



CITY COUNCIL Agenda

222 NE 2nd Avenue, Canby, OR, 97013 | Ph: (503) 266-4021 | www.canbyoregon.gov

DECEMBER 18, 2024

The City Council meeting may be attended in person in the Council Chambers at
222 NE 2nd Avenue, Canby, OR 97013

The meetings can be viewed on YouTube at:

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

The public can register to attend the meeting virtually by contacting the Deputy City Recorder;
ridgleyt@canbyoregon.gov or call 503-266-0637.

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

REGULAR MEETING – 7:00 PM

1. CALL TO ORDER

- a. Invocation
- b. Pledge of Allegiance

2. NEW EMPLOYEE INTRODUCTIONS

3. ELECTION PROCLAMATION

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- 4. 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. If you would like to speak virtually, please contact the Deputy City Recorder by 4:30 pm on December 18, 2024, with your name, the topic you'd like to speak on and contact information: ridgleyt@canbyoregon.gov or call 503-266-0637.

5. CONSENT AGENDA

- a. Approval of the December 4, 2024, City Council Regular Meeting Minutes.

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6. PUBLIC HEARING

You are welcome to speak in person. ***If you would like to speak virtually please email or call the Deputy City Recorder by 4:30 pm on December 18, 2024, with your name and contact information: ridgleyt@canbyoregon.gov or call 503-266-0637. Once your information is received, you will be sent instructions to speak.

- a. Public Hearing Regarding the 1733 N. Holly Street Annexation and Zone Change (Ann-24-01 & ZC 24-01).

Consider **Ordinance 1638**: An Ordinance, Proclaiming Annexation into the City of Canby, Oregon 3.39 Acres of Real Property described as Tax Lot 01900 Situated Southwest 1/4 of Section 28, T.3S., R.1E., W.M. (Tax Map 3 1E 28C); and Approx. 0.44 Acres of Adjacent North Holly Street Right-of-Way; and Amending the Existing County Zoning from Rural Residential Farm/Forest 5 Acre (RRFF5) to City Low Density Residential (R-1) for the Entire Area; and Setting the Boundaries of the Property to be included within the Canby City Limits. *(First Reading)*

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7. ORDINANCES & RESOLUTIONS

- a. Consider **Ordinance 1637**: An Ordinance Approving Transfer of Funds from the City of Canby's General Fund, Unallocated Requirements, to the Canby Adult Center. *(Second Reading)*

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8. OLD BUSINESS

- a. Transit Office Building Update

9. NEW BUSINESS

10. MAYOR'S BUSINESS

11. COUNCILOR COMMENTS & LIAISON REPORTS

12. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

13. CITIZEN INPUT

14. ACTION REVIEW

15. ADJOURN



CITY COUNCIL Staff Report

Meeting Date: 12/18/2024

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Maya Benham, Administrative Director/ City Recorder
Agenda Item: Election Proclamation
Goal: N/A
Objective: N/A

Summary

Please see the Election Proclamation and Official Election Results from Clackamas County Elections dated December 2, 2024.

Attachments

Election Proclamation
Official Election Results



PROCLAMATION

Mayor & City Council Election

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 5, 2024, and

WHEREAS, the Clackamas County Elections Department offers the following abstract as an official count of votes as of December 2, 2024:

Mayor Brian D. Hodson – 5,889
 Undervotes – 1,503
 Overvotes – 0
 Write-In – 76

David Tate – 3,033
Undervotes – 1,503
Overvotes – 0
Write-In – 76

Councilor Paul Waterman – 4,591
 Shawn Varwig – 4,491
 Jason Padden – 5,084
 Daniel Stearns – 5,069
 Traci Hensley – 5,311
 Undervotes – 17,034
 Overvotes – 15
 Write-in – 364

WHEREAS, the three Councilor candidates who received the highest number of votes will have four-year terms.

WHEREAS, the Councilor candidate who received the fourth highest number of votes will have a two-year term.

NOW, THEREFORE, I, Brian Hodson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Elections Division dated December 2, 2024.

Dated this 18th day of December, 2024.

Brian Hodson
Mayor

Canvass Results Report

Official Ballots

Run Time 3:18 PM
Run Date 12/02/2024

Clackamas County

November 5, 2024 General Election

11/5/2024
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Official Results

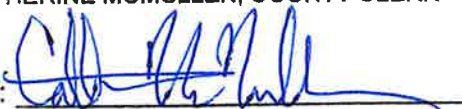
Registered Voters
248910 of 319822 = 77.83%

Precincts Reporting
119 of 119 = 100.00%

City of Canby, Mayor - Vote for one

Precinct	David Tate	Brian D Hodson	Cast Votes	Undervotes	Overvotes	Miscellaneous Write-In	Vote by Mail Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
122	983	1,913	2,896	545	0	19	3,460	3,460	4,649	74.42%
123	553	1,245	1,798	328	0	16	2,142	2,142	2,779	77.08%
124	1,130	1,987	3,117	451	0	31	3,599	3,599	4,315	83.41%
125	367	744	1,111	179	0	10	1,300	1,300	1,622	80.15%
Totals	3,033	5,889	8,922	1,503	0	76	10,501	10,501	13,365	78.57%

CERTIFIED COPY OF THE ORIGINAL
CATHERINE MCMULLEN, COUNTY CLERK

BY: 



Canvass Results Report

Official Ballots

Run Time 3:18 PM
Run Date 12/02/2024

Clackamas County

November 5, 2024 General Election

11/5/2024
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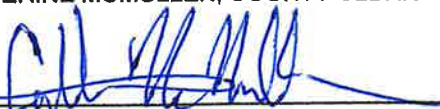
Official Results

Registered Voters
248910 of 319822 = 77.83%
Precincts Reporting
119 of 119 = 100.00%

City of Canby, Councilor - Vote for four

Precinct	Paul Waterman	Shawn Varwig	Jason Padden	Daniel Stearns	Traci Hensley	Cast Votes	Undervotes	Overvotes	Miscellaneous Write-In	Vote by Mail Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
122	1,503	1,448	1,630	1,651	1,763	7,995	5,718	5	107	3,460	3,460	4,649	74.42%
123	870	964	998	1,002	1,077	4,911	3,582	1	71	2,142	2,142	2,779	77.08%
124	1,662	1,520	1,819	1,801	1,832	8,634	5,596	8	134	3,599	3,599	4,315	83.41%
125	556	559	637	615	639	3,006	2,138	1	52	1,300	1,300	1,622	80.15%
Totals	4,591	4,491	5,084	5,069	5,311	24,546	17,034	15	364	10,501	10,501	13,365	78.57%

CERTIFIED COPY OF THE ORIGINAL
CATHERINE MCMULLEN, COUNTY CLERK

BY: 



**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
December 4, 2024**

PRESIDING: Brian Hodson

COUNCIL PRESENT: Scott Sasse, Daniel Stearns, James Davis, Traci Hensley, and Jason Padden (attended virtually).

COUNCIL ABSENT: Herman Maldonado

STAFF PRESENT: Eileen Stein, City Administrator; Maya Benham, Administrative Director/City Recorder; Emily Guimont, City Attorney (attended virtually); and Jorge Tro, Police Chief.

CALL TO ORDER: Mayor Hodson called the meeting to order at 7:01 p.m.

NEW EMPLOYEE INTRODUCTIONS: None.

CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS:

Alan Jay, Canby resident, spoke about issues with vehicles parked on the street in the opposite direction of traffic, noise issues with vehicles, and need for warming facilities for the houseless. Mayor Hodson responded parking issues were complaint-driven and could be reported to the non-emergency police number. The City had a noise ordinance for certain sounds to stop by 10 p.m. Zoar Lutheran used to be an overnight warming shelter but it was discontinued a couple years ago by the congregation. The Library was available during operating hours. Denny's was available for people to have coffee or hot chocolate and stay overnight. Other organizations were discussing options for Canby.

Don Perman, Canby resident, said many people used Third Court and other private parking lots in the area to access the Logging Road since there was no parking for the Logging Road on the south side of town. He asked that Third Court be made a public road since it was frequently used by the public and he had done a study to determine Third Court was up to public standards. Mayor Hodson would discuss it with the City Administrator.

Rob Meeks, Canby resident, spoke about people parking on his property on Redwood Street to use the Logging Road and how it affected his tenants.

Mayor Hodson mentioned the passing of a previous Mayor, William (Bill) Pulver and asked that his family be kept in prayer. For the Kiwanis Food and Toy Drive, the biggest need was cash for food gift cards and gifts for older kids (14-17). Light Up The Night was on December 6.

Councilor Davis announced the Fire District was holding an Open House from noon to 3 p.m. on December 14 for the transition of command to the new Fire Chief, Matt Dale. Chief Dale introduced himself.

CONSENT AGENDA: **Council President Hensley moved to approve the October 9, 2024, City Council Work Session minutes, the November 20, 2024, City Council Work Session and Regular Meeting minutes, and the appointment of Carol Palmer to the Heritage and

Landmarks Commission for a term to expire on June 30, 2027. Motion was seconded by Councilor Davis and passed 5-0.

ORDINANCES AND RESOLUTIONS:

Ordinance 1637 – Emily Guimont, City Attorney, gave a recap on the funding agreement outlining the use of the funds and conditions for when the funds must be returned. She also discussed getting a letter from Clackamas County rather than a Memorandum of Agreement (MOA) confirming the transfer of the funds to the Canby Adult Center satisfied their obligations for the Community Development Block Grant funds. She recommended moving forward with the letter instead of going through the long process to get an MOA.

There was discussion regarding adding a timeline for the Adult Center to move out of the current building. Staff would talk with the Adult Center about what was reasonable and still mitigated the risk of maintenance costs to the City in the interim. There was further discussion regarding the risks associated with a letter rather than an MOA with the County and that in the letter it stated the building's useful life had expired which, in effect, meant the original IGA had expired. They then discussed how there was no need for an emergency clause and the timeline for executing the ordinance.

****Councilor Padden moved to approve Ordinance 1637, AN ORDINANCE APPROVING TRANSFER OF FUNDS FROM THE CITY OF CANBY'S GENERAL FUND, UNALLOCATED REQUIREMENTS, TO THE CANBY ADULT CENTER WITH THE ADDITION OF OPTION B OF THE LETTER to come up for a second reading on December 18, 2024. Motion was seconded by Councilor Davis and passed 4-1 with Councilor Stearns opposed.**

OLD BUSINESS: None.

NEW BUSINESS: Ms. Stein presented an amendment to the Police Chief's contract to extend it for two more years.

Councilor Sasse asked why this item was not an ordinance when they had to do an ordinance for Captain Kitzmiller's contract. Ms. Stein responded the difference was that it was a new contract with Captain Kitzmiller and an amended contract with Chief Tro.

****Councilor Davis moved to authorize the City Administrator to enter into an adoption of First Amendment to Extend Contract between the City of Canby and Chief Jorge Tro through December 31, 2026. Motion was seconded by Council President Hensley and passed 5-0.**

MAYOR'S BUSINESS: Mayor Hodson reminded the public to clean up their leaves and use their yard debris bins as the street sweeper could not pick up piles of leaves. The Council's goal setting would be at the end of January and he asked Council about including staff in the process. There was consensus for staff to be present to provide information, but the focus needed to be on the Council Goals.

Mayor Hodson said it was determined applications for new City Committee appointments would be included in the Council packets going forward, and applications for reappointed members

would not be included in the packet. The updated Council policies and procedures would be coming to Council in January to approve. The Region 1 Area Commission on Transportation met and discussed the upcoming legislative session and funding for projects.

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Padden announced people could drop their leaves off at Public Works.

Councilor Sasse noted that former teacher Dave Gordon had passed away.

Councilor Stearns said he was not opposed to the agreement with the Adult Center but thought there needed to be more guardrails. He suggested a Work Session on parking due to the public comments they had received. Ms. Stein said the City's Parking Master Plan would be updated next year.

Councilor Davis thanked Public Works for their work on the trees around town. The Parks and Recreation Advisory Board discussed Auburn Farms design, Maple Street Park lighting, and Pedal Park Grand Opening in Sandy. The Adult Center Christmas Dinner would be on December 19.

Council President Hensley attended the Chamber Luncheon and the Catalinas winter concert would be on December 18 and 19.

CITY ADMINISTRATOR'S BUSINESS: Ms. Stein shared the Walnut Street extension project, 10th Street improvement project, and the fuel facility had gone out to bid. She discussed upcoming meeting agenda items. Canby Utility chose for the owner's rep to continue with the original firm, but the price was adjusted. This would be for 10% design and then they would move into the design process. She would be meeting with the School Superintendent to discuss various issues. They had received 17 applications for the Citizens Engagement Academy.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the consent agenda.
2. Approved Ordinance 1637 with option B to include the letter to a second reading on December 18, 2024.
3. Approved the amendment to extend Chief Jorge Tro's contract to December 31, 2026.

The meeting was adjourned at 8:28 p.m.

Maya Benham, CMC
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes – Susan Wood



CITY COUNCIL Staff Report

Meeting Date: 12/18/2024

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Don Hardy, Planning Director, and Emma Porricolo, Associate Planner
Agenda Item: Public Hearing and Ordinance No. 1638, Proclaiming Annexation into the City of Canby, Oregon 3.39 Acres of Real Property described as Tax Lot 01900 Situated Southwest 1/4 of Section 28, T.3S., R.1E., W.M. (Tax Map 3 1E 28C); and Approx. 0.44 Acres of Adjacent North Holly Street Right-of-Way; and Amending the Existing County Zoning from Rural Residential Farm/Forest 5 Acre (RRFF5) to City Low Density Residential (R-1) for the Entire Area; and Setting the Boundaries of the Property to be included within the Canby City Limits. *(First Reading)*
Goal: Align Resources to Address Future Community Growth
Objective: N/A

Summary

The property owners of a 3.39-acre parcel located at 1733 N Holly Street have applied for annexation of the property into City limits and zone change application to apply City zoning district R-1 (Low-Density Residential) in accordance with the City of Canby Comprehensive Plan. Annexation and zone change applications are a Type IV application, City Council-level decision.

Background

The Planning Commission held a regularly scheduled and duly noticed public hearing on November 25, 2024, to consider the Annexation and Zone Change of 1733 N Holly Street and a small section of right-of-way into the City of Canby. The Planning Commission unanimously voted to recommend the City Council approve the annexation and zone change application (City File ANN/ZC 24-01) by a 4/0 vote (and 3 absences).

The portion of real property proposed for annexation and rezone is 3.39 acres, address 1733 N Holly Street, Tax lot 31E28C 01900, and 0.44 acres of North Holly right-of-way. The property is located in Clackamas County and is adjacent to City limits along N Holly Street. The remaining areas surrounding the site are undeveloped farm land outside the City's Urban Growth Boundary. Annexation of a section of N Holly Street is proposed. The street will remain under the ownership of Clackamas County. The applicant is Venture Properties Inc., represented by AKS Engineering.

If City Council approves this application, 3.39 acres of real property would be annexed into the City and rezoned from County zone RRFF5 to City zone R-1, Low Density Residential. The annexation and subsequent rezone are consistent with the provisions of the City of Canby Comprehensive Plan.

Discussion

In most cases, the City of Canby's annexation ordinances require 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 have a DCP to allow annexation. The property was included in the North Holly DCP that was adopted in 2019.

All necessary public services are readily available for extension by the developer to serve this property. No parkland dedication is anticipated as part of this proposal; rather, System Development charges will be collected upon the development of the property. A transportation planning review has been completed for the project and the proposed annexation is consistent with city code standards.

The complete findings for the applications can be found in the attached ANN 24-01 / ZC 24-01 Staff Report.

Attachments

- Ordinance 1638
- ANN 24-01 / ZC 24-01 Staff Report
 - Attach A. Applicant Narrative
 - Attach B. Preliminary Plans
 - Attach C. Application Forms
 - Attach D. Annexation Petitions (Written Consent Forms)
 - Attach E. Property Ownership Information
 - Attach F. Legal Description and Map of Affected Territory
 - Attach G. Clackamas County Assessor's Map
 - Attach H. N Holly Development Concept Plan Final Order & Staff Report
 - Attach I. Transportation Memorandum (DKS & Associates)
 - Attach J. City of Canby Housing Needs Analysis (HNA)
 - Attach K. Neighborhood Meeting Documentation

Fiscal Impact

None

Options

1. Vote to approve ANN 24-01 / ZC 24-01, annexation and zone change of 1733 N Holly St. and a small portion of N Holly Street right-of-way.
2. Vote to deny ANN 24-01 / ZC 24-01, annexation and zone change of 1733 N Holly St. and small portion of N Holly Street right-of-way.

Recommended Action

Staff recommends the City Council adopt Ordinance 1638 which approves ANN 24-01 / ZC 24-01 to annex the subject areas into the City of Canby and apply R-1 city zoning.

The Planning Commission found that the annexation and zone change review criteria had been met and therefore recommended that the City Council move to approve Annexation/Zone Change ANN/ZC 24-01.

Proposed Motion

"I move to approve Ordinance No. 1638, Proclaiming Annexation into the City of Canby, Oregon 3.39 Acres of Real Property described as Tax Lot 01900 Situated Southwest 1/4 of Section 28, T.3S., R.1E., W.M. (Tax Map 3 1E 28C); and Approx. 0.44 Acres of Adjacent North Holly Street Right-of-Way; and Amending the Existing County Zoning from Rural Residential Farm/Forest 5 Acre (RRFF5) to City Low Density Residential (R-1) for the Entire Area; and Setting the Boundaries of the Property to be included within the Canby City Limits (ANN 24-01 and ZC 24-01) to a second reading on January 8, 2025."

ORDINANCE NO. 1638

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 3.39 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOT 01900 SITUATED SOUTHWEST 1/4 of SECTION 28, T.3S., R.1E., W.M. (TAX MAP 3 1E 28C); AND APPROX. 0.44 ACRES OF ADJACENT NORTH HOLLY STREET RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM/FOREST 5 ACRE (RRFF5) TO CITY LOW DENSITY RESIDENTIAL (R-1) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS.

WHEREAS, on December 18, 2024, at a public hearing the City Council of the City of Canby approved by a vote of ____ to ____, Annexation (ANN/ZC 24-01) which called for the annexation of 3.39 acres of real property and 0.44 acres of public right-of-way into the City of Canby. The applicants are Venture Properties Inc. and AKS Engineering and Forestry. A complete legal description and survey map of the property and adjacent right-of-way known as N Holly Street 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, the zoning of the annexed land shall be designed as R-1 Low Density Residential to conform with the Canby Comprehensive Plan Map, and such zoning shall be indicated on the office zoning map for the City of Canby;

WHEREAS, a public hearing was conducted by the Canby Planning Commission on November 25, 2024 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 for annexations by Figure 16.84.040 of Chapter 16.84 of the Land Development and Planning Ordinance at the public hearing. At the conclusion of the public hearing; the Planning Commission unanimously voted to recommend that the City Council approve the application by 4-0 vote, and 3 absences;

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 25, 2024;

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 January 8, 2025.

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

Section 1. It is hereby proclaimed by the City Council of Canby that 3.39 acres of real property and 0.44 acres of right-of-way as described, set, and shown in Exhibit A & B and attached hereto, is annexed into the corporate limits of the City of Canby, Oregon.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, December 18, 2024 ordered posted as required by the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, January 8, 2025, commencing at the hour of 7:00 PM at the Council Chambers located at 222 NE 2nd Avenue, Canby, Oregon.

Maya Benham, CMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on the 8th day of January, 2025, by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Maya Benham, CMC
City Recorder



EXHIBIT A
 City Annexation

A tract of land located in the southwest One-Quarter of Section 28, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the northeast corner of the Champing Pendleton Donation Land Claim Number 58, also being on the centerline of N Holly Street and the City of Canby city limits line; thence along said centerline and said city limits line, South 01°21'51" West 1716.45 feet to the Point of Beginning; thence continuing along said centerline and city limits line, South 01°21'51" West 100.37 feet to the westerly extension of the south line of the plat "Dodd's Farm No. 2"; thence leaving said centerline along said westerly extension and continuing along said city limits line, South 87°25'16" East 30.01 feet to the easterly right-of-way line of N Holly Street (30.00 feet from centerline); thence leaving said city limits line, along said easterly right-of-way line and the southerly extension thereof, South 01°21'51" West 338.38 feet to the centerline of NW Territorial Road and the City of Canby city limits line; thence along said centerline and said city limits line, South 79°19'51" West 51.12 feet to the southerly extension of the westerly right-of-way line of N Holly Street (20.00 feet from centerline); thence leaving said city limits line along said southerly extension and said westerly right-of-way line, North 01°21'51" East 196.48 feet to the southeast corner of Document Number 2015-085722, Clackamas County Deed Records; thence along the southerly line of said Deed, North 88°38'09" West 579.80 feet to the southwest corner of said Deed; thence along the westerly line of said Deed, North 01°21'51" East 255.57 to the northwest corner of said Deed; thence along the northerly line of said Deed and the easterly extension thereof, South 88°26'39" East 599.80 feet to the Point of Beginning.

The above described contains 3.83 acres, more or less.

8/7/2024



Michael S. Kalina

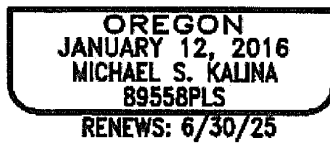
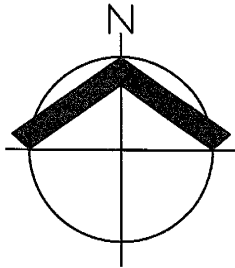
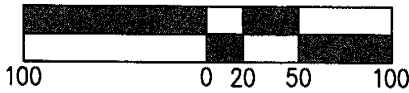


EXHIBIT B

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28, T3S, R1E, W.M., CLACKAMAS COUNTY, OREGON



SCALE: 1" = 100 FEET

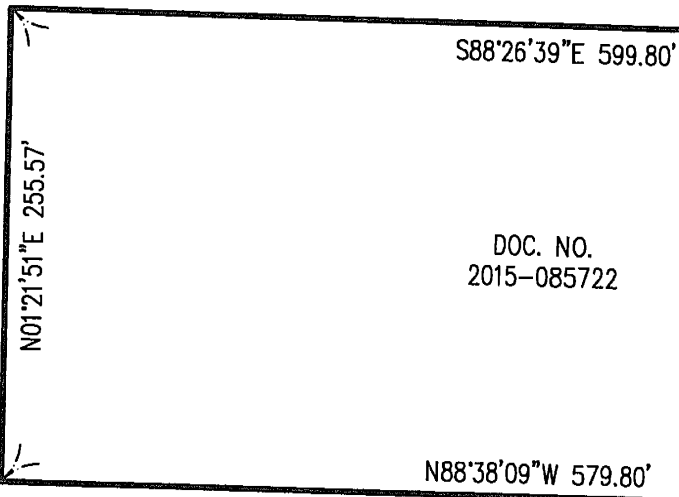
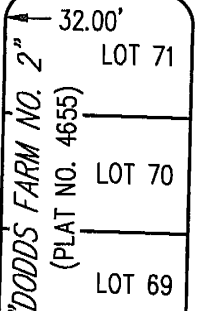


POINT OF COMMENCEMENT
NE CORNER OF CHAMPING
PENDLETON D.L.C. NO. 58

NW 17TH
AVENUE

DOC. NO.
92-53893

POINT OF BEGINNING



DOC. NO.
2015-085722

TOTAL AREA:
3.83 ACRES±

DOC. NO.
13-63599

DOC. NO.
92-53893

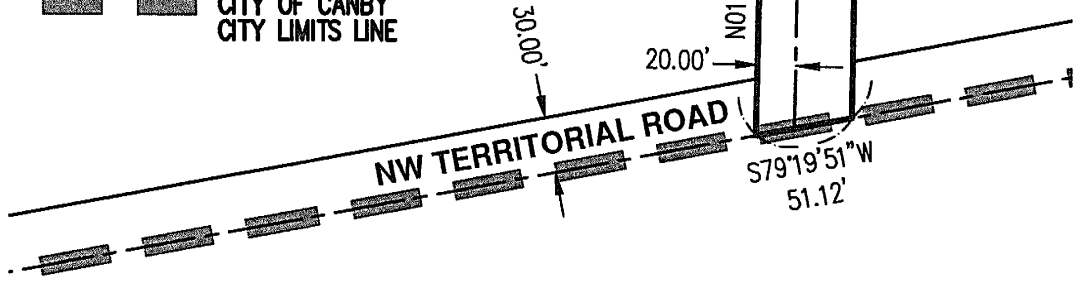
N HOLLY STREET

LEGEND

CITY OF CANBY
CITY LIMITS LINE

8/7/2024
**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Michael S. Kalina
**OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/25**



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



CITY ANNEXATION

TL 3.1E.28C 1900	
DRWN: MJS	CHKD: ELN
AKS JOB: 11052	EXHIBIT B



City of Canby

Staff Report
File No: ANN 24-01 & ZC 24-01
1733 N Holly St. Annexation

CC HEARING DATE: December 18, 2024
PC HEARING DATE: November 25, 2024
STAFF REPORT DATE: November 13, 2024 *(Updated 12/6/24 for Council Hearing)*
TO: Planning Commission & City Council
STAFF: Emma Porricolo, Associate Planner

Applicant Request

AKS Engineering and Forestry on behalf of Venture Properties, Inc., requests Planning Commission and City Council approval to annex the subject site at 1733 N Holly St into the City of Canby (ANN 24-01) and assign R-1 (city) zoning (ZC 24-01). The subject site is a singular parcel, tax lot 31E28C 01900. The subject site is located within the N Holly Development Concept Plan area. The property is currently a large residential property with a single family dwelling and accessory structures.

Staff Recommendation

At the Planning Commission public hearing on November 25, 2024, the Planning Commission moved to recommend the City Council approve the annexation and zone change application (City File ANN 24-01 / ZC 24-02) by a unanimous 4/0 vote with three members absent. Consistent with the Planning Commission recommendation, based on the application submitted and the facts, findings, and conclusions of this report, Staff recommend that City Council approve **ANN 24-01 & ZC 24-01**.

Property Information

Location	1733 N Holly St.
Tax Lot	31E28C 01900
Property Size	3.39 acres
Existing Zoning	RRFF5, Rural Residential Farm/Forest 5 Acre
Comp Plan	LDR, Low Density Residential
Proposed Zoning	R-1, Low Density Residential
Owner	Margaret M. Peterson
Applicant	Venture Properties, Inc.
Applicant's Representative	AKS Engineering & Forestry, LLC Contact: Marie Holladay
Application Type	Type IV
City File Numbers	Annexation (ANN 24-01) and Zone Change (ZC 24-01)

Attachments

- A. Applicant Narrative
- B. Preliminary Plans
- C. Application Forms
- D. Annexation Petitions (Written Consent Forms)
- E. Property Ownership Information
- F. Legal Description and Map of Affected Territory
- G. Clackamas County Assessor's Map
- H. N Holly Development Concept Plan Final Order & Staff Report
- I. Transportation Memorandum (DKS & Associates)
- J. City of Canby Housing Needs Analysis (HNA)
- K. Neighborhood Meeting Documentation

I. INTRODUCTION

Existing Conditions

The subject site is located northwest of city limits and consists of one ±3.39-acre site (Tax Lot 1900 of Clackamas County Assessor's Map 3 1 E 28C). The property is located at 1733 N Holly Street and bound by N Holly Street to the east and an undeveloped farm property located outside the UGB to the north, south, and west. Across N Holly is the new Dodds Farm subdivision comprised of single family homes and a historic single family home on a large lot that is outside city limits.

The property is currently improved with a dwelling and multiple accessory structures. The site has numerous trees and is generally flat. For more information see the Existing Conditions Plan in Attachment B.

Currently, the subject site is within unincorporated Clackamas County, zoned Rural Residential Farm/Forest 5 Acre (RRFF-5), and is inside the Canby UGB. The UGB surrounds the site to the north, south, and west. Land to the north, south, and west is designated Clackamas County Exclusive Farm Use (EFU). To the east is N Holly Street, located within the Canby UGB. N Holly Street is owned by Clackamas County. Across N Holly is partially land within the city, a newer subdivision with detached single family dwellings. An unincorporated parcel with a detached dwelling is located south of the Dodds subdivision.

Neighboring Sites	Zoning	Current Use
North, South, and West	Exclusive Farm Forest (EFU)	Farm land
East (split)		
City parcels	Low Density Residential, R-1	Single family home
County parcel	Rural Residential Farm Forest 5-acres, RRRF-5	Historically designated single-family home on large lot

Project Overview

The property owners of the site at 1733 N Holly St located in the northern portion of the City of Canby's UGB propose annexation into City limits. The property owners also propose a zone change application to change the current zoning from the Clackamas County RRFF-5 zoning to City of Canby's R-1 (Low Density Residential Zone). The subject site is a single parcel, tax lot 31E28C 01900, and is approximately 3.39 acres. An additional 0.44 acres of additional right-of-way from N

Holly Street will be annexed to facilitate expansion and improvement of public facilities. The total area to be annexed is approximately 3.83 acres. See Attachment F for the map of the proposed annexation.

The City of Canby's annexation ordinance requires a Concept Development Plan for lots that are a part of an annexation request when located in a Development Concept Area as indicated on the City of Canby Annex Development Map. In 2018 the N Holly Development Concept Plan (DCP) for properties in the area was developed by Stafford Land Development with input from the property owners within the N Holly DCP. It was subsequently adopted in 2018 with the annexation of the land now known as Dodd's Farm Subdivision. The N Holly DCP and its attachments are Attachment H.

The existing annexation area is located within the City of Canby's Urban Growth Boundary. The City of Canby Comprehensive Plan has envisioned the ultimate urbanization of this area and its intended land use, and the Comprehensive Plan Map for these particular lots indicates a Low Density Residential use. This zone change is to rezone the subject site to the City zoning of R-1 zone in accordance with the corresponding City Comprehensive Plan Map land use designation.

Applications

An application for Annexation (ANN 24-01) into the City of Canby and Zone Change (ZC 24-01) to receive City zoning on the property upon annexation are proposed. Approval of the proposed applications is a Type IV legislative decision requiring review by Planning Commission and City Council. First, Planning Commission has reviewed the proposal and recommended City Council approval of the application.

The applications (ANN 24-01 & ZC 24-01) do not authorize any development on the site. The applicant has shared preliminary plans for a subdivision on the subject lot. Following an annexation, subsequent development will be subject to the applicable applications.

II. ANALYSIS AND FINDINGS

A. Applicable Criteria

In addition to components of the City of Canby Comprehensive Plan, applicable criteria used in evaluating (ANN 24-01/ZC 24-01) are listed in the following sections of the City of Canby's Land Development and Planning Ordinance (Chapter 16 of the CMC):

- CMC 16.08 General Provisions
- CMC 16.16 R-1 Low 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

B. Facts and Findings

The following analysis evaluates the proposed project's conformance with applicable approval criteria and other municipal code sections, as listed above in Section A Sections of the CMC are analyzed in the order that they appear in the code.

Summary of Findings

Consistent with Section 16.84 of the Canby Land Development and Planning Ordinance, Chapter 16 of the Canby Municipal Code (CMC), the proposed application qualifies for an Annexation, and is part of the City of Canby Annexation Development Map per Figure 16.84.040. The application also meets the criteria for a zone change to apply City zoning.

Section 16.84 of the CMC 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.

Chapter 16.08: General Provisions

Section 16.08.070 Illegally Created Lots

This section of the CMC establishes that in no case shall a lot created in violation of state statute or City ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied.

- Finding 1:** As demonstrated by Survey No. PS-7958 included with the Property Ownership Information (Attachment E), the subject site was created by a recorded survey in 1961. The subject site remains in the same configuration as when it was originally created in 1961. Therefore, the subject site is a legal lot of record. Staff find the standard is met.

Chapter 16.16: R-1 Low Density Residential

The purpose of this chapter is to provide regulations for the R-1 zone. The chapter regulates permitted uses, setbacks, and more.

Finding 2: The requested zone change is to assign R-1, Low Density Residential zoning to the lot upon annexation. No development is approved under the ANN and ZC applications. If annexed, any future development on the lot is required to submit appropriate applications that will review consistency with the R-1 standards. The R-1 zoning standards will apply at the time of development.

Chapter 16.54 Amendments to Zoning Map

Section 16.54.040 Standards and 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.

Finding 3: The subject site and the N Holly DCP are not identified as being in an “Area of Special Concern” that is delineated in Policy 6 of the Comprehensive Plan. Therefore, the area is not considered to pose a unique challenge, contain existing master plan infrastructure requirements, or require a future master plan. However, the subject site is within a Development Concept Area; therefore, this application is associated with a DCP (the previously approved N Holly DCP (Attachment H)) that addresses the appropriate criteria. Pursuant to the DCP findings, essential services and required public facilities can be feasibly extended and provided to serve the development area to accommodate the low density requirements.

Additionally, the proposed zone for the subject site is consistent with the land use designation on the Comprehensive Plan Map. Staff concludes that the request meets provisions in Policy 6 and other applicable elements of the Comprehensive Plan.

Section 16.54.60 Improvement conditions.

This section allows Planning Commission to recommend to Council and for Council to impose conditions for the zone change, such as frontage improvements, extension of utilities, and fire hydrants.

Finding 4: The improvement conditions listed in this provision (e.g., frontage improvement, utility extensions, etc.) will be addressed when development is proposed. The applicant has shared their intent to build a subdivision on the property. Problems or issues with the extension of utility services have not been raised by City service providers that would prevent services at the time of development. It appears that future development of the subject site can meet standards for adequate public facilities. Therefore, Staff find the standard is met.

Chapter 16.84 Annexations

Section 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):

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.

Finding 5: The subject property is within a Development Concept Plan (DCP) Area on the City of Canby Annexation Development Map found in Figure 16.84.040. The N Holly DCP was approved as part of a previous annexation and zone map change application (File No. ANN 18-05/ZC 18-06) that encompassed ±44 acres, including the subject site. The approved N Holly DCP addressed the availability of City infrastructure on the subject site, as follows. The complete N Holly DCP can be found in Attachment H.

Water

Water service within the DCP area is provided by Canby Utility, the local water provider for areas within the Canby UGB. A 12-inch water line is available within N Holly Street, adjacent to the subject site.

Sanitary Sewer

Sanitary sewer service within the DCP is planned to be provided by the City of Canby and installed in accordance with Canby Public Works and engineering standards. A 10-inch sewer line is available within N Holly Street, adjacent to the subject site.

Storm Drainage

Stormwater infrastructure within the DCP will be designed to the appropriate City of Canby and Oregon Department of Environmental Quality (DEQ) provisions. The on-site stormwater management system is planned to connect to new infrastructure in N Holly Street accommodated with a future subdivision application.

Emergency Services

The approved DCP was designed in accordance with Canby Fire Department requirements and depicts a conceptual waterline system designed to provide adequate fire flow and pressure as well as a street circulation system that provides sufficient access for a fire/emergency apparatus.

Private Utilities

Private utility services such as telephone, natural gas, cable, and garbage and recycling collection are all available within the DCP area and generally operate on a franchise basis. Electrical power is provided through Canby Utility.

Parks

According to the existing DCP, the City did not require a new park within the DCP area because of the planned future park at Auburn Farms (Clackamas County Map 3 1 E 28C, Tax Lot 200). Construction on the park is anticipated to begin in the near future. Parks System Development Charges (SDCs) are required within the DCP area in lieu of park improvements.

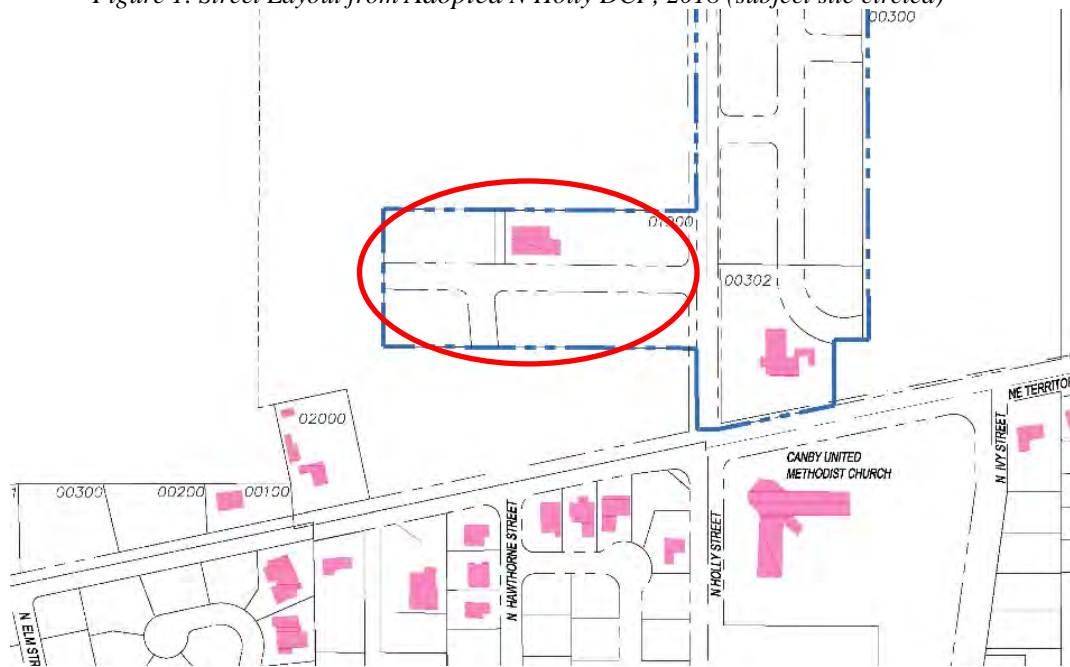
Trails

According to the original DCP approval, bicycle paths are to be provided along N Holly Street in addition to standard street and frontage improvements.

Streets

The subject site has frontage on N Holly Street, which is designated as a collector roadway in Canby's adopted December 2010 Transportation System Plan (TSP). The approved N Holly DCP (2018) accommodates a conceptual street pattern including a local street running east to west through the subject site and a local street stub oriented to the south (see Figure 1). The conceptual transportation network provides future connectivity to adjacent land to the west and south, on land outside of the Canby UGB. A pedestrian/bicycle accessway is also depicted, connecting to the adjacent property to the north.

Figure 1. Street Layout from Adopted N Holly DCP, 2018 (subject site circled)



During the pre-application conference, City Staff raised concerns about the future street network proposed in the adopted N Holly DCP. The proposed network had a local street connection oriented to the south. However, this connection cannot extend south to N Territorial Road because it would violate the City's street spacing standards. Furthermore, in absence of a through connection to the south, a cul-de-sac street would need to be created. If a cul-de-sac were to be built, the remaining area of land on the subject site is small and awkwardly shaped.

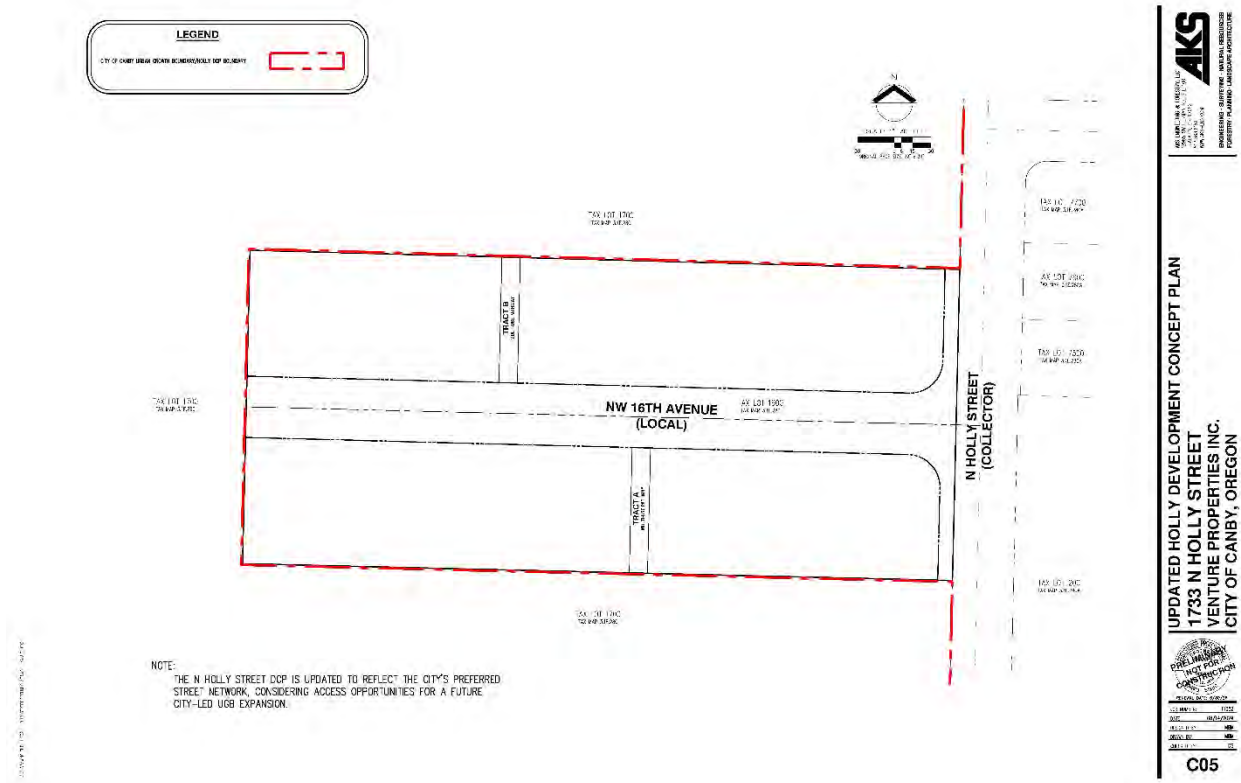
After close evaluation, Staff determined it would be difficult to utilize the section of land south of the subject site with a cul-de-sac. The area to the south is currently outside the Canby UGB, but given its adjacency to a large portion of land in the existing UGB, it is seen as viable property to be included in the next UGB expansion. Therefore, Staff began to discuss alternative options that will result in a well-connected road system that meets the City's street spacing standards.

After reviewing alternatives, Staff determined removal of the street stub oriented to the south (see Figure 2) alleviates the street spacing issues and allows the most flexibility in potential for future street networks in the surrounding areas. Therefore, the N Holly Steet DCP street network plan is amended by this land use decision to remove the stubbed street to the south, as shown in Figure 2 and the Preliminary Plans in Attachment B.

Removing the stubbed south street connection has limited impacts to future development on the subject site or overall buildout of the surrounding vicinity. The connection point to N Holly Street, the site's primary connection to the City's existing street network remains unchanged. The

other N Holly DCP properties that have yet to be annexed or developed are not abutting the subject site.

Figure 2. Amended DCP Street Layout Plan



Staff finds the annexation is consistent with the adopted DCP, except as amendment above. The standard is met.

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 6: The ±3.39-acre site subject to this planned Annexation and Zone Map Change is currently within the UGB and was included in the June 2024 City of Canby Housing Needs Analysis (HNA). As shown on the Comprehensive Plan Map, the subject site is within the Canby UGB, outside city limits, and upon future annexation, is slated to be designated with R-1 zoning.

The City of Canby HNA was adopted by City Council on July 17, 2024. The Canby HNA serves as the City’s residential buildable land inventory for the existing Canby UGB. As documented in the HNA, the Canby UGB contains ±220.4 acres of buildable (defined as vacant, partially vacant, partially constrained, and redevelopable) residential lands (Low Density Residential (LDR), Medium Density and High Density designated land). Roughly 30% of

the 20-year housing needs are for standard detached residential lots which is what is understood to be proposed in the future subdivision application.

The HNA incorporates the forecasted population growth generated by Portland State University (PSU) ¹. The population forecast estimates an additional 5,931 residents by 2043. As demonstrated by Exhibit 16 of the Canby HNA, the 5,931 new residents equates to 2,286 additional dwelling units, or 1,873 units after accounting projects currently approved and/or under construction. Therefore, approximately 1,873 dwelling units are needed over the course of the planning horizon. The 1,873 units needed are then broken up into housing types based on need. It is estimated that 555 new lots for standard single detached residential housing are needed to account for its expected housing needs.

Based on the buildable lands inventory, an additional 22.6 acres of land outside the current UGB are needed to account for the single family detached housing needs. Given that such growth is needed outside the UGB, there is clearly a need to annex land already existing within the city's existing UGB. The proposed annexation and assumed subsequent development would help address a small portion of the City's R-1 zone property deficiency. Staff find the criterion is met.

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 7: Pursuant to CMC 16.89.020, the applicant conducted a neighborhood meeting on August 14, 2024, in accordance with applicable City regulations to discuss the Annexation and Zone Map Change applications. This meeting was held in-person at the Canby Adult Center in accordance with the City's Neighborhood Meeting Guidelines. Approximately 10 interested neighbors and other attendees attended in addition to project team members. The meeting began with a brief presentation that included an overview of the project and details about the planned project. The summary of the meeting is found in Attachment K. Tree removal, N Holly Street speed limits, and street connections were discussed.

The subject lot is surrounded by a large tax lot outside the UGB that is currently used for farming. Across N Holly Street are single-family detached homes in the relatively new Dodd's Farm subdivision. A bit further south there are residences along N Territorial Road, and a church at the southeast corner

¹ Pursuant to state law, PSU Population Forecasts must be used as the basis for the City's long-range planning documents such as the HNA.

of the N Holly Street and N Territorial Road intersection. The proposed zoning, R-1, is a low-density residential zone primarily defined and developed with single-family detached homes. A low-density residential zoning is appropriate for the subject lot and location given that it complements surrounding residential and agricultural land. Staff find the criterion is met.

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

Finding 8: The N Holly DCP provides maps that demonstrate how utility infrastructure will be made available, and unmanageable capacity issues were not identified by City departments and agencies during the N Holly DCP review process or during the pre-application conference for this application. Auburn Farms future park located within Dodds Farm subdivision is under a half-mile from the subject site and is expected to be constructed in the near future. It appears that public schools are within a reasonable proximity to the subject site. Willam Knight and Howard Eccles Elementary are approximately 1 mile from the subject site. Staff find this criterion can be met at the time of development.

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

Finding 9: Impacts of the proposed zoning for the N Holly DCP were evaluated and addressed in the adopted DCP. Utility services are able to be extended pursuant to the N Holly DCP narrative. Staff finds that the information contained in the approved N Holly DCP infrastructure section is sufficient, and the applicable criteria can be met.

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 10: All necessary utility extensions are available to serve this area when development occurs after annexation. The infrastructure section of the North Holly DCP indicates that connections to existing facilities are available and preferred depending on the development project. Staff find that adopted N Holly DCP information is sufficient and this criterion is or can be met.

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

Finding 11: The applicant will pay the necessary costs of their own development. The N Holly DCP (Attachment H) outlines the anticipated adequacy and feasibility of future services and infrastructure needs. Information in the N Holly DCP indicated that most infrastructure facilities in the north Canby area are expected to be built by individual developers.

