



AGENDA
CANBY CITY COUNCIL
REGULAR MEETING – 6:00 PM

December 21, 2022

Hybrid/Virtual Meeting/Council Chambers
Council Chambers - 222 NE 2nd Avenue, 1st Floor

Register here to attend the meetings virtually:
https://us06web.zoom.us/webinar/register/WN_IsIbE2I-QyiMtOYkiywzPQ

The meetings can be viewed on YouTube:
<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>

For questions regarding programming, please contact:
Willamette Falls Studio (503) 650-0275 media@wfmstudios.org

Mayor Brian Hodson

Councilor Christopher Bangs
Council President Traci Hensley
Councilor Art Marine

Councilor Greg Parker
Councilor Sarah Spoon
Councilor Shawn Varwig

REGULAR MEETING – 6:00 PM

1. CALL TO ORDER

- a. Invocation
- b. Pledge of Allegiance

2. INTERVIEWS FOR CITY COUNCIL VACANCY

Pg. 1

3. **CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** This is an opportunity for audience members to address the City Council on items not on the agenda. If you are attending in person, please complete a testimony/comment card prior to speaking and hand it to the City Recorder. 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 virtually please email or call the City Recorder by 4:30 pm on December 21, 2022 with your name, the topic you'd like to speak on and contact information: bissetm@canbyoregon.gov or call 503-266-0733. Once your information is received, you will be sent instructions to speak.**

4. **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 September 7, 2022 Regular Meeting & September 21, 2022 Joint Work Session with the Planning Commission and Regular Meeting.

Pg. 16

5. ORDINANCES

- a. Consider **Ordinance No. 1589**: An Ordinance authorizing the City Administrator to enter a Contract with Axon Enterprises in the amount of \$207,632.40 for the purchase of in car video cameras, equipment, software, and services; and declaring an emergency. (*Second Reading*) Pg. 22
- b. Consider **Ordinance No. 1591**: An Ordinance authorizing the City Administrator to execute a contract with Lee Contractors, LLC in the amount of \$773,000.00. for the 2022 Wastewater Treatment Facility Improvements project. (*Second Reading*) Pg. 34
- c. Consider **Ordinance No. 1592**: An Ordinance Proclaiming annexation into the City of Canby, Oregon 1.06 acres of real property described as land situated Southwest 1/4 of Section 27, T.3S., R.1E., W.M.. (Tax Map 31E27CB); and amending the existing County Zoning from Rural Residential Farm Forest 5 Acres (RRFF5) to City High Density Residential (R-2) for the entire area; and setting the boundaries of the property to be included within the Canby City Limits. (*Second Reading*) Pg. 38

6. NEW BUSINESS

- a. Consider amendment to the City Administrator's Employment Contract. Pg. 169

7. ACCEPTANCE OF CITY COUNCILOR RESIGNATION

8. SELECTION OF CITY COUNCILOR

9. ACTION REVIEW

10. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Maya Benham at 503-266-0720. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov.

EMPLOYMENT APPLICATION



City of Canby
222 NE 2nd Ave

Canby, Oregon - 97013
http://www.canbyoregon.gov
(http://www.canbyoregon.gov)

Askew, Michelle
City Councilor

Received: 12/12/22 5:13 PM
For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE:

City Councilor

Job Number:

VOL -2022 (2)

NAME: (Last, First, Middle)

Askew, Michelle

PERSON ID:

45966577

ADDRESS: (Street, City, State, Zip Code)

Canby, OR 97013

NOTIFICATION PREFERENCE:

Email

PREFERENCES

SHIFTS YOU WILL ACCEPT:**WHAT TYPE OF JOB ARE YOU LOOKING FOR?****TYPES OF WORK YOU WILL ACCEPT:****Agency - Wide Questions**

Nothing Entered For This Section

Job Specific Supplemental Questions**1. If employed, who is your employer and what is your position?**

Horizon Christian School middle school aide

2. What are your community interests (committees, organizations, special activities)?

I served as the President with the Canby Mom's Club, Secretary at Knight Elementary school and Secretary with my HOA

3. What are your major interests or concerns in the City's programs?

My interest is to be a voice for our community and keep Canby as Canby

4. Why are you interested in this volunteer position?

I have lived in Canby for over 13 years and my favorite thing about Canby is our community. Having all of our community's voices heard

5. Please share your experience and educational background.

I have my High-school diploma and as I listed I have any volunteer experiences

6. Please list any other City or County positions on which you serve or have served.

None

7. If you were referred by someone, please list.

None

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge.

Additional Information for Employment Applications:

I understand this application does not represent a contract for employment. I understand that an acceptance of an offer for employment does not create a contractual obligation upon the City of Canby to continue to employ me for any period of time in the future. I understand that no representative from the City has any authority to enter into any special agreement with me to promise and/or guarantee my employment for any specific time period or to promise me a promotion or transfer, etc. either prior to commencement of employment or after I have become employed, or to assure me of any benefits or terms and conditions of employment, or to make any agreement contrary to the aforementioned.

I hereby represent that each answer to questions incorporated into this application and all other information otherwise furnished by me shall be true, complete, and correct. I understand that incorrect, incomplete, false or misleading statement/answer/information furnished by me either verbally, or in writing will subject my application to disqualification from further consideration and/or if already employed by the City, when the aforementioned is detected, I will be subject to discipline up to and including discharge, for falsifying a City record/document, regardless of how much time has elapsed since the date I was employed. In the event that I am employed by the City, I agree to comply with all its orders, rules, regulations, safety policies, and performance standards. Upon hire, I will provide proof as required on the US Government, I-9 form that I am legally eligible for employment in the United States. If I cannot provide such proof in accordance with Federal Law, I understand that my employment will be terminated.

I have read and understand all of the provisions of this acknowledgement. By signing this application, I hold the City of Canby harmless for any result of the City questioning the references provided in this application. If I am selected for further consideration, I hereby authorize and release from liability all former employers, landlords, educational institutions, law enforcement agencies, and/or other government agencies to provide/release information regarding my employment, education, criminal conviction record, credit history, driver's license violations and motor vehicle records, which may be in their possession to the City of Canby and/or its agents. I understand that I will not receive and am not entitled to know the contents of confidential reports received, and I further understand that these reports may be privileged. An offer of employment is conditional upon a background investigation, and if relevant, a pre-employment medical exam and drug screen test (safety sensitive positions).

EQUAL EMPLOYMENT OPPORTUNITY: We are an Equal Opportunity/Affirmative Action Employer. We are dedicated to a policy of nondiscrimination in employment on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, status as a parent, national origin, age, or mental and/or physical disability.

BACKGROUND: Finalists for City jobs must successfully pass a background investigation and may be required to pass a pre-employment medical exam as a final condition of the job offer. Finalists for safety sensitive positions must also successfully pass a pre-employment drug-screening test.

PROBATIONARY PERIOD: New employees or employees changing job positions will be considered Trial service employees for at least six (6) months before attaining regular status.

IMMIGRATION LAW: In accordance with the Immigration Reform and Control Act of 1986 (IRCA), all newly hired

EMPLOYMENT APPLICATION



City of Canby
222 NE 2nd Ave

Canby, Oregon - 97013
<http://www.canbyoregon.gov>
 (http://www.canbyoregon.gov)

Ewert, Dan, K
City Councilor

Received: 11/29/22 10:43 AM

For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE:

City Councilor

Job Number:

VOL -2022 (2)

NAME: (Last, First, Middle)

Ewert, Dan, K

PERSON ID:

52145175

ADDRESS: (Street, City, State, Zip Code)

██████████
 Canby, OR 97013

HOME PHONE:

██████████

EMAIL ADDRESS:

██████████

NOTIFICATION PREFERENCE:

Email

PREFERENCES

SHIFTS YOU WILL ACCEPT:

WHAT TYPE OF JOB ARE YOU LOOKING FOR?

TYPES OF WORK YOU WILL ACCEPT:

Agency - Wide Questions

Nothing Entered For This Section

Job Specific Supplemental Questions

1. If employed, who is your employer and what is your position?

Retired

I also work as a DART team member for a relief organization called Samaritan's Purse. This is an international disaster relief organization that assists all over the US and countries internationally in times of natural disasters and war zones to assist in humanitarian efforts.

2. What are your community interests (committees, organizations, special activities)?

I am presently on the Canby Planning Commission and have served, on and off, in this capacity for approximately 19 years. I have served as a member of the budget committee. I have been elected to serve on the Blue Heron Recreation District. I was on the original task force to develop City of Canby Master plan, the phase one and two of the Canby Industrial Park, and Transportation System Master Plan.

3. What are your major interests or concerns in the City's programs?

I have lived in the City of Canby for 37 years and have seen, and been involved with many aspects of its growth. I think the top areas of interest for me would be:

* Transportation- We need to develop a better transportation system that would include elements of a radius road system that takes the load off of the system that has been in place for decades. Working with the county and state will be key to that development. We need to have better access to the rest of the county and state.

* Infrastructure planning- Our water, electrical, waste disposal needs are critical to our growth and expansion we have to have good proactive planning in these areas to keep our city healthy for generations to come.

* Strong economic development- This includes a base that keeps Canby healthy economically.

* Work in Canby / live in Canby- Has to be a top priority that includes both industrial and housing development and planning.

* Liveability - Canby needs to be a comfortable place to live for everyone this includes all ages from youth to seniors.

4. Why are you interested in this volunteer position?

I believe the City Counsel is the best platform to get the items I mentioned in question 3 done. We have to plan for today and generations to come and I think as City Counselor I will work as a team member to accomplish this

5. Please share your experience and educational background.

My BS degree is in Diesel Engineering with a co-minor in Industrial Education. I have successfully owned, operated and sold several businesses in Oregon over my career in the state of Oregon over the last 45 years. I am a veteran of the USAF and have served with the Oregon Air National Guard for a total of 13 years. Honorably discharged from both

6. Please list any other City or County positions on which you serve or have served.

-As stated before I have served as a member of the City of Canby Planning Commission for approximately 19 years.

-I have served as a member of City of Canby Budget Committee

-I have been elected as member to the Clackamas County Blue Heron Recreation District.

- Have served on other committees such as Transportation Plan, Industrial Park Development Committee, and others

7. If you were referred by someone, please list.

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge.

Additional Information for Employment Applications:

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EMPLOYMENT APPLICATION



City of Canby
222 NE 2nd Ave

Canby, Oregon - 97013
[http //www canbyoregon gov](http://www.canbyoregon.gov)
 (http://www.canbyoregon.gov)

Fraction, Megan, P
City Councilor

Received: 11/18/22 10:29 AM
For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE:

City Councilor

Job Number:

VOL -2022 (2)

NAME: (Last, First, Middle)

Fraction, Megan, P

PERSON ID:

10971570

ADDRESS: (Street, City, State, Zip Code)

Canby, OR 97013

HOME PHONE:**EMAIL ADDRESS:****NOTIFICATION PREFERENCE:**

Email

PREFERENCES

SHIFTS YOU WILL ACCEPT:

Evening , Night , Weekends

WHAT TYPE OF JOB ARE YOU LOOKING FOR?

Regular

TYPES OF WORK YOU WILL ACCEPT:

Full Time, Part Time, Per Diem

OBJECTIVE:

I am looking to volunteer in the capacity of city councilor.

Agency - Wide Questions

Nothing Entered For This Section

Job Specific Supplemental Questions**1. If employed, who is your employer and what is your position?**

I am employed full time as a Senior Regional Manager for Aperto Property Management.

2. What are your community interests (committees, organizations, special activities)?

I currently volunteer for Revitalize Portland Coalition on the crime & safety committee. My community interest overall is public safety.

3. What are your major interests or concerns in the City's programs?

I am committed to making sure that Canby voices are heard and that as a collective community we maintain the character of our town while placing the goals and vision as the foundation to our potential.

4. Why are you interested in this volunteer position?

I am a newer community member and feel my work experience would be valuable to the city.

5. Please share your experience and educational background.

I have worked in property management for 24 years, with people from all income and backgrounds. I feel this has equipped me well in dealing with sensitive situations.

6. Please list any other City or County positions on which you serve or have served.

I volunteer as a committee member for Revitalize Portland Coalition.

7. If you were referred by someone, please list.

n/a

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge.

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I hereby represent that each answer to questions incorporated into this application and all other information otherwise furnished by me shall be true, complete, and correct. I understand that incorrect, incomplete, false or misleading statement/answer/information furnished by me either verbally, or in writing will subject my application to disqualification from further consideration and/or if already employed by the City, when the aforementioned is detected, I will be subject to discipline up to and including discharge, for falsifying a City record/document, regardless of how much time has elapsed since the date I was employed. In the event that I am employed by the City, I agree to comply with all its orders, rules, regulations, safety policies, and performance standards. Upon hire, I will provide proof as required on the US Government, I-9 form that I am legally eligible for employment in the United States. If I cannot provide such proof in accordance with Federal Law, I understand that my employment will be terminated.

I have read and understand all of the provisions of this acknowledgement. By signing this application, I hold the City of Canby harmless for any result of the City questioning the references provided in this application. If I am selected for further consideration, I hereby authorize and release from liability all former employers, landlords, educational institutions, law enforcement agencies, and/or other government agencies to provide/release information regarding my employment, education, criminal conviction record, credit history, driver's license violations and motor vehicle records, which may be in their possession to the City of Canby and/or its agents. I understand that I will not receive and am not entitled to know the contents of confidential reports received, and I further understand that these reports may be privileged. An offer of employment is conditional upon a background investigation, and if relevant, a pre-employment medical exam and drug screen test (safety sensitive positions).

EQUAL EMPLOYMENT OPPORTUNITY: We are an Equal Opportunity/Affirmative Action Employer. We are dedicated to a policy of nondiscrimination in employment on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, status as a parent, national origin, age, or mental and/or physical disability.

BACKGROUND: Finalists for City jobs must successfully pass a background investigation and may be required to pass

EMPLOYMENT APPLICATION



City of Canby
222 NE 2nd Ave

Canby, Oregon - 97013
[http //www canbyoregon gov](http://www.canbyoregon.gov)
 (http://www.canbyoregon.gov)

Lewelling, Craig
City Councilor

Received: 11/30/22 8:18 PM
For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE:

City Councilor

Job Number:

VOL -2022 (2)

NAME: (Last, First, Middle)

Lewelling, Craig

PERSON ID:

52127949

ADDRESS: (Street, City, State, Zip Code)

Canby, OR 97013

HOME PHONE:**EMAIL ADDRESS:****NOTIFICATION PREFERENCE:**

Email

PREFERENCES

SHIFTS YOU WILL ACCEPT:**WHAT TYPE OF JOB ARE YOU LOOKING FOR?****TYPES OF WORK YOU WILL ACCEPT:****Agency - Wide Questions**

Nothing Entered For This Section

Job Specific Supplemental Questions**1. If employed, who is your employer and what is your position?**

Self employed - CEO

2. What are your community interests (committees, organizations, special activities)?

I have belonged to Rotary International for over 23 years, have been president 4 times in two clubs, have been involved with Junior Achievement, Meals on Wheels, Store to Door, and this is the 13th year we are doing a Toys for Tots drive – we have consistently raised 600-700 toys each year

3. What are your major interests or concerns in the City's programs?

Canby has been my home for my entire life. I have a lot of passion for this town and want to see a really good balance of activities from living, to working and playing. This includes focusing on families and family activities such as parks, walking/biking trails, recreation facilities, Adult Center and more. Enhancing livability with smart & compatible residential, commercial and industrial development.

4. Why are you interested in this volunteer position?

I love Canby and the city that it is, I would be honored to be part of the council to help with the decision making process, by keeping an open mind, and help keep Canby thriving and making it better as the City's population grows.

5. Please share your experience and educational background.

University of Oregon, Bachelor of Science, Economics; Corporate Internal Auditor, The Fred Meyer Corporation; Small Business Owner - helping small business and individuals with tax reviews, planning, budgets and retirement for 29 years. Community College Instructor for 27 years.

6. Please list any other City or County positions on which you serve or have served.

Member of Canby's original Urban Renewal Advisory Committee; President of the Industrial Area Association - recognized by the City Council in 1999 - Canby's first Neighborhood Business Association.

7. If you were referred by someone, please list.

Mayor Brian Hodson

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge.

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EQUAL EMPLOYMENT OPPORTUNITY: We are an Equal Opportunity/Affirmative Action Employer. We are dedicated to a policy of nondiscrimination in employment on the basis of race, color, religion, sex, gender identity, sexual



**CITY OF CANBY
COMMITTEE, BOARD, &
COUNCIL APPOINTMENT APPLICATION**

Date: 11/22/2022 Position Applying For: Canby City Council
Name: Jason Padden Occupation: Sales
Home Address: [REDACTED] Canby, OR 97013
Employer: Mycorrhizal Applications Position: Sales Account Manager (US, West)
Daytime Phone: [REDACTED] Evening Phone: [REDACTED]
E-Mail Address: [REDACTED]

What are your community interests (committees, organizations, special activities)? Canby Lions Club,
Greater Portland Volleyball Officials Association, Oregon Association of Nurseries Greenhouse and
Retail Chapter, Village Idiots, General interests include volunteering, gardening, crafting, motorcycle riding.

What are your major interests or concerns in the City's programs? Streets and sidewalks,
parks, planning for the future, updating city codes, engaging community.

Reason for your interest in this position: I would like to be a part of representing
the citizens of Canby and help create policy to provide guidance for the future.

Experience and educational background: I have experience in management, team building and conflict
resolution. I have served on many community boards, committees, and taskforces over the years.

I previously served 2.5 years as a Canby City Councilor. Please refer to my resume for more details.

List any other City or County positions on which you serve or have served: Current: Canby
Budget Committee (Chair), Canby Planning Commission (Chair), Street Maintenance Taskforce.

Past: Canby Urban Renewal Advisory Board, Street Maintenance Taskforce, Canby City Council.

Referred by (if applicable): Sarah Spoon, Brian Hodson, Robert & Susan Bitter, Richard & Joyce Ares, and others

Please return to:

City of Canby - Attn: Deputy City Recorder
PO Box 930, 222 NE 2nd Avenue, Canby, OR 97013
Phone: 503.266.0720 Fax: 503.266.7961 Email: benhamm@canbyoregon.gov

Note: Information on this form may be available to anyone upon a Public Records Request and may be viewable
on the City's web page. 12/2021

Date Received: 11/22/22 Date Appointed: _____ Term Expires: _____
Date Resigned: _____ Destruction Date: _____

Jason Padden

Area Sales Manager: Western US

Highly motivated, detail oriented, with 13 years of boots-on-the-ground sales experience in Oregon, and a proven track record of providing high level care and technical support to customers, while maximizing sales and profitability.

Email: [REDACTED]

Phone: [REDACTED]

Location: Canby, Oregon

Work Experience

December 2021 to Present

Mycorrhizal Applications, Grants Pass, OR

Area Sales Manager

- Manage sales for 13 states of the Western US.
- Work with customers to build sustainable biorational treatment programs.
- Help with strategic planning and roll out of new products.

McHutchison, Wayne, NJ

Broker Representative for Oregon

February 2019 to December 2021

- Used knowledge of existing and new plant growth habits to help new customers build production models.
- Assisted customers to find plant material from over 300 vendors across the US, Canada, and internationally.
- Worked with accounting on past-due accounts to keep one of the lowest past-due balances in the territory's history.

Sun Gro Horticulture, Agawam, MA

Area Sales Manager-Professional North West

September 2009 to February 2019

- 2009: District Sales Manager, Oregon, 2016: Territory expanded - adding California North, Hawaii, fertilizer purchasing and support, 2017: Promoted to Area Sales Manager, dropped CA North, 2018: Added Washington and Alaska.
- Consistently increased sales in territory, twice by more than 20%.
- Managed team of two District Sales Managers covering Washington and Alaska, British Columbia and Alberta, Canada, and all export business, except Mexico.
- Helped test, train, and created step-by-step user guide for new expense reporting software.

Terra Nova Nurseries Inc., Canby, OR

Logistics Manager-Domestic and International

February 2005 to September 2009

- 2005: Customer Service Representative/Inside Sales, 2006: Promoted to Logistics Manager.
- Designed and lead team to program and implement a real-time inventory control and order fulfillment system.
- Managed all Domestic and International shipments in and out of the nursery-Mostly live plant material.
- Worked with Oregon Department of Agriculture and USDA regarding nursery inspections for compliance.

Education

State University of New York, Cobleskill, NY

Bachelor of Technology, Plant Science, Nursery Management Concentration
December 2004

State University of New York, Cobleskill, NY

Associate in Applied Science, Plant Science, Landscape Development Concentration
December 2002

Organizations/Volunteerism: Current and Past

Canby Planning Commissions, Canby City Budget Committee, Canby Lions Club, Greater Portland Volleyball Officials Association, Elected to Canby City Council, Oregon Association of Nurseries, Canby Street Maintenance Taskforce.

EMPLOYMENT APPLICATION



City of Canby
222 NE 2nd Ave

Canby, Oregon - 97013
[http //www canbyoregon gov](http://www.canbyoregon.gov)
 (http://www.canbyoregon.gov)

Pierce, Thomas
City Councilor

Received: 12/16/22 11:51 AM
For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE:

City Councilor

Job Number:

VOL -2022 (2)

NAME: (Last, First, Middle)

Pierce, Thomas

PERSON ID:

52289934

ADDRESS: (Street, City, State, Zip Code)

Canby, OR 97013

HOME PHONE:**EMAIL ADDRESS:****NOTIFICATION PREFERENCE:**

Email

PREFERENCES

SHIFTS YOU WILL ACCEPT:**WHAT TYPE OF JOB ARE YOU LOOKING FOR?****TYPES OF WORK YOU WILL ACCEPT:****Agency - Wide Questions**

Nothing Entered For This Section

Job Specific Supplemental Questions

1. If employed, who is your employer and what is your position?

2 What are your community interests (committees, organizations, special activities)?

I am not currently involved in organized community activities, but recently served as board member/president of a neighborhood HOA in Canby.

3. What are your major interests or concerns in the City's programs?

I would be most interested in planning, urban renewal, transit, and parks and recreation. My interest is in representing constituents/stakeholders in optimizing the balance of growth, land use, transit, and preservation of the high quality of life that Canby offers

4. Why are you interested in this volunteer position?

I have long-standing ties to Canby and have resided here since 2018. I would like to be more involved in issues important to the community.

5. Please share your experience and educational background.

I had a 27 year career with the U S State Department, serving in various capacities at embassies, consulates, the State Department, and Pentagon. Positions included Foreign Policy Advisor to the Commandant of the Marine Corps, Deputy Olympics Coordinator in Rio de Janeiro, Soccer World Cup Coordinator in Brasilia, acting Ambassador and Deputy Chief of Mission at Embassy Georgetown, Guyana, Deputy National Summit Coordinator and negotiator for the Summit of the Americas, Speicla Assistant to the Undersecretary of Economic, Business and Agricultural Affairs, and various other assignments

My education includes completion of the State Department's year-long economics program, an MBA from Portland State University, and a B.S. in Business from Columbia Christian College, in Portland.

6. Please list any other City or County positions on which you serve or have served.

None applicable

7. If you were referred by someone, please list.

Greg Perez initially referred me to an opening on the city council last year. Due to other commitments, I did not pursue the opening at that time, but maintained interest in applying should another opportunity present.

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge.

Additional Information for Employment Applications:

I understand this application does not represent a contract for employment. I understand that an acceptance of an offer for employment does not create a contractual obligation upon the City of Canby to continue to employ me for any period of time in the future. I understand that no representative from the City has any authority to enter into any special agreement with me to promise and/or guarantee my employment for any specific time period or to promise me a promotion or transfer, etc. either prior to commencement of employment or after I have become employed, or to assure me of any benefits or terms and conditions of employment, or to make any agreement contrary to the aforementioned.

I hereby represent that each answer to questions incorporated into this application and all other information otherwise furnished by me shall be true, complete, and correct. I understand that incorrect, incomplete, false or misleading statement/answer/information furnished by me either verbally, or in writing will subject my application to disqualification from further consideration and/or if already employed by the City, when the aforementioned is detected, I will be subject to discipline up to and including discharge, for falsifying a City record/document, regardless of how much time has elapsed since the date I was employed. In the event that I am employed by the City, I agree to comply with all its orders, rules, regulations, safety policies, and performance standards. Upon hire, I will provide proof as required on the US Government, I-9 form that I am legally eligible for employment in the United States. If I cannot provide such proof in accordance with Federal Law, I understand that my employment will be terminated.

I have read and understand all of the provisions of this acknowledgement. By signing this application, I hold the City of Canby harmless for any result of the City questioning the references provided in this application. If I am selected for further consideration, I hereby authorize and release from liability all former employers, landlords, educational institutions, law enforcement agencies, and/or other government agencies to provide/release information regarding my employment, education, criminal conviction record, credit history, driver's license violations and motor vehicle records, which may be in their possession to the City of Canby and/or its agents. I understand that I will not receive and am not entitled to know the contents of confidential reports received, and I further understand that these reports may be privileged. An offer of employment is conditional upon a background investigation, and if relevant, a pre-employment medical exam and drug screen test (safety sensitive positions).

EMPLOYMENT APPLICATION



City of Canby
222 NE 2nd Ave

Canby, Oregon - 97013
<http://www.canbyoregon.gov>
 (http://www.canbyoregon.gov)

Toma, Brooke
City Councilor

Received: 12/16/22 3:20 PM
For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE:

City Councilor

Job Number:

VOL -2022 (2)

NAME: (Last, First, Middle)

Toma, Brooke

PERSON ID:

52293762

ADDRESS: (Street, City, State, Zip Code)

Canby, OR 97013

HOME PHONE:**EMAIL ADDRESS:****NOTIFICATION PREFERENCE:**

Email

PREFERENCES

SHIFTS YOU WILL ACCEPT:**WHAT TYPE OF JOB ARE YOU LOOKING FOR?****TYPES OF WORK YOU WILL ACCEPT:****Agency - Wide Questions**

Nothing Entered For This Section

Job Specific Supplemental Questions**1. If employed, who is your employer and what is your position?**

Unemployed

2. What are your community interests (committees, organizations, special activities)?

former Knight Elementary PTA President, Social Committee at WVCC, Canby Education Foundation Board Member

3. What are your major interests or concerns in the City's programs?

Parks

4. Why are you interested in this volunteer position?

I love Canby and would like to serve the community.

5. Please share your experience and educational background.

Diploma Rex Putnam High School, some course taken at Linfield University and Clackamas Community College

6. Please list any other City or County positions on which you serve or have served.

None

7. If you were referred by someone, please list.

None

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge.

Additional Information for Employment Applications:

I understand this application does not represent a contract for employment. I understand that an acceptance of an offer for employment does not create a contractual obligation upon the City of Canby to continue to employ me for any period of time in the future. I understand that no representative from the City has any authority to enter into any special agreement with me to promise and/or guarantee my employment for any specific time period or to promise me a promotion or transfer, etc. either prior to commencement of employment or after I have become employed, or to assure me of any benefits or terms and conditions of employment, or to make any agreement contrary to the aforementioned.

I hereby represent that each answer to questions incorporated into this application and all other information otherwise furnished by me shall be true, complete, and correct. I understand that incorrect, incomplete, false or misleading statement/answer/information furnished by me either verbally, or in writing will subject my application to disqualification from further consideration and/or if already employed by the City, when the aforementioned is detected, I will be subject to discipline up to and including discharge, for falsifying a City record/document, regardless of how much time has elapsed since the date I was employed. In the event that I am employed by the City, I agree to comply with all its orders, rules, regulations, safety policies, and performance standards. Upon hire, I will provide proof as required on the US Government, I-9 form that I am legally eligible for employment in the United States. If I cannot provide such proof in accordance with Federal Law, I understand that my employment will be terminated.

I have read and understand all of the provisions of this acknowledgement. By signing this application, I hold the City of Canby harmless for any result of the City questioning the references provided in this application. If I am selected for further consideration, I hereby authorize and release from liability all former employers, landlords, educational institutions, law enforcement agencies, and/or other government agencies to provide/release information regarding my employment, education, criminal conviction record, credit history, driver's license violations and motor vehicle records, which may be in their possession to the City of Canby and/or its agents. I understand that I will not receive and am not entitled to know the contents of confidential reports received, and I further understand that these reports may be privileged. An offer of employment is conditional upon a background investigation, and if relevant, a pre-employment medical exam and drug screen test (safety sensitive positions).

EQUAL EMPLOYMENT OPPORTUNITY: We are an Equal Opportunity/Affirmative Action Employer. We are dedicated to a policy of nondiscrimination in employment on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, status as a parent, national origin, age, or mental and/or physical disability.

BACKGROUND: Finalists for City jobs must successfully pass a background investigation and may be required to pass a pre-employment medical exam as a final condition of the job offer. Finalists for safety sensitive positions must also successfully pass a pre-employment drug-screening test.

PROBATIONARY PERIOD: New employees or employees changing job positions will be considered Trial service employees for at least six (6) months before attaining regular status.

IMMIGRATION LAW: In accordance with the Immigration Reform and Control Act of 1986 (IRCA), all newly hired employees will be required to complete and sign an Employment Eligibility Verification Form and present



Councilor Applicant Interview
6 pm – December 21, 2022

1. Please tell us a little bit about yourself and what appeals to you about serving as a City Councilor.
2. What do you think are the most pressing concerns in the City of Canby today? What do you think may be some ways to address these concerns?
3. Tell us about a situation when you may not have seen eye to eye with a coworker, colleague or committee member and how did you resolve the situation?
4. Do you have some specific goal or improvement you would like to make in Canby as a result of serving as a City Councilor?
5. Give us an example of how you have worked or participated as part of a team or committee.
6. Do you have any questions for us?

