department in electronic format at least two weeks before the initial public hearing.*



*F. Applicants or attendees may make audio or video recordings of the neighborhood meeting if desired.*

Response: The applicant held a virtual neighborhood meeting for neighborhood representatives, neighboring property owners and residents on Thursday, May 13, 2021. The meeting was held virtually, rather than in person, to comply with State and County Covid-19 restrictions. Approximately 250 notices were mailed to surrounding residents and property owners including a list of resident addresses provided by Hope Village management for residents in the nearby Meadow and Cascade House buildings. Meeting attendance included four people in total, including the applicant, the applicant's representative, and the owners of Tax Lot 1500 to the south of the subject site.

The applicant's representative began the meeting by discussing the proposal, explaining the City of Canby annexation process, residents' opportunities for input, and then showing maps of the annexation area. After roughly 10 minutes, the meeting was opened for questions and comments. Much of the discussion was centered on the development of the Southwest Canby Development Concept Plan. The owners of Tax Lot 1500 appealed the initial approval of the Southwest Canby DCP due to the street configuration of the plan near and on their property. The appeal (APP 18-02) was heard by City Council and was rejected, with the City Council approving the DCP and the subdivision application with a specified amendment. The specified amendment included the additional condition of approval that the approval of the Beck Pond subdivision shall not determine the configuration of any future development on Tax Lot 1500 and that any future development proposal on Tax Lot 1500 shall be judged upon its' own merits at the time when an application is submitted. Being as though the applicant and none of the City Planning Staff were involved in the approval of the Southwest Canby DCP, the information from the owners of Tax Lot 1500 was extremely helpful. Based on the information from the owners of Tax Lot 1500, the applicant revised the conceptual development plan for the proposed annexation site to conform with their plan for the extension of SW 15<sup>th</sup> Avenue through their site.

After approximately 30 minutes of discussion and questions, the meeting was ended. A summary of the meeting is located in Section V, Neighborhood Meeting Summary.

### **Conclusion**

The foregoing narrative describes a proposal for annexation of 1.31-acre island of County land located in Canby near Hope Village on the west side of S Fir Street together with 0.06 acre of street right-of-way. As demonstrated in the foregoing narrative, the annexation supports the City's goals and policies and satisfies applicable criteria identified in the City's Comprehensive Plan and Land Development and Planning Ordinance. Therefore, the applicant hopes that the City Staff, Planning Commission and City Council will support and approve the proposal for annexation and apply a City zoning of R-1.5 to the property.



**Appendix A:**  
**Needs Analysis: Single Family Residential Lots**  
**May 17, 2021 through July 1, 2024**

## NEEDS ANALYSIS: SINGLE FAMILY RESIDENTIAL LOTS

### **Introduction:**

Below, the Applicant compares the projected available lot supply in Canby to the projected population growth through the end of the second quarter of 2024 in order to determine whether there is currently a sufficient supply of single-family residential lots in the City of Canby. Single family residential lots include R-1 and R-1.5 platted lots. Past and recent absorption rates will be determined and applied to potential future plats known to be “in process”.

### **Population & Housing Growth:**

Anticipated growth for the City of Canby can be estimated according to the Portland State University Population Research Center (PRC) and METRO Regional Population and Employment Range Forecasts (METRO Forecast). The Canby UGB estimated population from the PRC is identified in Table 1 below:

**Table 1: Canby UGB Estimated Population 2021-2024 - PRC**

<b>Year</b>	<b>PRC Pop. Est.</b>
<b>2020</b>	18,347
<b>2021</b>	18,566
<b>2022</b>	18,787
<b>2023</b>	19,012
<b>2024</b>	19,238

Based on an average household size of 2.8 residents per housing unit, which is the number used by the PRC in their analysis, the projected population increase of 672 people (19,238 – 18,566) between 2024 and 2021 would generate 240 new households over that period. Since development outside the city limits is constrained by Clackamas County’s rural zoning, nearly all the new households will be accommodated by development located within the Canby city limits.

The City of Canby has four residential building zoning districts; R-1 Low Density Residential Zone, R-1.5 Medium Density Residential Zone, R-2 High Density Residential Zone, and C-R Residential/Commercial Zone. Generally, lots developed in the R-1, R-1.5, and C-R zones would be single family lots while lots and housing developed in R-2 zones is more commonly multi-family residential. For this analysis, we assume that R-2 housing will be multi-family unless known or anticipated otherwise by the City Planning Department.

Table 2 indicates the additional housing needed based on the average household size of 2.8 residents per housing unit. Clackamas County data shows that of the countywide provided housing, 68.7 percent is provided by single family residential detached housing units. The City of Canby’s ratio of SFR housing to total housing is higher than the County’s ratio but will likely trend toward the County ratio over time.

**Table 2: Projected Housing Needed Based on PRC Population Forecast**

Year	Population	Population Increase	Average Household Size	New Housing Needed	SFR Housing Needed (R-1/1.5)	SFR as % of Needed Housing
2020	18,347					
2021	18,566	219	2.8	78	54	68.7%
2022	18,787	221	2.8	79	54	68.7%
2023	19,012	225	2.8	80	55	68.7%
2024	19,238	226	2.8	81	56	68.7%
2025	19,468	230	2.8	82	56	68.7%

On February 25, 2021, the METRO Council adopted a population, housing, and employment forecast. The distributed forecast contains population and housing projections by city and county through 2045. The estimates for the Canby (adjusted to City limits) are listed in Table 3 below:

**Table 3: METRO Population of Housing Forecast 2020-2030**

Year	Population Forecast	Household Forecast
2020	17,161	6,564
2030	19,582	7,833

Assuming a linear relationship, the population and household forecast can be extrapolated for projected annual growth as noted in Table 4 below:

**Table 4: METRO Population of Housing Forecast 2020-2030**

Year	Population Forecast	Household Forecast
2020	17,161	6,564
2021	17,402	6,691
2022	17,643	6,818
2023	17,884	6,945
2024	18,125	7,072
2025	18,367	7,199
2026	18,608	7,325
2027	18,849	7,452
2028	19,090	7,579
2029	19,331	7,706
2030	19,582	7,833

Based on the METRO data, 381 additional households will be needed between 2021 and 2024 to accommodate the projected increase in population over that period. Using the countywide ratio of SFR housing to total housing, the projected 381 additional households would be made up of 262 single family households and 119 multi-family households.

A comparison of the PRC data and the METRO data is shown in Table 5 below:

**Table 5: Comparison of PRC & METRO data**

Year	PRC Canby UGB Pop.	PRC Canby UGB Pop. Increase	PRC SFR Housing Needed	METRO Canby City Limits Pop.	METRO Canby City Limits Pop. Increase	METRO Canby City Limits Housing Needed	METRO SFR Housing Needed	Average SFR Housing Needed
2021	18,566	219	54	17,402	241	127	87	71
2022	18,787	221	54	17,643	241	127	87	71
2023	19,012	225	55	17,884	241	127	87	71
2024	19,238	226	56	18,125	241	127	87	72
2025	19,468	230	56	18,367	242	127	87	72

Based on an average of the PRC estimate and the METRO estimate, an average of 71 new SFR homes per year is needed between 2021 and 2024, or a total of 213 lots.

**Building Permits:**

Using information accessed from Clackamas County’s Accela online building permit system, the applicant was able to track the number of new single family dwelling permits issued within the City of Canby over the past three years to determine the actual number of permits issued per year and an average annual rate for the past 3 years. The number of new SFR building permits issued per year within the City of Canby was found to be as noted in Table 6, below:

**Table 6: Building Permits Issued Per Calendar Year**

Year	Number
2018	84
2019	129
2020	144
Average per year	119

Table 6 shows that the number of new SFR construction permits issued over the past three years is greatly outpacing the projections of the PSU PRC and METRO. Therefore, the population projections for Canby may be low, if recent trends are an indicator of future trends.

**Current Housing Inventory:**

The inventory of available buildable lots in Canby is an ever-changing figure. Inventory climbs as new subdivision and partition plats are recorded with Clackamas County Recorder’s office and inventory drops with each new building permit approved and paid for at the County Building Permit Center. For this analysis, we define “Current Inventory” to be the available lot inventory as of May 17, 2021, per information accessed on the Clackamas County’s Accela online building permit system. A lot was considered available if a building permit had not yet been issued on

the lot. Lots having homes under construction or having a building permit issued were considered being “not available” for building.

Tables 7 and 8 below identify the available SFR lots created by subdivision or partition plat:

**Table 7: Available SFR Subdivision Lots (includes R-1 & R-1.5 zoned lots), May 17, 2021**

Subdivision Name	Zoning	Total Lots	Homes		Lots Available
			Permitted for Building	Lots Restricted from Building*	
Faist Addition No. 6*	R-1	30	28	1	1
Timber Park*	R-1.5	105	103	2	0
Faist Addition No. 8	R-1	26	18	0	8
Redwood Landing	R-1	82	81	0	1
Cougar Run**	R-1	23	0	23	0
Ivy Ridge Estates	R-1 & R-1.5	30	27	0	3
Hamilton Acres	R-1	41	21	0	20
Postlewait Homestead	R-1	9	6	0	3
Dodds Farm	R-1	20	0	0	20
<b>Available Subdivision Platted Lots</b>					<b>56</b>

\* Certain lots in Faist Addition No. 6 and Timber Park are currently being used as fire truck turnarounds. These lots will become buildable with construction of the Cougar Run subdivision.

\*\*The Cougar Run subdivision is platted, but lots are not available since public improvements have not been constructed.

**Table 8: Available SFR Partition Lots (includes R-1 & R-1.5 zoned lots), May 17, 2021**

Date Recorded	Partition Plat	Map	Tax Lot	Zoning
6/20/2017	PP2017-048	31E33BD	10510	R-1
6/20/2017	PP2017-048	31E33BD	10511	R-1
6/20/2017	PP2017-048	31E33BD	10515	R-1
3/14/2018	PP2018-024	31E28AA	03905	R-1
<b>Available Partition Plat Lots</b>				<b>4</b>

Based on Tables 7 and 8 above, there were 60 platted lots available in the R-1 and R-1.5 zoning districts on May 17, 2021. Fifty-eight of the lots are zoned R-1 and 2 are zoned R-1.5.

**Current Inventory:**

Table 9 below analyzes the SFR Housing needs vs. Available platted lots.

**Table 9: Current Inventory Analysis**

Description	Lot Count
SFR Housing needed through 2024	213
Available Platted SFR Lots	60
<b>Current Deficiency of SFR Lots</b>	<b>153</b>

Based on the above analysis, the City of Canby is currently deficient by 153 SFR platted lots in the R-1 & R-1.5 zoning districts.

**Future Housing Inventory:**

The process for planning a subdivision, having that subdivision approved by the City of Canby, preparing and engineering design, and then constructing the public infrastructure improvements and having a subdivision plat recorded to legally divide the land into subdivision lots is a lengthy process. Typical timelines from initial acquisition of raw land to recording of a subdivision plat can be two years or more. If annexation of land is necessary, the time frames would be even longer.

At any moment in time there are many subdivisions in one stage or another of the development process. Some are late in the process and are close to having a recorded subdivision plat, while others are early in the process and have not yet had a subdivision application submitted to the Planning Department for approval. According to the City of Canby Planning Department, as of June 2021, the “In Process” single family land development projects that are working their way through the land use, construction, and platting processes include the list of subdivisions below. These developments are anticipated to become future housing inventory. Zoning and the anticipated number of lots is based on information provided by the City of Canby for applications that have been submitted. For applications not yet submitted, the lot numbers are based on previous applications for annexations. Anticipated date of availability is based on what stage the project is currently in, with an estimated time for completion based on experience, weather, and other variables.

**Table 10: In Process Development Projects**

<b>Application Name and/or Applicant</b>	<b>Zoning</b>	<b>Anticipated Date of Lot Availability</b>	<b>Anticipated Number of Lots</b>
<b>Subdivisions</b>			
<b>Seven Acres, Sprague</b>	R-1	July 1, 2021	22
<b>Dodds Farm, No. 2, Lennar NW Inc.</b>	R-1	September 1, 2021	30
<b>NE Territorial Place, Paul DuPont</b>	R-1	October 1, 2021	9
<b>Ivy Ridge Estates No. 2, Riverside Park, LLC</b>	R-1	November 1, 2021	30
<b>Ivy Ridge Estates No. 3, Riverside Park, LLC</b>	R-1	November 1, 2021	30
<b>Redwood Landing 2</b>	R-1.5	December 1, 2021	29
<b>Beckwood</b>	R-1.5	December 1, 2021	42
<b>Redwood Landing 3</b>	R-1.5	April 1, 2022	12
<b>Cougar Run, Canby School District</b>	R-1	June 1, 2022	23
<b>Faist Addition No. 9, Netter</b>	R-1	July 1, 2022	6
<b>Northwood Estates No. 4, 2KRMT</b>	R-1	July 1, 2022	15
<b>Burkett/Montecucco Phase 1</b>	R-1	August 1, 2022	25
<b>Partitions</b>			
<b>PAR 20-02, 592 NE Territorial Rd.</b>	R-1.5	November 1, 2021	1
<b>Potential Additional Lots Through 2022</b>			<b>274</b>

- The Cougar Run subdivision is platted; lots will become available once public improvements are constructed.
- Redwood Landing 3 also has 32 R-2 lots. R-2 lots are considered multi-family lots and not included in this SFR analysis.

Based on the data in Table 10, there are 274 projected SFR lots currently in the City of Canby land development process. It is projected that all these plats will be recorded and available for building by August 1, 2022. There are other potential subdivision applications on the horizon, such as the Cutsforth subdivision property on Territorial Rd., however, these developments are either stalled or it is too early to forecast when they may be proposed for subdivision.

**Lot Absorbtion**

Based on an average annual demand of 71 building permits and a 365-day year, it estimated that a building permit would be issued for a new SFR home every 5.14 days. This equates to approximately 17 permits issued in the first quarter of the year and 18 permits issued in Quarters 2 through 4 each year.

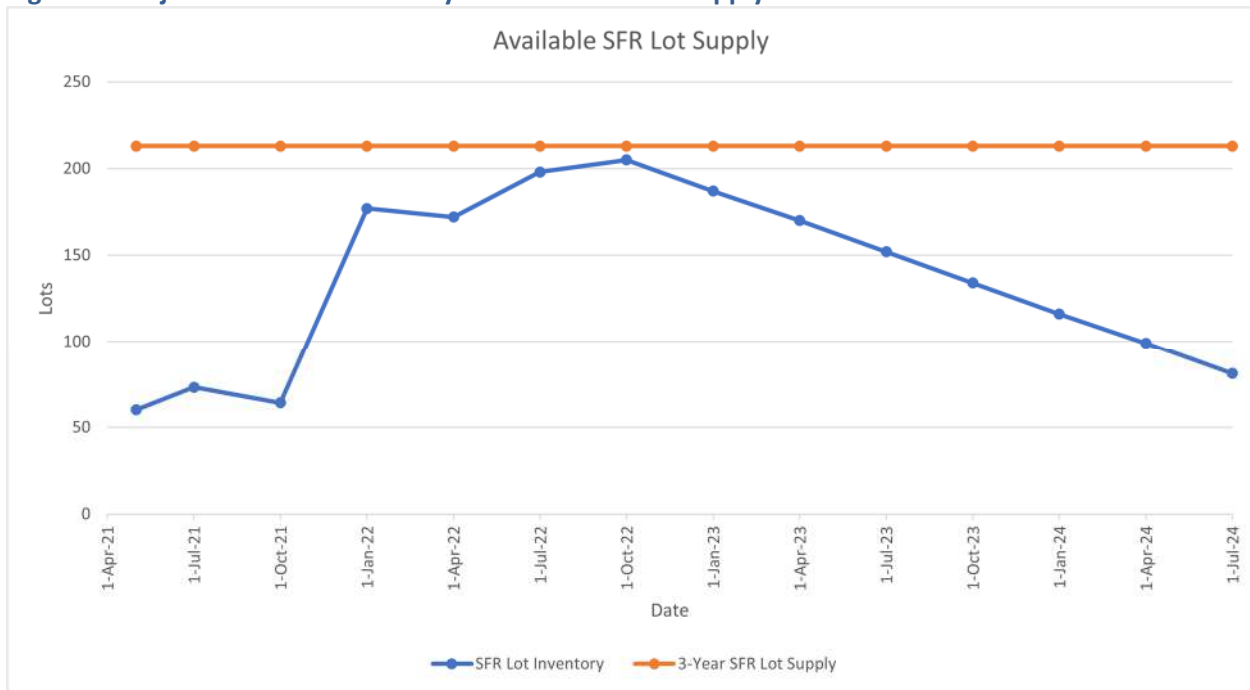
Beginning with the available platted lots listed in Table 9, adding lot inventory for “In Process” SFR development projects on the anticipated dates listed in Table 10 and deducting the estimated number of building permits per quarter, a projected quarterly inventory can be estimated for the following three years. This assumes no new subdivision applications beyond those previously accounted in Table 10 are approved by the City of Canby:

**Table 11: Projected SFR Lot Supply by Calendar Quarter**

Date	Lot Count
May 17, 2021	60
7/1/21	73
10/1/21	64
1/1/22	178
4/1/22	173
7/1/22	199
10/1/22	206
1/1/23	188
4/1/23	171
7/1/23	153
10/1/23	135
1/1/24	117
4/1/24	100
7/1/24	82

Based on the projected population growth, estimated plat sizes and plat recording dates, and the absorption rates of future projects noted above, the inventory of SFR lots will reach a high in late 2022 and then begin a downward trend. At the end of a 3-year period, July 1, 2024, the available SFR lot supply is projected to be slightly higher than it was on May 17, 2021, with a total of 82 available SFR lots. Based on the projected average of 71 SFR lots per year, 82 lots would equal roughly a 14-month supply. A graph of the projected available lot supply over the next three years is located on the following page.

**Figure 1: Projected SFR Lot Inventory vs. 3-Year SFR Lot Supply**



With a substantial number of subdivisions currently “in process”, the available SFR lot inventory is projected to climb through 2021 into late 2022 as the “in process” subdivisions are approved, developed, and plats are recorded. There is projected peak in late 2022, slightly below a 3-year available lot supply, when the last of the current “in process” subdivision plats records.

If no new subdivisions were to be proposed, approved, and developed, beyond those currently “in process”, the projected lot inventory would be anticipated to drop through calendar years 2023 and the first half of 2024 as building permits were issued. With no new approvals, the projected inventory on July 1, 2024, is 82 lots, roughly a 14-month supply.

However, other subdivisions are anticipated to be submitted for approval, approved through the City of Canby land development process, and developed as subdivisions that will continue to add lots into the available SFR lot inventory in 2022, 2023 & 2024. This includes lots that could be developed on the site of the proposed application for annexation. The annexation site includes a potential for 6 new lots for SRF homes. These 6 lots would be approximately a one-month supply and their impact on the overall available lot supply would be minimal. It is anticipated that these lots could become available near the end of 2022 or in early 2023 after the last of the current “in process” subdivisions are completed, and the projected SFR lot inventory begins to decline.

This analysis demonstrates the need for additional SFR housing in the City of Canby to accommodate the projected population growth over the next 3 years and beyond.


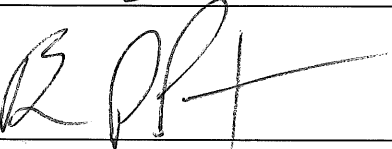



ATTACHMENT C  
 Annexation Petition  
 ANN 21-02/ZC 21-02

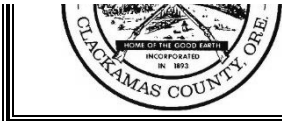
ANNEXATION PETITION  
 CITY OF CANBY, OREGON

Consent to annex is hereby given by the undersigned, who represent more than half the owners of land in the territory, and who also own more than half of the land and real property in the contiguous territory, which represents more than half of the assessed value of all real property in the contiguous territory.

By signing below, I indicate my consent to and support of being annexed into the City of Canby, Oregon.

Property	Name of Owner	Signature	Acres	Assessed Value
Township 4S, Range 1E, Section 04CA, Tax Lot #1400	Blake DuPont		1.31	\$300,737
	Brian DuPont			
	Bridget DuPont			
<b>TOTALS</b>				
<b>% Signed</b>			<b>100%</b>	<b>100%</b>

# PRE-APPLICATION SUMMARY



P.O. BOX 330  
Canby, OR 97013  
Ph: 503-266-7001  
Fax: 503-266-1574

April 21, 2021

Patrick A. Sisul, P.E.  
375 Portland Ave.  
Gladstone, OR 97027

**Subject: Pre-Application Conference Summary Notes for Annexation of 1495 S. Fir Street**

Dear Mr. Sisul,

Thank you for attending the Pre-Application (Pre-App) conference held on April 8, 2021. We are pleased to provide you with the following summary notes prepared in response to your proposal.

Comments prepared by staff are reflective of the proposal as discussed at the Pre-App conference. A copy of your proposal was also sent to other members of staff who did not attend the Pre-App conference, but may provide comments separate from this summary. Please feel free to contact anyone who provided comments. Contact names, telephone numbers and e-mail addresses are listed herein.

Following every Pre-App conference, staff understands that there may be changes to the plan or use considered. If these changes effectively re-design the site plan or involve a change to a use not discussed, please be advised that such a change could require different land use application(s) than were identified by staff at the Pre-App. It is also possible that different issues or concerns may arise from such change. In these cases, we encourage applicants to request a second Pre-App conference for staff to consider the change and provide revised comments accordingly.

In part, the Pre-App conference is intended to assist you in preparing plans and materials for staff to determine your application(s) to be deemed "complete" as described in Section 16.89.080 of the Canby Land & Development Planning Ordinance. For your application to be deemed complete on the first review, you must provide everything required as identified on the Application Checklist(s) found within the appropriate Land Use Application, in addition to any materials or special studies identified in the summary notes hereto. If you have questions as to the applicability of any item on the Application Checklist(s), or within this summary, please contact me directly.

Sincerely,

Brianna Addotta  
Associate Planner  
(503) 266-0686

# PRE-APPLICATION CONFERENCE SUMMARY NOTES

## Prepared for

1495 S. Fir St. – Annexation

PRA 21-05

The following pre-application summary notes have been prepared by Planning staff in order to assist you with the application submittal process. All applicable standards, guidelines and policies of the Canby Land Development & Planning Ordinance, Comprehensive Plan, Transportation System Plan, and the Public Works Design Standards identified herein are available for review on the City’s web site at: <https://canbyoregon.gov/>. Copies of these documents are also available for review at the City’s Development Services Department. The following is intended to identify applicable code sections, requirements and key issues for your proposed development application.

---

**PRE-APPLICATION CONFERENCE DATE:** April 8, 2021

### **PROJECT INFORMATION:**

Project Name: 1495 S. Fir St. Annexation

Project Description: The applicant seeks to have one 1.31 acre parcel annexed into the City of Canby and rezone it to R-1.5 medium density residential, as designated in the Comprehensive Plan.

Property Owner(s): Blake DuPont  
2785 SE Territorial Rd.  
Canby, OR 97013

Project Site Address: 1495 S. Fir St. Canby, OR

Tax Lot Number(s): 41E0CA01400

Site Size: 1.31 acres

Zoning: EFU (Clackamas County)

Comp. Plan Designation: Canby UGB MDR- Medium Density Residential (CMC 16.38)

### **APPLICANT INFORMATION:**

Applicant(s): Patrick A. Sisul, P.E.  
375 Portland Ave.  
Gladstone, OR 97027

Phone/Email: (503) 657-0188 / [patsisul@sisulengineering.com](mailto:patsisul@sisulengineering.com)

**SECTION 16.89.080 (APPLICATION REQUIREMENTS AND COMPLETENESS):**

The completeness process is governed by Section 16.89 of the Canby Land Development and Planning Ordinance. The applicant is encouraged to contact staff to ask any questions or request clarification of any items found on the land use application checklists related to the proposed project.

**LAND USE APPLICATION(S) AND FEES:**

Based on the plans and materials provided, the applications identified below are the applicable applications.

<b>Annexation</b>	\$2,093
<b>Zoning Map Amendment</b>	\$2,750

**Note:** Applicable fees are those in effect at the time a complete application is received. The City’s Master Fee Schedule is available at [https://canbyoregon.gov/updated\\_docs/MasterFeeSchedule.pdf](https://canbyoregon.gov/updated_docs/MasterFeeSchedule.pdf)

**CLASSIFICATION OF APPLICATIONS:**

Applications are subject to the procedure (Type IV) specified in Table 16.89.060 *Land Use and Development Application Procedures*. When an applicant submits more than one complete application for a given proposal, and the applications are subject to different procedure types, all the applications will be subject to the procedure type which requires the broadest notice and opportunity for public participation.

**NEIGHBORHOOD MEETINGS:**

A neighborhood meeting must be conducted by the project applicants for Type III applications. At this time (April 2021), applicants may hold meetings virtually through a platform that is free for the public to access. Noticing must include detailed instructions on how to attend the virtual meeting.

**SECTION 16.89.070:**

At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:

1. The appointed chair of any neighborhood association in whose boundaries the application.
2. Property owners and tenants within 500 feet of the subject property.

In order for an application to be complete, after the meeting applicants shall submit to the City:

1. A copy of the mailed notice and addresses within 500 feet of the subject property.
2. A copy of the attendance sheet.
3. A written summary of pertinent issues raised and a detailed response to each issue.

Applicants or attendees may make audio or video recordings of the neighborhood meeting if desired.

<u>Project Site:</u> 1495 S. Fir St.
<u>Neighborhood Association:</u> SW Canby Neighborhood Association

**WRITTEN REQUIREMENTS:**

A summary providing the scope of the proposal should be provided as explained on the application form. Additionally, in order for your application(s) to be deemed Complete, written responses supported by substantial evidence are necessary to address all applicable approval standards and criteria. Written materials need to explain how and why the proposed application(s) will meet each of the applicable approval criteria found in the *Canby Land Development and Planning Ordinance*. If response to criterion is “Not Applicable”, explain why the criterion is not applicable.

Staff has provided this list of applicable sections of the *Ordinance* in response to applicant materials and discussion at the Pre-Application conference. Other sections may be applicable, particularly if the proposal has changed subsequent to the meeting. Approval standards and criteria in effect at the time an application is received will control and are subject to change.

**APPLICABLE CODE SECTIONS:**

<b>Chapter</b>	<b>Section</b>
<b>16.08 General Provisions</b>	16.08.040 <i>Zoning of Annexed Areas</i>
	16.08.150 <i>Traffic Impact Study</i>
<b>16.54 Amendments to the Zoning Map</b>	16.54.010 <i>Authorization to Initiate Amendments</i>
	16.54.020 <i>Application and Fee</i>
	16.54.030 <i>Public Hearing on Amendment</i>
	16.54.040 <i>Standards and Criteria</i>
	16.54.60 <i>Improvement Conditions</i>
<b>16.84 Annexations</b>	ORS 222.225 <i>Annexations</i> (adopted by reference)
	16.84.030 <i>Filing Procedures</i>
	16.84.040 <i>Standards and Criteria</i>
	16.84.050 <i>Consideration of Applications</i>
	16.89.090 <i>Exceptions</i>
<b>16.88 General Standards and Procedures</b>	16.88.010 <i>Applicability</i>
<b>16.89 Application and Review Procedures</b>	16.89.060 <i>Process Compliance</i> (Type IV Decision)

## KEY ISSUES/CONSIDERATIONS:

Staff has identified the following key development and/or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of other key issues or considerations:

1. **Comprehensive Plan Elements:** As part of the annexation application you must provide evidence that annexation shall further the goals of the Comprehensive Plan. Applicable elements of the Comprehensive Plan include the urban growth, land use, transportation, environment and housing elements. Staff encourage applicants to look through the entire document for additional relevant goals and policies that may uniquely apply to the proposal. The Comprehensive Plan can be found at the following web address: [https://canbyoregon.gov/Departments/develop\\_services/plan\\_forms/2019ComprehensivePlan.pdf](https://canbyoregon.gov/Departments/develop_services/plan_forms/2019ComprehensivePlan.pdf)
2. **Improvements:** In acting on an application for a zone change, the Planning Commission may recommend and the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change.
3. **Traffic Impact:** Transportation consultant Kevin Chewuk with DKS states a full traffic study is not required for annexation. A Transportation Planning Rule (TPR) memo is required. The applicant may choose to submit payment in the amount of \$800 in order for DKS to perform this work, or they may contract with an outside professional engineer to prepare the memo for the City and DKS to review. The Canby Transportation System Plan can be viewed at the following web address: [https://www.canbyoregon.gov/Departments/develop\\_services/plan\\_forms/TSP12-10.pdf](https://www.canbyoregon.gov/Departments/develop_services/plan_forms/TSP12-10.pdf)

## ADDITIONAL NOTES:

During the meeting a discussion of future subdivision of this property occurred. We saw two phases of a proposal, the first which can be applied for after annexation, and the second, which will require the extension of SW 15<sup>th</sup> Avenue onto S. Fir Street through the property directly to the south. The notes provided below capture that discussion, but Staff notes approval standards and criteria in effect at the time an application is received will control and are subject to change.