Additionally, subsequent applications for development, after an approved annexation, will detail the anticipated increased demand to be generated by the N Holly Street annexation on additional facilities necessary to serve the site. If converted to an urban use, essential services and facilities will be extended to serve the site and future lots will generate SDCs that will facilitate future infrastructure needs and provide tax base funds to the City. Staff find the criterion is met.

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.*

Finding 12: The proposed zone change is to implement the proposed R-1 Low Density Residential zoning. The R-1 zoning is consistent with the existing Comprehensive Plan map designation for the lot, Low Density Residential. The N Holly DCP also identifies R-1 zoning for the lot. Staff finds the criterion is met.

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

Finding 13: The proposal's consistency with Chapter 16 of the CMC, Planning and Zoning, is addressed above. Compliance with state statute, ORS Chapter 222 is addressed below.

The applicable Comprehensive Plan policies and responses are included below.

Urban Growth Element

Goals:

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

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

The proposed annexation is of land located within the Canby UGB, supporting goals 1 and 2 of the urban growth element. The subject site is located within a close distance of the existing city limits to allow efficient and effective extension of infrastructure, which supports Policy 7. Therefore, Staff find the applicable Comprehensive Plan policies are met.

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

Finding 14: As mandated, Oregon Revised Statute (ORS) 222.170 acknowledges that the legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half (i.e., 51 percent) of the property owners in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day. The Annexation Petitions and Written Consent statement (signed by all property owners) are within Attachment D. Therefore, a majority vote among the electorate is not required.

The above response and responses to all annexation criteria demonstrate the proposed annexation is consistent with ORS Chapter 222. Therefore, Staff finds the criterion is met.

Chapter 16.88 General Standards and Procedures

This chapter describes miscellaneous standard and procedures, including requirements for conformance with the TSP and TPR for Type IV applications.

16.88.190 Conformance with Transportation System Plan and Transportation Planning Rule

Finding 15: The proposed annexation is located inside Canby's Urban Growth Boundary (UGB) in unincorporated Clackamas County. The proposed annexation is located at 1733 N Holly Street and currently includes a Clackamas County RRF-5 zoning. The City's comprehensive plan designation for this lot is LDR (Low Density Residential) and the proposed zoning is R-1. 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 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 site and specifically states:

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

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;

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

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

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

Chapter 16.89: Application and Review Procedures

This chapter describes the required procedures for the various application review procedure types. This application is subject to a Type IV procedure.

Section 16.89.060 Type IV procedure.

Finding 16: The application has met the requirements of a Type IV application. A pre-application meeting was held on June 26, 2025. A neighborhood meeting was held on August 14, 2024. Public notice of the hearing was sent on October 30, 2024. No public comments were received.

III. PUBLIC AND AGENCY COMMENTS

Notice of this application and the opportunity to provide comment was forwarded to property owners and residents within a 500-foot radius and also to the appropriate public agencies and departments.

A. Public Comments

No public comments have been received.

B. Partner Agencies, Departments, and Utility Providers Comments

- Clackamas County Engineering – For the section of N Holly Street right-of-way proposed for annexation, Clackamas County will remain the permitting and maintenance authority.

IV. RECOMMENDATION

At the Planning Commission public hearing on November 25, 2024, the Planning Commission moved to recommend the City Council approve the annexation and zone change application (City File ANN 24-01 / ZC 24-02) by a unanimous 4/0 vote with three members absent.

Consistent with the Planning Commission recommendation, based on the application submitted and the facts, findings and conclusions of this report, but without benefit of a public hearing, Staff recommend that:

1. The City Council move to approve ANN 24-01/ZC 24-01;
2. The City Council move to change the zoning of the subject property from Clackamas County RRF-5 to City of Canby R-1 as indicated by the Canby Comprehensive Plan Map and the N Holly Development Concept Plan.

North Holly Street Annexation and Zone Map Change

Date: August 2024 (Updated September 2024)

Submitted to: City of Canby
Planning Department
222 NE 2nd Avenue
Canby, OR 97013

Applicant: Venture Properties, Inc.
4230 SW Galewood Street, Suite 100
Lake Oswego, OR 97035

AKS Job Number: 11052



12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

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Exhibits

- Exhibit A:** Preliminary Plans
 - Exhibit B:** City of Canby Application Form & Checklist
 - Exhibit C:** Annexation Petitions (Written Consent Forms)
 - Exhibit D:** Property Ownership Information **(Updated September 2024)**
 - Exhibit E:** Legal Description and Map of Affected Territory
 - Exhibit F:** Clackamas County Assessor’s Map
 - Exhibit G:** Final Order and Staff Report for Adoption of North Holly Development Concept Plan
 - Exhibit H:** Transportation Memorandum (DKS & Associates)
 - Exhibit I:** City of Canby
Housing Needs Analysis (HNA)
 - Exhibit J:** Mailing Labels **(Updated September 2024)**
 - Exhibit K:** Neighborhood Meeting Documentation
 - Exhibit L:** Pre-Application Meeting Documentation
-

North Holly Street Annexation and Zone Map Change

Submitted to:	City of Canby Planning Department 222 NE 2 nd Avenue Canby, OR 97013
Applicant:	Venture Properties, Inc. 4230 SW Galewood Street, Suite 100 Lake Oswego, OR 97035
Property Owner:	Margaret M. Peterson 1733 N Holly Street Canby, OR 97013
Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contact: Marie Holladay Email: holladaym@aks-eng.com Phone: (503) 563-6151
Site Location:	1733 N Holly Street
Clackamas County Assessor's Map:	3 1 E 28C; Tax Lot 1900
Site Size:	±3.39 acres
Land Use District:	Existing: Clackamas County Rural Residential Farm/Forest 5 Acre (RRFF-5) Planned: Low Density Residential (R-1)



I. Executive Summary

AKS Engineering & Forestry, LLC (AKS), on behalf of Venture Properties, Inc. (Applicant), is submitting this application to annex ± 3.39 acres of land into the City of Canby (City). This application also includes a zone map change to apply the Low Density Residential (R-1) zoning designation to the subject site in accordance with the October 2019 *City of Canby Comprehensive Plan* (Comprehensive Plan). The subject site is located immediately west of City limits and within the Canby Urban Growth Boundary (UGB). The subject site is planned to be subdivided for single unit detached residential homes as part of a subsequent application that is to be submitted separately.

Annexation requires the timely extension of stormwater, sanitary sewer, water infrastructure, and other amenities to provide the future homes with adequate urban services. This project involves the review of an Annexation and a Zone Map Change application on the subject site. The previously approved North Holly Development Concept Plan (DCP) (see Exhibit G) provided a framework for this region and the subject site, including a conceptual network for transportation, infrastructure, and open space.

Annexation

The annexation will transfer the subject site from Clackamas County into the Canby city limits and the City's jurisdictional authority. In addition to the ± 3.39 -acre property, ± 0.44 acres of additional right-of-way will also be annexed to facilitate expansion and improvement of public facilities. As such, the Legal Description and Map of Affected Territory (Exhibit E) illustrate the total area to be annexed amounts to ± 3.83 acres.

Zone Map Change

This application seeks to apply the anticipated zoning district, R-1, in a manner consistent with the Canby Comprehensive Plan's long-range goals.

The approved North Holly DCP presents the existing conditions and general framework for the Annexation and Zone Map Change of the subject site into the City of Canby. This submittal package contains the City application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence supports the City's approval of the application(s). Subsequent to this land use process, a future subdivision application will facilitate the specific site layout intended for future single-family detached homes, complete with an efficient transportation network and infrastructure improvements.

The City of Canby Development Code requires this application be considered through a Type IV quasi-judicial procedure. This written statement includes findings of fact demonstrating the application complies with all applicable approval criteria. These findings are supported by substantial evidence in the application, including a transportation analysis and other written documentation. Considered together, this information provides the necessary basis for the City of Canby to approve the application.

II. Site Description/Setting

The subject site is located northwest of the City of Canby limits and consists of one ± 3.39 -acre parcel (Tax Lot 1900 of Clackamas County Assessor's Map 3 1 E 28C). The property is located at 1733 N Holly Street and bound by N Holly Street to the east and a farm property located outside the UGB to the north, south, and west. The property is generally flat and currently improved with a dwelling and multiple accessory structures.

Currently, the subject site is within unincorporated Clackamas County, zoned Rural Residential Farm/Forest 5 Acre (RRFF-5), and is inside the Canby UGB. The UGB surrounds the site to the north, south, and west. Land to the north, south, and west is designated Clackamas County Exclusive Farm Use (EFU). Upon annexation, this application plans to implement the forecasted zoning identified in the Comprehensive Plan. As such, the property will be designated Low Density Residential (LDR) Comprehensive Plan district and zoned R-1.

III. **Applicable Review Criteria**

OREGON REVISED STATUTES

Senate Bill 1573:

In response to Senate Bill 1573, which went into effect March 15, 2016, and “applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city,” the following criteria found in Sections 2 and 3 of Senate Bill 1573 have been addressed.

Section 2. (2)

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

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

Response: This annexation involves one tax lot located within the Canby UGB. The owner of the property has signed the required petition; therefore, 100 percent of the landowners have signed annexation petitions. The Annexation Petitions and Written Consent Forms are included as Exhibit C.

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

Response: The *City of Canby Comprehensive Plan*, which includes a Comprehensive Plan Map, was adopted by the City Council in October 2019. Upon approval of this Annexation application, the subject site (as shown on the City of Canby Comprehensive Plan Map) will be zoned R-1. As shown on the Preliminary Plans (Exhibit A), the property will receive the long-range planning designations desired by the City.

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

Response: As shown on the Legal Description and Map of the Affected Territory (Exhibit E), the subject site included in this application is contiguous to the City limits.

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

Response: Required information, forms, and documents are included in this Annexation application, as applicable.

Section 2. (3)

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

Response: The territory to be annexed includes all territories that must be annexed in order to locate infrastructure and right-of-way access for services necessary for development of the territory at a density equal to the average residential density within the annexing City. Access is available from N Holly Street. Sewer and water are available via existing sanitary sewer lines located east of the property.

Section 2. (4)

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

Response: The criteria of Subsection 2 of this section are met through information provided in individual responses to each of the criterion. Therefore, a legal description and map of the property planned for annexation, prepared by a Professional Land Surveyor, are included in the application materials (Exhibit E).

Section 3

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

Response: Senate Bill 1573 was signed by the governor and became effective on March 15, 2016.

CITY OF CANBY MUNICIPAL CODE

Title 16 – Planning and Zoning

Division III. Zoning

Chapter 16.08 General Provisions (Added September 2024)

16.08.070 Illegally created lots.

In no case shall a lot which has been created in violation of state statute or city ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied.

Response: As demonstrated by Survey No. PS-7958 included with the Property Ownership Information (Exhibit D), the subject site was created by a recorded survey in 1961. The subject site remains in the same configuration as when it was originally created in 1961. Therefore, the subject site is a legal lot of record. This provision is satisfied.

Chapter 16.54 Amendments to 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. (Ord. 740 section 10.3.45 (A), 1984)

16.54.020 Application and fee.



Application procedures shall be as described in Chapter 16.89.

Response: This application package will be reviewed through a Type IV Council Decision review process pursuant to Chapter 16.89.

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 above criterion is understood; the Planning Commission will facilitate a public hearing to review the zoning map amendment.

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: In reviewing the *City of Canby Comprehensive Plan*, the application is generally in conformance with the goals and policies and meets the intent of the LDR base designation. Special attention was given to Comprehensive Plan Policy 6 of the Land Use Element and Implementation Measures and is stated as follows:

“POLICY NO. 6: CANBY SHALL RECOGNIZE THE UNIQUE CHARACTER OF CERTAIN AREAS AND WILL UTILIZE THE FOLLOWING SPECIAL REQUIREMENTS IN CONJUNCTION WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT AND PLANNING ORDINANCE, IN GUIDING THE USE AND DEVELOPMENT OF THESE UNIQUE AREAS.

IMPLEMENTATION MEASURES:

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

The subject site is not identified as one of the City of Canby Areas of Special Concern on the map referenced above. Therefore, the area is not considered to pose a unique challenge, contain existing master plan infrastructure requirements, or require a future master plan. However, the subject site is within a Development Concept Area; therefore, this application is associated with a DCP (the previously approved North Holly DCP, Exhibit G) and addresses the appropriate criteria within that adopted document. As described in

this narrative and explained in greater detail within the DCP, essential services and required public facilities can be feasibly extended and provided to serve the development area to accommodate the LDR density requirements. The criteria 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: It is understood that the Planning Commission may apply conditions of approval to facilitate successful development of the subject site.

16.54.070 Record of amendments.

The City Planner shall maintain a record of amendments to the zoning map in a form convenient for use of the public.

Response: The above criterion is understood and does not require action or response from the Applicant.

Division VI. Annexations

Chapter 16.84 Regulations

16.84.005 Background

The process of annexation of land to the city allows for the orderly expansion of the city and adequate provision for public facilities and services. The city charter requires that, unless mandated by state law, annexation, delayed annexations, and extension of city services, may only be approved by a majority vote among the electorate.

Response: As mandated, Oregon Revised Statute (ORS) 222.170 acknowledges that the legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half (i.e. 51 percent) of the property owners in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day. The Annexation Petitions and Written Consent statement (signed by all property owners) are within

Exhibit C. Therefore, a majority vote among the electorate is not required and the criterion is met.

16.84.010 Purpose

It is the purpose and general intent of this division to delineate the appropriate procedures to be followed to annex territory to the city. It is recognized that alterations to the corporate limits are major land use actions affecting all aspects of city government including taxation, the provision of public services, land use patterns, vehicular circulation, etc. Decisions on proposed annexations are, therefore, of critical importance to the city. The procedures and standards established in this chapter are required for review of proposed annexations in order to:

- A. Provide adequate public information and sufficient time for public review before an annexation election;
- B. Maximize citizen involvement in the annexation review process;
- C. Establish a system for measuring the physical, environmental, and related social effects of proposed annexations; and
- D. Ensure adequate time for staff review.

Response: The information above is understood. To maximize public participation, the Applicant held a neighborhood meeting on August 14, 2024, to welcome and encourage citizen involvement in the annexation review process. Documentation of the neighborhood meeting is included as Exhibit K.

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.

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.

Response: As described above and according to ORS 222.170, the subject application for annexation includes a petition and written statement of consent signed by all property owners

(Exhibit C). Therefore, a majority vote among the electorate is not required and the criterion is met.

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

Response: The required forms are signed and included as Exhibits B and C. The submittal requirements are met.

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):



Figure 16.84.040

(...)

- 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.

Response: The subject property is within a Development Concept Area on the City of Canby Annexation Development Map, shown above. The North Holly DCP was approved as part of a previous annexation and zone map change application (File No. ANN 18-05/ZC 18-06, Exhibit G) that encompassed ±44 acres, including the subject site. The approved North Holly DCP addressed the availability of City infrastructure on the subject site, as follows:

Water: Water service within the DCP area is provided by Canby Utility, the local water provider for areas within the Canby UGB. A 12-inch water line is available within N Holly Street, adjacent to the subject site.

Sanitary Sewer: Sanitary sewer service within the DCP is planned to be provided by the City of Canby and installed in accordance with Canby public works and engineering standards. A 10-inch sewer line is available within N Holly Street, adjacent to the subject site.

Storm Drainage: Stormwater infrastructure within the DCP will be designed to the appropriate City of Canby and Oregon Department of Environmental Quality (DEQ) provisions. The on-site stormwater management system is planned to connect to new infrastructure in N Holly Street accommodated with a future subdivision application.

Trails: According to the original DCP approval, bicycle paths are to be provided along N Holly Street in addition to standard street and frontage improvements.

Streets: The subject site has frontage on N Holly Street, which is designated as a collector roadway in Canby's December 2010 *Transportation System Plan* (TSP). The approved DCP accommodates a conceptual street pattern including a local street running east to west through the subject site and a local street oriented to the south. The conceptual transportation network provides connectivity to adjacent land to the west and south, on land outside of the Canby UGB. A pedestrian/bicycle accessway is also depicted, connecting to the adjacent property to the north.

The City has expressed the desire for an updated future street network plan in this area of the DCP that considers access opportunities for a future City-led UGB expansion. As demonstrated on the Preliminary Plans (Exhibit A), the North Holly Street DCP is updated to reflect the City's preferred street network. The updated transportation network incorporates the removal of the street stub oriented to the south, due to the site's

proximity to NW Territorial Road, an arterial roadway. This southern street connection is replaced with a pedestrian/bicycle accessway that is envisioned to adjoin with a future off-site cul-de-sac to ensure neighborhood connectivity. The City's preferred changes are solely for the benefit of land outside of the UGB and do not impact other properties within the adopted North Holly DCP area (to the northeast of the site). The planned intersection with N Holly Street remains in the location that was approved by City Council, and a local street running east to west remains stubbed at the west property boundary for future connection. Therefore, the Updated North Holly Street DCP reflected in the Preliminary Plans (Exhibit A) is in substantial conformance with the intent of the previously adopted DCP and with the City's forecasted land use pattern for the region.

Emergency Services: The approved DCP was designed in accordance with Canby Fire Department requirements and depicts a conceptual waterline system designed to provide adequate fire flow and pressure as well as a street circulation system that provides sufficient access for fire/emergency apparatus.

Parks: According to the existing DCP, the City did not require a new park within the DCP area because an existing property (Clackamas County Map 3 1 E 28C, Tax Lot 200) was planned to become a park. Therefore, park System Development Charges (SDCs) are required within in the DCP area in lieu of park improvements.

Private Utilities: Private utility services such as telephone, natural gas, cable, and garbage and recycling collection are all available within the DCP area and generally operate on a franchise basis. Electrical power is provided through Canby Utility.

The adopted North Holly DCP demonstrates that there are adequate services available to the subject site and provides guidance for how the site should be developed. The Preliminary Plans (Exhibit A) reflect the approved DCP and the adjustments required by the City. Therefore, the criteria are met as applicable.

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;

Response: The ±3.39-acre site subject to this planned Annexation and Zone Map Change is currently within the UGB and was included in the June 2024 *City of Canby Housing Needs Analysis* (HNA). As shown on the City of Canby Comprehensive Plan Map, the subject site is within the Canby UGB, outside city limits, and upon future annexation, is slated to be designated with R-1 zoning.

The City of Canby HNA was adopted by City Council on July 17, 2024, and is included in Exhibit I. The Canby HNA serves as the City's residential buildable land inventory under Oregon Land Conservation and Development Commission (LCDC) Statewide Planning

Goal 10. As documented in the HNA, the Canby UGB contains ±220.4 acres of buildable (defined as vacant, partially vacant, partially constrained, and redevelopable) LDR-designated land. It is worth noting that this area includes all zones that allow single detached housing (LDR, MDR, HDR, and RC).

According to the Canby HNA, a population forecast generated by Portland State University (PSU) provided an annual average growth rate of ±1.3 percent for the 2023-2043 planning period. The ±1.3 percent growth forecast amounts to ±5,931 residents by 2043. As demonstrated by Exhibit 16 of the Canby HNA, ±5,931 new residents equates to ±2,286 additional dwelling units, or ±1,874 units after accounting for the ±412 units currently in the “development pipeline” (projects currently approved and/or under construction). To accommodate ±1,874 dwelling units in the 20-year planning period, it is estimated that ±94 units would need to be constructed each year (on average) to adequately serve the residents of the City of Canby.

Exhibit 19 of the Canby HNA shows the expected housing need by dwelling type and Exhibit 24 shows the inventory of buildable land designated for LDR zoning within the UGB. Both exhibits account for and exclude land already in the “development pipeline.” Tables 1 and 2 below reflect the information depicted in Exhibits 19 and 24 of the Canby HNA, respectively:

Table 1: Projected 20-Year Housing Need After Pipeline BLI Reduction, Canby

Housing Type	20-Year Dwelling Unit Demand Before Pipeline Adjustment	20-Year Dwelling Unit Demand in Pipeline ¹	Remaining Demand After Pipeline Adjustment
Single Detached (Standard Lots)	615	60	555
¹ Projects in pipeline have pending building permits & reflect Hope Village Master Plan, as of Nov. 2023.			

Table 2: Residential BLI in Canby UGB (After Development in Pipeline Sites Are Removed from BLI)

Zoning Designation	<2 acre lots	2 to 5 acre lots	5 to 10 acre lots	>= 10 acre lots	Total
R-1 – Low Density Residential	28.4	21.2	71.8	52.3	173.7

This application will annex ±3.39 acres into the City of Canby, intended to provide lots for single detached homes within the City-forecasted R-1 zoning designation. Given the City’s need for ±555 new single detached dwelling units, the planned annexation will help the City achieve its housing goals for the 20-year study period, based on anticipated population growth.

As described above, annexations are required to provide data-based findings and assumptions about the City of Canby that demonstrate the need for additional land zoned R-1. As discussed in this narrative, the City of Canby HNA was used to assess how the project will help the City achieve its housing needs. The Canby HNA accounted for

properties within the UGB when calculating the available land available for residential development/redevelopment and therefore included the subject site in its analysis. The Canby HNA demonstrates that the City has a dearth of ±22.6 acres of R-1-designated land and that the City requires ±555 new lots for standard single detached residential housing to account for its expected housing needs. Therefore, while this project will not increase the amount of buildable residential land within the UGB, it will provide needed housing on residential land that is slated for annexation into the City in line with the City’s housing goals.

The planned Annexation and Zone Map Change is being submitted in advance of a subsequent Subdivision application that is envisioned to provide lots for single detached housing. The planned Annexation and Zone Map Change and North Holly DCP will facilitate the framework for the future subdivision. The analysis above is based on the Canby HNA and demonstrates that the additional homes are expected to help the City achieve its housing goals. Therefore, this criterion is met. See the City’s HNA in Exhibit I for additional information on the City’s housing needs.

- 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.](#)

Response: As discussed in the approved North Holly DCP (Exhibit G) and illustrated in the Preliminary Plans (Exhibit A), the subject site is directly west of the city limits. This application seeks to annex land into the City for future single detached homes and does not include physical improvements to the site. The surrounding properties within the City are designated with like zoning (R-1). As such, this application will not alter the identity of the surrounding area, characterized by residential neighborhoods, open space, parks, and multimodal connectivity. Transportation and infrastructure elements (i.e. street stubs, partial street improvements, water lines, sanitary sewer lines, franchise utilities, etc.) run adjacent to the eastern property boundary and are intended for extension. Without annexation of the subject site, N Holly Street (an existing street partially improved to half section standards along the site’s frontage) will not be built out to the ultimate standard due to the required land lying outside City limits. Therefore, annexation of the subject site will benefit City residents in the region by providing a means to implement safer streets with sidewalks and bike lanes along the west side of the road, where there are currently no pedestrian improvements.

Additionally, the property is improved with a residence and accessory structures due to the historical County rural residential land use on the site, and is not designated “parks,” “public,” or “private recreation” in the City’s Comprehensive Plan. The subject site is not currently used for agricultural purposes or required to remain as a rural residential property by the Canby Municipal Code or the Comprehensive Plan. Further, this application seeks to apply the R-1 zoning designation identified in the Canby Comprehensive Plan to ultimately reach the planned progression of land use for the area.



Further, this application does not involve or facilitate implementation of physical improvements. A subsequent subdivision application will be submitted in the future containing preliminary plans that illustrate a future street network, infrastructure improvements, residential lots, etc. Future improvements to mitigate aesthetic impacts to the surrounding area (i.e. fencing, landscaping, signage, etc.) will be addressed at that time. Therefore, the above criteria are met.

Pursuant to Section 16.89.020, the Applicant conducted a neighborhood meeting on August 14, 2024, in accordance with applicable City regulations to discuss the Annexation and Zone Map Change application(s). This meeting was held in-person at the Canby Adult Center in accordance with the City’s Neighborhood Meeting Guidelines. Marie Holladay, Mimi Doukas, and Darko Simic from AKS and Al Jeck from Venture Properties, Inc. were present, as well as approximately 10 other interested neighbors and other attendees. The meeting began with a brief presentation that included an overview of the project and details about the planned project. The planned land use application and a general overview of the procedural review process were described. Please see the Neighborhood Meeting Documentation within Exhibit K for further details. The neighborhood meeting submittal requirements and criteria are met.

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

Response: Please see the Preliminary Plans (Exhibit A) and the North Holly DCP (Exhibit G) for details on existing and planned conceptual infrastructure elements, including potable water, sanitary sewer, and stormwater treatment. Additionally, the DCP inventories existing and conceptual parks, open space, and trails.

A Transportation Memorandum prepared by DKS & Associates is included as Exhibit H. The transportation documentation describes existing and anticipated conditions of the local transportation system and demonstrates compliance with the standards of the City of Canby Municipal Code and Canby TSP. Please see Exhibit H for further details. The criteria above are met.

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

Response: This stage of the project involves land use applications and review for Annexation and Zone Map Change. At this time, specific density and lot counts are to be determined, in compliance with the standard planned R-1 zoning district. A subsequent Subdivision application will be submitted in the future that will detail the anticipated increased demand on infrastructure and facilities generated by the N Holly Street annexation. Therefore, this criterion cannot be evaluated at this time.

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: This stage of the project involves land use applications and review for Annexation and Zoning Map Amendments. At this time, specific density and lot counts are to be



determined, in compliance with the standard planned R-1 zoning district. A subsequent Subdivision application will be submitted in the future that will detail the anticipated increased demand to be generated by the N Holly Street annexation on additional facilities necessary to serve the site. Phasing of construction and infrastructure is anticipated, though not determined at this time, and will be vetted with the future Subdivision application. Therefore, this criterion cannot be evaluated at this time.

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

Response: This stage of the project involves land use applications and review for Annexation and Zoning Map Amendments. Upon approval, a subsequent Subdivision application will be submitted in the future that will detail the anticipated increased demand to be generated by the N Holly Street annexation on additional facilities necessary to serve the site. If converted to an urban use (the site is currently designated Clackamas County RRFF-5), essential services and facilities will be extended to serve the site and future lots will generate SDCs that will facilitate future infrastructure needs and provide tax base funds to the City. The North Holly DCP (Exhibit G) outlines the anticipated adequacy and feasibility of future services and infrastructure needs. The criterion is met, as applicable.

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.

Response: The subject site is currently outside of city limits and presently carries Clackamas County RRFF-5 zoning. As discussed in this written narrative document, this application involves a concurrent Zone Map Change to apply the zoning districts foreseen in the Comprehensive Plan. As such, the property will be designated LDR Comprehensive Plan district and zoned R-1 in line with the City's long-range planning effort.

9. Compliance with other applicable city ordinances or policies;

Response: This land use application, including this narrative document and associated exhibits, demonstrates compliance with City ordinances and policies. The criterion is met.

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

Response: As stated in Section 16.84.020 above, the regulations and requirements of ORS Chapter 222 are adopted by reference and made part of the City of Canby Municipal Code. As discussed in the narrative responses above, which incorporate ORS Chapter 222, this Annexation application contains the required submittal elements and meets the criteria for approval. Therefore, the criterion is met.

16.84.050 Consideration of applications.

A. Upon receipt of an application, staff shall review the completeness of the application. After accepting the application as complete, staff

shall schedule a public hearing to be held by the Planning Commission.

- B. The commission shall conduct a public hearing to evaluate the proposed annexation and determine the appropriate zoning designation upon annexation. Following the close of the public hearing, the commission shall forward its recommendation concerning the annexation to the City Council. The commission's recommendation shall include findings that specify how the proposal has or has not complied with the above review criteria (16.84.040). The commission shall specify such consideration as findings in support of its decision and recommendation.
- C. Upon receipt of the commission's recommendation the matter shall be set for review by the City Council following the procedures outlined in Division VIII. The City Council shall review all proposals prior to the city application deadline for submitting measures to the voters in May or November. The City Council shall only set for an election those annexations that are consistent with the above review criteria (16.84.040). The City Council shall specify such considerations as findings in support of its decision to schedule an annexation for an election.
- D. The City Council's decision to submit an annexation to the electorate is the last discretionary decision in the process. Certifying the election after votes are counted is not a discretionary decision.
- E. The council's decision not to set an election for the annexation (a decision of denial), or the results of the election is the final action in the city's review of an annexation application.

16.84.060 Legal Advertisement of Pending Election

After City Council review and approval, the city administrator shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general circulation in the city. The advertisement shall be placed at least 14 days prior to the election. The size of the advertisement shall be determined by the City Administrator, but shall not be less than one-half of a full page. The advertisement shall contain: a description of the location of the property, the size of the property, its current zoning and zoning upon annexation, a general description of the land use intended, a description of any Comprehensive Plan text or Map amendment of Zoning Ordinance text or Map amendment that is required; and a description of the positive and negative effects contained in the staff report, as well as the findings upon which the City Council based its decision.

Response: The criteria above are understood and do not warrant a response from the Applicant.

16.84.070 Election Procedures.

- A. Pursuant to ORS 222.130(1), the statement of chief purpose in the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The ballot title wording shall be prepared by the City Attorney.

-
- B. Pursuant to ORS 222.130(2), the notice of an annexation election shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.
 - C. Pursuant to ORS 222.11(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

Response: As mandated, ORS 222.170 acknowledges the legislative body of the City need not call or hold an election in any contiguous territory proposed to be annexed if more than half (i.e. 51 percent) of the property owners in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day. The Annexation Petitions and Written Consent statement (signed by all property owners) are within Exhibit C. Therefore, the criteria above are not applicable to this application.

16.84.080 Setting of Boundaries and Proclamation of Annexation.

If the annexation is approved by the electorate, the City Council, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation (ORS 222.170(3)).

Response: The criterion above is understood and does not warrant a response from the Applicant.

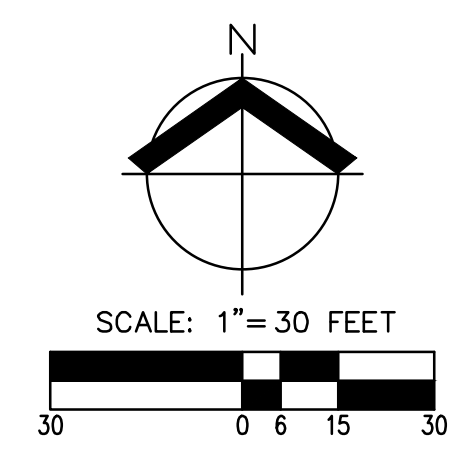
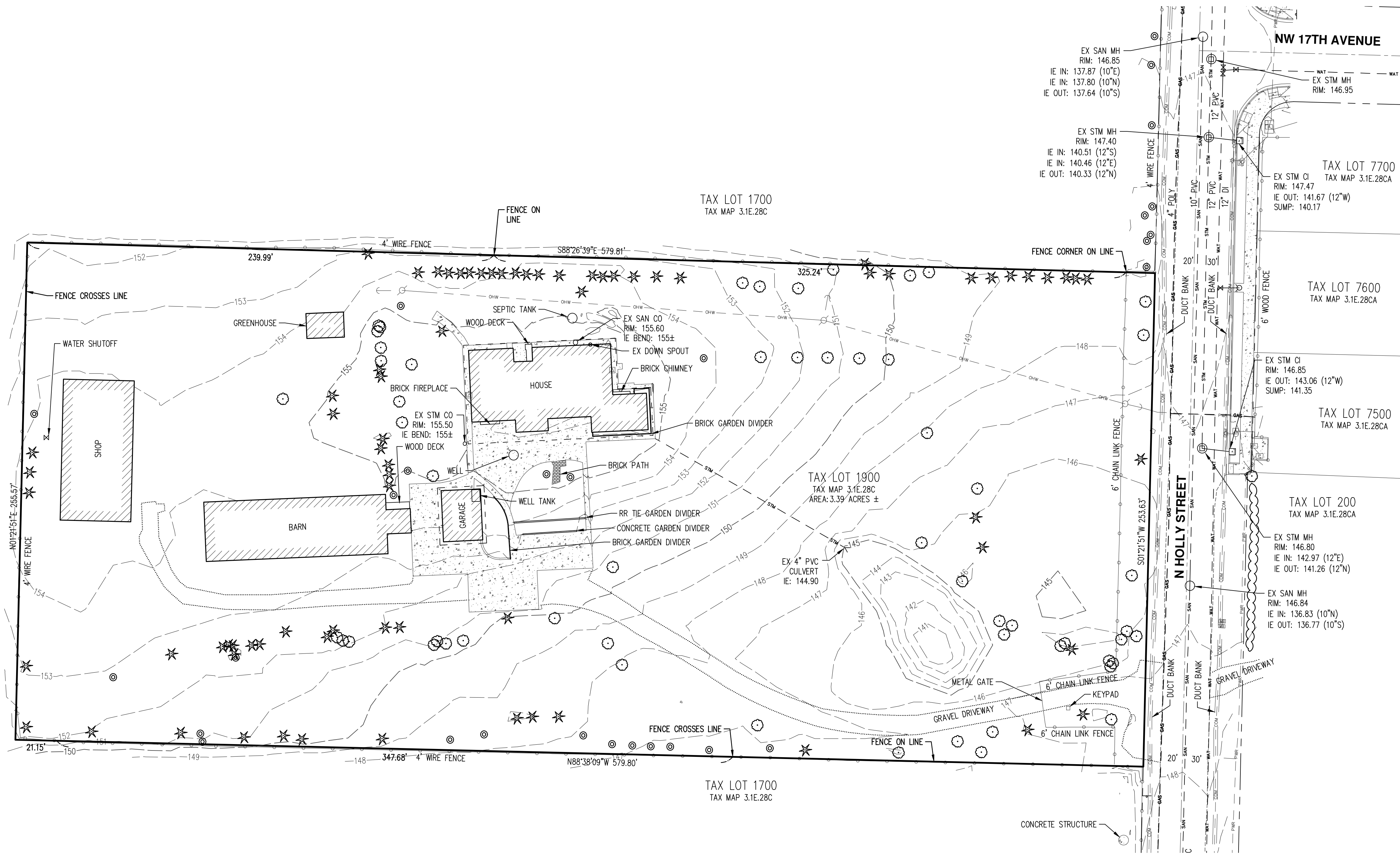
16.84.090 Exceptions.

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: This application does not involve exceptions. The criterion is not applicable.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Canby Municipal Code. The evidence in the record is substantial and supports approval of the application.



- NOTES:**
- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBER 24126489. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
 - FIELD WORK WAS CONDUCTED MAY 20-23, 2024.
 - VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK NO. 6742, LOCATED 0.25 MILES SOUTHWEST OF THE INTERSECTION OF SOUTH BARLOW ROAD AND HIGHWAY 99E ON THE WEST SIDE OF HIGHWAY 99E. ELEVATION = 101.08 FEET (NAVD 88).
 - CONTOUR INTERVAL IS 1.00 FOOT.
 - THIS IS NOT A PROPERTY BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY SURVEYOR. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
 - BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
 - TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.

**EXISTING CONDITIONS PLAN
 1733 N HOLLY STREET
 VENTURE PROPERTIES INC.
 CITY OF CANBY, OREGON**

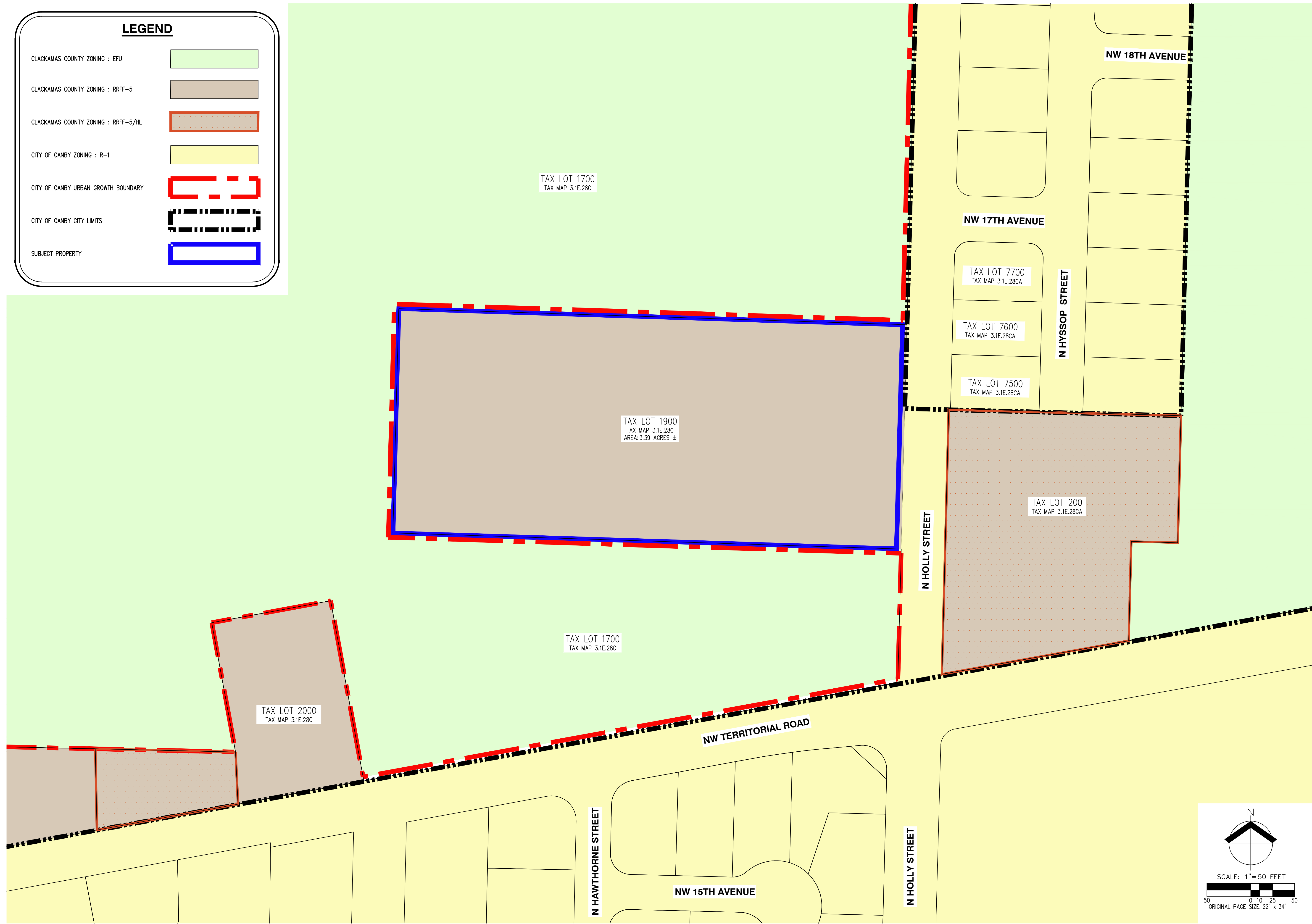


RENEWAL DATE:	6/30/26
JOB NUMBER:	11052
DATE:	07/31/2024
DESIGNED BY:	MBM
DRAWN BY:	MBM
CHECKED BY:	DS

C02

LEGEND

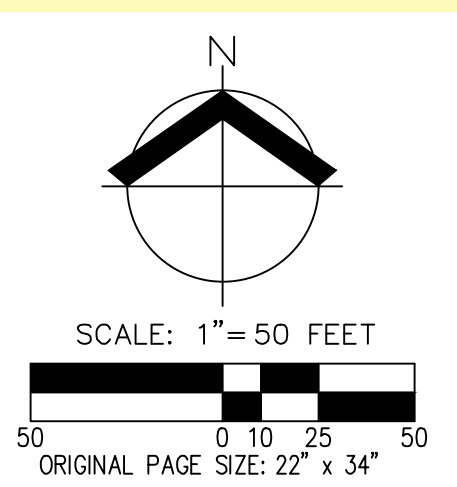
- CLACKAMAS COUNTY ZONING : EFU
- CLACKAMAS COUNTY ZONING : RRF-5
- CLACKAMAS COUNTY ZONING : RRF-5/HL
- CITY OF CANBY ZONING : R-1
- CITY OF CANBY URBAN GROWTH BOUNDARY
- CITY OF CANBY CITY LIMITS
- SUBJECT PROPERTY



AKS
 AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 503.563.6151
 WWW.AKS-ENG.COM
 ENGINEERING • SURVEYING • NATURAL RESOURCES
 FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

**EXISTING ZONING MAP
 1733 N HOLLY STREET
 VENTURE PROPERTIES INC.
 CITY OF CANBY, OREGON**


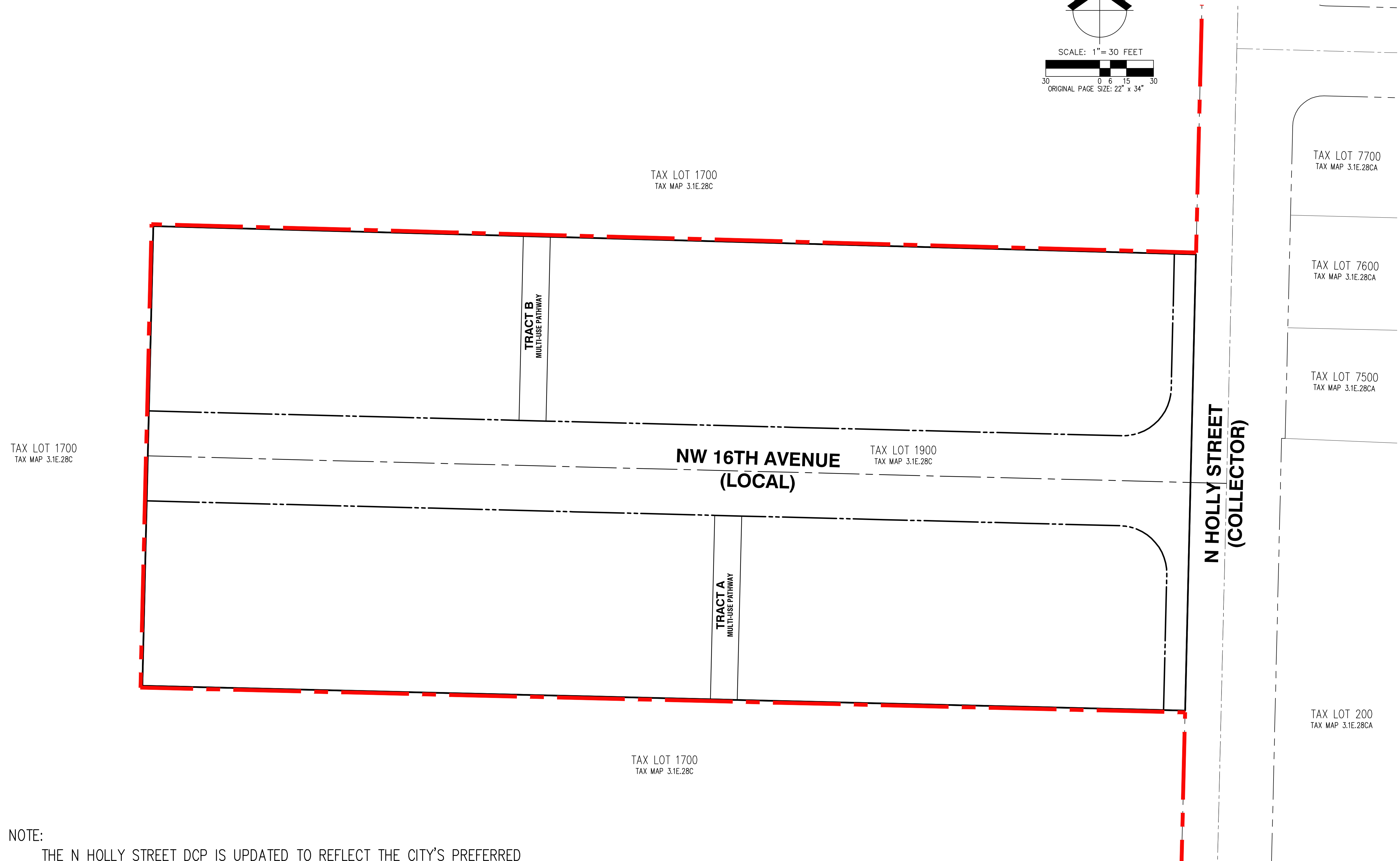
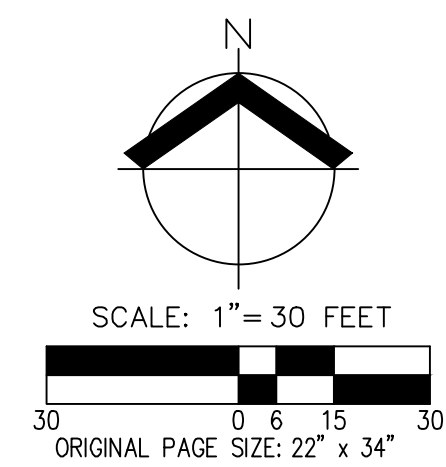
REGISTERED PROFESSIONAL ENGINEER
PRELIMINARY
 NOT FOR CONSTRUCTION
 12/22/2018
 WTKO SIMIC
 RENEWAL DATE: 6/30/26
 JOB NUMBER: 11052
 DATE: 07/31/2024
 DESIGNED BY: MBM
 DRAWN BY: MBM
 CHECKED BY: DS



C03

LEGEND

CITY OF CANBY URBAN GROWTH BOUNDARY/HOLLY DCP BOUNDARY

NOTE:
THE N HOLLY STREET DCP IS UPDATED TO REFLECT THE CITY'S PREFERRED STREET NETWORK, CONSIDERING ACCESS OPPORTUNITIES FOR A FUTURE CITY-LED UGB EXPANSION.

**UPDATED HOLLY DEVELOPMENT CONCEPT PLAN
1733 N HOLLY STREET
VENTURE PROPERTIES INC.
CITY OF CANBY, OREGON**

**REGISTERED PROFESSIONAL ENGINEER
PRELIMINARY
NOT FOR CONSTRUCTION
JULY 12, 2016
WKO SIMIC**

RENEWAL DATE: 6/30/26

JOB NUMBER: 11052
DATE: 08/14/2024
DESIGNED BY: MBM
DRAWN BY: MBM
CHECKED BY: DS

C05



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

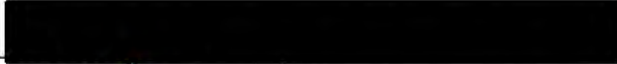
LAND USE APPLICATION

Zone Map Change Application

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

Applicant Name: Venture Properties, Inc. Phone: Please contact Applicant's Consultant
 Address: 4230 Glenwood Street, Ste. 100 Email: Please contact Applicant's Consultant
 City/State: Lake Oswego, OR Zip: 97035

Representative Name: Marie Holladay, AKS Engineering & Forestry, LLC Phone: 503-563-6151
 Address: 12965 SW Herman Road, Ste. 100 Email: holladaym@aks-eng.com
 City/State: Tualatin, OR Zip: 97062

Property Owner Name(s)*: Margaret M. Peterson Phone: Please contact Applicant's Consultant
 Signature: 
 Address: 1733 N Holly Street Email: Please contact Applicant's Consultant
 City/State: Canby, OR Zip: 97013

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

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

PROPERTY & PROJECT INFORMATION:

<u>1733 N Holly Street, Canby, OR 97013</u>	<u>±3.36 acres</u>	<u>3 1 E 28C, Tax Lot 1900</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Single detached dwelling, accessory structures</u>	<u>RRFF5</u>	<u>Rural</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Annexation into the City of Canby and zoning map amendment to apply the forecasted R-1 designation
 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



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: Venture Properties, Inc. Phone: Please contact Applicant's Consultant
 Address: 4230 Glenwood Street, Ste. 100 Email: Please contact Applicant's Consultant
 City/State: Lake Oswego, OR Zip: 97035

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 Address: 12965 SW Herman Road, Ste. 100 Email: holladaym@aks-eng.com
 City/State: Tualatin, OR Zip: 97062

Property Owner Name: Margaret M. Peterson Phone: Please contact Applicant's Consultant
 Signature: [Redacted]
 Address: 1733 N Holly Street Email: Please contact Applicant's Consultant
 City/State: Canby, OR Zip: 97013

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

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

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

PROPERTY & PROJECT INFORMATION:

<u>1733 N Holly Street, Canby, OR 97013</u>	<u>±3.36 acres</u>	<u>3 1 E 28C, Tax Lot 1900</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Single detached dwelling, accessory structures</u>	<u>RRFF5</u>	<u>Rural</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Annexation into the City of Canby and zoning map amendment to apply the forecasted R-1 designation
 Describe the Proposed Development or Use of Subject Property

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

**PETITION FOR A CONSENT ANNEXATION
(WRITTEN CONSENT FORM)**

We, the undersigned property owner(s), hereby petition for, and give our consent to the annexation of the subject area to the City of Canby.

