



**AGENDA  
CANBY CITY COUNCIL  
WORK SESSION – 6:00 PM  
REGULAR MEETING – 7:00 PM**

**September 6, 2023**

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

**Register here to attend the meetings virtually:**  
[https://us06web.zoom.us/webinar/register/WN\\_PagdoVN4Rc6mrHiVtuHBvg](https://us06web.zoom.us/webinar/register/WN_PagdoVN4Rc6mrHiVtuHBvg)

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

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

	Mayor Brian Hodson
Councilor Christopher Bangs	Councilor Herman Maldonado
Councilor James Davis	Councilor Jason Padden
Council President Traci Hensley	Councilor Daniel Stearns

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**WORK SESSION – 6:00 PM**

- 1. CALL TO ORDER**
- 2. CANBY AREA TRANSIT UPDATE**
- 3. ADJOURN**

Pg. 1

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**REGULAR MEETING – 7:00 PM**

- 1. CALL TO ORDER**
  - a. Invocation
  - b. Pledge of Allegiance
- 2. OATH OF OFFICE FOR CITY COUNCILOR, DANIEL STEARNS**
- 3. POW MIA RECOGNITION DAY PROCLAMATION**
- 4. STAFF INTRODUCTIONS**

Pg. 29

- 5. 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 email or call the Deputy City Recorder by 4:30 pm on September 6, 2023 with your name, the topic you'd like to speak on and contact information: [lasonc@canbyoregon.gov](mailto:lasonc@canbyoregon.gov) or call 503-266-0637.
- 6. CONSENT AGENDA:** This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.
- a. Approval of the June 29, 2023 Special Called City Council Meeting Minutes. Pg. 30
  - b. Approval of Removing Member Bryan Peterson from the Transit Advisory Committee for a term ending March 31, 2024. Pg. 33
  - c. Reappointment of Member Paul Waterman to the Transit Advisory Committee for a term ending March 31, 2026. Pg. 34
- 7. ORDINANCES & RESOLUTIONS**
- a. Consider **Ordinance No. 1609:** An Ordinance Authorizing the Interim City Administrator to approve the expenditure of \$200,000 to Canby Library Holdings for the redevelopment of the former Canby Public Library as part of the Oregon Main Street Revitalization Grant. (*Second Reading*) Pg. 36
  - b. Consider **Ordinance No. 1610:** An Ordinance Authorizing the Interim City Administrator to execute a contract with Landmark Ford in the amount of \$160,317.03 for the purchase of a new service truck. (*First Reading*) Pg. 66
  - c. Consider **Ordinance No. 1611:** An Ordinance Adopting the Economic Opportunity Analysis as part of the City Comprehensive Plan. (*First Reading*) Pg. 70
  - d. Consider **Resolution No. 1394:** A Resolution Adopting the C4 Committee Joint Values Statement. Pg. 144
- 8. OLD BUSINESS**
- a. City Administrator & City Attorney Recruitment
- 9. MAYOR'S BUSINESS**
- a. City Council Liaison Appointments
- 10. COUNCILOR COMMENTS & LIAISON REPORTS**
- 11. INTERIM CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**
- 12. CITIZEN INPUT**
- 13. ACTION REVIEW**
- 14. ADJOURN**
-

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



## City Council Work Session

Meeting Date: 9/6/2023

To: The Honorable Mayor Hodson & City Council  
Thru: Eileen Stein, Interim City Administrator  
From: Todd Wood, Transit & Fleet Services Director  
Agenda Item: Canby Area Transit Update

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### Summary

Below is a brief summary of the presentation on Canby Area Transit:

In order to meet the transit needs of the Tri-County Area, TriMet was formed in 1969. In 1970, a payroll tax of 0.3% per 1000 was implemented to fund transit operations throughout the region, including in the City of Canby.

In 2002, Canby decided that it could better serve its residents by managing the transit system itself. The State and TriMet agreed and allowed the city to operate the system conditionally. The conditions are that the City does not shut the service down or fail to fund the service, provides Dial-A-Ride (DAR) service between Oregon City and Canby, and collects the payroll tax independently. At the time, the payroll tax was 0.6% per 1000. The City agreed to these terms via an Inter-Governmental Agreement (IGA), which is still in effect today.

Canby began operating its own service on September 1, 2002, which included service on 99E and several loops throughout the urban growth boundary.

Unfortunately, the financial crisis that began in 2008 hit transit hard, and by 2011 CAT (Canby Area Transit) was low on funds. Services had to be reduced to balance the budget. All loop services were discontinued, a \$1 fare was implemented, and Dial-A-Ride and shopper shuttles were added for general public use.

Finally, after over 10 years, the loop service has returned, Saturday service has been implemented, and additional trips on 99E have been added, all while the payroll tax remains at 0.6%.

CAT service is owned and operated by the City of Canby. All drivers and dispatchers are contracted through TransDev, an international bus service company. The city has three direct transit employees: a Director, a Coordinator, and a PT administrative assistant. TransDev has 20 employees, including a manager, a supervisor, three dispatchers, one bus washer, and approximately 15 drivers. Our current contract rate is \$80.34 per revenue hour.

The transit system comprises 17 vehicles, including 35' buses down to 20' vans, with one car for transporting drivers and staff.

Transit is located at 195 Hazel Dell Way, Suite C, where we rent an office. Our buses are stored on a 2.1-acre lot on Hazel Dell owned by the Transit Department.

Transit currently provides the following services: 99X from Oregon City to Woodburn, Dial-A-Ride for those who are elderly or disabled or unable to use our fixed services, and the Canby Loop.

Last year, Transit provided over 82,000 rides.

An RFP is currently underway for a new Transit Master Plan to help the city decide what transit services should look like in the future.

Transit is funded from five major sources: Federal Grants make up 13%, the State Transportation Improvement Fund makes up 22%, fares make up 2%, and local payroll tax revenue makes up 63% of our incoming revenue. The grant programs cover only contractor costs. Payroll tax covers all other expenses.

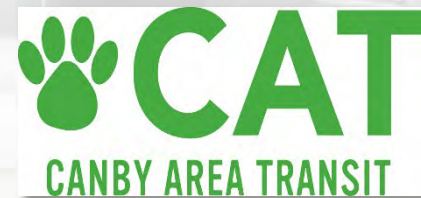
In recent years, CAT has implemented several new pieces of technology, including bus tracking software, Dial-A-Ride software, automatic bus announcement software, a new website, and live bus tracking apps for customers.

Transit has been renting an office since 2016. In 2019, the property on Hazel Dell Way was purchased to build a new transit office and bus yard. The COVID-19 pandemic put the project on hold. Recently, we have sent out an RFP for an engineering and design company to begin the building process.

Also, in 2019, a plan was put in place to add bus shelters to 99E within city limits. A grant was acquired, and the process moved forward. The pandemic put this project on hold, but it is now moving forward again. The shelters have been purchased, but the project is awaiting the 99E repaving project before installation.

When Canby Area Transit began, it started with a logo and an idea to play on the letters of the name and have the logo related to the animal, the CAT. There have been several iterations, including a paw, a leaping cat, and eyes with whiskers. For the first time in its history, CAT will be moving away from the animal to align more closely with the city it serves. This new logo represents our commitment to our community in providing the best, most accessible, reliable, and fiscally responsible service to the residents and businesses of the city while maintaining the highest quality standards.