4. **Development Concept Plan:** Southwest Canby has an existing Development Concept Plan (DCP), approved in 2018. The DCP is not a final decision of subdivision layout, but is considered a reasonable configuration of the area accommodating required infrastructure, and one which does not preclude future development of neighboring parcels. The plan provided for this meeting shows a configuration different than shown in the DCP; it is up to you as the applicant to provide evidence that the proposed configuration will operate safely and efficiently, provide all required infrastructure, and will provide the same or a greater degree of public benefit than the original DCP layout.
5. **Proposed Dimensions:** Preliminary review of the phased subdivision plans seem generally aligned with the standards for the R-1.5 zone. Duplexes are allowed outright and must meet a residential density of between 6 and 13 units per acre. Flag lot 'poles' typically need to be a minimum of 20' wide for emergency access per City Code, and it is possible Canby Fire Department will request additional width. Please reach out to Canby Fire to coordinate with them directly. Driveway spacing standards must be observed, shared driveways are allowed. Staff recommend providing a site plan including possible building footprints, including orientation. These footprints will help demonstrate the viability of the alternate layout proposed.

It is possible select building footprints will be shown on the approved site plan or recorded in the deed restrictions.

6. **Phasing:** Phase 1 of the future subdivision shows three lots and one tract designated for future development once SW 15<sup>th</sup> Avenue is connected to S. Fir Street. In subdividing tracts into large lots which at some future time are likely to be resubdivided, the location of lot lines and other details of the layout shall be such that resubdivision may readily take place without violating the requirements of land use regulations and without interfering with the orderly development of streets. Restriction of building locations in relationship to future street rights-of-way shall be made a matter of record if the commission considers it necessary.
  
7. **Infill Home Designation:** The Planning Commission may require that homes built on one or more lots adjacent to existing development be subject to any or all of the requirements of 16.21.050 - Infill Homes. Furthermore, for subdivisions where the parent parcel(s) is less than two acres in size, the Planning Commission may require that all homes built on lots in the subdivision be subject to any or all of the requirements of 16.21.050. These requirements are to be shown on the subdivision plat or included in the deed restrictions.
  
8. **DirectLink:** Notes from DirectLink have been provided and are attached to this summary.

Included below is the contact information for key members of City and agency staff should you have any questions.

Doug Erkson, Canby Utility: [derkson@canbyutility.org](mailto:derkson@canbyutility.org) 503-266-1156

Daryll Hughes, City Wastewater Pretreatment Coordinator: [hughesd@canbyoregon.gov](mailto:hughesd@canbyoregon.gov) 503-266-1248

Hassan Ibrahim, P.E., Consulting City Engineer: [hai@curran-mcleod.com](mailto:hai@curran-mcleod.com) 503-684-3478

Spencer Polack, City of Canby Public Works [PolackS@canbyoregon.gov](mailto:PolackS@canbyoregon.gov) 503-5196936

Matt English, Division Chief, Canby Fire: [menglsih@canbyfire.org](mailto:menglsih@canbyfire.org) 503-266-5851

We sincerely thank you for your interest in developing in the City of Canby, we look forward to working with you.

Sincerely,

Brianna Addotta  
Associate Planner  
(503) 266-0686  
[addottab@CanbyOregon.gov](mailto:addottab@CanbyOregon.gov)





# City of Canby

Development Services Department

## PRE-APPLICATION MEETING NOTICE

TO: Planning Director, Don Hardy	503-266-0775	Canby Public Works, Jerry Nelzen	503-266-0759
Associate Planner, Brianna Addotta	503-266-0696	Curran-McLeod Eng., Hassan Ibrahim	503-684-3478
Clackamas County Trans, Jonathon Gish	503-742-4707	Canby Erosion Control, Laurence Calcagno	503-266-0698
Economic Development, Jamie Stickle	503-266-0701	Canby Utility, Doug Erkson	503-266-1156
WWTP, Daryl Hughes	503-266-0647	DirectLink, Engineering	503-266-8201
Fire District #62, Matt English	503-266-5851	NW Natural, Andrew Schurter	503-226-4211
Clackamas County Engineering	503-742-4689	NW Natural, Darrell Hammond	503-585-6611
Clackamas Co. Plumbing, Wayne Seifert	503-742-4400	Wave Broadband, Brent Tomlinson	503-910-8768
US Postal Service	503-266-3353	Wave Broadband, Robert Lee	503-707-1076
Planning OSII, Laney Fouse Lawrence	503-266-0685	Wave Broadband, Travis Edge	503-899-3267

FROM: Brianna Addotta, Associate Planner

DATE: March 23, 2021

SUBJECT: **Pre-Application Meeting for PRA 21-05 Annexation 1495 S. Fir St.**  
Please review the attached plans.

**Fill out and return this form** to Brianna Addotta at [AddottaB@CanbyOregon.gov](mailto:AddottaB@CanbyOregon.gov) on or before the Virtual pre-application meeting scheduled for Thursday April 8th, 2021 10:30 AM.

**PLEASE CHECK ONE BOX:**

- The plans meet with the approval of this agency. There are no additional concerns.
- The plans **do not** meet with this agency's approval. (Please explain below.)

**COMMENTS OR CONCERNS:**

If your agency has further comments, concerns or wants to talk to the applicant about scheduling or billing, please attend the pre-construction conference.

Joe Heppner 4-6-2021  
 Signature Date

Design Engineer DirectLink  
 Title Company





Date: 4-6-2021

Comments from DirectLink for: Annexation 1495 S. Fir St.

- DirectLink services will be available through the development. We do not charge a development fee.
- DirectLink will follow the power design as much as possible to minimize trenching; however, additional trenches may be required for communication facilities. We will notify you if any extra trenches are needed after we review a copy of the power trenches.
- The Developer/Owner is required to provide 4" Schedule 40 PVC sleeves for all road crossing. DirectLink requires (1) 4" Schedule 40 PVC sleeves per road crossing. Developer is responsible for placement and material for the 4" Schedule 40 PVC sleeves.
- The Developer/Owner is required to provide open trenches for all underground communication facilities from an existing connection point and throughout the development. DirectLink will place and provide all materials for the open trenches.
- Please call 503-266-8242 as soon as you have the utility trenching schedule to be open. DirectLink requires at least a week prior notice before placing material into an open trench.
- If temporary service is required for the construction site, please contact our Customer Care Center to place an order. All temporary service work is bill on a time and material bases.

Contact Information:

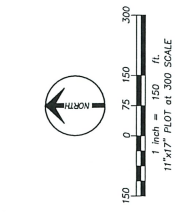
Engineering Manager	Eric Kehler	503-266-8223
Construction Inspector	Matt Downs	503-266-8252
DirectLink Engineering	engineering@directlink.coop	
Customer care center		503-266-8111
<b>Open trench hotline</b>		<b>503-266-8242</b>

# Southwest Canby Development Concept Plan



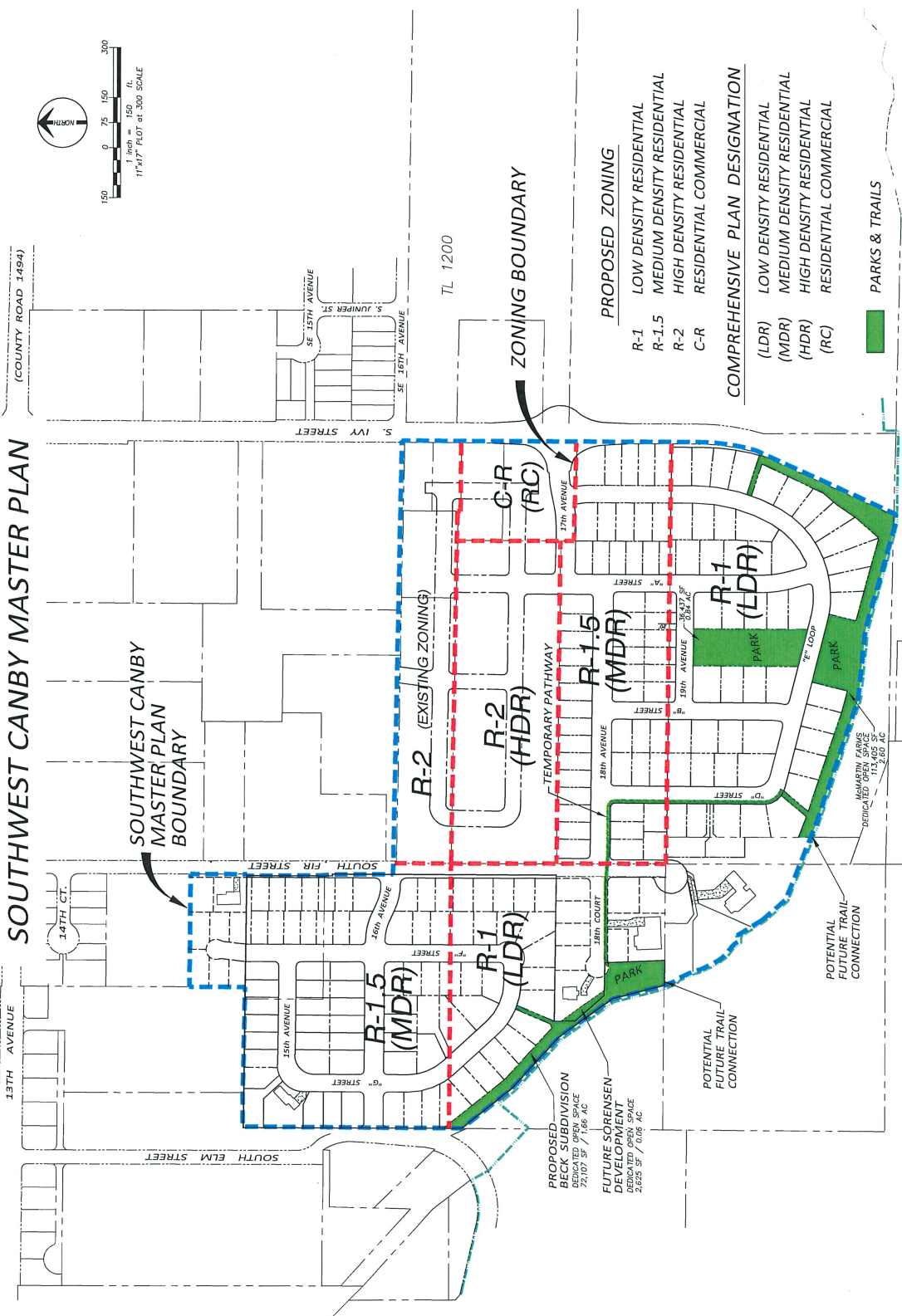
Prepared by Planning & Land Design LLC  
1862 NE Estate Drive, Hillsboro, Oregon 97124  
Ryan O'Brien Phone (503) 780-4061  
ryanobrien1@frontier.com

# SOUTHWEST CANBY MASTER PLAN



(COUNTY ROAD 1494)

SOUTHWEST CANBY  
MASTER PLAN  
BOUNDARY



## PROPOSED ZONING

- R-1 LOW DENSITY RESIDENTIAL
- R-1.5 MEDIUM DENSITY RESIDENTIAL
- R-2 HIGH DENSITY RESIDENTIAL
- C-R RESIDENTIAL COMMERCIAL

## COMPREHENSIVE PLAN DESIGNATION

- (LDR) LOW DENSITY RESIDENTIAL
- (MDR) MEDIUM DENSITY RESIDENTIAL
- (HDR) HIGH DENSITY RESIDENTIAL
- (RC) RESIDENTIAL COMMERCIAL

PARKS & TRAILS

EXHIBIT 3

2-2-18

**NOTE: Property owners are not bound to lot size and lines as proposed**

SOUTH WEST CANBY TAX MAP T4S, R1E, SECTION 4 SEC. 40, LOT 150 (1.001, 1.002, 1.003, 1.004, 1.005, 1.006, 1.007, 1.008 & 1.009) SEC. 41, LOTS 1401, 1402, 1403 & 1404 SEC. 42, LOTS 1405, 1406, 1407 & 1408 SEC. 43, LOTS 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419 & 1420 CITY OF CANBY, OREGON	STAFFORD DEVELOPMENT COMPANY, LLC 465 SOUTH STATE STREET LAKE OSWEGO, OREGON 97034	SOUTHWEST CANBY MASTER PLAN	REVISIONS 1 11-18 REVISIONS PER 1-3-18 PLANNING COMMISSION MEETING 2 1-22-18 UPDATE BECK FUND SUBDIVISION TO INCLUDE STIMBE PROPERTY	PLANNING & LAND DESIGN 1862 NE ESTATE DRIVE HILLSBORO, OREGON 97124 RYAN O'BRIEN (503)780-4061	68 SHEET
--	---	--------------------------------	--	--	-------------



SOUTHWEST CANBY  
TAX MAP T4S, R1E, SECTION 4  
SEC. 40, LOT 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800 & 2000  
SEC. 30, LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20  
SEC. 20, LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20  
SEC. 10, LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20  
CITY OF CANBY, OREGON

STAFFORD  
DEVELOPMENT COMPANY, LLC  
445 SOUTH STATE STREET  
LAKE OSWEGO, OREGON 97034

WATER LINE  
MASTER PLAN

NO.	DATE	DESCRIPTION
1	1-12-18	REVISIONS PER 1-8-18 PLANNING COMMISSION MEETING
2	1-25-18	UPDATE DESIGN INFORMATION TO INCLUDE STORM PROJECT

PLANNING & LAND DESIGN  
1882 NE ESTATE DRIVE  
HILLSBORO, OREGON 97124  
RYAN O'BRIEN  
(503)780-4061

SHEET  
OF

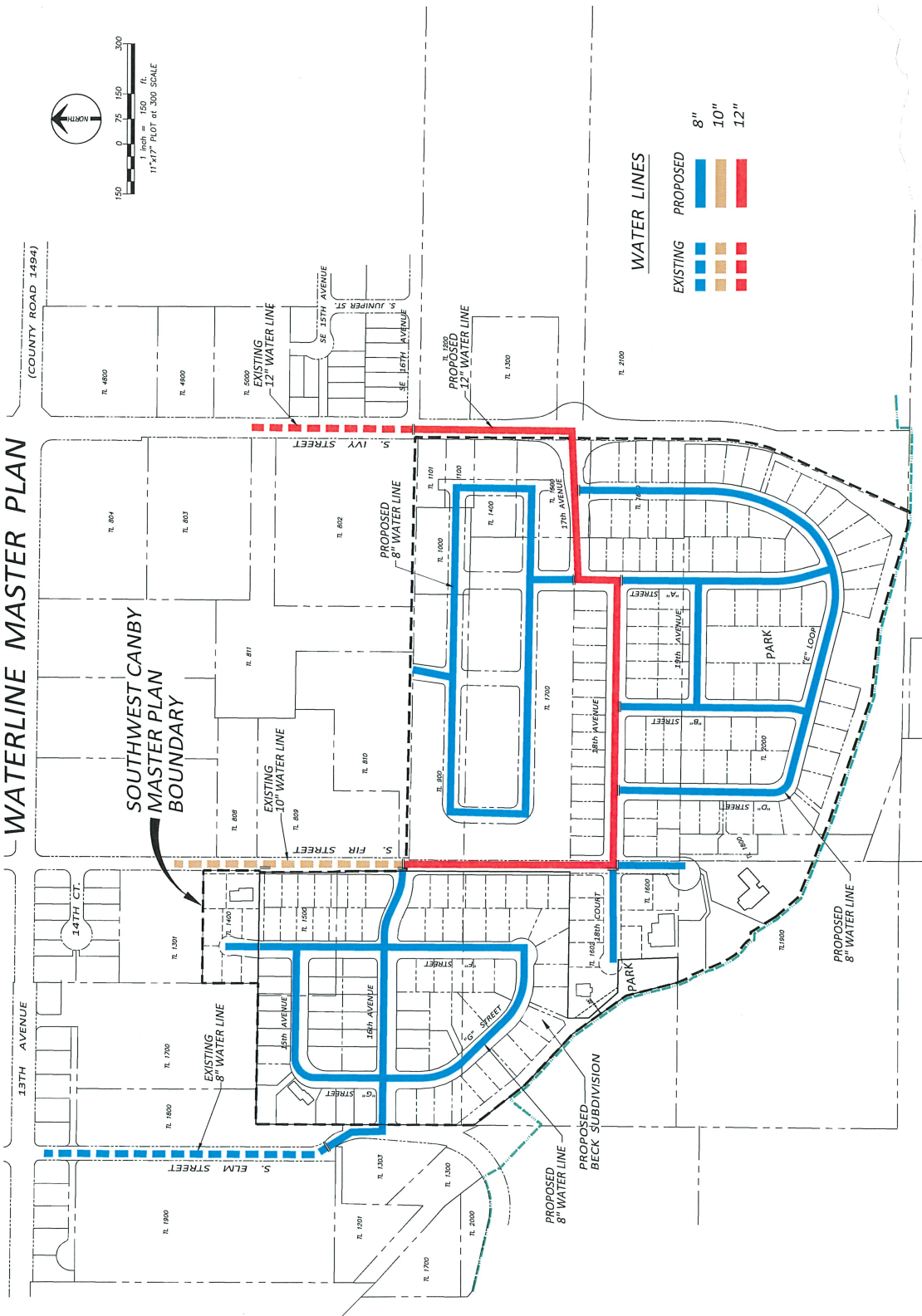


EXHIBIT 9  
2-2-18

NOTE: Property owners are not bound to lot size and lines as proposed

WMS-2018-0353-000

SOUTHWEST CANBY  
TAX MAP T4S, R1E, SECTION 4  
SEC. 40, LOT 1401, 1402, 1403, 1404, 1405 & 1406  
SEC. 41, LOT 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420 & 1421  
11"x17" PLOT AT 300 SCALE  
1 inch = 150 ft.

STAFFORD  
DEVELOPMENT COMPANY, LLC  
465 SOUTH STATE STREET  
LAKE OSWEGO, OREGON 97034

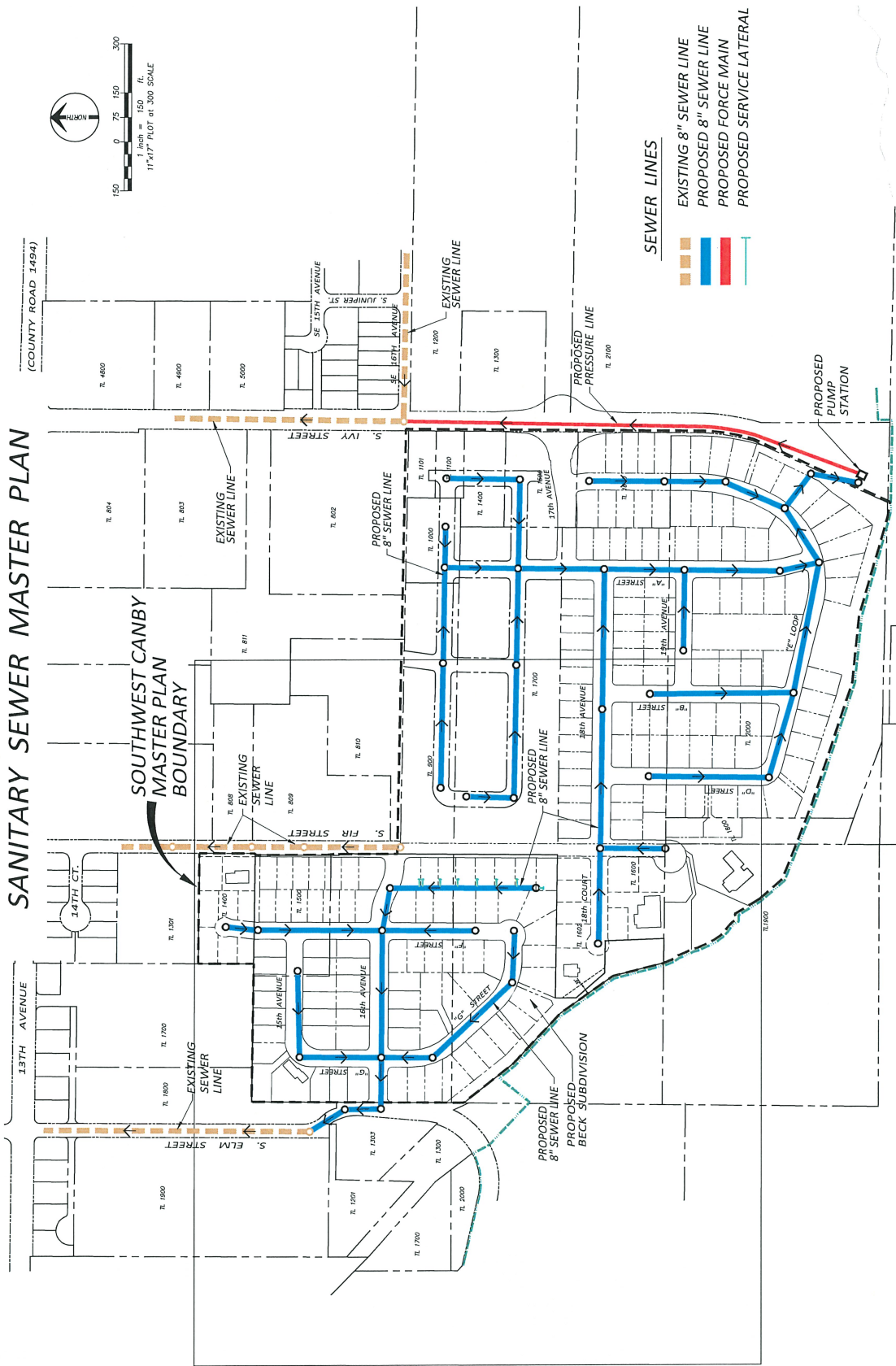
SANITARY SEWER  
MASTER PLAN

REVISIONS	
NO.	DATE
2	1-25-18
1	1-12-18

REVISIONS PER 1-8-18 PLANNING COMMISSION MEETING  
UPDATE PER PLAN SUBMISSION TO INCLUDE SITEWORK PROPERTY

PLANNING & LAND DESIGN  
1828 NE ESTATE DRIVE  
HILLSBORO, OREGON 97124  
RYAN O'BRIEN  
(503) 780-4061

SHEET  
OF



SANITARY SEWER MASTER PLAN

SOUTHWEST CANBY  
MASTER PLAN  
BOUNDARY

- SEWER LINES
- EXISTING 8" SEWER LINE
  - PROPOSED 8" SEWER LINE
  - PROPOSED FORCE MAIN
  - PROPOSED SERVICE LATERAL

EXHIBIT 8  
2-2-18

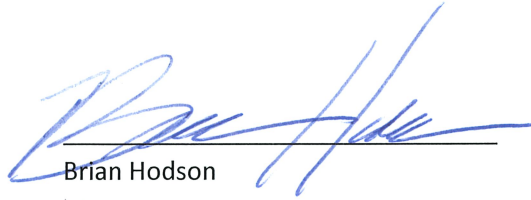
NOTE: Property owners are not bound to lot size and lines as proposed

Sanitary\_20180118151515.dwg


## VIII. City Approval

I CERTIFY THAT THIS ORDER recommending APPROVAL of the SOUTHWEST CANBY DEVELOPMENT CONCEPT PLAN was presented to and APPROVED by the City Council of the City of Canby.

DATED this 21 st day of February, 2018



Brian Hodson  
Mayor



Bryan C. Brown  
Planning Director

### ORAL DECISION - February 7, 2018

AYES: Smith, Parker, Hensley, Dale, Heidt & Spoon

NOES: none.

ABSTAIN: none.

ABSENT: 0

### WRITTEN FINDINGS – February 21, 2018

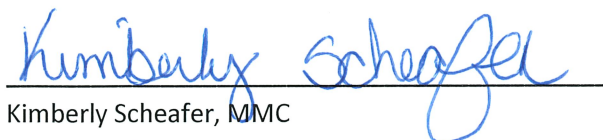
AYES: Smith, Parker, Hensley, Dale, Heidt & Spoon

NOES: none.

ABSTAIN: none.

ABSENT: none.

### ATTEST:



Kimberly Scheafer, MMC  
City Recorder

BEFORE THE CITY COUNCIL  
FOR THE CITY OF CANBY, OREGON

	)	
	)	<b>FINDINGS OF FACT</b>
In the Matter of a Request for a	)	<b>AND CONCLUSIONS OF LAW</b>
Subdivision/Variance Approval for	)	<b>REJECTING THE APPEAL</b>
Property Located at 1555, 1715 S Fir Street	)	<b>AND APPROVING THE</b>
In the City of Canby, located in the R-1 and	)	<b>SUBDIVISION APPLICATION</b>
R-1.5 Zoning Districts Within the	)	<b>WITH SPECIFIED AMENDMENT</b>
Southwest Canby Development Concept	)	
Plan Area for Approval of Sixty-Nine Lot	)	<b>FINAL ORDER FOR CITY OF</b>
Subdivision	)	<b>CANBY FILE NOS. APPEAL APP 18-02</b>
	)	<b>OF SUB 18-01/VAR 18-01 DECISION</b>

**I. INTRODUCTION.**

This Final Order is the Canby City Council’s (“City Council”) approval of an Application for approval of a sixty-nine lot subdivision in the R-1 and R 1.5 Zoning Districts located within the Southwest Canby Development Concept Plan area. As explained further below, the City Council moved to reject the appeal and affirm the Planning Commission’s decision as amended by adding a specified additional condition of approval submitted by the appellant and adopted the revised preliminary plat map. Therefore, the City Council approves the Application with the Planning Commission’s conditions of approval contained in their decision dated June 11, 2018. The Planning Commission decision is hereby incorporated in its entirety along with the specified additional condition of approval submitted by Appellant along with a revised preliminary plat map as it pertains to the Appellant’s property adjacent to the approved Beck Pond subdivision.

**II. PROCEDURAL STATUS.**

The Applicant submitted the Application on April 2, 2018 and the City declared the application with additional necessary submittals complete on May 5, 2018 and proceeded to schedule an initial evidentiary hearing before the Canby Planning Commission for June 11, 2018. The Planning Commission issued a Final Decision approving the Application on June 13, 2018. The Appellants filed a timely appeal of that decision on June 25, 2018. The City Council considered the appeal at a public hearing on August 1, 2018. A final decision is expected to occur with approval of these findings by the City Council on 8.15.18 within the applicable 120-day clock of receiving all necessary application materials and declaring the application complete.

The City Council opened the public hearing with the announcements required by ORS 197.763(5). A quorum of the City Council was present. The City Council had before it the entire Planning Department file for the Application. The City Council did not exclude any documents physically before it. The City Council disclosed *ex parte* contacts and conflicts of interest. No party asked for an opportunity to respond to the *ex parte* disclosures, nor did any party challenge

a City Councilor's ability to hear the appeal. No party raised any other procedural objections during the course of the hearing.

The City Council heard a brief Staff Report, the Applicant, the Appellant's attorney, and those in support of, or opposed to, the appeal. The City Council then heard the Applicant's rebuttal. Following deliberation, the City Council, on a motion by Councilor Smith, seconded by Councilor Hensley, voted 5-0 to reject the appeal and affirm the Planning Commission's decision as amended by adding the additional condition of approval submitted by the applicant and adopting the revised preliminary plat map. The Planning Department returned with proposed written findings for adoption by the City Council at a public meeting on August 15, 2018.