Address	Property Description	Property Owner(s) Printed Name(s)
1733 N Holly Street	Clackamas County Assessor's Map 31E28C, Tax Lot 1900	Margaret M. Peterson, Trustee of the Margaret M. Peterson Trust

Margaret M. Peterson

Property Owner Signature

8/13/24

Date



FIRST AMERICAN TITLE

Property Research Report

SUBJECT PROPERTY

1733 N Holly St

Parcel #: 00776468

Map & Taxlot #: 31E28C 01900

County: Clackamas

OWNER

Peterson, Margaret M Trustee

DATE PREPARED

Date: 07/22/2024

PREPARED BY

gparilla@firstam.com



First American Title

Customer Service Department

503.219.8746

cs.oregon@firstam.com

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IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT, IF ANY. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.



First American Title

Customer Service Department
 503.219.8746
 cs.oregon@firstam.com
 Date: 07/22/2024

OWNERSHIP INFORMATION

Owner: Peterson, Margaret M Trustee
 CoOwner:
 Site: 1733 N Holly St Canby OR 97013
 Mail: 1441 S Ivy St Unit 712 Canby OR 97013

Parcel #: 00776468
 Ref Parcel #: 31E28C 01900
 TRS: 03S / 01E / 28 / SW
 County: Clackamas

PROPERTY DESCRIPTION

Map Grid: 746-C4
 Census Tract: 022905 Block: 1011
 Neighborhood: ABB - Aurora - Butteville - Barlow
 School Dist: 86 Canby
 Impr Type: RS0 - Single Family
 Subdiv/Plat:
 Land Use: 401 - Tract land improved
 Std Land Use: RSFR - Single Family Residence
 Zoning: Clackamas Co.-RRFF5 - Rural Residential Farm
 Forest 5 Acre Min
 Lat/Lon: 45.276123 / -122.698217
 Watershed: Abernethy Creek-Willamette River
 Legal: Section 28 Township 3S Range 1E Quarter C TAX
 LOT 01900

ASSESSMENT AND TAXATION

Market Land: \$397,103.00
 Market Impr: \$481,510.00
 Market Total: \$878,613.00 (2023)
 % Improved: 55.00%
 Assessed Total: \$475,627.00 (2023)
 Levy Code: 086-020
 Tax: \$6,864.39 (2023)
 Millage Rate: 14.4323
 Exemption:
 Exemption Type:

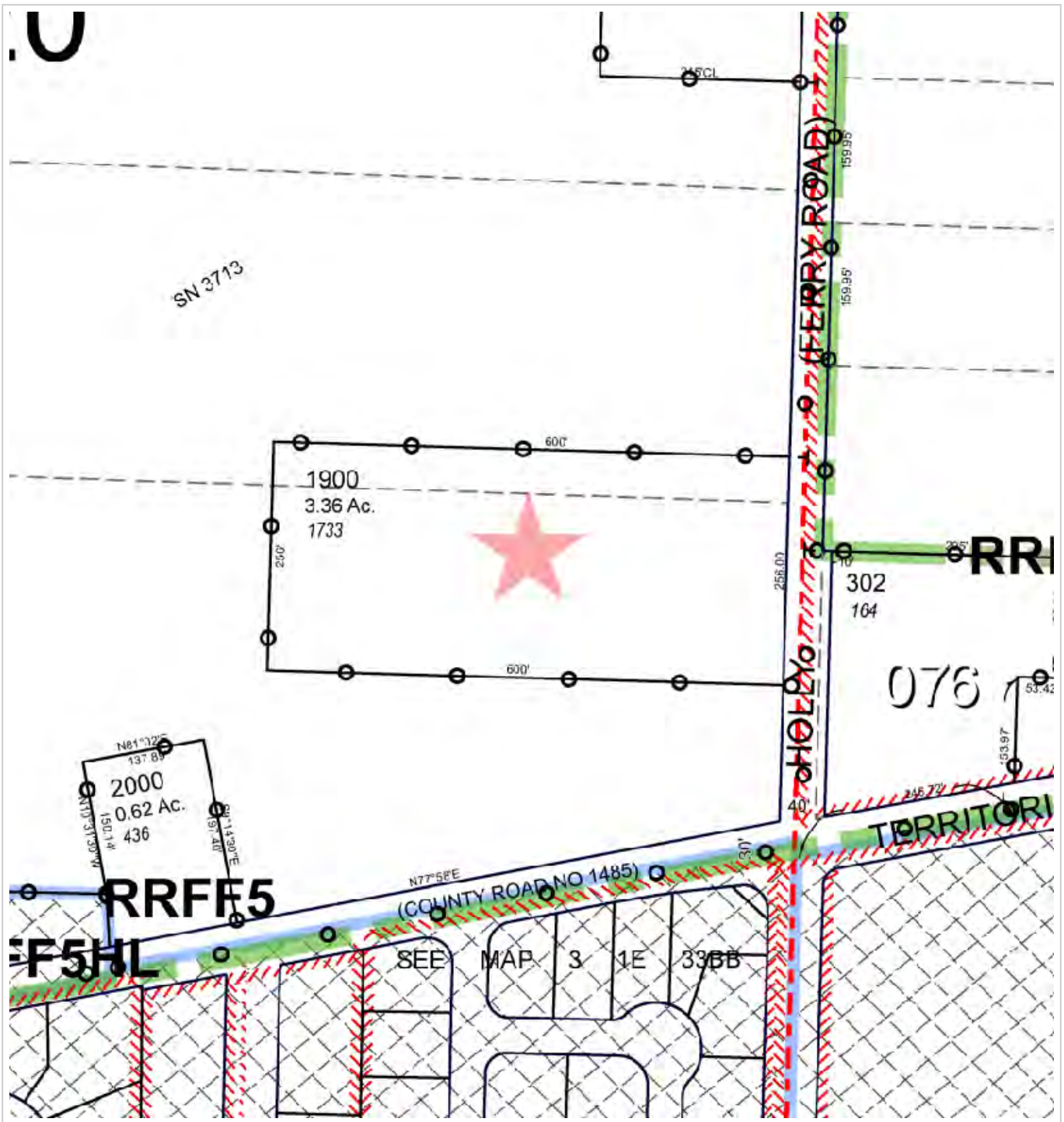
PROPERTY CHARACTERISTICS

Bedrooms: 4	Total SqFt: 2,885 SqFt	Year Built: 1948
Baths, Total: 2.5	First Floor:	Eff Year Built:
Baths, Full: 2	Second Floor:	Lot Size Ac: 3.36 Acres
Baths, Half: 1	Basement Fin:	Lot Size SF: 146,362 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories: 1	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material: Composition
Cooling:	Attic Unfin:	Roof Shape:
Heating: Heat Pump	Attic Total:	Ext Walls: CLA - Clapboard
Building Style: 15 - Single family res, class 5	Garage:	Const Type: Above Average

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
PETERSON MARGARET M TRUST	12/30/2015	2015-085722		Deed		Conv/Unk
	12/25/2015			S		
DONALD L PETERSON	11/22/1999	1999-109022	\$55,000.00	Deed		Conv/Unk
DONALD L PETERSON	11/09/1999	1999-106095	\$55,000.00	Deed		Conv/Unk
DONALD L PETERSON	11/09/1999	1999-106097	\$55,000.00	Deed		Conv/Unk
C C LAMB	01/01/1973	1973-008911		Deed		Conv/Unk

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



First American Title

Parcel ID: 00776468

Site Address: 1733 N Holly St

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Aerial Map



First American Title

Parcel ID: 00776468

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

AFTER RECORDING RETURN TO:
Reif & Hunsaker, P.C.
273 N. Grant Street
Canby, OR 97013-0729

Clackamas County Official Records 2015-085722
Sherry Hall, County Clerk

UNTIL OTHERWISE REQUESTED,
SEND TAX STATEMENTS TO:
Margaret M. Peterson, Trustee
1733 N. Holly Street
Canby, OR 97013



\$53.00

12/30/2015 11:35:16 AM

D-D Cnt=1 Stn=2 COUNTER3
\$5.00 \$10.00 \$16.00 \$22.00

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that **MARGARET M. PETERSON, surviving spouse of DONALD L. PETERSON**, hereinafter called GRANTOR, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto **MARGARET M. PETERSON, Trustee of the Margaret M. Peterson Trust** *ult/a dated 12-29, 2015*, hereinafter called GRANTEE, and unto GRANTEE'S heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, commonly known as 1733 N. Holly Street, Canby, Oregon and more particularly described as follows, to wit:

Part of the Champing Pendleton D.L.C. No. 58, in Section 28, T. 3 S., R. 1 E., W.M. described as follows:

Beginning at a point 16.03 chains South from the Northeast corner of said D.L.C. on the east line of said D. L. C.; thence South along said East line 658.97 feet to the true point of beginning; thence North 89°48'30" West 600 feet; thence South parallel with the East line of said D.L.C. 256 feet; thence East at right angles to the East line of said D.L.C. 600 feet; thence North along the East line of said D.L.C. 256 feet, more or less, to the true point of beginning.

Except therefrom that portion lying within public roads.

(Assessor's Acct. #00776468)

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$NIL. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

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

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 29th day of December, 2015.

Margaret M. Peterson
MARGARET M. PETERSON, Surviving Spouse
of Donald L. Peterson - Grantor

STATE OF OREGON)
) ss.
County of Clackamas)

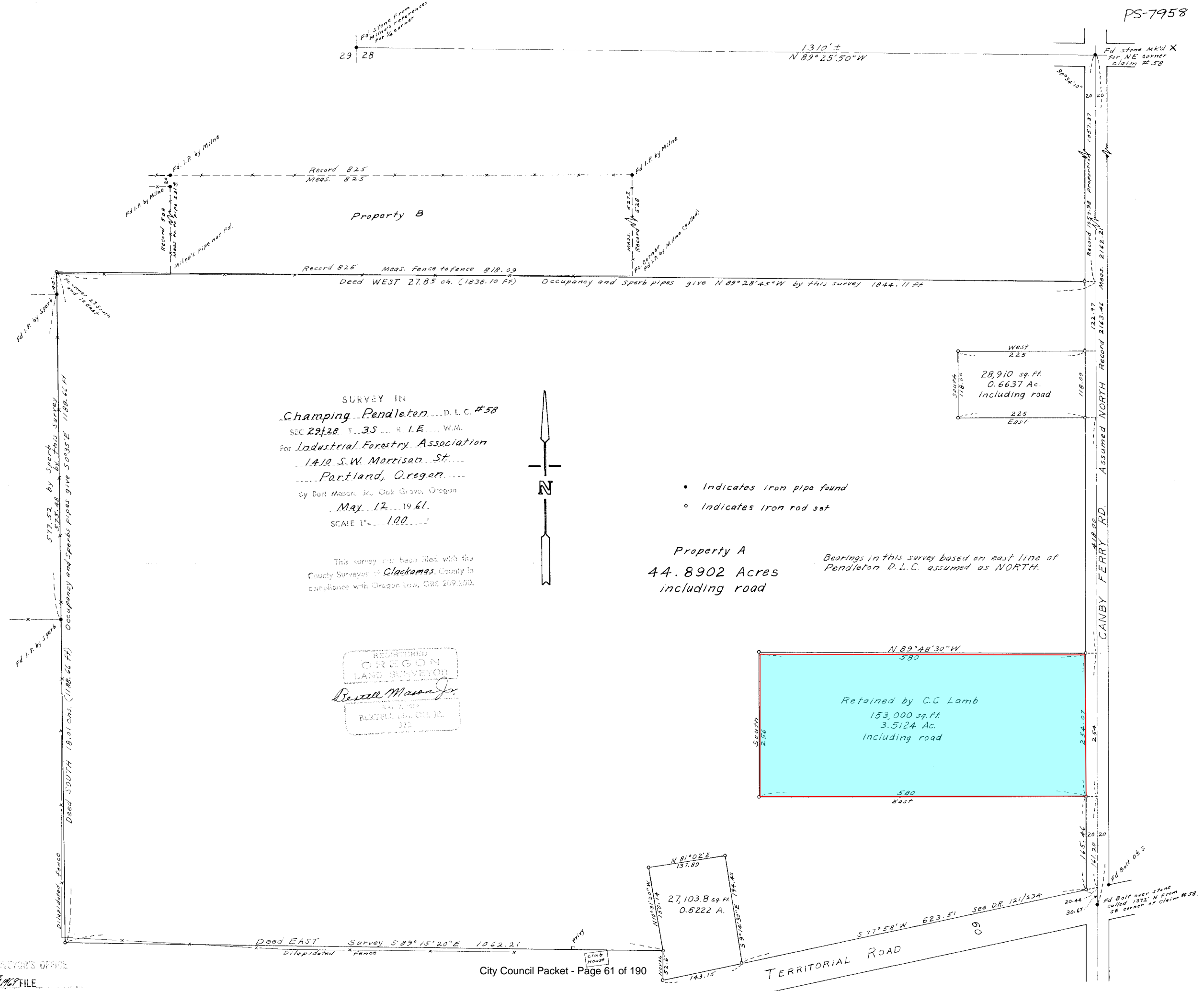
December 28, 2015

Before me personally appeared the above named MARGARET M. PETERSON, surviving spouse of Donald L. Peterson, and acknowledged the foregoing instrument to be her voluntary act and deed.

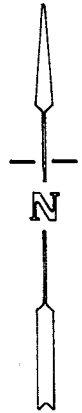
Diane Ruth Weirich
Notary Public for Oregon
My Commission Expires: Jan. 9, 2018



P.S. 7958



SURVEY IN
 Charming Pendleton D.L.C. #58
 SEC 29 T. 35 R. 1 E W.M.
 For Industrial Forestry Association
 1410 S.W. Morrison St.
 Portland, Oregon
 By Bert Mason, Jr., Oak Grove, Oregon
 May 12 1961
 SCALE 1" = 100'



- Indicates iron pipe found
- o Indicates iron rod set

Property A
 44.8902 Acres
 including road

Bearings in this survey based on east line of
 Pendleton D.L.C. assumed as NORTH.

REGISTERED
 OREGON
 LAND SURVEYOR
 Bert Mason Jr.
 BERT MASON, JR.
 322



EXHIBIT A
 City Annexation

A tract of land located in the southwest One-Quarter of Section 28, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the northeast corner of the Champing Pendleton Donation Land Claim Number 58, also being on the centerline of N Holly Street and the City of Canby city limits line; thence along said centerline and said city limits line, South 01°21'51" West 1716.45 feet to the Point of Beginning; thence continuing along said centerline and city limits line, South 01°21'51" West 100.37 feet to the westerly extension of the south line of the plat "Dodd's Farm No. 2"; thence leaving said centerline along said westerly extension and continuing along said city limits line, South 87°25'16" East 30.01 feet to the easterly right-of-way line of N Holly Street (30.00 feet from centerline); thence leaving said city limits line, along said easterly right-of-way line and the southerly extension thereof, South 01°21'51" West 338.38 feet to the centerline of NW Territorial Road and the City of Canby city limits line; thence along said centerline and said city limits line, South 79°19'51" West 51.12 feet to the southerly extension of the westerly right-of-way line of N Holly Street (20.00 feet from centerline); thence leaving said city limits line along said southerly extension and said westerly right-of-way line, North 01°21'51" East 196.48 feet to the southeast corner of Document Number 2015-085722, Clackamas County Deed Records; thence along the southerly line of said Deed, North 88°38'09" West 579.80 feet to the southwest corner of said Deed; thence along the westerly line of said Deed, North 01°21'51" East 255.57 to the northwest corner of said Deed; thence along the northerly line of said Deed and the easterly extension thereof, South 88°26'39" East 599.80 feet to the Point of Beginning.

The above described contains 3.83 acres, more or less.

8/7/2024



Michael S. Kalina

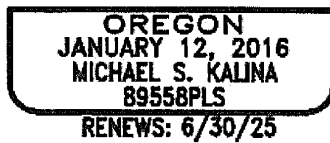
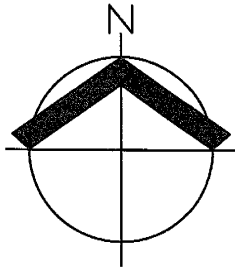
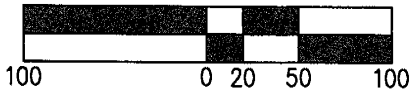


EXHIBIT B

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28, T3S, R1E, W.M., CLACKAMAS COUNTY, OREGON



SCALE: 1" = 100 FEET

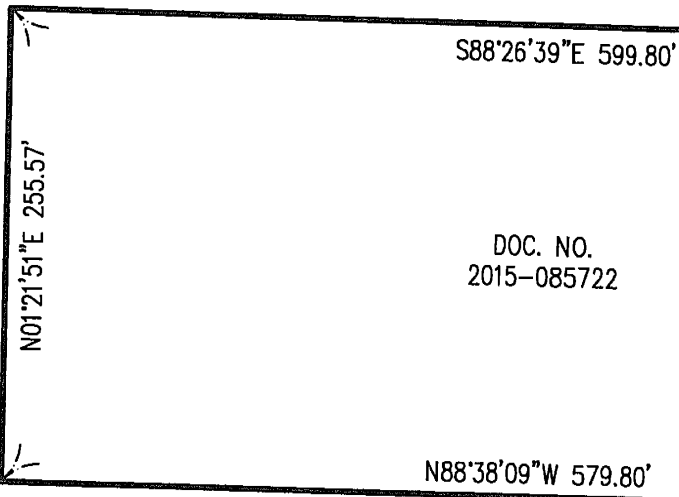
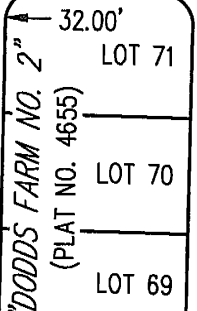


POINT OF COMMENCEMENT
NE CORNER OF CHAMPING
PENDLETON D.L.C. NO. 58

NW 17TH AVENUE

DOC. NO.
92-53893

POINT OF BEGINNING



DOC. NO.
2015-085722

TOTAL AREA:
3.83 ACRES±

DOC. NO.
13-63599

DOC. NO.
92-53893

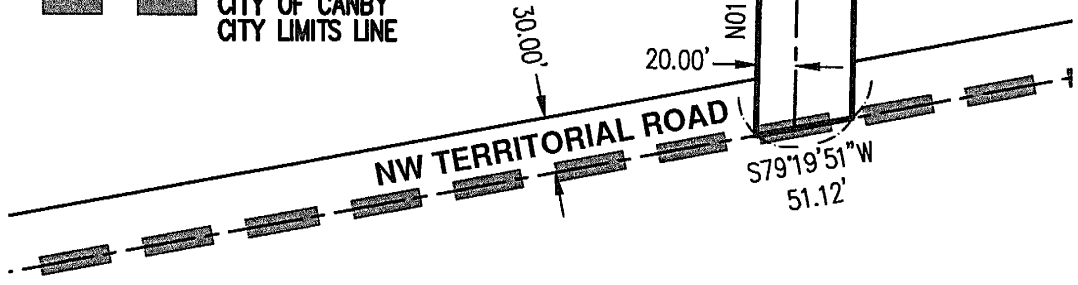
N HOLLY STREET

LEGEND

CITY OF CANBY CITY LIMITS LINE

8/7/2024
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina
OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/25



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



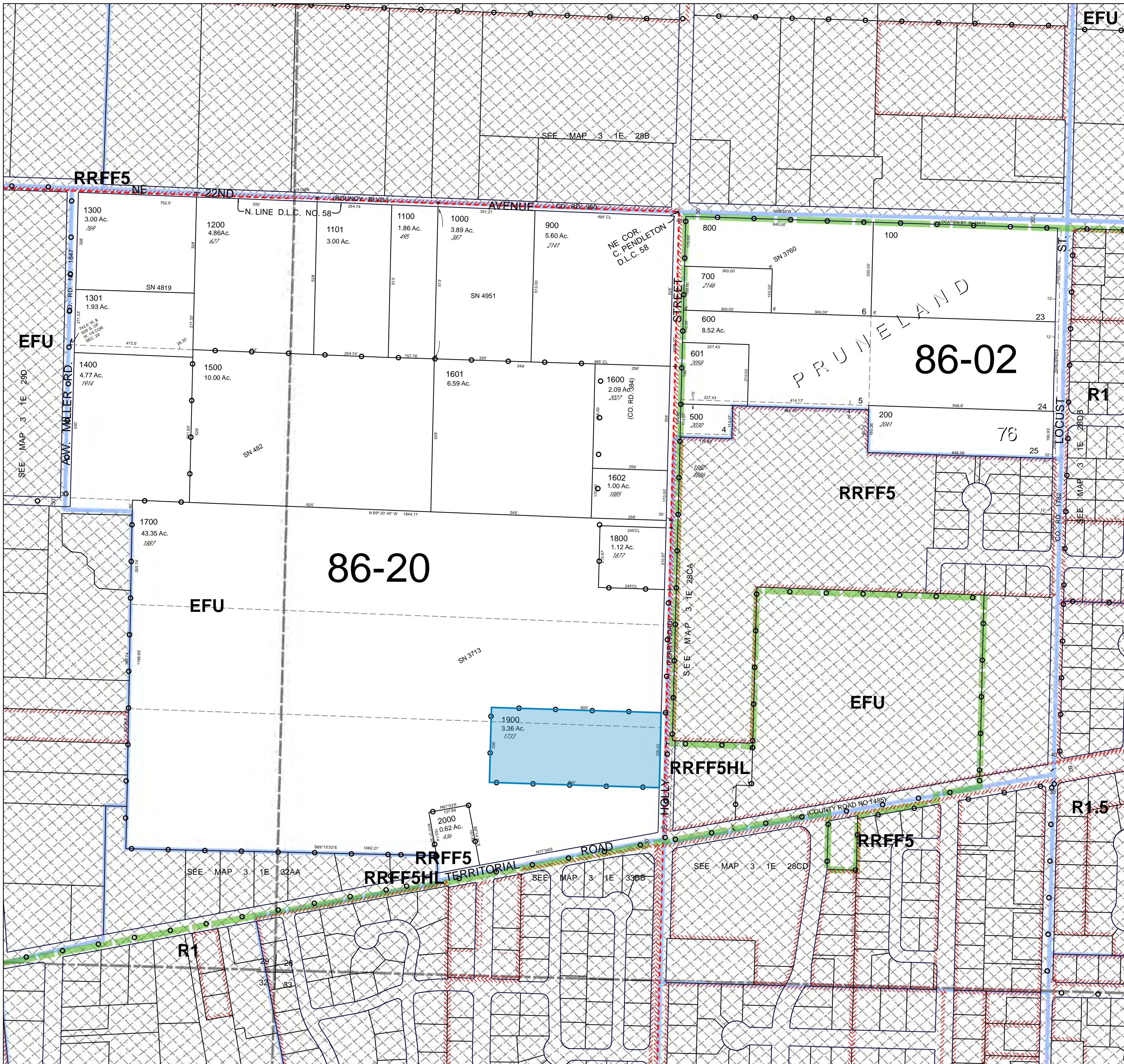
CITY ANNEXATION

TL 3.1E.28C 1900	
DRWN: MJS	CHKD: ELN
AKS JOB: 11052	EXHIBIT B

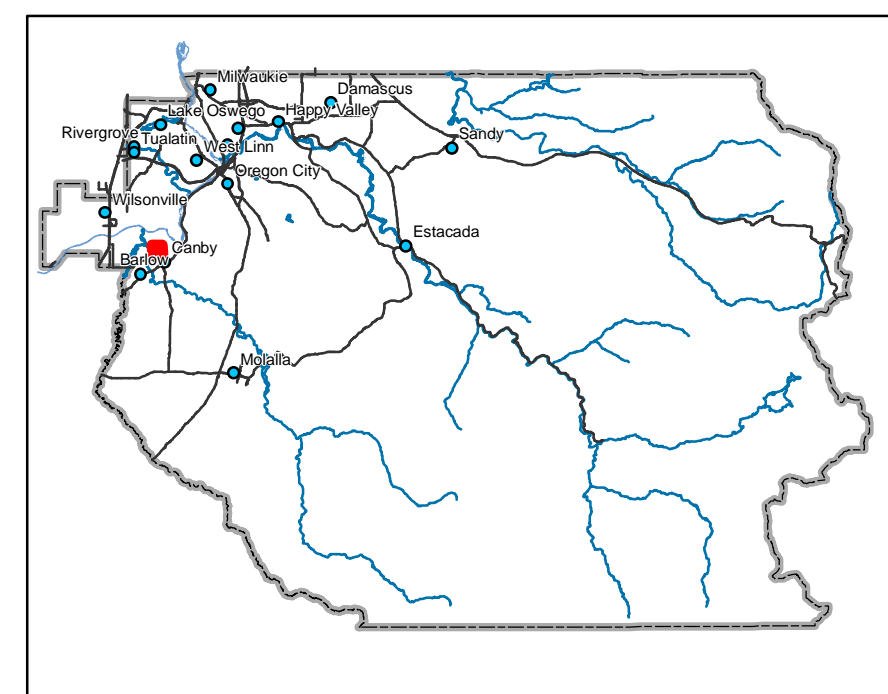
S.W.1/4 SEC.28 T.3S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 200'

Cancelled Taxlots

- 390
- 301
- 402
- 400



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



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

ORDINANCE NO. 1501

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 47.647 ACRES INCLUDING 43.79 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 100, 200, 400, 401, 500, 600, 601, 700 AND 800 SITUATED IN THE SE ¼ & SW ¼, SEC. 35, T.3S., R.1E., W.M. (TAX MAP 31E28C); AND APPROX. 3.857 ACRES OF ADJACENT ROAD RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST FIVE ACRE (RRFF-5) TO CITY LOW DENSITY RESIDENTIAL (R-1) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS.

WHEREAS, on January 16, 2019, at a public hearing the City Council of the City of Canby approved by a vote of 5 to 0, Annexation (ANN 18-05/ZC 18-06) which called for the annexation of 47.647 acres into the City of Canby. The applicant is Stafford Development Company, LLC. The co-applicant's and owners of the Tax Lots which are part of the annexation are Dodds (Tax Lots 400 & 500), Montecucco Rentals, LLC (Tax Lots 100 & 800), Burkert (Tax Lots 600 & 601), Gordon (Tax Lot 700), Hemmerling Nursery, LLC (Tax Lot 401) and City of Canby (Tax Lot 200), all of Tax Map 31E28C. A complete legal description and survey map that delineates the tax lots and portions of applicable adjacent abutting street right-of-ways to be annexed and is attached hereto as Exhibit A & B respectively and by this reference are incorporated herein; and

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

WHEREAS, the zoning of the annexed land shall be designated as R-1 Low Density Residential to conform with the Canby Comprehensive Plan Map, and such zoning shall be indicated on the official zoning map for the City of Canby; and

WHEREAS, an application was filed with the City by the applicants listed above to change the zoning of nine parcels as indicated herein and where applicable within the City's Urban Growth Boundary the city zoning will be extended to the centerline of the annexed adjacent public streets; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on December 10, 2018 after public notices were mailed, posted and published in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the annexation, accompanying zone change and the proposed Development Concept Plan required for this annexation by Figure 16.84.040 of Chapter 16.84 of the Land Development and Planning Ordinance at the public hearing. At the conclusion of the public hearing; the Planning Commission by a vote of 3 to 3 with one abstention failed to garner a majority vote, therefore forwarding a

recommendation that the City Council deny the applications with the Planning Commission written Findings, Conclusions and Order to be approved on January 14, 2019; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following their own public hearing held at a regular meeting on January 16, 2019; and

WHEREAS, the Canby City Council, after considering the applicant's submittal, the staff report, the Planning Commission's hearing record and their recommendation documented in their written Findings, Conclusions and Order and after conducting its own public hearing; voted to approve the annexation and associated zoning designation for the properties and adopted a the N Holly Concept Development Plan for the area which is required prior to granting a zone change; 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 February 6, 2019; and

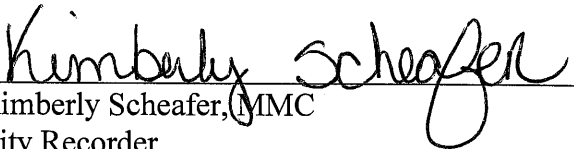
NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. It is hereby proclaimed by the City Council of Canby that 47.647 acres of property described, set, and shown in Exhibit A & B and attached hereto, is annexed into the corporate limits of the City of Canby, Oregon.

Section 2. The annexed land shall be rezoned from the county Rural Residential Farm Forest (RRFF-5) to city Low Density Residential (R-1) as reflected on the Canby's Comprehensive Plan Map and as indicated by Tax Lot and legal description in this Ordinance. The Mayor, attested by the City Recorder, is hereby authorized and directed to have the zone change made to the official zoning map for the City of Canby.

Section 3. A Concept Development Plan for the area is adopted with any revisions specified within the written Council Findings, Conclusion and Order.

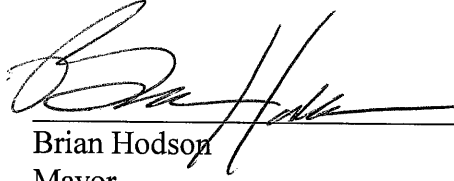
SUBMITTED to the Council and read the first time at a regular meeting thereof on January 16, 2019 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on February 6, 2019, commencing at the hour of 7:00 PM at the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.



Kimberly Scheafer, MMC
City Recorder

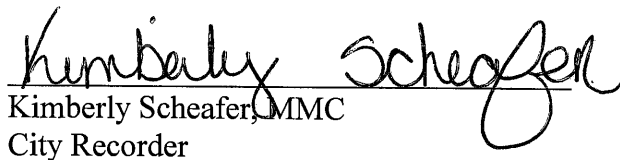
PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on February 6, 2019 by the following vote:

YEAS 6 NAYS 0



Brian Hodson
Mayor

ATTEST:



Kimberly Scheafer, MMC
City Recorder

EXHIBIT "A"

Legal Description For:

Annexation of lands into the City of Canby

A tract of land, situated in the southeast one-quarter and southwest one-quarter of Section 35, Township 3 South, Range 1 East of the Willamette Meridian in Clackamas County, Oregon, the perimeter of said tract being more particularly described as follows:

Beginning at the northeast corner of the CHAMPING PENDLETON Donation Land Claim Number 58, said corner also being the intersection of the centerlines of HOLLY STREET and 22ND STREET; thence South $89^{\circ}35'38''$ East 1349.11 feet along the centerline of said 22ND STREET to a point on the northerly extension of the east right of way of LOCUST STREET that is 25.00 feet easterly of the centerline of said LOCUST STREET when measured at right angles thereto; thence South $00^{\circ}00'54''$ West 1917.64 feet along said east right of way and the northerly and southerly extensions thereof to a point that is 40.00 feet southerly of the centerline of TERRITORIAL ROAD when measured at right angles thereto; thence South $78^{\circ}25'07''$ West 282.31 feet parallel with said centerline to a point on the southerly extension of the west line of that tract of land described in deed to HEMMERLING NURSERY, LLC, recorded June 1, 2015 in Instrument Number 2015-032967, Clackamas County Deed Records; thence North $00^{\circ}00'54''$ East 684.09 feet along said west line and the southerly extension thereof to a point on the south line of that tract of land described in deed to THOMAS K. DODDS, recorded June 17, 1987 in Recorder's Number 87-27310, Clackamas County Deed Records; thence North $89^{\circ}13'19''$ West 774.78 feet along said south line to the re-entrant corner is said south line; thence South $00^{\circ}07'00''$ East 532.02 feet along the north-south portion of said south line to the most southerly southeast corner of said THOMAS K. DODDS tract; thence North $89^{\circ}07'20''$ West 294.90 feet along the south line of said THOMAS K. DODDS tract to the southwest corner of said tract, being a point on the centerline of HOLLY STREET; thence North $00^{\circ}07'00''$ West 1816.78 feet along said centerline to the Point of Beginning, containing 47.647 acres of land more or less, as shown on attached Exhibit B.

EXCEPTING THEREFROM any portion of the above described lands already lying within the city limits of the City of Canby, Clackamas County, Oregon.

EXHIBIT MAP

FOR: ANNEXATION OF LANDS INTO THE CITY OF CANBY
 LOCATED IN THE SE 1/4 AND SW 1/4 OF SEC. 28, T. 3 S., R. 1 E., W.M.
 CLACKAMAS COUNTY, OREGON

POINT OF BEGINNING
 NORTHEAST CORNER OF THE
 CHAMPING PENDLETON DLC #58
 S89°35'38"E 1349.11'

22ND AVENUE

30' 15'
 15'



SCALE: 1" = 300'

**TOTAL AREA OF ANNEXATION
 47.647 ACRES**

THOMAS K. DODDS
 REC'S. #87-27310

N00°07'00"W 1816.78'

HOLLY STREET

LOCUST STREET

S00°00'54"W 1917.64'

20'
 40'
 20'

S00°07'00"E 532.02'

N89°13'19"W 774.78'

N00°00'54"E 684.09'

HEMMERLING NURSERY, LLC
 INST. #2015-032967

15'

N89°07'20"W
 294.90'

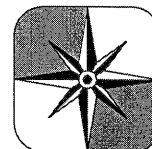
30'

TERRITORIAL ROAD

S78°25'07"W
 282.31'

30'
 40' 70'

3657 KASHMIR WAY SE
 SALEM, OREGON 97317
 PHONE (503) 588-8800
 FAX (503) 363-2469
 EMAIL: INFO@BARKERWILSON.COM



**BARKER
 SURVEYING**



City of Canby

MEMORANDUM

DATE: Prepared: January 7, 2019 for January 16, 2019 Council Hearing

TO: Mayor and City Council

FROM: Bryan Brown, Planning Director

RE: Annexation/Zone Change (File No. ANN 18-05/ZC 18-06) and Adoption of Proposed N Holly Street Development Concept Plan

Background: At their December 10, 2018 meeting, the Canby Planning Commission held a public hearing, moved into deliberation at which time a motion was made to approve the annexation resulting in a 3-3 vote on the motion. It was obvious with a tie vote that another motion would not correct the lack of a majority vote, resulting in affect the Planning Commission forwarding a recommendation of denial of annexation and zone change (**File ANN 18-05/ZC 18-06**) to the City Council.

This request if approved would annex 47.647 acres into the City limits – including 43.79 acres of real property consisting of nine different tax lots having five different property owners along with approximately 3.857 acres of adjacent street right-of-way consisting of the one-half of N Holly Street, one-half of SE/SW 22nd Avenue, the entire width of N Locust Street and the entire width of SE Territorial Road abutting the annexation area. The R-1 Low Density Residential zone is proposed for the entire annexation area in accordance with the Comprehensive Plan Map land use designation for LDR – Low Density Residential for the nine Tax Lots which are a part of the annexation application.

The Planning Commission listened to evidence presented by the applicant demonstrating that the annexation of this additional land to be designated R-1 zone was needed to maintain a three year supply of readily available developable land for new homes. The land needs analysis provided clearly indicates that there is a current deficiency today's of available fully served vacant platted R-1 zoned lots. When taking in the potential supply of additional platted lots that could be available if all previously approved subdivision plats were to move forward with construction of all necessary infrastructure and then be recorded within a typical time frame, and homes constructed based on the estimated actual historical average capacity of home builders in Canby to construct homes; supply of platted lots are shown to grow to a peak in late 2019 and another in late 2020 both just shy of a 3-year land supply. This analysis does not include additional subdivisions which are not yet known. There is currently very little additional land readily available for subdividing without further annexation in the community.

The proposed properties to be annexed are located in an area specified by Figure 16.84.040 of the City of Canby Annexation ordinance to require the adoption of a Development Concept Plan for an area consisting of over 58.79 acres. The Comprehensive Plan defines the Canby Urban Growth Boundary to also include some parcels fronting on the west side of N Holly Street as well as those on the east side over to N Locust Street which make up the proposed Development Concept Plan area.

Stafford Land Development has entered into a contract with just one property owner at this time for likely future development of a residential subdivision for the approximate 20 acre tract. The other property owners saw efficiency in processing costs in entering into a shared annexation application offered by the developer but have not yet indicated when they might be ready to either develop themselves or sale there property for future development. The City of Canby has joined in this annexation with the 2.31 acre undeveloped city park which is surrounded by the remaining eight other Tax Lots which are a part of this annexation. No additional park land is currently planned to be dedicated in association with the proposed N Holly Development Concept Plan.

The primary reasons given by the Planning Commission in its failure to obtain move a positive recommended forward are outlined within the Planning Commission Findings, Conclusions and Final Order draft which is attached to this memorandum. Traffic concerns relating to the timing of needed street improvements were mentioned as well as some concern that the supply of residentially annexed land is likely already sufficient if development moves forward on those areas previously annexed with development. No particular concerns were voiced about the design or layout of the proposed N Holly Development Concept Plan for the area. It is important to keep in mind, that a Development Concept Plan must be adopted by the Council before any individual property within the DCP defined area may be approved for a zone change associated with annexation.

An extensive traffic analysis was completed for the entire Development Concept Plan area. The "Executive Summary" indicates the entire DCP to have a potential for 240 R-1 lots when fully developed. The site could reasonably generate up to 178 morning peak hour trips, 238 evening peak hour trips, and 2,266 weekday trips at full development. The only warrant projected to be met for needed traffic improvements was for the year 2030 with full buildout of the DCP area when a new left turn lane within Territorial Road for the eastbound approach at the intersection with N Locust Street would be justified and helpful to reduce congestion and improve safety. All nearby intersections were found to continue to operate at an "A" level of service except for the NE Territorial Road and Locust Street intersection which was found to still operate at a "B" level of service at total buildout which is well within City adopted standards and considered a good operational standard with few delays.

The developer choose his own Traffic Engineer to complete the scope of work outlined by the City in working with our Traffic Engineer. As required by code, the City had our professional traffic engineer perform a peer review of the TIA prepared. They pointed out that a few Tasks identified in the Scope of Work that are usually performed along with submittal of an actual subdivision development were not included in the TIA. Staff & DKS Associates modeled the scope of work after that created for the S Ivy Street DCP, annexation and proposed Subdivision application. The Planning Commission seemed to imply a preference to have the additional analysis associated with the future planned subdivision with their review of the annexation and DCP. The applicant indicated to staff they had already started the additional analysis associated with their planned subdivision with hopes it could be completed and available prior to the Council hearing on their request. Staff is comfortable in delaying the additional analysis until submission of the actual development application which is typically done. Staff will forward this subdivision level of analysis if completed prior to the hearing.

File ANN 18-05/ZC 18-06

Again, because of the tie vote, the Planning Commission recommendation forwarded to the City Council is to deny this annexation, zone change and DCP at this time.

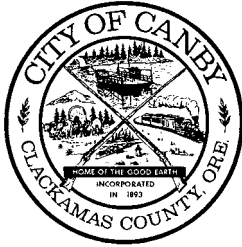
Alternative Option:

1. Approve Annexation and Zone Change (ANN 18-05/ZC 18-06) and direct staff to complete the remaining boundary change processes with the State, County, and district service providers to finalize the decision; and,
2. Upon annexation, the zoning of the subject properties shall be designated as R-1 in accordance with the Comprehensive Plan Map land use designation for the subject Tax Lots; and,
3. Adopt the proposed N Holly Development Concept Plan as represented in the applicant's submittal drawings and associated application narrative.

Council Sample Motion for Approval: *I move to approve Annexation/Zone Change File ANN 18-05/ZC 18-06 pursuant to the alternative option outlined above in this Council memorandum.*

Attachments:

- Planning Commission Final Findings (Draft – to be approved January 14, 2019 by PC)
- Planning Commission Minutes (December 10, 2018) – To Be Forwarded Separately When Available
- Staff Report ANN 18-05/ZC 18-06 to the Planning Commission with written public comments and DKS TIA Peer Review
- Applicant's submittal, including application forms, narrative, TIA neighborhood meeting notes, pre-application meeting minutes, legal description and survey, and N Holly Development Concept Plan Maps/Drawings and Associated Narrative.



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

A REQUEST FOR APPROVAL OF)	FINDINGS, CONCLUSION & FINAL ORDER
ANNEXATION AND ZONE CHANGE)	ANN 18-05/ZC 18-06
FOR PROPERTY LOCATED AT 1882,)	THOMAS DODDS, MONTECUCCO RENTALS, LLC, SUSAN
2030, 2058, 2146 N. HOLLY ST. 2041 N.)	BURKERT, DAVID AND SUSAN GORDON, HEMMERLING
LOCUST ST, 102 NE TERRITORIAL RD)	NURSERY, LLC, CITY OF CANBY, Stafford Land Development

NATURE OF THE APPLICATION

The applicants sought approval for a Development Concept Plan (DCP) and an annexation/zone change application ANN 18-05/ZC 18-06 to annex 43.79 acres of real property described as Tax Lots 31E28C00400, 31E28C00500, 31E28C00601, 31E28C00600, 31E28C00700, 31E28C00800, 31E28C00100, 31E28C00200, and 31E28C00401, Clackamas County, Oregon. The property is zoned Clackamas County RRF-5 and is requested to be zoned City R-1, Low Density Residential.

HEARINGS

The Planning Commission considered applications ANN 18-05/ZC 18-06 after the duly noticed hearing on December 10, 2018 during which the Planning Commission by a tied 3 /3 vote failed to obtain a majority decision therefore, forwarding in affect a denial to the City Council with regard to ANN 18-05/ZC 18-06.

CRITERIA AND STANDARDS

In judging whether or not the DCP, annexation and zone change applications shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the Planning Commission staff report presented at the December 10, 2018 public hearing of the Planning Commission.

FINDINGS AND REASONS

The Planning Commission considered applications ANN 18-05/ZC 18-06 at a public hearing held on December 10, 2018 during which the staff report was presented, including all attachments including the applicant’s submittals. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed DCP, annexation and new zoning designation.

After hearing public testimony, and closing the public hearing, the Planning Commission deliberated to arrive at a decision and support a recommendation to the Council. Although the Planning Commission had several positive things to say about the applications, three Planning Commissioners in particular voiced their concerns. Upon a motion being seconded to approve the applications a 3/3 non-majority vote occurred leading to in affect a denial of this request, so findings indicating those who were not in favor of the annexation are provided below:

- Concern was voiced about the need for additional platted lots at this time, inferring skepticism concerning the applicant’s justification related to a 3-year land supply noting that many annexations have been recently approved with mention that evidence presented in recent annexations indicated that a 3-year supply was estimated to be within reach and it would be best to wait to see if they all previously approved annexations and subdivision approvals move forward with development as expected or not.
- Concern was voiced about a lack of adequate street infrastructure improvements to support the proposed annexation and development to follow especially when the added impact from the additional traffic from other recent annexations and approved development is not yet fully known on Territorial Road in particular. Improving roadways ahead of annexation and development was deemed preferable to continuing to lower the quality of life for those who live along or use N Holly and Territorial Road. A more

detailed traffic assessment taking into account all previously approved annexations and subdivisions in the area is needed. Staff noted a condition of approval was recommended to have the applicant actually complete a subdivision development level of traffic analysis prior to City Council acting on the annexation request based on the independent review of the traffic study by DKS Associates that a couple of items requested in the scope of work were not yet provided in the traffic study performed but agreed they are usually provided in a subsequent subdivision development application.

CONCLUSION

In summary, the Planning Commission failed to provide a definitive recommendation with the tie vote therefore in effect denying the request and concluding that the annexation/zone change did not satisfactorily meet all applicable approval criteria. The Planning Commission's order is reflected below.

ORDER

Based on the application submitted and the facts, findings, and conclusions reached during public input and during Commission deliberation, the Planning Commission failed to gain a majority vote, therefor, are sending a recommendation for denial of this annexation request.



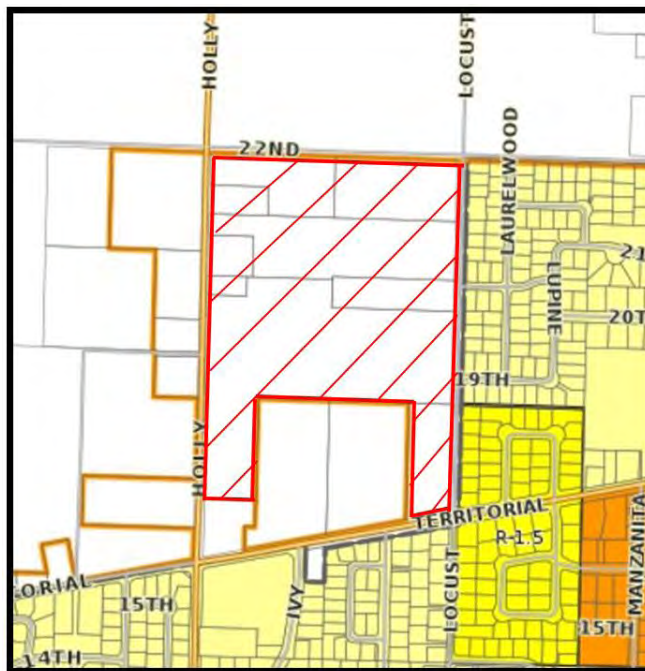
City of Canby

ANNEXATION AND ZONE CHANGE STAFF REPORT

FILE #: ANN 18-05/ZC 18-06

Prepared for the December 10, 2018 Planning Commission Meeting

LOCATION: The properties are situated on the east side of N. Holly Street and extend east to border on N. Locust Street and north to NE 22nd Avenue and south to the corner of N. Locust Street and NE Territorial Road and addressed as 1882, 2030, 2058, and 2146 N. Holly Street, 2041 N. Locust Street, and 102 NE Territorial Road. The subject area is located at the northern border of the City of Canby Urban Growth Boundary (UGB).



