

ORDINANCE NO. 1368

AN ORDINANCE ADOPTING THE CANBY OR99E CORRIDOR AND GATEWAY PLAN, AMENDING CANBY'S COMPREHENSIVE PLAN TEXT, TRANSPORTATION SYSTEM PLAN, AND TITLE 16 OF THE CANBY MUNICIPAL CODE.

WHEREAS, the Gateway Plan Advisory Committee F recommended that the Planning Commission adopt the Canby OR99E Corridor and Gateway Plan and approve certain amendments to the Land Development and Planning Ordinance, Comprehensive Plan and Transportation System Plan that comply with state requirements and further the goals of the citizens of Canby; and

WHEREAS, the Canby Planning Commission, after providing appropriate public notice, conducted a public hearing on said amendments, during which the citizens of Canby were given the opportunity to come forward to present testimony on these proposed changes; and

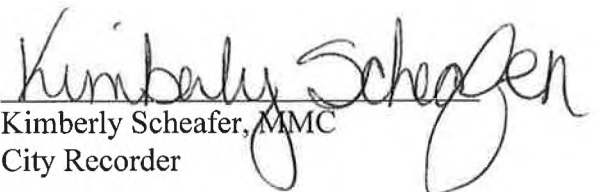
WHEREAS, the Planning Commission found that the standards and criteria of Section 16.88.160 and 16.88.180 of the Land Development and Planning Ordinance, concerning Text Amendments and Comprehensive Plan Amendments, were met, and recommended approval to the City Council on a unanimous vote after making certain modifications; and

WHEREAS, the City Council, after reviewing the record of the Canby Planning Commission regarding the subject amendments, concluded that the Planning Commission's findings of fact and the amendment itself are appropriate.

THE CANBY CITY COUNCIL ORDAINS AS FOLLOWS:

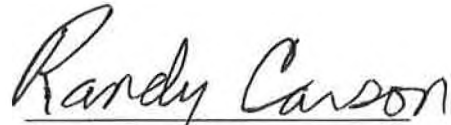
- (1) CPA 12-02/TA 12-03 is hereby approved, the Canby OR99E Corridor and Gateway Plan is adopted, and the Land Development and Planning Ordinance, Comprehensive Plan and Transportation System Plan are hereby amended as detailed in Exhibit A.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, December 5, 2012, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days, as authorized by the Canby City Charter; and to come up for final reading and action by the City Council at a regular meeting thereof on January 2, 2013, commencing after the hour of 7:30 p.m. in the Council Meeting Chambers located at 155 NW 2nd Avenue in Canby, Oregon.


Kimberly Scheafer, MMC
City Recorder

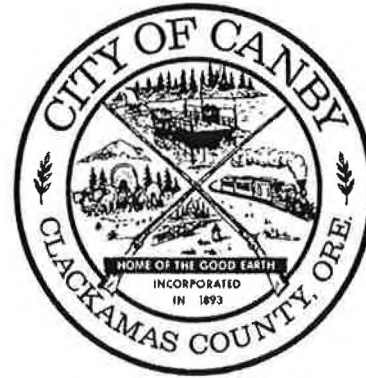
PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on January 2, 2013 by the following vote:

YEAS 6 NAYS 0


Randy Carson
Mayor

ATTEST:


Kimberly Scheafer, MMC
City Recorder



STAFF REPORT

TITLE: Amendments to selected sections of Canby's Comprehensive Plan, Municipal Code, and Transportation System Plan.

FILE #: CPA 12-02/TA 12-03

STAFF: Matilda Deas, AICP Senior Planner

DATE OF REPORT: October 31, 2012

DATE OF HEARING: November 13, 2012

I. REQUEST

This is a legislative amendment application to adopt The Canby OR 99E Corridor and Gateway Design Plan (Plan), update the Comprehensive Plan text, and to modify several sections of the City's Land Development and Planning Ordinance and Transportation System Plan in order to implement the Plan.

II. APPLICABLE REGULATIONS

City of Canby General Ordinances:

- 16.88.160 Amendments to text of title
- 16.88.180 Comprehensive Plan Amendments (Legislative)

III. MAJOR APPROVAL CRITERIA

Section 16.88.160 Amendments to Text of Title

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

- A. The Comprehensive Plan of the City, 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. A public need for the change;
- C. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
- D. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
- E. Statewide planning goals.