# Canby Area Transit (CAT)





# Tonight

- CAT History
- CAT Operations / Administration
- CAT Services
- CAT Funding
- CAT Technology
- CAT Building update
- CAT Bus Shelter Update
- CAT Logo

# Historical Dates:

January 1, 2002

September 3, 2002

June 27, 2011

April 2, 2018

September 7, 2019

July 1, 2021

October 4, 2021

September 11, 2023

September 16, 2023

Canby withdraws from the TriMet district

CAT Service starts

Service reduction that eliminated local fixed-routes (Blue, Green and Purple Lines) and implemented local Dial-A-Ride for General Public

Route 99 name change to Route 99X and service frequency and span increased (17 bus stops removed)

Saturday Service re-implemented

New contractor First Transit

Canby Loop Started

99x Schedule Improvements and Shopper Shuttle end

Canby Saturday Loops Starts



# CAT City Staff:

**Director of Transit/Fleet Services:**

**Todd M. Wood**

**Transit Coordinator:**

**Heidi Muller**

**PT Transit Admin:**

**Melody Thompson**

**CAT also pays the city for Administrative, Fleet, Facilities, HR, Legal, IT Services**

# TransDev / First Transit Staff:

## Contractor:

Manager Scott Hess

## Operations:

Three dispatchers

Thirteen Drivers (Eight Full-time and Five Part-time)

Two Casual Drivers (Fill-in)

One Field Supervisor

One Part Time Bus Washer

Three year contract with three one year optional extensions

First Extension Negotiation begins January 2024

Recently acquired by TransDev



# Our Fleet

**Busses:**

- 3 – 35' Gillig
- 5 – 28' Arboc Cut-a-ways
- 2 – 26' Arboc Cut-a-ways
- 3 – 23' Arboc Cut-a-ways
- 1 – 22' Chevy Cut-a-way

**Vans:**

- 1 – Dodge Caravan
- 1 – 20' Ford Transit

**Car:**

- 1 – Chevy Impala

# Our Buildings

## Office:

195 S Hazel Dell Way, Suite C  
1700 Sq Ft of space  
Rented Since 2013

## Transit Center:

100 N Ivy Street  
(Cutsforth Thriftway)  
Wilsonville  
South Clackamas





# Our Services:

## 99x

Fare \$1 (except Saturdays)

Runs from OC to Woodburn Monday Through Saturday

## Dial-A-Ride

Fare \$1 (except Saturdays)

Curb to Curb services for ADA, E&D and General Public

## Canby Loop

Free Service

Runs Monday through Friday

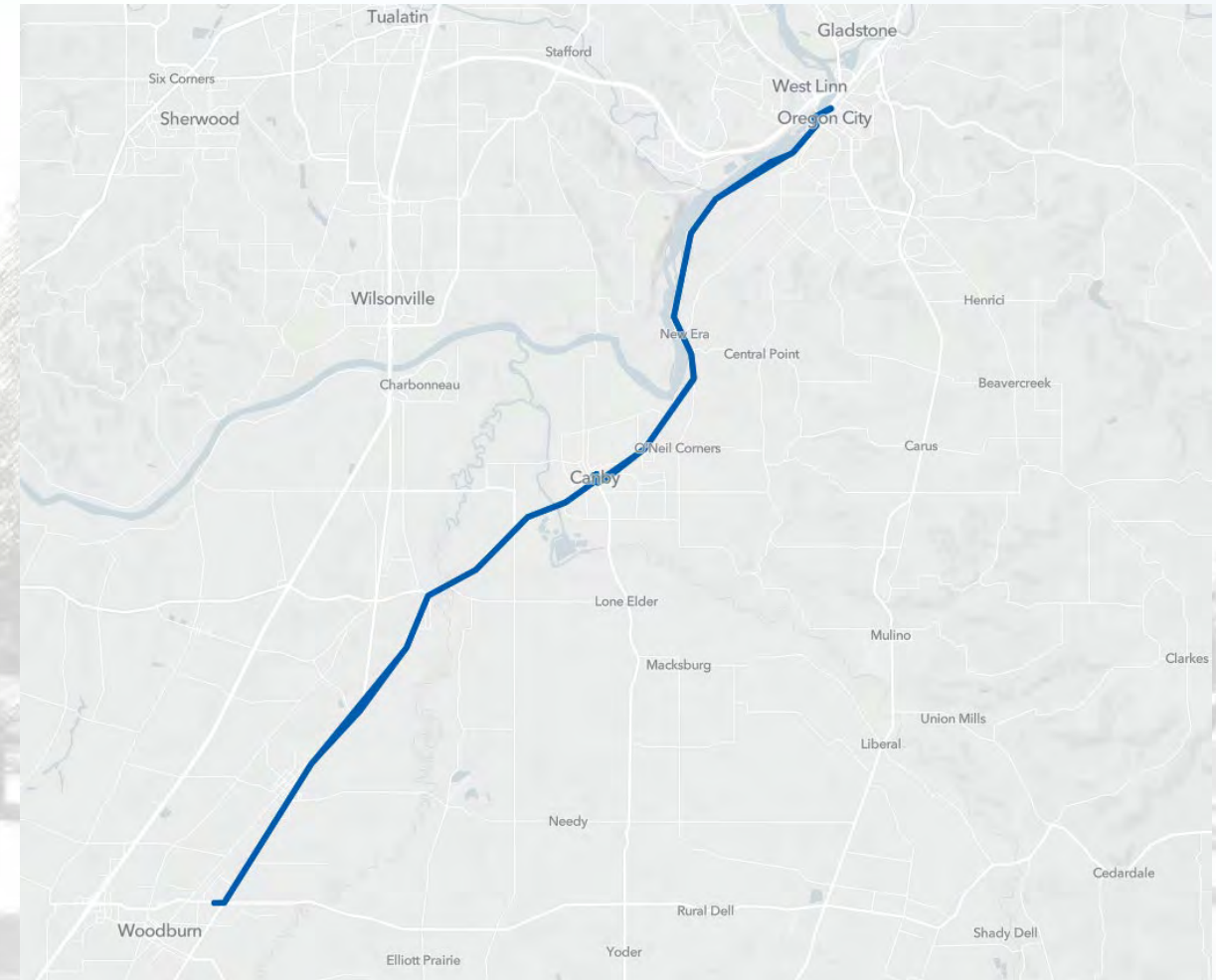
Loops through Canby hitting most major shopping areas and parks.