ANNEXATION PROPERTY SIZE: The site is 43.79 gross acres, and 41.5 net acres (net acres are the subject property minus N. Holly Street, NE Territorial Road, N. Locust Street, and NE 22nd Avenue R.O.W.).

TAX LOTS: Tax Lots 31E28C00400, 31E28C00500, 31E28C00601, 31E28C00600, 31E28C00700, 31E28C00800, 31E28C00100, 31E28C00200, and 31E28C00401

COMPREHENSIVE PLAN DESIGNATION: Low Density Residential (LDR)

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

PROPOSED ZONING: Low Density Residential (R-1)

OWNER: Thomas Dodds, Montecucco Rentals, LLC, Susan Burkert, David and Susan Gordon, Hemmerling Nursery, LLC, City of Canby

APPLICANT: STAFFORD DEVELOPMENT COMPANY

APPLICATION TYPE: Annexation/Zone Change (Type IV)

CITY FILE NUMBER: ANN 18-05/ZC 18-06

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The property owners of nine parcels of land located in the northern portion of the City of Canby's Urban Growth Boundary (UGB) propose annexation into the city limits. The property owners also proposes a zone change application to change the current zoning from the Clackamas County RRF-5 (Rural Residential Farm Forest-5) designation to City of Canby's R-1 (Low Density Residential Zone). The subject parcels are contiguous properties, and include parcels that are within the N. Holly Development Concept Plan. The subject parcels surround two tax lots on three sides that are not within the City UGB and also a tax lot fronting on NE Territorial Road that is not included in the annexation. The properties are currently in open space, residential, and agriculture use.

The City of Canby's annexation ordinance requires a Concept Development Plan for properties that are a part of an annexation request when located in a Development Concept Area as indicated on the City of Canby Annex Development Map. The N. Holly Development Concept Plan (NHDCP) for properties in the area was developed by Stafford Land Development with input from the property owners within the NHDCP. However, the plan has yet to be adopted by the Canby City Council and must be adopted in conjunction with approval to annex any properties within the DCP area. The DCP and attachments are included in this file.

The existing annexation area is located within the City of Canby's Urban Growth Boundary. The City of Canby Comprehensive Plan has envisioned the ultimate urbanization of this area and its intended land use, and the Comprehensive Plan Map for these particular lots indicates a Low Density Residential use. The designation correspond to the zone changes requested by the applicants. The area is currently within Clackamas County's jurisdiction and is presently zoned as RRF-5. This zone change is to rezone the properties involved to the City zoning of R-1 zone in accordance with the corresponding City Comprehensive Plan Map land use designation. The zone designation will take effect when the properties are annexed as indicated in this application.

The applicant also requests approval of the N. Holly Development Concept Plan (NHDCP) that is intended to address City of Canby infrastructure requirements for this portion of the northern Canby area. The request is to annex 43.79 acres of the 58.79 acre DCP area. The NHDCP is not a specific development proposal, but a design concept that provides an understanding and framework of how the properties should be developed prior to annexation into the City.

II. ATTACHMENTS

- A.** Application Forms
- B.** Submitted Written Narrative and materials
- C.** Needs Analysis
- D.** Neighborhood Meeting Notes/Attendance List/Notification Letter
- E.** Pre-Annexation application Meeting Minutes
- F.** Consent to Annexation Petition
- G.** Survey of Property to Be Annexed and Legal Description of Private Property and adjacent N. Holly St., N. Locust St., NE 22nd Ave., and NE Territorial Rd. Right-of-Way to be annexed
- H.** Tax Lot Ownership Survey
- I.** Maps: Aerial Vicinity Map, Assessor Map, Canby Comprehensive Plan Map, Proposed

- Annexation Area Map
- J. Development Concept Plan Submittal Packet
- K. Traffic Analysis - By Lancaster Engineering/Peer Review By DKS Associates – revised TA to be submitted prior to PC Hearing
- L. Agency/Citizen Comments

III. APPLICABLE REVIEW CRITERIA & FINDINGS

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

- 16-08 General Provisions
- 16.54 Amendments to Zoning Map
- 16.84 Annexations
- 16.89 Application and Review Procedures
- 16.16 R-1 Low Density Residential Zone

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

Chapter 16.08 General Provisions

16.08.070 Illegally Created Lots

In no case shall a lot which has been created in violation of state statute or city ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied. (Ord. 740 section 10.3.05(G), 1984)

Findings: The subject parcels were apparently reconfigured at different times from the original Pruneland Subdivision recorded on July 3, 1930. Property identified as Tax Lot 100 was created by recorded survey on June 28, 1956 (1918), Tax Lot 200 is shown in its current configuration on a survey filed in 1954(PS 1263), Tax Lot 400 is delineated on a survey dated February 26, 1999 but appears to be a residual parcel resulting from division of surrounding parcels, Tax Lot 401 is configured by a survey dated June, 1964 (PS 5050), Tax Lot 500 was created in its current configuration by Clackamas County Planning File#ZO543-04-PLA, Tax Lot 700 and 800 were created by a survey filed in 1961, there is no information available that establishes that Tax Lot 601 was legally separated from Tax Lot 600. However, the two tax lots are under the same ownership and one of the tax lots could have been created for tax purposes only which leaves the two tax lots as a single parcel. Based on available information, all the tax lots, with the exception of Tax Lot 601 were created prior to September 1976 when Oregon State Statues required all land divisions go through a land use process. Tax Lot 601 cannot be considered a separate parcel at this time, but because Tax Lot 600 and 601 are under the same ownership, they can be combined at any time and do not effect this annexation application.

16.08.150 Traffic Impact Study (TIS)

- A. *Determination based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.*
1. *Changes in land use designation, zoning designation, or development standard.*
 2. *Changes in use or intensity of use.*
 3. *Projected increase in trip generation.*
 4. *Potential impacts to residential areas and local streets.*
 5. *Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.*
 6. *Potential impacts to intersection level of service (LOS).*

Findings: The Transportation Planning Rule within State Statute (OAR 660-12-0060-9) requires that there be a record of traffic generation findings which are consistent with the City's Transportation System Plan with any Comprehensive Plan Map Amendment or Zoning Map Amendment. The applicant engaged Lancaster Engineering to provide a Transportation Impact Study (TIS), subject the City's and our consulting engineer (DKS) scope of work. The TIS was reviewed by DKS Engineering, and as a result of the review, DKS determined that some aspects of the study's scope of work were missing. The applicant is in the process of providing a revised TIS that will meet the scoping requirements. The TIS is included as a section of the NHDCP that confirmed the proposed annexation met provisions of the TPR. Additionally, a Traffic Analysis was incorporated into the NHDCP to discuss any future traffic impacts when development occurred with future zone change proposals. The findings of the analysis determined that the zone change contemplated and the resulting traffic was assumed for trip modeling in the 2010 Canby Transportation System Plan, if developed as allowed, and therefore, the Transportation Planning Rule requirements are met. The zone change from the proposed annexation would not have a significant effect on the surrounding transportation network, and no mitigation measures would be required to satisfy TPR requirements. This review criterion can be met if the applicant fulfills all provisions of the TIS for the DCP area, such as a left turn bay on Territorial Road at the intersection with N. Locust Street.

Chapter 16.84 Annexation Compliance

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

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

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

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

- 1. Timing of the submittal of an application for zoning***
- 2. Dedication of land for future public facilities including park and open space land***
- 3. Construction of public improvements***

4. Waiver of compensation claims
5. Waiver of nexus or rough proportionality objections to future exactions
6. Other commitments deemed valuable to the City of Canby

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

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

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

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

Findings: A copy of the N. Holly Development Concept Plan (NHDCP) is included in the file. The NHDCP provided an extensive packet of information to address City of Canby future infrastructure requirements for the area, and engineering level work has gone into planning for how the concept plan defined area would best be developed and served by all necessary infrastructure.

A traffic analysis of the entire subject area was incorporated into the plan to address traffic impacts associated with anticipated full development of the properties in accordance with the applicable zoning designation. Lancaster Engineering provided a TIS, dated September 13, 2018 that summarized how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for the subject properties as well as the NHDCP area. The surrounding roadways and intersections were found to have sufficient capacity to accommodate the proposed annexation, zone change, and for the development concept plan. The Transportation Planning Rule requirements of State Statute were determined to have been met as documented in the TIS.

All necessary utility services are generally available or can be made available through service line extensions to the annexation area. The Concept Plan maps, along with the Concept Plan & Infrastructure narrative, indicate the options for necessary infrastructure to serve this area. Stormwater was discussed in the NHDCP, and stormwater management for

street runoff will be handled with the installation of new public underground injection wells and the associated catch basins and pollution control manholes for water quality treatment. Private property runoff will be handled on-site with infiltration facilities on each lot within the individual yard areas.

The City as not indicated a necessity for an addition park in the NHDCP because tax lot 200 is designated for a City park and is included in the annexation area. The applicant is aware that parks SDC charges will be collected during the building permit process. This criterion can be met.

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

Findings: A land needs analysis is required with all annexations to assess the current amount of developable land within the same zone designation of that requested in the application. A 3-year supply of developable R-1 and R-1.5 zoned land is to be considered sufficient. The City Council previously provided a defined policy direction to staff that stated, analysis of actual number of platted lots based on a reasonable assessment of expected consumption rate moving forward, is the appropriate metric to utilize in determining the adequacy of the developable land supply. The applicant included in the file an analysis indicating the deficiency of Canby's 3-year supply of developable land based on population data and existing available platted lots. The study determined that currently 84 available lots in subdivisions and 7 lots in platted partitions for a total of 91 platted lots in the R-1 and R-1.5 zone that remain as inventory within the city limits. Of the ninety-one lots only 17 are within the R-1 zone. The city has had an average absorption rate of nearly 45 lots per year for the last 10 years. The information stated that, based on a three year average, a total of 342 single-family platted lots are needed through 2021 with 91 currently available which leaves a deficiency of 251 lots. This indicates the supply of readily available platted lots with all necessary infrastructures is below a three-year supply. The applicant also provided an additional analysis that included subdivisions that are preliminarily approved and have yet to record platted lots and a projected absorption rate. If annexed, this property would add to the buildable land supply. It will likely take 2 to 3 years for this land to be fully platted and the lots made available. Staff concludes that information indicates this criterion is met.

Staff would like to add that under Oregon Administrative Rule Chapter 660-024-0040, Land Need, the UGB is based on a 20-year land need and a 20-year population forecast. The 3-year supply introduced into the CMC above "is considered to be sufficient" within the City limits and indicates a minimum number of available lots for the land supply and not a maximum number. It appears that a "sufficient" number of lots does not necessarily intend to establish that the number of lots cannot exceed the 3-year supply if the need increases when a strong housing demand exists. Staff also submits that, based on the increasing number of applications for new dwellings, the consumption rate is possibly approaching a 100% consumption rate average as new homes are constructed and occupied by new home

owners. The quick sale and occupancy of new homes continues to rapidly reduce the number of available lots

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

Findings: Future development is anticipated to develop the site at a higher net density per acre. However, potential traffic generation has been shown to be within the capabilities of the surrounding road system with no mitigation necessary. The addition of a future neighborhood park located within the NHDCP will add to the social and aesthetic effects of development on the subject properties and the future development of the neighborhood livability. Staff does not foresee any significant impacts from the proposal that are not common to growth inside the UGB or need to mitigate any identified concerns. Staff agrees the annexation and future development of the subject parcels is consistent with development indicated by the Development Concept Plan and appropriate in this area of Canby. This criterion is satisfied.

Criteria 16.84.040 (A)(4) *Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities*

Findings: The N. Holly Development Concept Plan provides maps that demonstrate how utility infrastructure will be made available, and unmanageable capacity issues were not identified by City departments and agencies during the NHDCP review process. The proposed public park will be beneficial in serving this area of Canby. It appears that there are significant tree resources available for the park area and the conceptual plan provides easy direct access from the subject properties to future park facilities. It appears that public schools are within a reasonable proximity to the concept area. This criterion can be met at the time of development.

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

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

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

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

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

Findings: The applicant will pay the necessary costs of their own development. Information in the NHDCP indicated that most infrastructure facilities in the north Canby area are expected to be built by individual developers. The exception is any proposed park facilities that will be funded with City capital improvements project funds from SDC fees. Staff finds that information in the NHDCP is sufficient for this case, and the applicable criteria can be met.

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

Findings: The applicant intends to follow the low density residential zoning designation of the Comprehensive Plan. The only change is a zoning map amendment to change the zone from RRF-5 to R-1 and the Zone Map Change Application that accompanies this annexation request will satisfy the Development Concept Plan designations. Staff finds that the criterion in **16.84.040(A)(8)** can be met.

Criteria 16.84.040 (A)(9) *Compliance with other applicable city ordinances or policies*

Findings: Based on available information, staff concludes that the proposal complies with all other city ordinances and policies.

Criteria 16.84.040 (A)(10) *Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222*

Findings: Oregon Revised Statutes (ORS) Chapter 222 provides regulation of city boundary changes and other development requirements. Staff concludes that this proposal complies with all applicable provisions in the Oregon Revised Statutes. The applicable criteria can be met.

Chapter 16.54 Amendments to the Zoning Map Analysis

The assignment of an appropriate zoning district is a part of any annexation application within the City of Canby. The approval criteria are similar to that for approval of an annexation.

16.54.010, 0.20, 0.30 Amendments to the Zoning Map

Findings: 16.54.010 – Authorization to initiate amendments: **The property owners have authorized initiation of the proposed annexation and map amendment by signing an application form and Consent to Annex Form. This criterion has been met.**

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

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

16.54.040 Standards and criteria

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

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

Findings: The subject properties and the NHDCP are not identified as being in an “Area of Special Concern” that is delineated in Policy 6 of the Comprehensive Plan. Additionally, the proposed zone for the properties is consistent with the land use designation on the Comprehensive Plan Map. Staff concludes that the request meets provisions in Policy 6 and applicable elements of the Comprehensive Plan.

B. *Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation. (Ord. 749 section 1(B), 1984; Ord.740 section 10.3.85(D), 1984)*

Findings: Problems or issues in the extension of utility services have not been raised by City service providers that would prevent services at the time of development. It appears that future development of the properties can meet standards for adequate public facilities.

Chapter 16.89.060 Process Compliance

16.89.060 Type IV Decision

For certain applications, the City Council makes a final decision after a recommendation by the Planning Commission. These application types are referred to as Type IV decisions.

- A. Pre-application conference.** A pre-application conference may be required by the Planning Director for Type IV applications.
- B. Neighborhood meetings.** The applicant may be required to present their development proposal at a neighborhood meeting (see Section 16.89.070). Table 16.89.020 sets the minimum guidelines for neighborhood review but the Planning Director may require other applications to go through neighborhood review as well.
- C. Application requirements.** Type IV applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.
- D. Public notice and hearings.** The public notice and hearings process for the Planning Commission’s review of Type IV applications shall follow that for Type III applications, as provided in subsections 16.89.050.D and 16.89.050.E.
- E. Decision process.**
 - 1.** Approval or denial of a Type IV decision shall be based on the standards and criteria located in the code.
 - 2.** The hearings body shall issue a final written order containing findings and conclusions recommending that the City Council approve, approve with conditions, or deny the application.

3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

F. City Council proceedings:

1. Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, approve with conditions, or deny the recommendation of the Planning Commission.
2. The City Council may question those individuals who were a party to the public hearing conducted by the Planning Commission if the Commission's record appears to be lacking sufficient information to allow for a decision by the Council. The Council shall hear arguments based solely on the record of the Commission.
3. The City Council may choose to conduct public hearings on Comprehensive Plan amendments, amendments to the text of this title, zone map amendments, and annexations. If the Council elects to conduct such hearings, it may do so in joint session with the Planning Commission or after receiving the written record of the Commission. (Ord. 1080, 2001)

Findings: Annexations are processed as a Type IV "quasi-judicial" process which is considered through a public hearing at the Planning Commission that forwards a recommendation to the City Council. The City Council also holds a public hearing and issues a final decision. The notice requirements are the same as for Type III applications.

In this particular case, the annexation request will not be scheduled for a public vote. On March 15, 2016, the Governor signed Senate Bill SB1573 that mandates some properties, meeting certain criteria, to file for annexation without going through a public vote process that might otherwise currently be in effect through local City Charter provisions and adopted code. This application meets the criteria stated in SB1573, and a public vote will not be held for this annexation application.

Notice of this application and the Planning Commission and Council Hearing dates was made to surrounding property owners on November 14, 2018, at least 20-days prior to the hearing. Prior notification and neighborhood meetings were completed during the N. Holly Development Concept Plan process. The site was posted with a Public Hearing Notice sign by November 30, 2018. A notice meeting ordinance requirements of the public hearings was published in the Canby Herald on December 5, 2018. A pre-application meeting was held July 18, 2018. These findings indicate that all processing requirements have been satisfied with this application to date.

Public/Agency 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 November 14, 2018. Complete comments are documented in the file. As of the date of this Staff Report, the following comments were received by City of Canby from the following persons/agencies:

The City Engineer stated that requested conditions in a memo dated November 20, 2018.

Staff received comments from two nearby property owners that are included in the file.

Conclusion Regarding Consistency with the Standards of the Canby Municipal Code

Staff concludes, as detailed in the submittal from the applicant and as indicated 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 N. Holly Development Concept Plan and explanatory narrative has been submitted for adoption detailing how all necessary infrastructures will serve the area as required by the annexation ordinance.
3. The proposed annexation can meet the approval criteria set forth in CMC 16.84.040(A).
4. The zoning of the property, if annexed, should be R-1 as indicated in the application and pursuant to the approval criteria set forth for map amendments in CMC 16.54.040.
5. The proposed annexation's requested zoning district of R-1 is in conformance with the Comprehensive Plan Land Use Plan Map.
6. The application complies with all applicable Oregon Revised Statutes.
7. There are sufficient public and private agency utility and service capacity to serve the site at the anticipated development intensity.
8. In accordance with the UGMA with Clackamas County, this proposed annexation application will include a description of a half-width of adjacent NE Territorial Road, N. Locust Street, N. Holly Street and NE 22nd Avenue right-of-ways with the properties proposed for annexation.
9. It has been determined that existing land available is below a three-year supply of developed R-1 zoned lots within the City limits. Therefore, the supply does not exceed a three-year supply and there is a "need" for low density residential zoned land for development at this time and will maintain an adequate 3 year supply.

16.89 Recommendation

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

1. ANN 18-05/ZC 18-06 be approved and,
2. Upon annexation, the zoning of the subject properties shall be designated as R-1 as indicated by the N. Holly Development Concept Plan Map and the Canby Comprehensive Plan Map.

HOLLY ANNEXATION & ZONING MAP AMENDMENT APPLICATION

Submitted: October 18, 2018



APPLICANT:

Stafford Development Company, LLC
485 S State Street, Lake Oswego, OR 97034
Levi Levasa, Project Manager
levi@staffordlandcompany.com
(971) 206-8614

CONSULTANT:

Planning & Land Design, LLC
1862 NE Estate Drive, Hillsboro, OR 97214
Ryan O'Brien, Planner
ryanobrien1@frontier.com
(503) 780-4061

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LIST OF EXHIBITS

- Exhibit 1: Vicinity Map
- Exhibit 2: Canby Annexation Development Map
- Exhibit 3: Annexation, Zone Change & Ownership Map
- Exhibit 4: Holly DCP Plan Set
 - Exhibit 4.1: Site Aerial
 - Exhibit 4.2: Perspective Aerial
 - Exhibit 4.3: Ownership, Acreage & Future Zoning
 - Exhibit 4.4: Existing Conditions and Topography
 - Exhibit 4.5: Street Pattern Master Plan
 - Exhibit 4.6: Street Pattern with Aerial Overlay
 - Exhibit 4.7: Sanitary Sewer Master Plan
 - Exhibit 4.8: Water Line Master Plan
- Exhibit 5: Pre-Application Meeting Materials
 - Exhibit 5.1: Pre-Application Meeting Minutes
 - Exhibit 5.2: Pre-Application Submittal Narrative
 - Exhibit 5.3: Pre-Application Submittal Exhibits
- Exhibit 6: Neighborhood Meeting Materials
 - Exhibit 6.1: Neighborhood Meeting Minutes
 - Exhibit 6.2: Neighborhood Meeting Invite Letter
 - Exhibit 6.3: Neighborhood Meeting Exhibits
 - Exhibit 6.4: Neighborhood Meeting Attendance Roster
 - Exhibit 6.5: Mailing Labels
 - Exhibit 6.6: Notification Area Map
 - Exhibit 6.7: Neighborhood Association Map
- Exhibit 7: DCP Owner Meeting Materials
 - Exhibit 7.1: Owner Meeting Invite Letter
 - Exhibit 7.2: Owner Meeting Attendance Roster
- Exhibit 8: Needs Analysis
- Exhibit 9: City Planning Maps
 - Exhibit 9.1: Canby Comprehensive Plan Map
 - Exhibit 9.2: Canby Zoning Map
- Exhibit 10: Legal Description & Map
- Exhibit 11: Holly DCP Traffic Impact Study
- Exhibit 12: Owner Consent Forms

ANNEXATION & ZONING MAP AMENDMENT NARRATIVE

I. Introduction

The purpose of this application is to request approval for the Annexation of the subject properties and relevant adjacent rights-of-way from unincorporated Clackamas County into the City of Canby and apply local zoning designations, consistent with the Comprehensive Plan, through the process of a Zoning Map Amendment.

TABLE 1: SUBJECT PROPERTIES (Excluding R-O-W)

Property Owner	APN	Tax Map	Tax Lot	Acres	Current Zoning	Comp Plan Designation	Proposed Zoning
Dodds	0776262	3S 1E 28C	00400	19.32	RRFF-5	LDR	R-1
Dodds	0776280	3S 1E 28C	00500	0.46	RRFF-5	LDR	R-1
Montecucco Rentals, LLC	0776217	3S 1E 28C	00100	4.61	RRFF-5	LDR	R-1
Montecucco Rentals, LLC	0776315	3S 1E 28C	00800	3.67	RRFF-5	LDR	R-1
Burkert	0776299	3S 1E 28C	00600	8.43	RRFF-5	LDR	R-1
Burkert	1374989	3S 1E 28C	00601	1.10	RRFF-5	LDR	R-1
Gordon	0776306	3S 1E 28C	00700	1.03	RRFF-5	LDR	R-1
Hemmerling Nursery, LLC	0776271	3S 1E 28C	00401	2.86	RRFF-5	LDR	R-1
Residential Annexation Area Subtotal				41.48		LDR	R-1
City of Canby	0776226	3S 1E 28C	00200	2.31		Park	Park
TOTAL PROPERTY AREA				43.79			

As seen in the Vicinity Map attached as Exhibit 1, the subject properties are located in the north Canby UGB area. More specifically the properties are located north of NE/NW Territorial Road, south of NE/NW 22nd Avenue, and between N Locust Street and N Holly Street. The properties make up the majority of the Holly Development Concept Plan (DCP) area as identified on the City of Canby Annexation Development Map which is attached as Exhibit 2. The Holly DCP area has been identified as a Priority “A” growth area in the Canby Comprehensive Plan since 1984 (Canby Comp Plan, pg. 32). The Applicant and property owners have determined that annexation of the subject properties is prudent, and some will address the need for low density residential land in the City of Canby as suggested by the evidence presented later in this application. Subject to approval of annexation, the subject properties are proposed to be rezoned from the Clackamas County designation of Rural Residential Farm Forest 5-Acre (RRFF-5) to existing City of Canby zoning designations that are consistent with the Comprehensive Plan as shown in the table above.

As explained in more detail later in this application, the Dodds property could provide an additional 81 new R-1 lots when developed, the Hemmerling Nursery property could provide an additional 15 lots, and the Burkert and Montecucco properties together could provide an additional 81 lots. Altogether the annexation properties could accommodate an eventual 177 units, but only some are anticipated to develop in the next few years.

With the intent to subdivide and develop only the Dodds properties, the Applicant engaged the surrounding property owners in the Holly DCP area to determine who would like to have their property included in this application as is customary in the City of Canby. Although some property owners have decided to defer

annexation, they were involved in the planning efforts to meet the requirements of the DCP. The creation of the Development Concept Plan for this area is a requirement of annexation and is addressed in greater detail in the Holly DCP Narrative later in this application. The following narrative and exhibits are a result of a collaborative effort between the Applicant and property owners included in this annexation and zone change application and/or within the Holly DCP area.

This application will provide explanatory material and address the relevant sections of the Canby Municipal Code (CMC) and the subsequent provisions of the Canby Comprehensive Plan. The relevant sections of these controlling documents will be quoted or summarized throughout the application in *italics* and followed by a **COMMENT** from the Applicant to exemplify the compliance of this application and proposal with the applicable approval criteria. To be concise, text from certain sections and subsections have been omitted as they are either explanatory in nature or not applicable.

II. Site Description

The subject properties are identified in the Annexation, Zone Change & Ownership Map (Exhibit 3) and are located within the Holly DCP area (Exhibit 4.1 and 4.2). The boundary of the annexation properties follows the Urban Growth Boundary (UGB) on the north, N Holly St. to the west, and the existing city limits on the south and east. The annexation area includes nine tax lots that total approximately 43.79 acres. The subject properties are accessed and bounded by NE/NW Territorial Rd., N Holly St., NE/NW 22nd Ave., and N Locust St.; portions of these street rights-of-way will also be included in the annexation, as indicated in the Table 2 below and in Exhibit 3.

TABLE 2: RIGHT-OF-WAY ANNEXATION

Right-of-Way Name	Acres
N Holly Street	0.83
NW Territorial Road	0.18
N Locust Street	0.83
NW 22nd Avenue	0.46
TOTAL R-O-W AREA	2.29

The subject properties are very flat. Existing conditions can be seen in Exhibit 4.4. The subject properties include three single family residences and land used for agricultural purposes. Adjacent properties to the north and west are rural with a few single-family residences surrounded by active farming operations. The subject properties surround two parcels, tax lots 00300 and 00390, that are outside of the UGB and have a County Exclusive Farm Use (EFU) zoning. The properties on the south side of Territorial Rd. and east side of N Locust St are within the City limits and have existing urban subdivisions with Canby R-1 zoning designations.

III. Facilities and Services

Annexation of the subject properties is a reasonable expansion of the City of Canby based on the level of development in the surrounding area and the existing facilities and services that are available to serve the annexation and DCP area. The City of Canby staff indicated at a pre-application meeting that all utility service providers and utilities are available in the DCP area or can be made available through development of the site. Pre-application meeting materials and minutes can be found in Exhibit 5. Public water and sanitary sewer are available to the annexation and DCP area in Territorial Road and Locust Street. A more detailed description of the public, private, and franchise utility services can be found in the Holly DCP Narrative later in this application with additional commentary pertaining to schools, parks, police protection, and fire protection.

IV. Neighborhood Involvement

One of the requirements of submitting for annexation is holding an informative neighborhood meeting. The purpose of the meeting is to inform neighbors of the Applicant's intent to propose an Annexation and a Zoning

Map Amendment along with a Development Concept Plan. The notice/invite letter sent to the neighbors included a draft road layout for the Holly DCP area. The mailing list was prepared by a title company and was based on Clackamas County Assessor's records.

The Applicant held a neighborhood meeting in compliance with the requirements of CMC 16.89.070 on Tuesday, July 31, 2018 at the Canby United Methodist Church. The notice was sent to all property owners and occupants within 500 feet of the Holly DCP area and the representatives of the Riverside and NE Canby Neighborhood Associations a minimum of two weeks prior to the date of the meeting. Approximately 80 people attended, but not everyone signed in. The Applicant gave a presentation and explained the proposed Annexations, Zoning Map Amendment, and Development Concept Plan and answered questions from attendees. Neighborhood meeting materials and a summary of the discussion are included as Exhibit 6. The requirement to host a neighborhood meeting has been satisfied by the Applicant.

In addition to the required neighborhood meeting, the Applicant invited all the property owners within the DCP boundaries to a meeting to have a more focused discussion with those who are most affected by the proposed DCP. The meeting was held on Monday, August 27, 2018 at the Canby United Methodist Church. There were approximately 20 attendees, but not everyone signed in. the DCP owner's meeting materials are attached as Exhibit 7.

V. Approval Criteria

This section will address the applicable standards and criteria for approval of annexation into the City of Canby and a Zoning Map Amendment and the subsequent criteria of the Comprehensive Plan, Urban Growth Management Agreement between Clackamas County and the City of Canby, and the Oregon Revised Statutes. Code sections will be quoted in italic, followed by a comment from the applicant evidencing the compliance of this request and proposal. Text from certain sections of the quoted codes have been omitted because they are explanatory in nature, are not the responsibility of the Applicant, or do not apply to this application.

Canby Municipal Code

ANNEXATION: DIVISION VI. – CHAPTER 16.84 – ANNEXATIONS

16.84.005 Background [omitted]

16.84.010 Purpose [omitted]

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)

COMMENT:

The Applicant will meet all state requirements they are responsible for and expects that the City will do the same. This criterion can be met.

16.84.030 Filing procedure

[omitted]

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: [portions of this subsection omitted for brevity]

COMMENT:

The subject properties are not within a Development Agreement area as identified on the City of Canby Annexation Development Map. This criterion is not applicable.

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)

COMMENT:

The subject properties are part of a Development Concept Plan (DCP) area as identified on the City of Canby Annexation Development Map (Exhibit 2). The Applicant has prepared a DCP for the Holly DCP area and included a narrative and exhibits addressing the infrastructure requirements, including a Traffic Study attached as Exhibit 9. The Holly DCP Narrative begins in the next portion of the application and the Holly DCP Plans are attached as Exhibit 4. A review of the Holly DCP will show that these criteria have been met.

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;

COMMENT:

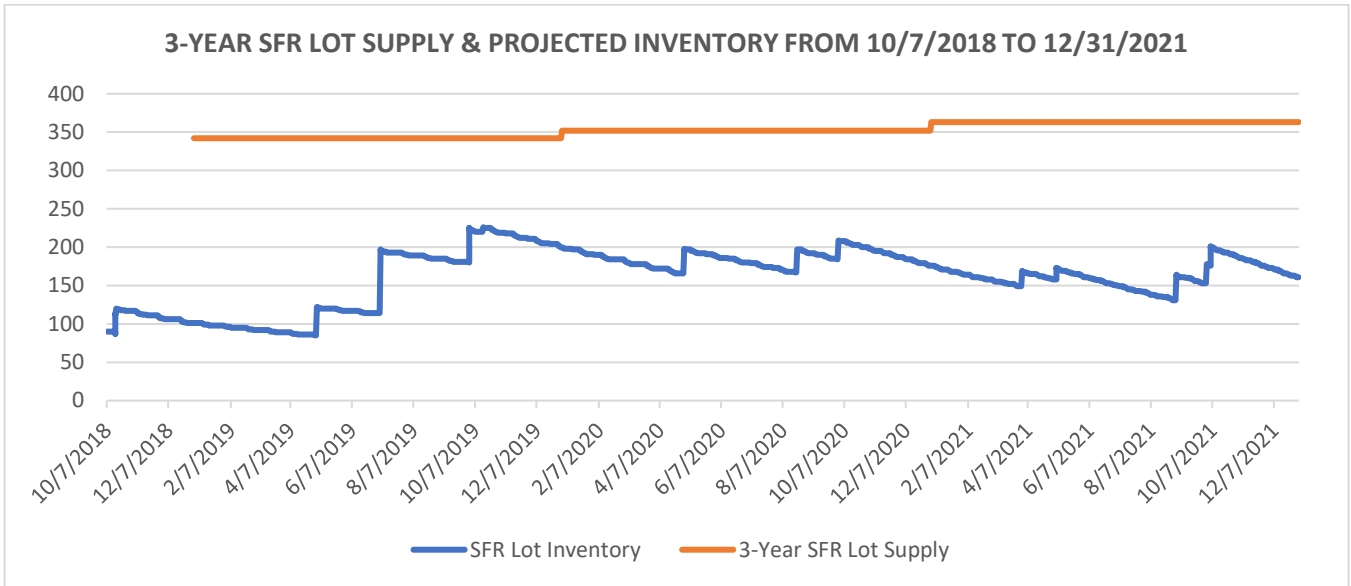
The applicant has reviewed available data as of October 6, 2018 and determined that the City of Canby has an insufficient supply of platted lots in the same class of zoning that would be applied to the subject properties upon Annexation and approval of a Zoning Map Amendment. Based on the detailed Needs Analysis attached as Exhibit 8, the City of Canby has an inventory of 91 SFR platted lots, 84 of which were created through a subdivision and 7 of which were created through a partition, which is insufficient to meet the need for an additional 342 single family detached residences through 2021 as necessitated by the anticipated population growth over the same period. A more detailed analysis of the population growth can be found in Exhibit 8. Table 3 below summarizes the Needs Analysis.

TABLE 8-7: ANALYSIS SUMMARY

Description	Count
SFR Housing Needed Through 2021	342
Available Platted SFR Lots	91
Current Deficiency of SFR Lots	251

Based on the analysis, there is currently a deficiency of 251 SFR platted lots in the City of Canby. Furthermore, only 17 of the available SFR lots are in the R-1 zone which is the class of zoning proposed for the subject properties. This criterion is met.

Annexation of the subject properties will not add to the inventory, but future subdivisions would. The subject properties can accommodate approximately 177 new SFR lots but would not develop simultaneously. The Applicant only has plans to develop approximately 81 new SFR lots on the Dodds properties over time. A more detailed schedule of when these properties might develop and contribute to the needed inventory is discussed in Exhibit 8 with an analysis of the absorption of current and future projects through 2021. The figure below summarizes this analysis and compares the projected lot inventory with the 3-year lot supply needed at any given time.



Based on the analysis in Exhibit 8 and the tables and graph above, the 3-year SFR lot supply will not be eclipsed by future development of the subject properties and other currently approved or future projects. The graph above further exemplifies that the requirements of this section have been satisfied.

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

COMMENT:

The Applicant has identified and recognizes the physical and aesthetic changes that may result from future development of the subject properties. The most significant change will be the obvious shift from rural housing and agricultural uses to urban density housing. While the current agricultural uses provide a benefit of their own outside the Canby city limits, the Applicant believes that eventual development and the associated changes will have an overall positive social and economic effect on the City of Canby by providing an area for growth that can happen in a well-planned and efficient manner regardless of timing. Future development of the properties included in this annexation and in the DCP area will be consistent with the existing character of properties inside the north Canby City Limits. Future development on any of the subject properties will substantially conform to the Holly Development Concept Plan which has been submitted as a part of this application.

It should also be noted that the Applicant only has plans to propose a subdivision for tax lot 400 in a future application. Despite other properties joining the annexation, they may elect to continue agricultural use of the property indefinitely.

The additional needs coincident to any development regarding transportation, park space, and other utility and city services is addressed in detail in other parts of this application and in the Holly DCP Narrative.

The Applicant held a neighborhood meeting in compliance with the requirements of CMC 16.89.070 on Tuesday, July 31, 2018. Additional information about neighborhood involvement is available in Section IV of this application and Exhibits 6 and 7.

The subject properties are within the City of Canby UGB and identified as an area of priority growth in the Comprehensive Plan. As such, the physical, aesthetic and social impacts of annexation and potential future development of the subject properties is consistent with the growth planned for this area.

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

COMMENT:

The availability of water, sanitary sewer, storm sewer and drainage, transportation, parks, schools, and other necessary facilities is covered in greater detail in the Holly DCP Narrative. In summary, there are no known capacity issues, and the necessary services, utilities, and facilities can be made available to the subject properties and DCP area and will not inhibit future expansion. Plans indicating the location of existing and proposed facilities are included in the DCP Plans in Exhibit 4.

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

COMMENT:

Annexation of the subject properties will not increase demand on existing facilities. However, future subdivision of the property will increase the demand on all facilities and services. Increased demand can be met by reasonable extension of facilities and services as there are no capacity issues with the existing facilities. Extension or expansion of such facilities is depicted in the DCP plans.

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;

COMMENT:

Annexation of the subject properties will not require additional facilities. Additional facilities and services will be required to serve the subject properties if and when subdivided in the future. Proposed locations for additions that would serve the entire Holly DCP can be seen on the DCP Plans in Exhibit 4. Sanitary sewer, water service, storm drainage management, and street improvements will be constructed by the developers. These improvements will occur when the site is developed, not with the annexation.

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

COMMENT:

Developers will pay for the improvement costs for their own projects.

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. (Ord 1292, 2008)

COMMENT:

No Comprehensive Plan text or map amendment is requested. Subject to annexation approval, the Applicant is proposing a Zoning Map Amendment to rezone the subject properties to Canby zoning designations in accordance with the Comprehensive Plan. The proposed Zoning Map Amendment is addressed later in this application.

9. Compliance with other applicable city ordinances or policies;

COMMENT:

Other official documents that are applicable to the requested annexation include portions of the Comprehensive Plan and the Urban Growth Management Agreement (UGMA) between Clackamas County and the City of Canby. The applicant will comply with the relevant sections of the UGMA and expects that the City will do the same. This criterion can and will be met.

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)

COMMENT:

The Applicant will comply with the applicable sections of the Oregon Revised Statutes Chapter 222 that they are responsible for and expects that the City will do the same. This criterion can and will be met.

16.84.050 - 16.84.090

[omitted]

ZONING MAP AMENDMENT: DIVISION III. – CHAPTER 16.54 – AMENDMENTS TO 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. (Ord. 740 section 10.3.45 (A), 1984)

COMMENT:

The Applicant requesting an amendment to the zoning map is an authorized agent of the owners of the subject properties. Property owner consent forms are signed and included as Exhibit 12. This criterion is met.

16.54.020 Application and fee.

Application procedures shall be as described in Chapter 16.89. (Ord. 740 section 10.3.85(B), 1984; Ord. 981 section 7, 1997; Ord. 1019 section 13, 1999; Ord. 1080, 2001)

COMMENT:

The application for an amendment to the zoning map to apply the R-1 zoning designation to the subject properties is submitted to the City as a part of this application along with the required fee. The City will follow the procedures set forth in CMC 16.89. This criterion is satisfied.

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. (Ord. 740 section 10.3.85(C), 1984)

COMMENT:

The Planning Commission will schedule a public hearing once the application is deemed complete. Following the Planning Commission's public hearing and recommendation, the City Council will hold its own public hearing to make a final decision. By holding these public hearings, this criterion will be met.

16.54.040 Standards and criteria.

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

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

COMMENT:

This zone change would allow the subject properties to be developed with single family detached houses. Policy 6 is addressed in the Comprehensive Plan section below. Future development of the subject properties is consistent with plans, goals and policies of the city, county, state and local districts. The subject properties

are identified in the Comprehensive Plan as an area of priority growth. The proposed DCP will allow and encourage efficient and compact development in compliance with function and land conservation goals.

- B. *Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation. (Ord. 749 section 1(B), 1984; Ord.740 section 10.3.85(D), 1984)*

COMMENT:

The Holly DCP demonstrates that all required public facilities and services can be made available to serve the subject properties.

16.54.050 (Ord. 740 section 10.3.85(E), 1984 [omitted]

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. (Ord. 749 section 1(C), 1984; Ord. 740 section 10.3.85 (F). 1984)*

COMMENT:

The developers will provide reasonable improvement of public and private facilities and services for the subject properties if and when a development is approved by the City. The developers will pay for those improvements if required. When oversizing or “reimbursement districts” are appropriate, the developers will request a pay back of some funds expended for expansion of facilities and services when the improvements are more than required for the development of the subject property. The requirements of this subsection will be satisfied when Conditions of Approval are imposed by the City with approval of a more detailed development application. No improvements are required or necessary as a result of this zone change application. Future improvements will not cause a reduction of the housing densities anticipated by the Comprehensive Plan. These criteria can be met.

16.54.070 Record of amendments. [omitted]

Canby Comprehensive Plan

URBAN GROWTH ELEMENT

GOAL 1: To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.

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.

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

Policy 2: Canby shall provide the opportunity for amendments to the Urban Growth Boundary....where warranted by unforeseen changes in circumstances.

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.

COMMENT:

The Goals and Policies of the Urban Growth Element as they relate to this application are satisfied by the City as it has maintained a Comprehensive Plan and Comp Plan Map with a designated Urban Growth Boundary that identifies areas of growth within the UGB and dictates the types of uses anticipated for the properties within the UGB, but outside of the City. Furthermore, urban development is not permitted outside the UGB by Clackamas County, which protects agricultural and forest uses. The City does not permit urban development until properties already within the UGB are annexed to the City and reviewed/approved per the Canby Municipal Code which ensures that urban services are made available to the subject properties. The Goals and Policies of the Urban Growth Element are met.

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 1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.

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

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

Policy 4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.

Policy 5: Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

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.

COMMENT:

The Goal and Policies of the Land Use Element are satisfied by the City as the Canby Municipal Code (CMC), Comprehensive Plan Map, and Zoning Map implement these goals and policies with detailed requirements. This annexation and zone change application is evidence of that fact. The creation of the Holly DCP, which is a requirement of the CMC, helps accomplish the goal of the land use element by ensuring that a master plan for the DCP area is created that is well planned. The adoption of a DCP concurrent with the annexation and zone change results in a more efficient layout that allows for a higher density than would otherwise occur if planning occurred in a piecemeal manner. Additionally, the DCP ensures feasible and logical extensions of urban transportation and services. The proposed zoning of the subject properties is consistent with the Canby Comprehensive Plan Map and Zoning Map and will match the designation of adjacent properties already developed within the City. The Goal and Policies of the Land Use Element are satisfied by the proposed annexation, zone change, and DCP.

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.

Implementation Measures:

- A) Maintain zoning provisions which allow agricultural operation within the City limits.*
- B) Conduct development reviews such that agricultural operations are regarded as part of the accepted pattern of local land use rather than a nuisance to residents.*

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

Implementation Measures:

- A) Coordinate water and sewerage planning to facilitate this Policy.*
- B) Coordinate street and road improvements with this Policy.*
- C) Encourage growth into areas where land is fragmented into small parcels which are not conducive to productive agricultural use.*
- D) Review annexation proposals in light of the growth phasing strategies of the Urban Growth Element.*

COMMENT:

The subject properties do not have any natural or historical resources or hazards on site. Like much of the remaining developable land within the UGB that is designated LDR, the subject properties are currently used for agricultural purposes. Upon annexation, some of the subject properties could continue with agricultural uses indefinitely, consistent with Implementation Measure A of Policy 1-R-A. The subject properties have Class II soils per the Agricultural Soil Capabilities Map on page 89 of the Comprehensive Plan. This is the lowest classification that any of the remaining LDR land has within the UGB. Other developable LDR or R-1 properties within the UGB and/or City limits that have higher Class I soil capabilities include the Clackamas County Fairgrounds, parts of the Redwood area, the undeveloped properties on N Pine (Holmes & Hollar properties), the Tofte Farms properties, the Cutsforth properties, and portions of the Willamette Valley Country Club. The only other area within the UGB that is almost entirely identified as Class II soils includes the DCP area to the west of the subject properties, on either side of N Birch St. The only other area inside the UGB that permits residential development is the property designated as Mixed Density Residential located southeast of 99E and north of SE 1st Ave. However, the soils on these properties are also identified as Class I. With few alternatives for expansion of the City boundaries, annexation of the subject properties is consistent with the Goals and Policies of the Environmental Concerns Element.

Policy 2-R through Policy 6-R: [generally related to industrial uses and historic sites]

Policy 7-R and 10-R: [scenic/aesthetic qualities, open space, fish and wildlife, & natural resources]

Policy 1-H through 3-H [Hazards]

COMMENT:

There are no known hazards or natural resources located on the subject properties. Annexation of the subject properties will not change the current use of the properties and will not have an immediate impact on any of the issues discussed in Policies 2-R through 10-R. Future development will underground utilities and provide or enhance open space within future developments as permitted or required by the City. The Holly DCP shows no additional open space beyond the existing City property per the direction of City Staff. The Applicant would, however, in anticipation of a future subdivision application, would like to construct improvements on the City Property to enhance the open space for current and future residents when the Dodds property is developed. The policies of the Environmental Concerns Element above can be satisfied at the time of development.

TRANSPORTATION ELEMENT

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

Policy 1-12: [Improve all transportation infrastructure for all modes of travel]

COMMENT:

Annexation of the subject properties will not have an impact on the transportation facilities. However, future development will help the City accomplish its goals of creating a safe, convenient and economical

transportation system for multimodal travel as road frontage improvements and warranted traffic safety measures will be paid for by the developer where warranted and possibly facilitated by the developer where they are able. The Goals and Policies of the Transportation Element can be satisfied by future development. A traffic study for the Holly DCP is included as Exhibit 11. Future developments will be required to provide additional traffic studies for their specific project to ensure the goals of the Transportation Element are satisfied.

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

COMMENT:

Public facilities and services are addressed in more detail throughout this application. All public facilities and services are available or can be expanded to serve future developments on the Annexation properties.

HOUSING ELEMENT

GOAL: To provide for the housing needs of the Citizens of Canby.

COMMENT:

The subject properties are within the Urban Growth Boundary and identified as an area of priority growth in the Comprehensive Plan. There is currently a deficiency of platted lots available in the City of Canby to accommodate the population growth over the next three years as discussed earlier in this narrative. Future development of the subject properties will provide for the future housing needs of Canby citizens. The proposed annexation satisfies the Goal of the Housing Element.

Urban Growth Management Agreement (UGMA)

The UGMA between Canby and Clackamas County is codified as part of Resolution 519, dated Sept. 23, 1992, and requires certain actions and procedures for a variety of actions relative to lands within the Urban Growth Management Boundary area. The UGMA contains seven specific issues on which the City of Canby and Clackamas County agree. Rather than quote each of the seven issues, they will be identified by title and addressed:

1. *Boundary*

COMMENT:

The subject site is within the Urban Growth Boundary of Canby, thus satisfying this criterion.

2. *Comprehensive Planning, Plan Amendments and Public Facilities Planning for Lands in Unincorporated UGMB;*

COMMENT:

The subject site is within the UGB, and has been included in long range planning for land use, traffic, services and facilities, utilities, and all similar and appropriate elements. The planning designation proposed for this site is consistent with the designations on the Canby Comprehensive Plan map (Low Density Residential). Proposed zoning (R-1) is consistent with the Comprehensive Plan. Upon annexation, the city will assume all planning responsibilities for the subject property. Once the site is annexed to the city by final legislative action, Clackamas County will have no further jurisdiction over or interest in the subject property. Therefore, this criterion is fulfilled.

3. *Development Proposals for Unincorporated UGMB Areas;*

COMMENT:

This criterion does not apply because the property will already be annexed to the city before development applications are submitted to the city for review.

4. *County Notice to and Coordination with the City;*

COMMENT:

This criterion is not applicable because any development action will occur within the City of Canby and not in the jurisdiction of Clackamas County.

5. *City Notice to and Coordination with the County;*

COMMENT:

Because this is a proposed annexation and zone change, the City is required under Subsection A to notify Clackamas County of the impending action.

6. *City Annexation and Sewer, Water and Road Service;*

COMMENT:

Subsection A: The City agrees to undertake any annexations in accordance with process and procedures agreed to by the County. The adjacent right-of-way is required to be included in the annexation and the county will not oppose such annexations.