The Canby Land Development and Planning Ordinance (CZO) 16.89.050.J provides that appeals of the Planning Commission to the City Council will be processed using the Type III procedures unless otherwise specified in CZO Title 16. No other procedures apply to this Application. Further, CZO 16.89.050.I.4 provides that the City Council's action on appeal shall be governed by the same general regulations, standards and criteria as applied to the Planning Commission in the original consideration of the Application. Further, the City Council notes that CZO 16.89.050.F.1 provides that approval or denial of a Type III decision shall be based on standards and criteria located in the Canby Zoning Ordinance. The City Council is required to issue a final written order containing findings and conclusions that approve, in this case, the Application as amended with an additional condition of approval and a revised preliminary plat map as it pertains to the appellant's adjacent property to the Beck Pond subdivision preliminary plat map. The following written decision shall set forth the facts relied upon in rendering the decision and justify the decision according to the criteria, standards and facts provided by CZO 16.89.050F.2 and .3

### **III. SUPPLEMENTAL FINDINGS IN ADDITION TO THE PLANNING COMMISSION DECISION.**

#### **1. ADDITIONAL CONDITION OF APPROVAL**

The subdivision applicant, appellant through their attorney, and City planning staff reviewed a proposed statement to be presented at the City Council appeal public hearing ahead of the meeting arriving at general agreement in recommending to the City Council that they approve the appellant's request for amending the Planning Commission decision by adding the statement outlined below along with a revised preliminary plat map as a satisfactory way to resolve the area of disagreement set forth in the Appeal Statement:

The Council's decision to approve the preliminary plat for the Beck Pond subdivision shall not determine the configuration of any future development on the Roger and Cheryl Steinke property, Tax Lot 1500 on Tax Map 4S1E04CA. Any future development proposal for the Steinke property shall be judged upon its own merits if and when submitted and shall not be bound by any shadow plat which has previously come before the City.



**2. ADOPTION OF REVISED PRELIMINARY PLAT MAP**

The City Council finds that the revised preliminary plat map submitted to reinforce the previously outlined statement proposed to be adopted as an additional condition of approval; was helpful in clarifying the amended decision to not bound the applicant to or adopt any previous illustrated future development possibility outlined in the course of the subdivision approval process as it pertains to the adjacent Tax Lot 1500 of Tax Map 4S1E04CA. The revised preliminary plat map is attached to these findings as (Exhibit 1).

**3. PREFERRED FUTURE STREET ALIGNMENT ACROSS Tax Lot 1500**

The appellant also requested that the subdivision applicant prepare and present at the Council Hearing an illustration of the appellant’s current preferred future street alignment across the property. This illustration is attached to these findings as (Exhibit 2). The presentation of Exhibit 2 is not in any way adopted nor meant to be binding in any way on the appellant in the future, but was shown at the appellant’s request to provide reassurance that the preliminary plat map as proposed for approval would not prevent the possible extension of SE 15<sup>th</sup> Avenue eastward to Fir Street through the property in a manner that could divide the property exactly in half north to south with equal future lot depths on each side. The City Council acknowledged that this was one of several viable possible future development options for Tax Lot 1500.

**4. SOUTHWEST CANBY ANNEXATION DEVELOPMENT CONCEPT PLAN**

City staff and the subdivision applicant indicated at the hearing that the previous City Council adopted Southwest Canby Annexation Development Concept Plan which is applicable to properties recently annexed as a part of the Beck Pond subdivision and many other surrounding properties – including the Appellant’s Tax Lot 1500 – will continue to provide guidance to City staff and the Planning Commission in the future as to the suitability of future redevelopment scenarios presented by property owners within the adopted DCP area. Amendments to the adopted DCP are possible but must be justified when presented.

**5. GENERAL FINDINGS**

The City Council finds that the approval criterion utilized by the Planning Commission in their decision were suitable and criterion is satisfied. City Council had before it the entire Planning Department file for this Application, including all testimony from the Planning Commission hearing. The City Council considered all of the oral and written testimony by all parties to the appeal proceeding. The City Council fully considered all relevant information presented by the appellant. The City Council balanced the evidence and determined that the subdivision should be approved and that the appellant’s requested action with regard to the subdivision presented at the hearing could also be successfully incorporated into the approval record for the subdivision.

The Council, the Mayor in particular, indicated sincere appreciation for the efforts set forth by Stafford Land Development and Mr. Steinke to work together and arrive at an agreeable amendment to the Planning Commission decision on SUB 18-01/VAR 18-01.

**IV. CONCLUSION AND ORDER**

For the reasons contained herein, the City Council hereby rejects the appeal (APP 18-02) and affirms the Planning Commission’s decision as amended by adding the additional condition of approval submitted by the applicant and adopting the revised plat map indicated in the attached Exhibit 1. Therefore, **IT IS ORDERED BY THE CITY COUNCIL** of the City of Canby that **SUB 18-01/VAR 18-01** approving the sixty-nine lot Beck Pond subdivision including the forty-seven conditions of approval in the Planning Commission Decision as if incorporated herein and the additional condition of approval as set forth below:

The Council’s decision to approve the preliminary plat for the Beck Pond subdivision shall not determine the configuration of any future development on the Roger and Cheryl Steinke property, Tax Lot 1500 on Tax Map 4S1E04CA. Any future development proposal for the Steinke property shall be judged upon its own merits if and when submitted and shall not be bound by any shadow plat which has previously come before the City.

DATED this 15<sup>th</sup> day of August 2018.

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Brian Hodson  
Mayor

---

Bryan Brown  
Planning Director

Approved as to Legal Form:

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Joseph Lindsay  
City Attorney

**ORAL DECISION – August 1, 2018**

AYES: Smith, Parker, Hensley, Dale & Heidt

NOES: None.

ABSTAIN: None.

ABSENT: Spoon.

**WRITTEN FINDINGS – August 15, 2018**

AYES:

NOES:

ABSTAIN:

ABSENT:

**ATTEST:**

---

Kimberly Scheafer, MMC  
City Recorder

April 22, 2021

RE: Neighborhood Meeting for proposed annexation  
Assessor Map 41E04CA, Tax Lots 01400  
1495 S Fir Street, Canby, OR

Dear Neighborhood Property Owner or Resident,

A formal application will be submitted to the City of Canby by Blake, Brian, & Bridget DuPont requesting annexation into the City of Canby for the tax lot described above. The lot is currently an island of County land surrounded by the City of Canby. The lot is 1.30 acres, and it is occupied by a home and multiple outbuildings. An aerial map of the area is on the reverse of this letter.

In compliance with Canby Municipal Code requirements, a Neighborhood Informational Meeting will be held to provide you with an opportunity to become fully aware of the proposed annexation and to give you an opportunity to comment on the proposal. You are receiving this notice because you own land or reside within 500 feet of the site. Due to State Covid restrictions, the Neighborhood Informational Meeting will be held as a virtual video conference at 6:00 PM on Thursday, May 13, 2021.

We will provide a short presentation explaining the City of Canby annexation process and the features of the site, then we will open the meeting for questions or comments that you may have. The meeting is anticipated to last approximately 30 minutes. As confirmation of your attention to attend, please RSVP with your name and email to [CherilynH@sisulengineering.com](mailto:CherilynH@sisulengineering.com).

Please join the meeting at 6:00 PM on Thursday, May 13, 2021 from your computer, tablet or smartphone:

To Join Zoom Meeting in your browser type in: [zoom.us/join](https://zoom.us/join)  
Use the Meeting ID: 999 0280 0246  
Use the Passcode: 233338

Or One tap mobile  
+16699009128,,99902800246#,,,,\*233338# US (San Jose)  
+12532158782,,99902800246#,,,,\*233338# US (Tacoma)

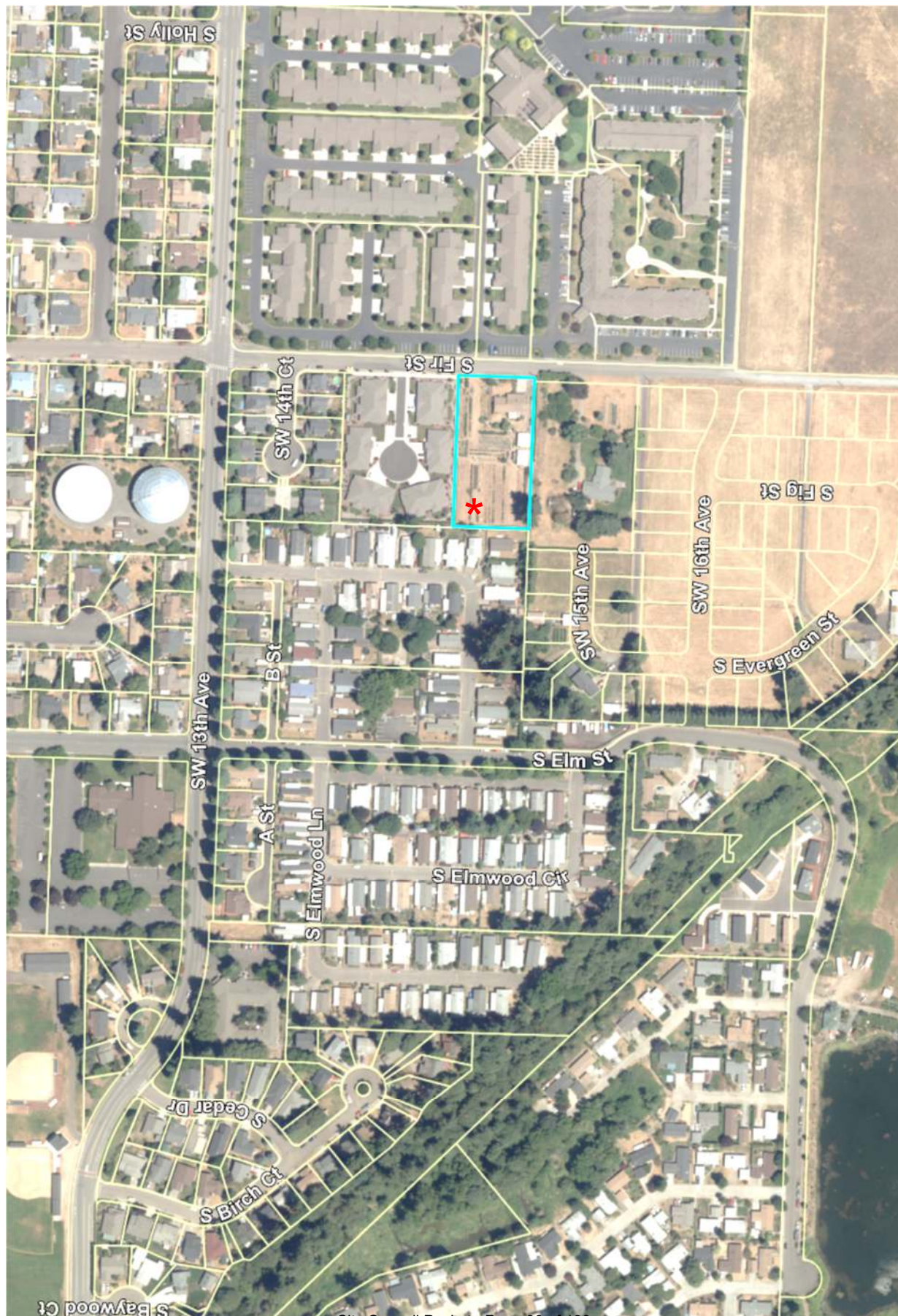
Or Dial by your location  
+1 669 900 9128 US (San Jose)  
+1 253 215 8782 US (Tacoma)

Thank you,



Patrick A. Sisul, P.E.







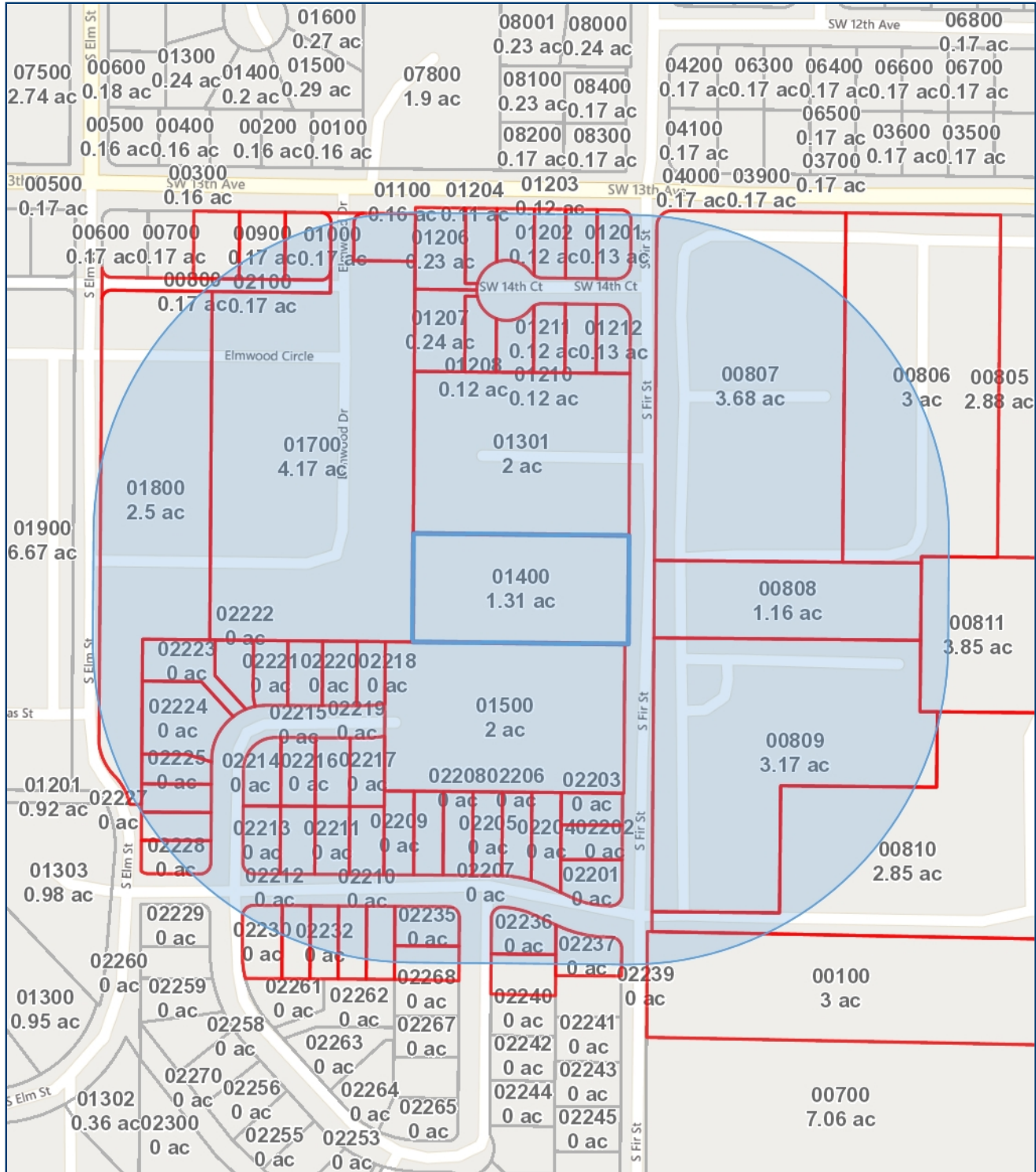


First American Title™

# 500 ft Buffer

1495 S Fir St, Canby, OR 97013

Report Generated: 2/11/2021



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41E04CA01209  
Lynn Bloomfield  
435 SW 14th Ct  
Canby, OR 97013

41E04D 00810  
Cascade House Hope Vlg Lp  
9600 SW Oak St STE 200  
Portland, OR 97223

41E04CA01700  
Elw Llc  
Po Box 98757  
Seattle, WA 98198

41E04CA02216  
Andrew & Johnson Duncan  
465 SW 15th Ave  
Canby, OR 97013

41E04CA02221  
Brianna & Togamau Elisara  
488 SW 15th Ave  
Canby, OR 97013

41E04CA01100  
Finzer Properties Llc  
13567 SE Deana Way  
Clackamas, OR 97015

41E04CA02225  
Emily & Kevin Hill  
1561 S Evergreen St  
Canby, OR 97013

41E04CA01206  
Resident  
454 SW 14<sup>th</sup> Ct  
Canby, OR 97013

41E04DC00100  
Hope Village Inc  
1535 S Ivy St

41E04CA01000  
Lew & Sharon Lehr  
14872 NE Thompson St  
Portland, OR 97230

41E04CA02214  
Vicenta Camacho & Victor Vazquez  
489 SW 15th Ave  
Canby, OR 97013

41E04CA02228  
Joel & Victoria Couture  
1579 S Evergreen St  
Canby, OR 97013

41E04CA01800  
Elw Llc  
Po Box 98757  
Seattle, WA 98198

41E04CA01201  
Shawn & Kaylee Durand  
400 SW 14th Ct  
Canby, OR 97013

41E04CA01205  
Abigail & Brandon Ellis  
440 SW 14th Ct  
Canby, OR 97013

41E04CA01202  
Daniel Gardner & Theresa Scoggins  
19672 Sun Cir  
West Linn, OR 97068

41E04CA01301  
Hope Village Inc  
1535 S Ivy St  
Canby, OR 97013

41E04CA01207  
Resident  
455 SW 14<sup>th</sup> Ct  
Canby, OR 97013

41E04CA01211  
Joshua & Jennifer Jensen  
9915 Marquam Cir  
Molalla, OR 97038

41E04CA00900  
Brian Terranova & Kristin Lemelson  
453 SW 13th Ave  
Canby, OR 97013

41E04CA02223  
Cambridge Collin Brock & Candice  
492 SW 15th Ave  
Canby, OR 97013

41E04CA01203  
Michael & Mary Coy  
3307 NE 141st St  
Vancouver, WA 98686

41E04CA02227  
Ryan & Mckenzi Dixon  
1573 S Evergreen St  
Canby, OR 97013

41E04CA02217  
Julie & Paul Duris  
463 SW 15th Ave  
Canby, OR 97013

41E04CA02100  
Elmwood Park Homeowners Lts 6-10  
,

41E04CA01208  
Susan Graper  
7168 Olalla Canyon Rd  
Cashmere, WA 98815

41E04CA02224  
Resident  
1555 S Evergreen St  
Canby, OR 97013

41E04CA01207  
Resident  
457 SW 14<sup>th</sup> Ct  
Canby, OR 97013

41E04CA02269  
Kayla Jordan & Jeffrey Nogle  
1713 S Fig St  
Canby, OR 97013

41E04CA02201  
Lennar Northwest Inc  
11807 NE 99th St STE 1170  
Vancouver, WA 98682

41E04CA02202  
Resident  
1595 S Fir St  
Canby, OR 97013

41E04CA02205  
Resident  
438 SW 16<sup>th</sup> Ave  
Canby, OR 97013

41E04CA02208  
Abdo Horcos & Tori Scott  
452 SW 16th Ave  
Canby, OR 97013

41E04CA02211  
Anneliese & Anthony Misenhimer  
468 SW 16th Ave  
Canby, OR 97013

41E04CA02232  
David & Lucinda Downs  
475 SW 16th Ave  
Canby, OR 97013

41E04CA02236  
Resident  
1690 S Fig St  
Canby, OR 97013

41E04CA02230  
Jeremy & Priscilla Macloroski  
487 SW 16th Ave  
Canby, OR 97013

41E04CA01210  
Jennie & John Peakes  
425 SW 14th Ct  
Canby, OR 97013

41E04CA01206  
S T J 1 Llc  
130 SW 2nd Ave STE 103  
Canby, OR 97013

41E04CA02215  
Wendy Sheldon  
467 SW 15th Ave  
Canby, OR 97013

41E04CA02203  
Resident  
1573 S Fir St  
Canby, OR 97013

41E04CA02206  
Resident  
442 SW 16<sup>th</sup> Ave  
Canby, OR 97013

41E04CA02209  
Trenton & Heather Hartill  
454 SW 16th Ave  
Canby, OR 97013

41E04CA02212  
Michael & Cheryl Cropper  
472 SW 16th Ave  
Canby, OR 97013

41E04CA02233  
Gary & Clydeen Phillips  
703 Village Park Ln  
Lake Oswego, OR 97034

41E04CA02237  
Resident  
1687 S Fir St  
Canby, OR 97013

41E04CA00800  
John & Anna Makin  
473 SW 13th Ave  
Canby, OR 97013

41E04CA02222  
Timothy Poundstone  
290 NE Greenway Dr  
Gresham, OR 97030

41E04CA02231  
Jeffrey & Kanae Simpkins  
483 SW 16th Ave  
Canby, OR 97013

41E04CA02204  
Resident  
432 SW 16<sup>th</sup> Ave  
Canby, OR 97013

41E04CA02207  
Daniel Tapia & Stephanie Cruz  
448 SW 16th Ave  
Canby, OR 97013

41E04CA02210  
Whitney & Allen Miller  
466 SW 16th Ave  
Canby, OR 97013

41E04CA02213  
Christopher & Erika Brand  
484 SW 16th Ave  
Canby, OR 97013

41E04CA02234  
Brooke Henry  
469 SW 16th Ave  
Canby, OR 97013

41E04CA02238  
Resident  
1712 S Fig St  
Canby, OR 97013

41E04D 00809  
Meadows At Hope Village Lp  
1535 S Ivy St

41E04CA01204  
Vance & Molly Roderick  
9030 SW 72nd Ave  
Portland, OR 97223

41E04CA02226  
Ryan Seifert & Nichole Franzen  
1567 S Evergreen St  
Canby, OR 97013

41E04CA02224  
Stafford Development Company Llc  
485 S State St  
Lake Oswego, OR 97034



41E04CA01500  
Roger & Cheryl Steinke  
1547 S Fir St  
Canby, OR 97013

41E04CA02220  
Chad & Gary Wanderscheid  
476 SW 15th Ave  
Canby, OR 97013

41E04CA02235  
Whitney Zarate & Carlos Ramirez  
1697 S Fig St  
Canby, OR 97013

41E04CA01100  
Resident  
433 SW 13<sup>th</sup> Ave  
Canby, OR 97013

41E04CA01212  
Michael Szczerba  
405 SW 14th Ct  
Canby, OR 97013

41E04CA02219  
Wardle & Marie Troy  
464 SW 15th Ave  
Canby, OR 97013

41E04CA02201  
Resident  
1667 S Fir St  
Canby, OR 97013

41E04CA02218  
Shelby & A Wade  
462 SW 15th Ave  
Canby, OR 97013

41E04CA01400  
Wilmes Wenrick  
Po Box 1204  
Canby, OR 97013

41E04CA01206  
Resident  
450 SW 14<sup>th</sup> Ct  
Canby, Or 97013

41E04CA01700  
Resident  
1400 S Elm St, UNIT #1  
Canby, OR 97013

41E04CA01700  
Resident  
1400 S Elm St, UNIT #4  
Canby, OR 97013

41E04CA01700  
Resident  
1400 S Elm St, UNIT #7  
Canby, OR 97013

41E04CA01700  
Resident  
1400 S Elm St, UNIT #10  
Canby, OR 97013

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Resident  
1400 S Elm St, UNIT #13  
Canby, OR 97013

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Resident  
1400 S Elm St, UNIT #23  
Canby, OR 97013

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Resident  
1400 S Elm St, UNIT # 26  
Canby, OR 97013

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Resident  
1400 S Elm St, UNIT #29  
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Resident  
1400 S Elm St, UNIT #35  
Canby, OR 97013

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Resident  
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Canby, OR 97013

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Resident  
1400 S Elm St, UNIT #2  
Canby, OR 97013

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Resident  
1400 S Elm St, UNIT #5  
Canby, OR 97013

41E04CA01700  
Resident  
1400 S Elm St, UNIT #8  
Canby, OR 97013

41E04CA01700  
Resident  
1400 S Elm St, UNIT #11  
Canby, OR 97013

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Resident  
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**PROPOSED  
ANNEXATION**

**1495 S FIR ST**

**1.31 ACRES**

**BLAKE DUPONT**

MAY, 2021



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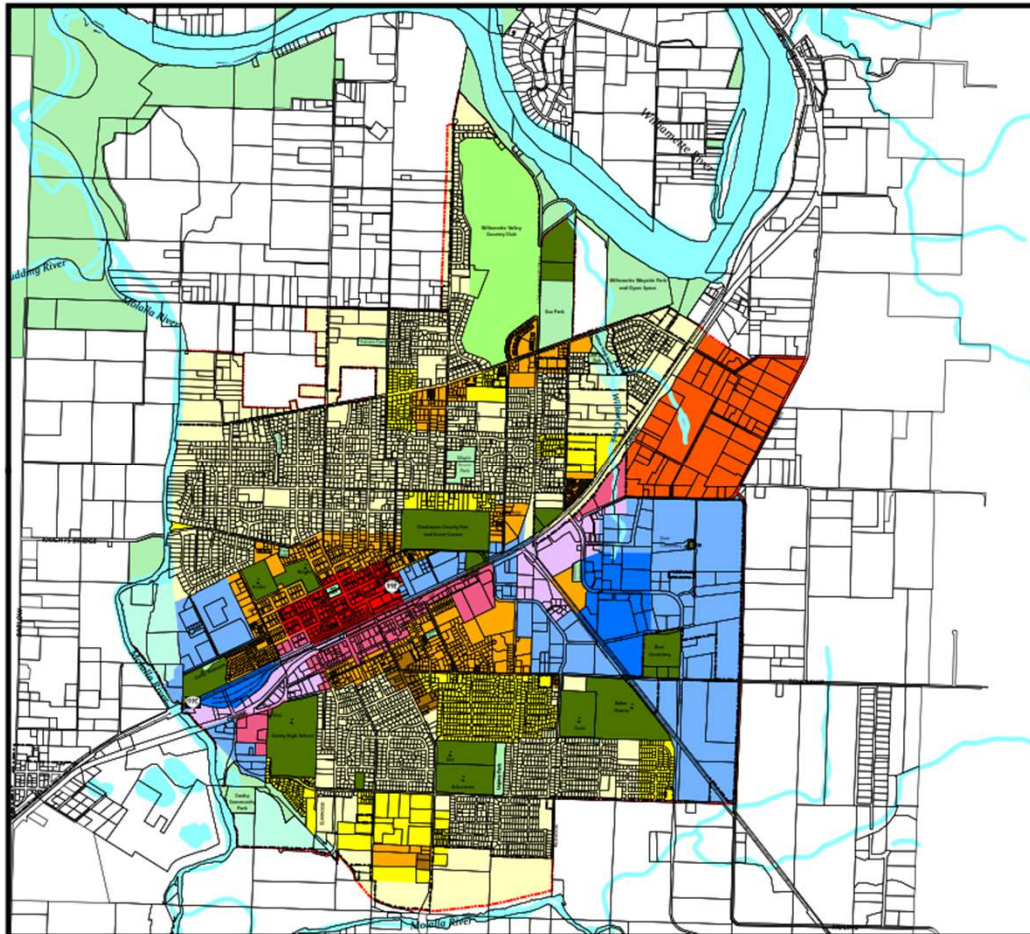
## ANNEXATION PROCESS APPROXIMATE TIMELINE