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
September 7, 2022**

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Traci Hensley, Shawn Varwig, Sarah Spoon, Greg Parker, Art Marine, and Christopher Bangs.

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; Melissa Bisset, HR Director/City Recorder; Jamie Stickel, Economic Development Director; Jerry Nelzen, Public Work Director; Jeff Snyder, Public Works Supervisor; and Ryan Potter, Planning Manager.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:00p.m. in the Council Chambers.

PROCLAMATION: POW MIA Recognition Day – Mayor Hodson read the proclamation declaring September 16, 2022 as POW MIA Recognition Day.

Irene Breshears announced the upcoming annual Spaghetti Feed fundraiser on September 24.

SWEARING IN CEREMONY OF NEW POLICE OFFICER:

Jorge Tro, Police Chief, introduced new officer Clement Lau.

Rodney Grafe, Municipal Court Judge, swore in Officer Lau.

EMPLOYEE INTRODUCTIONS: Chief Tro introduced Brandon Leonard, new Behavioral Health Specialist.

Scott Archer, City Administrator, introduced new employees Emma Porricolo, Associate Planner, Emily Sasse, Office Specialist, Keifer Gibbons, PC and Network Technician, and Paul Waterman, Network Administrator.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Judi Jarosh, Heritage and Landmark Commission Chair, announced the Zion Memorial Cemetery headstone cleaning event on September 24.

Leanne Puga, Canby resident, announced the Octoberfest event on September 17.

CONSENT AGENDA: **Council President Hensley moved to approve the minutes of the July 20, 2022 City Council Work Session and Regular Meeting. Motion was seconded by Councilor Varwig and passed 6-0.

ORDINANCES:

Ordinance 1582 – ****Councilor Bangs moved to adopt Ordinance 1582, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 3.35.090 (F) REGARDING THE EXPIRATION OF THE PARK MAINTENANCE PROGRAM, OPTION 2 FOR NO SUNSET. Motion was seconded by Councilor Marine and passed 4-2 by roll call vote with Councilors Hensley and Varwig opposed.**

Ordinance 1583 – ****Councilor Spoon moved to adopt Ordinance 1583, AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO EXECUTE A CONTRACT WITH JB CONSTRUCTION & DESIGN IN THE AMOUNT OF \$62,500.00 FOR INSULATING TWO PUBLIC WORKS WAREHOUSES. Motion was seconded by Council President Hensley and passed 6-0 by roll call vote.**

Ordinance 1584 – ****Council President Hensley moved to adopt Ordinance 1584, AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.110 HISTORIC PRESERVATION, OF THE CANBY MUNICIPAL CODE AS AMENDED. Motion was seconded by Councilor Varwig and passed 6-0 by roll call vote.**

Ordinance 1585 – Mr. Archer said this was an approval to purchase a new excavator for Public Works to replace the old excavator.

****Council President Hensley moved to approve Ordinance 1585, AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A PURCHASE AGREEMENT WITH PETERSON CAT FOR A NEW EXCAVATOR to come up for a second reading on September 21, 2022. Motion was seconded by Councilor Spoon and passed 6-0 on first reading.**

OLD BUSINESS: Update on Dog Park – Mr. Archer discussed the work done on the off leash dog park preliminary concept plan and next steps. There would be an open house on September 28.

There was discussion regarding working with the County for irrigation and Canby Utility for water and power, land use application, itemizing the costs for the project, input at the open house, nearby street improvement project, and dual uses on the property.

Greg Perez, Canby resident, thought the cost of the project was too high and there were other parks where people could take their dogs. He did not think this was in the community's best interest. They should be working on a community center instead. He thought other locations would be better for a dog park.

Barry Johnson, Canby resident, agreed they should look at other locations for a dog park that would cost less. He also asked about the setback on Territorial Road, which was a major arterial and had a lot of traffic. He did not think dog parks should be located on a major road.

Mary Doak, Canby resident, discussed the amount of traffic and speeding on Territorial. It didn't make sense for people to go in and out on the utility driveway.

Possible Cancellation of October 5, 2022 City Council Meeting – Council came to consensus to cancel the October 5, 2022 City Council meeting as they would be gone to the League of Oregon Cities Conference.

MAYOR’S BUSINESS: Mayor Hodson reported on the C4 meeting where tolling was discussed. He also reported on a Diversion meeting where improvements on 99E were discussed. He thanked staff for Canby’s Big Weekend event. He announced City committee openings.

COUNCIL COMMENTS & LIAISON REPORTS: Council President Hensley also thanked all the volunteers for Canby’s Big Weekend and Cutsforth’s Car Show.

Councilor Spoon discussed the openings on the Transit Advisory Committee.

Councilor Bangs said school was back in session and asked everyone to drive carefully.

Councilor Varwig also thanked everyone for Canby’s Big Weekend. He reported on the last Planning Commission meeting. There would be a September 11 Ceremony at the Fire Station.

Fire Chief Davis shared information about a possible windstorm and preparations that were being made.

CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS: Mr. Archer said the City was also preparing for the storm. The quiet zone was in full effect, however trains could still blow their horns if there was a safety issue.

CITIZEN INPUT: None

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Ordinance No. 1582, 1583, and 1584.
3. Passed Ordinance No. 1585 to a second reading on September 21, 2022.

****Council President Hensley moved to go into Executive Session pursuant to ORS 192.660(2)(e) Real Property. Motion was seconded by Councilor Varwig and passed 6-0.**

Mayor Hodson recessed the Regular Meeting at 8:47 p.m.

Mayor Hodson reconvened the Regular Meeting at 10:10 p.m. and immediately adjourned.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood

**JOINT CANBY CITY COUNCIL
& PLANNING COMMISSION WORK SESSION
September 21, 2022**

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Traci Hensley, Shawn Varwig, Greg Parker, Art Marine (attended virtually), and Christopher Bangs.

ABSENT: Sarah Spoon.

PLANNING COMMISSION PRESENT: Dan Ewert, Matt Ellison, Jason Padden (attended virtually), Chris Calkins, and Judi Jarosh.

ABSENT: Michael Hutchinson.

STAFF PRESENT: Scott Archer, City Administrator, Joseph Lindsay, City Attorney/Assistant City Administrator; Maya Benham, Deputy City Recorder; Brianna Addotta, Associate Planner; and Don Hardy, Planning Director.

CALL TO ORDER: Mayor Hodson called the Joint City Council and Planning Commission Work Session to order at 6:02 p.m. in the Council Chambers.

DISCUSS PROGRESS ON PERMANENT PARKLET PROGRAM:

Brianna Addotta, Associate Planner, presented. She discussed what a parklet was, program refinement based on feedback, on and off street parking count, dimensions and buffers, guidance requested, and timeline.

There was discussion regarding outreach to business and property owners, application from FOB, if there was a need for the parklet program or if it was time to sunset, shelving the program to be looked at again in a few years, and parking standards.

There was consensus to table the program until further notice.

ADJOURN: Mayor Hodson adjourned the Work Session at 6:50 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
September 21, 2022**

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Traci Hensley, Shawn Varwig, Greg Parker, Art Marine (attended virtually), and Christopher Bangs.

COUNCIL ABSENT: Sarah Spoon.

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; and Maya Benham, Deputy City Recorder.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:02 p.m. in the Council Chambers followed by opening ceremonies.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Chris Calkins, Canby resident, discussed the need for more Code Enforcement employees.

Cara Hawkins, Canby resident, was opposed to the currently proposed location for the dog park and the cost. She presented a petition from over 300 citizens who were also opposed.

Lisa Potter, Canby resident, spoke on behalf of Mary Doak regarding her opposition to the currently proposed dog park. The location already served as a dog park with open fields and green space and they did not need a traditionally fenced dog park.

It was confirmed that no other location for the dog park had been vetted.

Maureen Formick, Canby resident, asked about the process for vetting other locations. Mayor Hodson explained the options.

Rhonda Shoop, Canby resident, asked if other locations would be vetted. She thought they should find a location that would be less expensive. Mayor Hodson clarified the Council had not given direction to look at other locations.

CONSENT AGENDA: ****Council President Hensley moved to approve the minutes of the August 3, 2022 City Council Work Session and Regular Meeting. Motion was seconded by Councilor Varwig and passed 5-0.**

ORDINANCE:

Ordinance 1585 – ****Council President Hensley moved to adopt Ordinance 1585, AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A PURCHASE AGREEMENT WITH PETERSON CAT FOR A NEW EXCAVATOR. Motion was seconded by Councilor Varwig and passed 5-0 by roll call vote.**

MAYOR'S BUSINESS: Mayor Hodson thanked FOB for the Octoberfest event. He then reported on the Parks and Recreation Board meeting. The Board forwarded a recommendation to the Council in opposition to the proposed location of the dog park and that other locations should be analyzed. There was an open position on the Board, and there were two applicants to interview.

COUNCIL COMMENTS & LIAISON REPORTS: Councilor Bangs reported on the Library Board meeting and School District bond measure projects.

Councilor Varwig encouraged the Council to reconsider opening the discussion on the dog park location.

Council President Hensley agreed about opening the discussion on the dog park location. She reported on the Traffic Safety Commission meeting. Knights Bridge would be closed for several months in 2023 for improvements.

There was discussion regarding the timing of the Knights Bridge and 99E improvements.

Councilor Parker reported on the Bicycle and Pedestrian Committee and Heritage and Landmark Commission meetings. He didn't think they should spend time looking at different locations for the dog park as there were other projects to focus on.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Scott Archer, City Administrator, said the Council had received staff's bi-monthly reports. He gave updates on the Ivy Street power undergrounding project and street maintenance projects. He discussed the Street Maintenance Fee Task Force proposed composition.

There was discussion regarding creating a 13 member task force and adding two non-profit members, what the tasks would be for the committee, that three of the five business members should live in town, adding an at large citizen member, and outreach.

Mr. Archer then gave an update on the progress of the work being done for the dog park.

Joe Lindsay, City Attorney, discussed the extension of utilities to the dog park site.

CITIZEN INPUT: Chris Calkins, Canby resident, thought it was only a minority that did want the dog park. He did not think the conversation needed to be reopened.

There was discussion regarding permits and staff time used on the dog park project.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Ordinance No. 1585.

****Council President Hensley moved to go into Executive Session pursuant to ORS 192.660(2)(e) Real Property. Motion was seconded by Councilor Varwig and passed 5-0.**

Mayor Hodson recessed the Regular Meeting at 8:26 p.m.

Mayor Hodson reconvened the Regular Meeting at 8:55 p.m. and immediately adjourned.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood



CITY COUNCIL STAFF REPORT

Meeting Date: 12/21/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Jorge Tro, Police Chief

Agenda Item: Ordinance No. 1589: An Ordinance Authorizing the City Administrator to Enter Into a Contract with Axon Enterprises in the Amount of \$207,632.40 for the Purchase of In Car Video Cameras, Equipment, Software, and Services. (*Second Reading*)

Goal: Enhance Engagement & Communications that represents broad perspectives

Objective: N/A

Summary

The City of Canby Police Department is requesting approval of an ordinance authorizing the City Administrator to enter into a contract with Axon Enterprises to purchase new in car video cameras, equipment, and software for patrol vehicles.

Background

The Canby Police Department have been using in car video cameras for about 10 years. We would like to replace our existing cameras with a new updated and more robust system. In car video cameras automatically turn on when the overhead emergency lights are activated, capturing public encounter during traffic stops and emergency driving.

Discussion

Technology has improved greatly over that last 10 years as it relates to in car video cameras. Our existing system is older technology and has required additional maintenance by our City's IT Department. We have researched several new in car video camera systems and have concluded that the Axon In Car Video Camera System is the best system that fits our department needs. If purchased, this system will also be compatible with our soon to be implemented Axon Body Worn Cameras. Both camera systems connect together and download to the same case file. This would keep all case related video evidence on one system and reduce the work for our evidence technician.

Attachments

Axon Enterprises 5 year contract quote for the purchase of In Car Video Cameras.

Fiscal Impact

Total cost over five years is \$207,632.40 divided into 5 yearly equal payments of approximately \$41,526.49. First payment will not be due until we receive the cameras. The cameras are back ordered and not expected to arrive until the end of 2023. These costs will be budgeted in the police department budget over the next 5 years. If we can bundle this order at approximately the same time as our Body Worn Cameras, we would receive a 3.5% discount of approximately \$8000 (already included in quote).

League of Oregon Cities has awarded Axon Enterprises a contract following the public purchasing rules and regulations of the State of Oregon.

Options

Approve the 5 year contract to implement new in car video cameras for every patrol vehicle.

Do not purchase and continue to use the older in car video system.

Recommendation

Staff recommends the execution of the contract with Axon Enterprises to purchase in car video cameras, equipment, software and services.

Proposed Motion

"I move to adopt Ordinance No. 1589: An Ordinance Authorizing the City Administrator to Enter Into a Contract with Axon Enterprises in the Amount of \$207,632.40 for the Purchase of In Car Video Cameras, Equipment, Software, and Services."

ORDINANCE NO. 1589

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH AXON ENTERPRISES IN THE AMOUNT OF \$207,632.40 FOR THE PURCHASE OF IN CAR VIDEO CAMERAS, EQUIPMENT, SOFTWARE, AND SERVICES; AND DECLARING AN EMERGENCY

WHEREAS, the City of Canby would like to purchase and implement new In Car Video Cameras for all of its patrol vehicles;

WHEREAS, the City of Canby believes that the implementation and use of In Car Video Cameras will provide better evidence to support and protect the citizens of Canby as well as the patrol officers in their duties;

WHEREAS, the League of Oregon Cities has awarded a contract to Axon Enterprises through the State of Oregon public procurement process;

WHEREAS, the City of Canby wishes to piggyback on that public procurement process; and

WHEREAS, the City of Canby Police Department researched and evaluated three different companies' In Car Video Cameras to analyze which offering best suited their needs.

NOW, THEREFORE, 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 Contract with Axon Enterprises to purchase In Car Video Cameras, other equipment, software and other services for a five-year period. A copy of the Agreement is attached hereto as Exhibit "A."

Section 2. Due to fiscal cost savings, an emergency is hereby declared to exist, and this ordinance shall therefore take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, December 7, 2022, ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, December 21, 2022, commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2nd Avenue, 1st Floor Canby, Oregon.

Melissa Bisset, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 21th day of December 2022, by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Melissa Bisset, CMC
City Recorder



Axon Enterprise, Inc.
 17800 N 85th St.
 Scottsdale, Arizona 85255
 United States
 VAT: 86-0741227
 Domestic: (800) 978-2737
 International: +1.800.978.2737

Exhibit A

Q-429796-44869.782JR

Issued: 11/04/2022

Quote Expiration: 12/15/2022

Estimated Contract Start Date: 11/15/2023

Account Number: 458548

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
Business;Delivery;Invoice-110 Oscar Ave N 110 Oscar Ave N Canby, MN 56220-1332 USA	Canby Police Dept - MN 110 Oscar Ave N Canby, MN 56220-1332 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Jared Romain Phone: Email: jromain@axon.com Fax:	Doug Kitzmiller Phone: (503) 266-1104 Email: kitzmillerd@canbypolice.com Fax: (503) 266-9316

Quote Summary

Program Length	60 Months
TOTAL COST	\$207,632.40
ESTIMATED TOTAL W/ TAX	\$207,632.40

Discount Summary

Average Savings Per Year	\$13,355.88
TOTAL SAVINGS	\$66,779.40

Payment Summary

Date	Subtotal	Tax	Total
Oct 2023	\$41,526.44	\$0.00	\$41,526.44
Oct 2024	\$41,526.49	\$0.00	\$41,526.49
Oct 2025	\$41,526.49	\$0.00	\$41,526.49
Oct 2026	\$41,526.49	\$0.00	\$41,526.49
Oct 2027	\$41,526.49	\$0.00	\$41,526.49
Total	\$207,632.40	\$0.00	\$207,632.40

Quote Unbundled Price:	\$274,411.80
Quote List Price:	\$215,160.00
Quote Subtotal:	\$207,632.40

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
Fleet3A	Fleet 3 Advanced	17	60	\$266.09	\$208.00	\$200.62	\$204,632.40	\$0.00	\$204,632.40
A la Carte Services									
100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1			\$3,000.00	\$3,000.00	\$3,000.00	\$0.00	\$3,000.00
Total							\$207,632.40	\$0.00	\$207,632.40

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
Fleet 3 Advanced	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	17	10/15/2023
Fleet 3 Advanced	70112	AXON SIGNAL UNIT	17	10/15/2023
Fleet 3 Advanced	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	17	10/15/2023
Fleet 3 Advanced	72036	FLEET 3 STANDARD 2 CAMERA KIT	17	10/15/2023
Fleet 3 Advanced	72048	FLEET SIM INSERTION, ATT	17	10/15/2023
Fleet 3 Advanced	72040	FLEET REFRESH, 2 CAMERA KIT	17	10/15/2028

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Fleet 3 Advanced	80400	FLEET, VEHICLE LICENSE	17	11/15/2023	11/14/2028
Fleet 3 Advanced	80401	FLEET 3, ALPR LICENSE, 1 CAMERA	17	11/15/2023	11/14/2028
Fleet 3 Advanced	80402	RESPOND DEVICE LICENSE - FLEET 3	17	11/15/2023	11/14/2028
Fleet 3 Advanced	80410	FLEET, UNLIMITED STORAGE, 1 CAMERA	34	11/15/2023	11/14/2028

Services

Bundle	Item	Description	QTY
Fleet 3 Advanced	73391	FLEET 3 NEW INSTALLATION (PER VEHICLE)	17
A la Carte	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Fleet 3 Advanced	80379	EXT WARRANTY, AXON SIGNAL UNIT	17	10/15/2024	11/14/2028
Fleet 3 Advanced	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	17	10/15/2024	11/14/2028

Payment Details

Oct 2023

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$0.00	\$600.00
Year 1	Fleet3A	Fleet 3 Advanced	17	\$40,926.44	\$0.00	\$40,926.44
Total				\$41,526.44	\$0.00	\$41,526.44

Oct 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$0.00	\$600.00
Year 2	Fleet3A	Fleet 3 Advanced	17	\$40,926.49	\$0.00	\$40,926.49
Total				\$41,526.49	\$0.00	\$41,526.49

Oct 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$0.00	\$600.00
Year 3	Fleet3A	Fleet 3 Advanced	17	\$40,926.49	\$0.00	\$40,926.49
Total				\$41,526.49	\$0.00	\$41,526.49

Oct 2026

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$0.00	\$600.00
Year 4	Fleet3A	Fleet 3 Advanced	17	\$40,926.49	\$0.00	\$40,926.49
Total				\$41,526.49	\$0.00	\$41,526.49

Oct 2027

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$0.00	\$600.00
Year 5	Fleet3A	Fleet 3 Advanced	17	\$40,926.49	\$0.00	\$40,926.49
Total				\$41,526.49	\$0.00	\$41,526.49

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Contract League of Oregon Cities (fka NPP) Contract No. PS20270 is incorporated by reference into the terms and conditions of this Agreement. In the event of conflict the terms of Axon's Master Services and Purchasing Agreement shall govern.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

11/4/2022





CITY COUNCIL STAFF REPORT

Meeting Date: 12/21/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Curt McLeod, CURRAN-MCLEOD, Inc

Agenda Item: Ordinance No. 1591: An Ordinance authorizing the City Administrator to execute a contract with Lee Contractors, LLC in the amount of \$773,000.00. for the 2022 Wastewater Treatment Facility Improvements project. (*Second Reading*)

Goal: Align Resources to Address Future Community Growth

Objective: Explore planning toward future wastewater/municipal water needs

Summary

On November 8th, 2022, the City of Canby received two bids for the 2022 Wastewater Treatment Facility Improvements after a formal solicitation. This staff report is to recommend the City Council approve award of the construction contract to Lee Contractors, LLC. in the amount of \$773,000.00.

Background

This project includes four tasks at the Wastewater Treatment plant that are all included in the SDC Capital Improvement Plan and budgeted for FY 2022-23. Work tasks include structural modifications to the pressate storage basin, construction of a vehicle and equipment storage building, new roofing on the power distribution building, and power/electrical distribution system improvements.

A bid tabulation is attached, and a summary of the bids is listed below:

1	Lee Contractors, LLC, Battle Ground, WA	\$773,000.00
2	ORR, Inc., Turner, OR	\$1,099,890.00

Discussion

This solicitation was advertised and completed in compliance with the public bid statutes in ORS 279C, as a formal bid process. Both bids received were reviewed for compliance with all bidding requirements. Minor math errors were noted in each bid, although it did not impact the ranking of the low bid and both bids were deemed responsive.

Attachments

1. Ordinance Number 1591
2. Bid Tabulation

Fiscal Impact

This project is budgeted and funded with Sanitary Sewer System Development Charge revenues, eligible for both improvement and/or reimbursement funds.

Options

1. Approve the contract as presented.
2. Modify the ordinance to include an Emergency Clause to accelerate project completion.

Recommendation

That the City of Canby approve Ordinance 1591 authorizing the City Administrator to execute a contract with Lee Contractors, LLC. in the amount of \$773,000 for the 2022 Wastewater Treatment Facility Improvements project.

Proposed Motion

"I move to adopt Ordinance No. 1591, authorizing the City Administrator to execute a contract with Lee Contractors, LLC in the amount of \$773,000.00 for the 2022 Wastewater Treatment Facility Improvements project."

ORDINANCE NO. 1591

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH LEE CONTRACTORS, LLC. IN THE AMOUNT OF \$773,000 FOR CONSTRUCTION OF THE 2022 WASTEWATER TREATMENT FACILITY IMPROVEMENTS PROJECT

WHEREAS, in accordance with the Public Contract requirements in ORS 279C, the City of Canby has heretofore formally advertised and received bids for the 2022 Wastewater Treatment Facility Improvements project;

WHEREAS, the notice of call for bids was duly and regularly published in the Oregon Daily Journal of Commerce on October 19, 2022;

WHEREAS, two (2) bids were received and opened on November 8, 2022, at 2:00 pm in the City Hall Mt Hood Conference Room. Bids were read aloud, with the summary of bids as listed below:

1	Lee Contractors, LLC, Battle Ground, WA	\$773,000.00
2	ORR, Inc, Turner, OR	\$1,099,890.00

WHEREAS, the Canby City Council, acting as the City's Contract Review Board, met on Wednesday, December 7, 2022, and considered the bids and reports and recommendations of the City staff, including the staff recommendation that the low responsive bid be selected; and

WHEREAS, the Canby City Council determined that the low responsive bid was that of Lee Contractors.

NOW THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and/or City Administrator are hereby authorized and directed to make, execute, and declare in the name of the City of Canby and on its behalf, an appropriate contract with Lee Contractors, LLC. for the 2022 Wastewater Treatment Facility Improvements project in the amount of \$773,000.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, December 7, 2022; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, December 21, 2022, after the hour of 7:00 PM at the Council Meeting Chambers located at 222 NE 2nd Avenue, Canby, Oregon.

Melissa Bisset, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 21st day of December 2022, by the following vote:

YEAS _____

NAYS _____

ATTEST:

Brian Hodson, Mayor

Melissa Bisset, CMC
City Recorder

City of Canby				
Project: 2022 WWTF Improvements				
Bid Date: 2:00 PM, Tuesday, November 8, 2022			1	2
BID TABULATION			LEE CONTRACTORS	ORR INC.
Basic Bid Items:		Units	Unit / Total	Unit / Total
1. Vehicle / Storage Building				
1.1	Mobilization, Bond, Insurance, Temporary Traffic Control and Erosion & Sediment Control	1 LS	\$ 50,000.00	\$ 20,700.00
1.2	Site Improvements, grubbing grading, AC Surfacing, Site Restoration	1 LS	\$ 86,000.00	\$ 114,161.00
1.3	Metal building complete, structural, mechanical, electrical work, building structural permits, engineer stamped structural design, building foundation and concrete work, masonry work, doors, and window.	1 LS	\$ 340,000.00	\$ 390,987.00
1.4	Conduit, wiring, trenching, backfill and site restoration for power feed from the existing office/control building to the new vehicle/storage building.	1 LS	\$ 12,000.00	\$ 19,869.00
Subtotal Vehicle / Storage Building:			\$ 488,000.00	\$ 545,717.00
Basic Bid Items:		Units	Unit / Total	Unit / Total
2. Emergency Power System Modifications				
2.1	Mobilization, Bond, Insurance	1 LS	\$ 6,000.00	\$ 5,750.00
2.2	Removal of existing Automatic Transfer Switch (ATS), installation of new ATS switch, provision of temporary power, modification of switchgear MSD and MSB1, modification, rerouting and reconnection of existing feeder circuits and installation of new circuits as shown on the contract drawings. Installation of battery charger and electrical conduit and wiring.	1 LS	\$ 16,000.00	\$ 68,662.00
Subtotal Emergency Power System Modifications:			\$ 22,000.00	\$ 74,412.00
Basic Bid Items:		Units	Unit / Total	Unit / Total
3. Pressate Basin Improvements				
3.1	Mobilization, Bond, Insurance	1 LS	\$ 10,000.00	\$ 5,700.00
3.2	Removal and replacement of existing diffused aeration system including new diffuser support brackets.	1 LS	\$ 12,000.00	\$ 47,632.00
3.3	Removal of existing gunite basin floor as shown, construction of new concrete trough and new sloping concrete floor with water stop.	1 LS	\$ 15,000.00	\$ 152,315.00
3.4	Installation of new submersible pump including pump base elbow, discharge piping, pipe supports, valving, excavation and backfill, removal and restorateion of sidewalk, installation of portable jib crane hoist. Painting of all exposed pump discharge pipe and valving	1 LS	\$ 46,000.00	\$ 74,825.00
3.5	Installation of submersible pump adjustable frequency drive (AFD) panel in power distribution building, modification of switchgear MSD1 for feeder breaker, installation of pump disconnect panel (PDP) at pressate basin, wiring and conduit between AFD, PDP and MSD1	1 LS	\$ 120,000.00	\$ 48,851.00

BID TABULATION				LEE CONTRACTORS	ORR INC.	
3.6	Decant line installation including removal and replacement of existing sidewalk. Excavation and backfill of trench, installation of 2" PVC and stainless steel piping and valves.	1	LS			
				\$ 30,000.00	\$ 11,500.00	
Subtotal Pressate Basin Improvements:				\$ 233,000.00	\$ 340,823.00	
Basic Bid Items		Units		Unit / Total	Unit / Total	
4. Power Distribution Building						
4.1	Mobilization, Bond, Insurance	1	LS			
				\$ 5,000.00	\$ 6,325.00	
4.2	Removal of existing skylights and ventilation fan, installation of new wood-framed truss system with metal roofing to be merged with existing metal roofing system, framing and closure of abandoned fan an skylight openings.	1	LS			
				\$ 5,000.00	\$ 102,296.00	
4.3	Cleaning and repainting of all interior walls and ceiling, painting of all exterior wood surfaces.					
				\$ 15,000.00	\$ 19,550.00	
Subtotal Power Distribution Building:				\$ 25,000.00	\$ 128,171.00	
Basic Bid Items		Units		Unit / Total	Unit / Total	
5. SCADA / HMI Programming						
5.1	SCADA, PLC, HMI programming to create power up sequencing control of motor loads, provide backup documentation, and operational testing of system of programming, including \$5,000 allowance per Division 16910.	1	LS			
				\$ 5,000.00	\$ 10,767.00	
Subtotal SCADA / HMI Programming:				\$ 5,000.00	\$ 10,767.00	
Red denotes variation from written bid, after calculation				TOTAL BASIC BID	\$ 773,000.00	\$ 1,099,890.00



CITY COUNCIL STAFF REPORT

Meeting Date: 12/21/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Brianna Addotta, AICP, Associate Planner

Agenda Item: ANN 22-01 / ZC 22-01 1885 N. Redwood St. Annexation and Zone Change

Summary

The property owners of a 1.06 acre parcel located at 1885 N. Redwood Street have applied for annexation of the property into City limits and application of City zoning district R-2 (High Density Residential) in accordance to the City of Canby Comprehensive Plan.

Background

The Planning Commission held a regularly scheduled and duly noticed public hearing on November 28, 2022 to consider the Annexation and Zone Change of 1885 N Redwood 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 22-01) by a 4/2 vote.

The portion of real property proposed for annexation and rezone is 1.06 acres, address 1885 N Redwood St., Tax lot 31E27CB02000. The property is located in Clackamas County and is one of three unannexed parcels surrounded by land within City limits. The property is owned by the applicant, S.T.J 1, LLC, being represented by Tom Scott.

If City Council approves this application, 1.06 acres of real property would be annexed into the City and rezoned from County zone RRFF5 to City zone R-2, High Density Residential. The annexation and subsequent rezone are consistent with the provisions of the City of Canby Comprehensive Plan, which shows the high density land use designation has been applied to the property since 1984.

Discussion

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 required to be included in a DA upon annexation. The applicant has provided a DA providing adequate public information and information evaluating the physical, environmental, and related social effects of the proposed

annexation. 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. Two members of the public testified in opposition of the annexation and zone change, stating they were neighbors of the property and believe the high density residential designation is incompatible with their adjacent single family homes. Staff provided information regarding how application of the R-2 zoning is consistent with the high density residential land use designation shown in the Comprehensive Plan adopted by City Council. The high density residential land use designation has been applied to the subject property since 1984. Questions from the Planning Commission regarding the Transportation Impact Analysis provided by DKS Engineering were addressed, an educational work session with DKS was requested and will be held with the Planning Commission in early 2023. The applicant team has provided a conceptual subdivision plan showing the feasibility of future development of the property, but no application to develop the property has been submitted or proposed at this time. An application for development would be brought back before the Planning Commission for decision based on Site and Design review standards from the Canby Land Development and Planning Ordinance in place at the time of review.