Subsection B: The City is required to accept jurisdiction of adjacent rights-of-way. The developer will be required to construct “half street improvements” along the frontage of these streets to current City of Canby standards when development is proposed.

Subsection E: Public water and sanitary sewer are not currently available to the site for use in site development, but can be made available upon approval of the annexation application. This subject site is not, however, a health hazard.

7. *Terms of Agreement*

COMMENT:

This UGMA is between the City of Canby and Clackamas County. However, no part or measure of the proposed annexation of the subject site, nor the future development violates or otherwise circumvents the measures required under this UGMA. Therefore, the requirements of this UGMA have been satisfied and/or fulfilled.

HOLLY DEVELOPMENT CONCEPT PLAN NARRATIVE

I. Purpose

The subject properties are identified on the Canby Annexation Development Map (CMC Figure 16.8 4.040) as being within a Development Concept Plan (DCP) area. The purpose of this Holly DCP is to address the specific requirements of the City of Canby Municipal Code (CMC) Section 16.84.040 (1)(b).

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)

The above requirements will be addressed throughout this narrative. Sixteen (16) tax lots are included within the Holly DCP boundaries totaling approximately 58.79 acres which could accommodate between 230 and 240 future single family detached homes. The property owners and acreage are shown by Exhibit 4.3. When the UGB was determined in this area, only properties zoned RRFF-5 were included within the boundary. Tax Lots 300 and 390 which have a Clackamas County EFU zoning designation are excluded from UGB and DCP and are surrounded by the DCP properties and Territorial Road. Property west of the Holly DCP is also zoned EFU and outside the UGB. Inclusion of these properties in the UGB would require a new land use analysis approved by DLCD and would require a separate review.

Street stubs are provided to the surrounding property outside of the UGB in the event these properties are included in the Canby UGB in the future. The street stubs are shown by Exhibit 4.5. A street pattern was designed for the properties outside the UGB to ensure that the street stubs allow for continued logical extension, but are not shown on the exhibits to avoid confusion.

II. Existing Conditions

The DCP site is very flat with an 8-foot difference in topography from the southwest corner of the site to the northeast corner as shown by Exhibit 4.4. The elevation of the DCP area ranges from approximately 146 feet at the southwest corner to 138 feet at the northwest corner of the site. The land is primarily used for agriculture

with eight existing houses which are shown on the plans. The street pattern was designed to allow these houses to remain if the property is developed in the future.

The site is similar in character to surrounding property in north Canby. Surrounding property to the north and west are rural in nature and contain large lot single-family houses and agricultural uses. Urban uses and residential subdivisions are located to the south and east. Annexation of this DCP area is a logical extension of urban development and a reasonable transition from rural to urban uses. Most of the property in this DCP is included in the annexation application. The street pattern was designed so most of the property owners can develop independently in the future. Property included in the annexation area can develop independently of property outside the annexation area.

A total of 4 public streets provide access to the site; Holly Street, 22nd Avenue, Locust Street and Territorial Road. Holly and Territorial are designated collector streets with no direct access from future subdivision lots. The future right-of-way is 70 feet.

Urban infrastructure is available south and east of the DCP area and can be extended. Water lines and gravity sanitary sewer lines are available in Territorial Road, Locust Street and 22nd Avenue. None of these utility lines are located in Holly Street. Electrical lines, storm sewer line and other dry utilities will be extended into the DCP area as identified in Section "V" of this report.

III. Opportunities and Constraints

The DCP area is similar to the character of surrounding development areas prior to urban development. This DCP area is one of the best opportunities for future development in Canby because of the number of property owners that could develop independently. This property has no constraints. Stafford Development Company is planning to develop the Dodds properties which contain approximately 19.78 acres, or 34% of the Holly DCP. No other properties are identified for development in the near future. The city owns 2.31 acres for a city park but does not currently have a plan for development of this park. However, the Applicant would like to propose improvements during the future development of the Dodds property.

Schools - Schools are available to the Holly DCP area. A representative from the Canby School District indicated adequate capacity is available to accommodate students generated from development the Holly DCP area. The schools have athletic fields which provide active recreational opportunities on weekends, during summers, and when school is not in session. The students would attend the following schools:

Eccles Elementary located off 5th Avenue and south of Knights Bridge Road

Baker Prairie Middle School is located on Teakwood Street, south of SE Township Road

Canby High School is located at the southeast corner of Highway 99E and 4th Avenue.

Bike and Walking Trails - A bicycle and walking trail will be provided to the City Park. The DCP Master plan (Exhibit 4.5) shows pedestrian access tracts in all direction into the park. Bike paths will be provided along Holly Street and Territorial Road.

Holly Street and Territorial - Both of these streets are designated collector streets on the City Transportation System Plan.

East-West Connection - Exhibit 4.5 shows 2 east-west street connections between Holly and Locust Streets. These streets were designed to reduced speeding in the subdivision with offset roads rather than straight roads between Holly and Locust Streets, as the. The intent is to encourage residents to use Territorial Road and Holly Streets rather than interior streets in the DCP area. The Lancaster Engineering Traffic Report shows no major traffic confits with the develop of this DCP property.

Fire Department Requirements - The Master Plan has been designed to provide adequate fire truck access to all dwelling units. All streets are through streets except the 2 cul-de-sacs south of the city park. Water lines will be designed to provide adequate fire hydrant flows and pressure. All water lines are looped to existing 8, 10 and 12-inch diameter water lines except the 2 cul-de-sacs (See Exhibit 4.8).

IV. Concept Plan

Zoning: The DCP land use designation is the same as the City of Canby Comprehensive Plan. The Comprehensive Plan identifies all the property as **LDR** - Low Density Residential with **R-1** Low Density Residential Zoning. Since the proposed Zoning designations are the same as the Comprehensive Plan, no Comprehensive Plan Amendment is required with this application.

Canby Municipal Code (CMC) Chapter 16.16 (R-1 Low Density Residential Zone) permits one single family dwelling per lot in addition to other Conditional Uses. Lots in the R-1 zone are required to be 7,000 sf in area unless a PUD or lot averaging is proposed.

Streets: The proposed street pattern (Exhibit 4.5) shows connections to 4 existing streets. All interior and exterior local streets will be developed with the Standard Local Street Section; 34 feet of pavement, 50 feet of right-of-way and parking on both sides of the street. This local street section is consistent with Figure 7-6 of the Canby TSP. Holly Street and Territorial Road will develop in accordance with the Collector Street Section (Figure 7-5 in the TSP). The collector streets will have 70 feet of right-of-way and 46 feet of pavement. Sidewalks will be 6 feet, landscape planters 5 feet, bike lane 6 feet on both side of the street, travel lanes 11 feet and the center turn lane 12 feet.

Parks: City staff indicated that the city does not want a new park to be developed in this DCP area since there is the existing City Property is designated for use as a park. As a result, Park SDCs will be paid to the city when house construction permits are issued. City, County and State Parks located in and nearby the Holly DCP boundary are as follows:

1. **Locust Street Park** in located in the Holly DCP boundary and currently undeveloped. The city does not have a time line for development of this park.
2. **Molalla River State Park** is located to the northwest. This park features hiking, picnicking, fishing, boating and wildlife viewing and located at the confluence of the Willamette, Molalla and Pudding Rivers.
3. **Community River Park** is located at 1348 S. Berg Parkway southwest of Canby High School. This is a nature park with picnic facilities, barbecue pits, playground equipment, ball fields and a fishing pond for youth age 17 and under.
4. **Community Swim Center** is located at 1150 S. Ivy Street just north of 13th Avenue.
5. **Adult Center** is located at 1250 S. Ivy Street at the northeast intersection of 13th Avenue and Ivy Street.

6. **Ecco Park** is located on the north side of Territorial Road just east of Willamette Valley Country Club Golf Course.
7. **Logging Road Trail** extends from southeastern Canby up to the Willamette River between Ecco Park and the Willamette Golf Course. The trail is 3.5 miles long.
8. **Willow Creek Park** is located on the south side of Territorial Road east of Redwood Street.
9. **Willamette Wayside Park** is located on the north side of Territorial Road, east of Ecco Park. This park generally contains trails. Future improvements are in the planning phase.
10. **Maple Street Park** is located at 1300 North Maple Street, south of Territorial Road and west of Pine Street. This park features multiple ball fields, tennis courts, covered picnic tables and playgrounds.
11. **Clackamas County Fairgrounds** is available for many community events. It is located just northeast of downtown Canby.
12. **Wait Park** is located in downtown Canby at the corner of Grant Street and 3rd Avenue. This park features a gazebo and playground equipment.

See Section VI (Park Dedication), for additional information about parks.

V. Utility Service

Annexation of the subject properties is a reasonable expansion of the City of Canby based on the level of development in the surrounding area and existing facilities and services available to serve the Holly DCP area. At a pre-application meeting, the City of Canby staff indicated all utility services and utilities are available in this DCP area or will be available when the property is developed.

Water: Water is provided by the Canby Utility's Water Department. An 8-inch water line is available in Locust Street and a 12-inch water line in Territorial Road. The city Water Department requested extension of a 12-inch water line along Holly Street and 10-inch water lines in the center of the DCP area and along 22nd Avenue. All the interior streets will have 8-inch water lines. All the water lines will be looped except the 2 cul-de-sacs south of the park (See Exhibit 4.8).

Sanitary Sewer: Sanitary sewer is provided by the City of Canby. Three existing sanitary sewer line connections are available to this DCP area (See Exhibit 4.7). All property in the Holly DCP area can be served with either the existing sanitary sewer lines or extension of new sanitary sewer lines.

The **first existing sewer** line is 10-inches in diameter and located at the intersection of Territorial Road and Holly Street. A 10-inch sewer line can be extended north in Holly Street to 22nd Avenue. A second 10-sewer line can extend into the DCP area to provide a flatter grade as shown by Exhibit 4.7.

The **second existing sewer line** is 8-inches in diameter and located at the intersection of Locust Street and 19th and extends south to Territorial Road.

The **third existing sewer line** is 8-inches in diameter and located in Locust Street between 19th Avenue and 22nd Avenue.

Storm Drainage: Roof drains from homes will flow to privately owned and maintained infiltration facilities on each individual lot. Street drainage will flow to shallow roadside swales where feasible and sumped catch basins and pollution control manholes for water quality treatment elsewhere. After treatment, stormwater will then flow to dry wells for disposal through underground injection. All street storm drainage facilities are proposed to be public facilities designed in compliance with the adopted City of Canby Stormwater Master Plan and the Canby Public Works Design Standards. When development proposals are submitted, storm water management plans and drywell locations will be provided.

Private Utilities: Private utility service such as telephone, natural gas, cable, garbage, recycling collection are all available. These utilities generally operate on a franchise basis. Electrical power is provided through Canby Utility. Extension of these utility lines will occur with each development phase.

VI. Park Dedication

Park SDC Obligation: Per the City of Canby's park dedication formula, a park dedication of 6.24 acres is required to satisfy the Park SDC obligations for 231 lots (expected number of future lots). The city will collect SDCs with the house building permits and determine in the future where to spend the collected fees. However, during the neighborhood meeting, it was clear that surrounding property owners and community members would like to see future developments improve the existing park area within the DCP.

Anticipated Amenities: Construction of park amenities in the existing city park off Locust Street will require approval by the City Parks Board or City Parks Staff prior to construction. These amenities may include walkways, playground equipment, picnic tables, benches and a restroom facility. The list of these facilities could be modified based on the desires of the City at the time of park development. Landscaping and informational signage would be provided to create an aesthetically pleasing park entrance along the public streets.

CONCLUSION

This narrative has addressed the relevant requirements of the Canby Municipal Code, Canby Comprehensive Plan, Urban Growth Management Agreement, and Oregon Revised Statutes; demonstrating that the proposed Annexation and Zoning Map Amendment have met or can meet each of those requirements. The Holly DCP narrative and exhibits address the City of Canby infrastructure requirements and satisfies the requirements of CMC 16.84.040(1)(b). As such the Holly DCP should be adopted in conjunction with the proposed Annexation and Zoning Map Amendment to ensure that future development generally conforms to the Holly DCP to take advantage of the efficiencies created by the master planning efforts considered during this process and incorporated into the DCP plans which are attached as Exhibit 4.

EXHIBIT "A"

Legal Description For:

Annexation of lands into the City of Canby

A tract of land, situated in the southeast one-quarter and southwest one-quarter of Section 35, Township 3 South, Range 1 East of the Willamette Meridian in Clackamas County, Oregon, the perimeter of said tract being more particularly described as follows:

Beginning at the northeast corner of the CHAMPING PENDLETON Donation Land Claim Number 58, said corner also being the intersection of the centerlines of HOLLY STREET and 22ND STREET; thence South 89°35'38" East 1349.11 feet along the centerline of said 22ND STREET to a point on the northerly extension of the east right of way of LOCUST STREET that is 25.00 feet easterly of the centerline of said LOCUST STREET when measured at right angles thereto; thence South 00°00'54" West 1917.64 feet along said east right of way and the northerly and southerly extensions thereof to a point that is 40.00 feet southerly of the centerline of TERRITORIAL ROAD when measured at right angles thereto; thence South 78°25'07" West 282.31 feet parallel with said centerline to a point on the southerly extension of the west line of that tract of land described in deed to HEMMERLING NURSERY, LLC, recorded June 1, 2015 in Instrument Number 2015-032967, Clackamas County Deed Records; thence North 00°00'54" East 684.09 feet along said west line and the southerly extension thereof to a point on the south line of that tract of land described in deed to THOMAS K. DODDS, recorded June 17, 1987 in Recorder's Number 87-27310, Clackamas County Deed Records; thence North 89°13'19" West 774.78 feet along said south line to the re-entrant corner is said south line; thence South 00°07'00" East 532.02 feet along the north-south portion of said south line to the most southerly southeast corner of said THOMAS K. DODDS tract; thence North 89°07'20" West 294.90 feet along the south line of said THOMAS K. DODDS tract to the southwest corner of said tract, being a point on the centerline of HOLLY STREET; thence North 00°07'00" West 1816.78 feet along said centerline to the Point of Beginning, containing 47.647 acres of land more or less, as shown on attached Exhibit B.

EXCEPTING THEREFROM any portion of the above described lands already lying within the city limits of the City of Canby, Clackamas County, Oregon.

EXHIBIT MAP

FOR: ANNEXATION OF LANDS INTO THE CITY OF CANBY
 LOCATED IN THE SE 1/4 AND SW 1/4 OF SEC. 28, T. 3 S., R. 1 E., W.M.
 CLACKAMAS COUNTY, OREGON

POINT OF BEGINNING

NORTHEAST CORNER OF THE
 CHAMPING PENDLETON DLC #58

S89°35'38"E 1349.11'

22ND AVENUE

30' 15'

15'



SCALE: 1" = 300'

**TOTAL AREA OF ANNEXATION
 47.647 ACRES**

THOMAS K. DODDS
 REC'S. #87-27310

N00°07'00"W 1816.78'

HOLLY STREET

LOCUST STREET

S00°00'54"W 1917.64'

S00°07'00"E 532.02'

N89°13'19"W 774.78'

N00°00'54"E 684.09'

HEMMERLING NURSERY, LLC
 INST. #2015-032967

20' 40' 20'

N89°07'20"W
 294.90'

30'

TERRITORIAL ROAD

S78°25'07"W
 282.31'

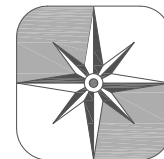
15'

30'

40' 70'

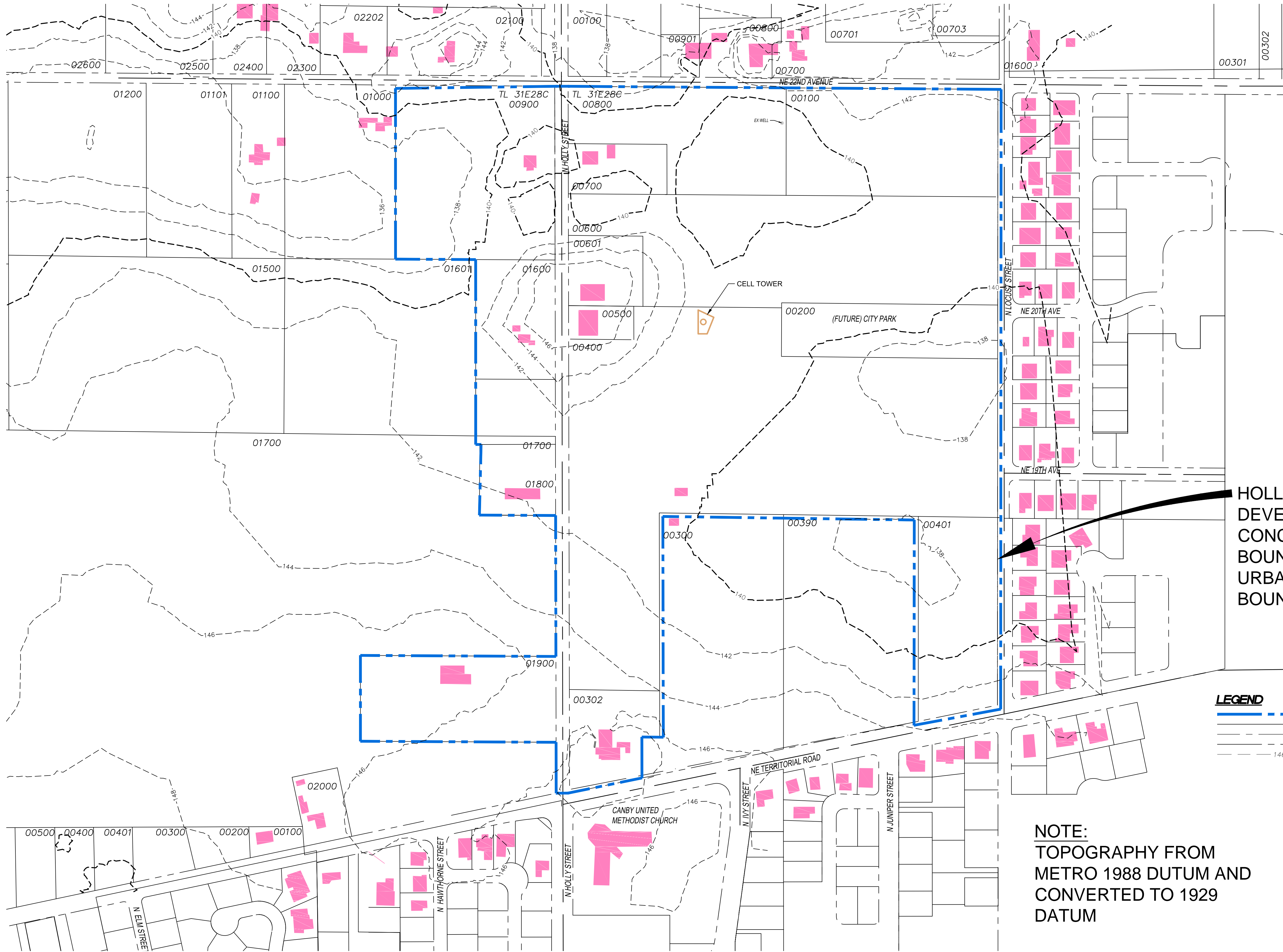
3657 KASHMIR WAY SE
 SALEM, OREGON 97317
 PHONE (503) 588-8800
 FAX (503) 363-2469

EMAIL: INFO@BARKERWILSON.COM




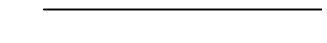
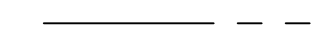

**BARKER
 SURVEYING**

EXISTING CONDITIONS AND TOPOGRAPHY



HOLLY
DEVELOPMENT
BOUNDARY
URBAN
BOUNDARY

LEGEND

-  HOLLY DEVELOPMENT BOUNDARY
-  CONCOURSE BOUNDARY
-  URBAN BOUNDARY
-  BOUNDARY

NOTE:
TOPOGRAPHY FROM
METRO 1988 DUTUM AND
CONVERTED TO 1929
DATUM

Holly
Development Concept Plan



HOLLY DEVELOPMENT
CONCEPT PLAN
BOUNDARY AND
URBAN GROWTH
BOUNDARY

NW 22nd AVENUE

HOLLY STREET

TERRITORIAL ROAD

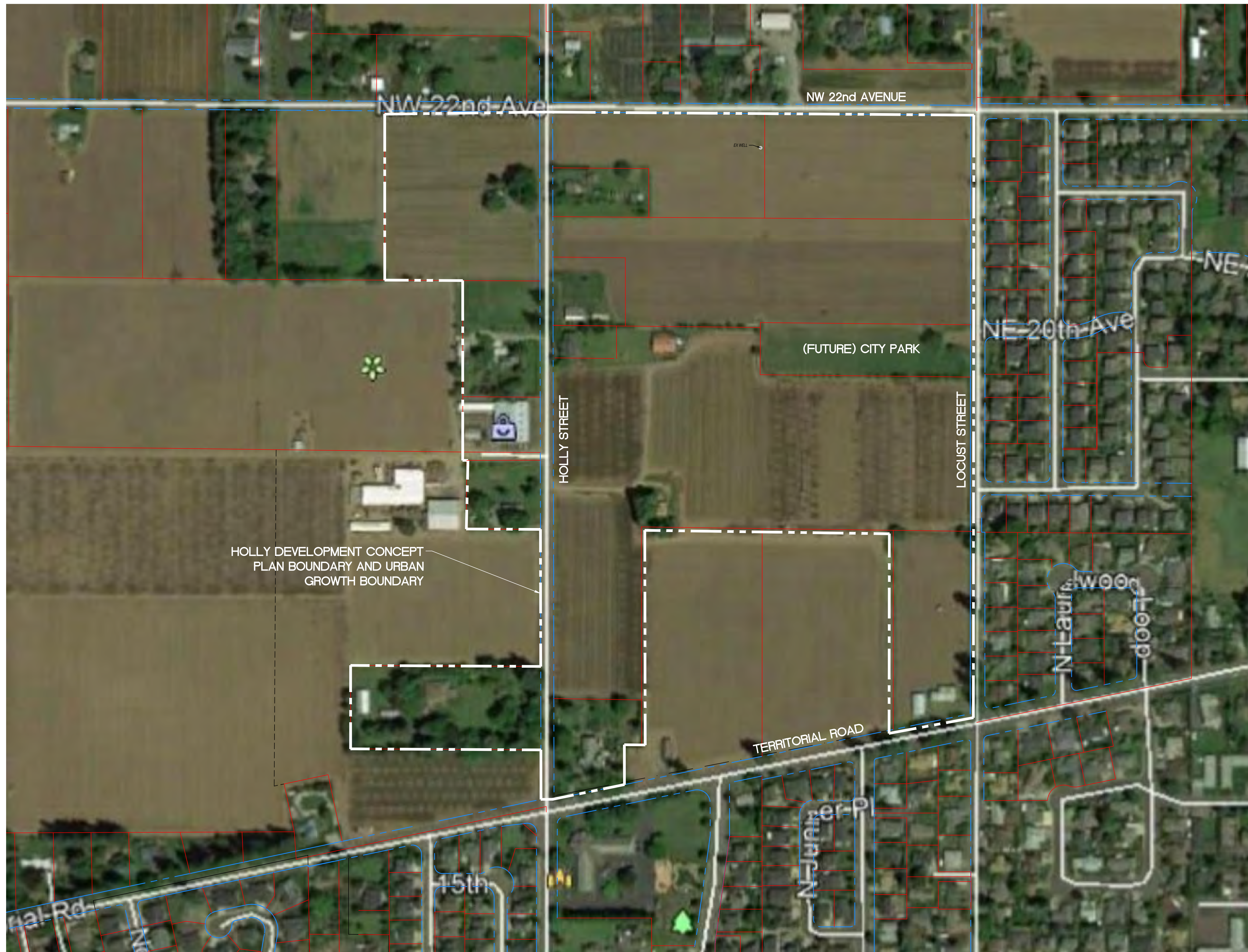
NW 14th Ave

15th

13th Pl

Google Earth

© 2018 Google



HOLLY DEVELOPMENT CONCEPT
PLAN BOUNDARY AND URBAN
GROWTH BOUNDARY

NW 22nd Ave

NW 22nd AVENUE

(FUTURE) CITY PARK

HOLLY STREET

LOCUST STREET

NE 20th Ave

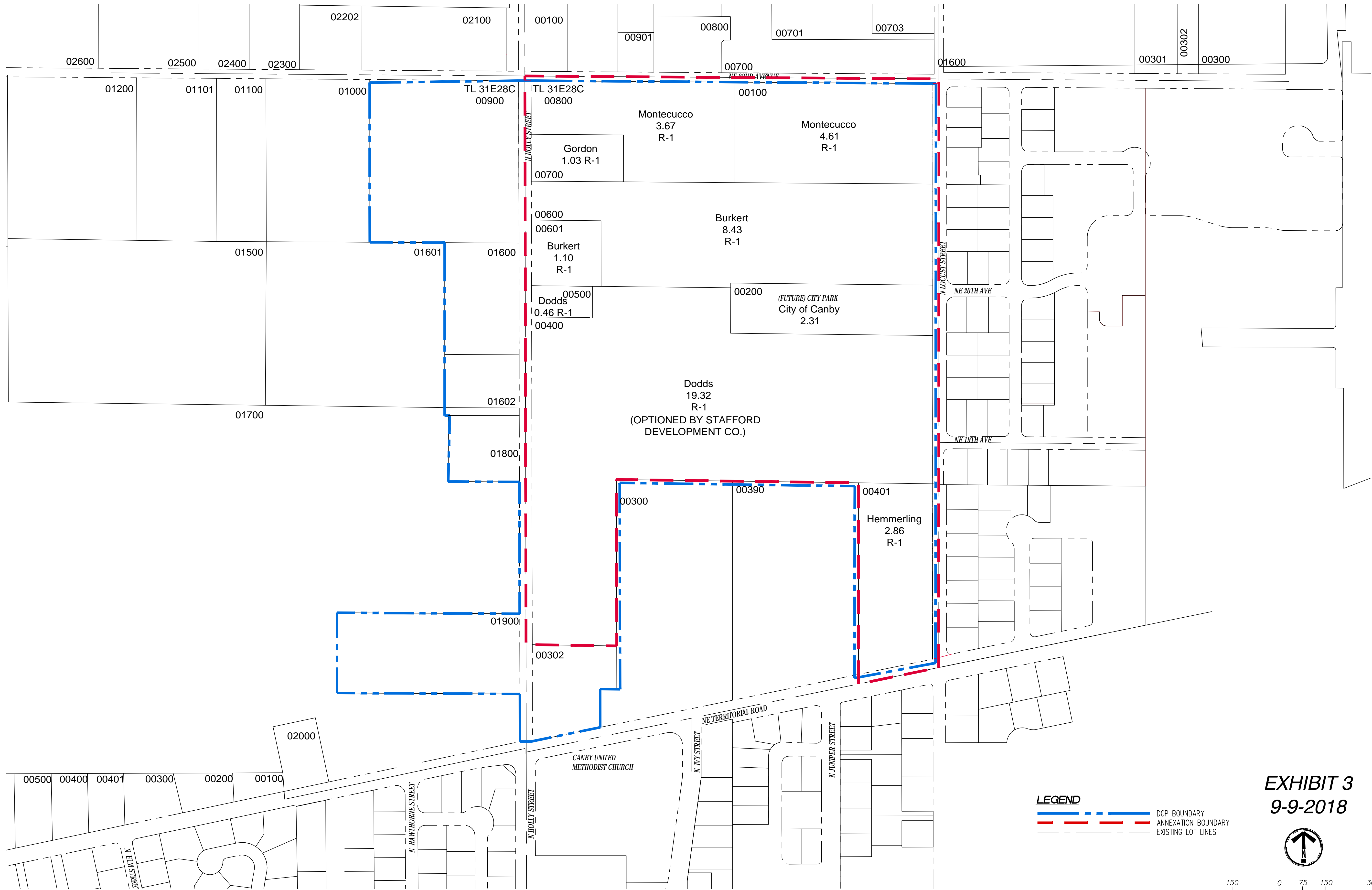
N-Lauri-Wood Loop

TERRITORIAL ROAD

15th

N-Jupiter-D

ANNEXATION, ZONE CHANGE & OWNERSHIP MAP



ANNEXATION BOUNDARY FOR SW 1/4, T3S. R1E. W.M. OF TAX LOTS 400 AND 401, OF TAX MAP 3-1E-28C

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

HOLLY ANNEXATION, ZONE CHANGE, AND OWNERSHIP MAP

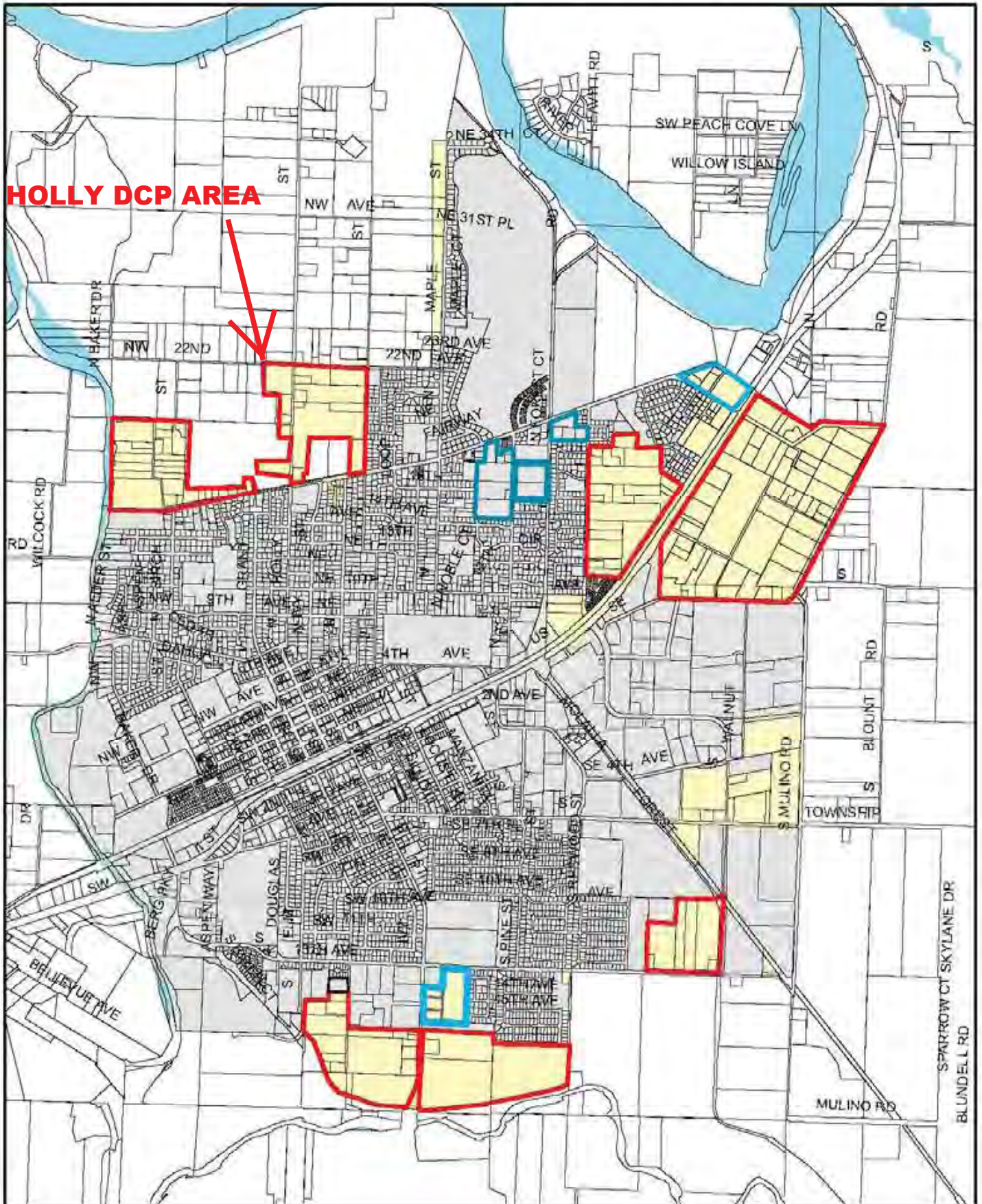
NO.	DATE	DESCRIPTION

PLANNING & LAND DESIGN
1862 NE ESTATE DRIVE
HILLSBORO, OREGON 97124
RYAN O'BRIEN
(503) 780-4061

SHEET OF

EXHIBIT 3
9-9-2018

City of Canby Annexation Development Map



HOLLY DCP AREA



Development Concept Area

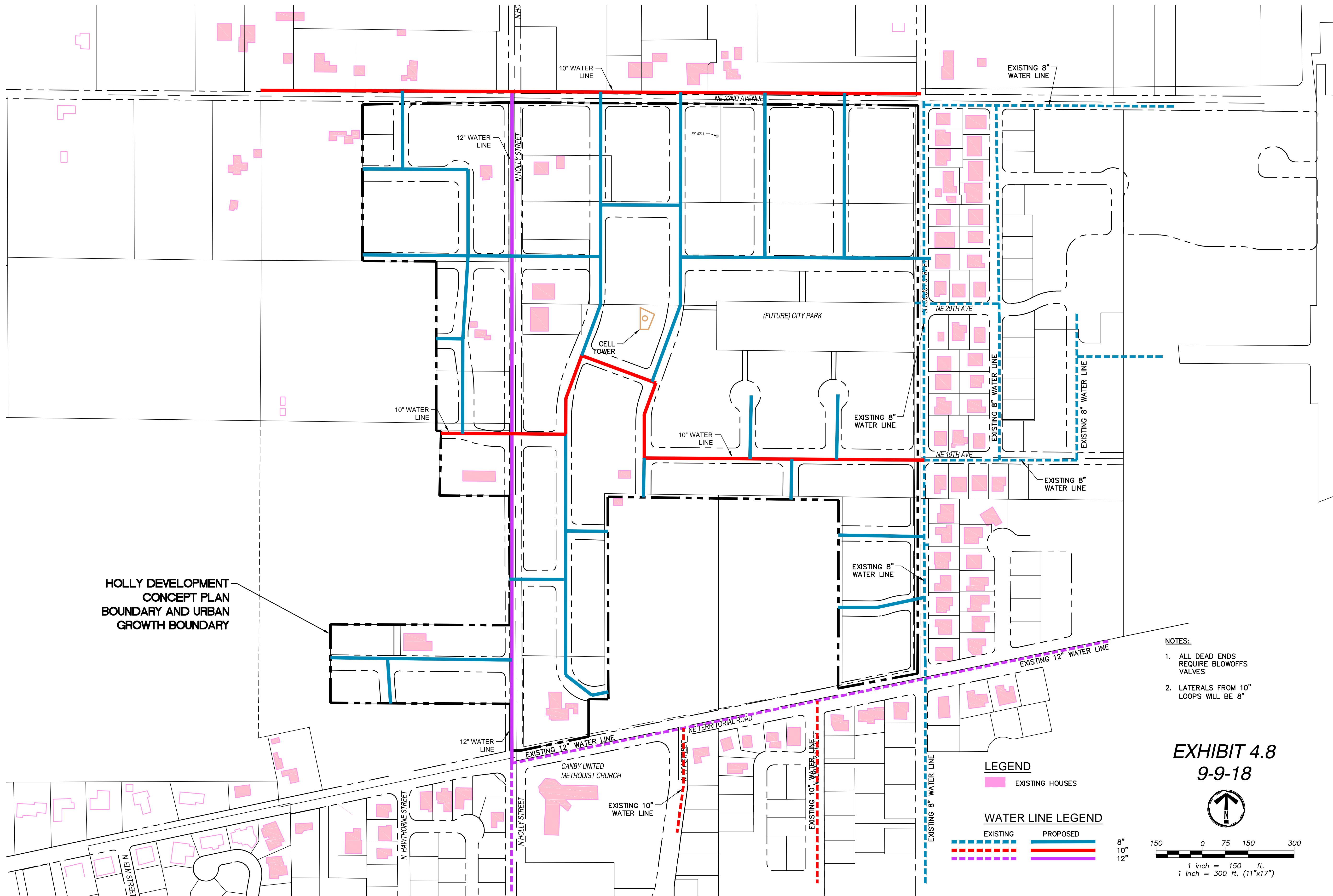


Development Agreement Area

Vicinity Map



WATER LINE MASTER PLAN



HOLLY DEVELOPMENT
CONCEPT PLAN
BOUNDARY AND URBAN
GROWTH BOUNDARY

NOTES:

1. ALL DEAD ENDS REQUIRE BLOWOFFS VALVES
2. LATERALS FROM 10" LOOPS WILL BE 8"

LEGEND

EXISTING HOUSES

WATER LINE LEGEND

EXISTING	PROPOSED

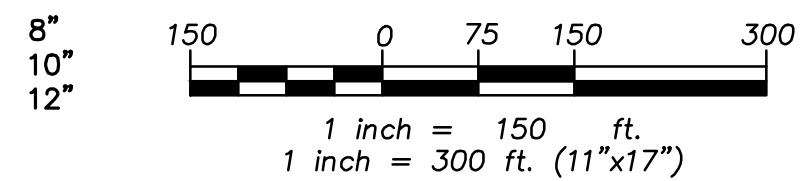


EXHIBIT 4.8
9-9-18

DEVELOPMENT CONCEPT PLAN
FOR SW 1/4, T3S, R1E, W.M.
TAX LOTS 400 AND 401, OF
TAX MAP 3-1E-28C

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

HOLLY DCP
WATER LINE
MASTER PLAN

REVISIONS

PLANNING & LAND DESIGN
1862 NE ESTATE DRIVE
HILLSBORO, OREGON 97124
RYAN O'BRIEN
(503) 780-4061

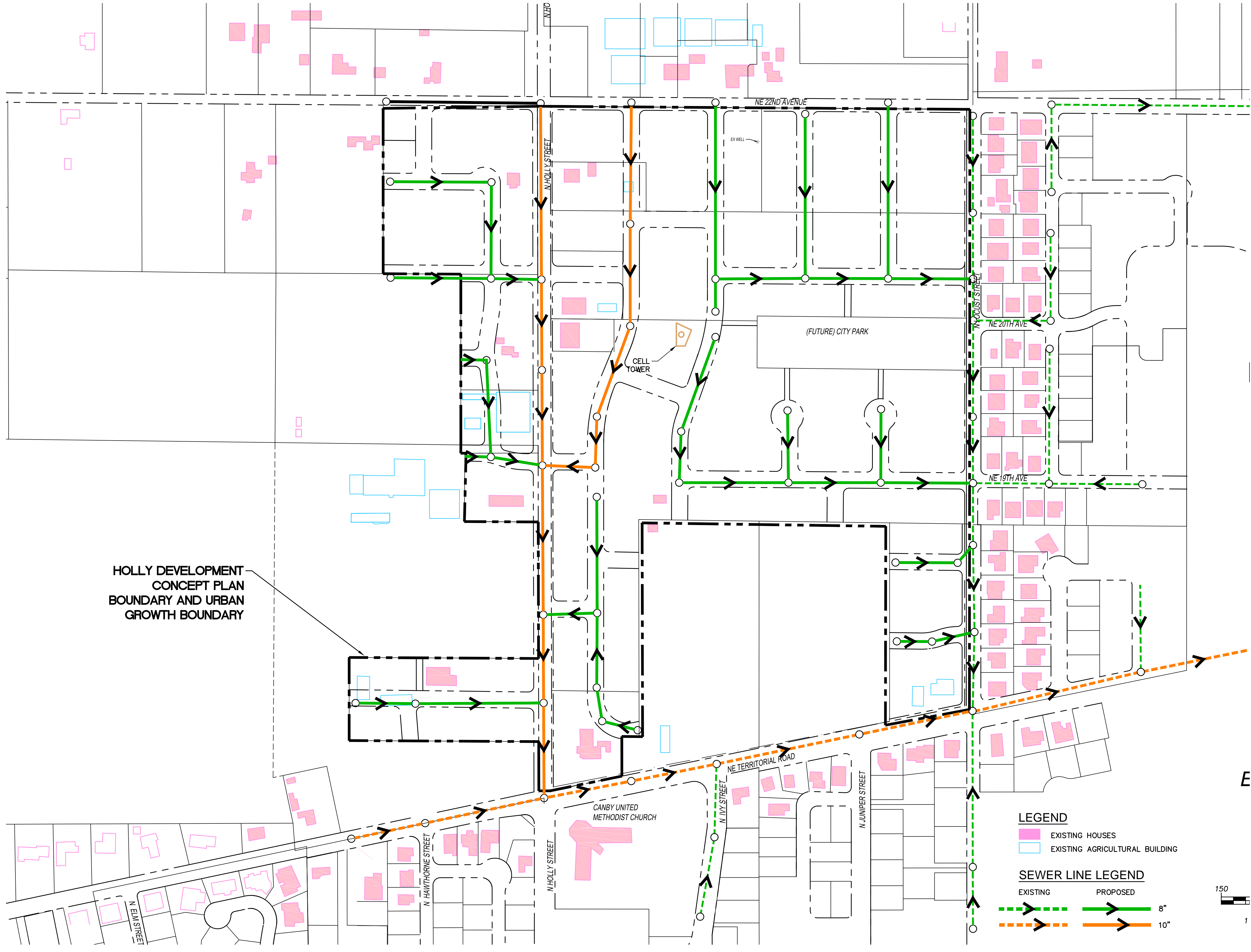
SHEET

8

9

8

SANITARY SEWER MASTER PLAN



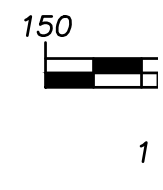
HOLLY DEVELOPMENT
CONCEPT PLAN
BOUNDARY AND URBAN
GROWTH BOUNDARY

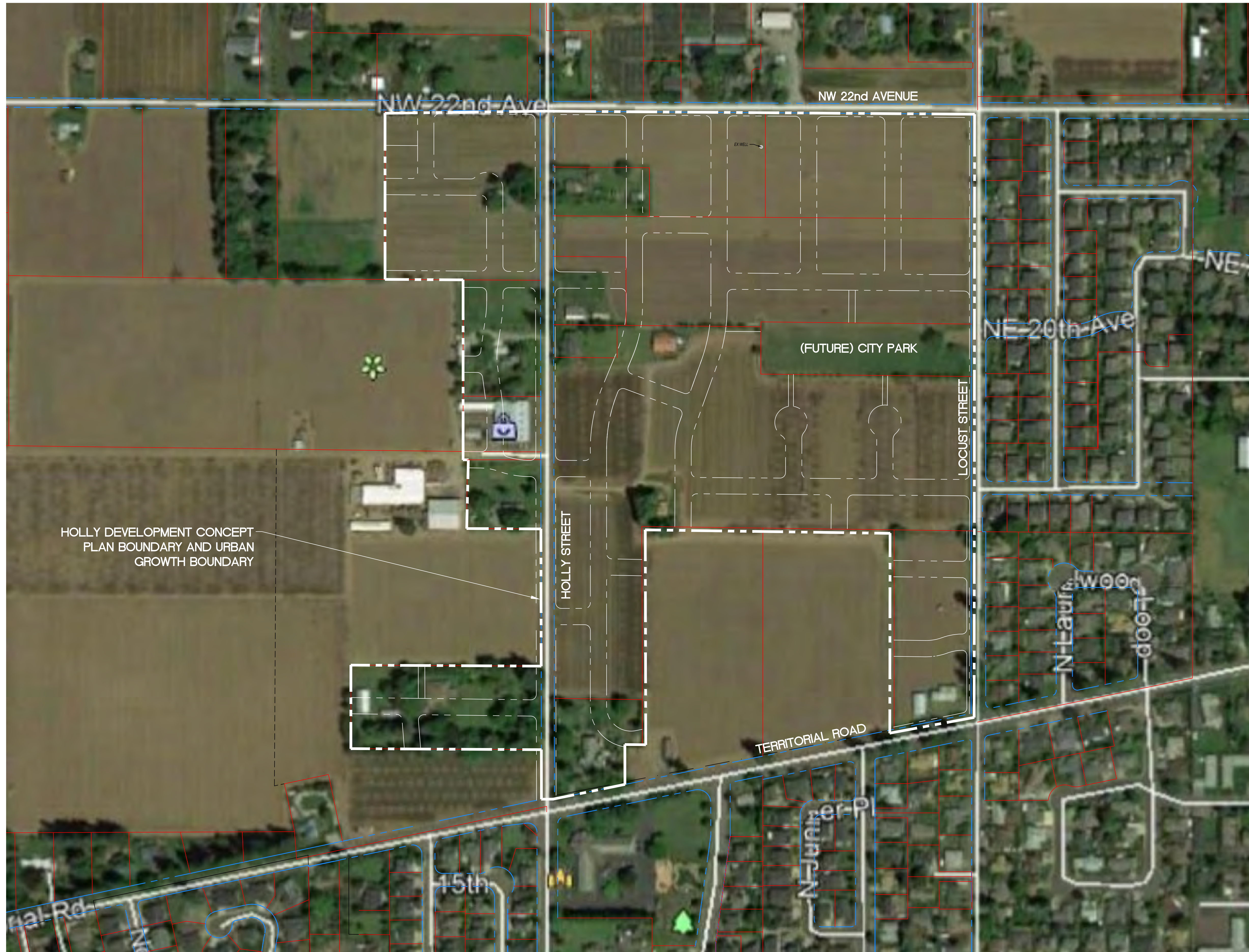
LEGEND

- EXISTING HOUSES
- EXISTING AGRICULTURAL BUILDING

SEWER LINE LEGEND

EXISTING	PROPOSED	
		8"
		10"

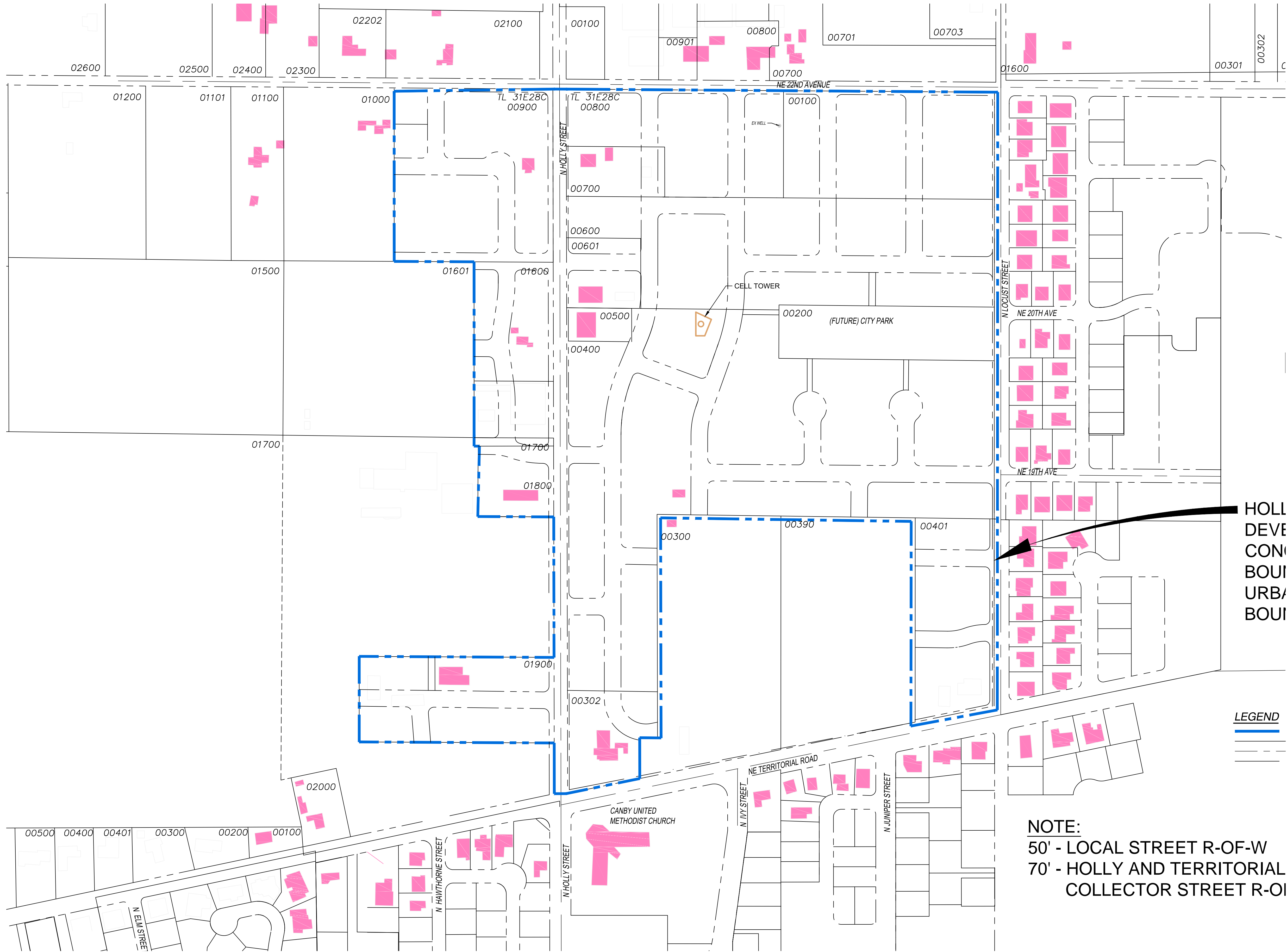




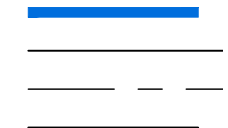
HOLLY DEVELOPMENT CONCEPT
PLAN BOUNDARY AND URBAN
GROWTH BOUNDARY

(FUTURE) CITY PARK

DEVELOPMENT CONCEPT PLAN AND STREET PATTERN



LEGEND



NOTE:
 50' - LOCAL STREET R-OF-W
 70' - HOLLY AND TERRITORIAL COLLECTOR STREET R-OF-W

HOLLY DEVELOPMENT CONCEPT PLAN BOULDER URBAN BOULDER

NEEDS ANALYSIS: SINGLE FAMILY RESIDENTIAL LOTS

INTRODUCTION

To determine whether there is currently a sufficient supply of SFR (R-1 and R-1.5) platted lots available to provide for the anticipated population growth through the end of 2021, the Applicant compared available population estimates with the existing supply of platted lots in the City of Canby as of October 6, 2018. Additionally, the past and recent absorption rates of platted subdivision lots will be determined and applied to potential future plats through 2021.