# VICINITY MAP: AN ISLAND OF COUNTY LAND



# CITY OF CANBY COMPREHENSIVE PLAN MAP



## City of Canby Comprehensive Plan Map

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

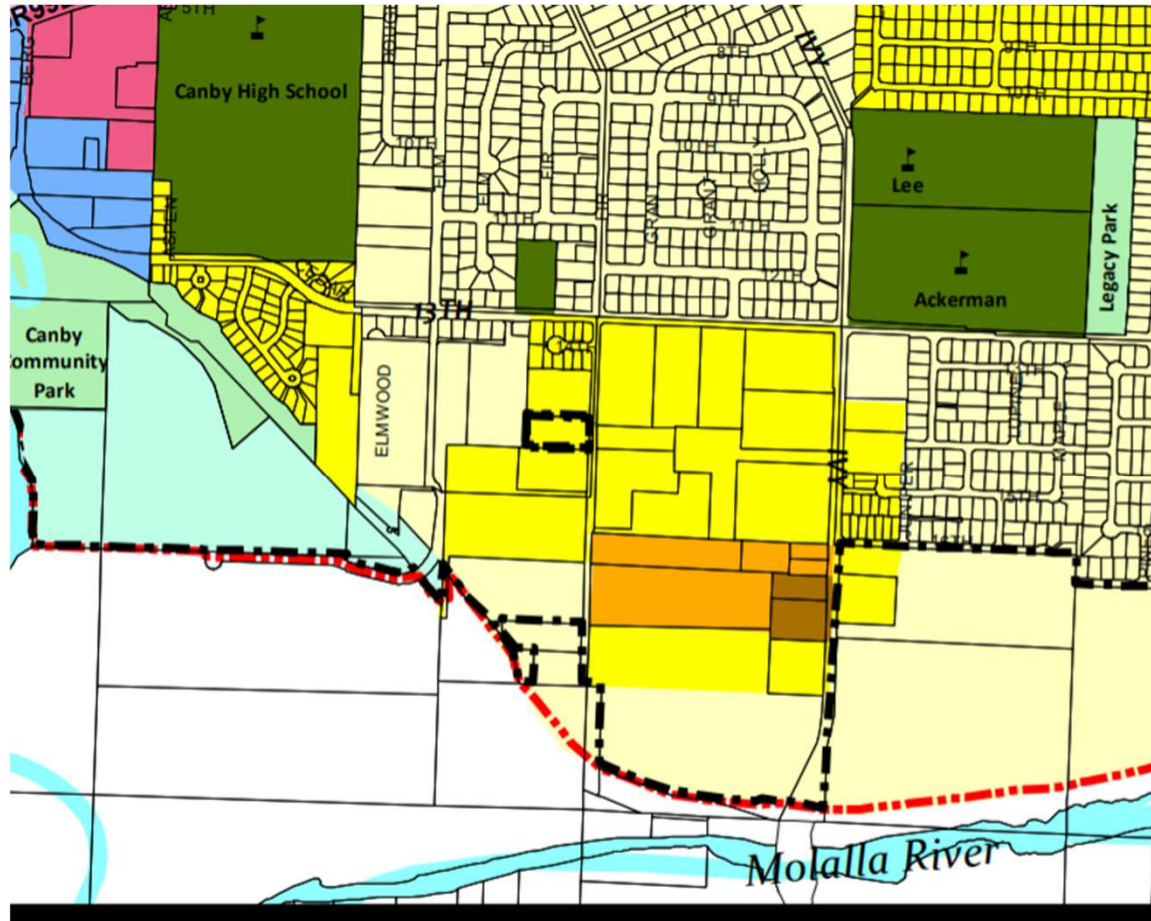
0 0.275 0.55 1.1 Miles

September 2019

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



# CITY OF CANBY COMPREHENSIVE PLAN MAP





# AERIAL VIEW



# AERIAL VIEW





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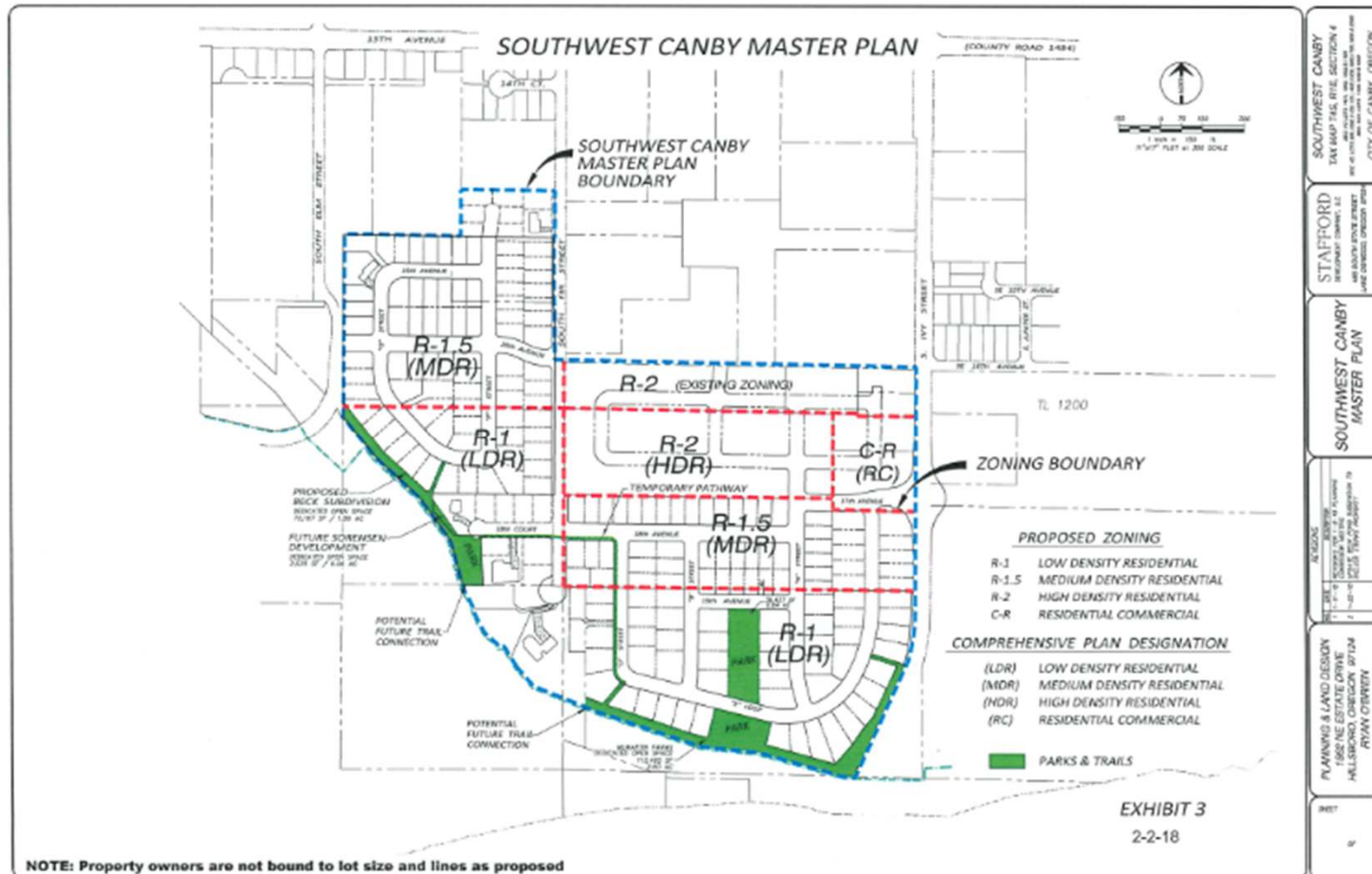
# 2018 SOUTHWEST CANBY DEVELOPMENT CONCEPT PLAN

## Southwest Canby Development Concept Plan

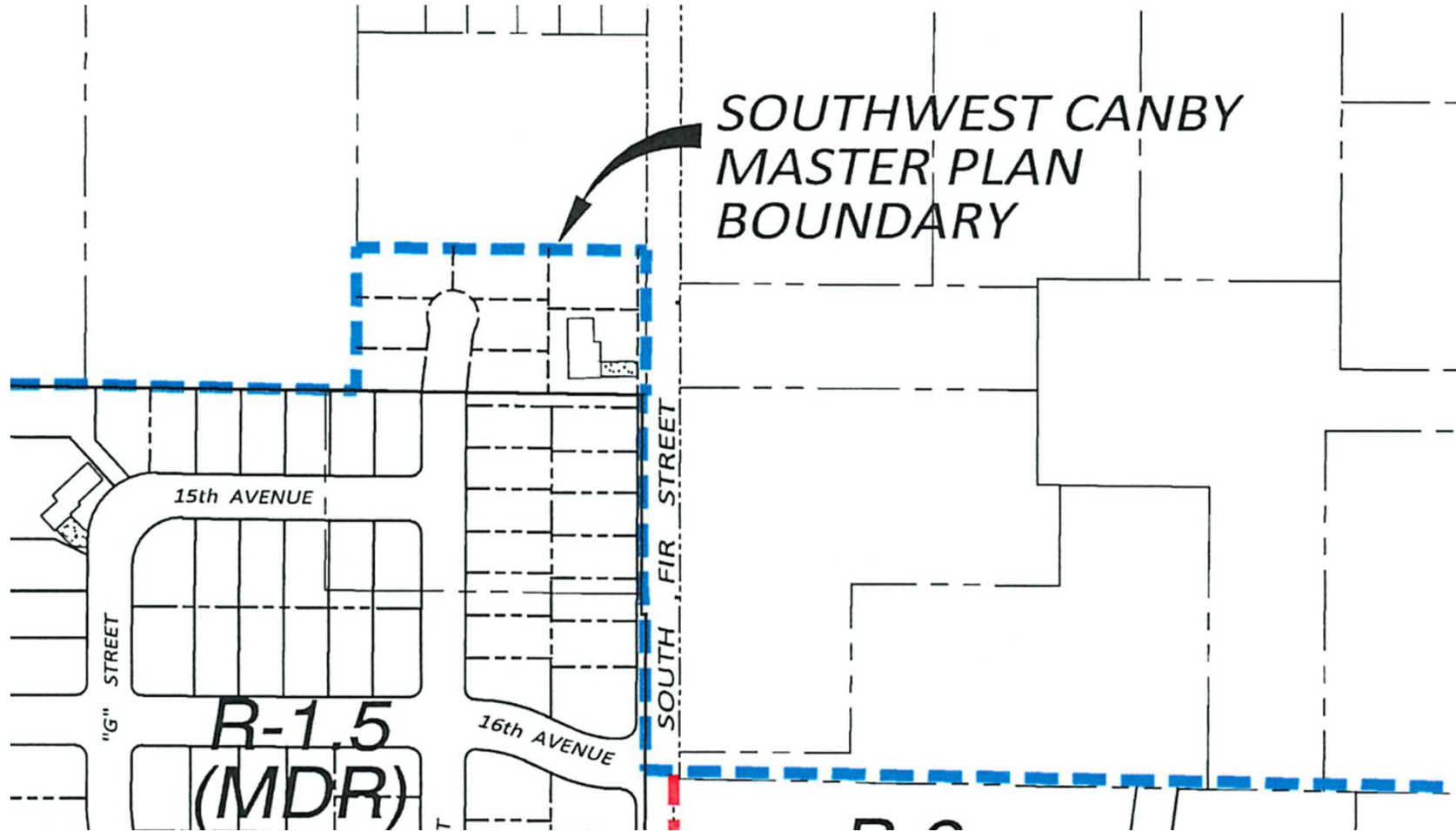


The DCP is not a final decision of subdivision layout, but is considered a reasonable configuration of the area accommodating required infrastructure, and one which does not preclude future development of neighboring parcels.

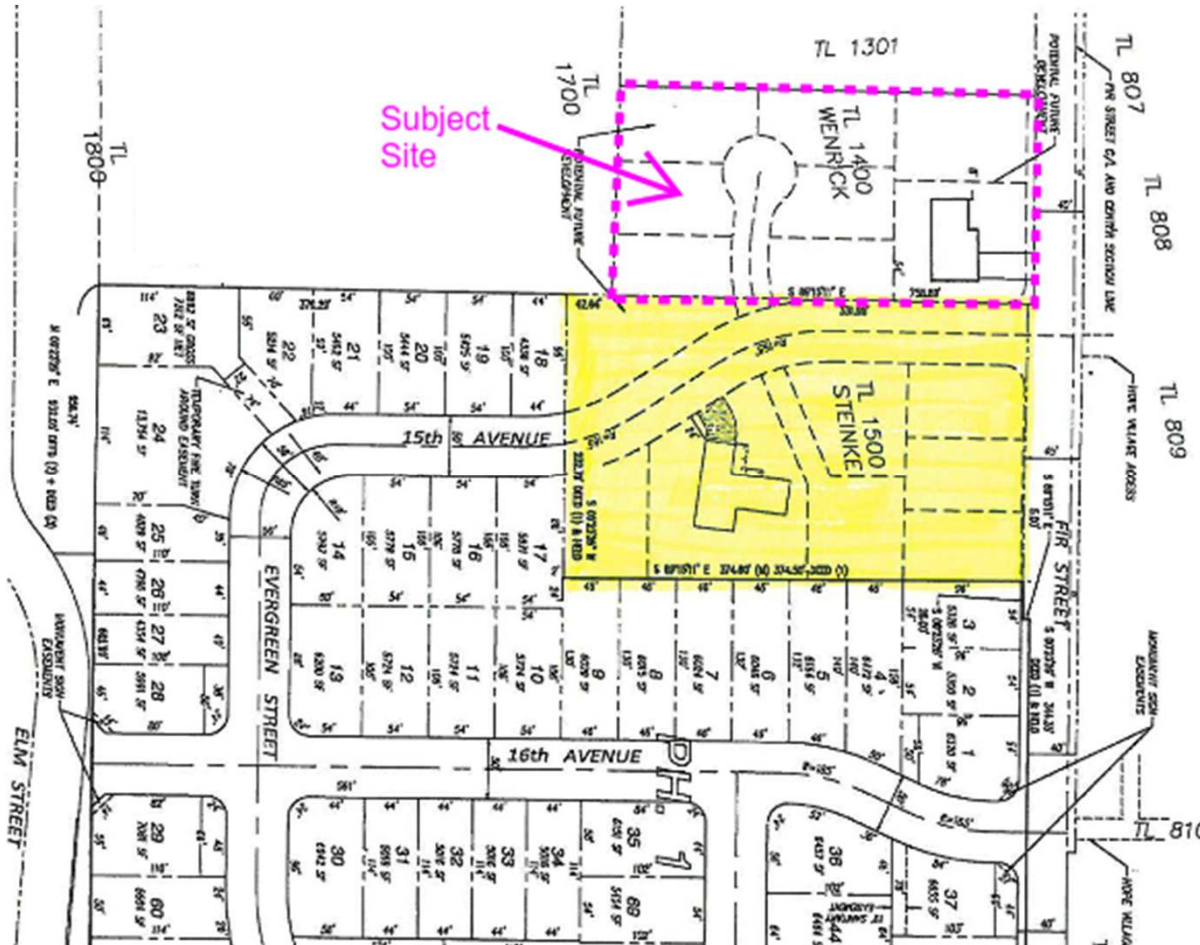
# 2018 SOUTHWEST CANBY DEVELOPMENT CONCEPT PLAN



# 2018 SOUTHWEST CANBY DEVELOPMENT CONCEPT PLAN



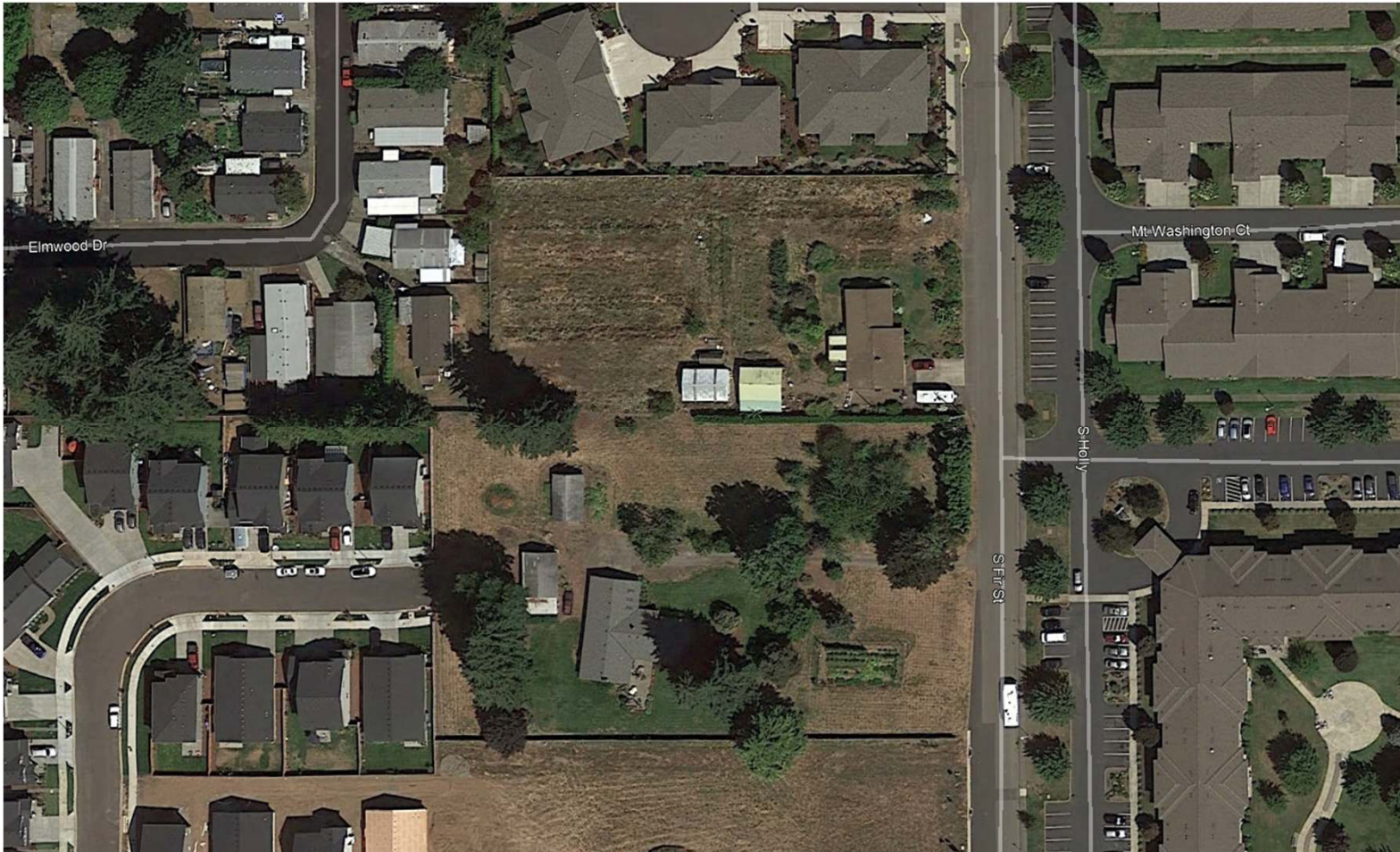
# 2018 CANBY DEVELOPMENT CONCEPT PLAN REVISION



The DCP indicated a substandard sized cul-de-sac. The requirement is for a 54' radius/108' diameter bulb.



## 2020 AERIAL MAP



SW 15<sup>th</sup> Ave  
constructed  
ending with a  
curve to the  
north.

# ANNEXATION PLAN: CITY R-1.5 ZONING





# R-1.5 ZONING

## Chapter 16.18

### R-1.5 MEDIUM DENSITY RESIDENTIAL ZONE

#### Sections:

- 16.18.010 Uses permitted outright.**
- 16.18.020 Conditional uses.**
- 16.18.030 Development standards.**

#### **16.18.010 Uses permitted outright.**

Uses permitted outright in the R-1.5 zone shall be as follows:

- A.** Uses permitted outright in the R-1 zone;
- B.** Two-family or three-family dwellings. One duplex or triplex on each lot. (Ord. 740 sect. 10.3.20 (A), 1984)
- C.** Single-family townhouse dwellings having common wall construction. The townhouse construction is limited to a maximum grouping of three dwelling units. If more than one group of dwellings is developed then a ten foot distance shall be maintained between an adjacent group of dwelling units. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)

#### **16.18.020 Conditional uses.**

Conditional uses in the R-1.5 zone shall be as follows:

- A.** Uses listed as conditional in the R-1 zone; except as modified by Section 16.18.010, above;
- B.** Four-family dwellings. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)

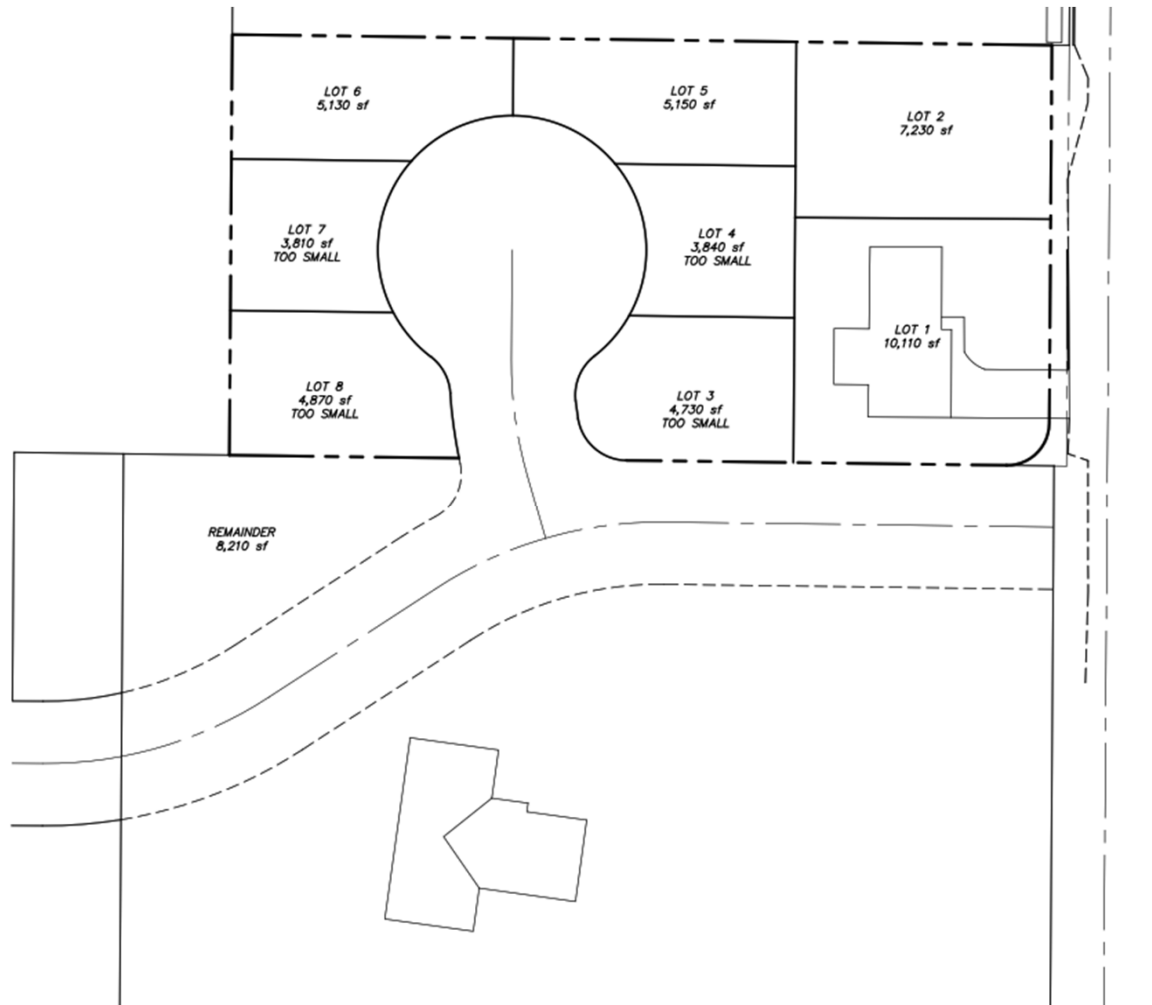
#### **16.18.030 Development standards.**

The following subsections indicate the required development standards of the R-1.5 zone:

##### **A.** Minimum and maximum lot area:

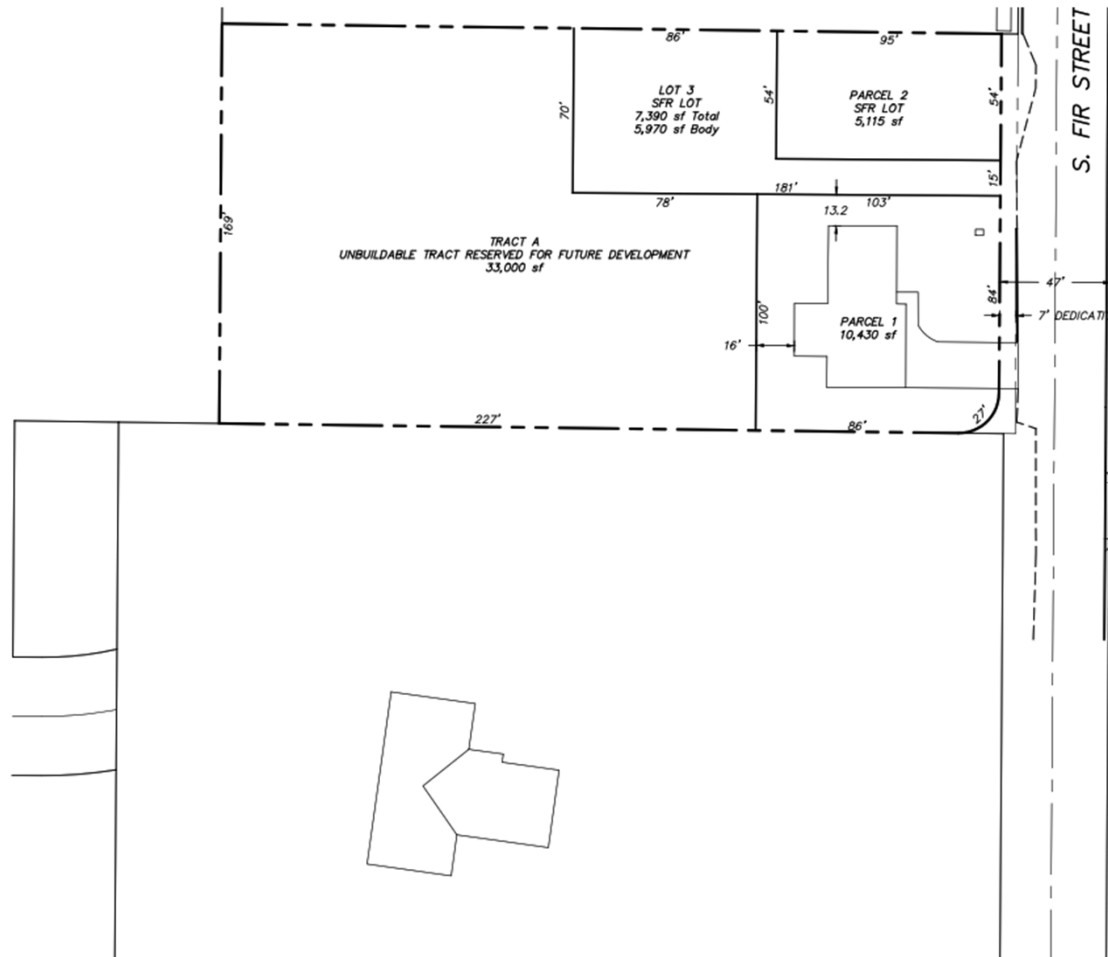
- 1.** For single family dwellings: five thousand (5,000) square feet minimum and six thousand five hundred (6,500) square feet maximum.
- 2.** For townhome dwelling units having common wall construction: three thousand (3000) square foot minimum lot size.
- 3.** Minimum residential density: For two, three, and four family dwellings: new development shall achieve a minimum density of 6 units per acre and a maximum of 13 units per acre. Minimum density for a property is calculated by multiplying its area in acres (minus area required for street right-of-way and public park/open space areas) by the density standard. For example, 0.32 acres x 6 units/acre = minimum of 1.92 units. Decimals are rounded to the nearest whole number (e.g., a minimum of 1.92 units becomes a minimum of 2 units per acre). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.
- 4.** The Planning Commission may approve smaller or larger lots in accordance with subsection B, below.

## DEVELOPMENT PLAN WITH ACTUAL CITY REQUIRED CUL-DE-SAC



The DCP indicated a substandard sized cul-de-sac. The requirement is for a 54' radius/108' diameter bulb. With the standard sized bulb, 4 of the 6 lots around the cul-de-sac would be undersized.