All necessary public services are readily available for extension by the developer to serve this property. No park land dedication is anticipated as part of this proposal, rather System Development charges will be collected upon development of the property.

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. The full TIA created by DKS Engineering is attached to this report.

Attachments

1. Planning Commission Packet
 - a. Staff Report for ANN 22-01/ZC 22-01
 - 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. Neighborhood Meeting Materials
 - Attach. F. Survey of Property, Legal Description, Tax Map
 - Attach. G. Transportation Impact Analysis
 - Attach. H. Development Agreement
 - Attach. I. Conceptual Development Plan
 - Attach. J. Comprehensive Plan Land Use Map 1984

Attach. K. Written Public Testimony

2. Signed Findings, Conclusion, and Recommendation to City Council from Planning Commission

Fiscal Impact

None

Options

1. Vote to approve ANN 22-01 / ZC 22-01, annexation and zone change of 1885 N. Redwood Street.
2. Vote to deny ANN 22-01 / ZC 22-01, annexation and zone change of 1885 N. Redwood Street.

Recommendation

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

1. Approve Annexation/Zone Change ANN/ZC 22-01 ;
2. Move to attach the following conditions:
 - a. Annexation (ANN 22-01) and Zone Change (ZC 22-01) must be free of appeals and final land use decisions as defined by ORS 197.015 prior to gaining development approval. Any action on behalf of the applicant that invalidates or disqualifies ANN 22-01 and ZC 22-01 would require another Type IV review before development 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.

Proposed Motion

"I move to adopt Ordinance No. 1592: An Ordinance Proclaiming annexation into the City of Canby, Oregon 1.06 acres of real property described as land situated Southwest 1/4 of Section 27, T.3S., R.1E., W.M.. (Tax Map 31E27CB); and amending the existing County Zoning from Rural Residential Farm Forest 5 Acres (RRFF5) to City High Density Residential (R-2) for the entire area; and setting the boundaries of the property to be included within the Canby City Limits."



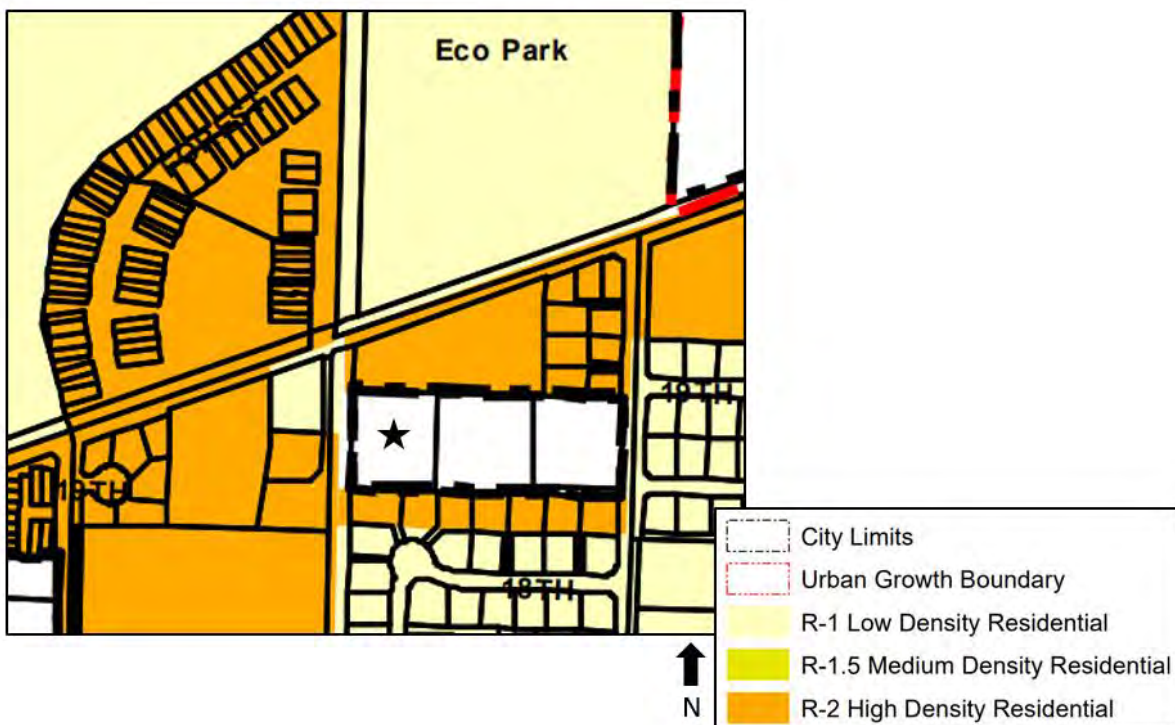
City of Canby

File #: ANN/ZC 22-01 1885 N. Redwood St. Annexation

HEARING DATE: November 14, 2022
STAFF REPORT DATE: November 4, 2022
TO: Planning Commission
STAFF: Brianna Addotta AICP, Associate Planner

Proposal:

The applicant requests approval to annex 1.06 acres of land located at 1885 N. Redwood St. 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 Rural Residential Farm Forest 5-Acre (RRFF5) to City of Canby High Density Residential (R-2).



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 22-01** 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 south of NE Territorial Rd and west of the Molalla Forest Rd/Recreation Trail. The property address is 1885 N. Redwood Street and the tax lot number is 31E27CB 02000. This zone change is a request to rezone the subject properties to City of Canby zoning of High Density Residential R-2 in accordance with the corresponding City Comprehensive Plan Map land use designation. The area is currently within Clackamas County's jurisdiction and is presently zoned Rural Residential Farm Forest 5-Acre (RRFF5). 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 high density residential use designation.

Property/Owner Information

Location	1885 N. Redwood Street
Tax Lot(s)	31E27CB02000
Property Size	1.06 acres
Comprehensive Plan	High Density Residential
Zoning	RRFF5
Owner	Thomas & Jeff Scott (managing members)
Applicant	Thomas Scott
Application Type	Annexation and Quasi-Judicial/Legislative & Zone Change – Type IV
City File Number(s)	ANN 22-01 and ZC 22-01

Exhibits of Record

- A.** Land Use Applications – Annexation and Zone Change, Type IV
- B.** Applicant Narrative
- C.** Annexation Petition
- D.** Pre-Application Conference Summary
- E.** Neighborhood Meeting Materials and Summary
- F.** Survey of Property, Legal Description, and Tax Map
- G.** Transportation Impact Analysis
- H.** Development Agreement
- I.** Conceptual Development Plan
- J.** Comprehensive Plan Land Use Map 1984
- K.** Written Public Testimony

I. Existing Conditions:

The site is located at 1885 N Redwood St, south of NE Territorial Rd and west of the Molalla Forest Rd/Recreation Trail. The property is accessed by a gravel easement driveway off of N Redwood St. The site has one home and one outbuilding. The lot measures approximately 201 feet east-west by 231 feet north-south. The site is a flag lot with access taken off of N. Redwood Street and does not contain any public improvements. The site has been used as a single-family residence for an extended period. Existing landscaping includes lawn, shrubs, and small trees in the vicinity of the home, however, much of the site is devoid of trees and significant landscaping. The site is mostly flat, with approximately 4 feet of grade change across the site.

Surrounding Land Uses:

<i>Direction</i>	<i>Zoning</i>	<i>Land Uses</i>
North	R-2	Residential
West	R-1 & R-2	Residential
South	R-2	Residential
East	RRFF5 (County)	Residential

Utilities/Sewer/Disposal/Fire/Police:

- Water and electric service are available 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 22-01/ZC 22-01) are listed in the following sections of the City of Canby's Land Development and Planning Ordinance:

- CMC 16.08 General Provisions
- CMC 16.20 R-2 High 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 City of Canby Annexation Development Map (Figure 16.84.040) indicates that the proposed annexation area is within a Development Agreement area, but does not have a DA presently recorded. The applicant has provided a Development Agreement as part of the annexation application (Attachment H) that includes details on the terms listed above. The DA will be reviewed by the City Attorney and recorded after annexation. 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 not within a DCP area.

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: This site is identified in the Comprehensive Plan for HDR-High Density Residential uses. The HDR land use designation is implemented in the Development Code through the R-2 zoning district. Density in this zone is controlled by minimum density standards of at least 14 units per acre. The ability to increase the density of the site, when developed, is limited by the requirements of the R-2 development requirements. These include setbacks from neighboring properties, parking requirements,

landscape requirements, and maximum impervious surfaces. Typically, a 1-acre site by itself will allow between 12-16 units due to the above mentioned R-2 development requirements. If joined with a larger parcel density could increase to 18-24 units per acre.

The City recently commissioned FCS Group to perform a Canby Housing and Employment Assessment. According to the FCS Group memorandum for Housing Land Needs Forecast, only 16% of Canby's current housing stock is multi-family. Their report goes on to state that it is projected that over the next 20 years. Canby will need to add approximately 378 multi-family units to meet demand. Currently multi-family rental vacancies are currently less than 3% in Canby. This indicates that there is currently a significant amount of immediate need for this housing type. It is estimated that Canby has a current deficit of over 100 multi-family housing units.

According to FCS Group's recent Housing Need Forecast as well as the current vacancies being realized in the multi-family housing in Canby, a significant need exists for multi-family in the near term. This site, by itself, would not fulfill current deficit of multi-family housing needs and would add less than 3% of the multi-family housing indicated to be needed over the next 20 years.

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 site is within the City's UGB and has been identified for potential development in the Comprehensive Plan. The applicant and city staff acknowledge that immediate neighbors will experience the loss of adjacent open space that has become familiar. The property is within the Urban Growth Boundary and is surrounded on three sides by property within city limits, and has had the high density land use designation assigned to it in the Comprehensive Plan since 1984 (Attachment J).

The applicant contracted DKS and Associates to prepare a Transportation Impact Analysis. 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 alone will not have a significant effect on the transportation system. The proposed rezoning is consistent with the existing comprehensive plan map designation. 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 TSP.

Minutes of the required Neighborhood meeting are part of the record and they show an active meeting with several questions from community members which the applicant team answered to the best of their ability. Staff has also incorporated responses to their questions throughout this report and in the public testimony section (Section IV) of this report. Staff finds this criterion has been met.

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

Finding: Public facilities and services are available to serve the property. Public sanitary sewer and water are available to serve the site. The applicant has performed a geotechnical study of the site and can dispose of storm water on site or via the public system, if available. Public streets near this site have the capacity to carry the number of trips expected to be generated by this site at the R-2 zoning shown on the Comprehensive Plan. This is discussed in the Transportation Analysis prepared by DKS Associates, the City's Traffic Engineer. Public park facilities located near the site include the Molalla Forest Road Trail, Territorial Eco Park, and Maple Street Park. When developed, this site will pay SDC fees toward acquisition and development of additional parks. Canby schools that would serve this site include Knight Elementary, Baker Prairie Middle School and Canby High School. Enrollment in Canby Schools has decreased over the last few years and is projected to remain flat in the near future, indicating that current school facilities can adequately serve future development on the subject property.

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 development of the property 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 development approval. System Development Charges (SDCs) are paid by the builders at the time Site and Design review is approved for the property, meant to offset impacts to the utility, roadway, and park or school system. 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.

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 proposal for annexation and zone change.

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 developer through construction of new facilities by a developer and through payment of SDC fees the developer. Builders 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 other than the application of the assigned land use designation of high density residential as shown in the Comprehensive Plan.

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, 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 July 15, 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 consistent with standards was held by the applicant on June 7, 2022. The meeting was held virtually through Zoom. 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.**

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.

Notice of this application and the Planning Commission and Council Hearing dates was sent to surrounding property owners within 500 feet of the property at least 20-days prior to the hearing on October 17, 2022. The site was posted with a Public Hearing Notice sign on October 14, 2022. Notice meeting ordinance requirements of the public hearings was published in the Canby Herald on November 9, 2022. The pre-application conference was held on July 15, 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 October 5th and again on October 17th 2022. Complete comments are documented in the file. As of the date of this Staff Report, two comments from members of the public have been received and are attached to this report as Attachment K. Their comments and responses from planning staff are summarized here.

Comments from Laurie & Terry Bergstrom of 1350 NE 18th Place, submitted October 11, 2022 and clarified in a second letter submitted November 1, 2022

Concerns regarding timeline of notification. Asks for clarification on the R-2 zoning district development standards and what the development plans for this specific property will be. Asks how the annexation and zone change can be processed without knowing specific development plans of property owner.

Staff Response: The project was rescheduled and renoticed to allow for more than the state mandated noticing period. Full application materials are available to view 9am to 4pm Monday through Friday at the Planning Counter in City Hall and can be emailed to interested persons upon request. In order for written comments to be incorporated into the staff report, the comments must be submitted 2 days in advance of the date the staff report must be issued. Members of the public are able to provide comment at any time up to and during the Planning Commission hearing, as stated in the notice of application.

The applications currently under review are Annexation and Zone Change applications. No application for development has been submitted by the applicant and in fact could not be processed before annexation and application of City zoning. A conceptual plan was provided by the applicant that shows a multifamily development in general compliance with the R-2 zoning district. Application of the R-2 zoning district on this property is in agreement with the land use designation of high density residential applied to the property since 1984, codified in the Comprehensive Plan. The conceptual plan is not binding for the City or for the applicant. The development standards for the R-2 zoning district can be found in Section 16.20 of the Canby Land Development and Planning Ordinance, available on the City of Canby website or through print or email upon request. The applicant elected to contract a full Transportation Impact Analysis for the conceptual development in order to provide more information to the city and community on the long term traffic impacts of potential development of the property.

City staff is able to recommend approval of annexation and zone change without approving a specific plan for development because the Comprehensive Plan, adopted by City Council, provides guidance on how to apply long term planning goals and policies to specific properties within city limits and the Urban Growth Boundary. These goals and policies are implemented through the Canby Land Development and Planning Ordinance, which provide quantitative development standards by zoning district and development type. Any future application for development on this property must comply with this Ordinance and the processes described within.

Comments from Charles Askew of 1410 NE 17th Ave., submitted October 24, 2022

States he has no interest in annexation of these properties because there is too much traffic on Redwood Street. States that Redwood Street has been abandoned and should be fixed.

Staff Response: The applicant has provided a Transportation Impact Analysis which shows the surrounding street network has capacity to serve the property should it be developed to the R-2 standard. This TIA is attached to this report as Attachment G and provides details regarding compliance with transportation approval criteria and livability measures, expected additional vehicle trips, intersection and roadway congestion, proposed site access, proposed site frontage improvements, and proposed internal site circulation. When the property is developed, the applicant will be required to design and construct half-street improvements along the entire site frontage to City collector roadway standards. These improvements should consist of a 12-foot pedestrian zone (i.e., 6-foot-wide sidewalk with a 0.5-foot setback from the right-of-way line, behind a 5-foot-wide landscape strip with a 0.5-foot curb).

While the subject property is addressed off of Redwood Street, it currently has no frontage off of Redwood Street. It is accessed through an easement agreement with the property to the east, a flag lot with access to Redwood Street. While not binding, the conceptual plan provided by the applicant shows access would be taken from N. Territorial Road and the access from Redwood Street would be closed. Access configuration and public improvements to Territorial Road would be required as designated in the TIA and supported by the 2019 Public Works Design Standards.

Typically, improvements to public streets are done in conjunction with the development of adjacent private properties undertaken by the developer with guidance from Canby Public Works. Capital Improvement Projects are also planned and constructed by Public Works, paid for through taxes, utility rates, and the collection of System Development Charges, which are collected from private property developers. The Capital Improvement Plan is a 5 year plan with detailed project and cost information for improvements to public infrastructure including transportation, parks, transit, storm, sanitary collections and waste water treatment. The CIP can be found in the Approved City budget document available on the City website. Details regarding each project listed in the CIP can be requested from Public Works Manager Jerry Nelzen.

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-2 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-2 is in conformance with the Comprehensive Plan Land Use Plan Map and the Development Agreement.
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 22-01/ZC 22-01

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 22-01/ZC 22-01 for approval to the City Council;
2. The Planning Commission move to change the zoning of the subject property from Clackamas County RRFF5 to the City of Canby R-2 Zone as indicated by the Canby Comprehensive Plan Map and the Development Agreement.
3. Annexation (ANN 22-01) and Zone Change (ZC 22-01) must be free of appeals and have attained final land use decisions as defined by ORS 197.015 prior to gaining site and design review approval. Any action on behalf of the applicant that invalidates or disqualifies ANN 22-01 and ZC 22-01 would require another Type IV review before subdivision through the City of Canby is an option.
4. Annexation approval shall conform to all other applicable City of Canby ordinances, municipal code, state law and administrative rule.



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

LAND USE APPLICATION

ANNEXATION

Process Type IV

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

☒ Applicant Name: S.T.J. 1, LLC

Phone: 503-266-5488

Address: 130 SW 2nd Ave, Suite 103

Email:

City/State: Canby, Oregon

Zip: 97013

☒ Representative Name: Thomas Scott, Managing Member

Phone: 503-266-5488

Address: 130 SW 2nd Ave, Suite 103

Email: tomscott@scott-investments.com

City/State: Canby, Oregon

Zip: 97013

☒ Property Owner Name: Thomas Scott, Managing Member

Phone: 503-266-5488

Signature: 

Address: 130 SW 2nd Ave, Suite 103


Email: tomscott@scott-investments.com

City/State: Canby, Oregon

Zip: 97013

☒ Property Owner Name: Jeff Scott, Managing Member

Phone: 503-266-5488

Signature: 

Address: 130 SW 2nd Ave, Suite 103

Email: jeffscott@scott-investments.com

City/State: Canby, Oregon

Zip: 97013

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

- ① All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ② All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations.
- 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:

1885 N Redwood Street, Canby

1.0645 acres

31E27CB tax lot 02000

Street Address or Location of Subject Property

Total Size of
Property

Assessor Tax Lot Numbers

Single-family residence and outbuilding

RRFF5

R-2/HDR

Existing Use, Structures, Other Improvements on Site

Zoning

Comp Plan Designation

development of a minimum 14 residential units per City of Canby R-2 zoning requirements

Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY

FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE
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City of Canby
Planning Department
222 NE 2nd 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: S.T.J. 1, LLC Phone: 503-266-5488
Address: 130 SW 2nd Ave, Suite 103 Email: tomscott@scott-investments.com
City/State: Canby, Oregon Zip: 97013

☒ Representative Name: Thomas Scott, Managing Member Phone: 503-266-5488
Address: 130 SW 2nd Ave, Suite 103 Email: tomscott@scott-investments.com
City/State: Canby, Oregon Zip: 97013

☒ Property Owner Name(s)*: Thomas Scott, Managing Member Phone: 503-266-5488
Signature: 
Address: 130 SW 2nd Ave, Suite 103 Email: tomscott@scott-investments.com
City/State: Canby, Oregon 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:

1885 N Redwood Street, Canby 1.0645 acres 31E27CB tax lot 02000
Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

Single-family residence and outbuilding RRFF5 R-2/HDR
Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

development of a minimum 14 residential units per City of Canby R-2 zoning requirements
Brief description of proposed development or use

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

Visit our website at: www.canbyoregon.gov

Email Application to: PlanningApps@canbyoregon.gov

Application for Annexation and Zone Change

Applicant/Owner: S.T.J. 1, LLC

Thomas Scott, Managing Member
130 SW 2nd Ave, Ste 103
Canby, OR 97013
Phone: (503) 266-5488
Email: tomscott@scott-investments.com

Owners: S.T.J. 1, LLC
130 SW 2nd Ave, Ste 103
Canby, OR 97013

Consultant: Sisul Engineering, Pat Sisul
375 Portland Avenue
Gladstone, OR 97027
Phone: (503) 657-0188
Email: patsisul@sisulengineering.com

Location: 1885 N Redwood Street, Canby
South of Territorial Rd – West side of N Redwood St –
East of Molalla Forest Rd/Recreation Trail

Legal Description: Tax Lot 02000, Assessor Map 31E27CB

Zoning: Current: Clackamas County, EFU
Proposed: City of Canby, R-2

Site Size: 1.0645 Acres – 46,369 sf

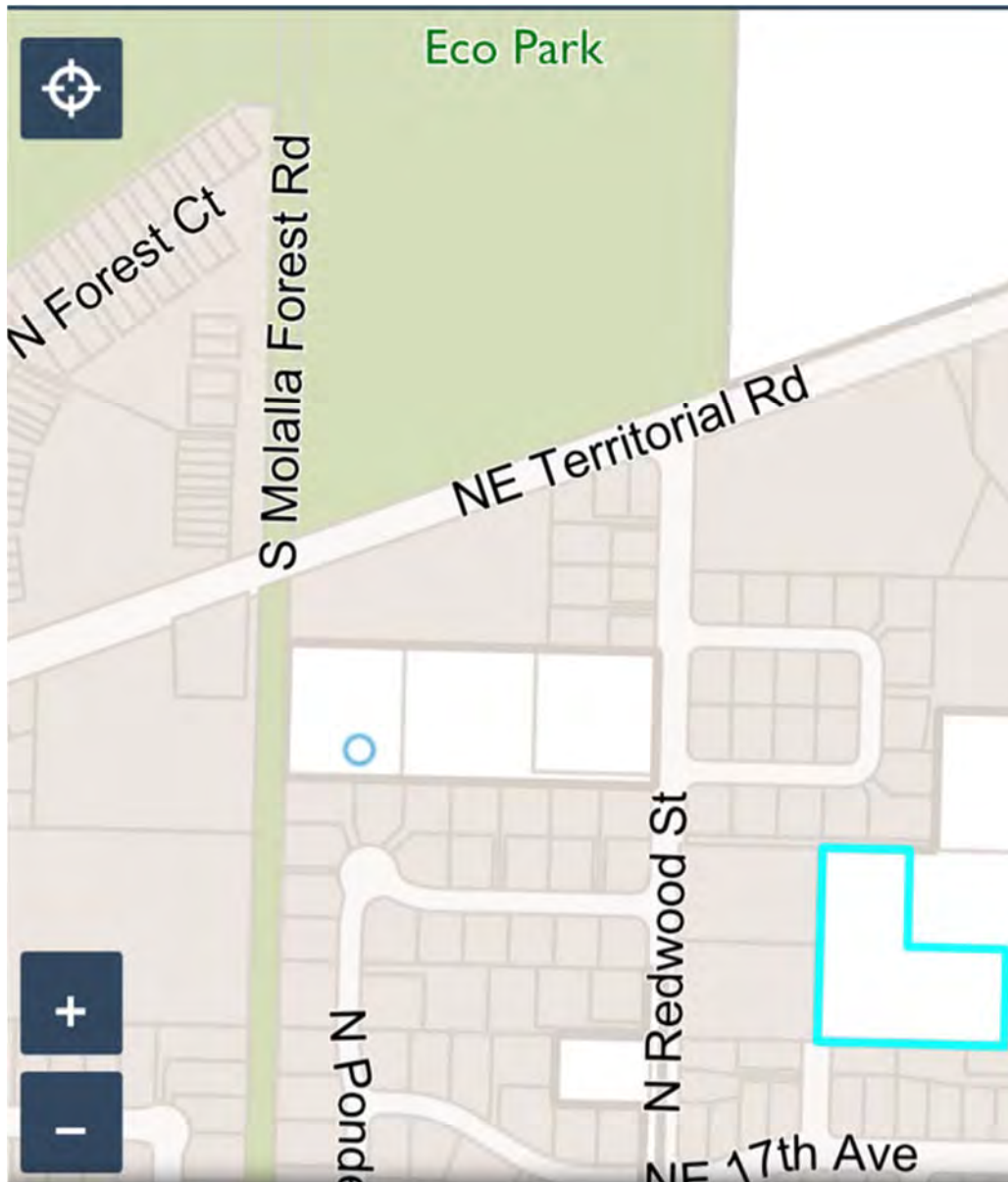
Proposal: Annexation of 1.0645 acres into the City of Canby
Zone Change to R-2

Date: August 2022

PROPOSAL

The applicants propose annexation of 1.0645 acres of real property into the City of Canby with zoning of R-2, High Density Residential, in conformance with the adopted Comprehensive Plan designation. Annexation will allow, in theory and in accordance with the zoning code, development of a minimum of 14 residential units.

SITE LOCATION



SITE DESCRIPTION

The site is located at 1885 N Redwood St, south of NE Territorial Rd and west of the Molalla Forest Rd/Recreation Trail. The property is accessed by a gravel easement driveway off of N Redwood St. The northern boundary of the site borders a 2-acre site in the City of Canby that contains a single-family residence that is mostly undeveloped. The eastern boundary of the site borders a 1-acre site, located in Clackamas County that contains a single-family residence. The southern boundary of the site borders two single-family residences located on fully improved residential lots. The western boundary of the site is the Molalla Forest Rd/Recreation Trail.

The site has one home and one outbuilding. The lot measures approximately 201 feet east-west by 231 feet north-south. The site does not contain any frontage along a public roadway, nor does it contain any public improvements.

The site, along with the two properties directly to the east, is an island of County land surrounded by the City of Canby. This site currently carries Clackamas County's Exclusive Farm Use zoning, and it is proposed to be annexed in the City with R-2 zoning, in conformance with the zone identified on the City of Canby Comprehensive Plan Map. The properties to the North, South, and West carry the City's R-2 zoning, and the property to the East is identified on the City of Canby Comprehensive Plan as R-2.

The site has been used as a single-family residence for an extended period. Existing landscaping includes lawn, shrubs, and small trees in vicinity of the home, however, much of the site is void of trees and significant landscaping. The site is mostly flat, with approximately 4 feet of all across the site.

All public utilities are available to the site or can become available to the site with minor improvement work. 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, the public storm water system, or combination of both.

APPLICABLE CRITERIA AND STANDARDS

The requirements for a proposal for annexation are listed below 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

16.54.050 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 site has been used exclusively as a single-family residence for a significant amount of time and is County land that is too small to be a viable farm. The site is bordered by newer urban developments to the south and west, by a single-family home on a 2-acre lot to the north that is inside the City of Canby but mostly undeveloped, and by a single-family residence to the east. 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 has been continually converting to urban uses in locations where public utilities were available. The single-family subdivision to the south is fully improved and has existed for many years. More recently, multi-family development to the west was completed in 2021. In addition, several properties along North Redwood St have been continually developing into single-family residences and a considerable number of improvements continue along that road today. With this parcel being in the County, the provisions of 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:

All Public facilities and services are available to the site and the applicant has been advised that the City of Canby and all other utility providers have adequate capacity

to serve the site.

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-2 zoning.

A Transportation Impact Analysis, 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-2 development, 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-2 development, and therefore the rezoning of the site to R-2 is consistent with the acknowledged Transportation System Plan.

Public schools, by law, are required to provide the students within the district. The property is already located within the Canby School District and is served by Knight Elementary School, Baker Prairie Middle School, and Canby High School. According to school enrollment reports, Canby School District has realized a significant drop in student enrollment over the last several years. 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 remains below capacity for student enrollment.

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:

This site is identified in the Comprehensive Plan as a HDR-High Density Residential. Density in this zone is controlled by minimum density standards of at least 14 units per acre. The ability to increase the density of the site, when developed, is limited by the requirements of the R-2 development requirements. These include setbacks from neighboring properties, parking requirements, landscape requirements, and maximum impervious surfaces. Typically, a 1-acre site by itself will allow between 12-16 units to due the above mentioned R-2 development requirements. If joined with a larger parcel density could increase to 18-24 units per acre.

The City recently commissioned FCS Group to perform a Canby Housing and Employment Assessment. According to the FCS Group memorandum for Housing Land Needs Forecast, only 16% of Canby's current housing stock is multi-family. Their report goes on to state that it is projected that over the next 20 years. Canby will need to add 378 multi-family units to cover demand.

Currently multi-family rental vacancies are currently less than 3% in Canby. This indicates that there is currently a significant amount of immediate need for this housing type. It is estimated that Canby has a current deficit of over 100 multi-family housing needs indicated to be needed over the next 20 years.

According to FCS Groups recent Housing Need Forecast as well as the current vacancies being realized in the multi-family housing in Canby, a significant need exists for multi-family in the near term. This site, by itself, would not fulfill current deficit of multi-family housing needs and would add less than 3% of the multi-family housing needs indicated to be needed over the next 20 years.

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 met with the City and other service providers. No problems were identified with the provision of any public facility or service for this site.

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

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, 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 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 Agreement Area. A Development Agreement has been submitted for a review along with this application. The applicant also owns the 2-acre parcel to the North and adjacent to the site. It is the intent of applicant to develop both properties as one development. The Development Agreement includes both properties.

The public infrastructure is in place to serve this site from NE Territorial Rd, and it is anticipated that all access and infrastructure to serve the site will come from NE Territorial Rd.

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.

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 has been used as a single-family residence for many years. 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 is used only as a single-family residence and has not been used for agricultural purposes for many years. The site is small and economically unsustainable as farm use. 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. The site currently provides little habitat for 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 limitations 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:

The Site currently is accessed by an easement road from North Redwood Street. It is anticipated that this site will develop in conjunction with the site to the North that borders NE Territorial Rd. Thus, it is anticipated that upon development, this easement and access road will no longer be necessary for and used by the subject site. Access and Utilities will be gained from improvements on NE Territorial Rd. No street improvements will be required for annexation into the City. Future street improvements on NE Territorial Rd will be required at the time the site is developed.