Section 16.88.180 Comprehensive Plan Text Amendments (Legislative)

In judging whether a legislative plan amendment shall be approved, the Planning Commission and City Council shall consider:

- 1. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment;
- 2. A public need for the change;
- 3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
- 4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
- 5. Statewide planning goals.

IV. FINDINGS

A. Background and Relationships

The Canby OR 99E Corridor and Gateway Plan (Plan) was recently completed by the City of Canby and will guide future improvements on the section of OR 99E within city limits. The Plan sets forth streetscape and gateway design elements that reflect the city's "Canby The Garden Spot" theme to enhance motorist awareness as they transition from rural to urban Canby and to support community livability.

The Plan was prepared with public and agency participation and received input from the Gateway Plan Advisory Committee (GPAC), which was formed specifically to advise the City and consultant team on the preparation of the Plan. The Plan also received input from interested citizens through community open houses, workshops and individual stakeholder interviews.

The Plan supplements the recently adopted Updated Transportation System Plan (TSP). It replaces the standard cross-sections for OR 99E within Canby city limits, refines the non-capacity improvements for the designated Special Transportation Area (STA) on OR 99E between Elm and Locust Streets, and identifies additional corridor and improvements outside the STA.

B. Proposed Amendments

The Plan proposes amendments to sections of the Comprehensive Plan, the Transportation Plan, and the Land Development and Planning Ordinance. This report lists each of the amendments below, and addresses the criteria for approval at the end. All of the following proposed amendments are also in the Draft Canby OR 99E Corridor and Gateway Design Plan Appendix which is provided in your packet.

Language that is **bold and underlined** is text to be added. Text to be deleted is indicated by ~~strike through~~ notation. Staff comments are *italicized*.

Transportation System Plan Amendments:

These recommended amendments to the TSP are intended to adopt the Gateway Plan as an ancillary document and provide reference to the Gateway Plan where appropriate.

Chapter 7. Motor Vehicle Plan

Special Transportation Area (STA) Designation (p. 7-9)

Significant multi-modal improvements should be provided along this section of OR 99E for it to better accommodate pedestrian, bicycle, and transit movement along and across the highway consistent with the desired characteristics of an STA. To this end, the Motor Vehicle Master Plan includes an STA implementation project as a priority project. This project (and the identified cost estimate) would include pedestrian, bicycle, transit, and on-street parking improvement projects along the STA designated section of OR 99E.

To implement the desired improvements on OR 99E associated with the STA, the City worked with ODOT to establish the Canby OR 99E Corridor and Gateway Design Plan. The Gateway Plan refines the design cross-sections for the OR 99E corridor through the STA and identifies projects to improve the streetscape and support safe and attractive, multi-modal travel within the corridor. The Canby OR 99E Corridor and Gateway Design Plan is adopted herein as an ancillary document to the TSP.

~~The City has also expressed interested in working with ODOT to develop a “downtown streetscape” plan for OR 99E in the STA (as well as for the remainder of the OR 99E corridor in Canby). Such a plan would help ensure coordinated efforts between ODOT and the City and also provide guidance to future development along the corridor.~~

Roadway Cross-Section Standards (p. 7-14)

Additional design considerations are required for OR 99E. The state highway design considerations are defined in the Oregon Highway Plan (OHP) and in the Highway Design Manual (HDM). Any deviation from these standards requires approval of a design exception. Design and future improvements to OR 99E must also address ORS 366.215 (Reduction in Vehicle Carrying Capacity) on this national freight network facility. ~~The City also intends to conduct a future OR 99E corridor plan that will refine the cross-sections, roadway features, and cost estimates for highway improvements in Canby~~

ODOT, as well as the state Freight Stakeholders Committee support the proposed OR 99E cross sections and improvements. A “design exception” for non- standard features in the OR 99E STA section has been approved by ODOT.

The City has adopted the Canby OR 99E Corridor and Gateway Design Plan to refine the cross-sections, roadway features, and cost estimates for improvements to the OR99E corridor. The Gateway Design Plan contains OR 99E cross-section standards, including cross sections through the STA between Locust and Elm Streets, which are shown in Figure 7-3. (See page 12 of the Gateway Plan for the above referenced cross sections. These will be the new Figure 7-3)

The **Additional** cross-section standards are provided in ~~Figure 7-3 for of OR 99E~~, Figure 7-4 for arterial streets, Figure 7-5 for collector streets, and Figure 7-6 for neighborhood routes and local streets.