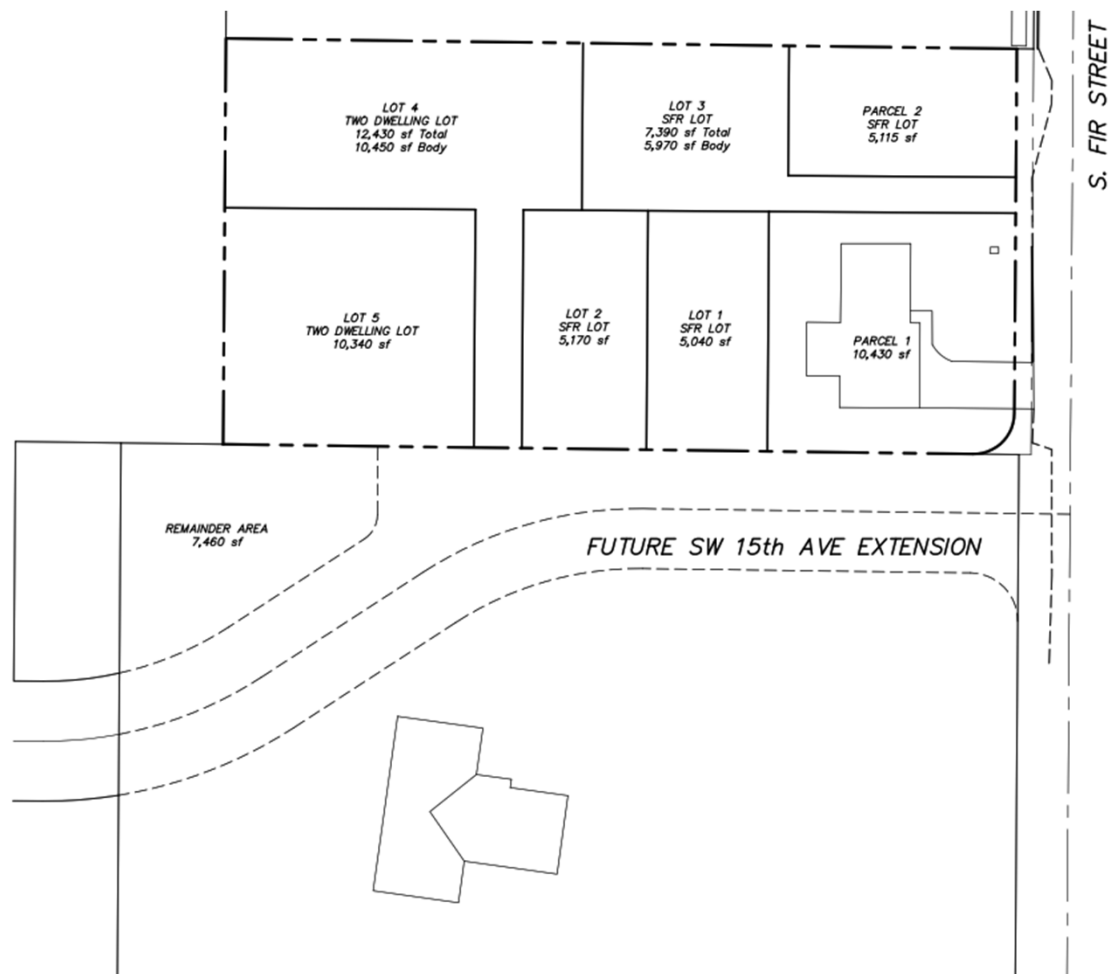
# PHASE 1 POSSIBLE DEVELOPMENT PLAN



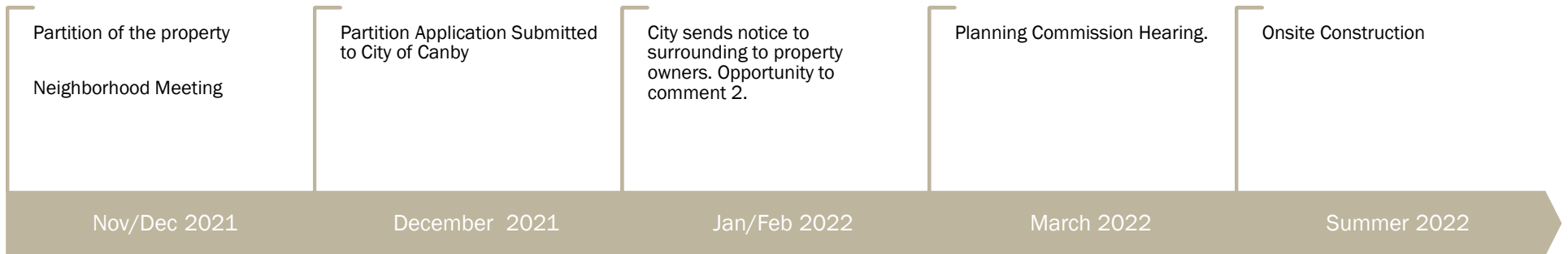
Phase 1: Partition  
Access to come from S Fir St.

No further development until  
the parcel to the south extends  
SW 15<sup>th</sup> Avenue.

# PHASE 2 POSSIBLE DEVELOPMENT PLAN

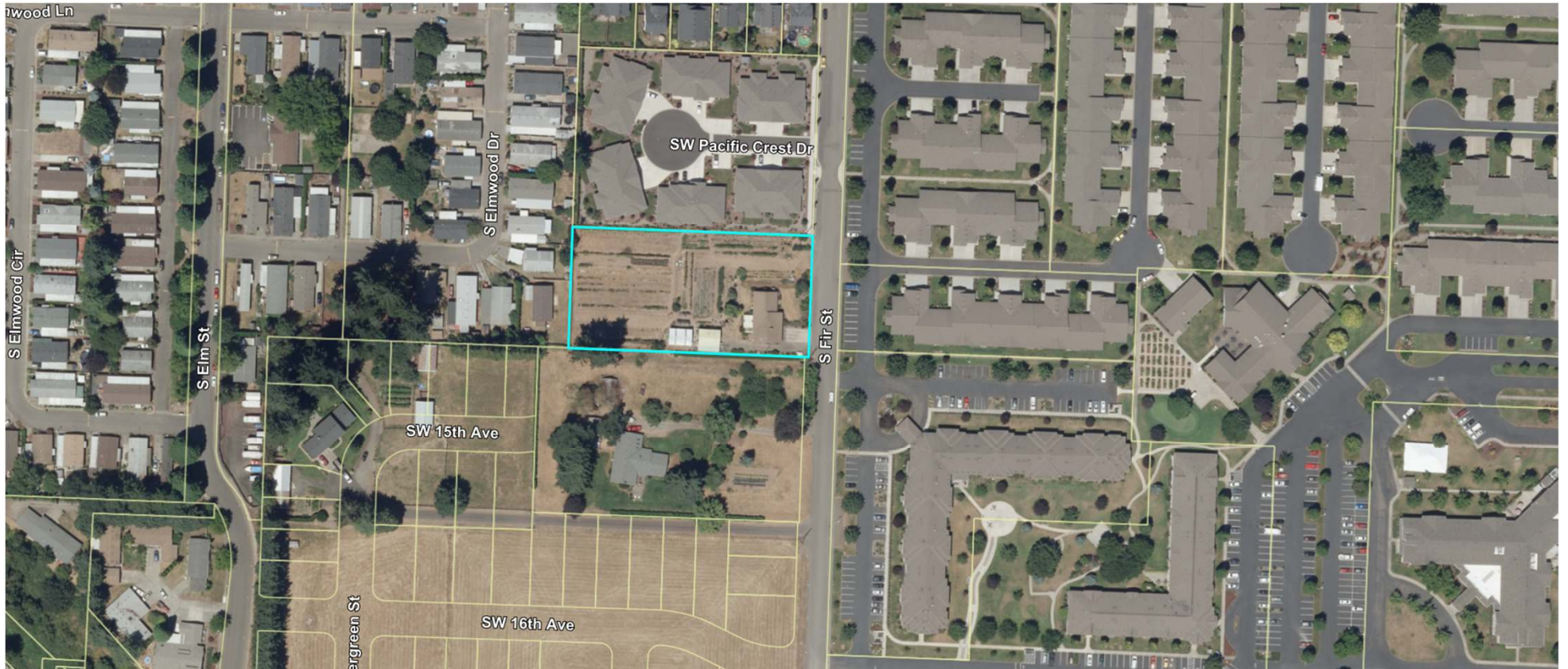


# APPROXIMATE TIME LINE





# QUESTIONS?



1495 S Fir Street Annexation - Neighborhood Meeting  
May 13, 2021, 6:00 pm      Zoom Meeting

A total of four people attended the virtual meeting. Two attendees were the owners of Tax Lot 1500 to the south of the subject site, the other attendees were the applicant and his representative. A list of attendees is below:

Blake DuPont, Owner/Applicant  
Pat Sisul, Sisul Engineering, Applicant's representative  
Roger and Cheryl Steinke (neighboring property owners)

---

The meeting began at 6:05 PM.

The meeting was hosted by Sisul Engineering.

Pat Sisul (applicant's representative) began the meeting by presenting a PowerPoint presentation of the where the site is located, the zoning, and the timing of how annexation of the site and future development of the site could possibly track.

Pat Sisul explained that this is the first opportunity for neighborhood input into a project. Other opportunities for input would be after application is made and the City Staff requests comments from neighbors. Neighbors could also choose to attend or submit information to the City to be included in the record at the Planning Commission or City Council hearings, or they could choose to testify at the hearings.

After a brief explanation of the process, the presentation moved to site plans showing the SW Canby Development Concept Plan and a discussion of possible development plans for the site. It was explained that development of the site would require a second application and another neighborhood meeting.

When the meeting was opened for questions and comments, the Steinke's stated that they had been heavily involved dealing with the SW Canby Development Concept Plan and meeting with Stafford Land Development when the plan was being prepared. In fact, they appealed the approval of the plan. The fact that the SW Canby Development Concept Plan had been appealed was not known by the applicant prior to the neighborhood meeting, as the City Planning Staff had never mentioned it. The Steinke's explained that they had hired outside Counsel to help them appeal the plan. The appeal went to City Council and the Council added an amendment that the layout in the DCP did not apply to their property. They stated that writing findings for the appeal should be available in the City's system, as there was a final written decision.

They stated that their favored plan is not for SW 15<sup>th</sup> Avenue to swing north to their northern property line, as was shown on the plans presented during the meeting, but to straighten out and to extend easterly in a line dividing the northern and southern portions of their property in

two equal halves. That is the layout that they had presented to the City during their appeal of the Master Plan. The site plans shown during the presentation don't fit their intended plan.

The applicant's representative stated that they'll go back to the drawing board and look at other options for the site, since what had been understood to be the approved DCP Plan was not actually the approved plan. The Steinke's asked if the applicant could keep them informed with what's going on with the application or do they just wait for the next meeting as the application progresses. The applicant's representative stated that the Steinke's could call the applicant or himself for information regarding the status of the annexation.

---

The meeting ended at 6:37 PM.

Notes prepared by Pat Sisul, Sisul Engineering



EXHIBIT 'B'

TAX LOT 1400 MAP 41E 04CA  
IN THE SW 1/4 OF SECTION 4, T.4S., R.1E., W.M.  
CLACKAMAS COUNTY, OREGON

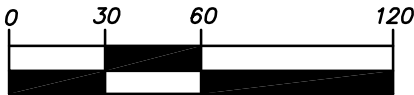
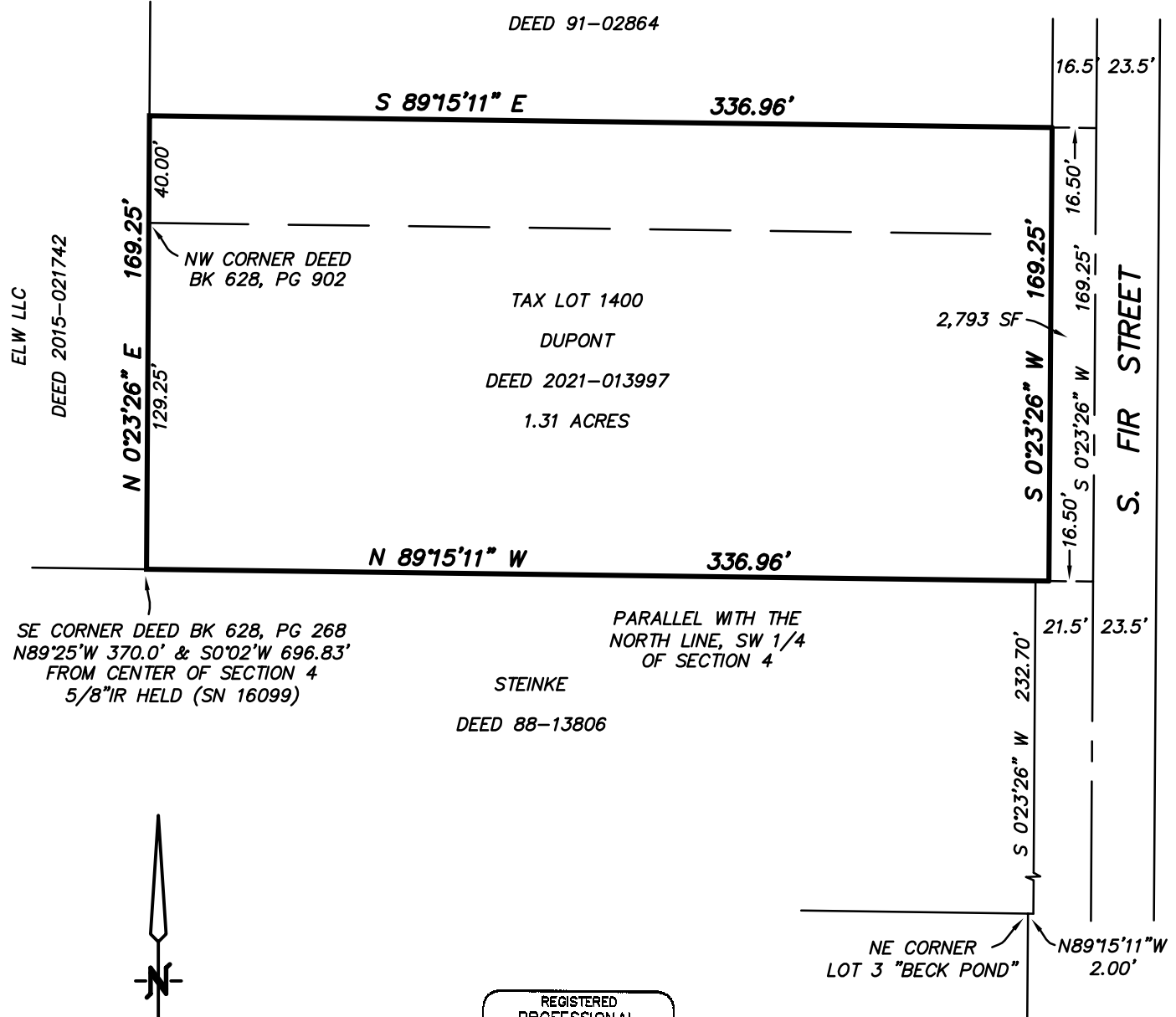
ATTACHMENT G

Survey of Property, Legal Description, and  
Warranty Deed

ANN 21-02/ZC 21-02

GREGORY

DEED 91-02864



1 inch = 60 ft.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Kenneth D. Griffin*

OREGON  
JULY 26, 1985  
KENNETH D. GRIFFIN  
2147

RENEWS: 6/30/21

0770 DUPONT ANNEXATION

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

# Griffin Land Surveying Inc.

---

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

Office: (503)201-3116

April 5, 2021

## Dupont Annexation

Project: 0770

**Tax Lot 1400 41E04CA**  
Clackamas County, Oregon

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

Beginning at an Iron Rod at the Southeast corner of that tract described by deed to Elisabeth M. Drews, et ux, recorded in Book 628, Page 268, Clackamas County Records, being N 89°25' W, 370.0 feet and S 0°02' W, 696.83 feet from the Center of said Section 4; thence N 0°23'26" E along the East line of said Drews tract, 169.25 feet to the Northwest corner of that tract described by deed to Brian P. DuPont, et al, recorded in Document No. 2021-013997, Clackamas County Records; thence S 89°15'11" E along the North line of said Dupont Tract, 336.96 feet to the West right of way line of S. Fir Street; thence S 0°23'26" W along said West right of way line, 169.25 feet to the Southeast corner of said DuPont tract; thence N 89°15'11" W along the South line of said DuPont tract, 336.96 feet to the point of beginning.

Contains 1.31 acres.



# Griffin Land Surveying Inc.

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

Office: (503)201-3116

April 5, 2021

## Dupont Annexation

Project: 0770

### S. Fir Street Right of Way

Map 41E04CA

Clackamas County, Oregon

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

Beginning at Southeast corner of that tract described by deed to Brian P. DuPont, et al, recorded in Document No. 2021-013997, Clackamas County Records; thence N 0°23'26" E along the West right of way line of S. Fir Street, 169.25 feet to the Northeast corner of said DuPont tract; thence S 89°15'11" E along the easterly extension of the North line of said Dupont Tract, 16.50 feet to the centerline of said S. Fir Street; thence S 0°23'26" W along said centerline, 169.25 feet to the Easterly extension of the South line of said DuPont tract; thence N 89°15'11" W along the Easterly extension of South line, 16.50 feet to the point of beginning.

Contains 2,793 square feet.



RECORDING REQUESTED BY:



6000 Meadows Rd, Ste 100  
Lake Oswego, OR 97035

**AFTER RECORDING RETURN TO:**

**Order No.:** 872006110-LW  
Brian P. DuPont and Bridget A. DuPont  
9757 Lariat Lane NE  
Aurora, OR 97002

**SEND TAX STATEMENTS TO:**

Brian P. DuPont and Bridget A. DuPont  
9757 Lariat Lane NE  
Aurora, OR 97002

APN: 01002408  
1495 S. Fir Street, Canby, OR 97013

\*This document was signed in counterpart

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Clackamas County Official Records	<b>2021-013997</b>
Sherry Hall, County Clerk	02/09/2021 03:53:03 PM
D-D	Cnt=1 Stn=9 COUNTER1
\$30.00 \$16.00 \$10.00 \$62.00	<b>\$118.00</b>

**STATUTORY WARRANTY DEED**

**Nancy J. Wenrick-Wilmes and Norman Kraft and Kate K. Kraft-Couraoud, who acquired title as Kate Buckner, and Lynn Kraft and Paige Bizon and Petrece Johnson, Grantor, conveys and warrants to Brian P. DuPont and Bridget A. DuPont, as tenants by the entirety and Blake M. DuPont, all with rights of survivorship, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:**

Part of the Northeast one-quarter of the Southwest one-quarter of Section 4, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at an iron rod at the Southeast corner of the tract conveyed to Elisabeth M. Drews, et ux, by deed recorded September 12, 1963, in Deed Book 628, Page 268, said iron rod being located North 89°25' West 370.0 feet and South 0°02' West 696.83 feet from the center of said section; thence North 0°02' East 129.25 feet along the East line of said Drews tract; thence South 89°25' East 337.0 feet, parallel with the North line of said Southwest one-quarter to the East line of the tract conveyed to Ivan R. Yates, et ux, by deed recorded September 1, 1939, in Deed Book 261, Page 285; thence South along the East line of said Yates tract and the East line of the strip conveyed to Mabel Yates by deed recorded October 18, 1961, in Deed Book 694, Page 13, to the Southeast corner of said strip; thence North 89°25' West 337.0 feet along the South line of said strip to the point of beginning.

AND INCLUDING the South 40 feet, of even width, of the following described tract of land:

Part of the Southwest one-quarter of Section 4, Township 4 South, Range 1 East of the Willamette Meridian in Clackamas County, Oregon, described as follows:

Beginning at the Northwest corner of that certain tract of land conveyed to Robert Anderson, et ux, by deed recorded March 13, 1967 in Deed Book 686, Page 902, Deed Records; said point being located North 89°25' West 370 feet and South 0°02' West 567.58 feet from the center of said section; thence North 0°02' East a distance of 292.58 feet, more or less, to a point; said point being the Southwest corner of that certain tract of land conveyed to O.P. Monroe, et ux, by deed recorded July 13, 1962 in Book 607, Page 35, Deed Records; thence South 89°25' East a distance of 337 feet along the South line of the aforementioned Monroe tract to the Southeast corner thereof; thence South 0°02' West a distance of 292.58 feet to a point, said point being the Northeast corner of the aforementioned Anderson tract; thence North 89°25' West a distance of 337 feet along the North line of said Anderson tract to the true point of beginning.

Lawyers 872006110

# STATUTORY WARRANTY DEED

(continued)

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SIX HUNDRED TEN THOUSAND AND NO/100 DOLLARS (**\$610,000.00**). (See ORS 93.030).

**Subject to:**

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

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

**STATUTORY WARRANTY DEED**

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 2/8/21

\_\_\_\_\_  
Nancy J. Wenrick-Wilmes

Norman Kraft  
Norman Kraft

Kate K. Kraft - Couced by Norm Kraft  
Kate K. Kraft by Norm Kraft, as attorney in fact

Lynn Kraft by Norm Kraft  
Lynn Kraft by Norm Kraft, as attorney in fact

Paige Bizon by Norm Kraft  
Paige Bizon by Norm Kraft, as attorney in fact

Petriece Johnson by Norm Kraft  
~~Patrice~~ Petrice Johnson by Norm Kraft, as attorney in fact

State of Oregon  
County of Clackamas

This instrument was acknowledged before me on February \_\_\_\_\_, 2021 by Nancy J. Wenrick-Wilmes.

\_\_\_\_\_  
Notary Public - State of Oregon

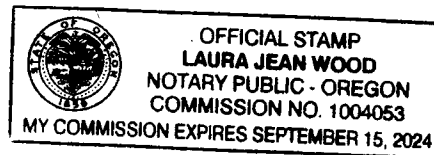
My Commission Expires: \_\_\_\_\_

State of Oregon  
County of Clackamas

This instrument was acknowledged before me on February 8, 2021 by Norman Kraft.

Laura Jean Wood  
Notary Public - State of Oregon

My Commission Expires: 9/15/2024



**STATUTORY WARRANTY DEED**

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 2/8/21

Nancy J. Wenrick-Wilmes  
Nancy J. Wenrick-Wilmes

\_\_\_\_\_  
Norman Kraft

\_\_\_\_\_  
Kate K. Kraft by Norm Kraft, as attorney in fact

\_\_\_\_\_  
Lynn Kraft by Norm Kraft, as attorney in fact

\_\_\_\_\_  
Paige Bizon by Norm Kraft, as attorney in fact

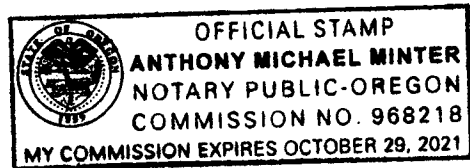
\_\_\_\_\_  
Petrice Johnson by Norm Kraft, as attorney in fact

State of Oregon  
County of Clackamas

This instrument was acknowledged before me on February 8<sup>th</sup>, 2021 by Nancy J. Wenrick-Wilmes.

[Signature]  
Notary Public - State of Oregon

My Commission Expires: 10-29-21



State of Oregon  
County of Clackamas

This instrument was acknowledged before me on February \_\_\_\_\_, 2021 by Norman Kraft.

\_\_\_\_\_  
Notary Public - State of Oregon

My Commission Expires: \_\_\_\_\_

**STATUTORY WARRANTY DEED**

(continued)

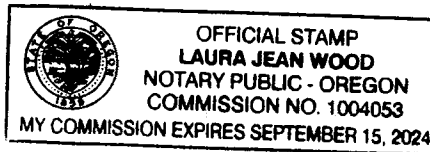
State of Oregon  
County of Clackamas

This instrument was acknowledged before me on February 8, 2021 by Norm Kraft as attorney in fact for Kate K. Kraft.

*[Handwritten Signature]*

Notary Public - State of Oregon

My Commission Expires: 9/15/2024



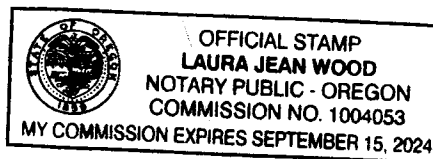
State of Oregon  
County of Clackamas

This instrument was acknowledged before me on February 8, 2021 by Norm Kraft as attorney in fact for Lynn Kraft.

*[Handwritten Signature]*

Notary Public - State of Oregon

My Commission Expires: 9/15/2024



State of Oregon  
County of Clackamas

This instrument was acknowledged before me on February 8, 2021 by Norm Kraft as attorney in fact for Paige Bizon.

*[Handwritten Signature]*

Notary Public - State of Oregon

My Commission Expires: 9/15/2024



State of Oregon  
County of Clackamas

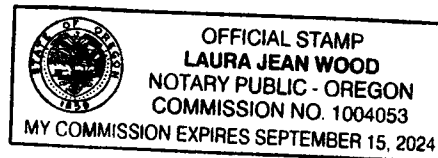
This instrument was acknowledged before me on February 8, 2021 by Norm Kraft as attorney in fact for Petrice Johnson.

*Petrica*

*[Handwritten Signature]*

Notary Public - State of Oregon

My Commission Expires: 9/15/2024





**EXHIBIT "A"**  
Exceptions

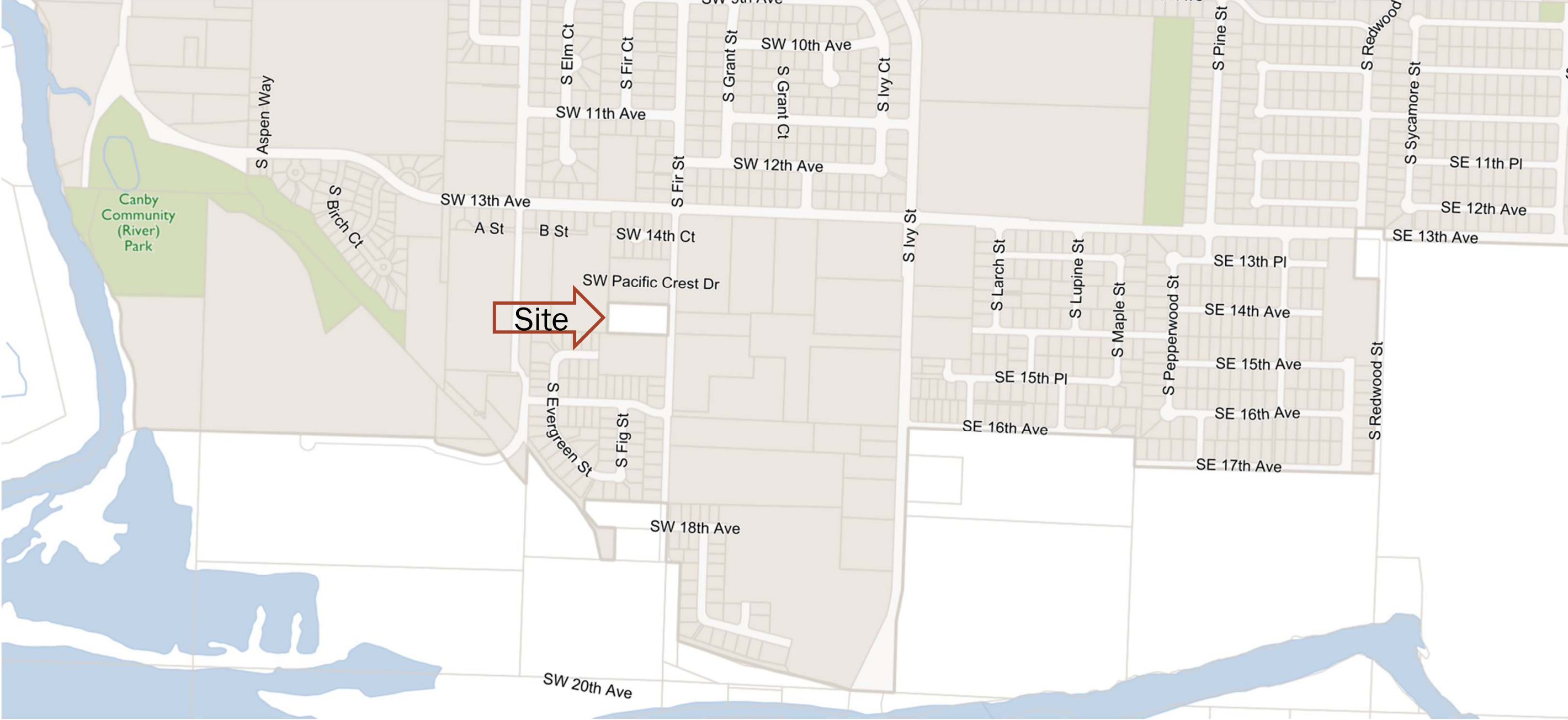
**Subject to:**

Rights of the public to any portion of the Land lying within the area commonly known as S Fir Street.

