

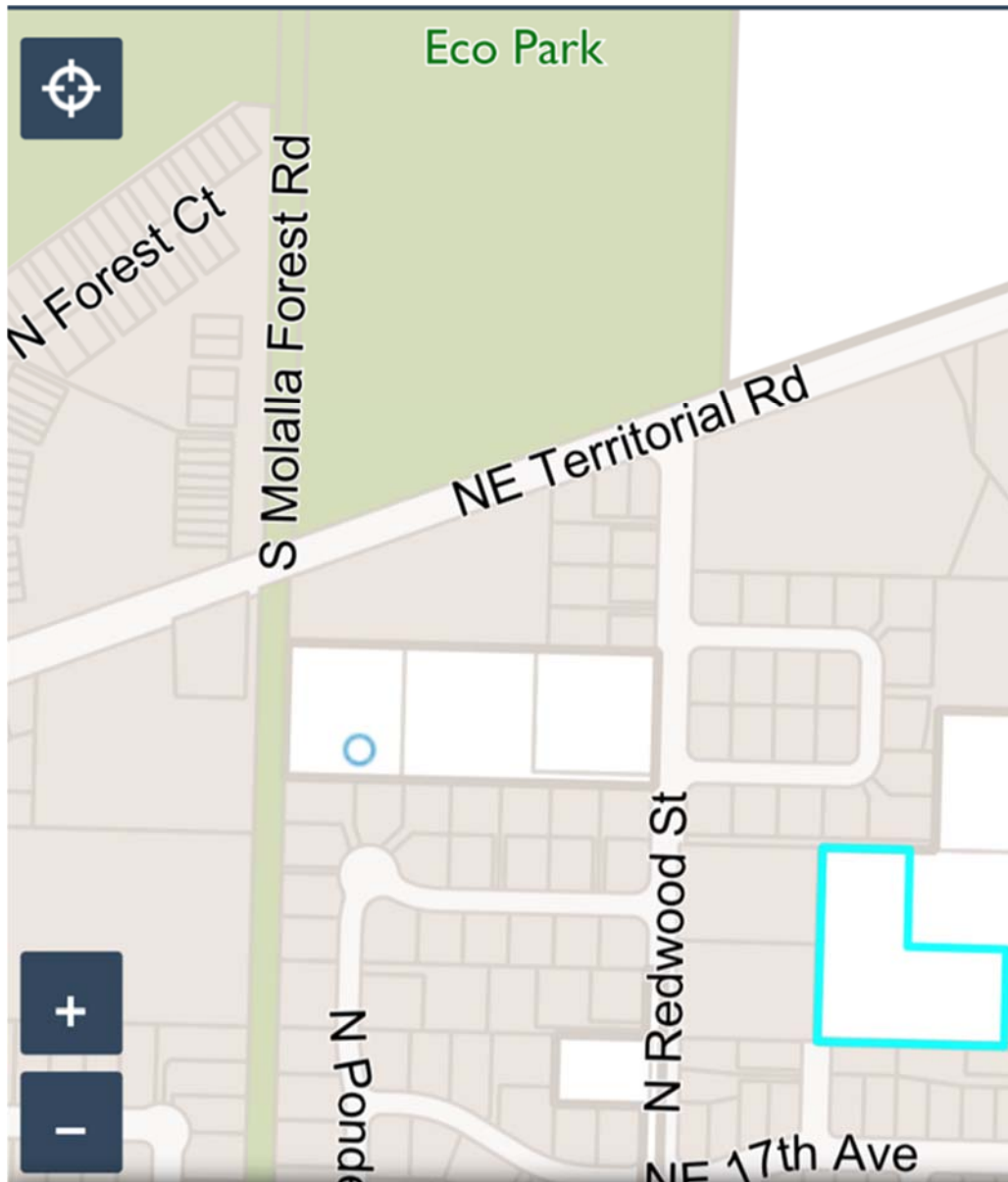
**Application for Annexation and Zone Change**

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Owners:	S.T.J. 1, LLC 130 SW 2 <sup>nd</sup> Ave, Ste 103 Canby, OR 97013
Consultant:	Sisul Engineering, Pat Sisul 375 Portland Avenue Gladstone, OR 97027 Phone: (503) 657-0188 Email: <a href="mailto:patsisul@sisulengineering.com">patsisul@sisulengineering.com</a>
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 4<sup>th</sup> 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.