To ensure suitability for roadway improvements, final cross-section designs must be coordinated with City of Canby staff and are subject to City Staff approval. **Design specifications for improvements on OR 99E must also be approved by ODOT.**

Municipal Code Title 16 Planning & Zoning Amendments:

Many of the improvements identified in the Gateway Plan will take place in public right-of-way and will be constructed by the City or adjacent property owners, particularly improvements to the pedestrian and bicycle elements of the highway facility. Improvements to OR 99E roadway (between the curbs) generally would be constructed by the state except when off-site mitigation is required as conditions of approval for land development. Generally speaking, private properties will be responsible for dedicating right-of-way and constructing building-to- curb improvements (i.e., sidewalks and planting strips) as development or redevelopment occurs. As such, language in the existing code is generally sufficient to support and implement the improvements and design standards identified in the Gateway Plan. This section recommends some amendments intended to eliminate conflicts between standards and implement some specific elements of the Gateway Plan.

Chapter 16.08 GENERAL PROVISIONS

16.08.090 Sidewalks required.

A. In all commercially and industrially zoned areas, the construction of sidewalks and curbs **improvements between the building line and curb line (including sidewalks, planting strips, and curbs** with appropriate ADA ramps for the handicapped on each street corner (ø) shall be required as a condition of the issuance of a building permit for new construction or substantial remodeling, where such work is estimated to exceed a valuation of twenty thousand dollars, as determined by the building code. Where multiple permits are issued for construction on the same site, this requirement shall be imposed when the total valuation exceeds twenty thousand dollars in any calendar year. **Width and design of sidewalk improvements shall be consistent with the cross sections identified in the Canby TSP.**

Chapter 16.22 C-1 DOWNTOWN COMMERCIAL ZONE

16.22.030 Development Standards

F. Other regulations:

2. Sidewalks a minimum of eleven (11) feet in width shall be required in commercial locations unless existing building locations or street width necessitate a more narrow design. **For properties with frontage along OR 99E, sidewalk widths shall be consistent with the cross-sections in Figure 7-3 of the TSP.**

Chapter 16.28 C-2 HIGHWAY COMMERCIAL ZONE

16.28.030 Development Standards

F. Other regulations:

2. Except in cases where existing building locations or street width necessitate a more narrow design, sidewalks eight feet in width shall be required;

- a. In those locations where angle parking is permitted abutting the curb, and
- b. For property frontage along Highway 99-E. **However, for properties with frontage along OR 99E within the Gateway Plan area, sidewalk widths shall be consistent with the cross-sections in Figure 7-3 of the TSP.**

Chapter 16.30 CM HEAVY COMMERCIAL MANUFACTURING ZONE

16.30.030 Development Standards

F. Other regulations:

2. Except in cases where existing building locations or street width necessitate a more narrow design, sidewalks eight feet in width shall be required;

- a. In those locations where angle parking is permitted abutting the curb, and
- b. For property frontage along Highway 99-E. **However, for properties with frontage along OR 99E within the Gateway Plan area, sidewalk widths shall be consistent with the cross-sections in Figure 7-3 of the TSP.**

Chapter 16.32 M-1 LIGHT INDUSTRIAL ZONE

16.32.030 Development Standards

F. Other regulations:

- 5. For those properties with frontage along OR 99E within the Gateway Plan area, sidewalks shall be required consistent with the cross-sections in Figure 7-3 of the TSP.**

C. Comprehensive Plan Consistency Analysis

iv. **TRANSPORTATION ELEMENT**

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

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

Analysis: The City has a very good relationship with representatives of Clackamas County and the Oregon Department of Transportation. As mentioned, representatives of both of these groups have been involved in the development of the TSP and the Gateway Plan. All jurisdictions are committed to cooperating on street development projects.

v. **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.**

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

Analysis: Street projects in the City of Canby are a cooperative effort between the Public Works Department, the Planning Department, the City Civil Engineer, the City Traffic Engineer, and other service providers. The collective efforts of all these City groups are joined with County and State interests when appropriate.

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

Analysis: Street projects in Canby are financed through the following methods, when applicable: System Development Charges, advanced

financing districts, local improvement districts, Urban Renewal, Street Maintenance Fee, State Highway Fund (gas taxes), Federal Fund Exchange, local gas tax, construction excise tax, street repair fees and erosion control fees, interest revenue, private financing, and grants. A combination of these sources is typically utilized in the completion of improvements to the transportation system.