## IX. Maps

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

# VICINITY MAP



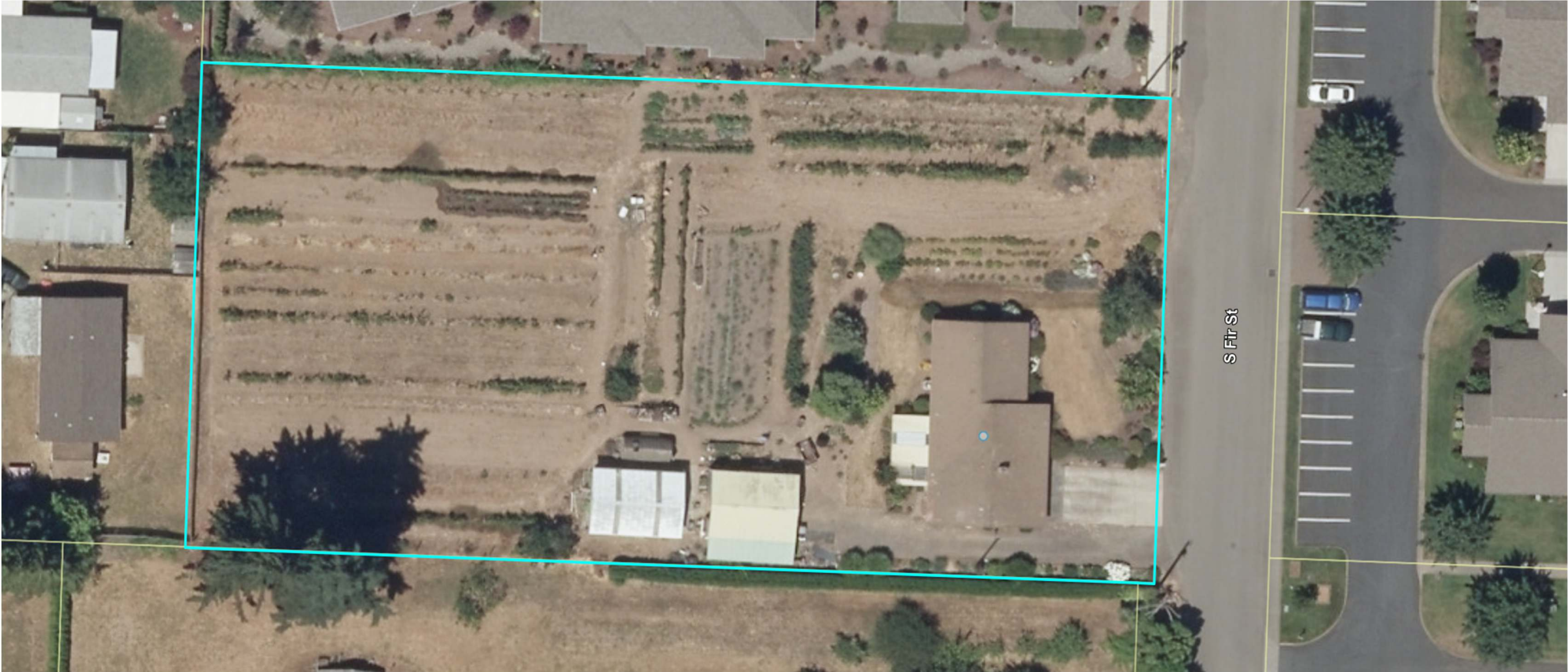


# AERIAL MAP



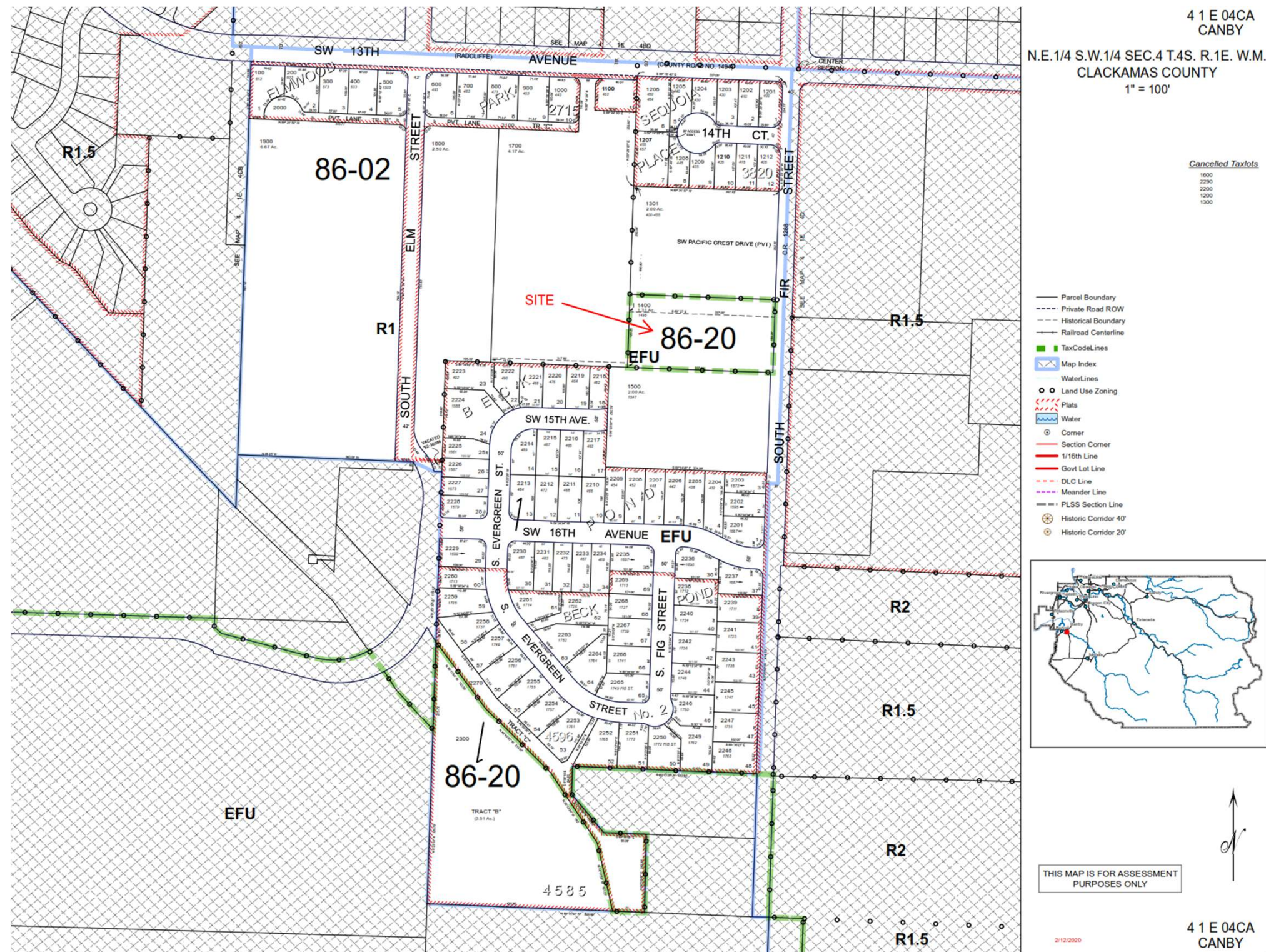


# AERIAL MAP ZOOMED



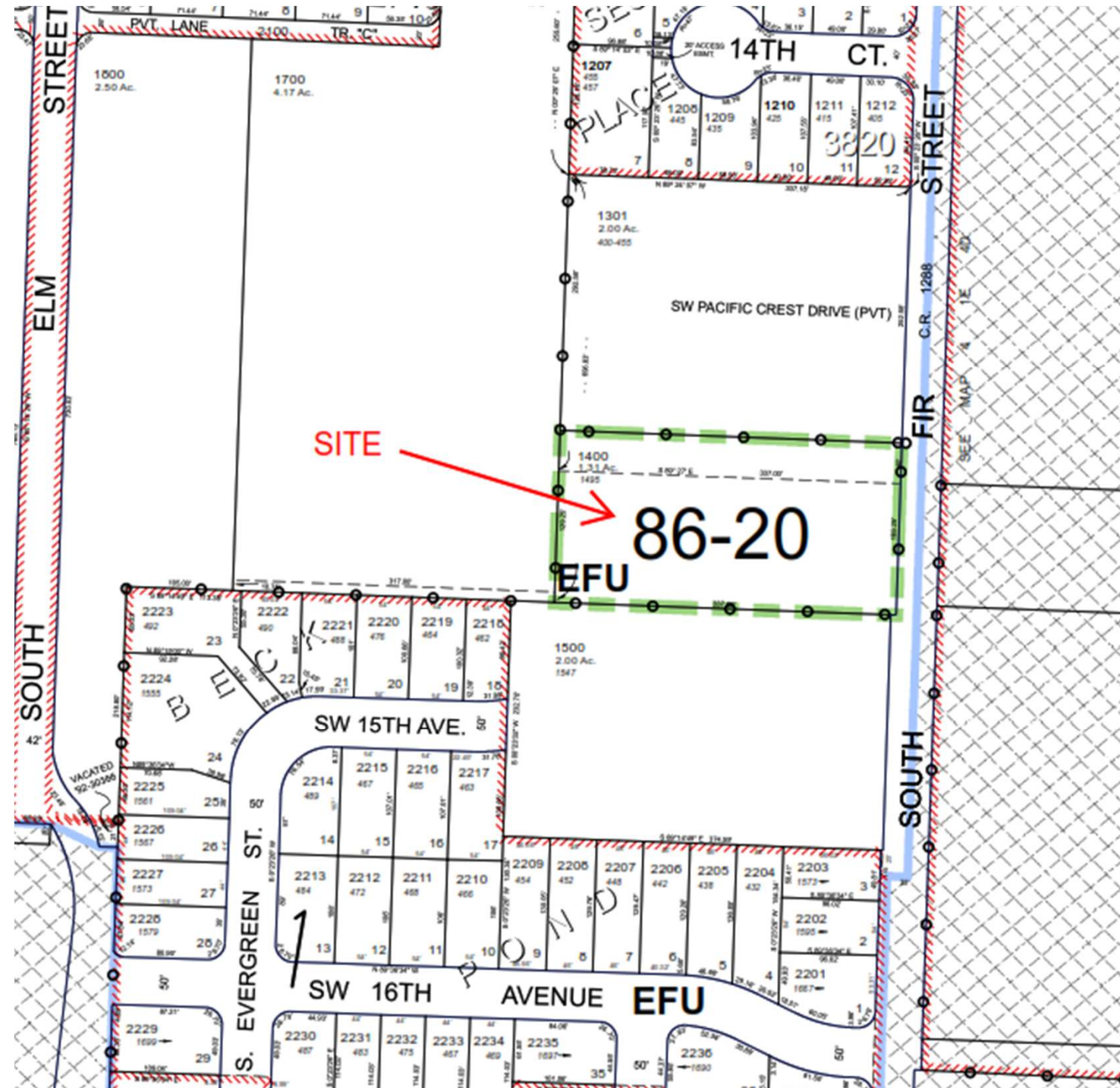


# ASSESSOR MAP



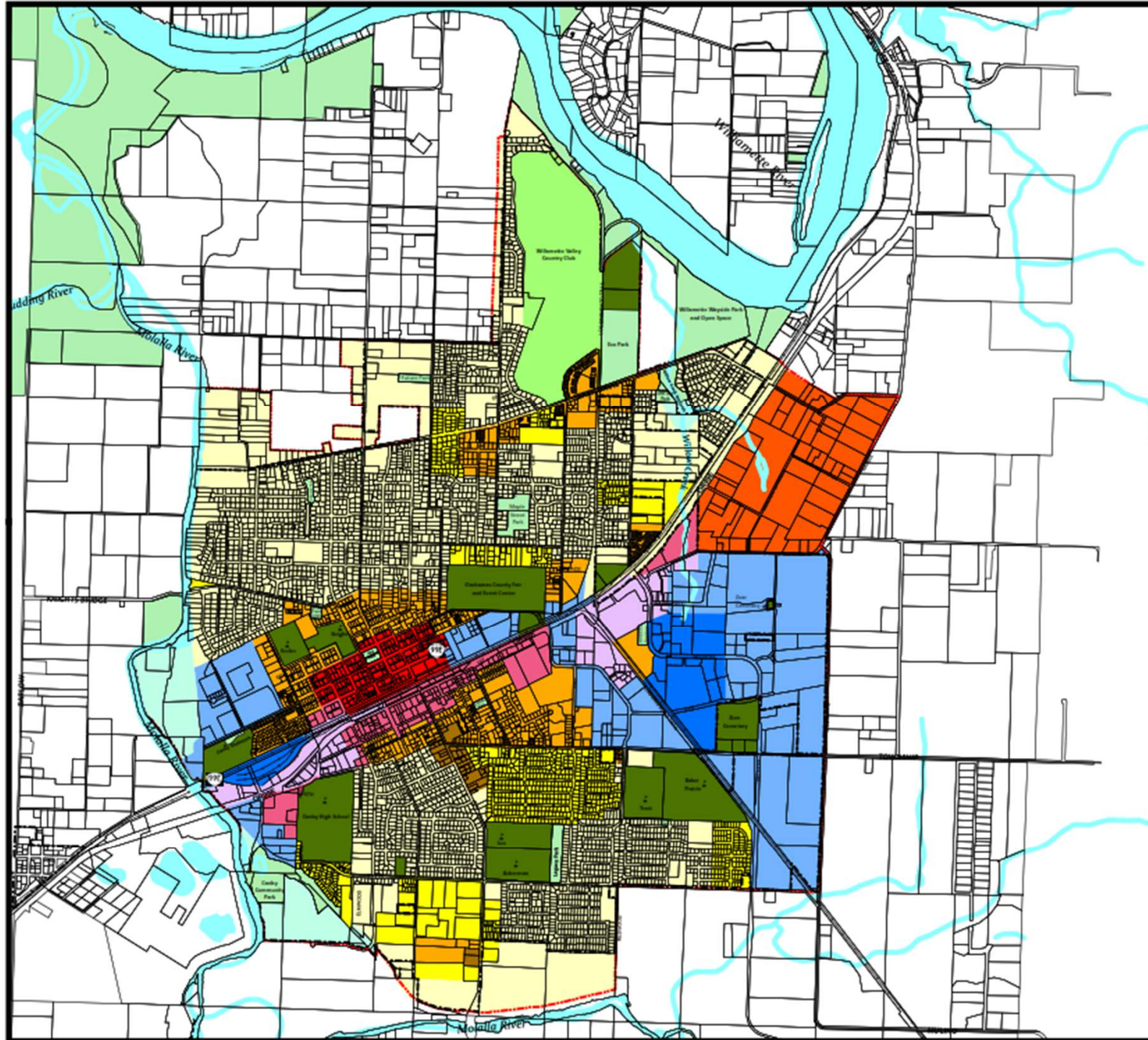


# ASSESSOR MAP ZOOMED

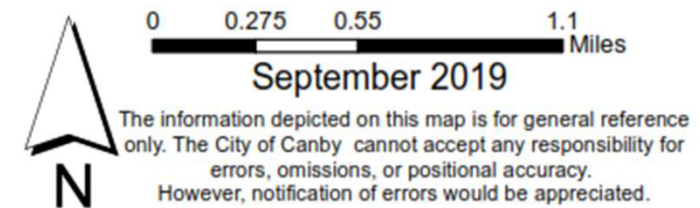




# CITY OF CANBY COMPREHENSIVE PLAN MAP

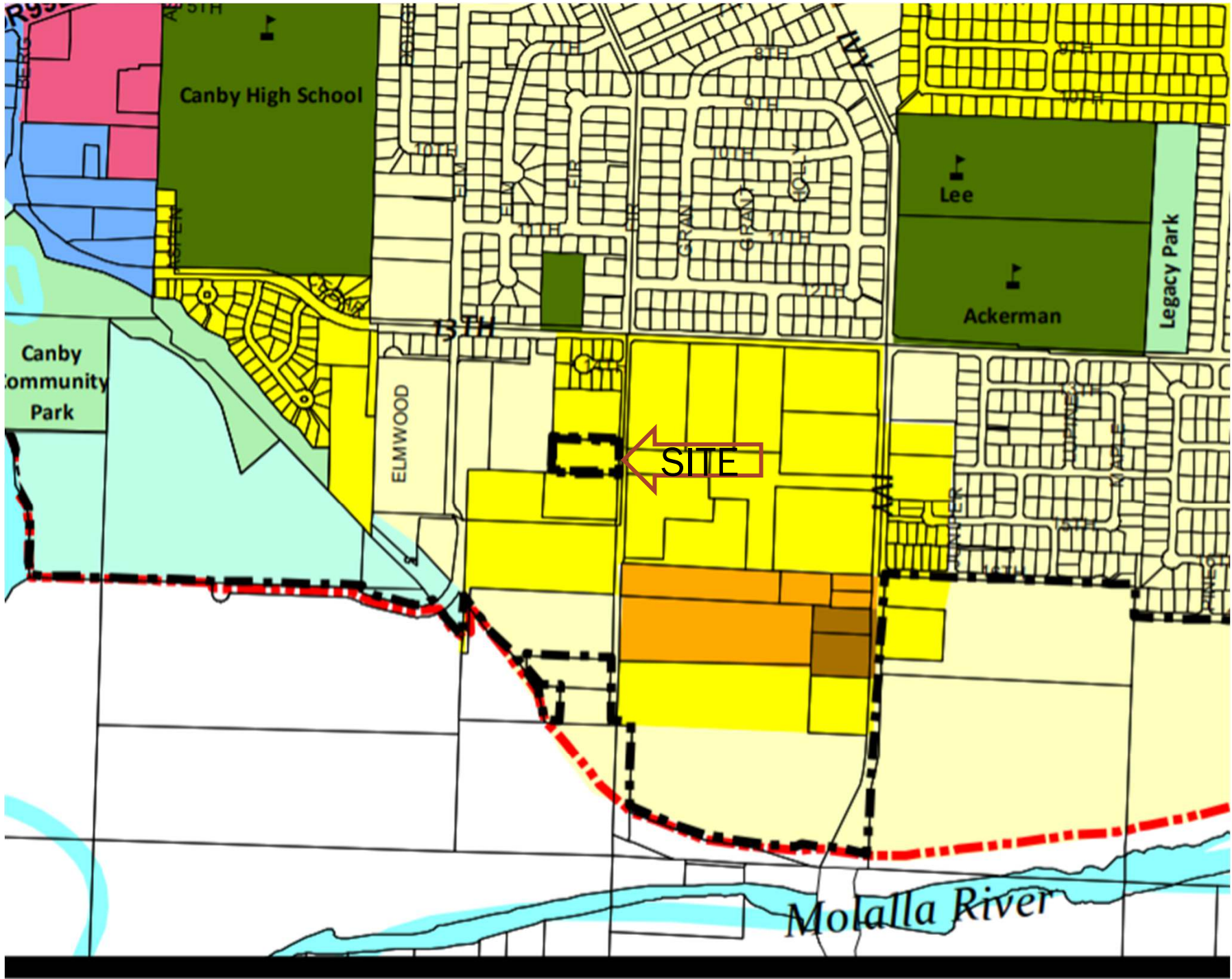


## City of Canby Comprehensive Plan Map





# CITY OF CANBY COMPREHENSIVE PLAN MAP ZOOMED



# RECORD OF SURVEY

## Record of Survey

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

APRIL 5, 2021

FOR: BLAKE DUPONT

### LEGEND:

- - FOUND MONUMENT, STRAIGHT AND FLUSH WITH THE SURFACE, UNLESS NOTED OTHERWISE.
- - SET 5/8"x30" IRON ROD WITH YPC INSCRIBED "LS 2147". SET ON \_\_\_\_\_
- YPC - YELLOW PLASTIC CAP (INSCRIBED AS NOTED)
- IP - IRON PIPE (INSIDE DIAMETER)
- IR - IRON ROD
- D - DEED 2021-013997
- R1 - SN 2019-007
- P1 - PLAT "SEQUOIA PLACE" (3820)
- P2 - PLAT "BECK POND" (4585)
- UO - UNKNOWN ORIGIN

### NARRATIVE:

THE BASIS OF BEARINGS IS THE WEST RIGHT OF WAY LINE OF S. FIR STREET PER SURVEY NO 2019-007.

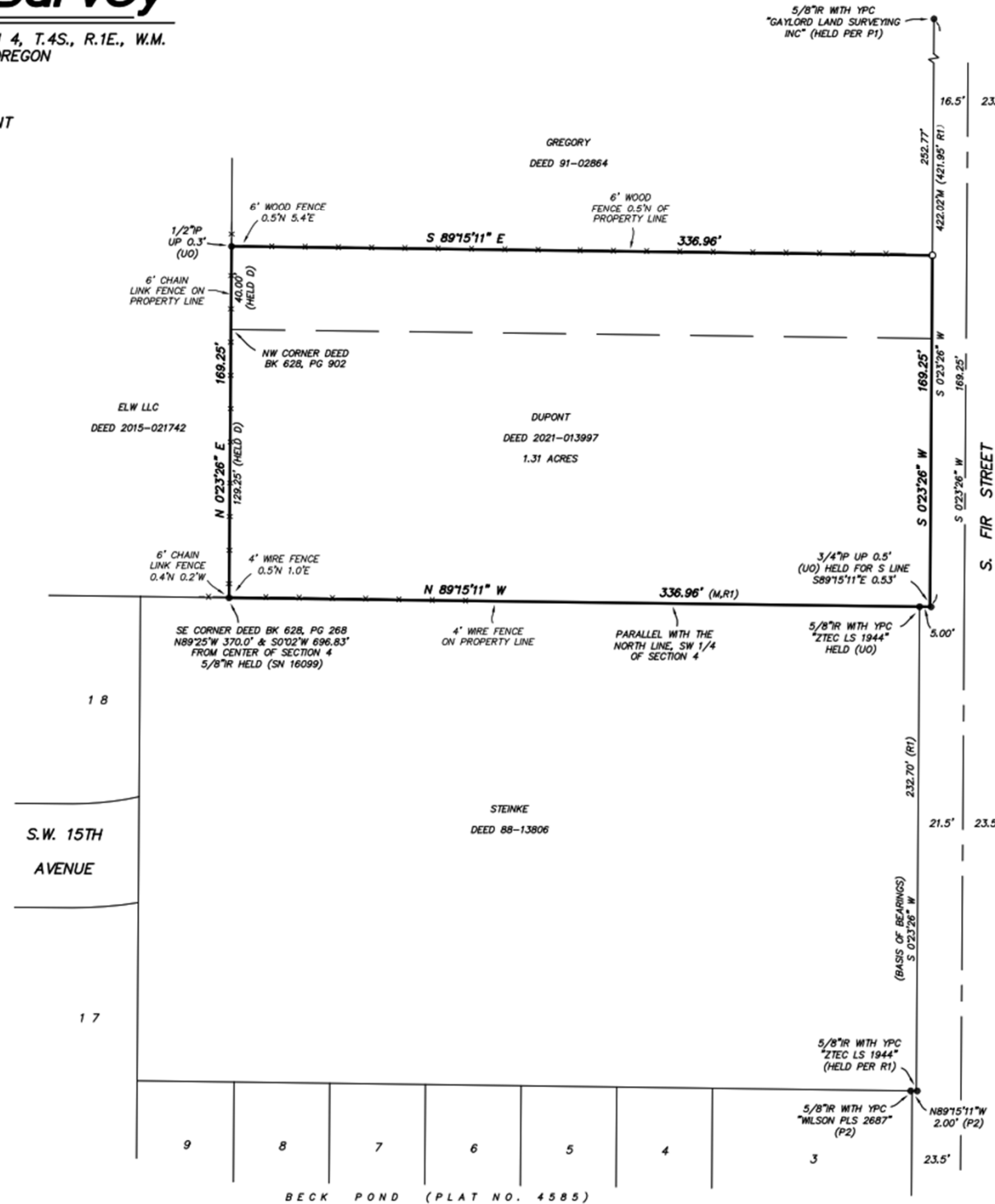
THIS SURVEY WAS PERFORMED TO SET OUT THE BOUNDARIES OF THAT TRACT DESCRIBED BY DOCUMENT 2021-013997, CLACKAMAS COUNTY DEED RECORDS.

MONUMENTS WERE HELD AS SHOWN TO ESTABLISH THE WEST RIGHT OF WAY LINE OF S. FIR STREET.

THE SOUTH PROPERTY LINE WAS ESTABLISHED BY HOLDING THE MONUMENT AT THE SE CORNER OF DEED BK 628, PG 268 AND THE 3/4" IRON PIPE NEAR THE WEST RIGHT OF WAY LINE PER SURVEY NO 16099. THE SOUTH LINE IS PARALLEL WITH THE NORTH LINE, SW 1/4 OF SECTION 4 PER SAID SURVEY.

THE WEST PROPERTY LINE WAS ESTABLISHED PARALLEL WITH THE WEST RIGHT OF WAY LINE PER SURVEY NO 16099. THE NW CORNER WAS ESTABLISHED AT DEED DISTANCE (129.25'+40.00') FROM THE SW CORNER, PER SUBJECT DEED.

THE NORTH PROPERTY LINE WAS ESTABLISHED PARALLEL WITH THE SOUTH LINE PER THE SUBJECT DEED AND INTERSECTED WITH THE WEST RIGHT OF WAY LINE.