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 development can be designed to provide access for the site and to facilitate access for emergency vehicles. This will be demonstrated in the context of a land use development 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 access could be provided for adequate emergency access, vehicular access, and safe and convenient bicycle and pedestrian access for 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-2, 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 the 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 impact 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 or 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 to service to (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 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 TI 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 mitigations(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 through trip 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 99£ 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 mean 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 Analysis (TPR) and a Transportation Impact Analysis (TIS) would be required necessary. The applicant paid the city fees for the scoping memo, TPR and TIS. DKS provided the reports in February 2022. The TIS was commissioned to cover the conceptual development drawing included in the application. Thus, the study contains information for both the subject site as well as the 2-acre site to the North.

A summary of key findings from Transportation Impact Analysis is provided below:

❖ **Transportation Approval Criteria and Livability Measures:**

- The proposed site adequately addresses each transportation approval criteria and livability measure with the recommended transportation conditions of approval.

❖ **Expected Additional Vehicle Trips:**

- Approximately 24 a.m. peak trips, 31 p.m. peak trips, and 404 daily trips during typical operations.
 - The intersection closest to the proposed project, N Redwood Street/ NE Territorial Road, will be expected to see the highest increase in peak trips, with up to 16 additional peak trips.
 - Intersections along OR 99E will be expected to see up to 10 additional peak trips.
 - Approximately 202 additional daily trips will be expected along Territorial Road west of the project site, 80 along N Redwood Street south of the project site, and 122 along Territorial Road east of the project site.
 - About 60 additional daily trips will be expected along OR 99E south of Sequoia Parkway, and about 122 along OR 99E north of Territorial Road.

❖ **Intersection and Roadway Congestion:**

- The proposed development will generate more than 25 AM and/or PM peak trips, so peak hour intersection operations were evaluated for the existing 2022, and future 2023 background (without the proposed project) and project conditions (with the proposed project) scenarios.
- The measured conditions indicate that drivers are experiencing some congestion, particularly at study intersections along OR 99E, although the conditions are still within the acceptable range when compared to the adopted ODOT and City mobility standards.
 - **Error! Reference source not found.** shows the level of congestion experienced at study intersections, without and with the proposed project.
- The OR 99E/S Pine Street/NE 4th Avenue intersection does not meet the mobility target under 2023 background conditions, although the added project trips are not significant enough to further degrade the intersection performance under 2023 project conditions.

- A financially constrained TSP project on the City's Transportation System Development Charge improvement list would improve the intersection v/c to no longer be substandard.

❖ **Proposed Site Access:**

- Access to the project site is proposed via one driveway to Territorial Road.
- Complies with the City's spacing standard for collector streets.
- Preliminary sight distance evaluation indicates that sight distance is adequate. However, prior to occupancy, sight distance at all access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

❖ **Proposed Site Frontage Improvements:**

- The proposed site has frontage along Territorial Road.
 - It has an estimated 34-foot existing paved width along the site frontage, with one travel lane in each direction and bike lanes.
 - The applicant will be required to design and construct half-street improvements along the entire site frontage to City collector roadway standards. These improvements should consist of a 12-foot pedestrian zone (i.e., 6-foot-wide sidewalk with a 0.5-foot setback from the right-of-way line, behind a 5-foot-wide landscape strip with a 0.5-foot curb).

❖ **Proposed Internal Site Circulation:**

- Access proposed via one full-access driveway to Territorial Road.
 - All vehicles and bicyclists will enter and exit via this driveway where they can circulate to the on-site parking areas.
- The site also includes proposed sidewalk connections from the building entrances to the parking areas, and a sidewalk connection to NE Territorial Road and to the west parcel boundary at the Logging Road Trail.
- Together, these facilities can adequately accommodate the expected additional vehicle, pedestrian, and bicycle trips.

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 by signing and submitting this application. 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 NE Territorial Rd, as are power, gas, and communications. The criteria of this section are met.

16.54.060 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: The applicant would anticipate having to construct typical infrastructure improvements at the time of land development, 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 3 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. Annexations 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 within a Development Agreement area shown on the City of Canby Annexation Development Map. The Applicant has included a Development Agreement as part of this application.

- 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 not within a Development Concept Plan area shown on the City of Canby Annexation Development Map. This criterion does not apply.

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

Response: The site is identified in the Comprehensive Plan as HDR- High Density Residential. Density in this zone is controlled by minimum density standards of at least 14 units per acre. The ability to increase the density of the site, when developed, is limited by the requirements of the R-2 development requirements. These include setbacks from neighboring properties, parking requirements, landscape requirements, and maximum impervious surfaces. Typically, a 1-acre site by itself will allow between 12-16 units due to the above-mentioned R-2 development requirements. If joined with a larger parcel density could increase to 18-24 units per acre.

The City recently commissioned FCS Group to perform a Canby Housing and Employment Assessment. According to the FCS Groups memorandum for Housing Land Needs Forecast only 16% of Canby's current housing stock is multi-family. The report goes on to state that it is projected that over the next 20 yrs. Canby will need to add 378 multi-family units to cover demand.

Current multi-family rental vacancies are currently less than 3% in Canby. This indicates that there is currently a significant amount of immediate need for this housing type. It is estimated that Canby has a current deficit of over 100 multi-family units available.

According to the FCS Groups recent Housing Need Forecast as well as the current vacancies being realized in the multi-family housing in Canby, a significant need exists for multi-family in the near term. This site, by itself, would not fulfill current deficit of multi-family housing needs and would add less than 3% of the multi-family housing needs indicated to be needed over the next 20 yrs.

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 to serve the site. The applicant has performed an Geotech study of the site and can dispose of Storm Water on site or via the public system, if available.

Public streets near this site have the capacity to carry the number of trips expected to be generated by this site at the R-2 zoning shown on the Comprehensive Plan. This is discussed in the Transportation Analysis prepared by DKS Associates, the City's Traffic Engineer.

Public Park facilities located near the site include the Molalla Forest Road Trail, Territorial Eco Park, and Maple Street Park. When developed, this site will pay SDC fees toward acquisition and development of additional parks.

As discussed earlier in this narrative, Canby schools that would serve this site include Knight Elementary, Baker Prairie Middle School and Canby High School. Enrollment in Canby Schools has decreased over the last few years and is projected to remain flat in the near future.

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 1977, is currently located on the property.

A multi-family development of the property 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, development of the property will create additional residences 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 development. Systems Development charges paid for by the developer at the time a building permit is obtained, theoretically offset the impact 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, stormwater, parks, transportation) and the developer 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 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 site 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 June 7, 2022. As required, notices were mailed to all property owners and tenants living within 500ft of the site. Meeting attendance included ten people in total, including the applicant, the applicant's representatives, and neighbors.

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 future development, traffic on Territorial and Redwood, tree removal, and next steps in the process.

After approximately 50 minutes of discussion and questions, the meeting was ended. A summary of the meeting is included in this application.

Conclusion

The foregoing narrative describes a proposal for annexation of 1.0645-acre island of County land located in Canby on the west side of North Redwood Street. 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-2 to the property.

S.T.J. 1, LLC

130 SW 2nd Avenue, Suite 103
Canby, Oregon 97013
503-266-5488

August 2, 2022

City of Canby - Planning Department
PO Box 930
Canby, Oregon 97013

RE: Annexation Application - 1885 N Redwood Street, Canby

Pursuant to ORS 222.170: Consent to annex our property located at 1885 N Redwood Street, Canby, Oregon 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.



Thomas Scott
Managing Member

8/2/2022

Date



Jeff Scott
Managing Member

8-2-2022

Date



222 NE 2nd Avenue
P.O. Box 930
Canby, OR 97013
P: 503-266-7001
F: 503-266-1574

PRE-APPLICATION SUMMARY

July 16, 2021

Hank Jarboe
Tom Scott

Subject: Pre-Application Conference Summary for 1335 NE Territorial Proposed Annexation and Multi-Family Development Project

Thank you for attending the Pre-Application (Pre-App) conference held on July 15, 2021. Attached are 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.

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,

Erik Forsell, AICP
Associate Planner
(503) 266-0686

PRE-APPLICATION CONFERENCE SUMMARY NOTES

Prepared for 1335 NE Territorial Road / 1885 N Redwood Street Development Proposal

PRA 21-18

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: July 15, 2021

PROJECT INFORMATION:

Project Name: Trail Crossing II?

Project Description: Annexation and Development Agreement with Concurrent Zone Change / 60 Unit Multifamily Development Proposal

Property Owner(s): Scott 2004 Family L.P
120 SW 2nd Avenue
Canby, OR 97013

Project Site Address: 1335 NE Territorial Rd / 1885 N Redwood

Tax Lot Number(s): 31E27CB01600 and 2000

Site Size: ~ 3 acres in ownership

Zoning: R-2 High Density Residential Zone

Comp. Plan Designation: HDR – High Density Residential Zone

APPLICANT INFORMATION:

Applicant(s): Thomas Scott
503-266-5488
503-708-2255
tomscott@scott-investments.com

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 applicable to the project.

Land Use Action	Process Type	Cost
Annexation	IV	\$2,813
Development Agreement Legal Review	IV	Actual Cost
Zoning Map Amendment	IV	\$3,000
Site and Design Review	III	\$4,100

TOTAL

\$9,913 + actual cost of City attorney time for legal review

Note: Applicable fees are those in effect at the time a complete application is received and are subject to change. The City's Master Fee Schedule is available at https://canbyoregon.gov/updated_docs/MasterFeeSchedule.pdf

CLASSIFICATION OF APPLICATIONS:

Applications are subject to the Type III and Type IV procedures specified in Table 16.89.050 *Land Use and Development Application Procedures*. Type III and Type IV applications cannot be processed concurrently and all Type IV processes must be substantially complete and satisfied prior to the City taking action on any proposed Type III applications.

NEIGHBORHOOD MEETINGS:

A neighborhood meeting must be conducted by the project applicants for Type III and IV applications. The meeting shall be held in a space accessible to the public with ADA access. Noticing must include detailed instructions on how to attend the meeting. Including a virtual attendance option for those still vulnerable to COVID-19 is highly encouraged. This means that two neighborhood meetings will be required; one for the annexation and another for the design review process.

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 occupants 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.

Property:

1335 NE Territorial Rd / 1885 N Redwood

Neighborhood Association: NE 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:

Chapter	Section
16.08 General Provisions	16.08.110 <i>Fences</i>
	16.08.150 <i>Traffic Impact Study</i>
	16.08.160 <i>Safety and Functionality Standards</i>
16.10 Off-Street Parking and Loading	16.10.030 <i>General Requirements</i>
	16.10.050 <i>Parking Standards Designated</i>
	16.10.070 <i>Parking lots and access</i>
	16.10.080 <i>Street Tree Plan</i>
	16.10.100 <i>Bicycle Parking</i>
16.20 R-2 High Density Residential Zone	16.20.010 <i>Uses Permitted Outright</i>
	16.20.030 <i>Development Standards</i>
16.21 Residential Design Standards	16.21.060 <i>Review procedures for multi-family dwellings</i>
	16.21.070 <i>Multi-family design standards</i>
16.43 Outdoor Lighting Standards	16.43.030 <i>Applicability</i>
	16.43.040 <i>Lighting Zones</i>
	16.43.060 <i>Prohibited Light and Lighting</i>
	16.43.070 <i>Luminaire Lamp Requirements</i>
	16.43.080 <i>Height Limits</i>
	16.43.110 <i>Lighting Plan Required</i>
16.46 Access Limitations on Project Density	16.46.020 <i>Ingress and Egress</i>
	16.46.030 <i>Access Connection</i>

16.49 Site and Design Review	<i>16.49.030 Site & Design Review Plan Approval Required</i>
	<i>16.49.40.B Criteria and Standards (Type III)</i>
	<i>16.49.050 Conditions Placed on Site & Design Review Approvals</i>
	<i>16.49.060 Time Limit on Approval</i>
	<i>16.49.065 Bicycle and Pedestrian Facilities</i>
	<i>16.49.080 – 16.49.140 Landscaping Requirements</i>
	<i>16.49.150 Parking lot or Paving Projects</i>
16.84 Annexations	<i>16.84.020 State Regulations</i>
	<i>16.84.040 Standards and Criteria</i>
	<i>16.84.050 Considerations of Applications</i>
16.89 Application & Review Procedures	<i>16.89.050 Type III Decision</i>
	<i>16.89.070 Neighborhood Meetings</i>
	<i>18.89.080 Application Requirements and Completeness</i>

Preliminary Comments: Staff have crafted these comments to reflect discussion in the Pre-Application Conference as well as from service providers and other City departments. The comments at this stage are advisory only and are subject to change upon review of a full application.

1. **Development Agreement:** First step in the process, we will need a development agreement that includes, at a minimum the following:
 - A. Timing of the submittal of an application for zoning
 - B. Dedication of land for future public facilities including park and open space land
 - C. Construction of public improvements
 - D. Waiver of compensation claims
 - E. Waiver of nexus or rough proportionality objections to future exactions
 - F. Other commitments deemed valuable to the City of Canby

See **Attachment 1** for a copy of a previously approved Development Agreement.

2. **Functional Classification:** NE Territorial Road has a functional classification of Collector.
3. **Area Zoning:** The properties are surrounded by R-2 High Density zoned properties with the exception of the non-annexed properties which are zoned Clackamas County RRFF-5.
4. **Design Review:** Jim Walker with the Canby Fire Department provided feedback indicating that the secondary access should work as with the previous Trail Crossing apartment project.
5. **Setbacks:** You may want to consider building additional setback area into the southern property line. Although, not zoned R-1 and requiring an additional 15' buffer this could get see some opposition based on the proximity to existing single family dwellings.
6. **Boundary Line Adjustment:** We will need a boundary line adjustment application to remove the lot line with the southern parcel; or if the Clackamas County Surveyor's office is ok to proceed with a simple deed execution that is fine. Regardless, we will want to see that the line has been removed and have a copy of that record prior to final approval of a design review process.
7. **Design Review:** Staff indicated that the applicant team should deviate as little as possible from the design review matrix and avoid seeking exceptions and/or variances. These requests make projects substantially more difficult to approve and will come under greater scrutiny by the decision making bodies.

Otherwise, the initial design scheme appears sufficient, staff did not notice any major flaws or inconsistencies with approval criteria.

These comments have been provided from City departments and reviewing agencies in response to the Pre-Application materials and discussion during the Conference. The comments at this stage are advisory only and are subject to change upon review of a full application. Included below is the contact information for key members of City and agency staff should you have any specific questions regarding these comments.

Next Steps:

1. Planning staff will need to see a draft Development Agreement prior to a submittal for annexation and zone change. You may want to consider the consulting with an attorney for legal advice for preparation of the document.
2. Once we have the Development Agreement largely satisfied, the next step would be to submit for an annexation and zone change of the properties.
3. Assuming that the annexation is approved at the 1st reading at City Council, we would then suggest submitting the design review application for the apartment complex.



Scott Management, LLC • Scott Family. L.P. • S.T.J. 1, LLC

130 SW 2nd Ave, Ste 103
Canby, OR 97013
503-266-5488 Office

May 18, 2022

RE: Neighborhood Meeting for proposed annexation
Assessor Map 31E27CB, Tax Lot 02000
1885 N Redwood Street, Canby, OR

Dear Neighborhood Property Owner or Resident,

We will be applying to the City of Canby requesting annexation into the City of Canby for the tax lot described above. The lot is currently within an island of County land surrounded by the City of Canby. The property area is slightly more than one acre, and it is occupied by a home and a shop. Aerial images identifying the property are 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. The Neighborhood Informational Meeting will be held as a virtual video conference at 6:00 PM on Tuesday June 7, 2022.

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 intent to attend, please RSVP with your name and email to CherilynH@sisulengineering.com or phone her at 503-657-0188 & provide her with your email address so that she may send you a link.

Please join us at 6:00 PM on Tuesday, June 7, 2022 from your computer, tablet or smartphone:

To Join Zoom Meeting in your browser type in:	zoom.us/join
Use the Meeting ID:	822 1188 2602
Use the Passcode:	081920

Or One tap mobile

+17207072699,,82211882602#,,,,*081920# US (Denver)
+12532158782,,82211882602#,,,,*081920# US (Tacoma)

Or Dial by your location

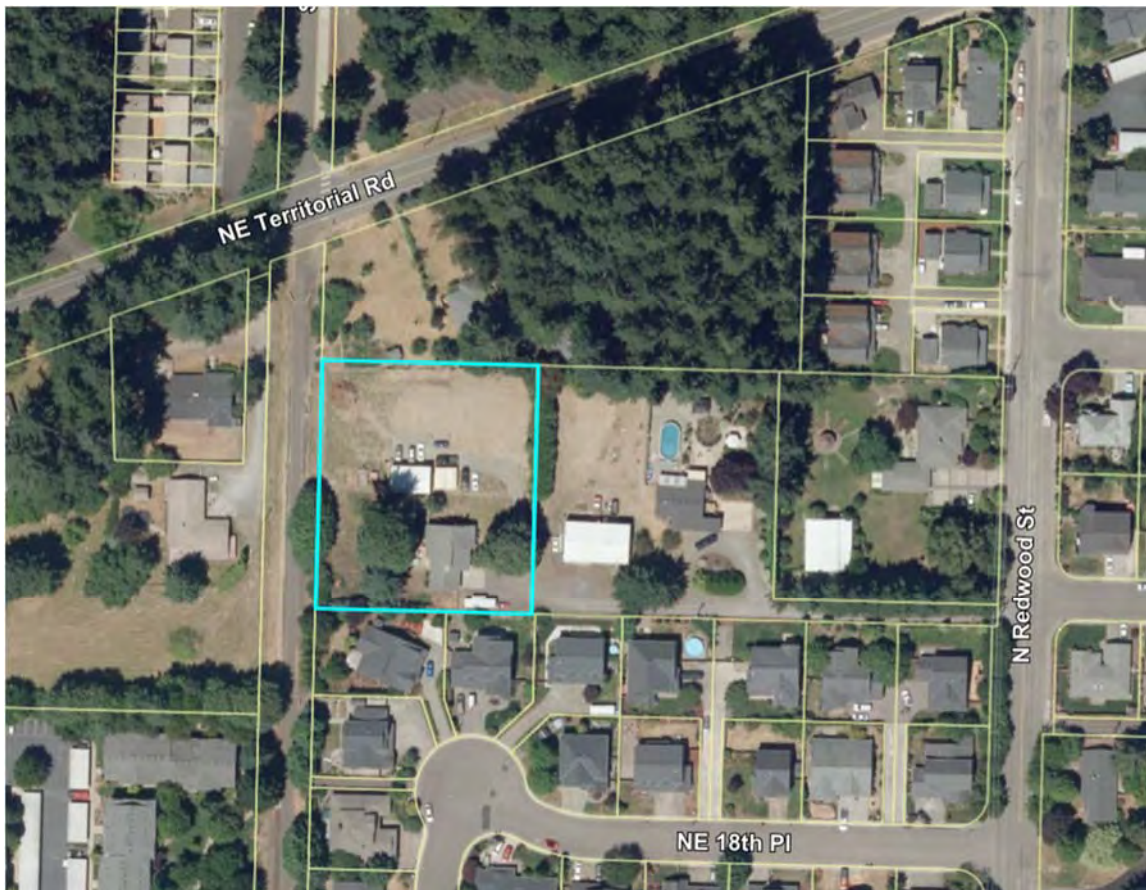
+1 720 707 2699 US (Denver)
+1 253 215 8782 US (Tacoma)

Thank you,

Tom Scott



2021 Aerial



2018 Aerial

An aerial photograph of a residential neighborhood. A specific parcel is highlighted with a red border. The parcel contains a large, empty lot with some trees and a small building. Surrounding the parcel are other residential lots with houses, lawns, and some swimming pools. The map shows street names and property boundaries.

PROPOSED ANNEXATION

1885 N REDWOOD ST

1.06 ACRES

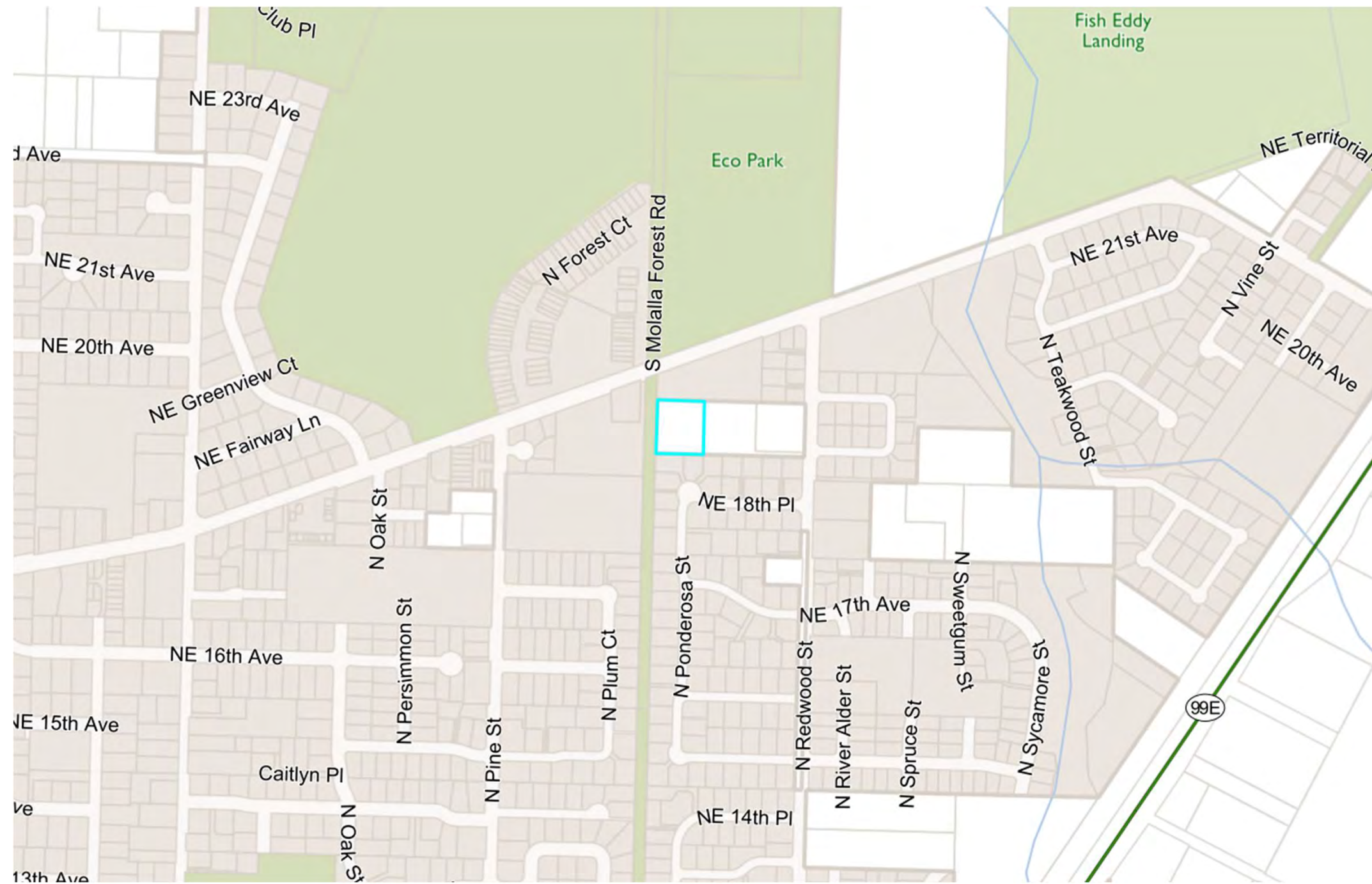
SCOTT INVESTMENTS

JUNE, 2022

ANNEXATION PROCESS APPROXIMATE TIMELINE



VICINITY MAP: AN ISLAND OF COUNTY LAND



ALICE ACRES,
1974

PLAT OF **ALICE ACRES**
A portion of Lot 81 Canby Gardens located in the Southwest 1/4 of Section 27 Township 3 South, Range 1 East of the Willamette Meridian.
Surveyed in the month of December 1973 by Davis and Pike Surveying
Scale: 1 inch = 100 feet

DEDICATION

BE IT KNOWN, THAT WE, LESLIE N. JEFFERSON and ALICE A. JEFFERSON, his wife, are the owners of the lands shown as ALICE ACRES by the annexed map and described by the accompanying surveyor's certificate. We declare this instrument to be a true and correct map and plat thereof, and dedicate that 5 foot strip adjacent to N. Redwood Street and Lots 1 and 2 to the use of the public forever for road purposes.

Leslie N. Jefferson
LESLIE N. JEFFERSON

Alice A. Jefferson
ALICE A. JEFFERSON

ACKNOWLEDGEMENTS

STATE of OREGON
COUNTY of CLACKAMAS SS.

BE IT REMEMBERED that on this 19 day of December, 1973, before me appeared the named LESLIE N. JEFFERSON and ALICE A. JEFFERSON, and they personally acknowledged to me that they executed the above dedication freely and voluntarily.

Gordon Price
NOTARY PUBLIC FOR THE STATE OF OREGON

My commission expires 2-18-77

SURVEYOR'S CERTIFICATE

I, JOE E. DAVIS, JR., DECLARE that I have correctly surveyed and marked with legal monuments the lands represented by the annexed map of ALICE ACRES, and that for the initial point of said subdivision I set a 2 inch x 46 inch iron pipe (galv.), 6 inches below the natural ground at a point on the west boundary of Lot 81, Canby Gardens, that bears south 231.00 feet from a 5/8" iron rod at the NW corner of said Lot 81; Thence from said initial point, I ran east parallel with the north boundary of said Lot 81 a distance of 640.00 feet to the west boundary of North Redwood Street; Thence north along west boundary of North Redwood Street a distance of 231.00 feet to a point on the north boundary of said Lot 81; Thence west along the north boundary of said Lot 81 a distance of 640.00 ft. to the northwest corner of said Lot 81; Thence south along the west boundary of said Lot 81 a distance of 231.00 feet to the initial point. This is a correct copy.

Joe E. Davis, Jr.
OREGON LAND SURVEYOR 11946

APPROVALS

APPROVED James E. Shaw (1-14-74)
Date: Director Clack Co. Public Works

APPROVED 2-5-74 JOHN C. McINTYRE
Date: Director Clack Co. Public Works

BY John C. McIntyre
Deputy

APPROVED 2-13-74 Defters E. Milne
Date: Clackamas County Surveyor

BY Defters E. Milne
Deputy

APPROVED 2-21-74
Date: *Fred Stefanie*
Clackamas County Commissioner

Clackamas County Commissioner
Thomas D. Telford
Pursuant to O.R.S. 92.045, I hereby certify that all 1973-75 taxes are paid.

APPROVED 2-25-74 Juanita Orr
Date: Clackamas County Assessor

BY Pat Orest
Deputy

ALL TAXES ARE PAID TO 6-30-74

Joe Shabe
Clackamas County Sheriff

BY Ellen Pappert
Deputy

ATTEST 2-25-1974
Date: *George D. Pappert*
Clackamas County Clerk

BY Samina Tomlin
Deputy

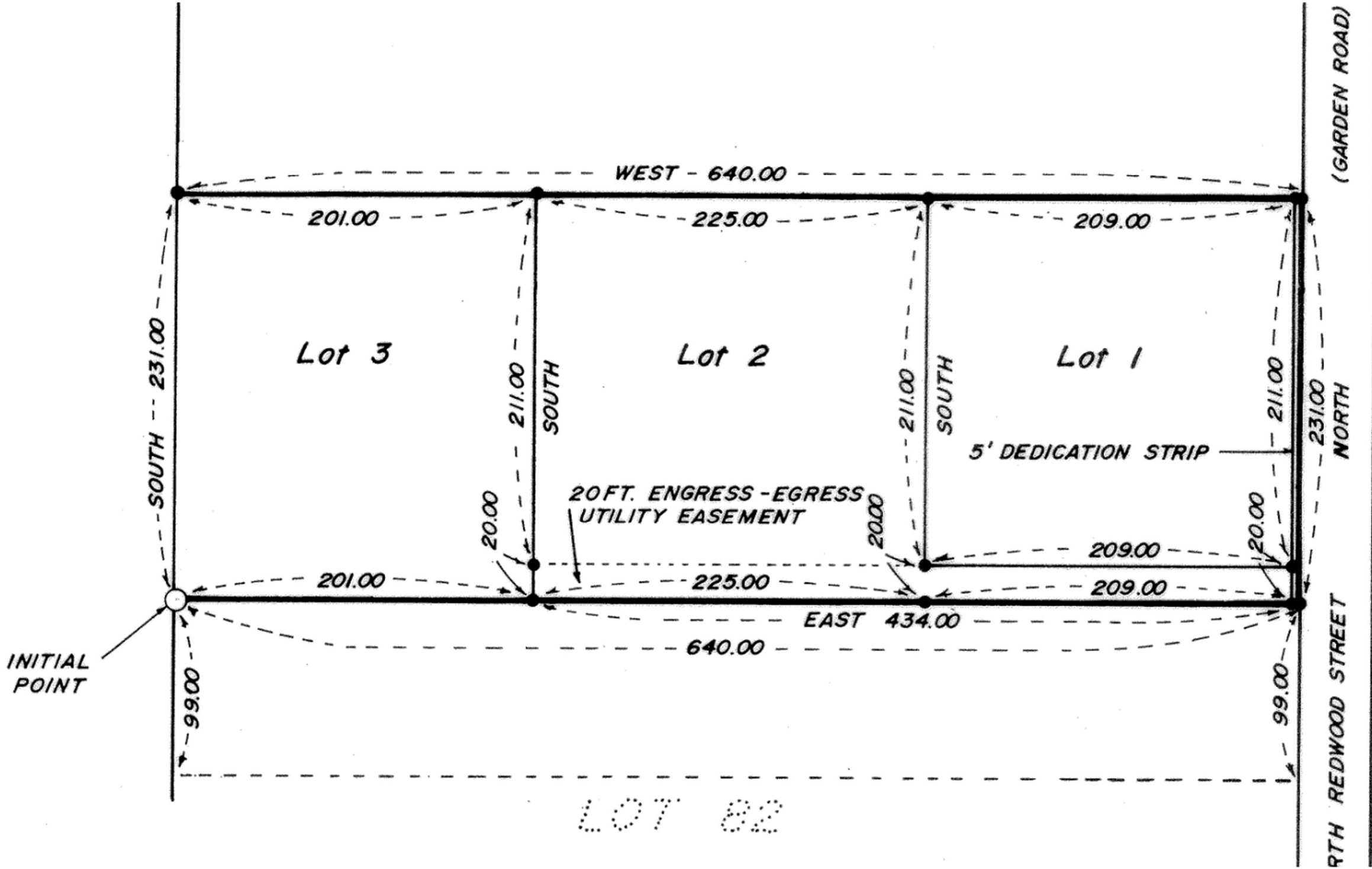
SUBSCRIBED AND SWORN TO before me this 19 day of December, 1973.