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

Staff concludes that the proposed Comprehensive Plan Amendment and text amendments are consistent with the policies of the Comprehensive Plan. Adoption of the Canby OR 99E Corridor and Gateway Design Plan will help to guide future improvements on sections of OR 99E within city limits to reflect the city's "Canby the Garden Spot" theme to enhance motorist awareness as they transition from rural to urban Canby, and support community livability.

IV. CONCLUSION

Most of the Comprehensive Plan's goals and policies are not germane to this application. The proposed plan amendments will not have a negative effect on the City's environment, natural resources, economy, housing supply, transportation system, or public facilities and services. The proposed amendments will, however, help implement the design standards set forth in The Canby OR 99E Corridor and Gateway Plan and will assure that future development along OR 99E within the city limits reflects those standards. The Citizen Involvement Element has been met via the public hearing for this application, and the review and endorsement of these amendments by the Gateway Plan Advisory Committee, the community open houses, stakeholder interviews, the Project Management Team, the Consultants and City staff.

Criteria for Legislative Comprehensive Plan Amendment/Text Amendment

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

The commentary under section C of the staff report addresses the remainder of the Comprehensive Plan.

- B. A public need for the change;**

OR 99E functions as both a gateway and a main street for Canby's business community. However the highway does not accurately reflect the values embodied in the City's theme of "Canby the Garden Spot". The Gateway Plan provides direction for future development to more clearly align OR 99E design elements to reflect "Canby The Garden Spot".

The proposed amendments serve the public by helping to implement the Gateway Plan. The adoption of Plan will aid the City in its search for future funding for improvements identified in the Plan.

C. Whether the proposed change will serve the public need better than any other change which might be expected to be made;

Staff believes that the proposals effectively update and clarify our Transportation System Plan, Municipal Code and Comprehensive Plan.

D. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;

Staff believes this criterion has been met, as detailed above.

E. Statewide Planning Goals.

The following Statewide Planning Goals apply to this application:

Goal 1: Citizen Involvement.

The Planning Commission will make a recommendation on this application in a public hearing. Furthermore, the Plan has been reviewed and approved by the Project Management Team, the Gateway Plan Advisory Committee, the project Consultants, and City staff.

Goal 8: Economic Development

The adoption of the Plan (and proposed amendments) will encourage the revitalization and redevelopment of OR 99E corridor within city limits and thereby provide the citizens of Canby with additional economic and employment opportunities.

Goal 12: Transportation

The amendments to the Transportation System Plan will encourage a safe and convenient environment for pedestrians and bicyclists within the 99E corridor.

V. RECOMMENDATION

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission advance a recommendation of approval on to the City Council on CPA 12-02/TA 12-03.

Exhibits:

1. Draft Canby OR 99E Corridor and Gateway Design Plan
2. Draft Canby OR 99E Corridor and Gateway Design Plan Appendix

AFFIDAVIT OF POSTING

STATE OF OREGON)
)
County of Clackamas) ss:
)
CITY OF CANBY)

I, Kimberly Scheafer, being first duly sworn, depose and say that I am the City Recorder for the City of Canby, Clackamas County, Oregon, a City duly incorporated under and by virtue of the laws of the State of Oregon.

That on the 5th of December 2012 the Council for said City of Canby held a Regular City Council Meeting, at which meeting Ordinance No. 1368 was read for the first time and passed by the vote of said Council and was then and there ordered posted in at least three (3) public and conspicuous places in said City for a period of five (5) days prior to the second reading and final vote on said Ordinance, as provided in Section 2 of Chapter 8 of the Charter of the City of Canby, and

Thereafter, on the 6th day of December 2012, I personally posted said Ordinance in the following three (3) conspicuous places, all within the said City of Canby, to wit:

- 1. Canby City Hall Bulletin Board - outside
- 2. Canby Public Library Bulletin Board
- 3. Canby Post Office

That since said posting on the date aforesaid, the said Ordinance will remain posted in the said three (3) public and conspicuous places continuously for the period of five (5) days and until the very 2nd day of January 2013.

Kimberly Scheafer

Kimberly Scheafer, MMC
City Recorder

Subscribed and sworn to before me this 6th day of December 2012,

Erin E Burckhard

Notary Public For Oregon
My Commission Expires: 10/31/2014