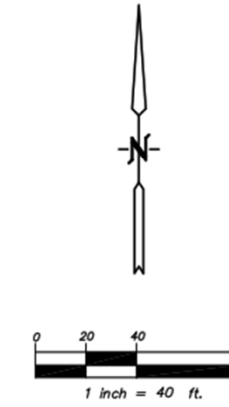


CLACKAMAS COUNTY SURVEYOR

RECEIVED: \_\_\_\_\_

ACCEPTED FOR FILING: \_\_\_\_\_

SURVEY NUMBER: \_\_\_\_\_



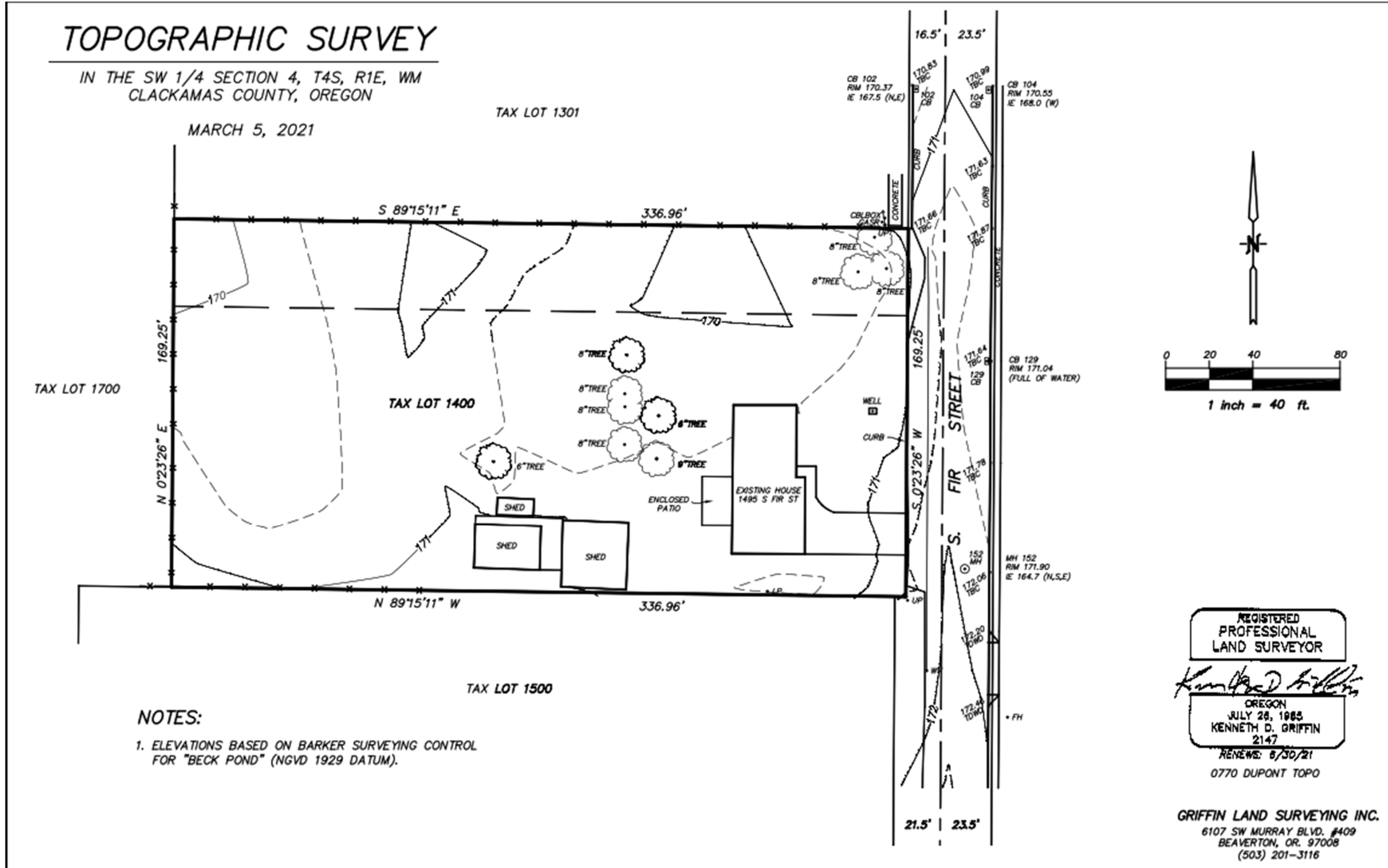
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Kenneth D. Griffin*

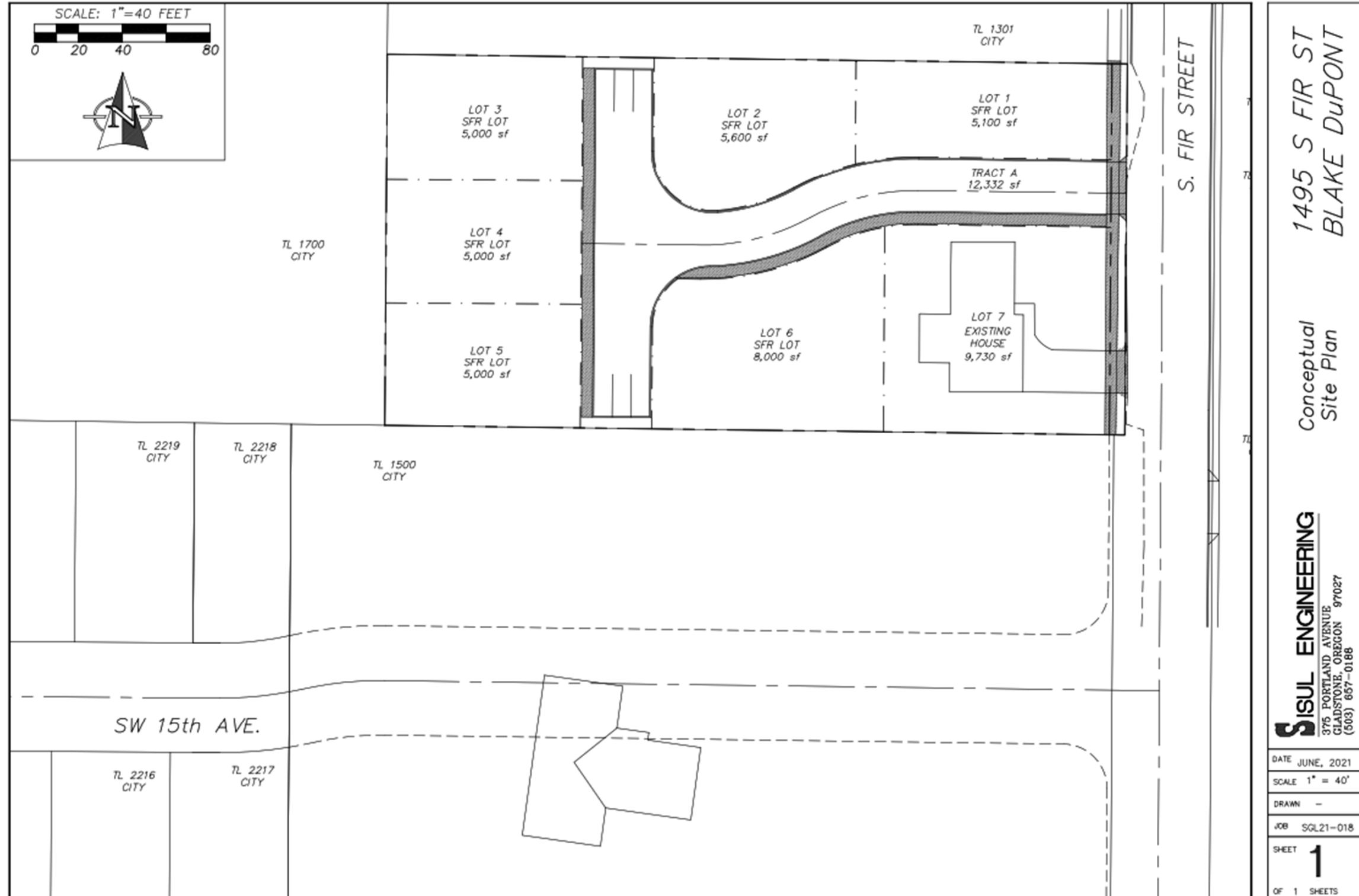
OREGON  
JULY 26, 1985  
KENNETH D. GRIFFIN  
2147  
RENEWS: 6/30/21  
0770 DUPONT ANNEXATION

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

# EXISTING CONDITIONS / TOPOGRAPHIC MAP



# CONCEPTUAL SITE PLAN







**ATTACHMENT I**  
**Transportation Planning Rule Memo**  
**ANN 21-02/ZC 21-02**

## **TRANSPORTATION PLANNING RULE ANALYSIS**

DATE: July 8<sup>th</sup>, 2021

TO: Brianna Addotta | City of Canby

FROM: Kevin Chewuk, PTP  
Alex Correa

SUBJECT: 1495 S Fir Street Annexation – Transportation Planning Rule Project #11010-124  
(TPR) Analysis

---

This memorandum summarizes how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for a proposed annexation at 1495 S Fir Street, in Canby, Oregon. The following describes the consistency of the annexation request (and corresponding rezone) with both the City’s Comprehensive Plan and Transportation System Plan.

### **TRANSPORTATION PLANNING RULE FINDINGS**

The proposed annexation is located inside Canby’s Urban Growth Boundary (UGB) in unincorporated Clackamas County, and is currently an island of county land surrounded by the City of Canby. The proposed annexation is located at 1495 S Fir Street. It is currently designated Clackamas County EFU zoning. The City’s comprehensive plan designation for this lot is MDR (Medium Density Residential) and the proposed zoning is R 1.5 (Medium Density Residential). The proposed zoning is consistent with the City’s adopted Comprehensive Plan designation.

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

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

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

**Response: The proposed annexation, and associated proposed zoning, are consistent with the City’s Comprehensive Plan.**

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

**Response: The City of Canby has adopted the Transportation System Plan (2010) and the proposed zoning is consistent with the TSP.**

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

**Response: This subsection applies if the area was added to the urban growth boundary (UGB). Since the parcel is already within the UGB, provisions from subsection (c) would not apply.**

Based on the discussion above, all three criteria are satisfied; therefore, the proposed rezone will not have a significant effect on the transportation system. The proposed rezoning is consistent with the existing comprehensive plan map designation, as summarized in Table 1. Additionally, the transportation assessment performed as part of the City’s TSP accounts for the proposed uses related to annexation of the property, therefore the proposed rezoning is consistent with the acknowledged transportation system plan.

**TABLE 1: PROPOSED ANNEXATION AT 1495 S FIR STREET**

TAX LOTS	LOT SIZE (ACRES)	CLACKAMAS COUNTY ZONING	CITY OF CANBY ZONING	CITY OF CANBY COMPREHENSIVE PLAN LAND USE
4 1E 04CA 01400	1.31 acres	EFU (Exclusive Farm Use District)	R-1.5 (Medium Density Residential)	MDR (Medium Density Residential)

## **ORDINANCE NO. 1563**

**AN ORDINANCE PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 1.31 ACRES OF REAL PROPERTY DESCRIBED AS LAND SITUATED SOUTHWEST 1/4 of SECTION 4, T.4S., R.1E., W.M.. (TAX MAP 41E04CA); AND APPROX. 0.06 ACRES OF ADJACENT SOUTH FIR STREET RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM EXCLUSIVE FARM USE (EFU) TO CITY MEDIUM DENSITY RESIDENTIAL (R-1.5) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS.**

**WHEREAS**, on October 20, 2021, at a public hearing the City Council of the City of Canby approved by a vote of \_\_\_\_\_ to \_\_\_\_\_, Annexation (ANN/ZC 21-02) which called for the annexation of 1.31 acres of real property and 0.06 acres of public right-of-way into the City of Canby. The applicant is the DuPont Family and Sisul Engineering. A complete legal description and survey map of the property and adjacent right-of-way known as S. Fir St. delineates the property to be annexed and is attached hereto as Exhibit A & B respectively and by this reference are incorporated herein; and

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

**WHEREAS**, an application was filed by the City as the applicant listed above to annex the real property and right-of-way identified and bring said real property and right-of-way into the City's jurisdiction as previously negotiated with Clackamas County and included in an Inter-Governmental Agreement (IGA) adopted by the Canby City Council on December 5, 2018 as Resolution No. 1306; and

**WHEREAS**, a public hearing was conducted by the Canby Planning Commission on September 27, 2021 after public notices were mailed, posted and published in the Canby Herald, as required by law; and

**WHEREAS**, the Canby Planning Commission heard and considered testimony regarding the annexation for annexations by Figure 16.84.040 of Chapter 16.84 of the Land Development and Planning Ordinance at the public hearing and at the conclusion of the public hearing; the Planning Commission voted to recommend that the City Council approve the application; and

**WHEREAS**, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on September 27, 2021; and

**WHEREAS**, the Canby City Council, after considering the applicant's submittal, the staff report, the Planning Commission's hearing record and their recommendation documented in their



written Findings, Conclusions and Order, and after conducting its own public hearing; voted to approve the annexation; and

**WHEREAS**, the written Findings, Conclusions and Order of the Council action is to be approved by the City Council at the next regular Council meeting on November 3, 2021; and

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

Section 1. It is hereby proclaimed by the City Council of Canby that 1.31 acres of real property and 0.06 acres of right-of-way as described, set, and shown in Exhibit A & B and attached hereto, is annexed into the corporate limits of the City of Canby, Oregon.

**SUBMITTED** to the Council and read the first time at a regular meeting thereof on October 20, 2021 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 November 3, 2021, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 222 NE 2<sup>nd</sup> Avenue, Canby, Oregon.

\_\_\_\_\_  
Melissa Bisset, City Recorder

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on \_\_\_\_\_ by the following vote:

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

\_\_\_\_\_  
Brian Hodson  
Mayor

ATTEST:

\_\_\_\_\_  
Melissa Bisset, CMC  
City Recorder

# Griffin Land Surveying Inc.

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

Office: (503)201-3116

April 5, 2021

## Dupont Annexation

Project: 0770

**Tax Lot 1400 41E04CA**  
Clackamas County, Oregon

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

Beginning at an Iron Rod at the Southeast corner of that tract described by deed to Elisabeth M. Drews, et ux, recorded in Book 628, Page 268, Clackamas County Records, being N 89°25' W, 370.0 feet and S 0°02' W, 696.83 feet from the Center of said Section 4; thence N 0°23'26" E along the East line of said Drews tract, 169.25 feet to the Northwest corner of that tract described by deed to Brian P. DuPont, et al, recorded in Document No. 2021-013997, Clackamas County Records; thence S 89°15'11" E along the North line of said Dupont Tract, 336.96 feet to the West right of way line of S. Fir Street; thence S 0°23'26" W along said West right of way line, 169.25 feet to the Southeast corner of said DuPont tract; thence N 89°15'11" W along the South line of said DuPont tract, 336.96 feet to the point of beginning.

Contains 1.31 acres.



ATTACHMENT B: ANN/ZC 21-02  
**Griffin Land Surveying Inc.**

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

Office: (503)201-3116

April 5, 2021

**Dupont Annexation**

Project: 0770

**S. Fir Street Right of Way**

Map 41E04CA

Clackamas County, Oregon

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

Beginning at Southeast corner of that tract described by deed to Brian P. DuPont, et al, recorded in Document No. 2021-013997, Clackamas County Records; thence N 0°23'26" E along the West right of way line of S. Fir Street, 169.25 feet to the Northeast corner of said DuPont tract; thence S 89°15'11" E along the easterly extension of the North line of said Dupont Tract, 16.50 feet to the centerline of said S. Fir Street; thence S 0°23'26" W along said centerline, 169.25 feet to the Easterly extension of the South line of said DuPont tract; thence N 89°15'11" W along the Easterly extension of South line, 16.50 feet to the point of beginning.

Contains 2,793 square feet.





# City of Canby

PO Box 930  
222 NE 2nd Ave  
Canby, OR 97013

Phone: 503.266.4021  
Fax: 503.266.7961  
www.canbyoregon.gov

## Staff Report

DATE: October 20, 2021  
TO: Honorable Mayor Hodson and City Council  
THRU: Scott Archer, City Administrator  
FROM: Jerry Nelzen, Director of Public Works  
ITEM: Purchase of a new front end loader

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### **Summary:**

The City of Canby Department of Public Works (Public Works) is requesting funds to purchase a new front end loader.

### **Background:**

Public Works has been using two backhoes for material loading purposes. These backhoes were both purchased in the 1990's, and they are reaching the end of their operational life. These machines are critical to Public Work's mission.

### **Discussion:**

Since the ability to load material is necessary for Public Works to perform its responsibilities, having a functional and dependable machine that can serve as a front end loader is essential. Considering the two backhoes that are currently performing this role are reaching the end of their operational life, it is apparent that a replacement needs to be found. A front end loader will serve as a replacement for both backhoes. Note: The backhoes are not used for excavation.

Under Public Contracting law, a purchase this size went through the formal quote process of obtaining three written quotes. This price quote by Columbia Western Machinery was nearly \$15,000 less than the second lowest quote.

### **Attachments:**

Ordinance No. 1560  
Bids from Columbia Western, Pape, and Peterson CAPT

### **Fiscal Impact:**

\$135,017.49

### **Options:**

1. Continue to use the backhoes currently owned by the City. As time progresses this option is going to become more and more expensive in labor, downtime, and parts.
2. Purchase a new front end loader.

**Recommendation:**

Purchase the new front end loader.

**Proposed Motion:**

I move to adopt Ordinance No. 1560; An Ordinance authorizing the City of Canby to enter into a purchase agreement with Columbia Western Machinery to buy a new Front-End Loader.

**ORDINANCE NO. 1560**

**AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A PURCHASE AGREEMENT WITH COLUMBIA WESTERN MACHINERY TO BUY A NEW FRONT-END LOADER**

**WHEREAS**, the City of Canby Department of Public Works (Public Works) requires loading tonnage of material as part of its mission to perform maintenance on City of Canby (City) streets, the City's sanitary sewer system, and the City's storm system; and

**WHEREAS**, the City of Canby Public Works Department uses two worn out backhoes for material loading; and

**WHEREAS**, the two backhoes in the possession of the City of Canby Public Works Department are mission critical machines and their operational life is coming to an end; and

**WHEREAS**, a frontend loader with different bucket attachments would provide for a more efficient and safe option for material handling which is part of the City of Canby Public Works and the City of Canby Parks Department's functions; and

**WHEREAS**, using the formal quote process, Columbia Western Machinery provided the City of Canby with the lowest price quote offer for the most appropriate loader.

**THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:**

**Section 1.** The City Administrator is hereby authorized on behalf of the City to enter into a purchase agreement with Columbia Western Machinery to purchase a Hitachi ZW120-6 front-end loader. A copy of the Purchase Agreement is attached hereto as Exhibit "A."

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, October 6, 2021, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, October 20, 2021, commencing at the hour of 7:30 p.m. at the Council Meeting Chambers located at 222 NE 2<sup>nd</sup> Avenue, Canby, Oregon.

s/s Melissa Bisset, CMC  
City Recorder

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on October 20, 2021, by the following vote:



YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

---

Brian Hodson  
Mayor

ATTEST:

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Melissa Bisset, CMC  
City Recorder



# Columbia Western Machinery

11125 SW Tonquin Rd  
 Suite 100  
 Sherwood, OR 97140  
 Phone: 503-454-0902

COLUMBIA WESTERN  
 MACHINERY

Ship To: IN STORE PICKUP

Invoice To: CITY OF CANBY  
 ATTN: PUBLIC WORKS  
 PO BOX 930  
 CANBY OR 97013

Branch		
01 - SHERWOOD		
Date	Time	Page
09/20/2021	19:33:58 (O)	1
Account No	Phone No	Est No 08
CANBY002	5032660798	Q00025
Ship Via	Purchase Order	
Tax ID No		
Scott Cunningham		Salesperson 100

## EQUIPMENT ESTIMATE - NOT AN INVOICE

Description                    \*\* Q U O T E \*\*                    EXPIRY DATE: 10/19/2021                    Amount

NEW ZW120-6 PDI'D AND ALL FIELD INSTALLED ITEMS INSTALLED  
 MACHINE INCLUDES 3YR 3000HR FULL COVERAGE WARRANTY

New HITACHI ZW120 LOADER	121252.25
****INCLUDING THE FOLLOWING OPTIONS INSTALLED ****	
ZW120-6    LOADER	
TMI1702    RADIAL, 17.5 R25 L2 1*MICHELIN	
73MA060    GEN PURP 1.8 CU.YD. BUCKET	
W/BOLT ON CUT EDGE 416	
73MB016    HYD QUICK COUPLER 416 TYPE	
73MB020    CONST UTILITY FORK	
CARRIAGE, 416 TYPE	
73M1070    FENDERS (FULL REAR FENDERS W/MUD	
FLAPS) FIELD INST	
73M6120    HEATED MIRRORS (FIELD INSTALLED)	
73M6135    BACKUP CAMERA, HD (FIELD	
INSTALLED) 7" R-LED MONIT	
73M5120    LIGHTS, LED	

Sale # 01 Subtotal:	121252.25
OR CAT RECOVERY:	691.14
TOTAL:	121943.39

Stock #: C000329	Serial #: AKR62850	13000.00
New PA 200GB		
New PALADIN 2.5 YD DUAL TINE GRAPPLE BUCKET		
*** UNIT IS IN STOCK***		

Sale # 02 Subtotal:	13000.00
OR CAT RECOVERY:	74.10
TOTAL:	13074.10

Subtotal:	134252.25
OR CAT RECOVERY:	765.24

TERMS: PARTS ARE NOT RETURNABLE AFTER 7 DAYS. NO CREDITS MADE WITHOUT THIS INVOICE. 20% HANDLING CHARGE ON RETURNED PARTS.

I hereby certify that I am engaged in the business of farming and that the goods shown on this invoice will be used in the conduct of that business.



COLUMBIA WESTERN  
MACHINERY

Ship To: IN STORE PICKUP

### Columbia Western Machinery

11125 SW Tonquin Rd  
Suite 100  
Sherwood, OR 97140  
Phone: 503-454-0902

Invoice To: CITY OF CANBY  
ATTN: PUBLIC WORKS  
PO BOX 930  
CANBY OR 97013

Branch 01 - SHERWOOD		
Date 09/20/2021	Time 19:33:58 (O)	Page 2
Account No CANBY002	Phone No 5032660798	Est No 08 Q00025
Ship Via	Purchase Order	
Tax ID No		
Scott Cunningham		Salesperson 100

## EQUIPMENT ESTIMATE - NOT AN INVOICE

Description                      \*\* Q U O T E \*\*                      EXPIRY DATE: 10/19/2021                      Amount

Authorization: \_\_\_\_\_

Quote Total:                      135017.49

TERMS: PARTS ARE NOT RETURNABLE  
AFTER 7 DAYS. NO CREDITS MADE  
WITHOUT THIS INVOICE. 20% HANDLING  
CHARGE ON RETURNED PARTS.

I hereby certify that I am engaged in the  
business of farming and that the goods  
shown on this invoice will be used in the  
conduct of that business.

Quote Id: 25290558

---

Prepared For:  
**CITY OF CANBY**



Prepared By: **TIM ELLIS**

Pape Machinery, Inc.  
1425 Ne Columbia Blvd  
Portland, OR 97211

Tel: 503-289-1103  
Mobile Phone: 503-781-4598  
Fax: 503-283-4549  
Email: [tellis@papemachinery.com](mailto:tellis@papemachinery.com)

Quote Id: 25290558

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21 September 2021

CITY OF CANBY  
PO BOX 930  
CANBY, OR 97013

September 21, 2021

City of Canby  
PO Box 930  
Canby, OR 97013  
Attn Chris Wright

## Sourcewell Contract Number 032119-JDC

28% Discount off of MRSP for John Deere 304L

New John Deere 344L Articulated wheel Loader Equipped with all standard equipment, optional 3rd valve hydraulics, 2.0 cu yrd GP bucket, hydraulic bucket coupler, pallet forks, ride control, open bottom Grapple Bucket, heated seat, back up camera.

Delivered to the City of Canby List price \$216,888.89 Sourcewell discount off of MSRP \$60,728.64 Total sales Price \$156,160.25

TIM ELLIS  
503-289-1103  
Pape Machinery, Inc.

**Quote Summary**

**Prepared For:**  
 CITY OF CANBY  
 PO BOX 930  
 CANBY, OR 97013  
 Business: 503-266-0718

**Prepared By:**  
 TIM ELLIS  
 Pape Machinery, Inc.  
 1425 Ne Columbia Blvd  
 Portland, OR 97211  
 Phone: 503-289-1103  
 Mobile: 503-781-4598  
 tellis@papemachinery.com

*This sale is subject to Papé's Terms and Conditions of Sale effective on the date hereof, which are incorporated in full by this reference. The Terms and Conditions of Sale are available at [www.pape.com/terms](http://www.pape.com/terms), and will also be sent by mail or e-mail to the purchaser upon request.*

**Quote Id:** 25290558  
**Created On:** 21 September 2021  
**Last Modified On:** 21 September 2021  
**Expiration Date:** 28 September 2021

<b>Equipment Summary</b>	<b>Selling Price</b>	<b>Qty</b>	<b>Extended</b>
JOHN DEERE 344L FOUR WHEEL DRIVE LOADER	\$ 156,160.25 X	1 =	\$ 156,160.25
<b>Equipment Total</b>			<b>\$ 156,160.25</b>

**Quote Summary**

Equipment Total	\$ 156,160.25
SubTotal	\$ 156,160.25
Oregon CAT Tax - (0.39%)	\$ 601.44
<b>Total</b>	<b>\$ 156,761.69</b>
Down Payment	(0.00)
Rental Applied	(0.00)
<b>Balance Due</b>	<b>\$ 156,761.69</b>

# Selling Equipment


**MACHINERY**
**Quote Id:** 25290558

**Customer:** CITY OF CANBY

## JOHN DEERE 344L FOUR WHEEL DRIVE LOADER

**Hours:**
**Stock Number:**

Code	Description	Qty
0AH1T	344L FOUR WHEEL DRIVE LOADER	1
<b>Standard Options - Per Unit</b>		
0924	Engine	1
2010	Standard Z-bar linkage	1
2230	Deluxe Cloth Seat, Air Suspension, High-Back with Headrest, Heated, and Lumbar	1
2410	Standard Control Package	1
2840	Three Function, Joystick w/FNR Control	1
3010	Ride Control	1
4370	17.5R25 XHA2 Michelin L3 Single Star Radial Tires	1
7140	Less Work Lights (LED Kit Ready)	1
8594	Hi-Vis Hydraulic Attachment Coupler w/2.0 cu. yd. (1.5 cu. m.) General Purpose Bucket w/BOC	1
9200	Pallet Forks for Standard ISO Coupler	1
<b>Dealer Attachments</b>		
BYT10522	LED Worklight Kit (Spot)	1
	Open Floor Grapple bucket-PSM	1
<b>Other Charges</b>		
	Freight	1
	Setup	1
	Followup	1
	Deliver Charge	1



**Notice:** When operated in California, any off-road diesel vehicle may be subject to the California Air Resources Board In-Use Off-road Diesel Vehicle Regulation. It therefore could be subject to retrofit or accelerated turnover requirements to reduce emissions of air pollutants. For more information, please visit the California Air Resources Board website at:

<http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>.



September 22, 2021

**CITY OF CANBY**  
 PO BOX 930  
 CANBY  
 Oregon  
 97013

Attention: Lawrence Calcagno

**RE: Quote 193800-01**

We would like to thank you for your interest in our company and our products, and are pleased to quote the following for your consideration.

One (1) New Caterpillar Model: 914 Compact Construction Equipment

**MACHINE SPECIFICATIONS**

914 14A WHEEL LOADER DCA1	588-4094	\$167,150.00
INCLUDES:		\$0.00
538-6988 914 14A WHEEL LOADER	538-6988	\$0.00
541-0761 ENGINE	541-0761	\$0.00
538-7160 POWERTRAIN, HI RIMPULL, 24MPH	538-7160	\$0.00
542-9197 CAB, DELUXE, SINGLE BRAKE	542-9197	\$0.00
539-7204 SEAT, DELUXE	539-7204	\$0.00
538-7130 HEATER AND AIR CONDITIONER	538-7130	\$0.00
541-2851 RIDE CONTROL	541-2851	\$0.00
538-7124 STEERING, STANDARD	538-7124	\$0.00
550-9815 SEAT BELT, RETRACTABLE 2"	550-9815	\$0.00
546-1819 LIGHTS, ROADING, RH DIP, LED	546-1819	\$0.00
433-3258 SECURITY SYSTEM, NONE	433-3258	\$0.00
450-5405 HYDRAULIC OIL, STANDARD	450-5405	\$0.00
540-3811 FAN, DEMAND	540-3811	\$0.00
469-5852 FENDERS, STANDARD	469-5852	\$0.00
538-7201 HYDRAULICS, 3V/1L, STD LIFT	538-7201	\$0.00
549-4873 COUPLER, STD LIFT, IT	549-4873	\$0.00
538-7152 COUNTERWEIGHT, 1973 LBS	538-7152	\$0.00
543-4225 ALARM, BACK-UP	543-4225	\$0.00
504-4835 CAMERA, REAR VIEW	504-4835	\$0.00
542-9319 PRODUCT LINK, CELLULAR, PL243	542-9319	\$0.00
550-0035 KICKOUT	550-0035	\$0.00
558-3772 ARCTIC WEATHER PACKAGE, 120V	558-3772	\$0.00
TIRES, 17.5 R25, MX, L2 XTLA	385-5822	\$2,930.00

BUCKET-GP, 2.0 YD3, IT, BOCE	472-6541	\$6,104.00
CARRIAGE, PAL CL3, 61", IT	390-8288	\$2,386.00
FORK TINE, 2.5" X 5" X 54"	195-6938	\$2,000.00

SELL PRICE	\$180,570.00
SOURCEWELL MEMBER DISCOUNT AT 23% OF CAT CONTENT	(\$41,531.10)
ADDITIONAL DEALER DISCOUNT	(\$5,000.00)
<b>NET BALANCE DUE</b>	<b>\$150,188.90</b>
TINK DOUBLE TOP CLAMP BUCKET	\$16,150.00
SALES TAX (0.57%)	\$856.08
<b>AFTER TAX BALANCE</b>	<b>\$151,044.98</b>

**WARRANTY**

Standard Warranty: 12 Month, Unlimited Hours Standard Warranty

**F.O.B/TERMS:** Canby

**PAYMENT TERMS**

**Cash Invoice Terms**

CASH WITH ORDER	QUOTE SELL PRICE
\$0.00	\$180,570.00

**ADDITIONAL CONSIDERATIONS**

- Sold as per Sourcewell Contract# 032119-CAT

Accepted by \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_  
**Signature**

This Quote is valid for 30 days, after which time we reserve the right to re-quote. If there are any questions, please do not hesitate to contact me.

Sincerely,  
Joe Lindberg  
Machine Sales Representative  
Peterson CAT  
(503) 880-6648  
JALindberg@petersoncat.com



# City of Canby

PO Box 930  
222 NE 2nd Ave  
Canby, OR 97013

Phone: 503.266.4021  
Fax: 503.266.7961  
www.canbyoregon.gov

## City Council Staff Report

DATE: October 20, 2021

TO: Honorable Mayor Hodson and City Council

THRU: Scott Archer, City Administrator

FROM: Joseph A. Lindsay

ITEM: Ordinance 1561—Amending CMC Chapter 220 to Include the Library Advisory Board High School Member as a Voting Member with Additional Changes to Library Board Secretary

### Summary

The current Library Board advocated for the high school member to be able to vote through Council Liaison Christopher Bangs. Heretofore, the high school member has been a non-voting member. The Library Director asked that the provision making the Library Director the Secretary be changed.