# 99X:

**Canby to Oregon City Operates 5:00 am to 10:45 pm**

**Canby to Woodburn Operates 6:00 am to 7:54 pm**

**Operates 8:00 am to 6:45 pm on Saturday**





# Dial-A-Ride Services:

## Complementary Para-Transit Service:

For those unable to use fixed route bus

Operates 5:00 am to 8:15 pm Monday through Friday

Operates 8:00 am to 6:30 pm Saturdays

## General Public Dial-a-Ride:

Operates in the Canby Urban Growth Boundary

Rides based on space availability

Operates 8:00 am to 6:15 pm Monday through Friday

Operates 8:00 am to 6:15 pm Saturdays

## Shopper Shuttle: **Discontinued 9/11/2023**

Provides Free Rides to various stores

Operates Monday-Friday

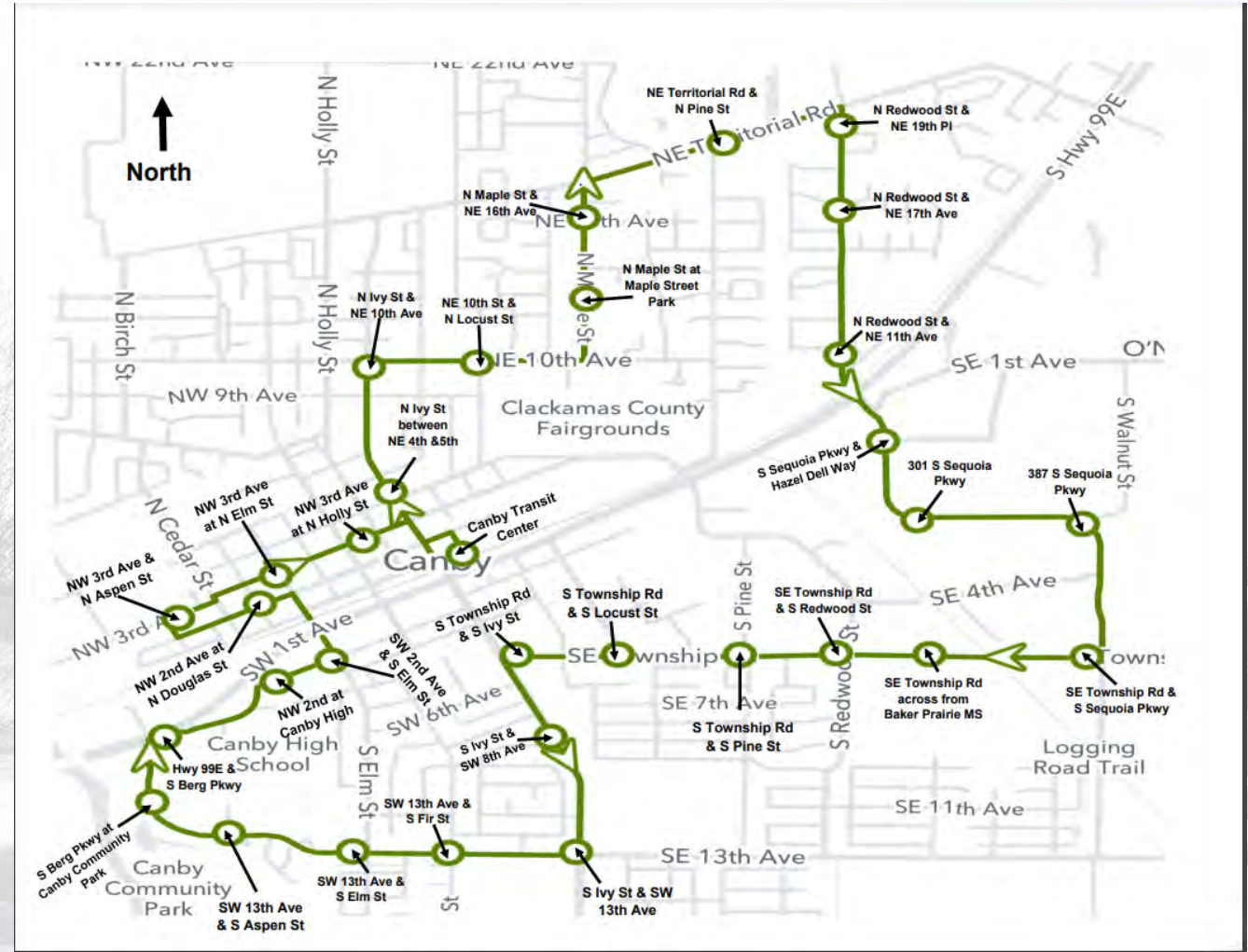
9:15-1 pm and is split North and South

# Canby Loop

Operates 6:00 am to 7:41 pm  
Single Direction

Expanding to Saturdays:  
September 16, 2023  
8:00am to 9:46pm

**Expanding to Saturdays:  
September 16, 2023  
8:00am to 9:46pm**

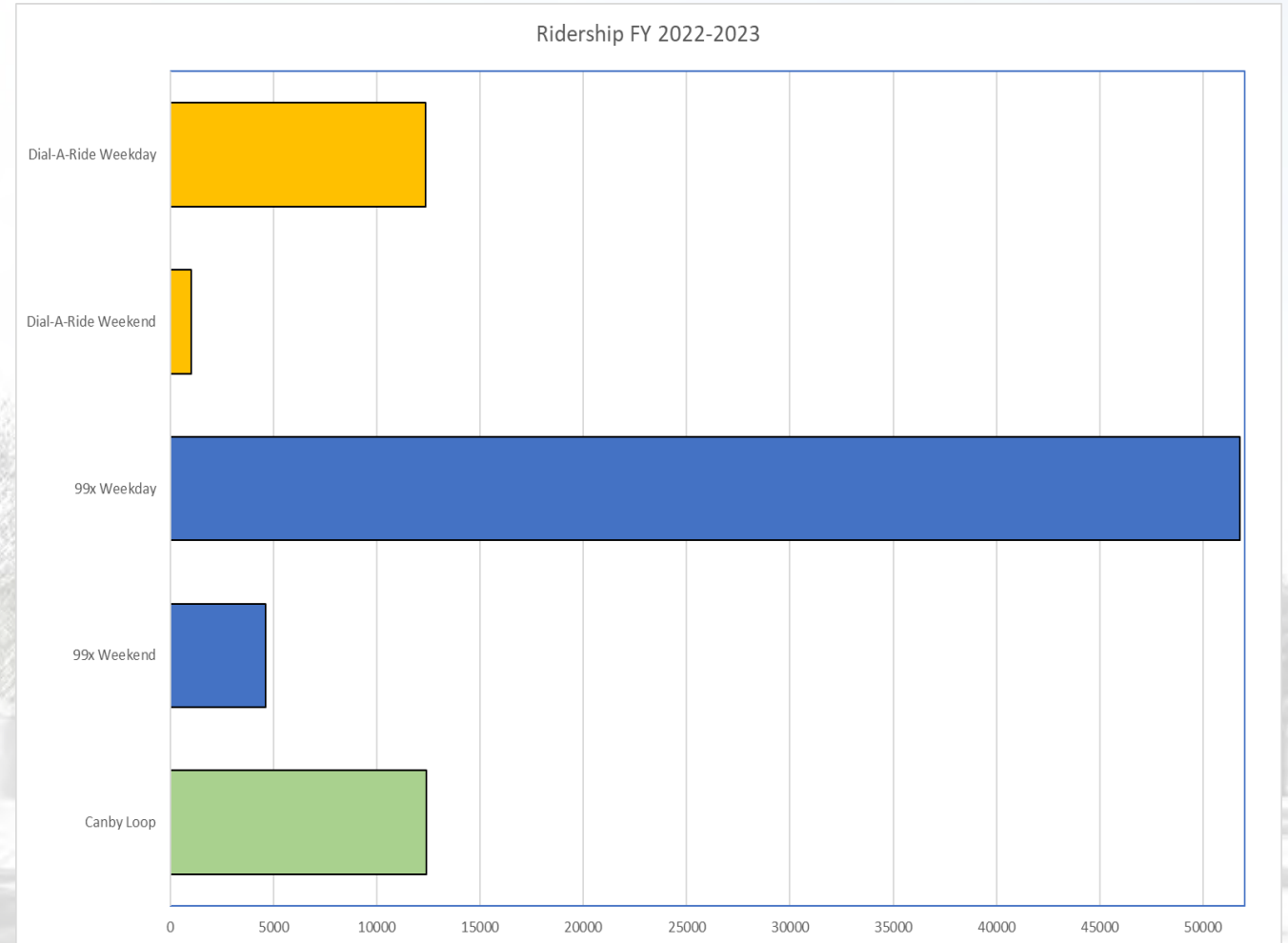




# Ridership FY 22-23

- Dial-A-Ride Weekday: 12,366
- Dial-A-Ride Weekend: 1,024
- 99x Weekday: 51,783
- 99x Weekend: 4,605
- Canby Loop : 12,402

**TOTAL RIDERSHIP : 82,120**



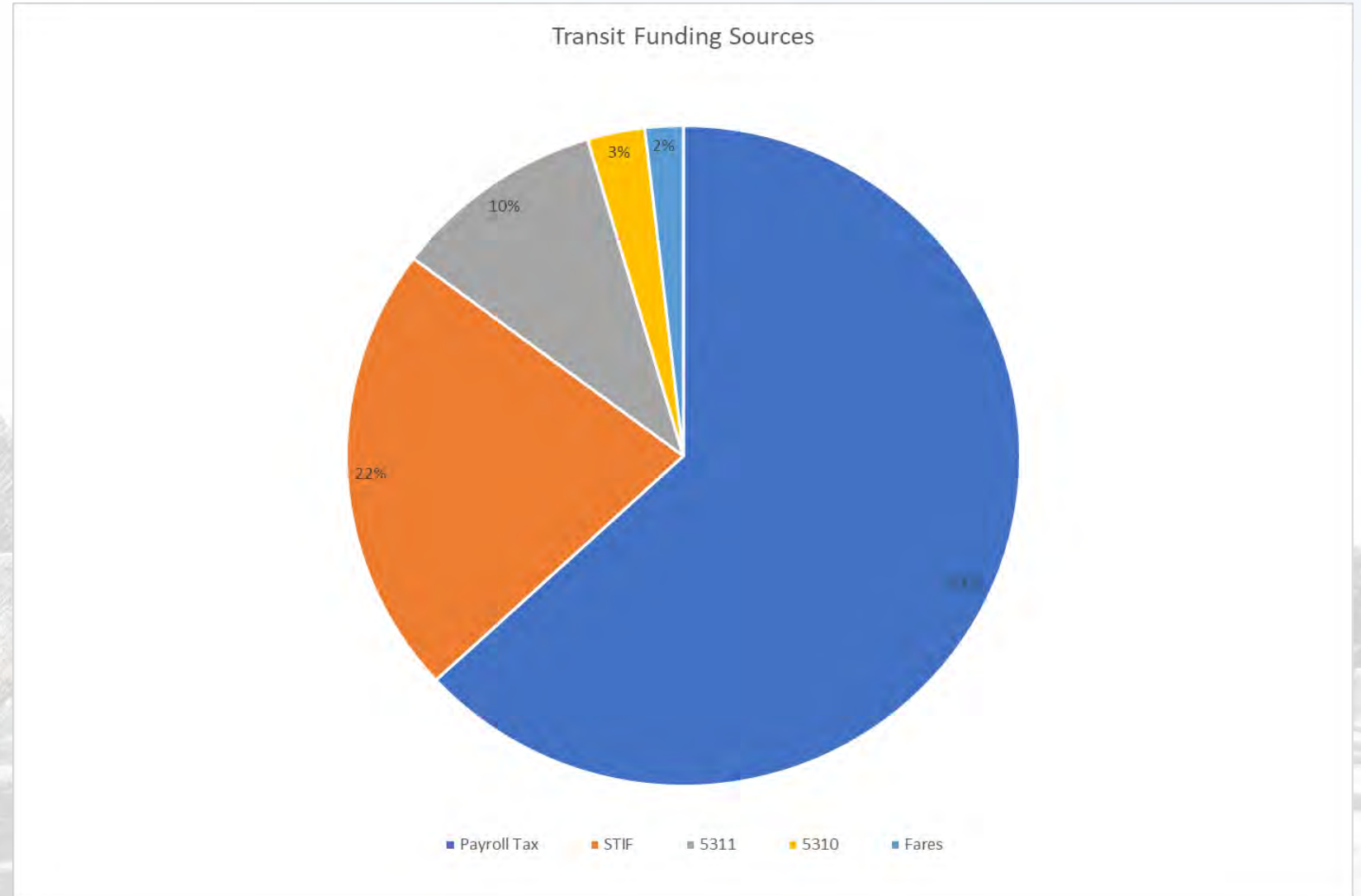
# What's Next For our Services

- 99x re-schedule
- Shopper Shuttle Elimination
- Canby Loop Expansion
- Transit Master Plan Update