POPULATION

Data from Portland State University's Population Research Center (PRC) and the METRO Regional Population and Employment Range Forecasts (METRO Forecast) is compared to determine the anticipated population growth in Canby through the end of the year 2021. The METRO Forecast was used in the 2017 Canby Storm Sewer Master Plan.

Table 8-1 below shows the population estimates from the METRO Forecast for the City of Canby.

TABLE 8-1: CITY OF CANBY POPULATION FORECAST

Year	Projected Population	
	Low Range	High Range
2010	15,829	15,829
2015	17,998	18,520
2020	20,464	21,668
2025	23,268	25,352
2030	26,456	29,662
2035	30,080	34,705
2040	34,201	40,605

Source: METRO Regional Population and Employment Range Forecasts, 2009 (City of Canby Storm Sewer Master Plan, 2017)

Table 8-2 below shows the population estimates from the PRC for the past 3 years.

TABLE 8-2: CANBY POPULATION ESTIMATE - PRC

Year	PRC Population Est.
2015	16,010
2016	16,420
2017	16,660

The PRC estimates are a result of data collected directly from the City of Canby staff, and as such are being considered as the most accurate source for population estimates over the last 3 years. However, the PRC has not completed projections for the future population. To come up with a more accurate projection, data from the PRC will be compared to the METRO Forecast. Table 8-3 below shows the method of determining the anticipate population growth in the City of Canby.

TABLE 8-3: ANTICIPATED POPULATION GROWTH

Year	PRC Population Est.	Metro Low Estimate	PRC % of Metro Est.
2015	16,010	17,998	89%
2016	16,420	18,491**	89%
2017	16,660	18,984**	88%
2018	17,175*	19,478**	88%
2020	18,008*	20,464	88%
2025	20,476*	23,268	88%

*Calculated based on the ratio of the PRC to Metro Est. in 2017 (PRC Est. = 88% of Metro Est.)

**Average annual increase calculated based on 2020 & 2025 Metro Low Estimates

The PRC population estimate for 2015 is 89% of the Metro low estimate and in 2017 is calculated at 88% of the metro low estimate. Using the 88% ratio of PRC to Metro estimates, the projected population for 2020 and 2025 are adjusted down to 18,008 and 20,476 respectively. Based on these lower estimates and calculations in Table 8-3, the population will increase by an average of 449 residents per year from 2017 to 2020 and 494 residents per year from 2020 to 2025. Table 8-4 below indicates the additional housing needed based on an average household size of 2.8 residents per housing unit, which is the same number used by the PRC in their analyses.

TABLE 8-4: PROJECTED HOUSING NEEDED BASED ON POPULATION FORECAST (LOW)

Year	Population	Population Increase*	Average Household Size	New Housing Needed	SFR Housing Needed (R-1&R-1.5)	SFR Housing as % of Needed Housing
2017	16,660					
2018	17,109	449				
2019	17,559	449	2.8	161	110	68.7%
2020	18,008	449	2.8	161	110	68.7%
2021	18,502	494	2.8	176	121	68.7%
2022	18,995	494				
2023	19,489	494				
2024	19,982	494				
2025	20,476	494				
Housing Supply Needed Through 2021				497	342	68.7%

* Population Increase is based on Table 2 population estimate for 2020 & 2025

Based on the data above an additional 497 new housing units will be needed through 2021 to accommodate the projected increase in population over the same period. Clackamas County data shows that, of the countywide provided housing, 68.7% of the housing units are single family detached residences. In Canby, single family detached housing is allowed on land designated SFR on the Canby Comprehensive Plan and in the R-1 and R-1.5 zones. The City of Canby's ratio of SFR housing to total housing is higher than what is identified countywide but will likely trend towards the county's ratio over time. Conservatively using the countywide ratio, it can be determined that 342 of the 497 needed housing units through 2021 will need to be single family detached residences.

CURRENT INVENTORY

The inventory of platted SFR lots is a dynamic number that fluctuates as pending developments progress and homes are constructed. The tables below show the current inventory of platted SFR lots based on subdivision and partition plats recorded in the City of Canby after 2007 and 2010 respectively. Table 8-5 below identifies the recorded SFR subdivision plats and the lots that remain available in each.

TABLE 8-5: AVAILABLE SFR SUBDIVISIONS LOTS

This data only includes property zoned R-1 and R-1.5 and excludes subdivisions that recorded prior to 2007

Date Recorded	Subdivision Name	Total Lots	Issued Permits	**Restricted Lots	Available Lots	Pending Permits
12/2/2014	Northwood Estates No. 2	33	31	0	2	0
3/20/2015	Dinsmore Estates - 2	41	41	0	0	0
6/26/2015	Pine Meadow	19	19	0	0	0
10/26/2015	Faist Addition No. 6	30	27	1	3	1
11/17/2015	*Dinsmore Estates - 3	10	10	0	0	0
6/9/2016	Franz Meadow	18	18	0	0	0
10/1/2016	Faist Addition No. 7	6	5	0	1	1
3/31/2017	Caitlyns Place	6	5	0	1	0
9/26/2017	Northwood Estates No. 3	21	17	0	4	1
12/12/2017	*Timber Park	105	32	5	73	23
Total SFR Platted Lots		289	205	6	84	26

* Subdivision is zoned R-1.5

** Lots are restricted from building for temporary fire turnarounds

Table 8-6 below identifies the available SFR lots created by partition. Issued and Pending permits are based on Clackamas County building records and the compiled data for each lot can be found at the end of this analysis

TABLE 8-6: AVAILABLE SFR PARTITION LOTS

Data includes lots platted after 2010

Date Recorded	Partition Plat	Tax Lot
5/5/2017	PP2017-035	41E04AA 04302
6/13/2017	PP2017-044	*31E33BC 06301
2/20/2018	PP2018-015	41E03BB 00511
2/20/2018	PP2018-015	41E03BB 00512
2/27/2018	PP2018-018	31E33BD 02302
3/14/2018	PP2018-024	31E28AA 03905
7/16/2018	PP2018-074	41E04AB 03220
Available Partition Plat Lots		7

* Tax Lot zoned R-1.5

Based on the tables above there are 91 platted lots available in the R-1 and R-1.5 zones. Of the 91 lots currently available, 74 of them are in the R-1.5 zone, leaving only 17 available R-1 lots.

CURRENT INVENTORY CONCLUSION

Table 8-7 below summarizes the information from the above analysis.

TABLE 8-7: ANALYSIS SUMMARY

Description	Count
SFR Housing Needed Through 2021	342
Available Platted SFR Lots	91
Current Deficiency of SFR Lots	251

Based on the above analysis, the City of Canby is deficient by 251 SFR platted lots and the Applicant’s request for annexation of the subject properties should be approved to meet the need for single family detached housing within the city limits. Furthermore, it should be noted that this analysis includes lots within the R-1 and R-1.5 zones as they each allow the single family detached housing type; the City of Canby’s R-1 zone, which is the proposed zoning for the subject properties, has historically provided a much larger portion of the single family detached residences than the R-1.5 zone.

FUTURE INVENTORY

While it is not a requirement to analyze the future developments within the City, the Applicant has elected to do so to further demonstrate the need for additional single family detached housing in the City of Canby to accommodate the projected population growth. This portion of the analysis is for illustration purposes only to help further exemplify that there is a low likelihood that the 3-year lot supply will be eclipsed by available

inventory any time soon. Table 8-8 below shows a list of potential subdivisions that could record prior to the end of 2021. Table 8-8 includes subdivisions that have received preliminary approval and potential future subdivisions on land recently annexed or proposed for annexation as a part of this application. Each “project” is listed with an estimated recording date. Some of the approved projects have been appealed and may never record, and others could record sooner or later than estimated. Additionally, the potential future projects sit on land that could stay vacant or in farm use indefinitely. In any case, they will be included as potential future projects with estimated recording dates for illustration.

TABLE 8-8: APPROVED & POTENTIAL FUTURE SUBDIVISIONS

Project Name	Recording Date	# of Lots
Faist Addition No.8	10/15/2018	26
Tanoak	10/16/2018	8
Beck Pond Phase 1	5/3/2019	37
Redwood Landing	7/5/2019	83
Cougar Run	10/1/2019	23
Seven Acres	10/1/2019	22
Faist Addition No. 9	10/15/2019	6
Beck Pond Phase 2	5/1/2020	32
McMartin Phase 1	8/21/2020	30
Dodds Phase 1*	10/1/2020	25
Cutsforth*	4/1/2021	20
Hemmerling*	5/5/2021	15
McMartin Phase 2 & 3	9/1/2021	33
Dodds Phase 2*	10/1/2021	25
Burkert/Montecucco Ph. 1*	10/5/2021	25
Potential Additional Lots Through 2021		410

* Potential Future Subdivisions

Based on the table above, there could be an additional 410 single family lots platted through the year 2021. The estimated recording schedule is aggressive but will help illustrate the inventory over time in the event that such an aggressive schedule could be accomplished. The following sections will address absorption rates and compare them to the existing and estimated lot supply through 2021.

LOT ABSORPTION

The rate at which platted lots are issued building permits is dependent on several different variables and the available data over the last three or four years does not give a clear indication of what the most relevant variable is. However, the Applicants experience as a developer and home builder in the Portland Metro area and Canby specifically points to the capacity of the builder (time and money) and the supply of labor as the driving factor behind how quickly lots are both platted and absorbed in the City of Canby. Since it is difficult to predict the who and the how of future developments, the applicant believes it is most appropriate to treat the absorption of each plat independently to determine a geometric average that is representative of a typical project in Canby.

Reviewing the data for each subdivision plat independently shows that there is a significant difference in the rate of absorption from one plat to the next. Table 8-9 below lists the plats recorded in Canby with 10 or more

lots and shows the average number of days between the issuance of a permit in each subdivision as of October 6th, 2018.

TABLE 8-9: SUBDIVISION LOT ABSORPTION

Plat Name	Plat #	Recording Date	Total Lots	Issued Permits	Average Days Between Permits
Northwood Estates No. 2	4396	12/2/2014	33	31	45
Dinsmore Estates - 2	4409	3/20/2015	41	41	11
Pine Meadow	4422	6/26/2015	19	19	18
Faist Addition No. 6	4433	10/26/2015	30	26	36
Dinsmore Estates - 3	4436	11/17/2015	10	10	20
Franz Meadow	4457	6/9/2016	18	18	15
Northwood Estates No. 3	4509	9/26/2017	21	17	20
Timber Park	4517	12/12/2017	105	27	11
Subdivision (Geometric) Avg Days Between Permits					22

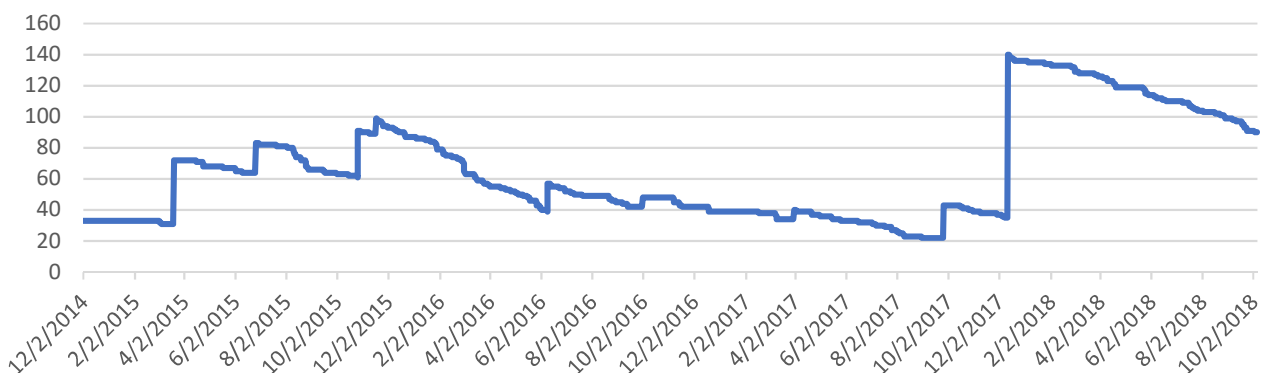
Based on the data above, in any given subdivision 1 new building permit is issued every 22 days on average from the date the plat records. To determine the inventory of lots through 2021, existing data through October 6, 2018 and projections through 2021 will be compared in the next section.

FUTURE INVENTORY CONCLUSION

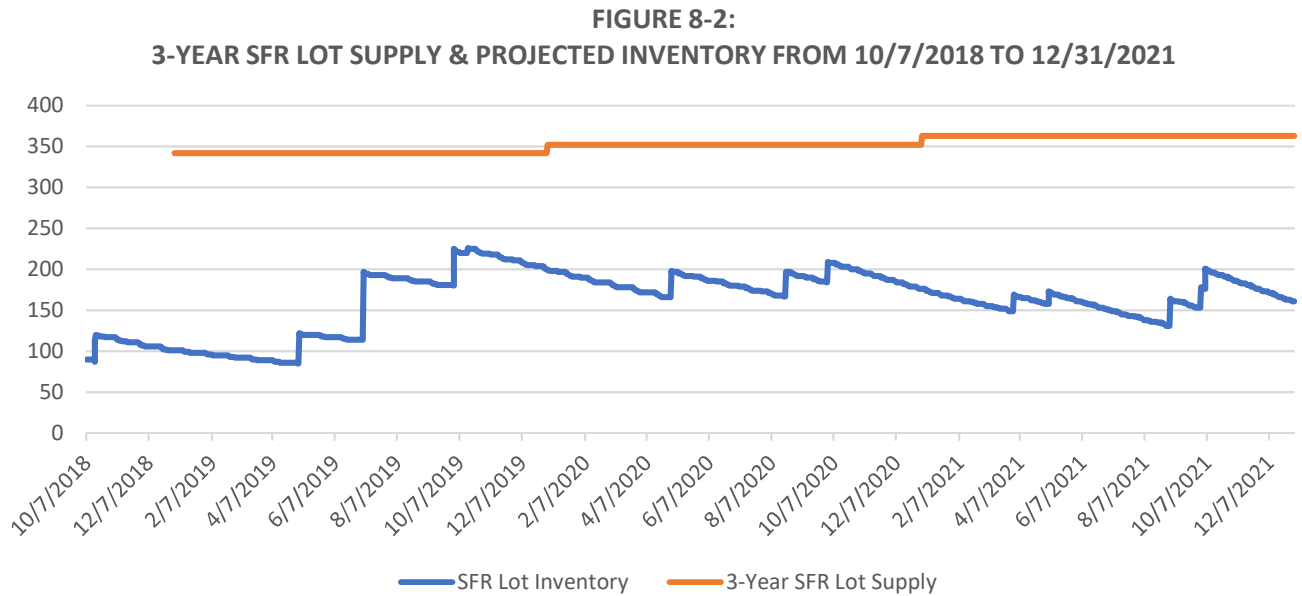
Based on the available data through October 6, 2018 and the above analysis and estimates, the future inventory of platted lots through the end of 2021 will not surpass the 3-year supply needed based on the projected population growth. Restricted lots in Timber Park and Faist Addition No. 6 are represented as available in the figures below.

Figure 8-1 below depicts the actual change in inventory of SFR subdivision lots from the date Northwood Estates No. 2 recorded in December 2014 through October 6, 2018.

**FIGURE 8-1:
SUBDIVISION LOT INVENTORY FROM 12/2/2014 - 10/6/2018**



In Figure 8-2 below, the approved and potential future subdivision lots from Table 8-8 and their estimated recording dates are added to the current inventory over time. The average absorption rate from Table 8-9 is used for the current inventory lots and future projects.



Based on the projected population growth, estimated recording dates, and absorption rates of future projects depicted above, the inventory of platted SFR lots will not eclipse the 3-year SFR lot supply at any given time through 2021. Even based on the aggressive recording schedule depicted above, the inventory caps out at 226 lots in mid-October 2019 when the 3-year SFR Lot Supply is equal to 342. This minimum gap of 116 lots still leaves room for slower absorption rates, a more aggressive recording timeline, and recordation of unaccounted for future projects, while maintaining a low chance of approaching the 3-year supply line.

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



TRANSPORTATION PLANNING RULE FINDINGS

DATE: July 29th, 2024
TO: Don Hardy, Ryan Potter and Emma Porricolo | City of Canby
FROM: Kevin Chewuk | DKS Associates
SUBJECT: Canby N Holly Subdivision
Transportation Planning Rule (TPR) Findings

This memorandum summarizes how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for a proposed annexation at 1733 N Holly Street, in Canby, Oregon. The following describes the consistency of the annexation request and corresponding rezone with both the City’s Comprehensive Plan and Transportation System Plan.

TPR FINDINGS

The proposed annexation is located inside Canby’s Urban Growth Boundary (UGB) in unincorporated Clackamas County. The proposed annexation is located at 1733 N Holly Street and currently includes a Clackamas County RRFF-5 (Rural Residential Farm/Forest 5 Acres) zoning. The City’s comprehensive plan designation for this lot is LDR (Low Density Residential) and the proposed zoning is R-1 (Low 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.

FINDINGS

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

TABLE 1: PROPOSED ANNEXATION AND REZONE AT 1733 N HOLLY STREET

TAX LOTS	LOT SIZE (ACRES)	CLACKAMAS COUNTY ZONING	PROPOSED CITY OF CANBY ZONING	CITY OF CANBY COMPREHENSIVE PLAN LAND USE
31E28C 01900	3.41 acres	RRFF-5 (Rural Residential Farm/Forest 5 Acres)	R-1 (Low Density Residential)	LDR (Low Density Residential)

Exhibit A

City of Canby Housing Needs Analysis

Final Report

June 18, 2024



Acknowledgements

This project is funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon.

Canby City Council

Brian Hodson, Mayor
Traci Hensley, President
James Davis
Jason Padden
Scott Sasse
Daniel Stearns
Herman Maldonado

Canby Planning Commission

Matt Ellison, Chair
Dan Ewert, Vice Chair
Michael Hutchinson
Jennifer Driskill
Hannah Ellison
Judi Jarosh

Consultant Team

3J Consulting
Steve Faust, AICP
Natalie Knowles
Julia Reismann

FCS GROUP

Todd Chase, AICP, LEED^{AP}
Timothy Wood

Housing Advisory Committee

Brian Hodson
Traci Hensley
James Hieb
Judi Jarosh
Ray Keen
Frank Cutsforth
Ethan Manual
Ryan Potter
Jorge Tro
Jamie Stickel

Canby Staff

Don Hardy
Ryan Potter
Jamie Stickel
Brianna Addotta
Emma Porricolo

Department of Land Conservation and Development

Sean Edging, Housing Planner
Laura Kelly, Regional Representative
Kelly Reid, Regional Representative

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Introduction

The Canby Housing Needs Analysis (HNA) is intended to serve as a basis for the City of Canby to document new information regarding the city's Buildable Land Inventory (BLI), population and housing trends, and development policies aimed at providing adequate land within the urban growth boundary (UGB) to accommodate the next 20 years of population growth.

Oregon Regulatory Requirements

The passage of the Oregon Land Use Planning Act of 1974 (ORS Chapter 197) established the Land Conservation and Development Commission (LCDC) and the Department of Land Conservation and Development (DLCD). The Act required the Commission to develop and adopt a set of statewide planning goals. Goal 10 addresses housing in Oregon and provides guidelines for local governments to follow in developing their local comprehensive land use plans and implementing policies.

At a minimum, local housing policies must meet the applicable requirements of Goal 10 and the statutes and administrative rules that implement it (ORS 197.295 to 197.314, ORS 197.475 to 197.490, and OAR 600-008).¹ Goal 10 requires incorporated cities to complete an inventory of buildable residential lands. Goal 10 also requires cities to encourage the numbers of housing units in price and rent ranges commensurate with the financial capabilities of its households. Goal 10 defines needed housing types as "all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an UGB at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes." ORS 197.303 defines needed housing types:

- (a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple family housing for both owner and renter occupancy.
- (b) Government assisted housing.²
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490.
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions.
- (e) Housing for farmworkers.

¹ ORS 197.296 only applies to cities with populations over 25,000.

² Government assisted housing can be any housing type listed in ORS 197.303 (a), (c), or (d).

Methodology

A recommended approach to conducting a housing needs analysis is described in *Planning for Residential Growth: A Workbook for Oregon's Urban Areas*, the Department of Land Conservation and Development's guidebook on local housing needs studies. As described in the workbook, the specific steps in the housing needs analysis are:

1. Forecast the number of new housing units needed in the next 20 years.
2. Identify relevant national, state, and local demographic and economic trends and factors that may affect the 20-year projection of structure type mix.
3. Describe the demographic characteristics of the population and, if possible, the housing trends that relate to demand for different types of housing.
4. Determine the types of housing that are likely to be affordable to the projected households based on household income.
5. Determine the needed housing mix and density ranges for each plan designation and the average needed net density for all structure types.
6. Document the buildable land inventory within the Canby Urban Growth Boundary by Comprehensive Land Use Plan designation.
7. Prepare policy findings regarding the sufficiency of the Urban Growth Boundary with regard to land that is currently buildable and planned for housing.

Process

The HNA process was initiated at a kickoff management of City staff and the consultant in January 2022. Project Management Team members continued to meet on regular basis over the course of the project to track progress on key tasks and deadlines, identify unanticipated issues and develop alternative approaches as needed.

A Housing Advisory Committee (HAC) appointed by the City met four times over the course of the project. The HAC reviewed and provided comments on key materials and made recommendations related to housing implementation policies.

- At meeting #1 in March 2022, the HAC discussed the Community Engagement Plan and Housing Needs Projection.
- At meeting #2 in June 2022, the HAC viewed a presentation on the Residential Buildable Land Inventory and Residential Land Need Analysis.
- At meeting #3 in September 2022, the HAC reviewed Housing Policy Options.
- At meeting #4 in January 2023, the HAC reviewed the Draft HNA and land efficiency measures.

All HAC meetings were advertised and open to the public. Additional revisions were made between January 2023 and March 2024 based on comments and correspondence with DLCD. These changes were reviewed by the Canby Planning Commission and City Council.

Report Organization

This report provides the technical basis of findings that support proposed housing policy recommendations and subsequent actions that the city will take to update its Comprehensive Plan and Development Code. Each section of this report provides current data, assumptions and results that comprise all findings and conclusions:

I. Introduction.

II. Housing Need Projection: provides a demographic overview and summary of market trends influencing housing growth in Canby.

III. Buildable Land Inventory: identifies vacant, partially vacant and redevelopable residential land within the Canby UGB, and accounts for constraints to get to a final determination of capacity to meet 20-year needs.

IV. Land Sufficiency Analysis: this section compares expected land demand to vacant land supply to meet housing mix and densities described in the HNA.

V. Findings and Recommendations highlights key findings and housing policy recommendations.

Housing Need Projection

Methodology

The methodology for projecting housing needs within the Canby UGB includes consideration of demographic and socio-economic trends, housing market characteristics and long-range population growth projections. This report and its findings are primarily based on data available as of December 2023.

Regional (Clackamas County) and local (City or UGB) population, households, income and market characteristics are described in this memorandum using data provided by the U.S. Census Bureau (Census and American Community Survey), the U.S. Department of Housing and Urban Development (HUD), Oregon Department of Housing and Community Services (OHCS), Portland State University (PSU) and the City of Canby. Where trends or long-range projections are provided by an identified data source, this analysis includes extrapolations or interpolations of the data to arrive at a base year (2022 estimate) and forecast year (2043 projection).³ The result of this forecast translates population growth into households and households into housing need by dwelling type, tenancy (owner vs. renter) and affordability level.

Demographic and Socio-Economics

Population

The City of Canby population increased to 18,979 people in 2022 (July 1 estimate by PSU). Clackamas County, Oregon’s third largest in terms of population, had an estimated 429,149 year-round residents. Prior to 2010, Canby was growing over twice as fast as the county average. However, during the most recent decade (2010 to 2022) population growth in Canby slowed down as remaining buildable land became less abundant (Exhibit 1).

Exhibit 1: Population Trends (2000-2022)

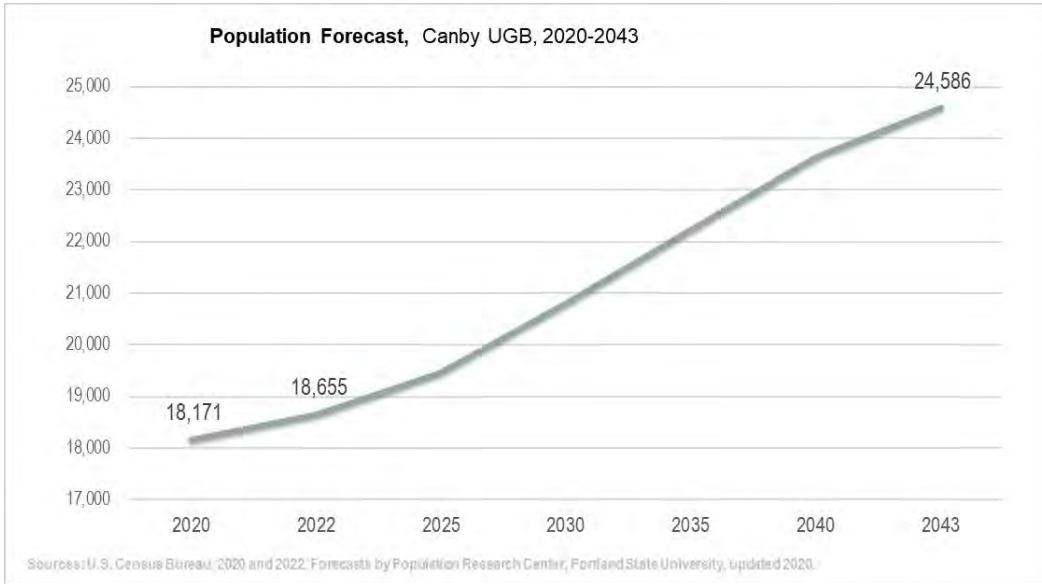
					Annual Growth Rate	
	2000	2010	2020	2022	2000-2010	2010-2022
Clackamas County	338,391	375,992	422,185	429,149	1.06%	1.11%
Canby UGB	13,323	17,097	18,171	18,655	2.53%	0.73%
City of Canby	12,790	15,829	17,210	18,979	2.15%	1.52%

Sources: Population Research Center, Portland State University.
U.S. Census Bureau, PL94-171 redistricting data files.

³ The time frame for this analysis assumes a 20-year forecast period between Dec. 31, 2022 and Jan. 1, 2043.

Long-range population forecasts prepared by PSU anticipate that 5,931 residents will be added to the Canby Urban Growth Boundary (UGB) over the next 20 years. This equates to a projected annual average growth rate (CAGR) of 1.3% for the UGB (see Exhibit 2).

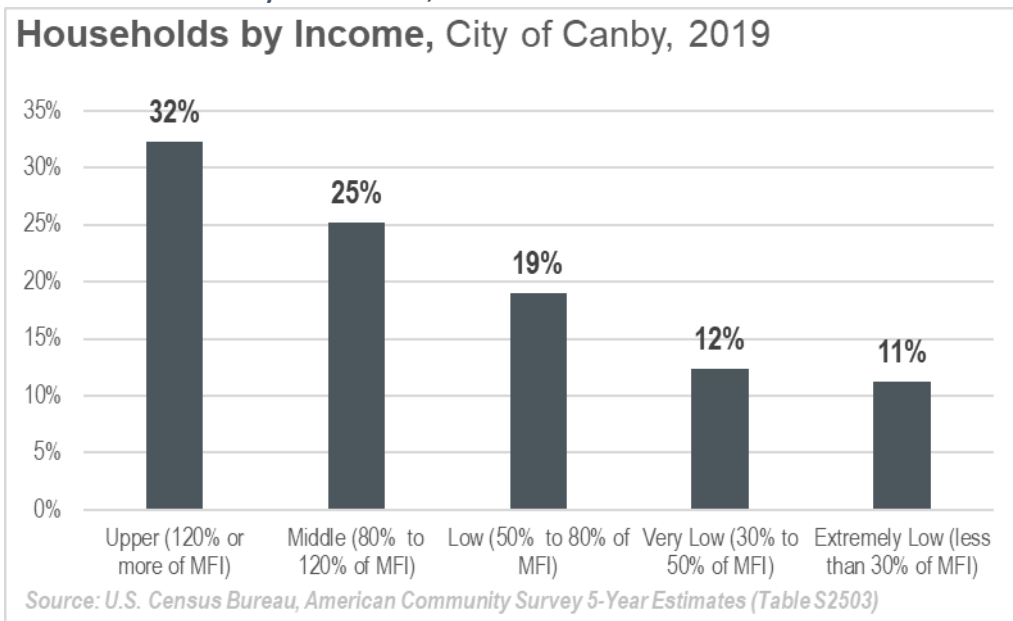
Exhibit 2: Canby UGB Population Forecast (2020-2043)



Socio-economic Characteristics

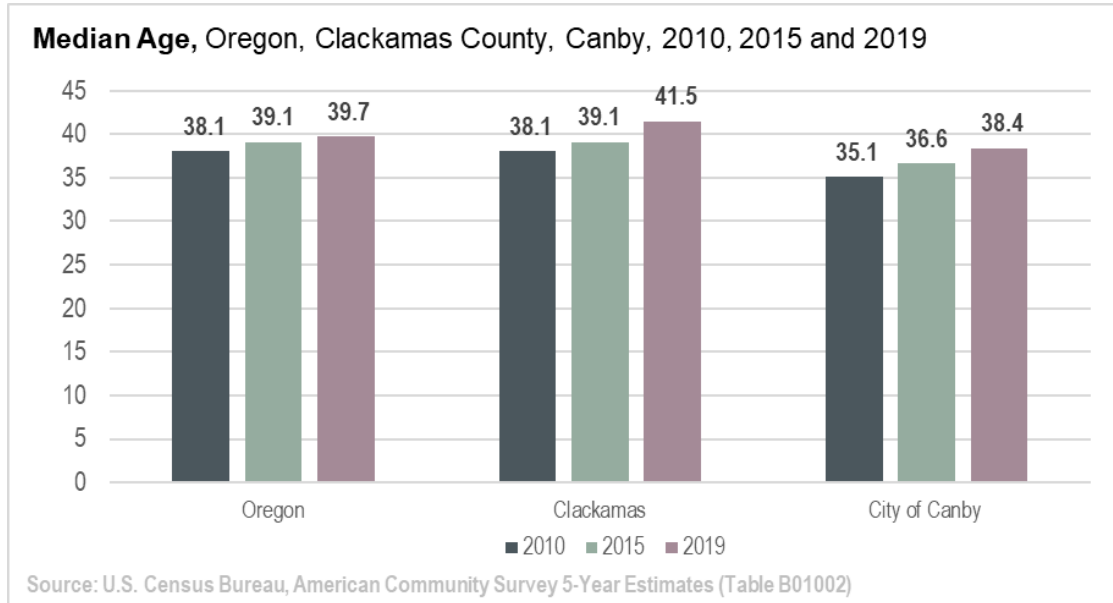
In 2019, the median family income (MFI) in Clackamas County was \$80,484. As shown below in Exhibit 3, nearly one third of the households in Canby earn over 120% of the MFI (\$96,581 or above).

Exhibit 3: Households by Income Level, 2015-2019



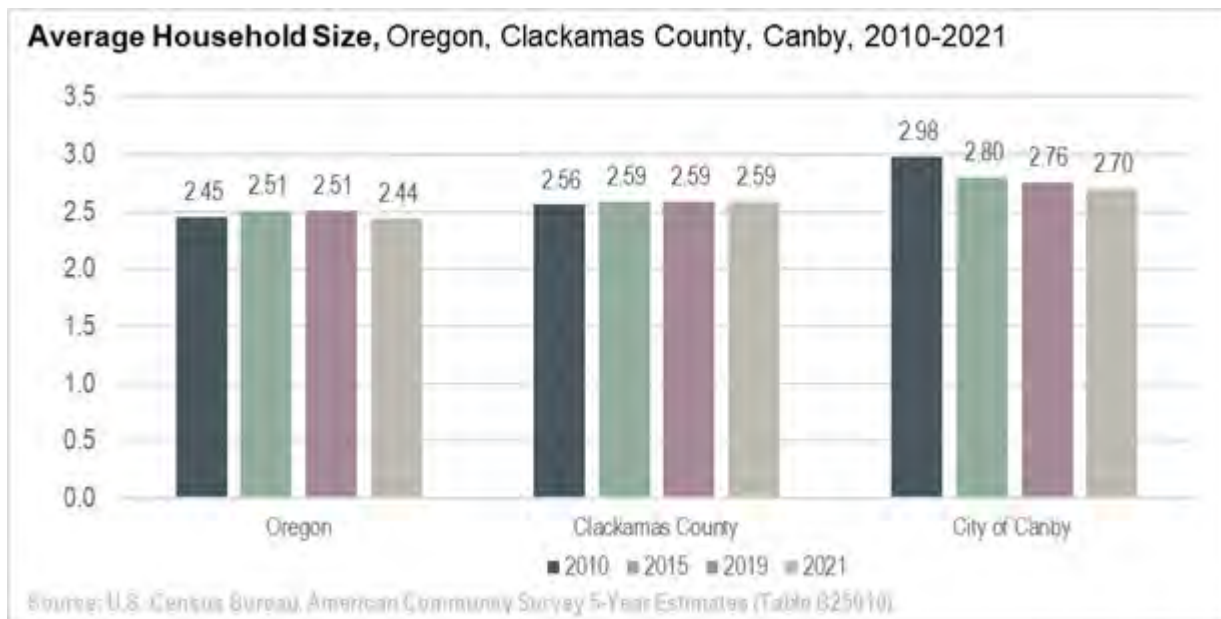
The median age in Canby (38.4) is below the Clackamas County average (41.5) and below the statewide average (39.7) as well (Exhibit 4).

Exhibit 4: Median Age, 2010-2019



Average household size in Canby has decreased slightly over the last two decades, from 2.98 in 2010 to 2.7 in 2021. This is well above the statewide average of 2.44 and above the countywide average of 2.59 (Exhibit 5).

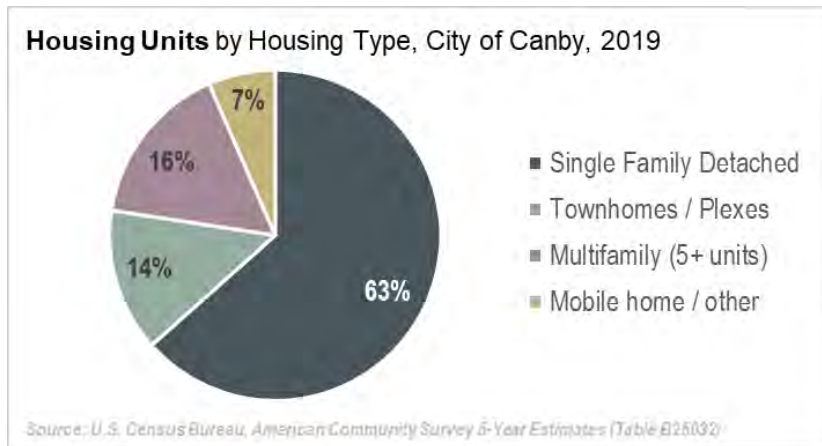
Exhibit 5: City of Canby Average Household Size 2010-2021



Housing Inventory and Tenancy

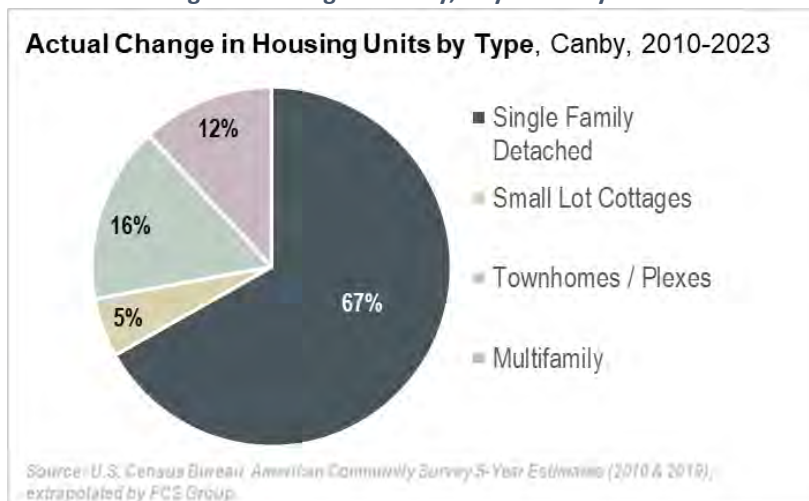
Canby's existing housing inventory and tenancy sheds light on housing conditions and market demand preferences. In 2019, there were 6,608 housing units in Canby of which 6,383 units were classified as occupied and only 225 units were vacant. Like most cities with under 50,000 residents, single-family detached housing is the most prevalent housing type representing 63% of the housing stock. The remaining inventory in Canby includes multi-family (16%), townhomes/plexes (14%), and mobile homes (7%), as shown in Exhibit 6A.

Exhibit 6A: Existing Housing Inventory, 2019, City of Canby



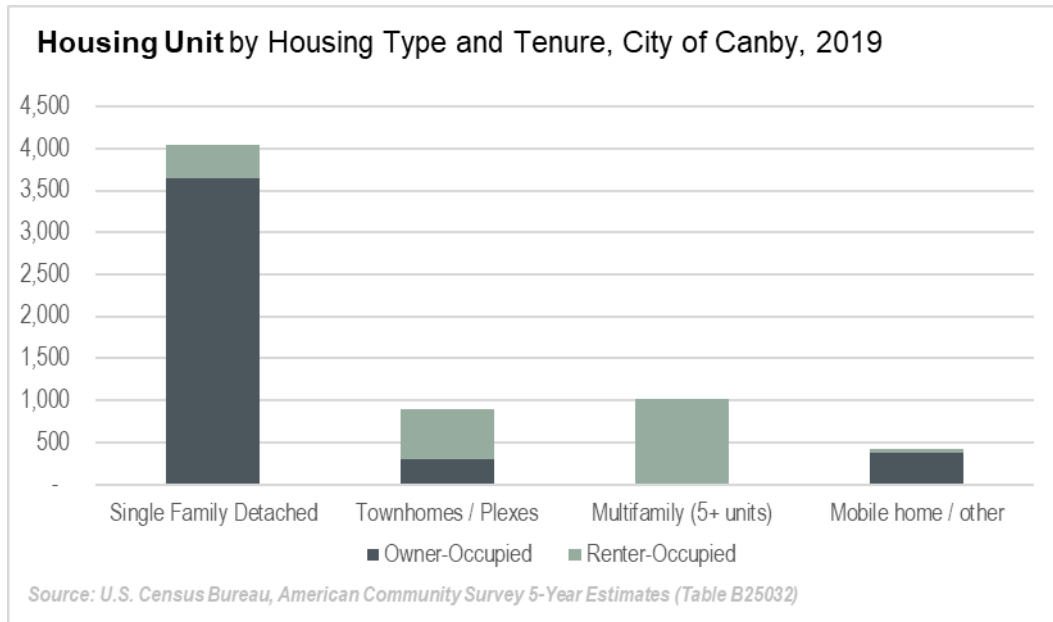
Between 2010 and 2023 the mix of new housing developed in Canby has trended a bit more towards single family detached homes. As indicated in Exhibit 6B, about two-thirds of new housing construction consisted in detached homes, and the remaining one-third was constructed as “middle housing” such as townhomes, duplexes, apartments and manufactured homes. While there has been an increase in the share of single family development, a current “snap shot” of developments in the construction pipeline reveal a trend towards small lot sizes (less than 8,300 net square feet per dwelling) over larger or lot sizes.

Exhibit 6B: Change in Housing Inventory, City of Canby



Owner-occupied housing units represent 68% of the occupied housing inventory while renter-occupied units account for the other 32% of the inventory (Exhibit 7). Ownership is most prevalent among single-family detached and manufactured housing types while renters are more likely to favor townhomes, plexes, and multifamily units.

Exhibit 7: Existing Housing Tenancy, 2019, City of Canby



Housing Market Characteristics

To help gauge housing attainability in Canby, local median family income (MFI) levels were evaluated using U.S. Housing and Urban Development (HUD) guidelines. By applying the assumptions shown in Exhibit 8 and 9, based on median family income (MFI) for Clackamas County (\$88,517), HUD guidelines indicate that upper-middle households (with 4 family members) earning 80% of the MFI should be able to afford monthly rents at \$2,656.

Exhibit 8: Canby Housing Affordability Analysis Assumptions

Assumptions		
Interest Rate (conventional)	7.0%	
Downpayment	5%	
Mortgage duration (Years)	30	
Income Affordability Target Level %	30%	of median income
Property Taxes	0.0125	% of sales price
Mortgage Insurance	0.0085	% of loan amt.
Home Insurance	0.0029	% of sales price

The rents shown in Exhibit 9 are considered “attainable” if no more than 30% of household income is allocated to housing.

Exhibit 9: Canby Affordable Housing Analysis: Renters

Clackamas County Median Family Income Level (2021)*	\$88,517	
HUD Qualifying Income Level: Renters	Lower-end	Upper-End
Upper (120% or more of MFI)	\$106,220 or more	
Middle (80% to 120% of MFI)	\$70,814	\$106,220
Low (50% to 80% of MFI)	\$44,259	\$70,814
Very Low (30% to 50% of MFI)	\$26,555	\$44,259
Extremely Low (less than 30% of MFI)	\$26,555 or less	
Attainable Monthly Housing Cost: Renters (@30% of income)	Lower-end	Upper-End
Upper (120% or more of MFI)	\$2,656 or more	
Middle (80% to 120% of MFI)	\$1,770	\$2,656
Low (50% to 80% of MFI)	\$1,106	\$1,770
Very Low (30% to 50% of MFI)	\$664	\$1,106
Extremely Low (less than 30% of MFI)	\$664 or less	

*Note, this analysis is generally consistent with 2.5-person household size.

** See assumptions provided in supporting table.

Source: analysis by FCS Group using Housing and Urban Development data.

Monthly housing costs are generally higher for homeowners than renters due to added costs associated with insurance and taxes. If 30% of income is allocated to mortgage interest and principal, using the assumptions stated on Exhibits 8 and 10, the expected housing cost for owners at 80% MFI level is \$2,245, which should be sufficient to afford a home priced at \$277,000 (Exhibit 10). Note, this analysis is based on a 5% downpayment. Hence the attainable home price would increase to \$317,000 with a 20% down payment since the homebuyer would bring more cash to closing than with a 5% down payment. The mortgage scenarios shown below assume no existing debt.

Exhibit 10: Canby Affordable Housing Analysis: Homeowners

Clackamas County Median Family Income Level (2021)*	\$88,517	
HUD Qualifying Income Level:	Lower-end	Upper-End
Upper (120% or more of MFI)	\$106,220 or more	
Middle (80% to 120% of MFI)	\$70,814	\$106,220
Low (50% to 80% of MFI)	\$44,259	\$70,814
Very Low (30% to 50% of MFI)	\$26,555	\$44,259
Extremely Low (less than 30% of MFI)	\$26,555 or less	
Supportable Housing Price: Mortgage Principal & Interest	Lower-end	Upper-End
Upper (120% or more of MFI)	\$415,000 or more	
Middle (80% to 120% of MFI)	\$277,000	\$415,000
Low (50% to 80% of MFI)	\$173,000	\$277,000
Very Low (30% to 50% of MFI)	\$104,000	\$173,000
Extremely Low (less than 30% of MFI)	\$104,000 or less	
Monthly Housing Costs for Owners: PIT & Insurance**	Lower-end	Upper-End
Upper (120% or more of MFI)	\$3,367 or more	
Middle (80% to 120% of MFI)	\$2,245	\$3,367
Low (50% to 80% of MFI)	\$1,403	\$2,245
Very Low (30% to 50% of MFI)	\$842	\$1,403
Extremely Low (less than 30% of MFI)	\$842 or less	

*Note, this analysis is generally consistent with 2.5-person household size.