Gordon Price
NOTARY PUBLIC FOR THE STATE OF OREGON

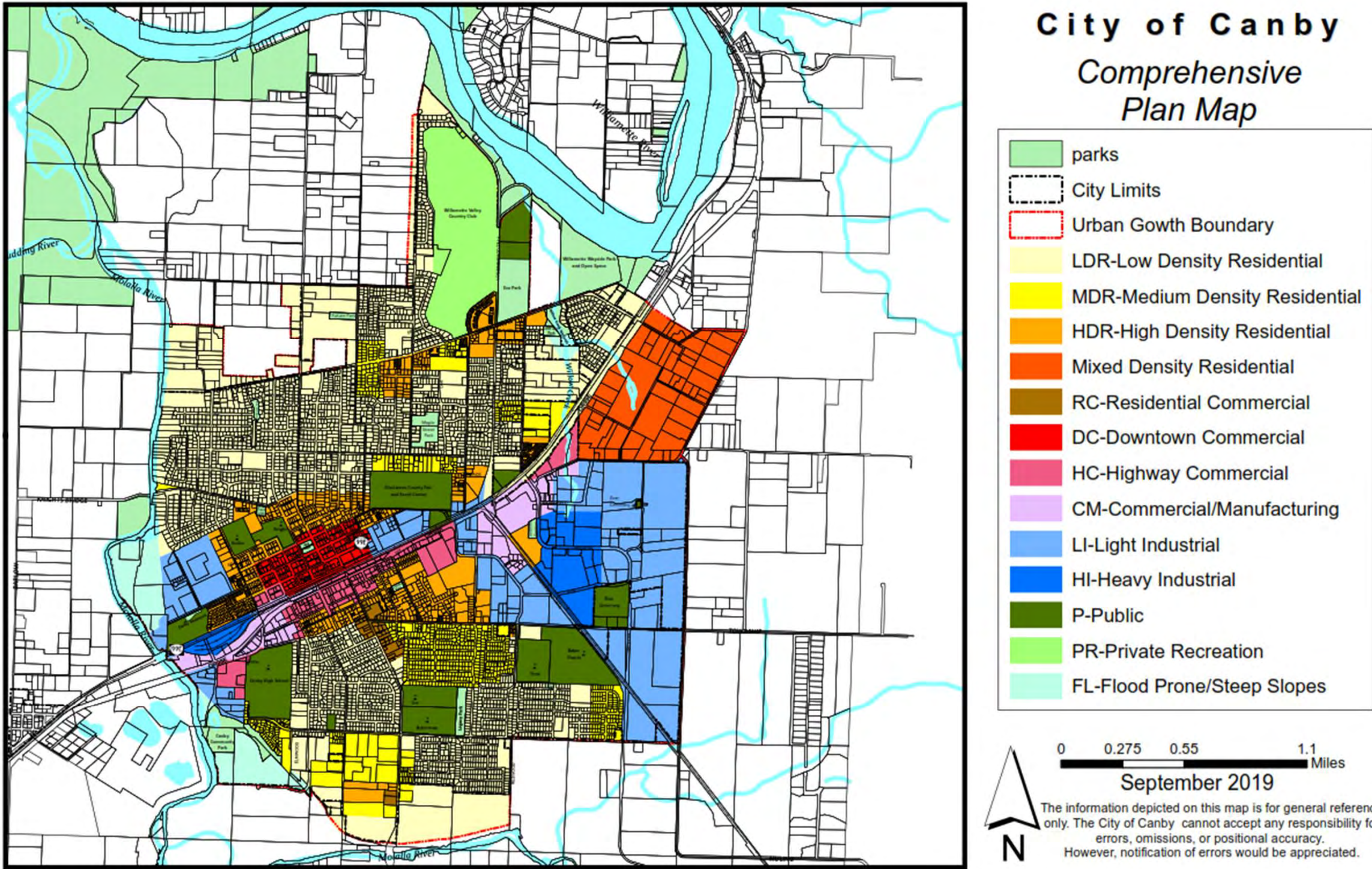
My commission expires 2-18-77

REGISTERED PROFESSIONAL LAND SURVEYOR
Joe E. Davis, Jr.
JULY 15, 1968
JOE E. DAVIS JR.
SAS

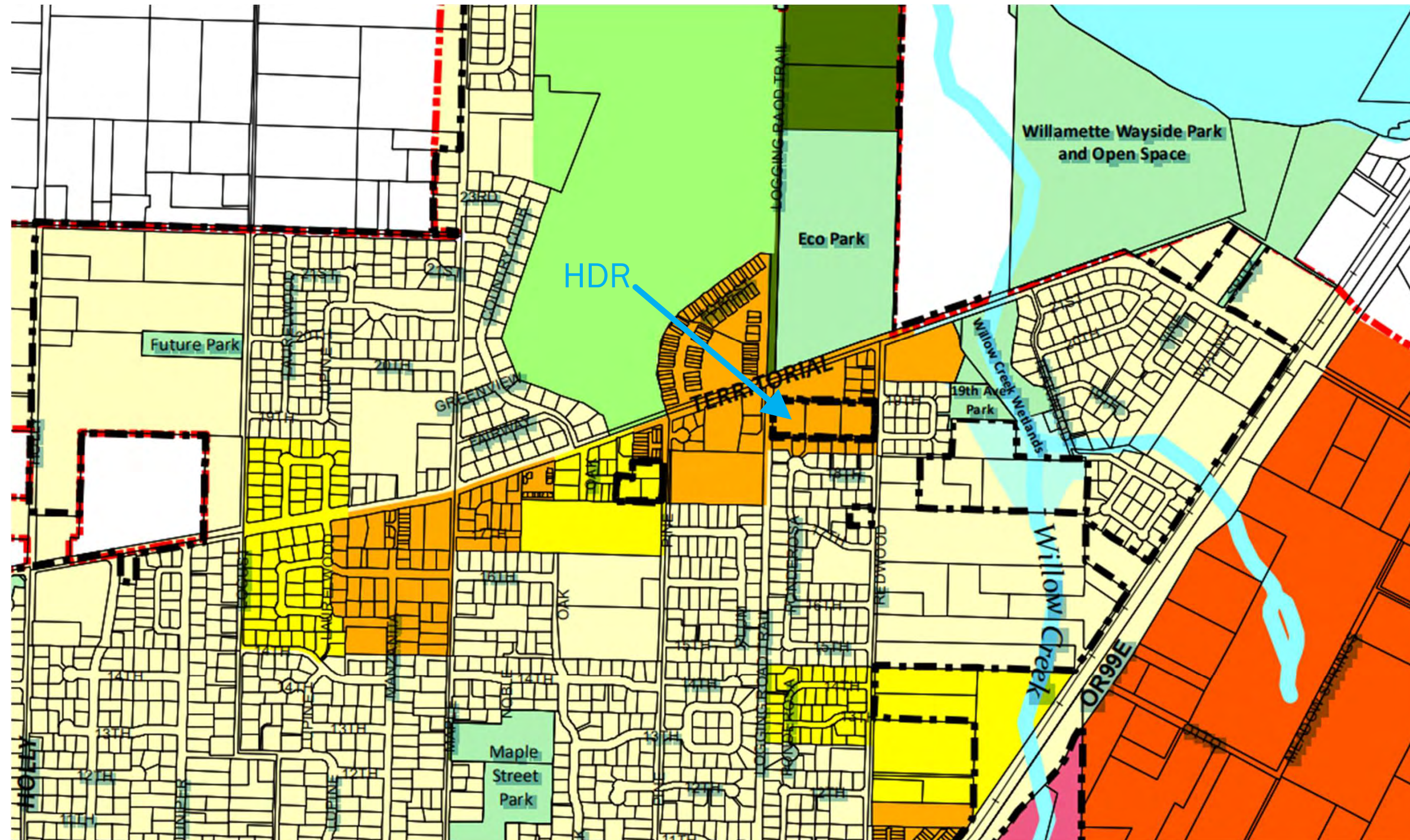
ALICE ACRES, 1974



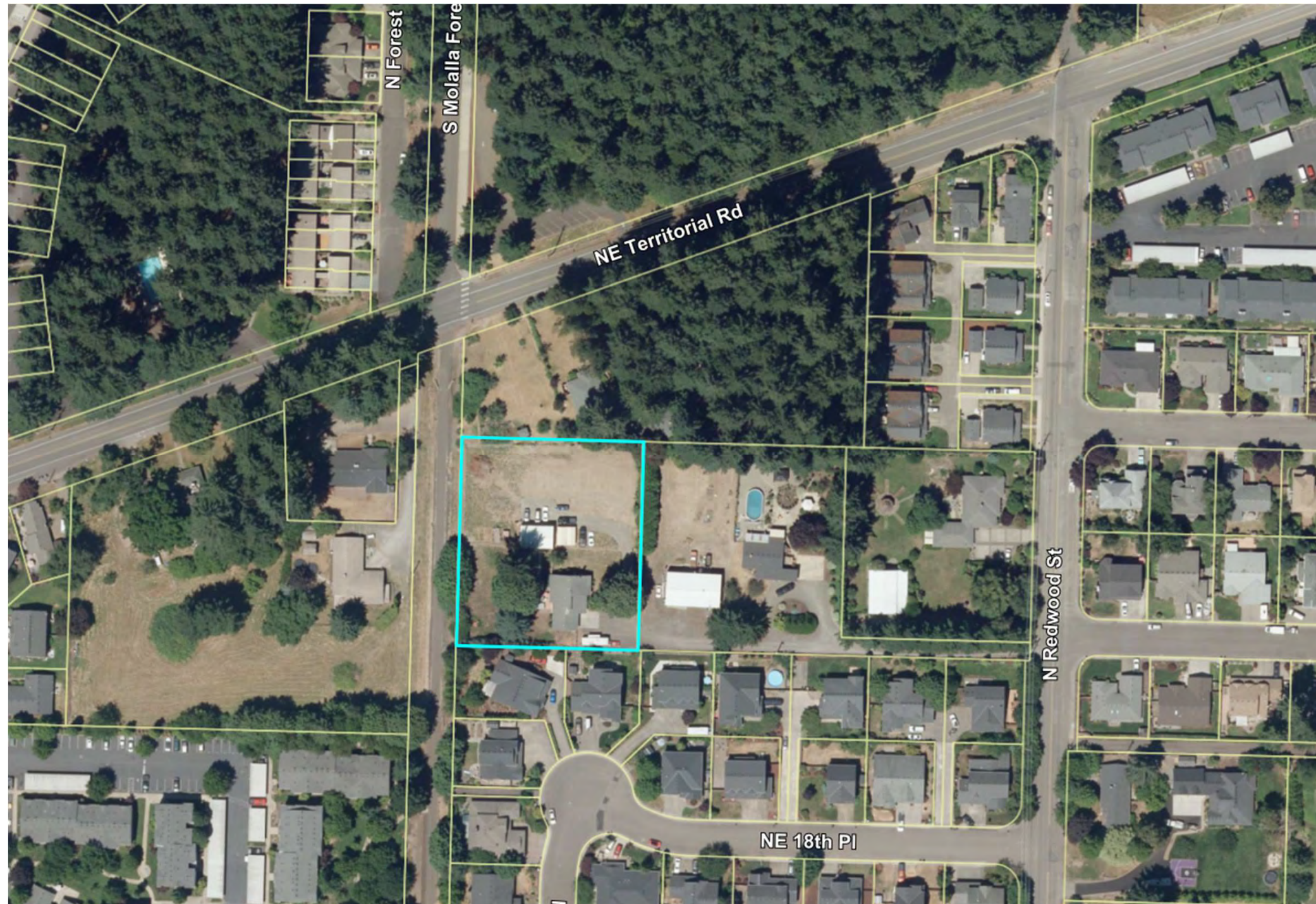
CITY OF CANBY COMPREHENSIVE PLAN MAP



CITY OF CANBY COMPREHENSIVE PLAN MAP



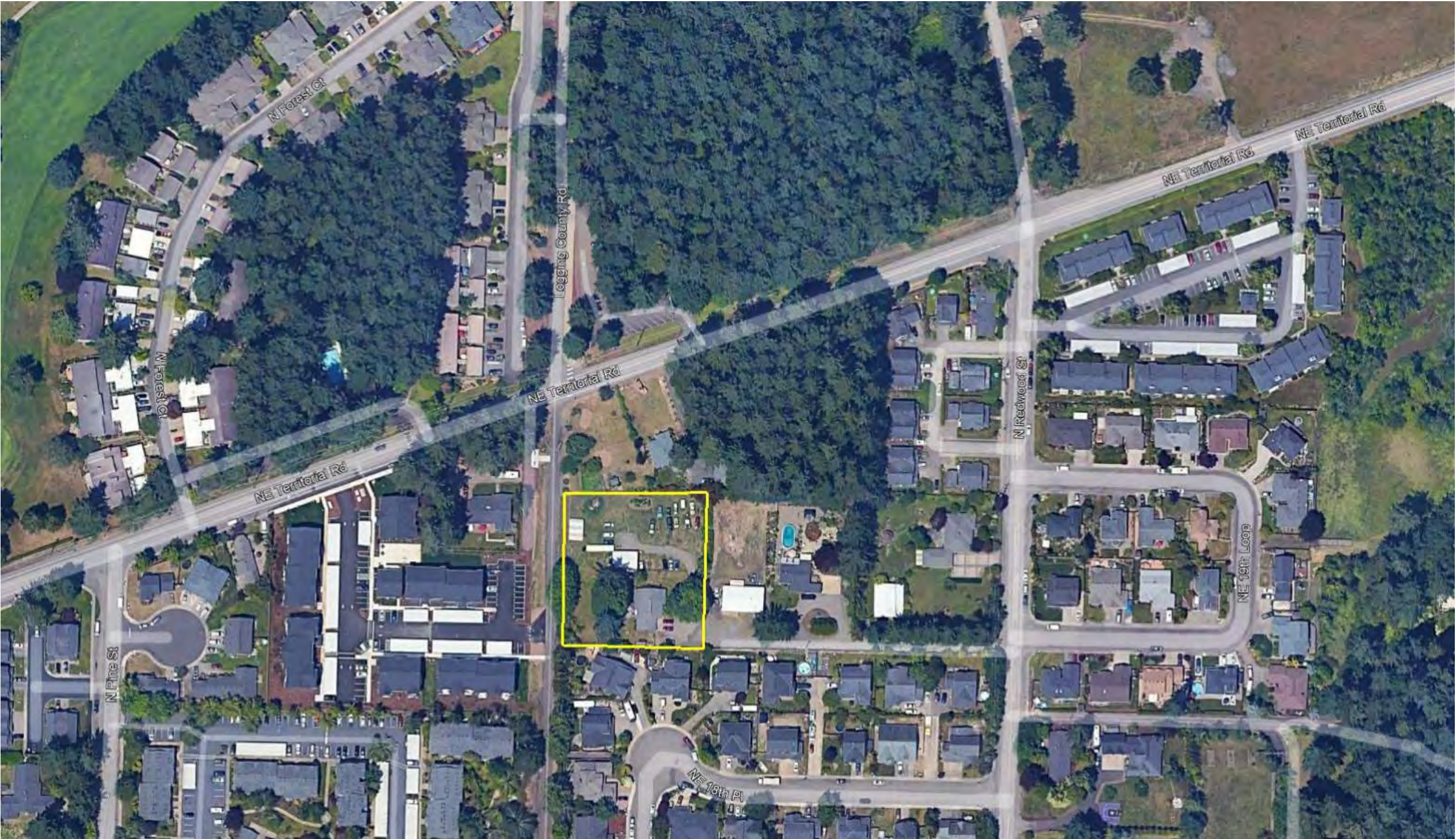
AERIAL VIEW



AERIAL VIEW



AERIAL VIEW, 2021



R-2 ZONING

Chapter 16.20

R-2 HIGH DENSITY RESIDENTIAL ZONE

(Ord 890 section 20, 1993)

Sections:

- 16.20.010** Uses permitted outright.
- 16.20.020** Conditional uses.
- 16.20.030** Development standards.

16.20.010 Uses permitted outright.

Uses permitted outright in the R-2 zone shall be as follows:

- A.** Uses permitted outright in the R-1.5 zone, subject to the density standards in Section 16.20.030(A);
- B.** Single family townhouse dwellings having common wall construction;
- C.** Boarding, lodging or rooming house;
- D.** Multi-family dwelling;
- E.** Manufactured and mobile home or trailer parks, subject to the criteria of Chapter 16.44;
- F.** Bed and Breakfast.
- G.** Residential Facility - for six or more individuals. (Per ORS 197.667(4) and 443.400 (8))

(Ord. 890 section 21, 1993; Ord. 740 section 10.3.21(A), 1984; Ord. 1019 section 9, 1999; Ord. 1080, 2001; Ord. 1514, 2019)

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)

R-1 ZONING

Chapter 16.16

R-1 LOW DENSITY RESIDENTIAL ZONE

Sections:

- 16.16.010** Uses permitted outright.
- 16.16.020** Conditional uses.
- 16.16.030** Development standards.

16.16.010 Uses permitted outright.

Uses permitted outright in the R-1 zone shall be as follows:

- A.** Single-family dwelling; one single-family dwelling per lot;
- B.** Vegetable gardens, orchards and crop cultivation for personal use only, including greenhouses. No large-scale commercial sale of produce is permitted unless continued as a non-conforming use that was in place prior to the existing zoning designation. Keeping of animals other than domestic pets requires a special permit from the City Administrator unless a continuation of a non-conforming agriculture use.
- C.** Accessory uses and/or accessory structures;
- D.** Accessory dwelling, subject to review and approval through a Type 1 procedure (pursuant to Chapter 16.89.030) and must conform to the following standards:
 - 1. Compliance with the Oregon Structural Specialty Code;
 - 2. A maximum of one accessory dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a garage or workshop), or a unit attached or interior to a primary dwelling (e.g. an addition or the conversion of an existing floor).
 - 3. A detached accessory dwelling may not exceed 800 square feet of floor area or 75% of the primary dwelling's floor area, whichever is smaller.
 - 4. Accessory dwellings that result from the conversion of a level or floor (e.g. basement, attic, or second floor) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 800 square feet.

- 5. Accessory dwellings must meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

- a. Conversion of an existing legal non-conforming structure to an accessory dwelling is allowed, provided the conversion does not increase the non-conformity; and
- b. Chapter 16.21, Residential Design Standards do not apply; and
- c. An additional on-site parking space shall not be required but may be provided.

- E.** Day care facility in a residential home, with twelve (12) or fewer children;

- F.** Manufactured and mobile home subdivisions, where developed as planned unit developments, subject to the requirements of Divisions IV and V;

- G.** Minor public facilities;

- H.** Manufactured home - with the following additional approval criteria:

- 1. Must be double-wide or wider and must enclose at least 1,000 square feet.
- 2. Must be located not more than twelve (12) inches above grade on an excavated and back-filled masonry foundation which is enclosed at the perimeter.
- 3. Must have a pitched roof with a minimum slope of at least a nominal three (3) feet in height for each twelve (12) feet in width.
- 4. Exterior siding and roofing must be similar in color, material and appearance to that used on surrounding dwellings within three hundred (300) feet of the lot.
- 5. The exterior thermal envelope must meet performance standards equivalent to those required for single family dwellings under the State Building Code.
- 6. Must not have bare metal siding or roofing.

- I.** Home occupations which meet the strict definition of section 16.04.240.

- J.** Residential Home/Adult Foster Home - for five or fewer individuals. (Per ORS 197.665).

- K.** Foster Care Home; as defined in Section 16.04 (Ord. 890 section 15, 1993; Ord. 859 section 1, 1991; Ord. 740 section 10.3.18(A), 1984; Ord. 1080, 2001; Ord 1237, 2007; Ord 1514, 2019)

R-2 ZONING

Chapter 16.20

R-2 HIGH DENSITY RESIDENTIAL ZONE

(Ord 890 section 20, 1993)

Sections:

- 16.20.010** Uses permitted outright.
- 16.20.020** Conditional uses.
- 16.20.030** Development standards.

16.20.010 Uses permitted outright.

Uses permitted outright in the R-2 zone shall be as follows:

- A.** Uses permitted outright in the R-1.5 zone, subject to the density standards in Section 16.20.030(A);
- B.** Single family townhouse dwellings having common wall construction;
- C.** Boarding, lodging or rooming house;
- D.** Multi-family dwelling;
- E.** Manufactured and mobile home or trailer parks, subject to the criteria of Chapter 16.44;
- F.** Bed and Breakfast.
- G.** Residential Facility - for six or more individuals. (Per ORS 197.667(4) and 443.400 (8))

R-2 ZONING

16.20.030 Development standards.

The following subsections indicate the required development standards of the R-2 zone:

- A** Minimum residential density: New development shall achieve a minimum density of 14 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, 0.18 acres x 14 units/acre = minimum of 2.52 units. Decimals are rounded to the nearest whole number (e.g., a minimum of 2.52 units becomes a minimum of 3 units). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

- 1.0645 acres
- 1.0645 acres x 14 units/acre = minimum of 14.90 units.
- Decimal is rounded to nearest whole number, = 15 units minimum.

DEVELOPMENT PLAN

- Annexation is required prior to development of the site.
- No Development Plan at this time.
- The current application, if approved, will bring the land into the City of Canby.
- Development Plan will follow annexation.
- A minimum density of 14 units/acre will be required due to the R-2 zoning.
- Another Neighborhood Meeting will occur prior to submittal of an application for site development, late 2022.
- A second Planning Commission Hearing will be held for Site Development, 2023.

QUESTIONS?



Annexation - Neighborhood Meeting Notes
1885 N Redwood St., Canby
June 7, 2022, 6:00 pm Zoom Meeting

Meeting attendees:

Tom Scott, Owner/Applicant
Pat Sisul, Sisul Engineering, Applicant's representative
Cherilyn Hiner, Sisul Engineering
Dr. Jeff Nelson
Troy & Kristina Keefes (neighboring property owners on NE 18th Place)
Diane S21 (name unknown, screen name was Diane S21)
Diane Borcichowski
Laurie Bergstrom (neighboring property owner to the east)
Judi Aus
Lonna Bollinger (19th Court)

The meeting began at 6:00 PM.

Pat Sisul (applicant's representative) began the meeting by presenting a PowerPoint of the where the site is located, the annexation time line, what is permitted to be built onsite per the City Code, and aerial maps of the site and the surrounding properties. Per the R-2 zoning that this site would be applied at annexation, a minimum of 15 units would be required onsite.

It was explained that this meeting is the first opportunity for neighborhood input regarding the annexation. Other opportunities for input would be after application is made and the City Staff requests comments from neighbors, at a Planning Commission hearing, and at a City Council hearing. Neighbors could either attend and testify at the hearings or submit information to the City to be included in the record.

There is one existing home and a metal outbuilding on the property, no site development associated with annexation into the City. Before an application for a development plan is submitted to the City, another neighborhood meeting would occur to discuss the development plan and a second Planning Commission meeting would be held.

At approximately 6:10 the meeting was opened for questions:

Lonna Bollinger – What is the maximum number of units that can be built onsite? *The minimum density is 14 units per acre, the Code doesn't identify the maximum density for the R-2 zone, but it seems to me that it is approximately 26 units/acre. We will look for that information and see if we can find it as the meeting continues.*

Laurie Bergstrom – Although this meeting is for annexation, we know that this site will be combined with the other property along Territorial Road and that it will become a large

apartment complex. It won't be limited to 15 units on this site. Fifteen units on this site will not be able to legally use the gravel roadway from the site to N Redwood Street, we went through that discussion with the last developer who looked at the site. This is step one of a two-step process that will lead to an apartment complex. *Mr. Scott does own the adjacent property to the north that is along Territorial Road, and when this property is annexed traffic would be directed north to Territorial Rd., not to the gravel road leading to Redwood Street. Although conceptual development plans for the site have been prepared, no plan has been decided upon at this point. We've held enough of these meetings that we know that if we show a development plan all the discussion the remainder of the meeting would be about the development plan when the topic of the meeting this evening is the annexation of the property. Multiple development plans for the site have been prepared and they are being considered. If the site is approved for annexation, a development plan will eventually be prepared, and another neighborhood meeting will be held to discuss the proposed plan. Mr. Scott mentioned that he owned the land on the opposite side of the Logging Road Trail for 17 years before developing it into an apartment complex. He changed his mind several times through the years as to what type of housing he wanted to build onsite during that 17-year period.*

Kristina Keefe – Traffic on Territorial and Redwood is bad. Will there be a traffic light at Redwood, can the roads handle the additional traffic, and what about the crosswalk on Territorial? *A traffic study has been conducted and it determined that the road system is adequate to support the additional traffic from a development of the site. There could be some improvement to the Territorial/Redwood intersection, but a traffic light is unlikely. The City is proposing some sidewalk improvements along the north side of Territorial from Redwood to the parking lot at the Logging Road Trail and new push buttons will be installed at the trail crossing of Territorial Rd. When a development is built on the land on the south side of Territorial new sidewalks will be built on the south side of the road as well. Sometimes the impact of having new curbs, sidewalks, and buildings will make cars slow down as there is more activity closer to the roadway.*

Kristina Keefe – How close to our property could new buildings be constructed? *If the annexation site is included as part of the property along Territorial Rd, then Territorial Rd. would be a street yard and the yard facing your home would be the rear yard. The minimum rear yard setback for a two-story or taller home is 20 feet.*

Diane Borcichowski – I just moved here a year ago and live at the corner of Territorial and Redwood. There is so much traffic on Territorial Rd. and the traffic speeds down Territorial Road. *There is no denying that there is traffic on Territorial Rd. However, according to the traffic study the roadway and nearby intersections have additional capacity to accommodate annexation of this site and future development of this site.*

Diane Borcichowski – What about removal of the trees, do we have a say in this? *You certainly have opportunities for input. Tonight, is one opportunity and there will be several others prior to any development being approved. The City has adopted codes as to what property owners can build on their land. Mr. Scott will do his best to develop a plan for this site in the future that*

complies with all City requirements. "Not in my back yard" is typically not a successful argument as to why a project should be denied. However, the Staff, Planning Commission and City Council will listen to thoughtful arguments and try to improve a project within the parameters of the Code, if possible.