# How Are We Funded:

5311 – Federal Rural  
5310 – Federal E&D  
STIF – State Transit  
Payroll – Local 6%/\$1000  
Fares - \$1 per boarding

All state and federal funds are  
Biennial





# New Technology

## Passio :

- 15 Mobile Data Terminals for Buses and Transit Van
- Automated Stop Announcement Systems for all Buses
- GPS Tracking Software
- Web-based public web-site with bus information and real-time locations of vehicles, stops and routes.

## Trip Master :

- Web-based scheduling software system for CAT staff/scheduling
- Generated Messages to Drivers from Dispatch/Office Staff
- Automated Scheduling with time adjustments with actual time of travel
- Trip Portal for Mobile App/Online Rider Trip Management
- Allows clients to submit trip requests
- Integrated Mapping Software
- “Where’s My Ride” text and website feature for clients





# New Website

- Collaboration Between Clackamas County Partners
- Includes Trip Planning
- RideClackamas.org



**Going by bus in Clackamas County is easy as 1 ... 2 ... stress-free!**

Ride Clackamas is your ticket to ride. Here you can [view bus routes](#), [plan your trip](#), and track current locations for [six different bus systems](#).



## Canby Area Transit (CAT)

CAT's mission is to serve the citizens of Canby, Oregon with accessible, dependable, and efficient public transportation.

Canby Area Transit (CAT) was established in 2002 and is supported by Canby Area businesses and funding from the state of Oregon.

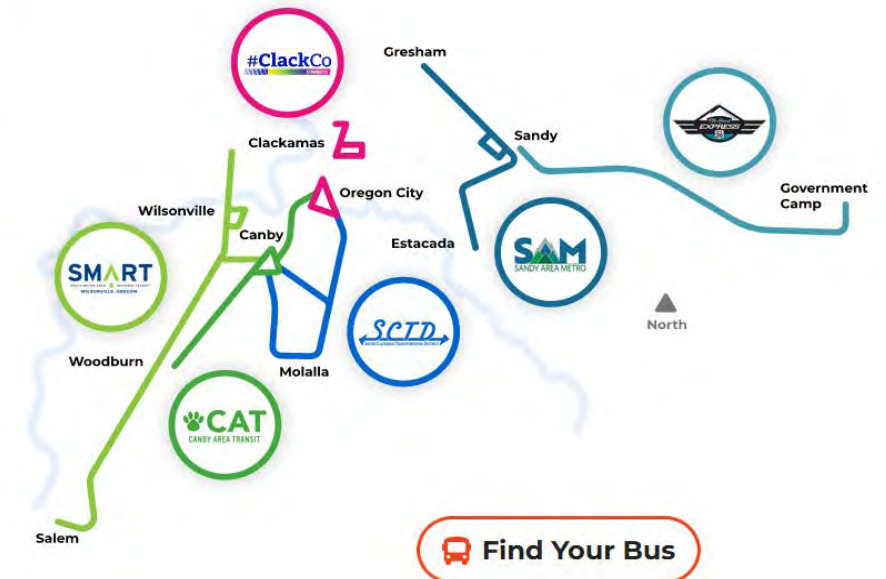
CAT provides the following routes and services:

- **99X Fixed Route:** Service Monday - Saturday
- **Local Canby Loop:** Service Monday - Friday
- **Dial-A-Ride Paratransit:** Service Monday - Saturday
- **Shopper Shuttle:** Service Monday - Friday

Select Language ▼

Map

Menu



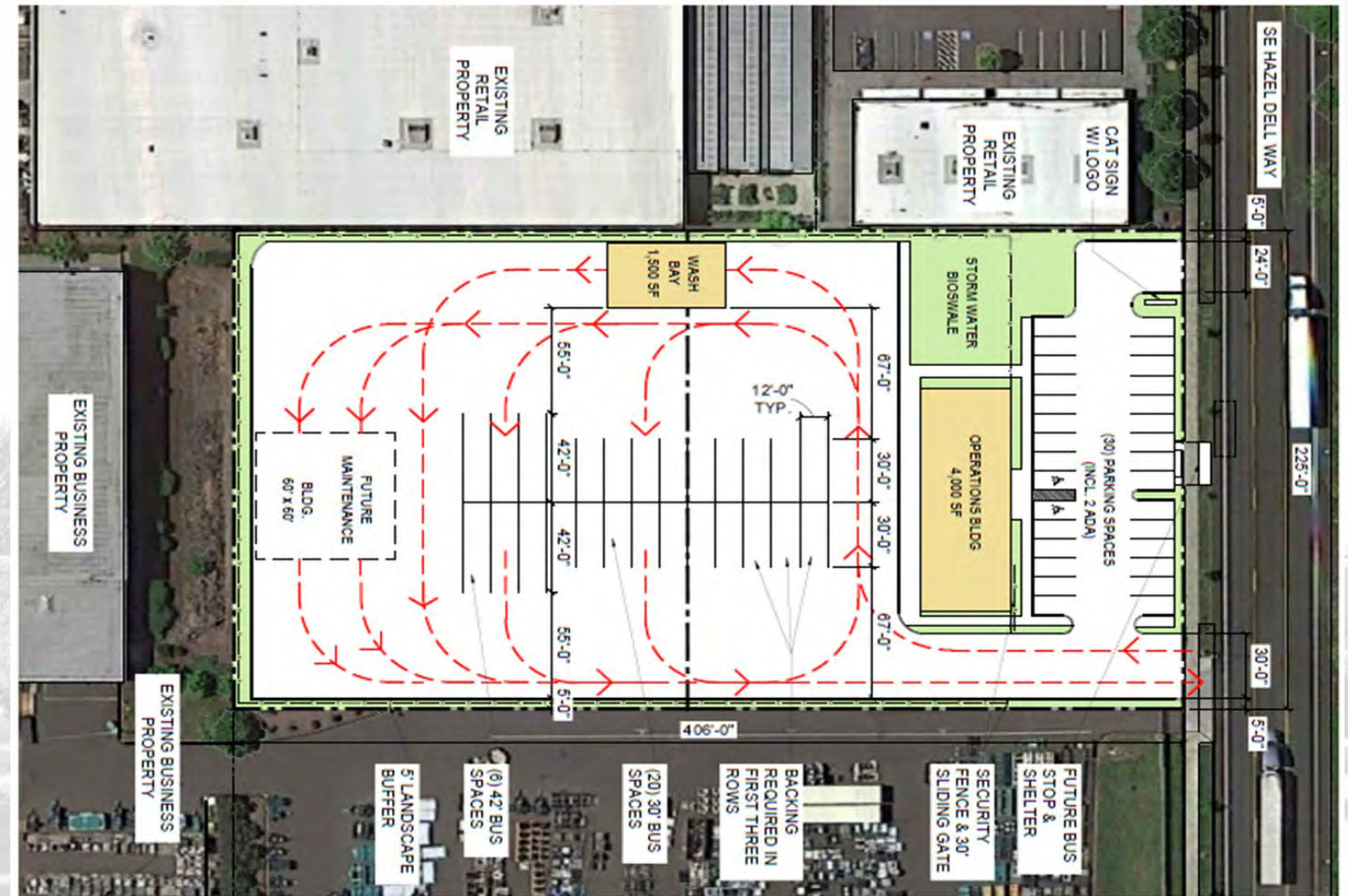


# New Office

Cat New Building:  
Approximate Cost:  
\$4M

RFP Currently underway

Property currently owned:  
2 acres  
Hazel Dell Drive



# Bus Shelters 99E project

- 10 Stops
- 9 Shelters, One Bench Only
- Redwood to Berg Pkwy
- 4 Stops awaiting State Approval
- 6 Stops awaiting ODOT 99E project