** See assumptions provided in supporting table.

Source: analysis by FCS Group using Housing and Urban Development data.

Canby home values increased significantly between 2019 and 2022, before tapering down in 2023. As indicated in Exhibit 11, the median home value price index in Canby increased to \$562,000 (as of April 2023), with annual average price increase of 8.2% over the past five years. Other cities in the region have experienced even larger home price increases (Exhibit 11).

Exhibit 11: Zillow Home Value Price Index in Select Markets

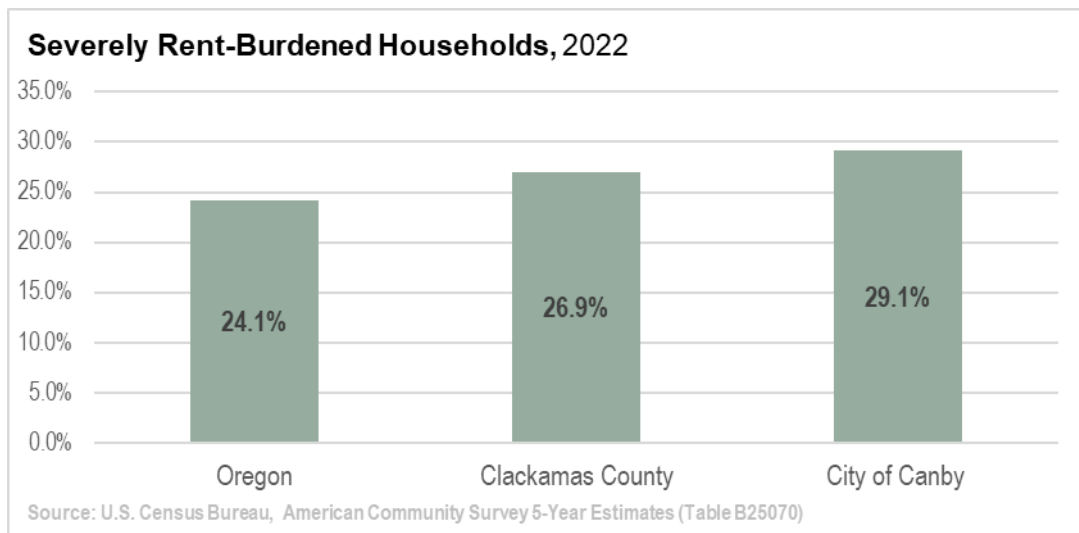
	2019	2020	2021	2022	2023	Annual Change %
Canby	\$432,000	\$463,000	\$560,000	\$581,915	\$561,936	8.2%
Aurora	\$362,000	\$393,000	\$479,000	\$717,490	\$656,116	19.6%
Wilsonville	\$470,000	\$503,000	\$606,000	\$635,102	\$634,357	9.4%
Oregon City	\$446,000	\$479,000	\$579,000	\$596,475	\$582,212	8.3%

Source: Zillow.com; Home Value Index for December of each year, April 24, 2023.

According to U.S. Housing and Urban Development (HUD), households are “cost burdened” if they pay over 30% of their income on housing. Households are “severely cost burdened” when they pay over 50% of their income on housing.

As shown in Exhibit 12, over 29% of the rental households in Canby were severely cost burdened in 2022, which is higher than Clackamas County (26.9%) and Oregon as a whole (24.1%).

Exhibit 12: Canby Severely Rent-Burdened Households



Input received from stakeholder interviews suggests that rental housing construction in Canby is not keeping up with demand. An evaluation of housing inventory gaps indicates that there is a current shortfall or gap in available rental housing at the upper- and lower-price points (Exhibit 13). This is understandable at the lowest price points where there is always more demand than supply. The fact that there is more housing demand than supply for higher-priced rentals (affordable to those making at least 80% of the MFI) reflects an aging housing inventory and demonstrates strong “pent up” demand for market rate apartments that rent for over \$875 per month.

With favorable housing investment policies, it is likely that there could be near-term market activity for addressing the current estimated 317-unit gap in market rate rental apartments (see Exhibit 13). In addition to this level of pent-up demand for market-rate rentals, it is estimated that at least 180 government subsidized or deed-restricted housing units are needed in Canby.

Exhibit 13 Rental Housing Gap Analysis, City of Canby**

Median Household Income Range	Affordable Monthly Rent *	Renter-Occupied Households	Rental Units at this Rent Level	Housing Unit (Gap) or Surplus	Pent Up Demand
\$75,000 or more:	\$1,875	424	317	(107)	(317) market rate gap
\$50,000 to \$74,999:	\$1,250-\$1,875	594	384	(210)	
\$35,000 to \$49,999:	\$875-\$1,250	298	785	487	
\$20,000 to \$34,999:	\$500-\$875	399	409	10	
Less than \$20,000:	Less than \$500	313	133	(180)	(180) subsidized housing gap
Zero or Negative Income	Requires subsidy	19	19	-	
Total		2,047	2,047	-	(497)

Source: U.S. Census Bureau, American Community Survey 2010-2019; FCS GROUP.

* Calculated as 30% of income range based on HUD guidelines

** It should be noted that the rental units shown as "Housing Unit Surplus" reflect housing that is priced at a level that is not consistent with current Canby household income levels for that market segment. These "surplus" rental units are being occupied by households in other income categories, which in turn drives up rental cost burdens for lower-income households.

Historically, during the 11-year time frame (2017 to Aug. 1, 2023), the City of Canby issued building permits for 25 subdivisions and 4 minor partitions. These developments resulted in 774 dwelling units being added over those seven years. As indicated in Exhibit 14, 110.7 net vacant and part vacant acres were utilized for these developments. For a detailed summary of historic subdivision activity by land use category, see Appendix A.

Exhibit 14

Approved Subdivisions and Minor Partitions by Land Area, City of Canby, 2017-2023

	Less than 1 acre	1 to 5 acres	5 to 10 acres	Over 10 acres	Total
Subdivisions					
No. of Approvals	7	12	2	4	25
Acres included	2.6	29.0	11.8	65.7	109.0
% Distribution	2%	27%	11%	60%	100%
Minor Partitions					
No. of Approvals	4				4
Acres included	1.7				1.7
% Distribution	100%				100%
Total Acres included	4.3	29.0	11.8	65.7	110.7
% Distribution	4%	26%	11%	59%	100%

Source: analysis of new residential construction permits issued between 2017 and 2023, City of Canby Planning Dept. Aug 2023.

Future residential construction in the “development pipeline” will address a portion of the immediate market gap for rentals noted above. As of November 2023, there are 412 dwellings in various stages of development, including 165 apartments/plexes, 48 townhomes and 199 single family homes (Exhibit 15).

Exhibit 15 Canby Development Construction Pipeline

Canby Housing Construction Pipeline - Unit Count and Acres

Housing Type	Comp. Plan Category	Primary Housing Types	Net Acres	# of Dwelling Units	Dwellings per Net Acre
Single Family Detached	LDR	SFD	49.0	199	4.1
Single Family Attached	MDR	Townhomes	6.2	48	7.7
Multifamily	HDR, DC	Apts.	0.6	5	8.9
Multifamily (Hope Village)	HDR, RC	Apts., & 5 Plexes	11.5	160	13.9
Total			67.3	412	6.1

Source: City of Canby, Nov. 2023.

Housing Needs

Summary of Future Housing Needs

There is a linkage between demographic characteristics and housing choice. Housing needs change over a person’s lifetime. Some factors that influence housing include:

- Homeownership rates increase as income rises.
- Single family detached homes are the preferred housing choice as income rises.
- Renters are much more likely to choose multifamily housing options (such as apartments or plexes) than single-family housing.
- Very low-income households (those earning less than 50% of the median family income) are most at-risk for becoming homeless if their economic situation worsens.

Based on the population projections described earlier and the most current household size estimates of 2.7 people per household, the total net new housing need within the Canby UGB over the next 20 years is approximately 2,286, housing units (including 24 units for people living in group quarters) as shown in Exhibit 16. This baseline housing need forecast assumes that the current share of group quarters population (includes people residing in congregate care facilities and housing shelters) and housing vacancy rates remain constant.

Exhibit 16: Canby Housing Needs Forecast

Canby UGB Baseline Housing Needs Forecast: Safe Harbor			
	2022	2043 forecast	Change
UGB Population	18,655	24,586	5,931
Less Group Quarters Pop. (0.6%)	111	146	35
Pop in Households	18,544	24,440	5,895
Avg. Household Size	2.70	2.70	
Households (year round)	6,872	9,057	2,185
Vacancy and Seasonal Adjustment	3.4%	3.4%	77
Growth-related Housing Demand (dwelling units)	7,115	9,376	2,262
Group Quarters Dwelling Units*			24
Total Housing Units			2,286

* Category includes group quarters housing demand @1.5 persons per dwelling unit.

Housing Demand by Dwelling Type and Tenancy

This baseline housing need forecast is generally consistent with the current stratification of households by income level and trend towards increasing need for more attainable middle housing types.

During the HNA process, three additional dwelling demand forecasts were considered by applying “safe harbor” methods that are consistent with Oregon land use planning rules. Those three methods utilize “safe harbor” provisions provided by the State to ascertain dwelling demand and land needs based on jurisdiction size (population level) and housing characteristics.

"Safe harbor" means an optional course of action that a local government may use to satisfy a requirement of Goal 14 (urbanization); and if the city needs to expand their urban growth boundary, a safe harbor analysis lends protections from appeals on certain elements. A safe harbor is not the only way or necessarily the preferred way to comply with the requirements of a housing needs analysis. It was employed for the city of Dallas as an alternative way of looking at residential land need scenarios for the 20-year forecast.

There are four (3) types of safe harbor methods that were considered for the determination of residential land needs for Canby which are consistent with OAR 660-024-0040(8), including:

- » Method 1 Safe Harbor Combined Housing Mix and Density
- » Method 2 Safe Harbor Incremental Mix A
- » Method 3 Safe Harbor Incremental Mix B
- » Method 4 Base Case Scenario (Locally Preferred Method)

Refer to Appendix B for supporting analysis of Methods 1-3 alternative forecast scenarios.

The baseline housing forecast (locally preferred Method 4) is also based on “safe harbor” assumptions for forecasting housing types to address current household income levels and market preferences. The housing demand forecast includes: 1,355 single-family detached homes; 369 townhomes/plexes; 385 multifamily units (apartments); and 154 manufactured housing accessory dwellings (Exhibit 17). There will also be demand for approximately 23 units of group quarters housing (such as congregate care, in-patient care, etc.).

Exhibit 17: Canby Baseline Housing Needs by Tenure & Housing Type

Housing Demand Mix	Owner Units	Renter Units	Total Dwelling Units	Projected Housing Need (Units)
Housing Tenure Distribution:	67.9%	32.1%	100.0%	
Single Family Detached			59.9%	1,355
Townhomes / Plexes			16.3%	369
Multi family (5+ units)			17.0%	385
Mfg. home/other			6.8%	154
Total percent			100.0%	
Housing Units	1,536	725		2,262
Group Quarters Dwelling Units*				24
Total Housing Units				2,286

Analysis based on preceding tables.

* Category includes group quarters housing demand @1.5 persons per dwelling unit.

Exhibit 18 identifies the types of housing products that are most consistent with the projected housing needs for Canby.

Exhibit 18: Projected Housing Demand by Income Level, Canby UGB

Canby UGB Baseline Housing Needs Forecast by Household Income Level

Household Income Level	Owner Units	Renter Units	Total Dwellings	% Mix	Representative Attainable Housing Products
Upper (120% or more of MFI)	615	-	615	27%	Standard Detached Homes
Upper Middle (80% to 120% of MFI)	691	44	735	32%	Small Lot Homes & Cottages
Lower Middle (50% to 80% of MFI)	230	181	412	18%	Townhomes, Plexes & Mfg. Homes
Low (less than 50% of MFI)	-	261	261	12%	Apts., ADUs, Gov't Assisted
Very Low (less than 30% of MFI)	-	239	239	11%	Apts., ADUs & Govt. Assisted Housing
Housing Units	1,536	725	2,262	100%	
Plus Group Quarters Units		24	24		Transitional housing & congregate care
Total Dwelling Units	1,536	749	2,286		
Demand Mix	67%	33%	100%		

Source: estimates based on prior tables and stated assumptions.

To accurately forecast the amount of land required to address 20-year housing needs, the overall housing need must be adjusted to account for near-term development that is in the construction pipeline. As shown in Exhibit 19, the remaining housing that is needed after pipeline construction projects are completed includes 1,874 total housing units.

This housing needs forecast will serve as the basis for forecasting residential land needs for the Canby Urban Growth Boundary.

Exhibit 19: Projected Housing Demand after Pipeline Construction Units are Built
Projected 20-year Housing Need After Pipeline BLI Reduction, Canby

Housing Type	20-Year Dwelling Unit Demand before pipeline adjustment	20-Year Dwelling Unit Demand in pipeline*	Remaining Demand after pipeline adjustment	% Dist.
Single Family Detached (Standard Lots)	615	60	555	30%
Single Family Small Lot & Cottages	735	139	596	32%
Townhomes / Plexes / Mfg. Homes	412	48	364	19%
Apartments/Other**	524	165	359	19%
Total	2,286	412	1,874	100%

Note: numbers may not add exactly due to rounding.

**Projects in pipeline have pending buildings permits & reflects Hope Village Master Plan, as of Nov. 2023.*

*** Category also includes group quarters housing demand .*

Buildable Land Inventory

In accordance with OAR 660-008-0005 (2) and OAR 660-009-0015 (3), an estimate of buildable land inventory (BLI) within Canby's Urban Growth Boundary (UGB) has been created to determine that amount of land available to meet housing and employment needs. The BLI analysis uses the most current Geographic Information Systems (GIS) data provided available for the Canby UGB.

BLI Methodology

The objective of the BLI is to determine the amount of developable land available for future residential housing and economic development within the UGB. The steps taken to perform this analysis are as follows:

1. Calculate gross acres by plan designation, including classifications for fully vacant and partially-vacant parcels. This step entails "clipping" all of the tax lots that are bisected by the current UGB to eliminate land outside current UGB from consideration for development at this time. City staff input was provided to provide a level of quality assurance to review output is consistent with OAR 660-008-0005(2) and OAR 660-009-0015 (3).
2. Calculate gross buildable acres by plan designation by subtracting land that is constrained from future development, such as such as existing public right-of-way, parks and open space, steep slopes, and floodplains. Canby's Comprehensive Plan call for an additional reduction for wetlands from the buildable land.
3. Calculate net buildable acres by plan designation, by subtracting future public facilities such as roads, schools and parks from gross buildable acres.
4. Determine total net buildable acres by plan designation by taking into account potential redevelopment locations and mixed-use development opportunity areas.

The detailed method used to create the land inventory is described below.

Residential Land Base

The residential land base reflects current Canby Comprehensive Plan land use designations. Properties that are within the residential land base include the following base zone classifications:

Residential Comprehensive Plan Land Use Classifications

- Low Density (LDR)
- Medium Density (MDR)
- High Density (HDR)
- Residential Commercial (RC)
- Downtown Commercial (DC)

Residential Zoning Categories

- Rural Residential Farm Forest 5-acre (RRFF5)
- Low Density (R1)
- Medium Density (R1.5)
- High Density (R2)
- Residential Commercial (CR)
- Downtown Commercial (C1)

These classifications have been kept consistent throughout the analysis.

Land Classifications

The next step in the BLI analysis includes classifying each tax lot (parcel) into one of the following categories. In some cases, tax lots had to be split to accompany different plan classifications. Split tax lots are treated as individual and might go into any of the categories described below.

Vacant land: Properties with no structures or have buildings with very little value. For purpose of the BLI, residential lands with improvement value less than \$10,000 are considered vacant. These lands were also subjected to review using satellite imagery via Google Earth; and if the land is in a committed use such as a parking lot, an assessment has been made to determine if it is to be classified as vacant, part vacant or developed.

Partially vacant land: Properties that are occupied by a use (e.g., a home or building structure with value over \$10,000) but have enough land to be subdivided without the need for rezoning. This determination is made using tax assessor records and satellite imagery. For Single Family lots, it is assumed that ¼ acre (10,890 sq. ft.) is retained by each existing home, and the remainder is included in the part vacant land inventory. For non-single family uses aerial imagery was used to determine the size of the unused portion.

Redevelopment Potential: Includes properties that are occupied by a current building that has a higher land value than building value. Redevelopment tax lots must have at least 20,000 sq.ft. of unconstrained land area and cannot be contained in the developed or partially vacant BLI categories.

Developed: Properties unlikely to yield additional residential development for one of two reasons: they possess existing structures at densities that are unlikely to redevelop over the planning period; or they include parcels with Comprehensive Land Use Plan designations that do not permit housing development.

Note: The Willamette Valley Country Club is categorized as developed. Portions of the property that are zoned for residential use include the club house and parking lot. The golf course is considered an Outdoor Recreation and Conservation Area by Metro.

Note: For this draft of the Canby HNA, the tax lots that have been issued construction permits have been identified as “Pipeline” projects and have been analyzed separately. The land area and housing units associated with these developments are subtracted from the remaining land

inventory and projected housing needs. Pipeline projects were identified by City staff as parcels where building or construction permits have been issued as of November 2023. The City received direction from DLCD staff that a parcel must have a building permit to be considered developed.

Other: Properties which are regarded as unlikely to be developed because they are restricted by existing uses such as: public parks, schools, ballfields, roads and public right-of-way (ROW); common areas held by Homeowners Associations, cemeteries, power substations, and constrained by more than 85% of its area.

These tax lot classifications were validated using satellite imagery, street view, building permit data, and assessor records. Preliminary results were refined based on City staff and public input received during the Housing Needs Analysis (HNA) planning process.

Development Constraints

The BLI methodology for identifying and removing development constraints is consistent with state guidance on buildable land inventories per OAR 660-008-0005(2) and OAR 660-009-0015 (3), as well as 660-038-0070 and 660-038-0130. The BLI is intended to include land that is “suitable, available, and necessary for residential and economic uses.” “Buildable Land” includes residential and economic designated land within the UGB, including vacant, part vacant and land that is likely to be redeveloped; and suitable, available, and necessary for residential uses.

Public-owned land is generally not considered to be available for new growth unless the underlying zoning permits housing. It should be noted that “available” in this context does not mean that the land is presently on the market. It is assumed in this analysis that such land is expected to come on the market within the 20-year timeframe of this study.

Land is identified as “suitable for new development” unless it is:

- Severely constrained by natural hazards as determined by the Statewide Planning Goal 7;
- Designated with natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;
- Has slopes over 25 percent (average of 25-foot elevation for 100 feet of length);
- Within the 100-year flood plain; or
- Cannot be served with public facilities

Based on state guidelines and data provided by the City of Canby, the following constraints have been deducted from the residential lands inventory.

- Open water of at least one-half acre in size.
- Land within the 100-year floodplains. This includes lands in flood-hazard areas as identified by the Flood Prone classification of Canby’s Comprehensive Plan.
- Wetlands identified by the City and identified in the Comprehensive Plan as a barrier for future development.
- Land within Metro’s ORCA (Outdoor Recreation & Conservation Areas) data set.
- Land in public ownership with no development potential.
- Land with slopes greater than 25%.

Based on this analysis, the land that contains significant environmental constraints (slopes, floodplains, wetlands, etc.) have been identified as “constrained land.”

Partially-vacant land includes properties that are occupied by a use (e.g., a home or building structure with value over \$10,000) with enough land to be subdivided without the need for rezoning. DLCD staff provided guidance regarding “development conversion strike price” assumptions for part-vacant tax lots under 5 acres in size.

This BLI “strike price” analysis assumes that small part-vacant and small high-value tax lots are identified as “constrained” and are not likely to develop within the next 20 years. This analysis assumes that smaller high-value part-vacant land is constrained if at least one of the following factors are met:

- **Small part vacant tax lots with higher-than-average existing home value.** This includes part vacant tax lots with LDR plan designation with under 5 net buildable acres; and part vacant MDR and HDR tax lots with under 2 acres. Average home values for Canby are calculated based on analysis of all developed tax lots within the Canby UGB per 2023 Clackamas County Assessor records (2023 average assessed home value = \$469,235);
- **Very Small part-vacant lots.** This includes part vacant tax lots less than 0.42 acres in size. This lot size is based on a minimum parcel size that is less than 2.5 X the current allowable minimum lot size. For LDR designations this includes tax lots that are under 0.42 acres (7,250 square feet minimum lot size for single family homes @ 6 units per acre) X 2.5 = 18,150 square feet or 0.42 acres). Note, for HDR and MDR part vacant tax lots, the BLI removes all tax lots under 0.42 acres and tax lots under 2 acres with existing homes valued above \$469,235.

The Canby BLI “strike price” constraints analysis identified 162 tax lots with a total of 159.1 acres of part-vacant land that’s constrained by the lot size and high current home value. The average lot size for these tax lots is 0.98 acres. As shown in Exhibit 20, most of this area (116.7 acres) is designated as LDR land.

Exhibit 20: Part Vacant BLI Constrained by High Existing Home Value and Small Parcel Size

Part Vacant BLI	<1 acre		1 to 5 acres		Total	
	Acres	Lots	Acres	Lots	Acres	Lots
HDR - High Density Residential	(3.2)	(18)	(7.5)	(5)	(10.7)	(23)
MDR - Medium Density Residential	(4.4)	(20)	(24.9)	(17)	(29.2)	(37)
LDR - Low Density Residential	(15.1)	(36)	(101.6)	(63)	(116.7)	(99)
RC - Residential Commercial	-	-	(2.4)	(1)	(2.4)	(1)
DC - Downtown Commercial	(0.1)	(2)	-	-	(0.1)	(2)
Constrained Part Vacant BLI Adjustment	(22.8)	(76)	(136.3)	(86)	(159.1)	(162)

Source: 3J Consulting and FCS GROUP.

Redevelopment Opportunities

Properties with redevelopment potential include existing developed tax lots with an assessed land value that is greater than the current improvement (building) value based on 2023 County Assessor records. This BLI also assumes that lots identified for “Redevelopment” has at least 20,000 sq.ft. of buildable land area to be considered for redevelopment over the next 20 years. After removing environmental constraints, this BLI analysis has identified 7 tax lots with a total of 3.4 acres that have redevelopment potential (Exhibit 21).

Buildable Land Inventory Results

A summary of the Canby UGB residential land base by plan designation is provided in Exhibit 21. The findings indicate there is a total of 1,745.5 acres land designed for residential (also includes mixed use designations that allow housing). The current residential land area includes 1,461 developed acres and approximately 282.2 acres of buildable residential land area (this includes developments in the current construction pipeline). The residential BLI includes only 2.3 acres of vacant unconstrained land, 114.9 acres of constrained vacant land, 163.9 acres of part-vacant land, and 3.4 acres of redevelopment land area.

Exhibit 21: Residential Land Base by Zone Designation, Canby UGB (includes developments in construction pipeline)

Comprehensive Plan Category	Developed Land*	Partially Constrained Vacant	Buildable Vacant	Buildable		Total Buildable	Total
				Part Vacant	Redevelopment		
HDR - High Density Residential	225.8	10.4	(0.0)	3.3	0.5	14.2	240.0
MDR - Medium Density Residential	238.2	10.5	(0.0)	32.1	0.5	43.1	281.3
LDR - Low Density Residential	946.5	90.9	2.3	127.5	2.0	220.4	1,169.1
RC - Residential Commercial	15.8	2.0	-	1.0	0.5	3.5	19.3
DC - Downtown Commercial	34.8	1.0	(0.0)	-	-	1.0	35.7
Total	1,461.0	114.9	2.3	163.9	3.4	282.2	1,745.5

Source: Canby Buildable Land Inventory; 3J Consulting, May 2024.

*Developed acreage excluding acreage that falls into vacant, part-vacant and redevelopment categories.

Results summarized in Exhibit 22 indicate that after accounting for the various development constraints identified previously, the remaining residential BLI is comprised of a mix of small, medium and larger tax lots.

Exhibit 22: BLI by Lot Size, Canby UGB (includes developments in construction pipeline)

Residential BLI in Canby UGB (before Pipeline Sites are Removed from BLI)

Total BLI	<2 acre lots	2 to 5 acre lots	5 to 10 acre lots	>=10 acre lots	Total
HDR - High Density Residential	6.3	2.1	5.9	-	14.2
MDR - Medium Density Residential	8.3	14.6	20.3	-	43.1
LDR - Low Density Residential	38.3	24.2	71.8	86.0	220.4
RC - Residential Commercial	3.5	-	-	-	3.5
DC - Downtown Commercial	1.0	-	-	-	1.0
Total Acres	57.4	40.8	98.0	86.0	282.2
% Distribution	20%	14%	35%	30%	100%

Source: City of Canby Planning Dept.; Canby Buildable Land Inventory; 3J Consulting, May 2024.
Excludes tax lots contained in the construction pipeline.

Development in the Construction Pipeline

Adjustments to the remaining BLI have been made to account for vacant land that has been issued a construction permit as of November 2023. According to the City there are 65.2 acres of vacant and part-vacant residential in with building construction permits (Exhibit 23).

Exhibit 23: Buildable Land Inventory in Development Pipeline by Lot Size, Canby UGB

BLI in Development Pipeline (sites under construction as of Nov. 2023)	<2 acre lots	2 to 5 acre lots	5 to 10 acre lots	>=10 acre lots	Total
HDR - High Density Residential	1.9	2.1	5.9	-	9.8
MDR - Medium Density Residential	5.9	-	-	-	5.9
LDR - Low Density Residential	9.9	3.0	-	34.7	47.6
RC - Residential Commercial	1.9	-	-	-	1.9
DC - Downtown Commercial	-	-	-	-	-
Total Acres	19.6	5.1	5.9	34.7	65.2
% Distribution	7%	2%	2%	13%	23%

Source: City of Canby Planning Dept.; Canby Buildable Land Inventory; 3J Consulting, November 2023.

Remaining Unconstrained Buildable Residential Land

Exhibit 24 shows the remaining amount of buildable residential land after removing tax lots that are in the development construction pipeline. The Canby UGB has a total gross buildable land inventory of 220.8 acres, including 173.7 acres of Low Density land (LDR), 37.2 acres of Medium Density land (MDR), and 9.8 acres of Higher Density land (includes land designated as HDR, RC and DC). Additional detail regarding Canby’s remaining unconstrained residential BLI for vacant, part-vacant and redevelopable land categories is provided in Appendix C.

Exhibit 24: Remaining Buildable Residential Land, Canby UGB (after removing pipeline developments)

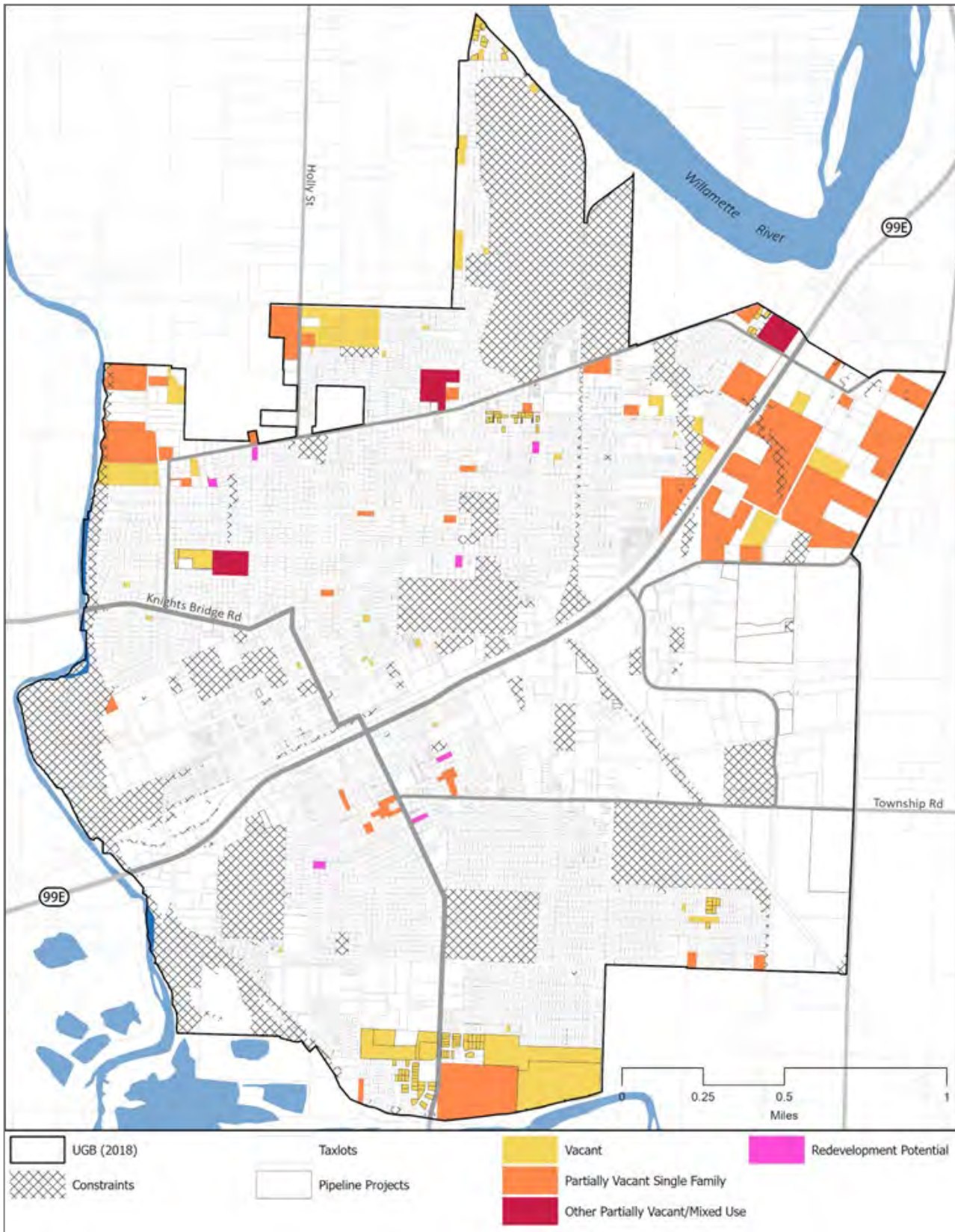
Residential BLI in Canby UGB (after Development in Pipeline Sites are Removed from BLI)

Adjusted BLI After Pipeline is Removed	<2 acre lots	2 to 5 acre lots	5 to 10 acre lots	>=10 acre lots	Total
HDR - High Density Residential	5.4	(0.0)	-	-	5.4
MDR - Medium Density Residential	2.4	14.6	20.3	-	37.2
LDR - Low Density Residential	28.4	21.2	71.8	52.3	173.7
RC - Residential Commercial	3.4	-	-	-	3.4
DC - Downtown Commercial	1.0	-	-	-	1.0
Total Acres	40.6	35.8	92.1	52.3	220.8
% Distribution	18%	16%	42%	24%	100%

Source: City of Canby Planning Dept.; Canby Buildable Land Inventory; 3J Consulting, May 2024.

Exhibit 25 illustrates the residential buildable land inventory (BLI) within Canby’s Urban Growth Boundary (UGB) to determine the amount of land available to meet housing needs.

Exhibit 25. Canby Buildable Land Inventory – by Current Plan Designation



Residential Land Need Analysis

This section summarizes the housing-related land needs forecast for long-range planning purposes. The housing land needs forecast represents a 20-year forecast from 2022 through year 2043. These technical findings are consistent with State of Oregon requirements for determining housing needs per Oregon land use planning Goals 10 and 14, OAR Chapter 660, Division 8, and applicable provision of ORS 197.296 to 197.314 and 197.475 to 197.490.

Housing Need Forecast

As shown earlier in Exhibit 17, the forecasted housing mix for Canby includes 2,286 dwellings that will require vacant or part vacant or redevelopable land. This results in net new housing development on buildable land as follows:

- Single Family Detached: Includes 615 standard lot units and 735 small lot “cottage” homes
- Townhomes, Plexes and Manufactured housing: 412 dwelling units
- Multifamily: 524 dwelling units (includes apartments and condominiums with 5+ units per structure) plus 23 group quarters units).

As shown previously in Exhibit 17, the forecasted housing need of 2,286 dwelling units will be partially addressed by 412 units currently in the development pipeline. Once pipeline developments are completed, the remaining housing demand over the next 20 years is expected to consist of 1,874 dwellings.

Methodology for Forecasting Residential Land Need

The methodology for projecting housing land needs within the Canby UGB builds upon the residential housing needs forecast for 1,874 dwellings that are not within the current construction pipeline.

The analysis of UGB land requirements to accommodate the planned housing need included the following steps.

Step 1 takes into account the forecasted number of dwelling units by housing type, including single family detached, townhomes and plexes, multifamily, and manufactured homes as well as group quarters population (derived from Exhibit 17).

Step 2 considers the amount of new dwellings in the construction pipeline and subtracts them from the total housing demand identified in Step 1 (derived from Exhibit 17).

Step 3 considers the amount of net buildable land required to accommodate the future housing demand after subtracting the dwellings being constructed in the development pipeline; and applies the expected development density for each general housing type (see Exhibit 26). It should be noted that the City recently amended its development code to allow “middle housing” such as townhomes

and plexes to be constructed in any R-1 or R-1.5 land use zone. As such, the projected density levels are based on the historic level of approved residential developments in Canby plus a “safe harbor” planning assumption that increases prior density levels for each housing type by 3% through infill and redevelopment of existing developed tax lots.

Step 4 includes an allowance for future roadways and utility easements. The factors used to convert net to gross buildable acres for each housing type are based on City of Canby planning staff analysis of approved subdivision activity that occurred from 2017 to 2023. The factors used in this HNA represent the difference between gross land area and net land based generally upon recorded final plats for buildings and structures, less any land area conveyed to the City for public parks. The resulting average between gross and net land area for future housing equates to a factor of 1.231 (excluding land for public parks). This factor varies for each housing type and accounts for the expected amount of land needed for future roadways, public right of way, and utility easements. Please refer to Appendix A-2 for details.

Step 5 includes a comparison (reconciliation) between the land need determined in Step 4 and the remaining residential buildable land inventory after pipeline construction projects are subtracted, as presented in Section 3 of the HNA.

Exhibit 26 identifies the housing types and expected density levels that are consistent with the projected housing need. The results indicate a need for 238.8 net buildable acres and 293.9 gross buildable acres (includes future roadway and utility easements but excludes public parks).

Exhibit 26: Projected Housing Land Need and Density Levels, Canby UGB (excludes public parks)

Dwelling Unit Type	Proj. 20-Year Housing Need (after pipeline units are deducted)	Most Typical Plan Designation ¹	Most Applicable Local Zones ¹	Allowable Density (DU per Net Ac)	Historic Density (DU per Net Ac) ³	Expected Avg. Density (DU per Net Ac) ⁴	Site Requirements (net buildable acres)	Factor for New Street ROW & Utilities ⁵	Gross Buildable Land Need (acres)	Proj. Avg. Net Lot Size per DU
Single Family Detached (Standard Lot)	555	LDR	R-1	3 to 6.6	5.30	5.46	101.7	1.255	127.6	7,984
Single Family (Small Lot)	596	LDR	R-1	3 to 6.6	7.42	7.64	77.9	1.318	102.7	5,699
Townhomes / Plexes ¹	364	MDR	R-1.5	7 to 8.5+	8.60	8.86	41.0	1.105	45.3	4,915
Multi-family/Other ²	359	HDR/All	R-2, DC	14 to 28+	19.28	19.86	18.1	1.008	18.2	2,194
Total	1,874						238.8	1.231	293.9	

Source: derived from prior tables and analysis of approved subdivisions in Canby between 2017 and 2023.

¹ Manufactured housing is allowed in all residential zones.

² Category also includes group quarters housing demand @1.5 persons per dwelling unit.

³ Actual densities based on analysis of new residential building permits, per City of Canby analysis Aug. 2023. Excludes public parks.

⁴ Assumes 3% increase in historic density after adoption of Housing Production Strategy and HB 2001 housing measures.

⁵ Reflects site area required for future roads and utility easements; excludes public parks based on city permitting records.

The Canby HNA analysis also evaluated a land needs scenario (Scenario 4A) that reflected a “safe harbor” public facilities factor of 1.25 for all housing types. Those findings are reflected in Appendix A-4 and resulted in higher overall land needs to reflect additional land associated with public parks, which have been excluded from land needs findings shown in Exhibits 26-27. During the HNA process, the City determined that supplemental analysis is needed to ascertain specific amount of additional land needed for parks.

UGB Sufficiency Analysis

The Canby HNA assumes that all identified unconstrained vacant, part vacant and redevelopable land inside the Canby UGB that is planned for residential or mixed-use development is fully developed for that intended purpose over the next 20 years.

Based on the BLI findings there are 220.8 acres of buildable land supply that has been designated for residential or mixed-use development within the UGB after accounting (subtracting acres) for developments in the construction pipeline. The residential land needed to accommodate 1,874 net new dwellings equates to 293.9 acres (includes roadway right-of-way and utility easements but excludes public parks). As shown in Exhibit 27, the Canby UGB is currently deficient in all residential land use categories.

The amount of additional UGB land that's needed is expressed in gross buildable acres as follows:

- Lower Density = 22.6 acres for standard single-family lots and 33.9 acres for small lots and cottages;
- Medium Density = 8.1 acres needed for townhomes and plexes (2 to 4 units per structure); and
- Higher Density = 8.4 acres needed for apartments and other structures with 5 or more dwelling units per building.

Exhibit 27: Reconciliation of Residential Land Needs, Canby UGB

Dwelling Unit Type	Most Typical Plan Designation ¹	Buildable Land Requirement ³	Current Buildable Land Inventory ³	Buildable Land Deficit (excluding public parks)	UGB Land Sufficiency (excludes public parks)
Single-Family Standard Lot	LDR	127.62	173.74	(22.62)	<i>inadequate land supply</i>
Single-Family Small Lot & Cottages		102.67		(33.93)	<i>inadequate land supply</i>
Townhomes/Plexes (2-4 units)	MDR	45.34	37.25	(8.10)	<i>inadequate land supply</i>
Multi-family/Other ²	HDR /varies	18.24	9.82	(8.42)	<i>inadequate land supply</i>
Total (gross buildable acres)		293.87	220.80	(73.07)	<i>inadequate land supply</i>

Source: prior tables; and interpretation of current zoning code and housing development/market conditions.

¹ Manufactured housing is allowed in all residential land use classifications.

² Category also includes group quarters housing demand.

³ Derived from previous Exhibits.

These BLI findings indicate that the City will need to consider various policy strategies to address these deficiencies and ensure that it can accommodate planned 20-year housing needs for low, medium, and higher-density housing designations.

Findings and Recommendations

Key Findings

Canby's population growth over the next 20 years will result in new households that will require additional housing. Key findings of the housing needs analysis include:

- Over 29% of renter households in Canby are severely rent burdened with more than 50% of their income going towards monthly housing costs. This share is much higher than the Oregon statewide average of 24.1% based on 2022 American Community Survey five-year data.
- Canby's population is forecast to grow at 1.3% per year over the next two decades, adding approximately 5,931 new residents.
- Population growth will require the addition of 2,286 new dwelling units over the next 20 years.
- The forecasted housing mix that addresses 20-year demand is expected to consist of: 615 standard lot detached homes, 735 small lot "cottage" homes; 412 townhomes/plexes/manufactured homes; and 524 apartments or condominiums with 5+ units per structure.
- The forecasted housing need for 2,286 dwelling units will be partially addressed by 412 units that are currently in the development construction pipeline (construction permits have been issued). Once pipeline developments are completed, the remaining housing demand over the next 20 years is expected to consist of 1,874 dwellings.
- The residential land needed to accommodate 1,874 net new dwellings equates to 293.9 gross buildable unconstrained acres (includes land for housing, roadway right-of-way and utility easements but excludes public parks).
- The results of the residential land sufficiency analysis indicate that the current Canby UGB does not have enough buildable land inventory to address its 20-year housing needs. Based on current Comprehensive Land Use Plan designations for future residential and mixed use development, the overall UGB is deficient by 73.1 gross buildable acres.
- The amount of additional UGB land that's needed is expressed in gross buildable acres as follows:
 - Lower Density = 22.6 acres for standard single-family lots and 33.9 acres for small lots and cottages;
 - Medium Density = 8.1 acres needed for townhomes and plexes (2 to 4 units per structure); and
 - Higher Density = 8.4 acres needed for apartments and other structures with 5 or more dwelling units per building.

Housing Strategy Recommendations

Prior to pursuing a UGB expansion to accommodate future housing needs, the City of Canby must demonstrate that the need cannot reasonably be accommodated on land already inside the UGB. The City is required to evaluate opportunities to provide efficient development of residential land within the existing UGB, also known as “land efficiency measures.”

The City of Canby has implemented several land efficiency measures in recent years, including:

- Chapter 16.82 of the Zoning Code has a provision that allows deviations of development standards for "Special Housing Projects for the Elderly or Handicapped."
- Housing in a specifically defined Downtown Core area of the C-1 Zone doesn't have to provide any parking if the development is mixed use.
- The R-2 (High Density) Residential Zone has been amended to require a minimum density of 14 du/ac, preventing lower density development.
- Revised the development code to allow duplexes on lots zoned for single-family detached development.

The City is finalizing a Housing Production Strategy (HPS) concurrent with this Housing Needs Analysis. The purpose of a Housing Production Strategy is to identify specific tools, actions, and policies that the City plans to take to address the housing need identified in the HNA. The City has identified and analyzed 10 strategies in the draft HPS. The City will consider a subset of those strategies, those that can be adopted in the next 1-3 years, as potential land efficiency measures.

Develop criteria and a process for identifying land to up-zone (or rezone) to meet the deficit of land for multifamily housing development. The criteria may include considerations of location, transportation access, access to and capacity of infrastructure, site size, development constraints, and other relevant criteria. This policy is recommended because of a developable high-density residential shortfall identified in the Canby Housing Needs Analysis.

Allow cottages to be developed in clusters with shared central amenities (such as open spaces) to allow for the development of small single-family detached housing clustered on a lot in the R-1, R-1.5, and R-2 zones. This housing type can provide a range of needed housing. Examples of cottage cluster housing across the state of Oregon include subsidized housing for homeless veterans to market rate developments focused on serving seniors. This policy is recommended because of a need for smaller scale, more affordable housing units.

Identify opportunities to streamline the process and standards for designing and approving planned developments. This policy will help to address the need for single-family detached housing in Canby. This policy is recommended so the city can explore ways to reduce the time and monetary costs of producing needed housing in Canby.

Provide incentives to encourage developers to build planned developments with a variety of housing types, including incentives to support the development of income-restricted housing. Examples include use of system development charge (SDC) credits for private financing and the

use of tax increment financing (through new urban renewal district) for funding system roads and infrastructure. This policy will address the need for high-quality, range of housing types in Canby.

Create SDC fee schedule that is scaled based on dwelling unit size. Consider per square foot fees rather than fees per dwelling. This policy will reduce the up-front cost of developing smaller housing units while charging more to larger units, creating a more equitable regime of development fees.

APPENDIX A-1

Analysis of Subdivision Activity

Canby Historic Density Analysis														
Canby Analysis of Approved Subdivisions, as of Aug 31, 2023														
Year 2017 to 2023 (plus pipeline developments)														
5.23.2024 update														
Category	Year	Development Name	Dwelling Units	Total Gross Buildable Acres	Public Parks Acres	Road, Utilities & Open Space Acres	Net Acres	DU / Total Gross Buildable Ac	DU / Gross Ac (excl parks)	DU / Net Ac (excl. parks)	Avg. Lot Size (gross)	Avg. Lot Size (gross excl. parks)	Avg. Lot Size (net)	Housing Type
Approved/Constructed	2018	Beck Pond	69	13.78	0.86	2.54	10.38	5.0	5.3	6.65	8,699	8,157	6,553	Standard Detached
Approved/Constructed	2018	Cougar Run	23	5		1.17	3.83	4.6	4.6	6.01	9,470	9,470	7,254	Standard Detached
Approved/Constructed	2018	Ivy Ridge Estates***	90	24.68	3.39	7.00	14.29	3.6	4.2	6.30	11,945	10,303	6,916	Standard Detached
Approved/Constructed	2019	DuPont/Territorial Place Estates	9	1.96		0.32	1.64	4.6	4.6	5.49	9,486	9,486	7,938	Standard Detached
Approved/Constructed	2019	Hamilton Acres	41	9.14		2.45	6.69	4.5	4.5	6.13	9,711	9,711	7,108	Standard Detached
Approved/Constructed	2019	Tofte Farms 6	16	4.06		1.06	3	3.9	3.9	5.33	11,053	11,053	8,168	Standard Detached
Approved/Constructed	2020	Dodd's Farm	82	19.32		5.37	13.95	4.2	4.2	5.88	10,263	10,263	7,411	Standard Detached
Approved/Constructed	2020	Postlewait Estates	9	1.95		0.13	1.82	4.6	4.6	4.95	9,438	9,438	8,809	Standard Detached
Approved/Constructed	2021	Northwood Estates 4	15	4.45		1.05	3.4	3.4	3.4	4.41	12,923	12,923	9,874	Standard Detached
Approved/Constructed	2021	Hemmerling aka Territorial Gardens	15	3.17		0.67	2.5	4.7	4.7	6.00	9,206	9,206	7,260	Standard Detached
Approved/Constructed	2022	Mark's Place (R-1 portion only)***	150	52	3.09	20.78	28.13	2.9	3.1	5.33	15,101	14,203	8,169	Standard Detached
Approved/Constructed	2020	Redwood Landing 2	29	5.09		1.35	3.74	5.7	5.7	7.75	7,646	7,646	5,618	Small Lot/Cottage
Approved/Constructed	2021	Redwood Addition 2 (R-1.5 portion only)	12	2.46		1.00	1.46	4.9	4.9	8.22	8,930	8,930	5,300	Small Lot/Cottage
Approved/Constructed	2021	Beckwood Place	42	6.68		1.56	5.12	6.3	6.3	8.20	6,928	6,928	5,310	Small Lot/Cottage
Approved/Constructed	2022	Mark's Place (R-1.5 portion only)***	17	2.9		0.07	2.83	5.9	5.9	6.01	7,431	7,431	7,251	Small Lot/Cottage
Approved/Constructed	2017	Trail Crossing Apartments	58	2.58		0.06	2.52	22.5	22.5	23.02	1,938	1,938	1,893	Multi-family (apts)
Approved/Constructed	2018	Tievoli Apartments	8	0.56		0.00	0.56	14.3	14.3	14.29	3,049	3,049	3,049	Multi-family (apts)
Approved/Constructed	2018	Pine Place	6	0.42		0.00	0.42	14.3	14.3	14.29	3,049	3,049	3,049	Attached SF
Approved/Constructed	2019	Bergman Square	4	0.18		0.00	0.18	22.2	22.2	22.22	1,960	1,960	1,960	Attached SF
Approved/Constructed	2020	Schneider Square	4	0.15		0.00	0.15	26.7	26.7	26.67	1,634	1,634	1,634	Attached SF
Approved/Constructed	2021	Redwood Addition 2 (R-2 portion only)***	32	2.13		0.28	1.85	15.0	15.0	17.30	2,899	2,899	2,518	Attached SF
Approved/Constructed	2021	State Street Apartments	12	0.44		0.00	0.44	27.3	27.3	27.27	1,597	1,597	1,597	Multi-family (apts)
Approved/Constructed	2022	Monen/Wild Hare Rentals	8	0.52		0.00	0.52	15.4	15.4	15.38	2,831	2,831	2,831	Multi-family (apts)
Approved/Constructed	2023	Manzanita Apartments (R-2 portion only)	23	1.01		0.00	1.01	22.8	22.8	22.77	1,913	1,913	1,913	Multi-family (apts)
Minor Partition	2019	MLP 19-02	2	0.49		0.00	0.49	4.1	4.1	4.08	10,672	10,672	10,672	Standard Detached
Minor Partition	2019	MLP 19-01	2	0.15		0.00	0.15	13.3	13.3	13.33	3,267	3,267	3,267	Attached SF
Minor Partition	2018	MLP 18-02	2	0.39		0.00	0.39	5.1	5.1	5.13	8,494	8,494	8,494	Standard Detached
Minor Partition	2018	MLP 18-01 (A)	1	0.18		0.00	0.18	5.4	5.4	5.44	8,001	8,001	8,001	Standard Detached
Minor Partition	2018	MLP 18-01 (B)	8	0.56		0.00	0.56	14.4	14.4	14.38	3,029	3,029	3,029	Multi-family (apts)
Pipeline	2024-25	Subdivisions	199	61.2		12.25	49.00	3.2	3.2	4.06	13,407	13,407	10,725	Standard Detached
Pipeline	2024-25	Townhomes	48	7.8		1.56	6.23	6.2	6.2	7.70	7,071	7,071	5,657	Attached SF
Pipeline	2024-25	Hope Village	36	7.0		0.74	6.26	5.1	5.1	5.75	8,470	8,470	7,580	Attached SF
Pipeline	2024-25	Hope Village	124	4.5		0.22	4.28	27.6	27.6	28.95	1,581	1,581	1,505	Multi-family (apts)

Source: analysis of new residential construction permits issued between 2017 and 2023.
 *Area of residential lots only.
 **Gross land area includes open space, private and public roadways.
 *** Development site includes extraordinary environmental features and open space.
 Source: City of Canby, May 22, 2024.