Lonna Bollinger – Why does the property have to be annexed into the City? *The property cannot be divided or developed at urban levels without annexation into the City.*

Lonna Bollinger – The north side of town has too much building and too much traffic, you need to develop on the south side of Canby. Mr. Scott, do you live in Canby? *I do live in Canby, I've lived here my entire life. Do you live in Canby or outside Canby? I live in Canby and I have 300 new homes being constructed in my neighborhood. There are a lot of homes in Canby that used to be fields when I was a kid. Canby has always grown and continues to do so.*

Lonna Bollinger – I read Section 16.84.005 of the Municipal Code that an election is required for annexation. Will there be an election? *No, the requirement for an election was eliminated several years ago by the State of Oregon. The City Code is not up to date.*

Lonna Bollinger – What ordinance was that that eliminated the requirement for a vote? *It wasn't an Ordinance, it was a Senate Bill that was passed.*

Lonna Bollinger – What was the number of the Senate Bill? *We don't have that information at this time, feel free to give us a call or email us tomorrow and we will be able to provide it to you.*

Lonna Bollinger – I'd still like to see this on a ballot. Can an annexation vote still go on the ballot even though it isn't required? *That is a very good question, we don't know the answer to that. That is a question for the City Staff.*

Dr. Jeff Nelson – Can you give a brief explanation of what annexation is? *Annexation brings the property from Clackamas County into the City limits of Canby. Currently the land is not connected to City water, sewer or power and does not pay City taxes.*

Lonna Bollinger – Do you have to have environmental impact studies? *For annexation a traffic study is required. Other extensive analyses of the sewer system capacity or the water system capacity are generally not required. If the Public Works Department states that their system has capacity to serve the site and the Water Department states that the water system has capacity to serve the site, then no further analysis is typically required. More information may be required at the development stage than at the annexation stage.*

Diane Borcychowski – What do you have to do to get the annexation? *The application must go to a Planning Commission hearing and a City Council hearing, and the Council must approve the property to be annexed. There is a City process followed by a State process before the land becomes part of the City.*

Kristina Keefe – Will the gravel road behind our house be blocked off? *No traffic patterns will change as part of the annexation. When the site is eventually developed the traffic from a development will be routed to Territorial Road. The other home that uses this driveway will continue to use it.*

Dr. Jeff Nelson – How will the driveway be blocked? *We imagine that when the site is developed a fence may be installed around the perimeter of the site. This would occur as part of the development plan. Not knowing exactly what the development plan is at this time makes it a little difficult to say for sure whether the road would be blocked by fencing, landscaping, or a possibly a building.*

Lonna Bollinger – Years ago the City said that there could be no more access roads onto Territorial Rd. What about that? *We have not heard that there cannot be any more accesses allowed onto Territorial Rd. Also, the traffic study did not mention anything regarding access to Territorial being prohibited.*

Dr. Jeff Nelson – Could the site take access from the road to the west? *The road to the west is no longer a road. It used to be a private road owned by a Logging company. It was dedicated to the City quite some time ago and is now a multi-use trail that is not open to vehicles.*

Diane Borcychowski – I am very concerned about nature and the impact that the development will have on nature. Can the trees remain? *That's a question that will be determined when a development application is prepared for whatever development is proposed. No trees will be removed with the annexation of the property.*

The meeting ended at 7:00 PM.

Notes prepared by Cherilyn Hiner and Pat Sisul of Sisul Engineering, and Tom Scott.

ZTec Engineers, Inc.

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March 14TH, 2022

**SCOTT INVESTMENT COMPANIES
ANNEXATION OF LOT 3 OF "ALICE ACRES"**

A TRACT OF LAND BEING ALL OF LOT 3 OF THE PLAT OF "ALICE ACRES", LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINING AT A 2 INCH IRON PIPE, ONE FOOT BURIED, BEING THE INITIAL POINT TO SAID "ALICE ACRES" (PLAT NO. 1973), SAID POINT BEING AT THE SOUTHWEST CORNER OF SAID LOT 3 OF SAID "ALICE ACRES", SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF MOLALLA FOREST ROAD; THENCE FROM SAID POINT OF BEGINNING, NORTH 00°01'30" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 230.96 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE NORTH 89°57'00" EAST, ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 200.94 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 00°01'52" EAST, ALONG THE EAST LINE OF SAID LOT 3; A DISTANCE OF 230.94 FEET TO A 5/8 INCH IRON ROD AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 89°56'39" EAST, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 200.96 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED.

SAID TRACT OF LAND CONTAINS AN AREA OF 1.0654 ACRES (46,409 SQUARE FEET) MORE OR LESS.



Territorial Rd.
(60' wide)

N 69°03'00" E 577.15'

FD. 5/8" I.R. WITH YPC
STAMPED "AKS ENG"
SET ON "REDWOOD
CORNER" (HELD)

FD. 5/8" I.R. WITH YPC
STAMPED "AKS ENG"
SET ON SN 2008-104
(HELD FOR EASTING)

FD. 5/8" I.R., BENT
(NOT HELD)

N 89°57'00" E 445.77'

200.94'

FD. 5/8" I.R. WITH YPC
STAMPED "AKS ENG"
SET ON "REDWOOD
CORNER" (HELD)

Molalla Forest Road

N 00°01'30" W 341.66'

230.96'

LOT 3
(46,409 SQUARE FEET)

S 00°01'30" E 230.94'

LOT 2

"ALICE ACRES"

POINT OF BEGINNING

S. 89°56'39" W 200.96'

FD. 2" I.P., 1.0' BURIED
INITIAL POINT TO
"ALICE ACRES" (HELD)

LOCATED IN THE S.W. 1/4 SECTION 27,
T.3S., R.1E., W.M., IN THE CITY OF CANBY,
CLACKAMAS, COUNTY, OREGON

FD. 5/8" I.R. SET ON
"ALICE ACRES" (HELD)

TITLE: SCOTT INVESTMENT CO. - ANNEXATION OF LOT 3

PLOT DATE: 3-14-22

FILE: 21-4554-1

CLIENT: SCOTT INVESTMENT CO.

SCALE: -

SHEET: 1

ZTec ENGINEERS, INC.

3880 S.E. 8TH AVE., SUITE 280

PORTLAND, OREGON 97202

(503) 235-8795

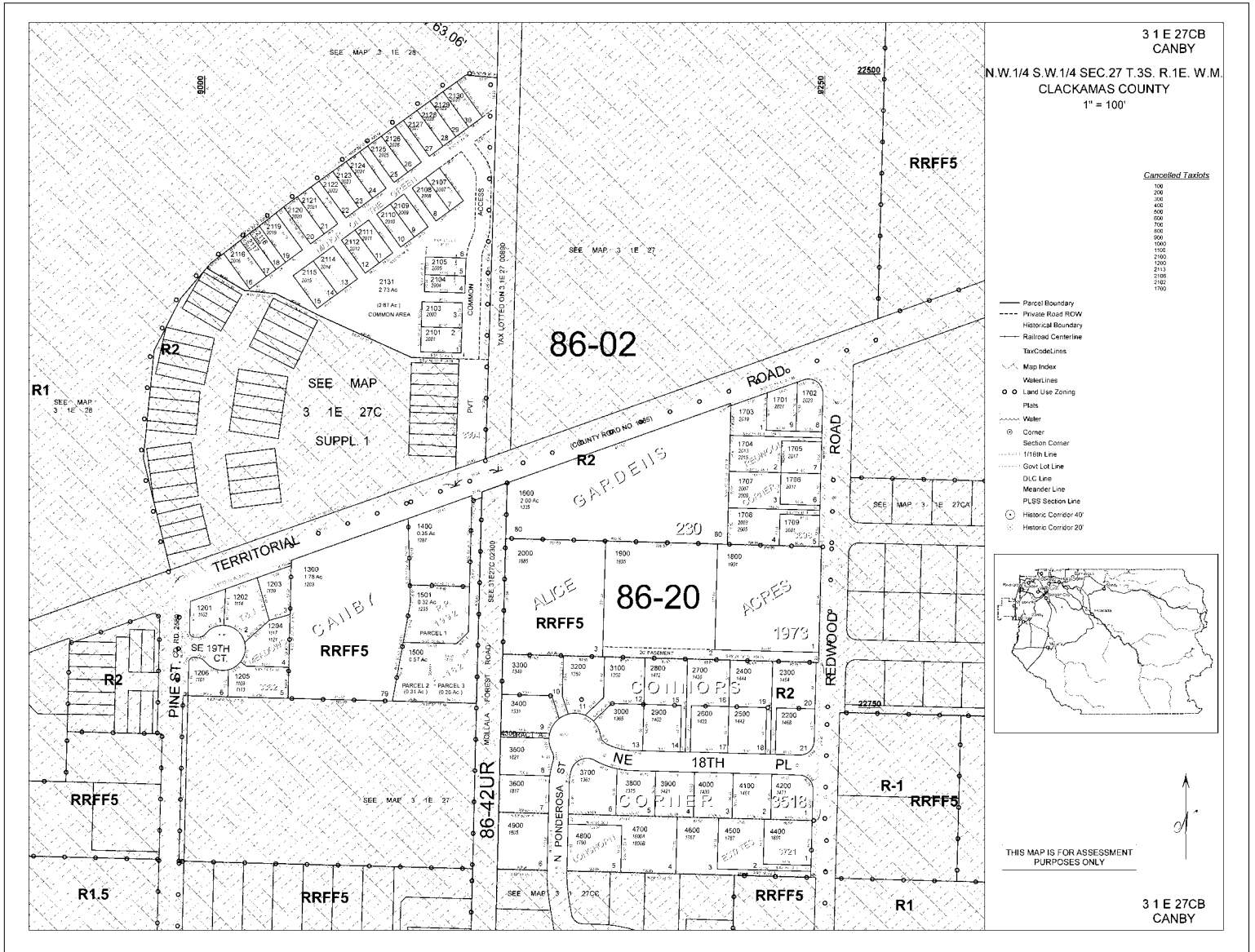


First American

myFirstAm®

Tax Map

1885 N Redwood St, Canby, OR 97013



CANBY TRAIL CROSSING PHASE 2 TRANSPORTATION IMPACT ANALYSIS

FEBRUARY 2022

PREPARED FOR:

CITY OF CANBY

PREPARED BY DKS ASSOCIATES



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EXECUTIVE SUMMARY

A summary of key findings from the Canby Trail Crossing Phase 2 development Transportation Impact Analysis is provided below:

- Transportation Approval Criteria and Livability Measures:
 - The proposed site adequately addresses each transportation approval criteria and livability measure with the recommended transportation conditions of approval.
- Expected Additional Vehicle Trips:
 - Approximately 24 a.m. peak trips, 31 p.m. peak trips, and 404 daily trips during typical operations.
 - The intersection closest to the proposed project, N Redwood Street/ NE Territorial Road, will be expected to see the highest increase in peak trips, with up to 16 additional peak trips.
 - Intersections along OR 99E will be expected to see up to 10 additional peak trips.
 - Approximately 202 additional daily trips will be expected along Territorial Road west of the project site, 80 along N Redwood Street south of the project site, and 122 along Territorial Road east of the project site.
 - About 60 additional daily trips will be expected along OR 99E south of Sequoia Parkway, and about 122 along OR 99E north of Territorial Road.
- Intersection and Roadway Congestion:
 - The proposed development will generate more than 25 AM and/or PM peak trips, so peak hour intersection operations were evaluated for the existing 2022, and future 2023 background (without the proposed project) and project conditions (with the proposed project) scenarios.
 - The measured conditions indicate that drivers are experiencing some congestion, particularly at study intersections along OR 99E, although the conditions are still within the acceptable range when compared to the adopted ODOT and City mobility standards.
 - Figure 1 shows the level of congestion experienced at study intersections, without and with the proposed project.
 - The OR 99E/S Pine Street/NE 4th Avenue intersection does not meet the mobility target under 2023 background conditions, although the added project trips are not significant enough to further degrade the intersection performance under 2023 project conditions.
 - A financially constrained TSP project on the **City's Transportation System Development** Charge improvement list would improve the intersection v/c to no longer be substandard.
- Proposed Site Access:
 - Access to the project site is proposed via one driveway to Territorial Road.
 - **Complies with the City's** spacing standard for collector streets.
 - Preliminary sight distance evaluation indicates that sight distance is adequate. However, prior to occupancy, sight distance at all access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.
- Proposed Site Frontage Improvements:
 - The proposed site has frontage along Territorial Road.

- It has an estimated 34-foot existing paved width along the site frontage, with one travel lane in each direction and bike lanes.
- The applicant will be required to design and construct half-street improvements along the entire site frontage to City collector roadway standards. These improvements should consist of a 12-foot pedestrian zone (i.e., 6-foot-wide sidewalk with a 0.5-foot setback from the right-of-way line, behind a 5-foot-wide landscape strip with a 0.5-foot curb).
- Proposed Internal Site Circulation:
 - Access proposed via one full-access driveway to Territorial Road.
 - All vehicles and bicyclists will enter and exit via this driveway where they can circulate to the on-site parking areas.
 - The site also includes proposed sidewalk connections from the building entrances to the parking areas, and a sidewalk connection to NE Territorial Road and to the west parcel boundary at the Logging Road Trail.
 - Together, these facilities can adequately accommodate the expected additional vehicle, pedestrian, and bicycle trips.

Study Intersection with:

- Little Delay
- Minor Delay
- Moderate Delay
- Heavy Delay

Map Labels:

- Willamette River
- Eco City Park
- Legacy Park
- NE TERRITORIAL RD
- NE 4TH AVE
- NE 13TH AVE
- S ELM ST
- S PINE ST
- S REDWOOD ST
- S MULINO RD
- S HAINES RD
- SEQUOIA PKWY
- 4TH AVE
- SE 1ST AVE
- SE 13TH AVE
- 99E
- Site (with access location)
- Access location
- Up (on 13th) R/R
- Southern Pacific R/R

SECTION 1. INTRODUCTION

The purpose of this transportation impact analysis is to identify potential transportation system needs triggered by the proposed Canby Trail Crossing Phase 2 Development located on NE Territorial Road, west of N Redwood Street in Canby, Oregon. The site is proposed to be annexed into the City of Canby and correspondingly rezoned and will consist of 60-apartment units among six 3-story buildings.

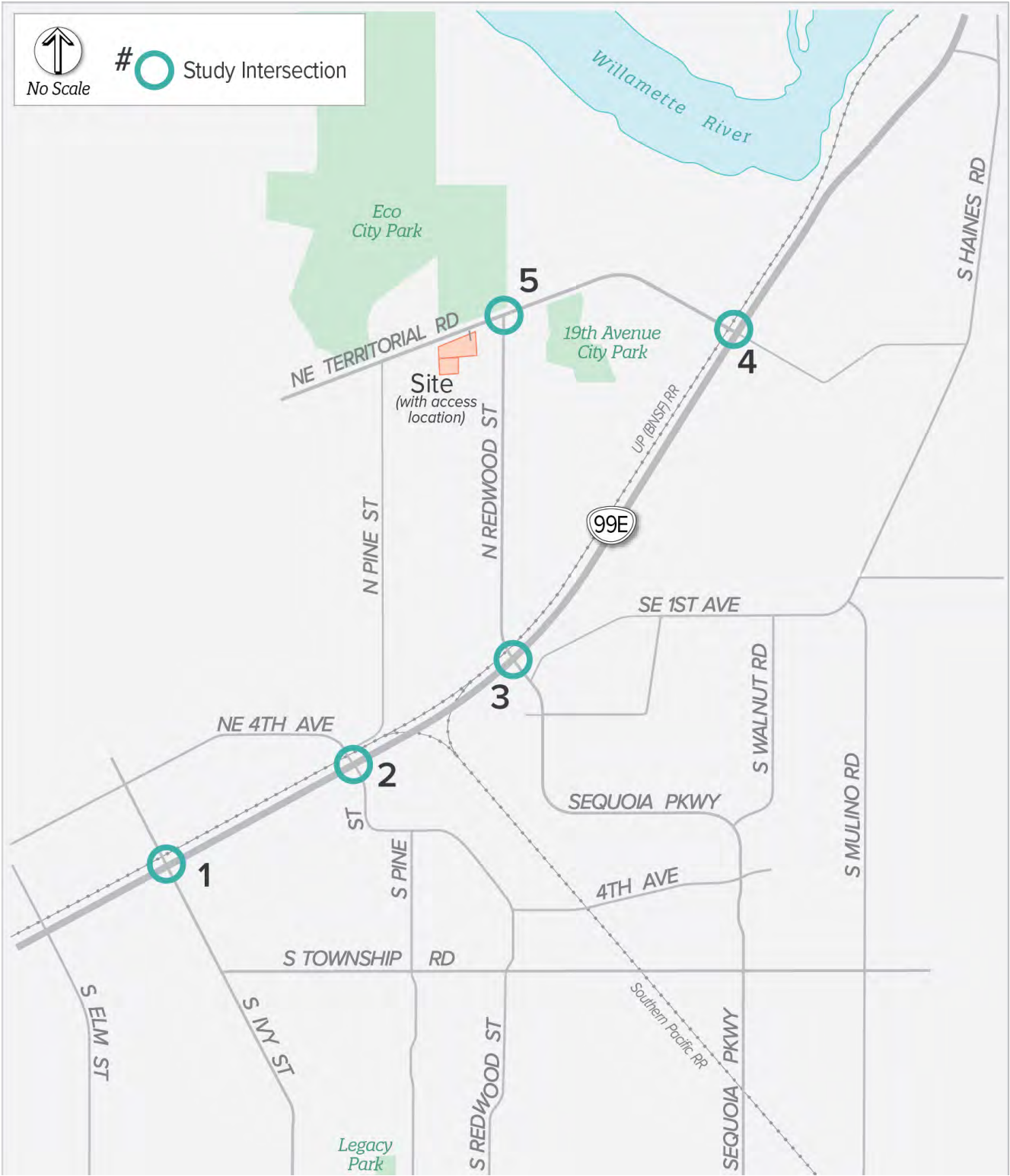
Included in the following sections is a summary of how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for a proposed annexation and rezone, and a documentation of existing transportation conditions, a summary of the assumptions and methodologies used to analyze future transportation conditions, a detail of traffic operating conditions and a summary of recommendations related to the proposed project.

PROJECT AREA

The project site is located along the south side of NE Territorial Road, between the Logging Road Trail and N Redwood Street. The following intersections were evaluated as study intersections (see Figure 2), with their intersection control listed:

1. OR 99E/ S Ivy Street (signalized intersection)
2. OR 99E/ S Pine Street/ NE 4th Avenue (signalized intersection)
3. OR 99E/ N Redwood Street/ Sequoia Parkway (signalized intersection)
4. OR 99E/ NE Territorial Road (signalized intersection)
5. NE Territorial Road/ N Redwood Street (stop-control on side street)

FIGURE 2: STUDY AREA



SECTION 2. TRANSPORTATION PLANNING RULE (TPR) 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 proposed for the southern parcel of the two that make up the proposed site. It is currently designated Clackamas County RRFF-5 zoning. The **City's** comprehensive plan designation for this lot is HDR (High Density Residential) and the proposed zoning is R-2 (High 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 alone will not have a significant effect on the transportation system. The proposed rezoning is consistent with the existing comprehensive plan map designation. 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 TSP.

SECTION 3. EXISTING CONDITIONS

This section provides documentation of existing transportation conditions in the project area, including an inventory of the existing transportation network, and an operational analysis and safety evaluation of the study intersections. Supporting details are provided in the appendix.

PEDESTRIAN AND BICYCLE FACILITIES

An inventory of the existing pedestrian and bicycle facilities was conducted to determine the current location of sidewalks and bicycle lanes near the proposed project site. Sidewalk gaps exist along the entire frontage of the proposed site. However, a sidewalk is available on the south side of NE Territorial Road between the east parcel boundary and N Redwood Street, along the frontage of a newer development. There are currently striped bike lanes on NE Territorial Road adjacent to proposed development.

Pedestrian and bicycle count data during the morning and evening peak periods was also collected at the study intersections. The count data shows that the highest pedestrian activity during the a.m. peak period was observed at the NE Territorial Road/N Redwood Street intersection (31 crossings) and the OR 99E intersections with S Ivy, S Pine Street/NE 4th Avenue, and N Redwood Street/Sequoia Parkway (7 crossings each). During the p.m. peak period, the highest pedestrian activity was observed at the OR 99E /S Ivy intersection (36 crossings), OR 99E /S Pine Street/NE 4th Avenue intersection (16 crossings), and the OR 99E /N Redwood Street/Sequoia Parkway intersection (15 crossings).

Bicycle activity at the study intersections was also counted during the peak periods. Up to 18 bicyclists traveled through OR 99E study intersections during the peak periods, while up to 6 were observed at the NE Territorial Road/N Redwood Street intersection.

TRANSIT

Transit service is provided in the vicinity of the project area by Canby Area Transit (CAT) via Route 99X and the Canby Loop. Route 99X runs along OR 99E and connects Canby to Oregon City and Woodburn. This route also connects Canby to the Oregon City Transit Center where riders can transfer to several additional TriMet bus lines. The nearest bus stop to the project site is located approximately 0.85 miles to the south, near the OR 99E /N Redwood Street intersection.

The Canby Loop is a local circulator bus route around the City and runs adjacent to the project site along NE Territorial Road. The nearest stop for the Canby Loop is at the intersection of NE Territorial Road/N Pine Street just to the west, and near the NE Territorial Road/N Redwood Street intersection just to the east of the project site.

CAT also provides general public Dial-A-Ride service for anyone traveling to or from destinations within the Canby Urban Growth Boundary (UGB). Service is provided between 8 a.m. and 6 p.m., Monday through Friday.

ROADWAY NETWORK

Characteristics of the key roadways adjacent to the project site are summarized in Table 1. NE Territorial Road provides for higher capacity east and west motor vehicle movement through the study area. It maintains a continuous two-lane cross-section (i.e., one through lane in each direction) and connects the project site to N Redwood Street and OR 99E to the east, and N Pine Street, N Ivy Street, N Holly Street and other north and south streets to the west.

TABLE 1: PROJECT AREA ROADWAY CHARACTERISTICS

ROADWAY	JURISDICTION	CLASSIFICATION	NO. OF LANES	POSTED SPEED	SIDEWALKS	BIKE LANES
NE TERRITORIAL ROAD	Canby	Collector*	2	30 mph	No	Yes

Source: *Canby Transportation System Plan. Adopted December 2010.

EXISTING TRAVEL CONDITIONS

To determine intersection operations, turn movement count data was obtained for the study intersections during the weekday morning peak period (7 to 9 a.m.) and evening peak period (4 to 6 p.m.). The raw traffic counts are included in the Appendix.

The methodology from the ODOT Analysis Procedures Manual was applied to determine the 30th highest annual hour volume (30 HV) for the study intersections. The 30 HV is commonly used for design purposes and represents the level of congestion that is typically encountered during the peak travel month.

To determine when the 30th highest annual hour volume occurs, data is examined from Automatic Traffic Recorder (ATR) stations that record highway traffic volumes year-round. If no on-site ATR is **present, one with similar characteristics can be identified using ODOT's ATR Characteristics Table.** If these do not produce a similar ATR with average annual daily traffic volumes (AADT) within 10% of study area volumes, the seasonal trend method should be used. The seasonal trend method averages seasonal trend groupings from the ATR Characteristics Table. For the study area, no **ATR's are located on-site**, and the ATR Characteristics Table did not produce matches within 10% of the study area AADT volumes. Therefore, the seasonal trend method was utilized to develop a calculated seasonal factor of 1.16 for the OR 99E study intersections at S. Ivy Street, S Pine Street/ NE 4th Avenue and N Redwood Street/Sequoia Parkway, and 1.03 for the OR 99E study intersection at NE Territorial Road. These factors were applied to the existing count data, with the adjusted existing peak hour traffic volumes shown in Figure 3. No seasonal adjustment was made at the non-highway study intersection (i.e., NE Territorial Road/N Redwood Street).

INTERSECTION OPERATIONS

This section discusses the existing conditions for motor vehicles at the study intersections, including an analysis of traffic operations.

Intersection Performance Measures

Level of service (LOS) ratings and volume-to-capacity (v/c) ratios are two commonly used performance measures that provide a good picture of intersection operations. Agencies often incorporate these performance measures into their mobility standards. Descriptions are given below:

- Level of service (LOS): A **"report card" rating (A through F) based on the average** delay experienced by vehicles at the intersection. LOS A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hours travel demand. LOS D and E are progressively worse operation conditions. LOS F represents conditions where average vehicle delay has become excessive, and demand has exceeded capacity.
- Volume-to-capacity (v/c) ratio: A decimal representation (typically between 0.00 and 1.00) of the proportion of capacity that is being used at a turn movement, approach leg, or intersection. It is determined by dividing the peak hour traffic volume by the hourly capacity of a given intersection or movement. A lower ratio indicates smooth operations and minimal delays. As the ratio approaches 1.00 (generally above 0.70), congestion noticeably increases, and performance is reduced. If the ratio is greater than 1.00, the turn movement, approach leg, or intersection is oversaturated and usually results in excessive queues and long delays.

Jurisdictional Mobility Standards

The mobility standards for the study intersections vary according to the agency of jurisdiction for each roadway. One of the study intersections is under City jurisdiction and the remaining four study intersections are under ODOT jurisdiction.

The City of Canby standards require a level of service "E" or better and a v/c ratio of 0.90 or less be maintained for intersections with stop control on the side street¹. ODOT requires a v/c ratio between 0.85 and 1.00, depending on the location and posted speed².

Existing Operating Conditions

Motor vehicle conditions were evaluated during the peak hours at the study intersections (see Table 2) using the *Highway Capacity Manual, 6th Edition* (HCM)³ methodologies. As shown in Table 2, while all of the study intersections meet the mobility standards under existing conditions, a few intersections along OR 99W are operating above a 0.70 v/c during the peak, including the Ivy Street and Pine Street intersections. This indicates that drivers at these intersections are

¹ Canby Transportation System Plan, Goal 7, Policy d, December 2010.

² Oregon Highway Plan, Policy 1F, Table 6. Updated May 2015.

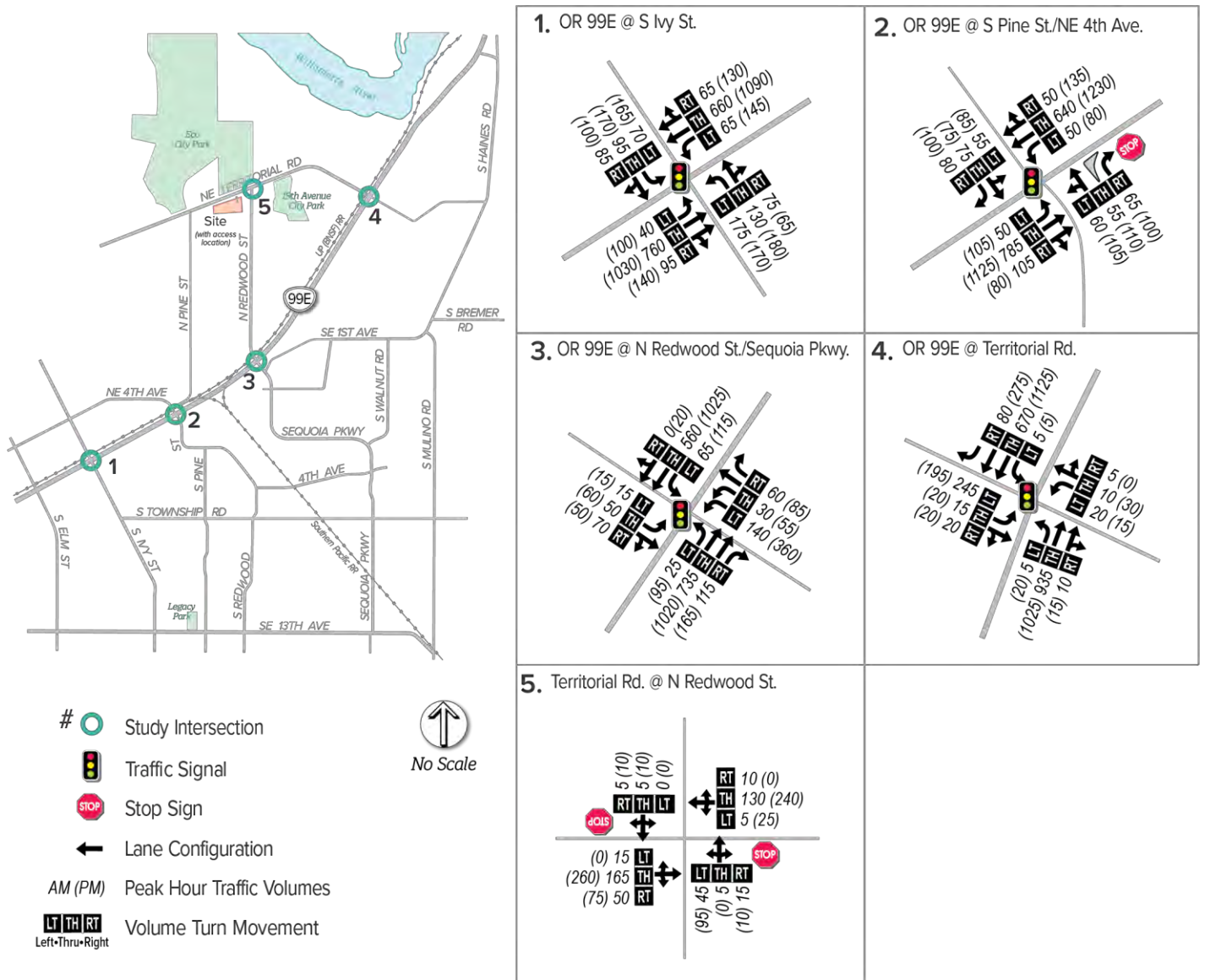
³ Highway Capacity Manual, 6th Edition, Transportation Research Board, 2016.

experiencing some congestion, although the conditions are still within the acceptable range when compared to the adopted ODOT mobility standards.

TABLE 2: EXISTING 2022 STUDY INTERSECTION OPERATIONS

INTERSECTION	TRAFFIC CONTROL	JURISDICTION	MOBILITY STANDARD	AM PEAK			PM PEAK		
				LOS	DELAY	V/C	LOS	DELAY	V/C
OR 99E / S IVY STREET	Signal	ODOT	1.00 V/C	D	35	0.77	D	37	0.85
OR 99E / S PINE STREET / NE 4 TH AVENUE	Signal	ODOT	0.90 V/C	B	15	0.61	C	23	0.86
OR 99E / N REDWOOD STREET / SEQUOIA PARKWAY	Signal	ODOT	0.90 V/C	B	15	0.51	B	19	0.64
OR 99E / NE TERRITORIAL ROAD	Signal	ODOT	0.85 V/C	B	13	0.60	B	12	0.58
N REDWOOD STREET / NE TERRITORIAL ROAD	TWSC	City	LOS E, 0.90 V/C	B	13	0.13	C	20	0.34

FIGURE 3: EXISTING YEAR VOLUMES (2022 30 HV)



SAFETY ANALYSIS

The most recent five years of available collision data for the study area was obtained from Oregon Department of Transportation (ODOT) and used to evaluate the collision history⁴. There were 68 crashes recorded at the study intersections over the five-year period, with the most crashes occurring at the OR 99E/S Ivy Street intersection.