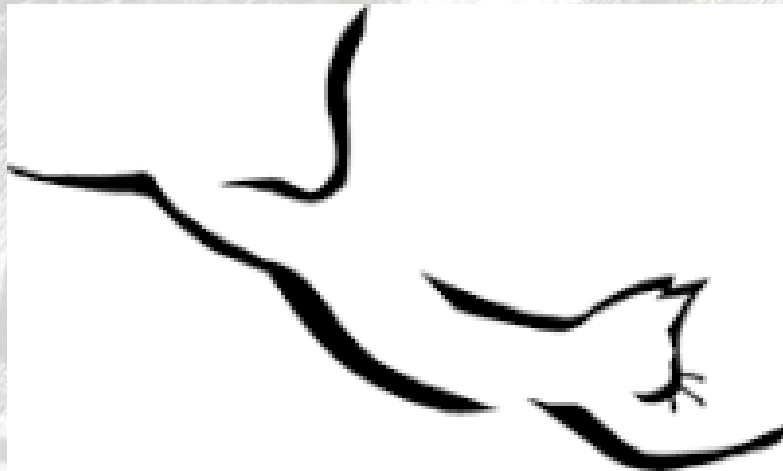
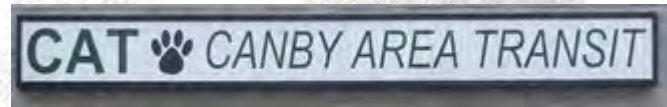
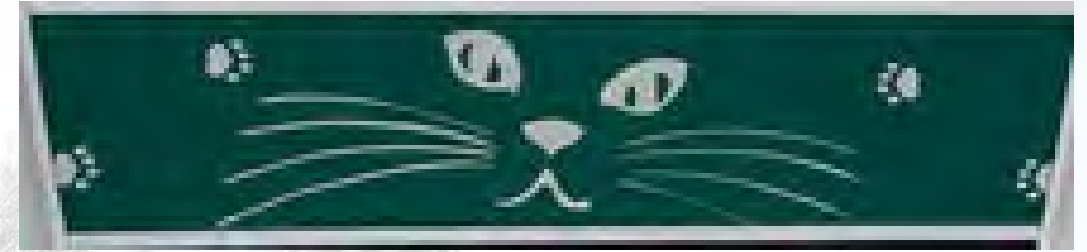
# Why Change:

- Re-Align with the City
- Update our symbol
- Unique and recognizable





# Our Logos:





**CANBY**  
**AREA TRANSIT**







## COLOR PALETTE



# CANBY AREA TRANSIT

## MAIN COLORS | SECONDARY COLORS

R 58  
G 62  
B 37

#3A3E25

R 113  
G 123  
B 73

#717B49

R 236  
G 106  
B 91

#EC645B

R 167  
G 198  
B 191

#A7C6BF

R 229  
G 234  
B 222

#E5EADE

R 215 | G 230 | B 159 | #D7E69F



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# Questions?



# PROCLAMATION

## POW/ MIA RECOGNITION DAY

**WHEREAS, The United States of America has participated in many wars, calling upon its sons and daughters to fight for their country; and**

**WHEREAS, American men and women have been held captive by hostile powers during their military service; and**

**WHEREAS, Many American prisoners of war were subjected to harsh and inhumane treatment by their captors which often resulted in death; and**

**WHEREAS, Americans are still listed as missing and unaccounted for, and the families and friends of these missing Americans, as well as their fellow veterans, still endure uncertainty concerning their fate; and**

**WHEREAS, The sacrifices of Americans still missing are deserving of national recognition and support for continuing priority efforts to determine their fate; and**

**WHEREAS, the City of Canby is proud to join with other cities in the State of Oregon and nation in honoring those still missing.**

**NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, hereby proclaim September 15, 2023 as:**

### **POW/MIA Recognition Day in Canby**

**and encourage all citizens to join in this observance.**

**Given unto my hand this 6<sup>th</sup> day of September 2023.**

**Brian Hodson  
Mayor**

**CANBY CITY COUNCIL  
SPECIAL CALLED COUNCIL MEETING MINUTES  
June 29, 2023**

**PRESIDING:** Brian Hodson

**COUNCIL PRESENT:** Traci Hensley, James Davis, Jason Padden, Christopher Bangs, Shawn Varwig, and Herman Maldonado.

**STAFF PRESENT:** Eileen Stein, Interim City Administrator; Joseph Lindsay, City Attorney; and Maya Benham, City Recorder.

**CALL TO ORDER:** Mayor Hodson called the Special Called Meeting to order at 5:05 p.m. in the Council Chambers.

**PUBLIC HEARINGS:**

a. Declaring the City's election to receive State Revenue for Fiscal Year 2023-2024 – Mayor Hodson opened the public hearing and read the hearing statement.

Eric Kytola, Finance Director, presented the staff report. This hearing was required to declare the City's election to receive state shared revenues. He estimated the City would receive \$240,000.

There was no public testimony.

Mayor Hodson closed the public hearing.

Resolution 1386 – **\*\*Council President Hensley moved to adopt Resolution 1386, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2023-2024. Motion was seconded by Councilor Varwig and passed 6-0.**

b. Setting Fees for Services and Repealing Res. 1370 and all Previous Resolutions, Adopting a Master Fee Schedule – Mayor Hodson opened the public hearing and read the hearing statement.

Mr. Kytola presented the staff report. He said this would set the fees for services in the Master Fee Schedule effective July 1, 2023. He summarized the changes to the fee schedule and comparison of current and proposed fees.

There was no public testimony.

Mayor Hodson closed the public hearing.

Resolution 1389 – **\*\*Councilor Davis moved to adopt Resolution 1389, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY, OREGON, SETTING FEES FOR SERVICES AND REPEALING RESOLUTION 1370 AND ALL PREVIOUS**



**RESOLUTIONS, ADOPTING A MASTER FEE SCHEDULE. Motion was seconded by Councilor Padden and passed 5-1 with Council President Hensley opposed.**

**RESOLUTIONS:**

a. Resolution 1391 – Eileen Stein, Interim City Administrator, said this resolution would extend the contract for legal services to cover the absence of the City Attorney who was leaving the City. An ordinance would come back to the Council to extend the contract for a larger amount and cover services during the recruitment process.

**\*\*Councilor Bangs moved to adopt Resolution 1391, A RESOLUTION AMENDING THE PERSONAL SERVICES AGREEMENT WITH BEERY, ELSNER AND HAMMOND LLP FOR INTERIM LEGAL SERVICES FOR THE CITY OF CANBY. Motion was seconded by Councilor Maldonado and passed 6-0.**

b. Resolution 1392 – Mr. Kytola said the resolution certified the City was eligible to receive state shared revenues.

**\*\*Councilor Padden moved to adopt Resolution 1392, A RESOLUTION CERTIFYING THE CITY OF CANBY IS ELIGIBLE IN FISCAL YEAR 2023-2024 TO RECEIVE STATE SHARED REVENUES (CIGARETTES, LIQUOR, 911, AND HIGHWAY GAS TAXES) BECAUSE IT PROVIDES FOUR OR MORE MUNICIPAL SERVICES. Motion was seconded by Councilor Maldonado and passed 6-0.**

Councilor Bangs suggested a discussion on sending to a vote the allowance for marijuana facilities in the City in order to receive state shared revenues from those sales.

There was discussion regarding receiving funds for 911 services.

**OLD BUSINESS:**

a. City Administrator & City Attorney Recruitment – Joe Lindsay, City Attorney, said staff had brought forward options for the City Administrator recruitment. He had looked into cost savings if those recruiters could also do the City Attorney recruitment, however he found out there was not much that would be saved.

There was discussion regarding combining the recruitments or running them separately, cost of interim services, overlapping the recruitments, and which recruitment firm to choose.

There was consensus to start with the City Administrator recruitment and when it reached a certain point, begin on the City Attorney recruitment. The Council chose GMP as first choice, and Prothman as the second choice, for the recruitment firm.

b. Community Grant Award – Ms. Stein discussed the community enhancement grant application from Canby Kids. She suggested awarding them \$10,000, which would be \$2,000 per sport.

Councilor Padden requested an audit of the program.

There was consensus for staff to move forward as suggested.

The meeting was adjourned at 5:58 p.m.