### Discussion

Having another voting member necessarily changes to quorum number (to be a majority) to five, but the already existing provision of allowing the Mayor the tie-breaking vote means that the over number of eight voting members doesn't necessarily have to be an odd number to avoid ties. And, the Library Advisory Board is just that: advisory, so having another vote of advice doesn't impact the ultimate legislative powers of the Council.

The fact that we are looking to amend this code in one way allows us to be efficient and amend the code in other ways in the same ordinance. The Library Director did ask for the change in the language making the Library Director the Secretary of the Board. And having a member be secretary is in line with how other boards currently operate.

### Attachments

None

### Fiscal Impact

None

### Options

- Pass the ordinance to change the high school member to a voting member and the secretary to a member of the Board.

- Do not pass the ordinance, and the board will stay as is.

**Recommendation**

Staff recommends the Council adopt the ordinance as written.

**Proposed Motion**

**“I move to adopt Ordinance 1561, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 220 TO INCLUDE THE LIBRARY ADVISORY BOARD HIGH SCHOOL MEMBER AS A VOTING MEMBER WITH ADDITIONAL CHANGES TO LIBRARY BOARD SECRETARY.”**

**ORDINANCE NO. 1561**

**AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 220 TO INCLUDE THE LIBRARY ADVISORY BOARD HIGH SCHOOL MEMBER AS A VOTING MEMBER WITH ADDITIONAL CHANGES TO LIBRARY BOARD SECRETARY**

**WHEREAS**, the City of Canby CMC Chapter 220 currently creates a non-voting high school member on the Library Board; and

**WHEREAS**, the City of Canby desires to amend the ordinance to allow the high school members to be a voting member of the board; and

**WHEREAS**, the Canby Municipal Code 2:20 involving the Library Board Secretary would be more consistent with other boards by having a member of that board serve that function instead of the Library Director; now therefore

**THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:**

**Section 1.** The Canby Municipal Code (CMC) Chapter 2.20 is hereby amended to read as follows:

§ 2.20.030 Library Board.

The Library Board shall consist of ~~7~~8 voting members appointed by the City Council upon recommendation of the Board Chairperson and the City Council liaison to the Library Board. The Mayor may vote only to break a tie, if necessary. ~~An additional non-~~voting member shall be a high school student, residing within the Canby School District boundary. In accordance with the IGA, the city shall provide fair representation of unincorporated residents equal to the share of unincorporated patrons served by the Canby Public Library. Therefore, 2 of the ~~7~~8 voting members must reside outside the Canby city limits. The other ~~5~~6 members shall be residents of the city. No member of the Library Board shall have any financial interest, either directly or indirectly, in any contracts to which the library is a party, nor shall any member receive a salary or any payment for any materials or for any services rendered the Board. Board members may be reimbursed for expenses incurred in the performance of their duties.

§ 2.20.050 Officers.

At the first meeting of each fiscal year, the Board shall elect a Chairperson and a Vice-Chairperson who shall serve for a term of 1 year. The Library ~~Director or their designee~~Board shall ~~serve as~~select a member to be Secretary to the Board and keep the record of its action. ~~Three~~Five members of the Board shall comprise a quorum. The Board shall have authority to make and alter rules, with approval of the City Council, for its government and procedures.



**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, October 6, 2021, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, October 20, 2021, commencing at the hour of 7:30 p.m. at the Council Meeting Chambers located at 222 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

s/s Melissa Bisset, CMC  
City Recorder

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on October 20, 2021, by the following vote:

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

---

Brian Hodson  
Mayor

ATTEST:

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Melissa Bisset, CMC  
City Recorder



# City of Canby

PO Box 930  
222 NE 2nd Ave  
Canby, OR 97013

Phone: 503.266.4021  
Fax: 503.266.7961  
www.canbyoregon.gov

## Staff Report

DATE: October 20, 2021  
TO: Honorable Mayor Hodson and City Council  
THRU: Scott Archer, City Administrator  
FROM: Jerry Nelzen, Director of Public Works  
ITEM: Purchase of Sewer Pipe Crawler Camera

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### **Summary:**

The City of Canby Department of Public Works is requesting funds to purchase a new sewer camera.

### **Background:**

Public Works depends on a sewer camera for locating utilities and for inspecting sewer and storm lines. The sewer camera public works is currently using was manufactured in 2009. While this camera is still operational it is beginning to require more maintenance and has become less dependable.

### **Discussion:**

Any time Public Works employees have to resolve a sewer or storm issue a sewer camera is required to perform an inspection. The sewer camera Public Works is currently using has nearly reached the end of its serviceable life. With a new sewer camera Public Works will be able to locate sewer and storm lines with greater accuracy. Furthermore, a new sewer camera will help to keep the City of Canby's sewer and storm system functioning normally.

### **Attachments:**

Ordinance No. 1562  
Quote  
Product Information

### **Fiscal Impact:**

The cost of a new sewer camera is \$107,116.21

### **Options:**

1. Continue to use the current sewer camera. As time progresses this option is going to become more and more expensive in labor, downtime, and parts.
2. Purchase the new sewer camera.

**Recommendation:**

Purchase the new sewer camera.

**Proposed Motion:**

I move to pass Ordinance No. 1562, An Ordinance authorizing the City of Canby to enter into a purchase agreement with Western Systems to buy a sewer pipe crawler camera, to a second reading on November 3, 2021.

**ORDINANCE NO. 1562**

**AN ORDINANCE AUTHORIZING THE CITY OF CANBY  
TO ENTER INTO A PURCHASE AGREEMENT WITH  
WESTERN SYSTEMS TO BUY A SEWER PIPE  
CRAWLER CAMERA**

**WHEREAS**, the City of Canby Department of Public Works requires a pipe crawler camera to inspect sewer and storm pipes for damage, root intrusions, and proper installation; and

**WHEREAS**, the City of Canby Public Works Department currently uses a 2009 Envirosight pipe crawler camera; and

**WHEREAS**, the Envirosight pipe crawler camera in the possession of the City of Canby Public Works Department is a mission critical piece of equipment and its operational life is coming to an end; and

**WHEREAS**, a new pipe crawler camera would provide for a more accurate and reliable method to inspect the City’s sewer and storm system.

**THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:**

**Section 1.** The City Administrator is hereby authorized on behalf of the City to enter into a purchase agreement with Western Systems, Inc. to purchase a new sewer pipe crawler camera. A copy of the Purchase Agreement is attached hereto as Exhibit “A.”

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, October 20, 2021, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, November 3 2021, commencing at the hour of 7:30 p.m. at the Council Meeting Chambers located at 222 NE 2<sup>nd</sup> Avenue, Canby, Oregon.

\_\_\_\_\_  
City Recorder

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on November 3, 2021, by the following vote:

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

\_\_\_\_\_  
Brian Hodson  
Mayor

ATTEST:

---

Melissa Bisset, CMC  
City Recorder



# Estimate

911 N. Thierman Rd.

Date	Estimate #
10/1/2021	8205

Name / Address
City of Canby PO Box 930 Canby, OR 97013

				Rep
				GCY
Item	Description	Qty	Rate	Total
Misc Sales - Str...	Subsite MAINLINE SYSTEM CONTROLLER With the following configuration: * Voltage 110V/60Hz * Dual Joystick * Aux Controllers Wireless W/Reel Controls	1	6,100.00	6,100.00T
Misc Sales - Str...	ASSY,CNTRLR,AUX,ZOOM CAMERA,DES KTOP,DUAL	1	1,392.30	1,392.30T
Misc Sales - Str...	ASSY,CNTRLR,WIRELESS,PS2,5 PIN MALE PLUG	1	1,559.38	1,559.38T
Misc Sales - Str...	Mainline Reel With the following configuration: * Reel Type ML Armored * Cable Quantity 1500FT * Cable Counter Imperial * Cable Auto Payout No * High Torque No	1	19,885.00	19,885.00T
		<b>Subtotal</b>		
		<b>Sales Tax (0.0%)</b>		
		<b>Total</b>		

Phone #
509-922-1300



# Estimate

911 N. Thierman Rd.

Date	Estimate #
10/1/2021	8205

Name / Address
City of Canby PO Box 930 Canby, OR 97013

				Rep
				GCY
Item	Description	Qty	Rate	Total
Misc Sales - Str...	TranSTAR II Pipeline Transporter With the following configuration: * Elevator Yes * Transport Acc1/4 Spacer Kit * Transport Acc6" Pneumatic * Transport AccAccessory Kit * Transport AccBalloon Knobby * Transport AccFloor Mounting Bracket * Transport AccHigh Traction Caster TS * Transport AccLowering Crane * Transport AccPole Lift * Transport AccStudded High Traction Caster * Mega Trak Mega Trak Kit TS	1	26,763.00	26,763.00T
Misc Sales - Str...	ASSY,SKY CRANE 3,STEP VAN-HI CUBE	1	2,314.25	2,314.25T
Misc Sales - Str...	TRAKSTARII - TrakSTAR II Camera With the following configuration: * Inclination No * Laser Crack Measurement No	1	18,392.00	18,392.00T
Misc Sales - Str...	ASSY,CBL,TEST,N PLUG TO 6 PIN (SCREW-ON)	1	195.65	195.65T
Misc Sales - Str...	ASSY,CBL,6PIN-M MINI,4SKT-F EUR O,12.5"	1	133.57	133.57T
Misc Sales - Str...	KIT,CBL,INSTALL,STEP VAN/HIGH CUBE	1	872.29	872.29T
Misc Sales - Str...	KIT,GRINDER,HAND,VARIABLE SPD,DREMEL #40	1	166.28	166.28T
Misc Sales - Str...	KIT,RECHARGE,NITROGEN	1	304.84	304.84T
Misc Sales - Str...	KIT,PARTS,SPARE,NEW EQUIPMENT	1	1,285.84	1,285.84T
			<b>Subtotal</b>	
			<b>Sales Tax (0.0%)</b>	
			<b>Total</b>	

Phone #
509-922-1300





# Estimate

911 N. Thierman Rd.

Date	Estimate #
10/1/2021	8205

Name / Address
City of Canby PO Box 930 Canby, OR 97013

				Rep
				GCY
Item	Description	Qty	Rate	Total
Misc Sales - Str...	ASSY,ROLLER,TOP MANHOLE	1	304.84	304.84T
Misc Sales - Str...	ASSY,ROPE,LOWERING w/D RING,WHT,NYLON, 2	1	183.75	183.75T
Misc Sales - Str...	ASSY,POLE,EXTENSION,PUSH BUTTON	1	221.70	221.70T
Misc Sales - Str...	ASSY,ROLLER,DOWN HOLE,DOUBLE	1	816.11	816.11T
Misc Sales - Str...	ASSY,MANHOLE HOOK,(WING SHAPED)	1	131.36	131.36T
Misc Sales - Str...	ASSY,GUIDE,CABLE,ARTICULATED,SINCON TYPE	1	581.96	581.96T
Misc Sales - Str...	KIT,MNT,MLR W/ART ARM,HI CUBE	1	12.99	12.99T
Misc Sales - Str...	ASSY,MTG,DOWN HOLE ROLLER	1	217.26	217.26T
Misc Sales - Str...	BRKT,HANGING,DOWNHOLE EQUIPMENT, V2	1	72.99	72.99T
Misc Sales - Str...	HOLDER,STORAGE,DOWNHOLE POLES,4ea 5",6"LONG	2	279.81	559.62T
Misc Sales - Str...	ASSY,GRAB HOOK,PUSH BUTTON LOCK	1	167.86	167.86T
Misc Sales - Str...	NON CMW PART - IT Pipes	1	27,823.53	27,823.53T
Misc Sales - Str...	KIT,CBL,WINLOGGER,POSM PRO,W/O RECORDING	1	474.60	474.60T
Misc Sales - Str...	UPS,600W,(750VA),RACKMT,2U,120V AC,60HZ	1	969.38	969.38T
Misc Sales - Str...	ASSY,CBL,ADPTR,FTG,XLR(M) TO FC 5,IT PIPE	1	189.38	189.38T
Misc Sales - Str...	installation and factory supported training	1	5,400.00	5,400.00T
Misc Sales - Str...	Sales discount	1	-6,175.52	-6,175.52T
Trade In	Trade in for existing Envirosight system complete and operational with all assorted parts	-1	4,200.00	-4,200.00T
Freight Charges	Freight Charges are NOT included in the Estimate	1	0.00	0.00T
			<b>Subtotal</b>	\$107,116.21
			<b>Sales Tax (0.0%)</b>	\$0.00
			<b>Total</b>	\$107,116.21

Phone #
509-922-1300



## Product Information

### Product Description

SUBSITE Electronics, CCTV Mainline TV Inspection equipment Installed in (customer to provide Hi Roof Extended Freightliner 3500 Diesel Sprinter Van or Mercedes-Benz 3500 Hi-Roof Extended vehicle/chassis ) interior cabinetry and finishing, LonSeal flooring in equipment room, 6.3 KW Mobile Electric Power System (MEPS) inverter system, 12 volt charging system, 9200 Btu Roof mounted A/C and wall mounted heater in control room, Safety exterior lighting, TrakSTAR LED Zoom Camera with Internal Diagnostics, Steerable 6 wheel TranSTAR Steerable Transporter with Rear View Camera to inspect 6" to 30" pipe, Wheel Sets, Rack mounted mainline Power Control Unit (PCU), Basic Data Collection Text Writer and Footage Overlay System with DV Recording, 19" LCD video/computer monitor Viewing room, 19" Flat Screen in Equipment Room, Joystick and Handheld camera and tractor controller, Mainline Cable Reel with drop down cable guide system, 1500' Single Conductor double armored cable. Wash down equipment, Maintenance kit, Test Cables Down-hole equipment, Two (2) days training, Additional Equipment from Published Options

### Manufacturer

The Charles Machine Works, Inc.

### Product Code

SC21AG049

### Contract

SC01-21A Sewer Cleaning, Hydro-Evacuating, Inspection Equipment, & Miscellaneous Services

### Contract Category

Public Works Equipment

### Price

\$131,284.33

### Price Unit

Each

### Keyword(s)

CCTV Mainline TV Inspection

[View Catalog \(/media/hgacbuy/catalogs/SC01-21A/The-Charles-Machine-Wo](/media/hgacbuy/catalogs/SC01-21A/The-Charles-Machine-Wo)

### Vendors Offering This Product

The Charles Machine Works, Inc. dba Subsite Electronics

Chris Remillard  
christopher.remillard@subsite.com (mailto:christopher.remillard@subsite.com)  
Phone: 800-767-1974  
Fax: 707-676-8051

## **Contact HGACBuy**

Loleta Chappel  
loleta.chappel@h-gac.com (mailto:loleta.chappel@h-gac.com)  
Phone: 713-993-2486  
Fax: 713-993-4548

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**CANBY CITY COUNCIL  
REGULAR MEETING  
September 1, 2021**

**PRESIDING:** Mayor Brian Hodson

**COUNCIL PRESENT:** Christopher Bangs, Traci Hensley, Sarah Spoon, Jordan Tibbals, Greg Parker, and Shawn Varwig.

**OTHERS PRESENT:** Jason Padden, Representative Christine Drazan, Fire Chief Jim Davis, Division Chief Matt Dale, and Division Chief Matt English.

**STAFF PRESENT:** Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; Melissa Bisset, City Recorder/HR Manager.

**CALL TO ORDER:** Mayor Hodson called the Regular Meeting to order at 7:34 pm.

**PROMOTION OF NATE WALLBAUM TO SERGEANT:** Chief Tro introduced Nate Wallbaum who was being promoted from Officer to Sergeant. Sergeant Wallbaum's wife pinned on his new badge.

Sergeant Wallbaum thanked the community and City for this opportunity.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:**

Jason Padden, Canby resident, suggested purchasing land to be dedicated for agricultural purposes to promote the agricultural heritage of the City as part of the Park Master Plan.

Representative Christine Drazan shared that Oregon would be adding a sixth congressional seat and there was going to be a public process for redistricting of the political boundaries. She explained the virtual process for submitting boundary maps, attending public hearings, and submitting written testimony.

There was discussion regarding how if the legislature could not agree on the redistricting, it would go to a panel of judges for the sixth congressional seat and the legislative maps would go to the Secretary of State to determine.

**UPDATE FROM CANBY FIRE CHIEF DAVIS:**

Jim Davis, Fire Chief, gave an update on Fire Bond items. They were waiting for the building permit from the County for the north side fire station and hoped to break ground soon. One more engine, water tanker, and medic unit had been ordered and were in route. The remodel of the main fire station had been completed. They also purchased a ladder truck which was currently in service. They had stayed within budget and did what they told voters they would do. Regarding Covid, healthcare workers were being required to be vaccinated or to provide appropriate exemptions. He discussed the increase of cases and full hospitals. He thanked Cutsforths for the recent Car Show and gave an update on area wildfires and evacuation levels.

Matt Dale, Division Chief, described the impact of hospital capacities and diverting to hospitals further away. Cardiac monitors had been purchased. He described how the EMS organizations in Clackamas County had been working together on initiatives such as standard ambulance services and procedures.

Matt English, Division Chief, invited everyone to the September 11 memorial ceremony. They would also open the Peace Garden Capsule at the ceremony. He discussed the recent commercial project plans they had reviewed, neighborhood emergency preparedness teams, and intern program.

There was discussion regarding backyard fires which were still prohibited.

**CONSENT AGENDA: \*\*Council President Hensley moved to approve the minutes of the July 21, 2021 Regular City Council Meeting and appointments of Lois Brooks, Rick Maier, and Luke Viter to the Canby Public Library Board with Lois Brooks appointed to a term expiring June 30, 2022, Rick Maier for a term expiring June 30, 2025, and Luke Viter's term expiring upon his graduation. Motion was seconded by Councilor Varwig and passed 6-0.**

#### **DISCUSSION REGARDING STRATEGIC INVESTMENT ZONE:**

Councilor Spoon stated that it had been a while since the Strategic Investment Zone was discussed. The Industrial Park continued to grow and she had serious concerns about the impact on the community. The SIZ was a statewide program that appeared to her was intended to spur development during the recession, however they were not in that same place now. There was land in Canby that businesses were receiving a substantial tax break for, but they still created wear and tear on the City's infrastructure and impacted the Fire District. She thought they could either renegotiate with the County to pull out of this program or to direct City staff to advocate for the State to sunset this program. It was bringing in distribution centers instead of manufacturing facilities which caused a lot of traffic and few local jobs.

There was consensus for the Council to receive a background on the SIZ, discuss the pros and cons of the program and how it was being used as an economic development tool, any legal ties and if it was possible to get out, and determining next steps.

Councilor Spoon wanted to discuss another option, removing distribution centers from the SIZ.

Council President Hensley asked staff to look into the jobs per acre requirement.

Scott Archer, City Administrator, suggested a future Work Session on this topic.

Joe Lindsay, City Attorney, said Don Hardy, Planning Director, confirmed the jobs per acre requirement was still in effect.

**MAYOR'S BUSINESS:** Mayor Hodson thanked everyone who helped with the street party event. This weekend would be the Dahlia Festival and Basil Festival. He asked citizens to slow down in the school zones. He reported on the Parks and Recreation Advisory Board who were working on the Parks Master Plan and new park signage. C4 would meet tomorrow night to

discuss transit. There had been a groundbreaking for Dragonberry Produce. All committee meetings would be going back to Zoom meetings per the governor's orders.

#### **COUNCILOR COMMENTS & LIAISON REPORTS:**

Councilor Parker reported on the Bike and Pedestrian Committee meeting. The Committee noted the review of land use applications had stopped due to staff turnover. The Heritage and Landmark Commission meeting would be next week to review the proposed changes to the old City Hall building.

Councilor Bangs said the Library Board would meet next week. School was back in session and sports were back. The new school superintendent would like to work more closely with the City than had been done in the past. Many construction upgrades were happening at the schools.

Councilor Spoon said a Bridging Cultures event was happening this Saturday. She thanked Canby Kiwanis for the Kiddie Caper Parade. There were openings on the Transit Advisory Committee.

Councilor Tibbals read the names of the service members who lost their lives in Afghanistan followed by a moment of silence. He formally resigned from the Council due to moving out of state.

The Mayor and Council thanked Councilor Tibbals for his service.

There was discussion regarding the process for appointing a new City Councilor.

**CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** Mr. Archer reported on Canby's Big Night Out, first annual Grill and Chill event on September 7, annual pool closure from August 29 to September 12, the start date for the quiet zone and arch project which would be September 13 to be completed in March, street maintenance projects done over the summer, construction on the pickleball courts at Maple Street Park starting next week to be completed by the end of the year, City's allocation of ARPA funding that had been received, and public input process for the Park and Recreation Master Plan.

Council President Hensley said the Brian Hanes Band would be playing at the Grill and Chill event.

Councilor Bangs said the high school tennis courts had been unlocked and were available for the public to use.

Mr. Archer said he had met with the new School Superintendent and had attended the first day of high school.

Mr. Lindsay said the appeal hearing for the State Street multi-family apartments would be held on September 15. The Heritage and Landmark Commission would be meeting on September 9 to address the old City Hall renovations to make sure they were historically appropriate.

**CITIZEN INPUT:** None

**ACTION REVIEW:**

1. Approved the Consent Agenda.

Mayor Hodson adjourned the meeting at 9:55 p.m.

Melissa Bisset  
City Recorder

Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood

DRAFT





# City of Canby

PO Box 930  
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## City Council Staff Report

DATE: October 20, 2021

TO: Honorable Mayor Hodson and City Council

THRU: Scott Archer, City Administrator

FROM: Jamie Stickel, Economic Development Director + Communications Specialist

ITEM: Open Air Canby Discussion

### Summary

In October 2020, the City of Canby's City Council adopted Resolution 1342 authorizing the Open Air Canby program. Open Air Canby is a program which authorized Canby businesses to expand outdoor seating into private parking lots.

### Background

Due to the COVID-19 pandemic, the Economic Development department researched concepts that had been implemented in neighboring cities to assist businesses with increasing outdoor seating. The concept brought forward to the City Council was the Open Air Canby program.

Open Air Canby allows local businesses to expand their seating into private parking lots throughout Canby. In an effort to be responsive to ever-changing business needs during the pandemic, the Open Air Canby program suspended certain city codes – specifically around parking minimums.

The Open Air Canby program did not require a permit; however, it did list certain requirements included to be approved which were discussed and determined by staff members from Economic Development and Planning, as well as the City Attorney. Those requirements were:

- The business has permission to occupy the expansion area from the owner or landlord.
- The expansion area is immediately adjacent to the parent business, or has the written approval of the immediately adjacent business.
- All currently State of Oregon COVID-19 reopening requirements are met.
- The expansion area does not include any Americans with Disability Act (ADA) parking spaces, loading zones or travel pathways.
- The expansion area does not include any drive aisles or fire lanes.
- The expansion area can be utilities without removing any landscaping and without otherwise resulting in permanent site improvements.
- The outdoor activities must maintain 10 feet of clearance from any fire hydrants.

- Current Oregon Liquor Control Commission License – if alcohol is being served. OLCC may have additional requirements based on outdoor seating configuration.

Businesses interested in installing a tent in conjunction with their outdoor seating received information from Economic Development staff. The information included the City’s Temporary Vendor Permit, as well as information and appropriate contacts at the Canby Fire District and Clackamas County Building Codes department, which respectively review the tents to ensure they are appropriately fire-rated and safe. Clackamas County does not require a permit for a tent that is in use for less than 180 days. A tent used for over 180 days would need a building permit in place and a site plan to be submitted, which can take 2 – 6 weeks to process.

The City of Canby’s Temporary Vendor Permit was utilized to allow tents to be constructed in conjunction with the Open Air Canby program. The Temporary Vendor Permit ensures the Planning Department is aware of the temporary structure and that it is in compliance with the Canby Municipal Code. The Finance Director waived the fee for the Temporary Vendor Permit to align this step with the intent of the Open Air Canby program which was to remove burdens – financial and otherwise – from installing additional seating.

### **Discussion**

The Open Air Canby program was passed in October 2020 with an expiration date of December 31<sup>st</sup>, 2021. Economic Development staff has already received one request to continue the program after the December 31<sup>st</sup>, 2021 sunset date.

### **Attachments**

- 2020 Open Air Recovery Program document
- Resolution 1342

### **Fiscal Impact**

None.

### **Options**

1. Direct staff to bring a staff report and resolution back to the City Council for potential adoption to continue the Open Air Canby program after December 31<sup>st</sup>, 2021.
2. Direct staff to continue the Open Air Canby program with the sunset date of December 31<sup>st</sup>, 2021.

### **Recommendation**

Staff recommends the Council revisit the Open Air Canby program at an upcoming City Council meeting to discuss continuation of the program after the expiration date, December 31, 2021.

### **Proposed Motion**

None.

# Open Air Canby Recovery Program

## Program Introduction

To promote recovery of small businesses, and the safety and health of customers of restaurants, personal services and recreational use establishments operating under Governor Brown's COVID Phase I response requirements, the City of Canby is temporarily suspending the enforcement of certain city codes (i.e. parking minimums) to allow outdoor expansion into private parking lots. This program is not intended to circumvent Canby Building Code. An existing sidewalk cafe permit application is available for business expansion into the public right-of-way.

The Open Air Canby Recovery Program (Recovery Program) will allow:

1. Eating/drinking establishments, recreational, personal services and retail businesses to temporarily expand into private parking lots, if they follow the requirements below. This is allowed city-wide.

This program will expire December 31, 2021. However, as this Recovery Program is in response to the COVID pandemic, the Program Manager reserves the right to change the expiration date, amend the program requirements and conditions and modify other aspects of the Recovery Program as needed to address changing conditions or for any other purpose after providing notice to Recovery Program participants. The Economic Development Director or designee will be the Program Manager. No modifications to the Recovery Program or its requirements will substantially alter the Recovery Program, its goals, or the cost of the Recovery Program to the City.

## I. Outdoor Expansion into Private Parking Lots: Program Requirements

Eating/drinking establishments, recreational facilities, personal services and retail businesses with access to private outdoor areas or private parking lots may utilize these areas, in accordance with the safety requirements outlined below. This expansion is allowed city-wide.

No permit is required from the City as long as all of the following requirements are met:

1. The business has permission to occupy the expansion area from the owner or landlord.
2. The expansion area is immediately adjacent to the parent business, or has the written approval of the immediately adjacent business.
3. All current State of Oregon Covid-19 reopening requirements are met: <https://govstatus.egov.com/reopening-oregon>.
4. The expansion area does not include any Americans with Disability Act (ADA) parking spaces, loading zones or travel pathways.
5. The expansion area does not include any drive aisles or fire lanes.

6. The expansion area can be utilized without removing any landscaping and without otherwise resulting in permanent site improvements.
7. The outdoor activities must maintain 10 feet of clearance from any fire hydrants.
8. Current Oregon Liquor Control Commission License - If alcohol is being served. OLCC may have additional requirements based on outdoor seating configuration.

*I have read and understand the requirements listed above. I shall hold the City of Canby, its officers, agents, and employees free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including appeals therefrom, which may result from granting this program.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

RESOLUTION NO. 1342

A RESOLUTION ADOPTING A TEMPORARY PROGRAM FOR USE OF PARKING LOTS  
DURING THE COVID-19 EMERGENCY

WHEREAS, the COVID-19 crisis has significantly impacted the local economy, including eating/drinking establishments, recreational, personal services and retail businesses (collectively “Businesses”), due to mandated partial and complete closures of many of these Businesses that resulted in layoffs and reduced work hours for many employees; and

WHEREAS, the reopening requirements and social distancing measures required to mitigate the risks associated with COVID-19 make it difficult for Businesses to accommodate their regular number of customers within the confines of their indoor space; and

WHEREAS, programs to use sidewalks, streets and parking areas for Businesses have been established successfully in other jurisdictions; and

WHEREAS, a temporary moratorium on enforcement of parking minimums of the Canby Municipal Code will allow these Businesses greater flexibility to reopen, which is beneficial to the local economy; now therefore,

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

Section 1. Notwithstanding contrary provisions in the Canby Municipal Code, the City adopts the Open Air Canby Recovery Program, which is attached as Exhibit A and incorporated by this reference.

This resolution shall take effect on October 7<sup>th</sup>, 2020.

ADOPTED by the Canby City Council on the 7<sup>th</sup> day of October 2020.

ATTEST:

\_\_\_\_\_  
Melissa Bisset, City Recorder

APPROVED:

\_\_\_\_\_  
Brian Hodson, Mayor