Crash rates at study intersections were calculated to identify problem areas in need of mitigation. The total number of crashes experienced at an intersection is typically proportional to the number of vehicles entering it, therefore, a crash rate describing the frequency of crashes per million entering vehicles (MEV) is used to determine if the number of crashes should be considered high. Using this technique, a collision rate of 1.0 MEV or greater is commonly used to identify when collision occurrences are higher than average and should be further evaluated. As shown in Table 3, crash rates calculated at all study intersections are well below this threshold, indicating the frequency of collisions is typical for the volume of traffic served.

TABLE 3: CRASH DATA SUMMARY

INTERSECTION	TOTAL CRASHES	CRASH TYPE			CRASH SEVERITY			COLLISION RATE
		ANGLE OR TURN	REAR END	OTHER **	PDO*	MINOR INJURY	MAJOR INJURY	
OR 99E / S IVY STREET	25	20	3	2	8	16	1	0.62
OR 99E / S PINE STREET / NE 4 TH AVENUE	19	12	7	0	6	13	0	0.47
OR 99E / N REDWOOD STREET / SEQUOIA PARKWAY	13	6	6	1	4	8	1	0.57
OR 99E / NE TERRITORIAL ROAD	10	6	4	0	5	4	1	0.44
N REDWOOD STREET / NE TERRITORIAL ROAD	1	1	0	0	0	1	0	0.30

*PDO = Property Damage Only

**Other crashes include fixed and head-on collisions

⁴ ODOT reported collisions for January 1, 2014 through December 31, 2018.

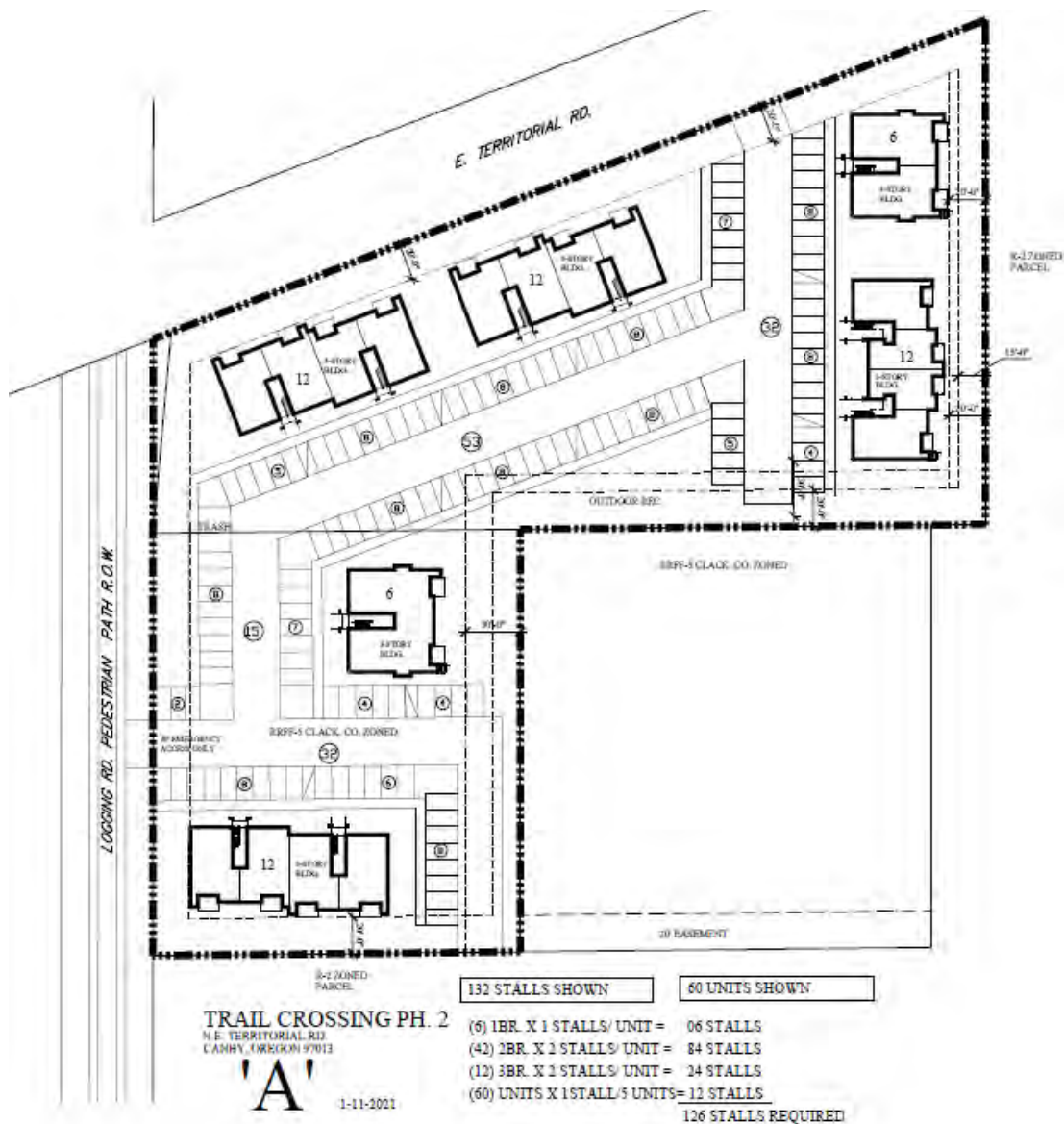
SECTION 4. ASSUMPTIONS AND METHODOLOGIES

This section outlines key assumptions and methodologies that were used to analyze future conditions and identify any potential impacts at study intersections. Areas of interest covered in this section are site access, trip generation, trip distribution and assignment, and background traffic growth.

PROJECT DESCRIPTION

The proposed project will consist of 60-apartment units among six 3-story buildings. The site proposes to take access from a single driveway to NE Territorial Road. The site plan can be seen in Figure 4.

FIGURE 4: SITE PLAN



SITE ACCESS

Access to the site is proposed via one new full access driveway to NE Territorial Road. An existing access to a single-family house on the site will also be closed as part of this proposed development. The site also proposes to include an emergency only access to the Logging Road Trail at the west end of the development. Private vehicles will not be permitted to use the emergency access.

ACCESS SPACING

The City of Canby has jurisdiction over NE Territorial Road and applies a functional classification of **"Collector" to it**. City standards require that accesses along a Collector must be a minimum of 100 feet from roadways or other driveways along the same side of the street⁵.

The proposed driveway will be approximately 400 feet east of the nearest driveway on the same side of the street (located just west of Logging Road Trail), and approximately 250 feet west of N Redwood Street, complying with the spacing standard.

There is one existing driveway on the north side of NE Territorial Road along the segment adjacent to the proposed site. The driveway serves exiting only traffic from the Eco Park parking lot. This access will be located approximately 150 feet west of the proposed site access on the south side of NE Territorial Road, so no conflicts with opposing outbound left-turns from these driveways will be expected.

SIGHT DISTANCE

The sight triangle at intersections should be clear of objects (large signs, landscaping, parked cars, etc.) that could potentially limit vehicle sight distance. In addition, all proposed accesses should meet AASHTO sight distance requirements as measured from 15 feet back from the edge of pavement⁶.

The proposed driveways to NE Territorial Road would require a minimum of 390 feet of sight distance based on a 35-mph design speed⁷. Preliminary sight distance evaluation from the approximate location of the proposed driveway indicates that it would be expected to provide at least 600-feet of sight distance looking to the east and west, indicating adequate sight distance. However, prior to occupancy, sight distance at all driveways will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

⁵ Canby Municipal Code 16.46.030. Retrieved February 2022.

⁶ AASHTO – *Geometric Design of Highways and Streets*, 7th edition, 2018.

⁷ The design speed is 5 mph over the posted speed.

CIRCULATION IMPROVEMENTS

SITE FRONTAGE

The proposed site has frontage along NE Territorial Road. As documented earlier, the City of Canby has jurisdiction over it **and applies a functional classification of “Collector” to it.**

NE Territorial Road has an estimated 34-foot existing paved width along the frontage of the proposed site, with one travel lane in each direction and bike lanes. The applicant will be required to design and construct half-street improvements along the entire site frontage to City collector roadway standards. These improvements should consist of a 12-foot pedestrian zone (i.e., 6-foot-wide sidewalk with a 0.5-foot setback from the right-of-way line, behind a 5-foot-wide landscape strip with a 0.5-foot curb). The existing roadway, with the frontage pedestrian improvements, can adequately accommodate the additional vehicle, pedestrian, and bicycle traffic expected.

INTERNAL SITE CIRCULATION

The proposed site plan (shown earlier in Figure 4) shows one proposed driveway to NE Territorial Road. This driveway will be full access, allowing for ingress/egress to the on-site parking areas for vehicles and bicycles. The proposed driveway access can adequately accommodate vehicle and bicycle circulation to NE Territorial Road and internally within the site.

The site plan also shows proposed sidewalk connections from the building entrances to the parking areas, and a sidewalk connection to NE Territorial Road and to the west parcel boundary at the Logging Road Trail.

PROJECT TRIP GENERATION

The amount of new vehicle trips generated by the proposed site was estimated using the trip generation estimates based on ITE Code 220 (Low-Rise Multifamily Housing) using the latest version of the ITE Trip Generation Manual (11th Edition). Trip generation estimates for the proposed development are provided for daily, morning, and evening peak hours, and are summarized in Table 4. The proposed site will be expected to generate 24 a.m. peak trips, 31 p.m. peak trips, and 404 daily trips.

TABLE 4: TRIP GENERATION FOR THE PROPOSED PROJECT

LAND USE (SIZE)	AM PEAK HOUR			PM PEAK HOUR			WEEKDAY TOTAL
	IN	OUT	TOTAL	IN	OUT	TOTAL	
MULTI-FAMILY HOUSING (LOW-RISE) - ITE CODE 220	6	18	24	19	12	31	404

PROJECT TRIP DISTRIBUTION AND ASSIGNMENT

The estimated site generated traffic for the proposed project was distributed and assigned to the nearby arterial and collector roadway network (see Figure 5). The trip distribution for the proposed site was estimated based on the City of Canby travel demand model⁸. It is estimated that 15 percent of the trips will start or end south of the OR 99E/Ivy Street intersection, 30 percent to/from north of the OR 99E/Territorial Road intersection, 50 percent to/from areas west of the proposed site along NE Territorial Road and 5 percent to/from areas to the east of OR 99E along Sequoia Parkway.

Table 5 summarizes the expected project trips added to study intersections. Overall, the intersection closest to the proposed project, N Redwood Street / NE Territorial Road, will be expected to see the highest increase in peak trips, with an additional 12 in the a.m. peak and 16 in the p.m. peak from the proposed project. Intersections along OR 99E will be expected to see up to 7 additional a.m. peak trips and 10 additional p.m. peak trips from the proposed project. An additional 12 a.m. peak trips from the proposed project are expected along Territorial Road west of the project site, 5 along N Redwood Street south of the project site, and 7 along Territorial Road east of the project site, and 16 p.m. peak trips from the proposed project are expected along Territorial Road west of the project site, 6 along N Redwood Street south of the project site, and 10 along Territorial Road east of the project site.

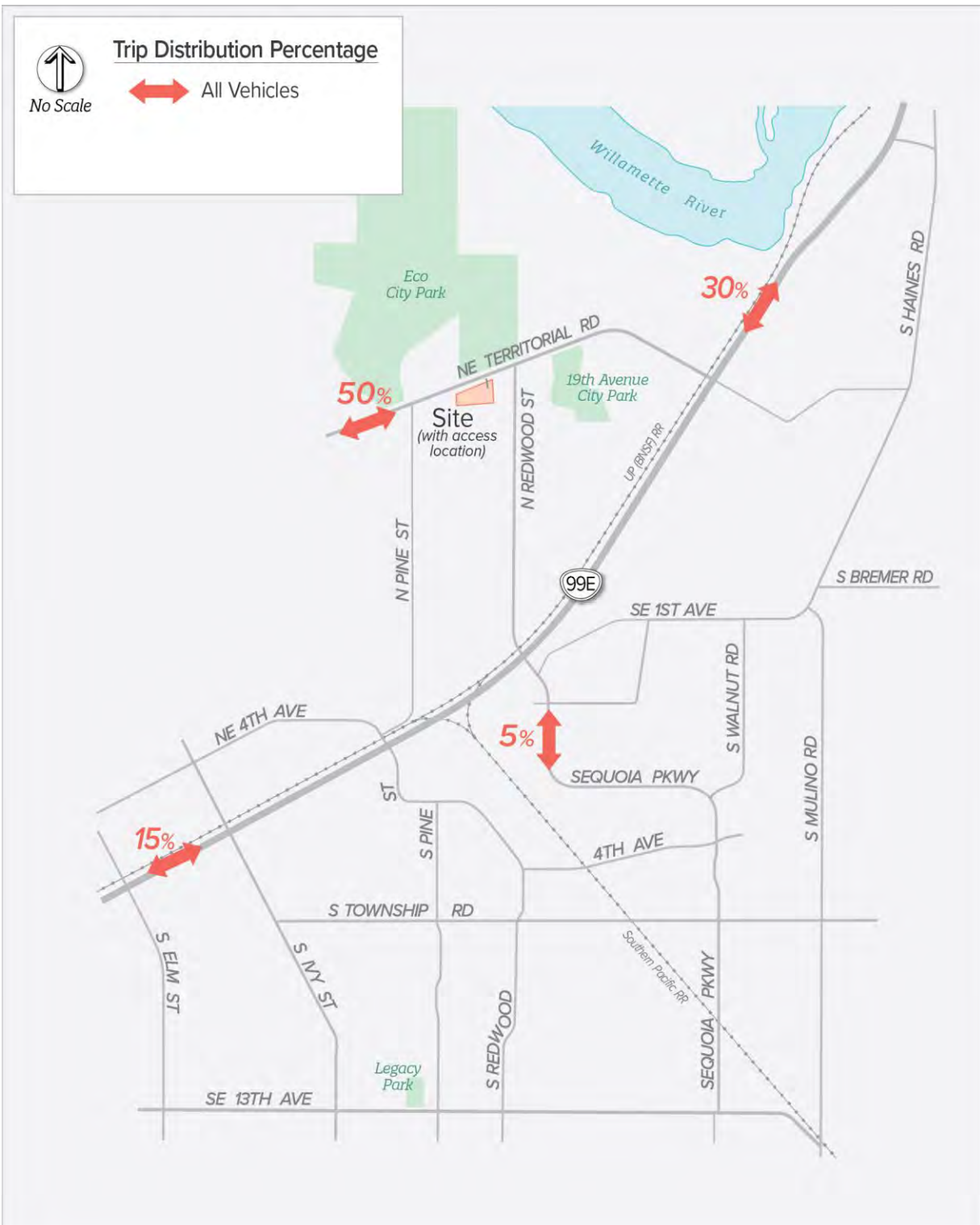
In total, approximately 202 additional daily trips will be expected along Territorial Road west of the project site, 80 along N Redwood Street south of the project site, and 122 along Territorial Road east of the project site. About 60 additional daily trips will be expected along OR 99E south of Sequoia Parkway, and about 122 along OR 99E north of Territorial Road.

TABLE 5: PROJECT TRIPS ADDED

INTERSECTION	A.M. PEAK TRIPS ADDED	P.M. PEAK TRIPS ADDED	DAILY TRIPS
OR 99E / S IVY STREET	4	5	60
OR 99E / S PINE STREET / NE 4 TH AVENUE	4	5	60
OR 99E / N REDWOOD STREET / SEQUOIA PARKWAY	5	6	80
OR 99E / NE TERRITORIAL ROAD	7	10	122
N REDWOOD STREET / NE TERRITORIAL ROAD	12	16	202

⁸ City of Canby Travel Forecast Tool, select zone model run for Traffic Analysis Zone 112.

FIGURE 5: DISTRIBUTION OF SITE GENERATED TRIPS



IN-PROCESS DEVELOPMENTS

In addition to the trips generated from the proposed project, trips from approved but not fully occupied developments in Canby were added to study intersections (see Table 6). These represent trips that were not counted in the original traffic count data but will be added to area roadways as the individual developments build out. These trips were distributed throughout the City based on each traffic study and added to the applicable study intersections.

TABLE 6: IN-PROCESS DEVELOPMENT TRIPS

DEVELOPMENT NAME	APPROVED TRIPS REMAINING						DAILY TRIPS
	AM PEAK			PM PEAK			
	IN	OUT	TOTAL	IN	OUT	TOTAL	
ALPHA SCENTS	20	6	26	8	21	29	57
ACTIVE WATER SPORTS	10	2	12	6	13	19	125
BBC STEEL	15	4	19	5	16	21	122
BE GROUP	24	7	31	15	26	41	262
CLARK WAREHOUSE	13	2	15	3	13	16	141
REIMERS INDUSTRIAL	40	11	51	9	25	34	231
N PINE STREET SUBDIVISION	8	25	33	26	16	42	75
TOFTE FARMS PHASE 6	3	9	12	10	6	16	151
STANTON FURNITURE	49	15	64	20	49	69	460
S HOPE VILLAGE EXPANSION	12	21	33	24	19	43	606
REDWOOD LANDING 2	5	16	21	18	11	29	274
REDWOOD LANDING 3	8	23	31	26	16	42	396
BECKWOOD PLACE	8	23	31	26	16	42	396
DRAGONBERRY PRODUCE	4	1	5	1	4	5	49
NORTHWOODS ESTATES PHASE 4	3	8	11	9	6	15	142
3RD AVENUE APARTMENTS	1	5	6	4	3	7	88
AMERICAN WELDING	4	1	5	1	4	5	46
OKADA MANUFACTURING	14	5	19	6	14	20	120
CANBY TERRITORIAL FOURPLEXES	1	3	4	2	2	4	59
FOOD PROCESSING FACILITY	15	4	19	6	15	21	129
TOTAL	257	191	448	225	295	520	3,929

BACKGROUND TRAFFIC

In addition to the trips from approved citywide developments, a 1 percent annual growth rate was applied to all movements at study intersections to capture other background regional trip growth not related to citywide development. This growth rate was applied between 2022 and 2023 to represent background traffic growth for the horizon years at study intersections.

PLANNING HORIZON AND SCENARIOS

The planning horizon year selected for analysis is 2023, which represents the expected year of build out and occupancy for the proposed project. Two main scenarios were evaluated within the horizon year using the following assumptions:

- 2023 Background Conditions – Existing traffic volumes plus in-process trips and background traffic growth.
- 2023 Project Conditions – Existing traffic volumes plus in-process trips and background traffic growth, with the added traffic associated with the proposed site.

Figures 6 and 7 summarize the traffic volumes for the a.m. and p.m. peak hours at study area intersections.

FIGURE 6: 2023 BACKGROUND CONDITIONS VOLUMES



FIGURE 7: 2023 PROJECT CONDITIONS VOLUMES



SECTION 5. FUTURE CONDITIONS

The following section summarizes the peak hour transportation operating conditions for the planning horizon year of 2023. Future traffic operating conditions were analyzed at the study intersections to determine if the transportation network can adequately serve the trips generated by the proposed project.

FUTURE 2023 BACKGROUND CONDITIONS INTERSECTION OPERATIONS

Table 7 shows the future 2023 intersection operations at study intersections, without the proposed project. As shown, the OR 99E/S Pine Street/NE 4th Avenue intersection now fails to meet the mobility standard. This intersection met the mobility target under 2022 existing conditions but would experience increased delay with the added background traffic.

The Canby TSP includes a financially constrained improvement project for this intersection that would add a southbound right-turn lane on OR 99E, an eastbound left-turn lane on the NE 4th Avenue approach to OR 99E that would convert the approach to two left turn lanes and a shared through-right lane, and signal timing adjustments. This planned improvement is also included on the **City's Transportation System Development Charge improvement** list. It would mitigate the substandard condition to a v/c of 0.80, and the intersection will no longer be expected to exceed the adopted v/c ratio standard of 0.90 during the p.m. peak.

Other study intersections along OR 99E are expected to continue to meet mobility targets, although the v/c ratios increase between 5 and 7 percent during the peak hours, and the OR 99E/Ivy Street study intersection is expected to operate just under its adopted mobility target during the p.m. peak hour. The only non-highway study intersection (N Redwood Street/NE Territorial Road) is expected to continue to operate well below its adopted mobility standard. Detailed intersection operations calculation worksheets are included in the Appendix.

FUTURE 2023 PROJECT CONDITIONS INTERSECTION OPERATIONS

The 2023 peak hour operations at study intersection with the completed project are shown in

Table 8. As shown, no additional intersections fail to meet the mobility standards when compared to the 2023 background conditions. The OR 99E/S Pine Street/NE 4th Avenue intersection does not meet the mobility target under 2023 background conditions, and since the proposed project doesn't increase the intersection v/c ratio it therefore does not further degrade intersection performance. Again, with the financially constrained TSP improvement, this intersection is expected to operate with a v/c of 0.80.

Other study intersections along OR 99E are expected to continue to meet mobility targets, although the added project traffic causes the v/c ratio to increase 1 percent during the peak hours at the NE Territorial Road intersection. The N Redwood Street/NE Territorial Road study intersection, which is

just to the east of the proposed site, is expected to be impacted by the highest number of project generated trips. The v/c ratio at this intersection is expected to increase up to 3 percent during the peak hours when compared to conditions without the proposed project, although the v/c ratio is still expected to remain well below the mobility standard. Detailed intersection operations calculation worksheets are included in the Appendix.

TABLE 7: 2023 BACKGROUND CONDITIONS INTERSECTION OPERATIONS

INTERSECTION	MOBILITY STANDARD	AM PEAK			PM PEAK		
		LOS	DELAY	V/C	LOS	DELAY	V/C
OR 99E / S IVY STREET **	1.00 V/C	D	41	0.82	D	39	0.90
OR 99E / S PINE STREET / NE 4 TH AVENUE **	0.90 V/C	B	18	0.70	C	29	0.95
OR 99E / N REDWOOD STREET / SEQUOIA PARKWAY **	0.90 V/C	B	17	0.58	C	22	0.70
OR 99E / NE TERRITORIAL ROAD **	0.85 V/C	B	15	0.63	B	13	0.61
N REDWOOD STREET / NE TERRITORIAL ROAD *	LOS E, 0.90 V/C	B	14	0.18	C	24	0.42
Notes: * Stop-controlled intersection; ** Signalized intersection							

TABLE 8: 2023 PROJECT CONDITIONS INTERSECTION OPERATIONS

INTERSECTION	MOBILITY STANDARD	AM PEAK			PM PEAK		
		LOS	DELAY	V/C	LOS	DELAY	V/C
OR 99E / S IVY STREET **	1.00 V/C	D	42	0.82	D	39	0.90
OR 99E / S PINE STREET / NE 4 TH AVENUE **	0.90 V/C	B	18	0.70	C	29	0.95
OR 99E / N REDWOOD STREET / SEQUOIA PARKWAY **	0.90 V/C	B	17	0.58	C	22	0.70
OR 99E / NE TERRITORIAL ROAD **	0.85 V/C	B	15	0.64	B	13	0.62
N REDWOOD STREET / NE TERRITORIAL ROAD *	LOS E, 0.90 V/C	B	14	0.18	D	26	0.45
Notes: * Stop-controlled intersection; ** Signalized intersection							

PROPORTIONAL SHARE PROJECT CONTRIBUTION

The City's TSP includes improvement projects that are needed to accommodate all the growth that was forecasted to occur through 2030. These projects are included on the City's Transportation System Development Charge improvement list, which is the one of the main funding mechanisms for implementing these TSP projects. Every new development in the City pays its proportional

share of these improvements based on the actual development size. Accordingly, this proposed project will contribute its proportional share towards these System Development Charge improvement projects.

SECTION 6. APPROVAL CRITERIA AND LIVABILITY MEASURES

The following sections summarize how the proposed project adequately addresses the transportation approval criteria and the livability measures for neighborhood traffic and pedestrian and bicycle circulation.

TRANSPORTATION APPROVAL CRITERIA

The Canby Municipal Code 16.08.160 includes transportation approval criteria that each proposed development must satisfy. This includes criteria B, D, E, and F, as summarized below. While Criteria A, C and E.3 are not transportation related criteria, they are still applicable for approval. See the respective documents or plans for more details on how this proposed development meets Criteria A, C and E.3.

A. ADEQUATE STREET DRAINAGE, AS DETERMINED BY THE CITY.

Non-transportation related criteria. See respective project documents/plans for information.

B. SAFE ACCESS AND CLEAR VISION AT INTERSECTIONS, AS DETERMINED BY THE CITY.

Access to the site is proposed via one new full access driveway to NE Territorial Road. The proposed driveway will be approximately 400 feet east of the nearest driveway on the same side of the street (located just west of Logging Road Trail), and approximately 250 feet west of N Redwood Street, complying with the spacing standard.

There is one existing driveway on the north side of NE Territorial Road along the segment adjacent to the proposed site. The driveway serves exiting only traffic from the Eco Park parking lot. This access will be located approximately 150 feet west of the proposed site access on the south side of NE Territorial Road, so no conflicts with opposing outbound left-turns from these driveways will be expected.

Prior to occupancy, sight distance at the proposed driveway will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon. Preliminary sight distance evaluation from the approximate location of the proposed driveway indicates that it would be expected to provide adequate sight distance in both directions.

C. ADEQUATE PUBLIC UTILITIES, AS DETERMINED BY THE CITY.

Non-transportation related criteria. See respective project documents/plans for information.

D. ACCESS ONTO A PUBLIC STREET WITH THE MINIMUM PAVED WIDTHS AS STATED IN SUBSECTION E BELOW.

Access to the site is proposed via one new driveway to NE Territorial Road. This driveway will be full access, allowing for ingress/egress to the on-site parking areas for vehicles and bicycles. The proposed driveway access can adequately accommodate vehicle and bicycle circulation to NE Territorial Road and internally within the site.

The site also includes proposed sidewalk connections from the building entrances to the parking areas, and a sidewalk connection to NE Territorial Road and to the west parcel boundary at the Logging Road Trail.

E. ADEQUATE FRONTAGE IMPROVEMENTS AS FOLLOWS:

1. For local streets and neighborhood connectors, a minimum paved width of 16 feet **along the site's frontage.**

Not applicable- the only fronting street (NE Territorial Road) is classified as collector.

2. **For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.**

The proposed site has frontage along NE Territorial Road. NE Territorial Road has an estimated 34-foot existing paved width along the frontage of the proposed site, with one travel lane in each direction and bike lanes. The applicant will be required to design and construct half-street improvements along the entire site frontage to City collector roadway standards. These improvements should consist of a 12-foot pedestrian zone (i.e., 6-foot-wide sidewalk with a 0.5-foot setback from the right-of-way line, behind a 5-foot-wide landscape strip with a 0.5-foot curb).

3. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the **site's frontage.**

Non-transportation related criteria. See respective project documents/plans for information.

F. COMPLIANCE WITH MOBILITY STANDARDS IDENTIFIED IN THE TSP. IF A MOBILITY DEFICIENCY ALREADY EXISTS, THE DEVELOPMENT SHALL NOT CREATE FURTHER DEFICIENCIES.

The proposed development will generate more than 25 AM and/or PM peak trips, so peak hour intersection operations were evaluated for the existing 2022, and future 2023 background (without the proposed project) and project conditions (with the proposed project) scenarios. The measured conditions indicate that drivers are experiencing some congestion, particularly at study intersections along OR 99E, although the conditions are still within the acceptable range when compared to the adopted ODOT and City mobility standards. However, the OR 99E/S Pine Street/NE 4th Avenue intersection does not meet the mobility target under 2023 background conditions, although the added project trips are not significant enough to further degrade the

intersection performance under 2023 project conditions. A financially constrained TSP project on the **City's Transportation System Development Charge improvement list** would improve the intersection v/c to no longer be substandard. Other study intersections along OR 99E are expected to meet mobility targets, although the Ivy Street intersection is expected to operate just under its adopted mobility target during the p.m. peak hour.

The N Redwood Street/NE Territorial Road study intersection, which is just to the east of the proposed site, is expected to be impacted most significantly by project generated trips, although the v/c ratio is still expected to remain well below the mobility standard.

LIVABILITY CRITERIA

In addition, each project must comply with livability measures for neighborhood traffic and pedestrian and bicycle circulation. A summary is provided below for the proposed project.

NEIGHBORHOOD TRAFFIC

The proposed site will access directly to the adjacent collector street (i.e., NE Territorial Road) and does not have an impact on residential local streets.

PEDESTRIAN AND BICYCLE CIRCULATION

The proposed site has frontage along NE Territorial Road. NE Territorial Road has an estimated 34-foot existing paved width along the frontage of the proposed site, with one travel lane in each direction and bike lanes. The applicant will be required to design and construct half-street improvements along the entire site frontage to City collector roadway standards. These improvements should consist of a 12-foot pedestrian zone (i.e., 6-foot-wide sidewalk with a 0.5-foot setback from the right-of-way line, behind a 5-foot-wide landscape strip with a 0.5-foot curb). The existing roadway, with the frontage pedestrian improvements, can adequately accommodate the additional pedestrian, and bicycle traffic expected.