APPENDIX A-2

Analysis of Roads, Public Parks, Utilities within Approved Subdivisions

Canby Historic Density Analysis
 Canby Analysis of Approved Subdivisions, as of Aug 31, 2023
 Year 2017 to 2023 (Includes construction pipeline developments)

Category	Year	Development Name	Zone	Dwelling Units	Total Gross Buildable Acres	Gross Buildable Acres (excluding parks)	Net Acres	Housing Type	Public Facilities Added If any	Public Parks Acres	Park Land % of Gross Acres	ROW/Utility % of Gross Acres	Total Public Facilities % of Gross
Approved/Constructed	2018	Beck Pond	R-1	69	13.78	12.92	10.38	Standard Detached	Emerald Necklace Dedication - 37,431 sf & ROW	0.86	6.2%	18.4%	24.7%
Approved/Constructed	2018	Cougar Run	R-1	23	5.00	5.00	3.83	Standard Detached	ROW		0%	23.4%	23.4%
Approved/Constructed	2018	Ivy Ridge Estates***	R-1	90	24.68	21.29	14.29	Standard Detached	Ped paths, public park & trail, city pump station, and ROW Tract A - ped path - 1,439 sf Tract B - Public Park - 16,017 sf Tract C - Emerald Necklace segment - 24,032 sf Tract E - Public Park - 35,190 sf Tract F - Emerald Necklace Trail - 72,540 sf	3.39	13.7%	28.4%	42.1%
Approved/Constructed	2019	DuPont/Territorial Place Estates	R-1	9	1.96	1.96	1.64	Standard Detached	ROW			16.3%	16.3%
Approved/Constructed	2019	Hamilton Acres	R-1	41	9.14	9.14	6.69	Standard Detached	streets & small ped path from cul de sac ped path is 1,966 sf tract			26.8%	26.8%
Approved/Constructed	2019	Tofte Farms 6	R-1	16	4.06	4.06	3	Standard Detached	ROW			26.1%	26.1%
Approved/Constructed	2020	Dodd's Farm	R-1	82	19.32	19.32	13.95	Standard Detached	Tracts for ped paths, ROW dedications, misc. tract Tract A (ped) - 1,476 sf Tract B - defunct Tract C (Ped) - 1,638 sf Tract D (ped) - 1,857 sf Tract E (misc.) - 2,999 sf			27.8%	27.8%
Approved/Constructed	2020	Postlewait Estates	R-1	9	1.95	1.95	1.82	Standard Detached	ROW			6.7%	6.7%
Approved/Constructed	2021	Northwood Estates	R-1	15	4.45	4.45	3.4	Standard Detached	ROW			23.6%	23.6%
Approved/Constructed	2021	Hemmerling aka Territorial Gardens	R-1	15	3.17	3.17	2.5	Standard Detached	ROW			21.1%	21.1%
Approved/Constructed	2022	Mark's Place (R-1 portion only)***	R-1	150	52.00	48.91	27.07	Standard Detached	Neighborhood park (46,081 sf) is privately owned & operated but will be accessible to the public. Emerald necklace trail dedication, misc. open space tracts and private roads, and public ROW dedications [Note, phase w/ trail section doesn't have recorded plat yet, anticipate ~ 3.09 acres tract]	3.09	5.94%	42.0%	47.9%
Approved/Constructed	2020	Redwood Landing 2	R-1.5	29	5.09	5.09	3.74	Small Lot/Cottage	ROW			26.5%	26.5%
Approved/Constructed	2021	Redwood Addition 2 (R-1.5 portion only)	R-1.5	12	2.46	2.46	1.46	Small Lot/Cottage	Tract D - 1,196 sf			40.7%	40.7%
Approved/Constructed	2021	Beckwood Place	R-1.5	42	6.68	6.68	5.12	Small Lot/Cottage	ROW			23.4%	23.4%
Approved/Constructed	2022	Mark's Place (R-1.5 portion only)***	R-1.5	17	2.90	2.90	2.26	Small Lot/Cottage	see R-1 description			22.1%	22.1%
Approved/Constructed	2017	Trail Crossing Apartments	R-2	58	2.58	2.58	2.52	Multi-family (apts)	10-foot wide ROW dedication			2.3%	2.3%
Approved/Constructed	2018	Tievoli Apartments	R-2	8	0.56	0.56	0.56	Multi-family (apts)	none			0.0%	0.0%
Approved/Constructed	2018	Pine Place	R-2	6	0.42	0.42	0.42	Attached SF	frontage ROW dedicated			0.0%	0.0%
Approved/Constructed	2019	Bergman Square	R-2	4	0.18	0.18	0.18	Attached SF	none			0.0%	0.0%
Approved/Constructed	2020	Schneider Square	R-2	4	0.15	0.15	0.15	Attached SF	none			0.0%	0.0%
Approved/Constructed	2021	Redwood Addition 2 (R-2 portion)	R-2	32	2.13	2.13	1.78	Attached SF	ROW			16.4%	16.4%
Approved/Constructed	2021	State Street Apartments	R-2	12	0.44	0.44	0.44	Multi-family (apts)	none			0.0%	0.0%
Approved/Constructed	2022	Monen/Wild Hare Rentals	R-2	8	0.52	0.52	0.52	Multi-family (apts)	none			0.0%	0.0%
Approved/Constructed	2023	Apartments (R-2 portion only)	R-2	23	1.01	1.01	1.01	Multi-family (apts)	none			0.0%	0.0%
Minor Partition	2019	MLP 19-02	R-1	2	0.49	0.49	0.49	Standard Detached	none			0.0%	0.0%
Minor Partition	2019	MLP 19-01	R-2	2	0.15	0.15	0.15	Attached SF	716 sf tract at intersection dedicated			0.0%	0.0%
Minor Partition	2018	MLP 18-02	R-1	2	0.39	0.39	0.39	Standard Detached	none			0.0%	0.0%
Minor Partition	2018	MLP 18-01 (A)	R-2	1	0.18	0.18	0.18	Standard Detached	none			0.0%	0.0%
Minor Partition	2018	MLP 18-01 (B)	R-2	8	0.56	0.56	0.56	Multi-family (apts)	none			0.0%	0.0%
Pipeline	2024-25	Subdivisions	R-1	199	61.25	61.25	49.00	Standard Detached	ROW			20.0%	20.0%
Pipeline	2024-25	Townhomes	R-1.5	48	7.79	7.79	6.23	Attached SF	ROW			20.0%	20.0%
Pipeline	2024-25	Hope Village	R-2	165	15.09	15.09	12.07	Multi-family (apts)	18th ave frontage ROW dedicated			20.0%	20.0%

Source: analysis of new residential construction permits issued between 2017 and 2023, City of Canby Planning Dept. May 22, 2024.

*Area of residential lots only.

**Gross land area includes open space, private and public roadways.

*** Development site includes extraordinary environmental features and open space.

Appendix A-2 (continued)

Steps used to determine gross-to-net land ratio for public facilities (excluding parks)

1. **Step 1.** The factors that are used to convert net to gross buildable acres for each housing type are based on City of Canby planning staff analysis of approved subdivision activity listed in Appendix A-1 and A-2. The approved plans for each subdivision were evaluated to ascertain the gross land area and net land area. Except for the Mark's Place R-1 subdivision, the estimates of net and gross land area are based on final plats that have been officially recorded.
2. **Step 2.** City staff identified that amount to gross land area that was dedicated to public right of way (for streets and paths) and utilities, and public parks.
3. **Step 3.** Results were sorted by housing type (single family detached, small lot/cottages, townhomes/plexes (2-4 units per structure) and multifamily (5 or more units per structure). Density calculations were made to account for the difference between gross and net land area after deducting any land within the subdivision that was dedicated to public parks. This resulted in an overall average land area factor of 1.231 to account for the share of a new subdivision land that's needed for future roadways, public right of way and utility easements/open space (excludes land for public parks). This adjustment factor for public facilities varies for each housing type as noted in the table below.
4. **Step 4.** Applies these factors to the net density assumptions to determine the gross buildable land area that's required for each housing type.

Example: 50 dwelling unit (DU) small lot subdivision.

Net Land Area Requirement (excluding parks): 50 DUs / 7.42 DUs per net acre = **6.7 acres**

Total Gross Buildable Land Requirement (excluding parks) = 1.318 x 6.7 = **8.8 acres**

Resulting Land Requirement for street right-of-way and utilities: 8.8 – 6.7 = **2.1 acres** (excludes

Calculation of Gross Land Area Dedicated to Public Facilities (excluding parks)

Housing Type	Subdivisions in Survey	Dwellings per Gross Acre (excl. parks)	Dwellings per Net Acre (excl. parks)	Ratio of Gross to Net Acres (excluding parks)
Single Family Detached (Standard Lot)	15	4.22	5.30	1.255
Single Family (Small Lot)	4	5.63	7.42	1.318
Townhomes / Plexes / Apts. (Mix of Housing)	7	10.76	11.88	1.105
Multifamily / Apts.	7	19.13	19.28	1.008

Source: analysis of new residential construction permits issued between 2017 and 2023.

APPENDIX A-3

Analysis of Minor Partitions

City of Canby, Minor Partitions Resulting in New Housing Units: 2018-2023

	MLP 19-02	MLP 19-01	MLP 18-02	MLP 18-01	Total
Zone	R-1	R-2	R-1	R-2	
Parent Lot Size (acres)	0.49	0.12	0.39	0.74	1.74
Partition Area (acres)	0.47	0.10	0.39	0.74	1.71
Resulting Number of New Lots	2	2	2	2	8
Resulting Number of Developed Lots	2	2	2	2	8
Resulting Standard Lots	2		1	1	4
Resulting Small Lots		2	1		3
Resulting Apartments				8	8
Avg. Standard Lot Size (Net SF)	10,254		9,968		10,111
Avg. Small Lot Size (Net SF)			7,102	8,001	7,552
Avg. Apartment Lot Size (Net SF)		2,248			2,248

Source: City of Canby, Planning Department, Nov. 27, 2023.

APPENDIX A-4

Scenario 4A: Analysis of UGB Land Needs with Safe Harbor Factor for Public Facilities (including parks)

Dwelling Unit Type	Proj. 20-Year Housing Need (after pipeline units are deducted)	Most Typical Plan Designation ¹	Most Applicable Local Zones ¹	Allowable Density (DU per Net Ac)	Historic Density (DU per Net Ac) ³	Expected Avg. Density (DU per Net Ac) ⁴	Site Requirements (net buildable acres)	Factor for New Street ROW & Utilities ⁵	Gross Buildable Land Need (acres)
Single Family Detached (Standard Lot)	555	LDR	R-1	3 to 6.6	5.30	5.46	101.7	1.250	127.1
Single Family (Small Lot)	596	LDR	R-1	3 to 6.6	7.42	7.64	77.9	1.250	97.4
Townhomes / Plexes ¹	364	MDR	R-1.5	7 to 8.5+	8.60	8.86	41.0	1.250	51.3
Multi-family/Other ²	359	HDR/All	R-2, DC	14 to 28+	19.28	19.86	18.1	1.250	22.6
Total	1,874						238.8	1.250	298.5

Source: derived from prior tables and analysis of approved subdivisions in Canby between 2017 and 2023.

¹ Manufactured housing is allowed in all residential zones.

² Category also includes group quarters housing demand @1.5 persons per dwelling unit.

³ Analysis based on safe harbor public facilities factor of 1.25 for all housing types.

⁴ Assumes 3% increase in historic density after adoption of Housing Production Strategy and HB 2001 housing measures.

⁵ Reflects site area required for future roads and utility easements; excludes public parks based on city permitting records.

Scenario 4A: Resulting Overall UGB Land Needed for Housing

Projected 20-year Land Sufficiency for Housing, Canby UGB: Scenario 4A

Dwelling Unit Type	Most Typical Plan Designation ¹	Buildable Land Requirement ³	Current Buildable Land Inventory ³	Buildable Land Deficit (including public parks)	UGB Land Sufficiency (excludes public parks)
Single-Family Standard Lot	LDR	127.12	173.74	(20.32)	<i>inadequate land supply</i>
Single-Family Small Lot & Cottages		97.40		(30.48)	<i>inadequate land supply</i>
Townhomes/Plexes (2-4 units)	MDR	51.31	37.25	(14.06)	<i>inadequate land supply</i>
Multi-family/Other ²	HDR /varies	22.63	9.82	(12.81)	<i>inadequate land supply</i>
Total (gross buildable acres)		298.47	220.80	(77.67)	<i>inadequate land supply</i>

Source: prior tables; and interpretation of current zoning code and housing development/market conditions.

¹ Manufactured housing is allowed in all residential land use classifications.

² Category also includes group quarters housing demand.

³ Derived from previous Exhibits.

APPENDIX B-1

Supplemental Safe Harbor Housing and BLI Analysis Scenarios 1-3

Table 1: Housing Mix/Density Safe Harbors

A. Coordinated 20- Year Population Forecast	B. Housing Density Safe Harbor Numbers are in Dwelling Units (DU) per net buildable acre	C. Housing Mix Safe Harbor (Percentage of DU that Must be <i>Allowed</i> by zoning)		
		Low Density Residential	Medium Density Residential	High Density Residential
		Less than 2,500	<ul style="list-style-type: none"> Required Overall Minimum: 3 Assume for UGB Analysis: 4 Zone to Allow: 6 	70%
2,501 – 10,000	<ul style="list-style-type: none"> Required Overall Minimum: 4 Assume for UGB Analysis: 6 Zone to Allow: 8 	60%	20%	20%
10,001 – 25,000	<ul style="list-style-type: none"> Required Overall Minimum: 5 Assume for UGB Analysis: 7 Zone to Allow: 9 	55%	25%	20%
More than 25,000 but not subject to ORS 197.296	<ul style="list-style-type: none"> Required Overall Minimum: 6 Assume for UGB Analysis: 8 Zone to Allow: 10 	50%	25%	25%

- **Low Density Residential:** A residential zone that *allows* detached single family and manufactured homes and other needed housing types on individual lots in the density range of 2-6 units per net buildable acre (DU/NBA). The specified mix percentage is a maximum; a local government may allow a lower percentage.
- **Medium Density Residential:** A residential zone that *allows* attached single family housing, manufactured dwelling parks and other needed housing types in the density range of 6-12 units per net buildable acre. The specified mix percentage is a minimum; a local government may allow a higher percentage.
- **High Density Residential:** A residential zone that *allows* multiple family housing and other needed housing types in the density range of 12-40 units per net buildable acre. The specified mix percentage is a minimum; a local government may allow a higher percentage.
- **More than 25,000 but not subject to ORS 197.296:** The current population estimate for the city is less than 25,000 but the 20-year population forecast for the UGB is 25,000 or more. This safe harbor is not available for a jurisdiction subject to ORS 197.296 at the time of a UGB amendment.

APPENDIX B-2

Method 1

Safe Harbor Combined Housing Mix and Density Method 1, Determination of Residential Land Need, Canby UGB

	Factor	Finding	Units	Source Notes
1 20-Yr Population Growth Forecast:		24,586	population	Table A
2 Is Growth Forecast 10,001 to 25,000?	Yes			
3 20-Yr Population Change		5,931		Table A
4 Group quarters ¹	0.59%	35	dwelling units	Table B
5 Population in Households		5,895	population	calculation
6 Average Household Size	2.70			Table B
7 Number of Households		2,185	households	calculation
8 Vacancy Factor	3.40%	74	dwelling units	Table C
9 Dwelling Units Added		2,295	dwelling units	
10 Dwelling Mix Safe Harbor	Percent	Dwellings		
Low Density Residential ²	55%	1,262	dwelling units	see OAR 660-024-0040(f)
Medium Density Residential ³	25%	574	dwelling units	see OAR 660-024-0040(f)
High Density Residential	20%	459	dwelling units	see OAR 660-024-0040(f)
Total	100%	2,295	dwelling units	calculation
11 Dwelling Unit Density Requirements	DU/Net Acre ³	UGB Land Need Net Acres		
Required overall minimum	5			see OAR 660-024-0040(f)
Assume for UGB analysis	7	328	net acres	see OAR 660-024-0040(f)
Zone to Allow	9			see OAR 660-024-0040(f)

¹ reflects people residing in shared living areas (congregate care), adjusted to exclude institutionalized population.

² Includes mobile homes and manufactured dwellings.

³ This applies to all residential zones within City.

APPENDIX B-3

Method 2: After Pipeline Development Reduction in Housing Need
Safe Harbor Incremental Mix Method 2, Determination of Residential Land Need, Canby UGB

					Source Notes
1 Existing Percentage of Density of Developed Land	Existing Dwellings	Existing Mix	Developed Acres	Current DUs Per Acre	
Low Density Residential ¹	4,136	62.6%			Table C
Medium Density Residential	1,408	21.3%			Table C
High Density Residential	1,064	16.1%			Table C
Total	6,608	100.0%	1,497	4.4	Table D1
2 Increase Overall Density as follows:	Increase Mix			New Overall Density	
	by:				
Average Increase	25%			5.5	see OAR 660-024-0040(h)
3 Planned Percentage of Housing Mix	Percent	Dwellings (After Pipeline Deduction)			
Low Density Residential ¹	55%	555	dwellings		see OAR 660-024-0040(f)
Medium Density Residential	25%	959	dwellings		see OAR 660-024-0040(f)
High Density Residential	20%	359	dwellings		see OAR 660-024-0040(f)
Total	100%	1,874	dwellings		calculation calculation
4 Zone to allow new housing mix			UGB		
	New Dwellings	Zone to Allow 2	Assumption for Analysis	Max UGB Land Need (Net Acres)	
Low Density Residential ¹	555	6.0			Table A
Medium Density Residential	959	16.0			Table A
High Density Residential	359	30.0			Table A
Total/Average	1,874	9 +	7 +	268	see OAR 660-024-0040(h)

¹ Includes mobile homes and manufactured dwellings.

² This applies to all residential zones within City.

APPENDIX B-4

Method 3: After Pipeline Development Reduction in Housing Need
Safe Harbor Incremental Mix Method 3, Determination of Residential Land Need, Canby UGB

					Source Notes
1 Existing Percentage of Density of Developed Land	Existing Dwellings	Existing Mix	Developed Acres	Current DUs Per Acre	
Low Density Residential ¹	4,136	63%			Table C
Medium Density Residential	1,408	21%			Table C
High Density Residential	1,064	16%			Table C
Total	6,607	100%	1,497	4.4	Table D1
2 Increase Percentage of Density as follows:	Increase Mix	New Mix			
	by:				
Low Density Residential ¹		48%			see OAR 660-024-0040(i)
Medium Density Residential	10%	31%			see OAR 660-024-0040(i)
High Density Residential	5%	21%			see OAR 660-024-0040(i)
Total		100%			calculation
3 Zone to allow new housing mix	Net New Dwellings Expected	Zone to Allow 2	UGB Assumption for Analysis	Max UGB Land Need (Net Acres)	
Low Density Residential ¹	555	6.0	5.0	111.0	see OAR 660-024-0040(i)
Medium Density Residential	959	16.0	9.0	106.6	see OAR 660-024-0040(i)
High Density Residential	359	30.0	19.0	18.9	see OAR 660-024-0040(i)
Total/Average	1,874	9.0 +	7.0 +	236	see OAR 660-024-0040(i)

¹ Includes mobile homes and manufactured dwellings.

² This applies to all residential zones within City.

APPENDIX C

Canby BLI Analysis: Remaining Gross Buildable Acres After Removing Pipeline Development

Residential BLI in Canby UGB (before Pipeline Sites are Removed from BLI)

Total BLI	<2 acre lots	2 to 5 acre lots	5 to 10 acre lots	>=10 acre lots	Total
HDR - High Density Residential	6.3	2.1	5.9	-	14.2
MDR - Medium Density Residential	8.3	14.6	20.3	-	43.1
LDR - Low Density Residential	38.3	24.2	71.8	86.0	220.4
RC - Residential Commercial	3.5	-	-	-	3.5
DC - Downtown Commercial	1.0	-	-	-	1.0
Total Acres	57.4	40.8	98.0	86.0	282.2
% Distribution	20%	14%	35%	30%	100%

Source: City of Canby Planning Dept.; Canby Buildable Land Inventory; 3J Consulting, May 2024.

Excludes tax lots contained in the construction pipeline.

Residential BLI in Canby UGB (includes just Pipeline developments)

BLI in Development Pipeline (sites under construction as of Nov. 2023)	<2 acre lots	2 to 5 acre lots	5 to 10 acre lots	>=10 acre lots	Total
HDR - High Density Residential	1.9	2.1	5.9	-	9.8
MDR - Medium Density Residential	5.9	-	-	-	5.9
LDR - Low Density Residential	9.9	3.0	-	34.7	47.6
RC - Residential Commercial	1.9	-	-	-	1.9
DC - Downtown Commercial	-	-	-	-	-
Total Acres	19.6	5.1	5.9	34.7	65.2
% Distribution	7%	2%	2%	12%	23%

Source: City of Canby Planning Dept.; Canby Buildable Land Inventory; 3J Consulting, November 2023.

Residential BLI in Canby UGB (after Pipeline Sites are Removed from BLI)

Adjusted BLI After Pipeline is Removed	<2 acre lots	2 to 5 acre lots	5 to 10 acre lots	>=10 acre lots	Total
HDR - High Density Residential	5.4	(0.0)	-	-	5.4
MDR - Medium Density Residential	2.4	14.6	20.3	-	37.2
LDR - Low Density Residential	28.4	21.2	71.8	52.3	173.7
RC - Residential Commercial	3.4	-	-	-	3.4
DC - Downtown Commercial	1.0	-	-	-	1.0
Total Acres	40.6	35.8	92.1	52.3	220.8
% Distribution	18%	16%	42%	24%	100%

Source: City of Canby Planning Dept.; Canby Buildable Land Inventory; 3J Consulting, May 2024.

Source: 3J Consulting and FCS GROUP, May 2024.

AFFIDAVIT OF MAILING

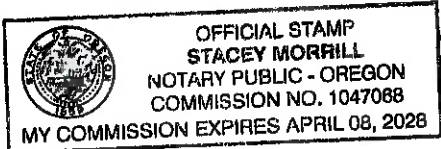
STATE OF OREGON)
)ss
COUNTY OF Clackamas)

I, Margaret Gordon, being duly sworn, depose and say that on July 31st, 2024, I caused to have mailed to each of the persons on the attached list a notice of a meeting to discuss a proposed development located at 1733 N Holly Street Canby, OR 97013, a copy of which notice so mailed is attached hereto and made a part of hereof.

I further state that said notices were enclosed in envelopes plainly addressed to said persons and were deposited on the date indicated above in the United States Post Office with postage prepaid thereon.

Margaret Gordon
Signature

Subscribed and sworn to, or affirmed, before me this 1st day of August, 2024.



Stacey Morrill
Notary Public for the State of Oregon
My Commission Expires April 08, 2028

July 2024



RE: NEIGHBORHOOD MEETING NOTICE
City of Canby Land Use Application for an Annexation and Zone Change

Dear Property Owner/Neighbor:

AKS Engineering & Forestry, LLC is holding a neighborhood meeting regarding a ±3.36-acre property located at 1733 N Holly Street. The site is north of the intersection of N Holly Street and NE Territorial Road and can also be described as Tax Lot 1900 of Clackamas County Assessor's Map 3 1E 28C. The site is currently outside of the City of Canby but within the City's Urban Growth Boundary (UGB). The enclosed map shows the specific location of the subject site.

This meeting will discuss the potential annexation and zone change of the property described above. The envisioned annexation and zone change application is intended to bring the property into the City limits for the provision of municipal services and to apply the City's forecasted comprehensive plan designation for the site. Ultimately, the property is intended for residential homes, though to be clear, the future development of the site is subject to a separate land division land use application and an additional neighborhood meeting. We would like to take the opportunity to discuss this project in more detail with you prior to submitting applications to the City of Canby.

The purpose of this meeting is to provide a forum for the applicant and surrounding property owners/neighbors to review the proposal and to identify issues so that they may be considered before a land use application is submitted to the City of Canby. This meeting gives you the opportunity to share with us any special information you know about the property involved. We will attempt to answer questions which may be relevant to meeting development standards consistent with the City of Canby Municipal Code.

You are invited to attend the meeting on:

August 14th at 6:00 PM
Canby Adult Center
1250 S Ivy Street, Canby, OR 97013

Please note this meeting will be an informational meeting on preliminary development plans. These plans may be altered prior to submittal of the application to the City of Canby.

I look forward to discussing this project with you. If you have questions but will be unable to attend, please feel free to call me at 503-563-6151.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in black ink, appearing to read 'MH' or 'Marie Holladay', written in a cursive style.

Marie Holladay





AKS ENGINEERING & FORESTRY, LLC

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062
P: 503.563.6151 | www.aks-eng.com | HolladayM@aks-eng.com

Vicinity Map

1733 N Holly Street

Legend

-  Canby United Methodist Church
-  Canby United Methodist Church Community Garden
-  Community Garden
-  Northwood Park

Subject Site

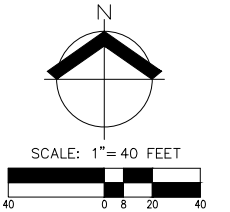


Google Earth

Image © 2024 Airbus

1000 ft





DATE: 07/31/2024 AKS JOB: 11052

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 503.563.6151
 WWW.AKS-ENG.COM



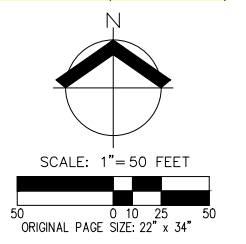
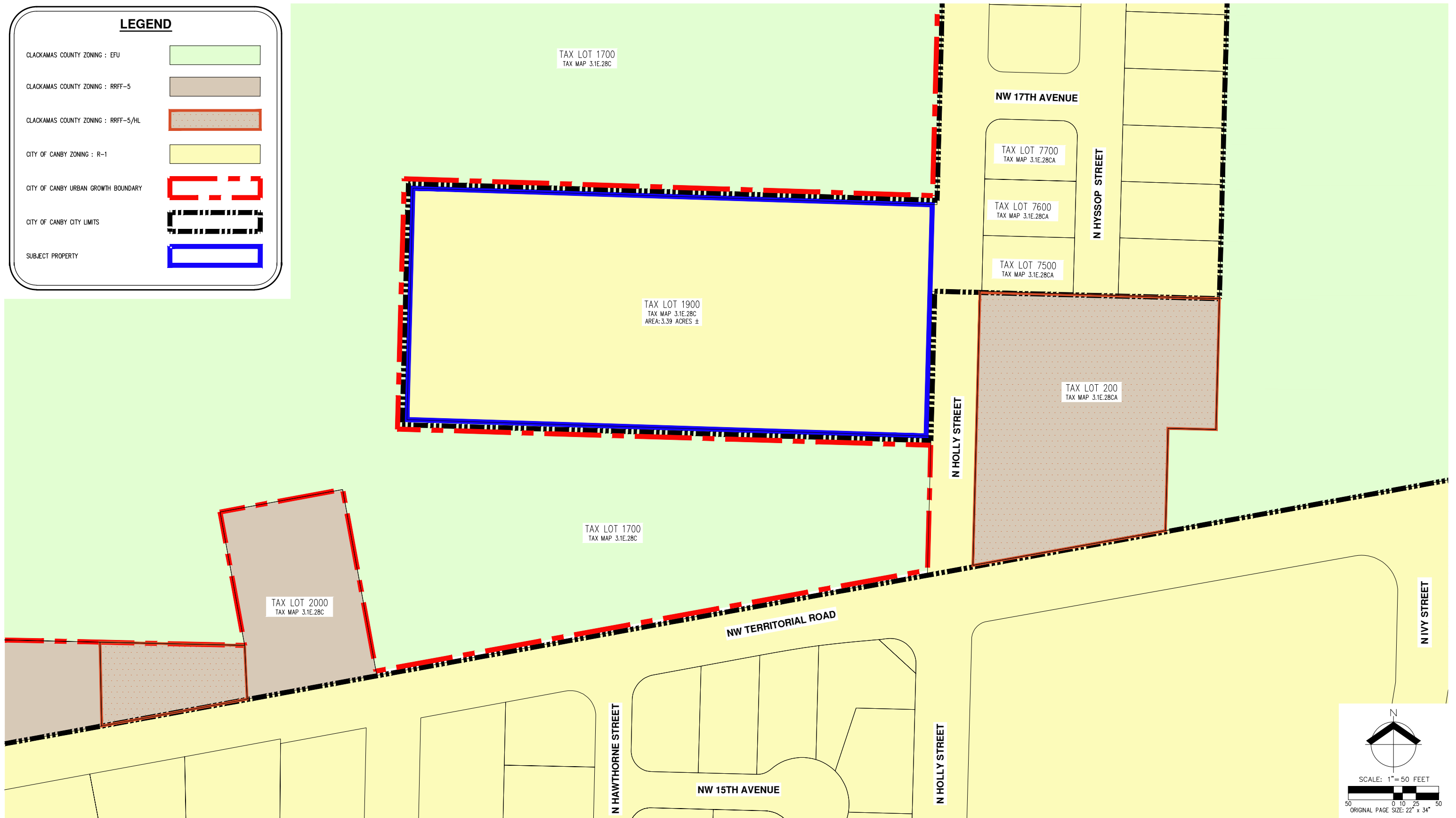
ENGINEERING • SURVEYING • NATURAL RESOURCES
 FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

EXISTING CONDITIONS PLAN 1733 HOLLY STREET

VENTURE PROPERTIES INC.
CITY OF CANBY, OREGON

LEGEND

- CLACKAMAS COUNTY ZONING : EFU
- CLACKAMAS COUNTY ZONING : RRF-5
- CLACKAMAS COUNTY ZONING : RRF-5/HL
- CITY OF CANBY ZONING : R-1
- CITY OF CANBY URBAN GROWTH BOUNDARY
- CITY OF CANBY CITY LIMITS
- SUBJECT PROPERTY



DATE: 07/31/2024 AKS JOB: 11052

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

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FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

ANNEXATION PLAN

1733 HOLLY STREET

City Council Packet - Page 180 of 190

VENTURE PROPERTIES INC.
CITY OF CANBY, OREGON



AKS ENGINEERING & FORESTRY, LLC
 12965 SW Herman Road, Suite 100, Tualatin, OR 97062
 P: (503) 563-6151 F: (503) 563-6152

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

Project Name	Site Address/ Location
Meeting Date	Meeting Location
Meeting Time	Meeting Location Address

PLEASE PRINT CLEARLY

Printed Name	Full Mailing Address & Email Address	City, State	Zip Code	Phone #
Donna Verdeck	510 NW Territorial	Canby	97013	925-963-2454
mel & Dick Winn	1777 n Hyssop St melwinn503@gmail.com	Canby	97013	503 790 1011
Valerie & Jared Babbitt	217 NW Territorial Rd	Canby	97013	816-684-1928
Lila Sprunger	606 NW 13 th St	Canby	97013	503-716-6444
Barb Howard	1885 N. Hyssop St	Canby	97013	503-701-3541
Jim Howard	1885 N Hyssop St	Canby	97013	503-997-5042
JOE SPRAGUE	436 NW TERRITORIAL RD	Canby	97013	503 572 3199

August 15, 2024



Neighborhood Meeting Summary: 1733 North Holly Street Annexation and Zone Map Change

Meeting Date: August 14, 2024

Time: 6:00 PM

Location: Canby Adult Center

The following serves as a summary of the Neighborhood Meeting process. On August 14, 2024, property owners within 500 feet of the subject site were sent notification of the planned Annexation and Zone Map Change at 1733 N Holly Street. This notification included the project location, project details, and the neighborhood meeting date, time, and location.

On August 14, 2024, meeting presenters included the following individuals:

- Marie Holladay of AKS Engineering & Forestry, LLC
- Darko Simic of AKS Engineering & Forestry, LLC
- Al Jeck of Venture Properties, Inc.

The meeting was held in an “open house” style, with boards depicting the existing conditions and planned Annexation and Zone Map Change displayed at the front of the room and representatives from the Applicant’s team on hand to describe the project and answer questions. Approximately 10 members of the public attended the meeting; a sign-in sheet with contact information is provided herein. The meeting began with an introduction by Marie Holladay summarizing the project and the planned Annexation and Zone Map Change applications. Darko Simic answered questions related to the infrastructure improvements that will ultimately be required in conjunction with the application. Following the introduction of the project, attendees were given the opportunity to ask questions and provide input. The following topics were discussed:

- Frontage improvements along N Holly Street.
- Tree removal required along N Holly Street.
- Potential tree protection/retention along the north and south borders of the subject site.
- Potential reduction of the speed limit along N Holly Street.
- The updated North Holly Development Concept Plan (DCP) and the anticipated street and multi-use pathways on the site.

The meeting concluded at approximately 7:00 pm.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in blue ink, appearing to read 'Marie Holladay', written over a light blue horizontal line.

Marie Holladay

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062

503.563.6151 | holladaym@aks-eng.com



CITY COUNCIL Staff Report

Meeting Date: 12/18/2024

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Eileen Stein, City Administrator
Agenda Item: Consider Ordinance 1637: An Ordinance Approving Transfer of Funds from the City of Canby's General Fund, Unallocated Requirements, to the Canby Adult Center.
(*Second Reading*)
Goal: Align Resources to Address Future Community Growth

Summary

An Ordinance approving the transfer of funds from the City of Canby's General Fund, Unallocated Requirements, to the Canby Adult Center.

Background

In July, the Canby Adult Center announced its intentions to relocate its operations to the Canby United Methodist Church (the Holly St. Property.) Since then, the City and Canby Adult Center staff have been engaged in discussions on what the implications are of this move, particularly given the current site on Ivy Street was paid for with Community Development Block Grant (CDBG) funds administered by Clackamas County.

On November 20th, the City Attorney presented two draft documents to Council for review: A Memorandum of Agreement (with Clackamas County) and a Funding Agreement (with the Canby Adult Center.) Together, these documents would clearly state that the City has satisfied its requirements under the CDBG program guidelines and would memorialize the City's contribution of \$512,000 to the Canby Adult Center.

At the meeting, the Council discussed the conditions of the funding award and agreed to the following requirements:

- a. In the event that CAC uses the Funds or any portion of the Funds for a purpose not permitted under the Funding Agreement, CAC shall immediately reimburse those misused Funds to the City and shall return all remaining Funds to the City; and
- b. In the event that CAC ceases to own, occupy, or use the Holly St. Property for its mission sooner than eight (8) years following the date on which CAC purchased the Holly St. Property, CAC shall return all unused Funds to the City unless the City, in its sole discretion, agrees otherwise.

Discussion

On December 4, staff presented Ordinance 1637 to the Council for consideration and there was further discussion about the conditions of the funding award. Specifically, the Council asked the City Attorney to discuss with the Canby Adult Center its intentions of acquiring the Holly St. Property in an expedited fashion such that funding is not needed for the current building as first envisioned. The City Attorney is reaching out to the CAC Executive Director and will have an update at the December 18 meeting. Meanwhile, the Council conducted a first reading of Ordinance 1637 on December 4, in order to keep the momentum on this project. Once the language of the Funding Agreement is secured, the County will be approached to secure the letter of commitment that the city has satisfied its obligations under the CDBG program.

Attachments

1. Ordinance No. 1637
2. Funding Agreement (with the Canby Adult Center)

Fiscal Impact

The original source of the City's financial commitment was funds received through the American Rescue Plan Act (ARPA). The City's reporting requirements under the ARPA guidelines have now been satisfied and these funds are located in the City's General Fund Unallocated Requirements making them readily available for this use.

Options

1. Authorize Ordinance 1637
2. Reject Ordinance 1637 and continue working on funding conditions.

Proposed Motion

"I move to approve Ordinance 1637, An Ordinance Approving Transfer of Funds from the City of Canby's General Fund, Unallocated Requirements, to the Canby Adult Center."

ORDINANCE NO. 1637

AN ORDINANCE APPROVING TRANSFER OF FUNDS FROM THE CITY OF CANBY'S GENERAL FUND, UNALLOCATED REQUIREMENTS, TO THE CANBY ADULT CENTER

WHEREAS, the City of Canby owns the building located at 1250 S. Ivy St., Canby, Oregon ("Ivy St. Building");

WHEREAS, in 1983, pursuant to an intergovernmental agreement, the City received Community Block Development Grant ("CDBG") funds in the amount of \$314,000 from Clackamas County to construct the Ivy St. Building as a senior center. Under its terms, the 1983 IGA shall expire when the Ivy St. Building's useful life as a senior center expires;

WHEREAS, in 1996, the City received additional CDBG funds in the amount of \$170,000 from Clackamas County to make improvements to the Ivy St. Building for the purpose of its continued use for senior-related activities. Under its terms, the 1996 IGA shall expire five years following the close-out of the County's participation in the entitlement CDBG program from which the City received the CDBG funds;

WHEREAS, the City leases the Ivy St. Building to the Canby Adult Center ("CAC"), a non-profit organization whose mission is to provide services to older adults in Canby and the surrounding areas. The CAC uses the Ivy St. Building to provide those services. Specifically, the CAC uses the Ivy St. Building as a senior center to provide senior-related activities. This use is compliant with the requirements of the 1983 and 1996 IGAs;

WHEREAS, the CAC has notified the City that it intends to vacate the Ivy St. Building and move its program and services to a new building that it will purchase. The CAC's reason for moving to a new location is that the Ivy St. Building is no longer useful as a senior center providing senior-related activities;

WHEREAS, the CAC's vacation of the Ivy St. Building may result in a change of use of the Ivy St. Building under the 1983 and 1996 IGAs. The CAC's vacation of the Ivy St. Building may also result in a change of use under CDBG regulations including, but not limited to, 24 C.F.R §570.505;

WHEREAS, the Council finds that the Ivy St. Building's useful life as a senior center has expired;

WHEREAS, the Canby City Charter requires the Council to authorize all expenses greater than \$50,000 via ordinance; and

WHEREAS, so that the CAC may have access to the funds as soon as possible, the Council finds it advisable that this Ordinance shall go into effect immediately upon its enactment.

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

Section 1. The City Council authorizes the transfer of five hundred and twelve thousand dollars (\$512,000) from the City's General Fund, Unallocated Requirements, to the CAC pursuant to the same terms as or pursuant to substantially similar terms as reflected in Exhibit A to this Ordinance, which is incorporated herein by this reference.

Section 2. This Ordinance shall take effect immediately upon its enactment.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, December 4, 2024, ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, December 18, 2024, commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2nd Avenue, 1st Floor Canby, Oregon.

Maya Benham, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 18th of December, 2024 by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Maya Benham, CMC
City Recorder

FUNDING AGREEMENT

This Funding Agreement (“Agreement”) is entered into between the City of Canby (“City”) and the Canby Adult Center (“CAC”).

RECITALS

- A. The CAC is a non-profit organization whose mission is to create a community that embraces the opportunities and challenges of older adulthood for the population of Canby, Oregon, and surrounding areas. The CAC is currently located and provides its services at the building located 1250 S. Ivy Street, Canby, Oregon (“Ivy St. Building”), which is owned by the City. The Ivy St. Building’s useful life for the CAC’s mission has expired. Therefore, CAC wishes to purchase and move its program to the building located at 1520 N. Holly St., Canby, Oregon (“Holly St. Building”) in order to better serve its community.
- B. The City has approved an award of \$512,000 (“Funds”) to the CAC to support the transition of CAC’s mission to the Holly St. Building, subject to certain conditions. The City and CAC now enter into this Agreement to specify the terms and conditions under which the City will award the Funds.

TERMS AND CONDITIONS

1. Award of Funds.

The City awards to the CAC five hundred and twelve thousand dollars (\$512,000). The Funds may be used only for the purpose established by this Agreement.

2. Purpose and Term.

- a. The Funds may only be used for any expenses associated with or generated by CAC’s transition from the Ivy St. Building to the Holly St. Building including, but not limited to, down payment for the Holly St. Building and moving costs, improvements, and renovations to the Holly St. Building required for it to serve as a senior center, for CAC to meet the needs of CAC’s mission, and for CAC to provide senior-related activities.

- b. The term of this Agreement shall commence on the date that the Agreement is fully executed by both parties and shall remain in effect for a period of eight years thereafter, unless earlier terminated by mutual written agreement of the parties.

3. Disbursement of Funds.

- a. The City’s disbursement of the Funds is contingent upon the County’s written confirmation that the County’s disbursement of the Funds to CAC satisfies any obligations the City may have for the reimbursement of any CDBG funds granted by

the County to the City in relation to the Ivy St. Building. The City shall not, and shall have no obligation to, disburse funds unless and until the County provides such written confirmation.

- b. Subject to Section 3.a and upon execution of this Agreement, the City shall disburse the Funds to CAC.

4. Return of Funds.

- a. In the event that CAC uses the Funds or any portion of the Funds for a purpose not permitted under this Agreement, CAC shall immediately reimburse those misused Funds to the City and shall return all remaining Funds to the City.
- b. In the event that CAC ceases to own, occupy, or use the Holly St. Property for its mission sooner than eight (8) years following the date on which CAC purchased the Holly St. Property, CAC shall return all unused Funds to the City unless the City, in its sole discretion, agrees otherwise.

c. The obligations under this Section shall survive any termination or expiration of this Agreement.

5. Records and Reports.

- a. CAC shall keep proper books of account and records of all activities and expenses associated with this Agreement including, but not limited to, books of account and records on the expenditure of all Funds. CAC shall maintain these books of account and records in accordance with generally accepted accounting principles and shall retain them for three (3) years after the expiration or termination of this Agreement.
- b. At reasonable times and upon the City's request, CAC shall permit the City to inspect, review, and make copies of its books of account and records associated with this Agreement.

6. Default and Remedies.

- a. CAC's failure to perform any obligation required by this Agreement shall constitute a default under this Agreement.
- b. In the event of CAC's default under this Agreement, the City may exercise any or all of the following remedies, which shall be cumulative:
 - i. The City may require CAC to repay all Funds.

- ii. The City may terminate its obligation to disburse Funds to CAC.
- iii. The City shall have any other right or remedy available at law or in equity.
- c. The City’s failure to exercise or the City’s delay in exercising any remedy available under this Agreement or at law or in equity shall not operate as a waiver of any right.

7. Miscellaneous.

- a. CAC shall comply with all federal, state, and local laws, ordinances, rules, and regulations in its use of the Funds.
- b. CAC shall indemnify, defend, and hold the City, its officers, elected and appointed officials, employees, volunteers, and agents harmless from and against any and all liabilities, claims, losses, damages, or expenses (including attorney fees and expenses) which any of them may suffer or incur in connection with any transaction contemplated by this Agreement or the actions or inactions of CAC, or its employees, agents or contractors, related to this Agreement, other than claims, losses, damages, or expenses that arise solely from the gross negligence or willful misconduct of the City. The obligations described in this Section survive any termination or expiration of this Agreement.
- c. Any notice required or permitted under this Grant Agreement shall be in writing and shall be deemed effective (1) when actually delivered in person, (2) one business day after deposit with a commercial courier service for "next day" delivery, (3) two (2) business days after having been deposited in the United States mail as certified or registered mail, or (4) when transmitted by facsimile (answer back or receipt confirmed), addressed to the parties as follows:

For the City:	For CAC:
ATTN: [NAME]	ATTN: [NAME]
[ADDRESS]	[ADDRESS]
[FAX NUMBER]	[FAX NUMBER]

- d. CAC may not assign this Agreement, in whole or in part, without the prior written consent of the City. This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns.
- e. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon. Any legal action regarding this Agreement shall be brought and conducted in the federal or state court, as appropriate, serving Clackamas County,

Oregon, and the parties hereby consent to the jurisdiction and venue of such courts. Each party waives its right to a trial by jury with respect to any claim brought in connection with this Agreement.

- f. This Agreement may not be modified or amended except by an instrument in writing signed by each party. This Agreement reflects and sets forth the entire agreement and understanding of the parties with respect to the subject matter hereof and supersedes all prior agreements and understandings relating to such subject matter.
- g. If any provision of this Agreement is held to be invalid, such event shall not affect, in any respect whatsoever, the validity of the remainder of this Agreement and the remainder shall be construed without the invalid provision so as to carry out the intent of the parties to the extent possible without the invalid provision.
- h. Nothing contained in this Agreement, or any acts of the parties hereto shall be deemed or construed to create the relationship of employer and employee, principal and agent, or of partnership, or of joint venture or of any other association other than that of independent contracting parties.
- i. No person not a party to this Agreement is an intended beneficiary of this Agreement, and no person not a party to this Agreement shall have any right to enforce any term of this Agreement.

For the City:

For CAC:

Name: _____

Name: _____

Date: _____

Date: _____