Maya Benham  
City Recorder

Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood

DRAFT





## City Council Staff Report

Meeting Date: 9/6/2023

To: The Honorable Mayor Hodson & City Council  
Thru: Eileen Stein, Interim City Administrator  
From: Maya Benham, City Recorder  
Agenda Item: Consider Approval of Removing Member Bryan Peterson from the Transit Advisory Committee for a term ending March 31, 2024

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### **Summary**

Member Bryan Peterson was appointed on December 1, 2021. Beginning of 2023, member began missing meetings. There were numerous attempts to reach out via phone, email, and US mail. No response was received and as of July 27, 2023, the Transit Advisory Committee voted to recommend removal of this member.

### **Recommendation**

The Transit Advisory Committee voted at the July 27, 2023 meeting to recommend removal of this member.

### **Proposed Motion**

"I move to approve the removal of member Bryan Peterson from the Transit Advisory Committee for a term ending March 31, 2024."



## City Council Staff Report

Meeting Date: 9/6/2023

To: The Honorable Mayor Hodson & City Council  
Thru: Eileen Stein, Interim City Administrator  
From: Maya Benham, City Recorder  
Agenda Item: Consider Reappointment of Member Paul Waterman to the Transit Advisory Committee for a term ending March 31, 2026.

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### **Summary**

Paul Waterman would like to be reappointed as a member of the Transit Advisory Committee with a term ending March 31, 2026.

### **Background**

The Transit Advisory Committee was established through Resolution No. 790 in 2002. It assesses transportation needs, acts in an advisory capacity to the Transit Director, promotes and educates the public regarding the acceptance and usage of the transit system and special problems associated with the use of the system by youth, elderly and disabled citizens. The Commission is made up of seven members who serve three year terms.

### **Discussion**

Mr. Waterman would like to continue to serve on the Transit Advisory Committee. Mr. Waterman has been serving since 2020. Mr. Waterman was employed by the City of Canby in 2022, has left employment at the City of Canby and would like to continue serving.

### **Attachments**

Application of Paul Waterman.

### **Fiscal Impact**

None.

### **Options**

1. Reappoint Paul Waterman to the Transit Advisory Committee.
2. Take no action.

### **Recommendation**

Reappoint Paul Waterman to the Transit Advisory Committee.

### **Proposed Motion**

"I move to approve the reappointment of Paul Waterman to the Transit Advisory Committee for a term expiring March 31, 2026."



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

Date: 8/8/2023 Position Applying For: Transit Committee

Name: Paul Waterman Occupation: Network Admin

Home Address: [REDACTED]

Employer: \_\_\_\_\_ Position: Network Admin

Daytime Phone: [REDACTED] Evening Phone: [REDACTED]

E-Mail Address: [REDACTED]

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

Committees

What are your major interests or concerns in the City's programs? \_\_\_\_\_

Public Transportation for Canby

Reason for your interest in this position: \_\_\_\_\_

Local Business Owner and Family Members depend on public transportation

Experience and educational background: Prior Transit Committee Member

List any other City or County positions on which you serve or have served: \_\_\_\_\_

Transit Committee

Referred by (if applicable): \_\_\_\_\_

***Please return to:***

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

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

Date Received: \_\_\_\_\_ Date Appointed: \_\_\_\_\_ Term Expires: \_\_\_\_\_

Date Resigned: \_\_\_\_\_ Destruction Date: \_\_\_\_\_





## CITY COUNCIL STAFF REPORT

Meeting Date: 9/6/2023

To: The Honorable Mayor Hodson & City Council  
Thru: Eileen Stein, Interim City Administrator  
From: Jamie Stickel, Economic Development Director  
Agenda Item: Consider Ordinance No. 1609, Authorizing the Interim City Administrator to approve the expenditure of \$200,000 to Canby Library Holdings for the redevelopment of the former Canby Public Library as part of the Oregon Main Street Revitalization Grant. (*Second Reading*)  
Goal: N/A  
Objective: N/A

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### Summary

The City of Canby applied for and was awarded a \$200,000 Oregon Main Street Revitalization Grant from Oregon Parks and Recreation Department (OPRD) to redevelop the former Canby Public Library, 292 N Holly Street.

### Background

The City of Canby was awarded an Oregon Main Street Revitalization Grant in 2019 for the former Canby Public Library building. The City owned the building and applied for the grant to put towards the redevelopment of the building. City staff began work with LRS Architects on a rendering and cost estimates to turn the vacant library building into a public market with retail and office spaces. The renderings and cost estimates came back and proved to be cost prohibitive for the City to proceed with their plans.

In early 2020, the City of Canby received numerous inquiries about the status of the former Canby Public Library building. At that time, the City Council directed City staff to move forward with a Request for Expressions of Interest to further gauge interest in sale or lease of the building. City staff brought the proposals back to the City Council in May 2020. Throughout 2020, the City Council negotiated with Canby Library Holdings (who also own Oregon City Brewing Company) on their concept for the Canby Beer Library.

The purchase and sale agreement was signed in February 2021 which saw the sale of the former Canby Public Library building for \$500,000 with a \$100,000 promissory note. The City will hold the promissory note until Canby Library Holdings completes renovations exceeding \$1,000,000. Both parties also agreed to work with the OPRD staff to update the scope of work for the Oregon Main Street Revitalization Grant and utilize the \$200,000 grant for the redevelopment of the building. OPRD approved the changes and City staff has submitted progress reports on the project throughout this time.

The grant period closed on June 30<sup>th</sup>, 2023 and all final grant documents were submitted to the OPRD. City of Canby staff and Canby Library Holdings worked together to provide documentation of invoices, photos, and inspections. The final grant report was approved by the OPRD in July 2023 and the City of Canby was issued a check for \$200,000.

### **Discussion**

The City received the \$200,000 check from OPRD and staff seeks approval from the Canby City Council to authorize the Interim City Administrator to approve the expenditure of \$200,000. The expenditure amount is outside the Interim City Administrators' spending authorization and meets the threshold of requiring an ordinance.

### **Attachments**

- Ordinance 1609
- Purchase and Sale Agreement for the former Canby Public Library building

### **Fiscal Impact**

None.

### **Options**

- Approve Ordinance 1609 authorizing the Interim City Administrator to approve the expenditure of \$200,000 to Canby Library Holdings for the Redevelopment of the former Canby Public Library as part of the Oregon Main Street Revitalization Grant.
- Deny Ordinance 1609 authorizing the Interim City Administrator to approve the expenditure of \$200,000 to Canby Library Holdings for the Redevelopment of the former Canby Public Library as part of the Oregon Main Street Revitalization Grant.

### **Recommendation**

City staff recommends the Canby City Council approve Ordinance 1609 authorizing the Interim City Administrator to approve the expenditure of \$200,000 to Canby Library Holdings for the redevelopment of the former Canby Public Library as part of the Oregon Main Street Revitalization Grant.

### **Proposed Motion**

"I move to adopt Ordinance 1609, an ordinance authorizing the Interim City Administrator to approve the expenditure of \$200,000 to Canby Library Holdings for the Redevelopment of the former Canby Public Library as part of the Oregon Main Street Revitalization Grant."

## ORDINANCE NO. 1609

### **AN ORDINANCE AUTHORIZING THE INTERIM CITY ADMINISTRATOR TO APPROVE THE EXPENDITURE OF \$200,000 TO CANBY LIBRARY HOLDINGS FOR THE REDEVELOPMENT OF THE FORMER CANBY PUBLIC LIBRARY AS PART OF THE OREGON MAIN STREET REVITALIZATION GRANT.**

**WHEREAS**, the City of Canby applied for and was awarded an Oregon Main Street Revitalization Grant in 2019 for \$200,000 for the redevelopment of the former Canby Public Library Building located at 292 N Holly Street;

**WHEREAS**, the City of Canby sold the former Canby Public Library building to Canby Library Holdings in 2021 after declaring the property surplus and in the best interest of the City to sell the property;

**WHEREAS**, the Canby City Council agreed to the purchase and sale agreement terms which stated the sale price for the former Canby Public Library building would be \$500,000 and the purchaser would be eligible to apply the Oregon Main Street Revitalization Grant towards the development of the former Canby Public Library building;

**WHEREAS**, City of Canby staff worked with Canby Library Holdings and Oregon Parks and Recreation Staff to ensure the new proposed scope of work on the building would be eligible and appropriate for the grant funding; and

**WHEREAS**, Canby Library Holdings fulfilled its obligation to provide the City of Canby with documentation for the Oregon Main Street Revitalization Grant including invoices, photos, and inspections which was submitted on June 30, 2023 and approved by the Oregon Parks and Recreation Department in July 2023.

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

**Section 1.** The Interim City Administrator is hereby authorized on behalf of the City of Canby to approve the expenditure in the amount of \$200,000.