SECTION 7. TRANSPORTATION CONDITIONS OF APPROVAL

The following is a summary of the transportation conditions of approval:

1. The development shall pay Transportation System Development Charges to address citywide impacts.
2. The development shall design and construct improvements along the entire site frontage to City collector roadway standards. These improvements should consist of a 12-foot pedestrian zone (i.e., 6-foot-wide sidewalk with a 0.5-foot setback from the right-of-way line, behind a 5-foot-wide landscape strip with a 0.5-foot curb).
3. The applicant must provide bike parking consistent with City standards.
4. Minimum sight distance requirements shall be met at the proposed driveway. Sight distance should be verified in the final engineering/construction stages of development.

APPENDIX



720 SW WASHINGTON STREET, SUITE 500, PORTLAND, OR 97205 • 503.243.3500 • DKSASSOCIATES.COM

SHAPING A SMARTER TRANSPORTATION EXPERIENCE™

AN EMPLOYEE-OWNED COMPANY

ANN 22-01/ZC 22-01
Attachment 1.J. Development Agreement

After Recording Return To:
City of Canby
(222 NE 2nd Avenue)
PO Box 930
Canby, OR 97013

THIS SPACE RESERVED FOR RECORDER'S USE

ANNEXATION DEVELOPMENT AGREEMENT

RECITALS:

1. S.T.J. 1, LLC, an Oregon Limited Liability Company, hereinafter called the “**STJ**”, owns real property commonly described as 1885 N Redwood Street, Canby, Oregon 97013 and more particularly described in attached Exhibit A and depicted on a survey attached as Exhibit B (“**Property**”).
2. The City of Canby, an Oregon Municipal Corporation, hereinafter referred to as “**CANBY**”.
3. The Property described in Exhibit A and depicted on Exhibit B is located within the boundaries of a designated annexation “Development Agreement Area” as shown on the City of Canby Annexation Development Map (City of Canby Municipal Code Title 16, Figure 16.84.404).
4. CANBY procedures for annexation specify the Planning Commission shall conduct a public hearing to review any proposed annexations and determine the appropriate zoning designation upon annexation. The Planning Commission shall furnish its recommendation concerning annexation and assigned zoning to the City Council. The City Council will determine whether the applicable standards and criteria of Canby Municipal Code 16.84.040 are met and will determine appropriate zoning for the Property based on the criteria set forth in the Canby Municipal Code 16.54.040.
5. The purpose of this Annexation Development Agreement is to satisfy the requirements of Canby Municipal Code 16.84.040 including providing adequate public information and information evaluating the physical, environmental, and related social effects of a proposed annexation. The proposed annexation does not require the statutory development agreement of ORS 94.504 et seq.

After Recording Return To:
City of Canby
(222 NE 2nd Avenue)
PO Box 930
Canby, OR 97013

NOW, THEREFORE, it is hereby agreed:

I. CANBY MUNICIPAL CODE 16.84.040 APPLICABLE PROVISIONS.

- A. Timing of the submittal of an application of zoning. Concurrent with the review of this Agreement, the Council shall consider STJ annexation application and STJ requests that, upon approval of the annexation by the City Council, the Property shall be zoned R-2. This will ensure that the Annexation Development Agreement as well as the annexation and zone change approvals are consistent with City Code 16.84.
- B. Scope of annexation request. The annexation will include the property described in attached Exhibit A and depicted on a survey attached as Exhibit B and no other property or roadway.
- C. Timing of Recording. STJ shall have fourteen (14) calendar days from the date the City Council takes final action approving this Annexation Development Agreement, annexation and zone change, to record this document. A condition of approval will be attached to the annexation and zone change approval imposing this requirement.
- D. Dedication of land for future public facilities including park and open space land. There will not be any obligation for dedication of public facilities as part of this Annexation Development Agreement. At the time of development, STJ will satisfy the CANBY parkland dedication obligation by payment of Park System Development Fees as required.
- E. Street construction/layouts, utilities, right of way dedications. At the time of development, all CANBY required public improvements will be constructed to conform with Canby Municipal Code requirements by STJ. STJ will provide right of way dedications necessary for the completion of the development, if any.
- F. Utility availability. At the time of development, STJ agrees to ensure that utilities and infrastructure are available to serve the Property described in Exhibit A and

After Recording Return To:
City of Canby
(222 NE 2nd Avenue)
PO Box 930
Canby, OR 97013

Exhibit B at densities currently authorized in the R-2 zone. STJ also agree to allow connection to STJ's constructed public facilities, if any, by adjacent property owners.

- G. Waiver of compensation claims. STJ waives compensation or waiver of land use regulations as provided in ORS 195.300 and 195.336, as well as Measure 49, resulting from annexation and the concurrent zone change approval.
- H. Rough proportionality of future exactions. To the extent that this agreement identifies right-of-way dedication, utility or service obligations, these obligations are necessary and will be limited to an amount necessary to serve this development based on the proposed development application as well as on the uses and densities permitted in the R-2 zone.
- I. Other commitments deemed valuable to the City of Canby. STJ agrees any future development will meet the requirements of the adopted City of Canby Municipal Code in effect at the time of development.

II. OTHER CONSIDERATIONS.

- A. Duration. This Annexation Development Agreement shall be effective upon CANBY, acting by and through its City Council, approving this agreement and upon its recording with the Clackamas County Recording Office. As used herein, "approval" means the granting of the approval by City Council and expiration of the period of appeal, or if an appeal is filed, the resolution of such appeal. This agreement shall continue in effect for a period of five (5) years after its effective date.
- B. Recording. Within fourteen (14) calendar days after "approval" of annexation and zone change, STJ shall record this Annexation Development Agreement with the Clackamas County Recorder Office and provide a copy of the recorded document to the City Attorney.

After Recording Return To:
City of Canby
(222 NE 2nd Avenue)
PO Box 930
Canby, OR 97013

C. Cancellation. This Annexation Development Agreement shall not be cancelled.

D. Modification. This Annexation Development Agreement may be modified, amended, or extended upon the mutual consent of STJ and CANBY.

IN WITNESS WHEREOF, the below named parties have executed this Instrument this ____day
of _____, 2022.

S.T.J. 1, LLC

By: Thomas A.W. Scott
Title: Managing Member

S.T.J. 1, LLC

Grantor
By: Jeffrey C. Scott
Title: Managing Member

After Recording Return To:
City of Canby
(222 NE 2nd Avenue)
PO Box 930
Canby, OR 97013

STATE OF OREGON)
)
) **ss:**
COUNTY OF _____)

On the _____ day of _____, 2022, personally appeared the above-named Thomas Scott, Managing Member of S.T.J. 1, LLC, on behalf of the company, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged said instrument to be his/her voluntary act and deed.

Notary Public for Oregon _____

My Commission Expires: _____

STATE OF OREGON)
)
COUNTY OF _____) **SS:**

On the _____ day of _____, 2022, personally appeared the above-named Jeff Scott, Managing Member of S.T.J. 1, LLC, on behalf of the company, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged said instrument to be his/her voluntary act and deed.

Notary Public for Oregon _____

My Commission Expires: _____

After Recording Return To:
City of Canby
(222 NE 2nd Avenue)
PO Box 930
Canby, OR 97013

**ACCEPTANCE BY CITY OF CANBY – APPROVED BY ACTION OF CITY COUNCIL
ON THE _____ DAY OF _____, 2022 ORDINANCE NO. _____**

CITY OF CANBY, a Municipal Corporation

By: _____
Scott Archer

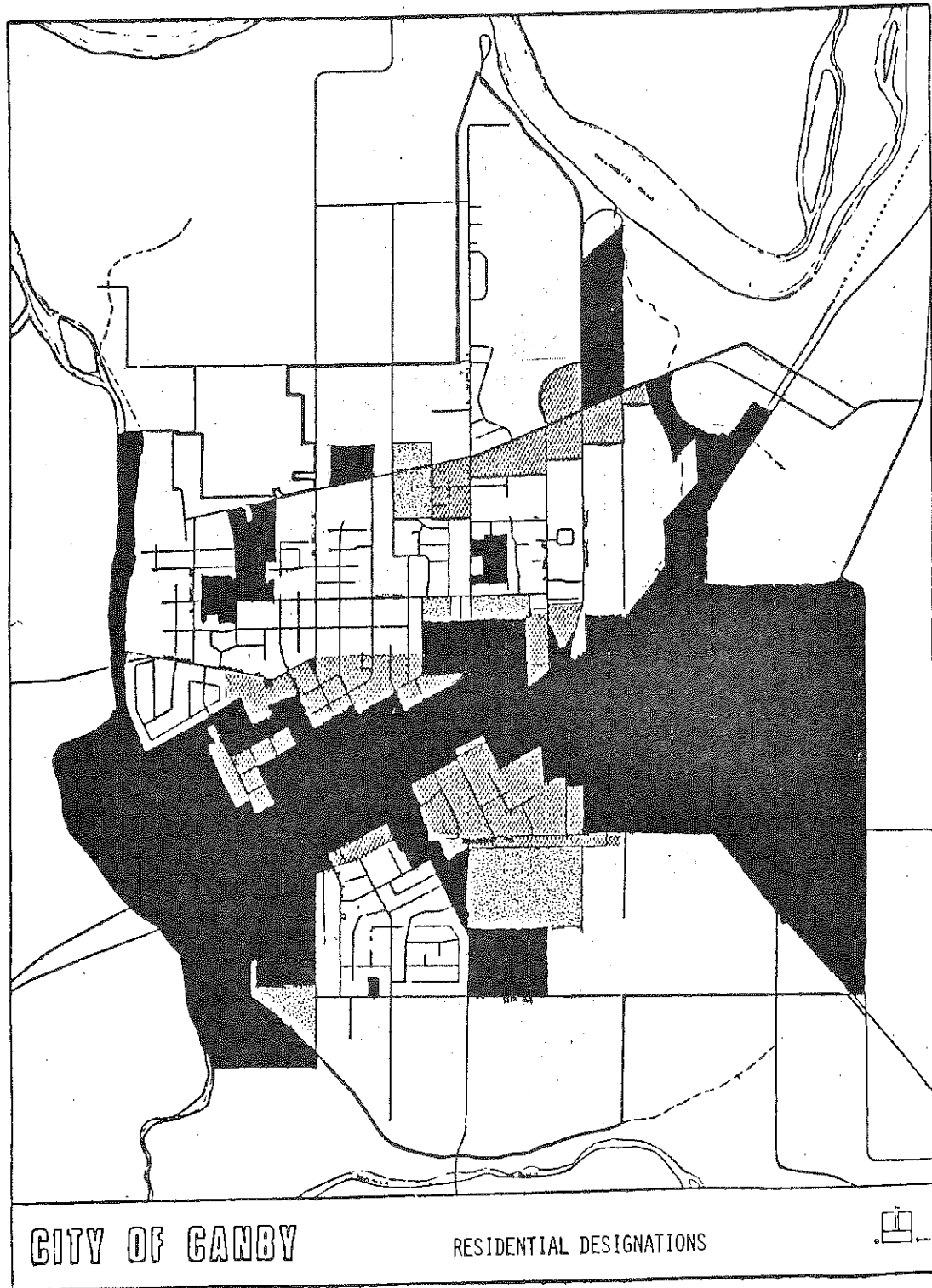
Title: City Administrator

STATE OF OREGON)
) **ss:**
COUNTY OF CLACKAMAS)

On the _____ day of _____, 2022, personally appeared the above-named Scott Archer, who being duly sworn, did say that he is the City Administrator for the City of Canby, a Municipal Corporation, and said instrument was signed and sealed on behalf of said corporation and he acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon _____
My Commission Expires: _____

NOTE: The locations shown on this map are generalized. More specific information can be gained from the official land use map on file in City Hall.



LOW DENSITY
MEDIUM DENSITY
HIGH DENSITY
NON-RESIDENTIAL



October 11, 2022

ANN 22-01/ZC 22-01
Attachment 1.K. Written Public Testimony

Planning Department
Planning Commission

Comments to the Application: 1885 N Redwood St Annexation & Zone Change ANN 22-01 / ZC 22-01

The letter of notification from the City of Canby was postmarked October 5, 2022. Received October 7, 2022. Notice of hearing states comments to be included in packet are to be returned by Tuesday, October 11, 2022. No way to return via the US Mail, as Monday was a federal holiday, therefore no mail service. Ability to comment needs adequate time for respondents to comment. Not everyone, has a computer and internet to respond.

On the City of Canby Comment form, it states due back by Wednesday, October 11, 2022. So which is the correct day? Inaccurate information was provided to respondents.

I called the number provided on the notice – 503 266-0686, Brianna Addotta. First attempt was Monday morning and again Monday afternoon. My message requested a copy of the application. No response.

Called Brianna again on Tuesday – no response.

Called Ryan Potter, Planning Manager, Tuesday, October 11 before noon – no response.

Called the main Development Services number, Tuesday, October 11. Received a call back after 1pm. Unfortunately to be told that the application does not provide the intent of the property, just the change from Clackamas County RFFFS (Rural Residential Farm/Forest 5 acres), to proposed zoning of R-2 (High Density Residential).

As a homeowner who lives next to the proposed annexation, I have many questions that need to be addressed! Information provided on the Notice of Hearing & Request for comments lacks any information as to what this property development plans are? Proposed changing of the zoning to R-2 (High Density Residential), based on 16.20.030 Development Standards – A. Minimum residential density: New Development shall achieve a minimum density of 14 units per acre. So, is the intention of this application for 14 units or more? An addition, this will then allow this property to be combined with the other two acres purchased at 1335 NE Territorial Rd, to become a little over 3 acres for development. Again, I ask what is the proposed building to be? If you do not require this information, hence before approving the proposed annexation, then how can you make a decision that is in the best interest for the citizens of Canby.

I expect responsible development decisions to be made on behalf of homeowners and the community of Canby.

Sincerely,



Laurie & Terry Bergstrom
1350 NE 18th Place
Canby, OR

November 1, 2022

Planning Department
Planning Commission

Comments to the Application: 1885 N Redwood St Annexation & Zone Change ANN 22-01 / ZC 22-01

As a homeowner who lives next to the proposed annexation, I have many questions that need to be addressed.

* Information provided on the Notice of Hearing & Request for comments lacks any information as to what this property development plans are? Proposed changing of the zoning to R-2 (High Density Residential), based on 16.20.030 Development Standards – A. Minimum residential density: New Development shall achieve a minimum density of 14 units per acre. So, is the intention of this application for 14 units or more? An addition, this will then allow this property to be combined with the other two acres purchased at 1335 NE Territorial Rd, to become a little over 3 acres for development. Again, I ask what is the proposed development to be?

*Has a Development Concept Plan been done by the applicant? Again, where can that be found for review? If not, why not?

*Has a Traffic Impact study been done for this application? If so, where can a citizen locate this information?

I have a concern that the proposed annexation, will likely change my Real Market Value. I purchased my home 20 years ago, knowing that I had one home adjacent to my property. This proposed annexation will change the neighborhood, with no regards to the current homeowners. It's one thing to purchase a home knowing that your home has apartments next to it – than to one day, lose the privacy of your backyard to apartments. Do you think Clackamas County Assessor and Taxation is going to reduce my taxes? I'm pretty sure we know that answer!

An addition, I would like to know when my property and my neighbor's properties were changed to R-2? On the map of the Notice of Public Hearing and the City of Canby Annexation Development Map it shows all the homes from the walking trail to Redwood Street (fence line homes) as R-2.

If you do not require any of my questions above (*) as information for making an informative decision on the proposed annexation, then how can you make a decision that is in the best interest for the existing homeowners adjacent to the proposed annexation and the citizens of Canby.

I expect responsible development decisions to be made on behalf of homeowners and the community of Canby.

Sincerely,

Laurie & Terry Bergstrom
1350 NE 18th Place
Canby, OR
503 263-6295
bergstromlaurie@yahoo.com



City of Canby

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

Phone: 503.266.7001
www.canbyoregon.gov

Development Services

CITY OF CANBY – COMMENT FORM

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

E-mail: PublicComments@canbyoregon.gov

Mail: Planning Department, PO Box 930, Canby, OR 97013

Written comments to be included in Planning Commission packet are due by Wednesday, October 11, 2022.

Written comments to be included in City Council packet are due by Monday, November 28, 2022.

Written comments can be submitted up to the time of any Public Hearing and oral comments may also be delivered via Zoom during any Public Hearing.

Application: 1885 N REDWOOD ST ANNEXATION & ZONE CHANGE ANN 22-01 / ZC 22-01

COMMENTS:

I am not interested in having this land
Annexed into the city as Redwood has way too much
Traffic as it is.

FIX Redwood First! The 75%
that's been Abandoned.

CITIZEN NAME:

Charles Askew

EMAIL:

Charl.Askew@yahoo.com

ADDRESS:

1410 NE 17th Ave

PHONE # (optional):

503-575-8864

DATE:

10/11/21

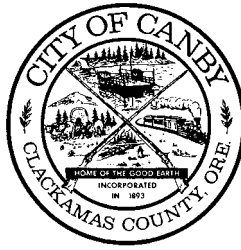
PLEASE EMAIL COMMENTS TO

PublicComments@canbyoregon.gov

Thank you!

Public Hearing Notice 1885 N Redwood St Annexation/Zone Change (ANN 22-01/ZC 22-01)

Page 3 of 3



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

**A REQUEST FOR ANNEXATION AND
APPLICATION OF HIGH DENSITY
RESIDENTIAL CITY ZONING TO A 1.06 ACRE
PARCEL LOCATED AT 1885 N. REDWOOD ST.**

**FINDINGS, CONCLUSION &
RECOMMENDATION TO CITY COUNCIL**

**ANN 22-01 / ZC 22-01
1885 N. REDWOOD ST. ANNEXATION AND
ZONE CHANGE**

NATURE OF THE APPLICATION

The applicant requested Planning Commission recommend a decision of approval to City Council to annex a parcel of land located at 1885 N. Redwood St. and apply the R-2 high density residential city zoning district in agreement with the land use designation applied by the adopted Comprehensive Plan.

HEARINGS

The Planning Commission considered applications **ANN 22-01 / ZC 22-01** at the duly noticed hearing on November 14, 2022 during which the Planning Commission voted to recommend approval by a 4/2 vote. These Findings are entered to document the recommendation of approval.

CRITERIA AND STANDARDS

In judging whether or not the aforementioned applications shall be recommended for approval, the Planning Commission determines whether criteria from the City of Canby Comprehensive Plan and Land Development and Planning Ordinance are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated November 4, 2022 and presented at the November 14, 2022 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Annexation and Zone Change applications and applied Conditions of Approval in order to ensure that the proposal will meet all required City of Canby Land Development and Planning Ordinance approval criteria.

CONCLUSION

In summary, the Planning Commission recommended adopting the findings contained in the Staff Report, concluding that the application met all applicable approval criteria, and recommending that

1885 N. Redwood St Annexation and Zone Change (ANN 22-01 / ZC 22-01) be approved, reflected in the written Order below.

ORDER


The Planning Commission concludes that, with the following conditions, the application meets the requirements for Annexation and Zone Change approval. Therefore, IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that **1885 N. Redwood St Annexation and Zone Change (ANN 22-01 / ZC 22-01)** is approved.

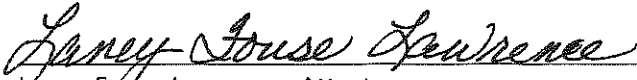
CONDITIONS OF APPROVAL

1. Annexation (ANN 22-01) and Zone Change (ZC 22-01) must be free of appeals and have attained final land use decisions as defined by ORS 197.015 prior to gaining site and design review approval. Any action on behalf of the applicant that invalidates or disqualifies ANN 22-01 and ZC 22-01 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.

I CERTIFY THAT THIS ORDER, ANN / ZC 22-01 1885 N Redwood Street, was presented to and APPROVED by the Planning Commission of the City of Canby on the 28th day of November, 2022.


 Jason Padden
 Planning Commission Chair

 Ryan Potter for
 Don Hardy
 Planning Director


 Laney Fouse Lawrence, Attest
 Recording Secretary

ORAL DECISION: November 14, 2022

Name	Aye	No	Abstain	Absent
Jason Padden	X			
Michael Hutchinson	X			
Chris Calkins	X			
Judi Jarosh		X		
Dan Ewert		X		
Matt Ellison	X			
Vacant				

WRITTEN DECISION: November 28, 2022

Name	Aye	No	Abstain	Absent
Jason Padden	X			
Michael Hutchinson	X			
Chris Calkins				X
Judi Jarosh	X			
Dan Ewert				X
Matt Ellison	X			
Vacant				

ORDINANCE NO. 1592

AN ORDINANCE PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 1.06 ACRES OF REAL PROPERTY DESCRIBED AS LAND SITUATED SOUTHWEST 1/4 of SECTION 27, T.3S., R.1E., W.M.. (TAX MAP 31E27CB); AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST 5 ACRES (RRFF5) TO CITY HIGH DENSITY RESIDENTIAL (R-2) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS.

WHEREAS, on December 7, 2022, at a public hearing the City Council of the City of Canby approved by a vote of _5 to 0, Annexation (ANN/ZC 22-01) which called for the annexation of 1.06 acres of real property into the City of Canby. The applicant is S.T.J.1, LLC, managing members Jeff and Thomas Scott. A complete legal description and survey map of the property as 1885 N. Redwood St. delineates the property to be annexed and is attached hereto as Exhibit A & B respectively and by this reference are incorporated herein;

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;

WHEREAS, an application was filed by the City as the applicant listed above to annex the real property identified and bring said real property 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;

WHEREAS, a public hearing was conducted by the Canby Planning Commission on November 28, 2022 after public notices were mailed, posted and published in the Canby Herald, as required by law;

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the annexation 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;

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 November 28, 2022;

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 December 7, 2022.

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

Section 1. It is hereby proclaimed by the City Council of Canby that 1.06 acres of real property 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 December 7, 2022 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 December 21, 2022, commencing at the hour of 7:00 PM at the Council Meeting Chambers located at 222 NE 2nd Avenue, Canby, Oregon.

Melissa Bisset, CMC
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

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.
3880 SE 8th Ave., Suite 280

Ronald b. Sellards, P.E.

Portland, OR 97202

503-235-8795

FAX: 503-233-7889

Email: chris@ztecengineers.com

March 14TH, 2022

**SCOTT INVESTMENT COMPANIES
ANNEXATION OF LOT 3 OF "ALICE ACRES"**

A TRACT OF LAND BEING ALL OF LOT 3 OF THE PLAT OF "ALICE ACRES", LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINING AT A 2 INCH IRON PIPE, ONE FOOT BURIED, BEING THE INITIAL POINT TO SAID "ALICE ACRES" (PLAT NO. 1973), SAID POINT BEING AT THE SOUTHWEST CORNER OF SAID LOT 3 OF SAID "ALICE ACRES", SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF MOLALLA FOREST ROAD; THENCE FROM SAID POINT OF BEGINNING, NORTH 00°01'30" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 230.96 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE NORTH 89°57'00" EAST, ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 200.94 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 00°01'52" EAST, ALONG THE EAST LINE OF SAID LOT 3; A DISTANCE OF 230.94 FEET TO A 5/8 INCH IRON ROD AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 89°56'39" EAST, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 200.96 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED.

SAID TRACT OF LAND CONTAINS AN AREA OF 1.0654 ACRES (46,409 SQUARE FEET) MORE OR LESS.



Territorial Rd.
(60' wide)

N 69°03'00" E 577.15'

FD. 5/8" I.R. WITH YPC
STAMPED "AKS ENG"
SET ON "REDWOOD
CORNER" (HELD)

FD. 5/8" I.R. WITH YPC
STAMPED "AKS ENG"
SET ON SN 2008-104
(HELD FOR EASTING)

FD. 5/8" I.R., BENT
(NOT HELD)

N 89°57'00" E 445.77'

200.94'

FD. 5/8" I.R. WITH YPC
STAMPED "AKS ENG"
SET ON "REDWOOD
CORNER" (HELD)

Molalla Forest Road

N 00°01'30" W 341.66'

230.96'

LOT 3
(46,409 SQUARE FEET)

S 00°01'30" E 230.94'

LOT 2

"ALICE ACRES"

POINT OF BEGINNING

S. 89°56'39" W 200.96'

FD. 2" I.P., 1.0' BURIED
INITIAL POINT TO
"ALICE ACRES" (HELD)

LOCATED IN THE S.W. 1/4 SECTION 27,
T.3S., R.1E., W.M., IN THE CITY OF CANBY,
CLACKAMAS, COUNTY, OREGON

FD. 5/8" I.R. SET ON
"ALICE ACRES" (HELD)

TITLE: SCOTT INVESTMENT CO. - ANNEXATION OF LOT 3

PLOT DATE: 3-14-22

FILE: 21-4554-1

CLIENT: SCOTT INVESTMENT CO.

SCALE: -

SHEET: 1

ZTec ENGINEERS, INC.

3880 S.E. 8TH AVE., SUITE 280

PORTLAND, OREGON 97202

(503) 235-8795

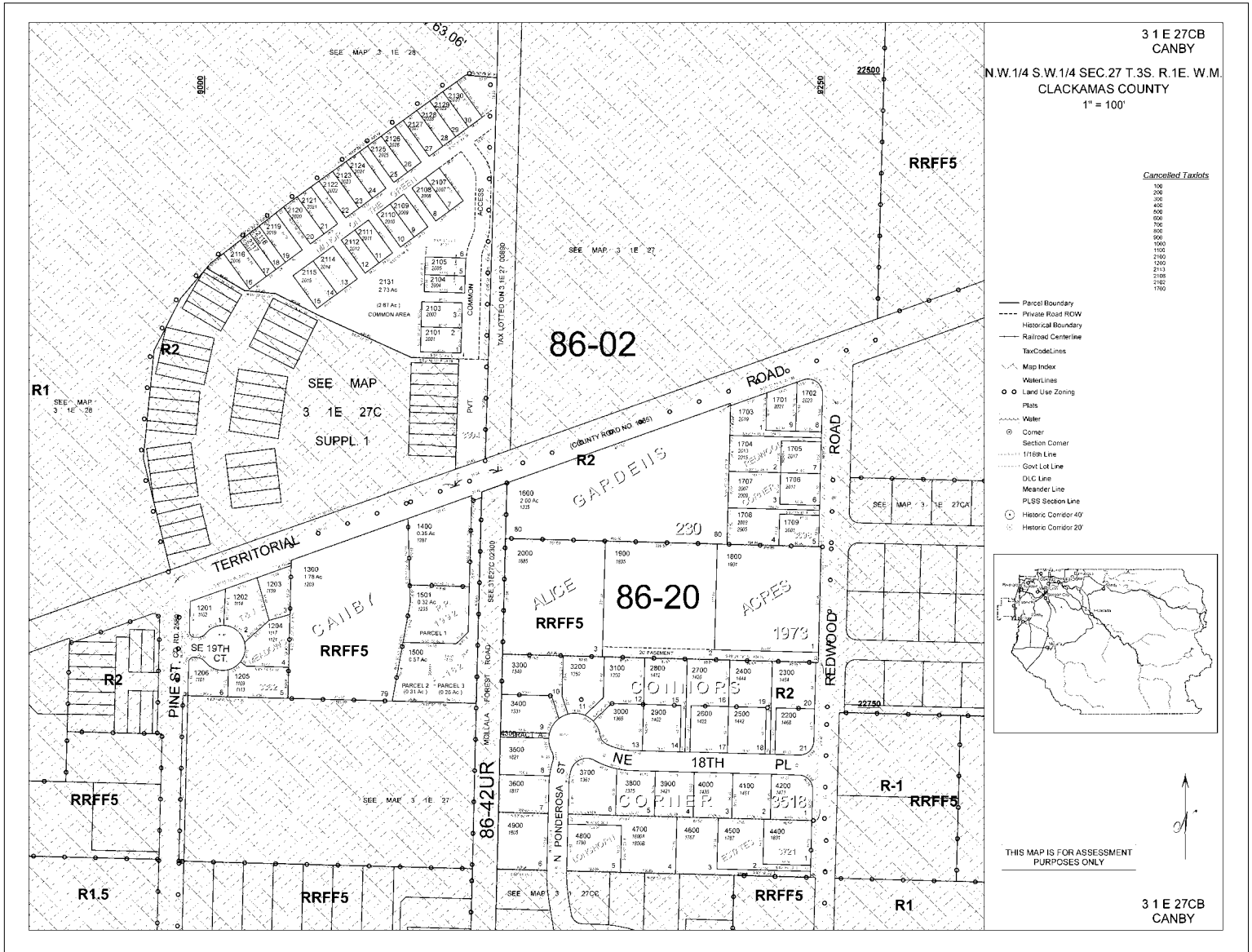


First American

myFirstAm®

Tax Map

1885 N Redwood St, Canby, OR 97013



AMENDMENT TO EMPLOYMENT CONTRACT
City Administrator

This Amendment, dated December 21, 2022, to the Employment Agreement dated October 7, 2020 with an amendment on November 9, 2021, between the City of Canby, Oregon, a Municipal Corporation, and Michael Scott Archer, is intended to memorialize a merit increase in base salary.

Section 5 of the current employment agreement is amended by changing the amount of the current base salary per year, effective retroactive to November 9, 2022, representing a salary adjustment increase of five (5) percent and continuing at said base salary until further amended in accordance with the provisions of this paragraph.

All other terms and conditions of the current employment agreement remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to Employment Agreement the day and year first written above.

CITY OF CANBY:

Brian Hodson
Mayor

ATTEST:

Melissa Bisset
City Recorder, CMC

Michael Scott Archer
Canby City Administrator