**Section 2.** The effective date of this Ordinance shall be Friday, October 6, 2023.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, August 16, 2023, ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, September 6, 2023, commencing at the hour of 7:00PM in the Council Chambers located at 222 NE 2nd Avenue, 1st Floor Canby, Oregon.

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Maya Benham  
City Recorder



**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 6th day of September 2023, by the following vote:

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

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

ATTEST:

\_\_\_\_\_  
Maya Benham  
City Recorder

## PURCHASE AND SALE AGREEMENT

THIS AGREEMENT (the "Agreement") is made and entered into as of this 17<sup>th</sup> day of March, 2021 (the "Effective Date"), by and between CITY OF CANBY ("Seller") and CANBY LIBRARY HOLDINGS, LLC, an Oregon limited liability company ("Purchaser").

WHEREAS, Seller is the owner of that certain commercial property located at 292 N. Holly Street, Canby, Clackamas County, Oregon, more particularly described on Exhibit A;

WHEREAS, Seller declares the commercial property surplus and finds it in the best interests of City of Canby to sell said property; and

WHEREAS, Purchaser desires to purchase and Seller desires to sell such commercial property upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the promises and the mutual agreements herein contained, Purchaser and Seller agree as follows:

1. Purchase - Sale.

Purchaser agrees to purchase from Seller and Seller agrees to sell to Purchaser the following (collectively, the "Property"): the land described on Exhibit A, and all tangible personal property (if any) owned by Seller and located on or affixed to the Real Property ("Personal Property").

2. Purchase Price.

The total purchase price for the Property ("Purchase Price") shall be Five Hundred Thousand and No/100 Dollars (\$500,000.00).

3. Payment of Purchase Price.

Purchase Price shall be paid by Purchaser to Seller through "Escrow Holder" (as defined below) as follows:

(a) Deposit. Within two (2) business days after the Effective Date, Purchaser shall deposit in "Escrow" (as defined below) a promissory note in the form of Exhibit C attached hereto (the "Note") in the amount of Five Thousand and No/100 Dollars (\$5,000.00). Within one (1) business day after Purchaser's waiver of the Inspection Contingency pursuant to Section 6(a) below, Purchaser shall convert the Note (and any additional deposits) to immediately available funds (the "Deposit"). Escrow Holder shall invest the Deposit held by it in a federally insured, interest-bearing account. The accrued interest shall be treated as part of the Deposit. If the Deposit is retained by the Seller, the Seller shall receive the interest. If the Deposit is returned to the Purchaser, the Purchaser shall receive the interest. If the sale of the Property as contemplated hereunder is consummated, the amount of the Deposit and the interest earned thereon, shall be credited against the Purchase Price at Closing.

(b) Cash Payment Due on Closing. At the Closing, Purchaser shall pay into Escrow, in immediately available funds, the remaining balance of the Purchase Price, after credit for the Deposit, plus such additional amounts as are assessed against Purchaser as "Closing Costs" as defined in Section 10.

4. Escrow.

The "Escrow Holder" shall be First American Title Insurance Company, 121 SW Morrison Street, Suite 300, Portland, OR 97204, Attention: Dona Kramer. The "Opening of Escrow" shall be deemed to be that date on which Escrow Holder receives from Seller a fully executed copy (or counterparts) of this Agreement. This Agreement shall serve as escrow instructions. Supplementary instructions may be provided in writing but only valid to the extent not inconsistent with this Agreement, or otherwise when executed by both Seller and Purchaser.

5. Preliminary Title Report, Title Insurance.

(a) Commitment. The "Title Company" shall be First American Title Insurance Company. Within five (5) business days of the Opening of Escrow, Seller, at its sole cost and expense, shall cause the Title Company to issue its commitment to insure Purchaser's title in an amount equal to the Purchase Price ("Commitment"), and deliver copies of all documents referred to therein to Purchaser for its review and approval.

(b) Title Policy. At the Closing, Seller shall cause the Title Company, at Seller's sole cost and expense, to issue to Purchaser a standard owners' policy of title insurance showing fee title to the Property vested in Purchaser (the "Title Policy"). The issued Title Policy shall contain a liability limit in an amount equal to the Purchase Price for the Property and shall contain only those Permitted Exceptions shown in the Commitment accepted or deemed to have been accepted by Purchaser pursuant to Section 6(b). If Purchaser elects to obtain extended coverage title insurance and/or additional endorsements to the Title Policy, the cost of such extended coverage and/or endorsements shall be the responsibility of Purchaser, but Seller, without any obligation to incur any liability or expense or take any action to clear title, shall cooperate in executing such documents, certificates and affidavits as may be customarily and reasonable requested by the Title Company in order to issue the desired extended coverage and/or endorsements.

6. Conditions Precedent.

In addition to any other requirements or conditions to Closing, Purchaser's obligations hereunder to purchase and pay for the Property shall be subject to the conditions precedent set forth in this Section 6, which shall be satisfied or may be waived in Purchaser's sole discretion on or before the time and date specified below or before Closing if no time is specified.

(a) Inspection Contingency. Purchaser shall have until 5:00 p.m., Pacific Time, on the one-hundred and twentieth (120) day after the delivery of the Seller's Documents (as defined in Section 6(c) below) (the "Inspection Period") to inspect the Property and make whatever other inquiry it deems appropriate to determine the suitability of the Property for Purchaser's intended use and the condition of the Property.



Purchaser may engage consultants or engineers of the Purchaser's choosing to conduct studies of the Property as the Purchaser deems necessary. The Purchaser shall indemnify and hold the Seller harmless from any loss, damage, or claim arising out of the Purchaser's access to the Property for the purpose of making tests, inspections, studies, and other investigations, except to the extent due to the gross negligence or willful misconduct of Seller or its agents, employees or contractors. Purchaser shall notify Seller in writing on or before the end of the Inspection Period whether or not Purchaser elects to proceed with the purchase of the Property pursuant to this Agreement. Purchaser's election to proceed with the purchase is referred to herein as "waiver of the Inspection Contingency". Failure of Purchaser to notify Seller of Purchaser's election to proceed with purchase of the Property shall constitute Purchaser's election not to proceed with the purchase of the Property whereupon Escrow Holder shall immediately return the Deposit to Purchaser. If Purchaser notifies Seller in writing at any time during the Inspection Period of its election not to proceed with the purchase of the Property, this Agreement shall be terminated and Escrow Agent shall immediately return the Deposit to Purchaser. Following Purchaser's waiver of the Inspection Contingency and continuing until Closing or termination of this Agreement, Seller shall not, without the prior written consent of Purchaser, enter into, modify, amend, terminate or otherwise alter the terms of (i) any existing or prospective lease of the Property, (ii) any contract or agreement which Purchaser has advised Seller will be assumed at Closing, or (iii) any other agreement or commitment affecting the Property which would be binding upon Purchaser following the Closing.

(b) Purchaser's Option to Extend the Inspection Period; Extension Deposit.

Purchaser shall have one (1) option to extend the Inspection Period for ninety (90) days (the "Inspection Period Extension"). Purchaser may exercise the Inspection Period Extension, extending the Inspection Period for ninety (90) days, by:

(i) providing written notice to Seller, and

(ii) depositing into Escrow an additional, forfeitable Five Thousand and 00/100 Dollars (\$5,000.00) (the "Extension Deposit"), on or before the end of the then existing Inspection Period. This additional "Extension Deposit" becomes part of the Deposit for purposes of satisfying the liquidated damages in Section 15 below.

(c) Review of Commitment. Purchaser shall have until 5:00 p.m., Pacific Time, on the tenth (10<sup>th</sup>) business day after receipt of the Commitment, to notify Seller and Escrow Holder in writing of Purchaser's disapproval of any exceptions shown in the Commitment. All exceptions not expressly disapproved by Purchaser as provided herein shall be permitted exceptions ("Permitted Exceptions"). In the event of Purchaser's timely disapproval of any exceptions, Seller shall have five (5) business days within which to advise Purchaser whether or not it will eliminate any disapproved exceptions from the policy of title insurance to be issued in favor of Purchaser. If Seller fails to notify Purchaser within such five (5) business day period or notifies Purchaser that it elects not to eliminate any disapproved exception, or if Purchaser is not satisfied, in its discretion, with Seller's means of eliminating all exceptions, Purchaser shall have five (5) business days after the date Purchaser notifies Seller of the exceptions to which Purchaser

objects to notify Seller and Escrow Holder in writing that it elects not to purchase the Property, in which event this Agreement shall be terminated and Escrow Agent shall immediately return the Deposit to Purchaser. Except as otherwise expressly provided in this Agreement, the failure of Purchaser to notify Seller of its election not to purchase the Property within the aforementioned time limits shall be deemed an approval of the Commitment and election to proceed with the purchase. Notwithstanding anything to the contrary in this Agreement, in no event shall Purchaser be obligated to object to any monetary liens or encumbrances against the Property, and all such monetary liens and encumbrances shall be removed by Seller on or before the Closing Date (other than liens for property taxes which are not yet due and payable, which shall be pro-rated as provided for in Section 11).

(d) Seller Deliveries. Within five (5) business days following the Effective Date, Seller shall provide to Purchaser without any warranty or representation access to those documents set forth on Exhibit B in Seller's actual possession, without any obligation to procure such documents, and which are not subject to legal restriction as to disclosure ("Seller's Documents"). If this Agreement is terminated for any reason, within three (3) business days after such termination Purchaser shall either destroy or return to Seller copies of all documents concerning the Property provided by Seller to Purchaser.

(e) Seller Performance. Seller shall have performed all of its obligations hereunder in connection with the closing of the sale of the Property, and all of Seller's representations and warranties herein shall be true and correct in all material respects as of the Closing.

7. (a) Oregon Main Street Grant. It is anticipated by the parties that, subsequent to Closing, Purchaser should be eligible to apply certain grant funding made available to Seller by the State of Oregon. Seller shall use best efforts to assist Purchaser in applying for, utilizing, and seeking forgiveness for the successful application of the \$200,000 reimbursable grant (the "Oregon Main Street Grant") for future development of the Property pursuant to the terms of the Grant Agreement (2019 Oregon Main Street Revitalization). A copy of the Grant Agreement is attached hereto as Exhibit D and incorporated herein.

8. (b) Buyer's Additional Promissory Note. In addition to the cash consideration paid by Purchaser in the amount of five hundred thousand (\$500,000) dollars, Buyer will provide a promissory note relating to this transaction in the amount of one hundred thousand (\$100,000) dollars. Seller will hold this promissory note, and Purchaser will continue to owe this amount to Seller unless and until certain post-closing conditions are met to the satisfaction of Seller. This promissory note cannot be sold, conveyed, granted, or otherwise assigned without the prior written consent of Seller. This promissory note can only be satisfied by cash payment of one hundred thousand (\$100,000) dollars to Seller at any time, by requesting and receiving written release from Seller by demonstrating satisfactory improvements, or by successfully completing the proposed upgrades to Seller's satisfaction in an amount exceeding one million (\$1,000,000) dollars and then applying for and receiving written release of this promissory note by Seller. Seller's release will not be unreasonably withheld. Further, Purchaser cannot re-sale, grant, convey or otherwise assign this property until either this promissory note is paid or otherwise satisfied or the Seller gives prior written consent to the Seller for any such proposed transaction.

9. Pre-Closing Deliveries.

(a) By Seller:

(i) Deed. A Special Warranty Deed to the Real Property in favor of Purchaser with title vesting in Purchaser duly executed and acknowledged by Seller, conveying fee title to the Real Property (except those portions which are easements only), free of liens or encumbrances created or suffered by Seller, other than the Permitted Exceptions.

(ii) Bill of Sale. A bill of sale, duly executed by Seller, in favor of Purchaser, covering any Personal Property and Intangible Property, as is, where is, in its present condition, including all defects, and without warranties of merchantability or of fitness for a particular purpose with respect to the Personal Property.

(iii) Assignment of Leases and Contracts. Specific assignments in favor of Purchaser of the Leases, contracts and agreements, if any, relating to the Property, all in form reasonably satisfactory to Seller and approved by Purchaser.

(iv) Certificate of Non-Foreign Status. A certificate dated as of the Closing Date, addressed to Purchaser, duly executed by Seller, regarding Seller's non-foreign status.

(v) Other Documents. Such other instruments as are reasonably required by the Title Company or otherwise required to close the escrow and consummate the acquisition of the Property in accordance with the terms hereof.

(b) By Purchaser:

(i) Purchase Price. The Purchase Price as provided in Section 3 and Purchaser's share of the Closing Costs and Prorations as defined in Sections 10 and 11.



(ii) Assignment of Leases and Contracts. A counterpart of the Assignment of Leases and Contracts.

(iii) Other Documents. Such other instruments as are reasonably required by the Title Company or otherwise required to close the escrow and consummate the acquisition of the Property in accordance with the terms hereof.

10. Closing.

The "Closing" or "Closing Date" shall be no later than thirty (30) days after Purchaser's waiver or satisfaction of the Inspection Contingency. At the Closing, when Escrow Holder has received the funds and the items to be delivered by Seller and Purchaser described in Section 8 above, and is prepared to issue and deliver the Title Policy in the form required by Section 5(b), Escrow Holder shall:

(a) Collect from Purchaser the Closing Costs described in Section 10, and such additional amounts, if any, as are assessed against Purchaser as a result of prorations pursuant to Section 11;

(b) Record the deed;

(c) Deliver to Seller the balance of the Purchase Price after deducting Seller's share of the Closing Costs described in Section 10, and such additional amounts attributable to Seller as a result of prorations pursuant to Section 11;

(d) Deliver to Purchaser the Title Policy;

(e) Deliver to Purchaser the Bill of Sale, Assignment of Leases and Contracts, and Certificate of Non-Foreign Status; and

(f) Deliver to Seller and to Purchaser the additional items each is to receive at Closing as listed in Section 8.

11. Closing Costs.

Expenses of the escrow for the sale shall be paid one half by Purchaser and one half by Seller. Seller shall pay all documentary transfer taxes and the cost of the Title Policy. Purchaser shall pay the recording charges for the deed, the cost of any endorsements or extended coverage for the Title Policy and the cost of any survey update or new survey required to obtain extended coverage for the Title Policy.

12. Condition of Property and Improvements.

(a) AS-IS Sale. Seller is conveying, and Purchaser shall accept, the Property and the Improvements "AS IS" except for the express representations and warranties contained herein. Purchaser acknowledges that as of the Date of Closing, it shall have inspected the Property and determined that it is physically and economically suited for its intended use. Purchaser's inspection shall have considered but shall not be limited to

leases, records of operation, electrical wiring, plumbing, pest, roof, elevator system, HVAC, dry rot, soils and structural, environmental assessment and any other aspect of the Property as reasonably required for Purchaser to evaluate the Property. Purchaser further acknowledges that Seller has made no other representations, warranties or agreements relating to the condition of the Property, the Personal Property, or the Improvements, including without limitation, the development potential of the Property, the present status of zoning or other governmental requirements affecting the Property, the availability of water or other services, or compliance with environmental laws and regulations and compliance with the Americans with Disabilities Act and regulations.

(b) Release of Seller. Purchaser hereby releases Seller and its officers, directors, partners, employees, and agents, and their respective heirs, successors, personal representatives and assigns, from and against any and all suits, causes of action, legal or administrative proceedings, claims, demands, actual damages, punitive damages, losses, costs, liabilities, interest, attorneys' fees and court costs and expenses of whatever kind and nature, in law or in equity, known or unknown, which Purchaser may have and which arise out of or are in any way connected with: (i) the use, maintenance, condition, operation, ownership and possession of the Property, except for a breach of this Agreement by Seller; and (ii) the use, generation, manufacture, storage, discharge, disposal, transportation or presence of Hazardous Materials on, under or above the Property. "Hazardous Materials" means: (a) any petroleum, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel, or any mixture thereof, flammable substances, explosives, radioactive materials, hazardous wastes or substances, toxic wastes, wastes or substances or any other materials or pollutants which: (i) pose a hazard to the Property or the improvements upon the Property, or to persons on or about the Property, or (ii) cause the Property or the improvements upon the Property to be in violation of any federal, state or local law, ordinance, regulation, code, or rule relating to Hazardous Materials; (b) asbestos in any form which is or could become friable, urea formaldehyde foam insulation, transformers or other equipment which contain dielectric fluid containing levels of polychlorinated biphenyls; (c) any chemical, material or substance defined as or included in the definition of "hazardous substances," "hazardous wastes," "hazardous materials," "extremely hazardous waste," "restricted hazardous waste," "waste" or "toxic substances" or words of similar import under any applicable local, state or federal law or under the regulations adopted or publications promulgated pursuant thereto; and (d) any other chemical, material or substance, exposure to which is prohibited, limited or regulated by any governmental authority or may or could pose a hazard to the health and safety of the occupants of the Property or the owners and/or occupants of property adjacent to or surrounding the Property.

(c) Seller Representations. Notwithstanding the provisions of Section 12(a), as an inducement for Purchaser to enter into this Agreement, Seller represents and warrants to Purchaser that each of the following statements will be true and correct as of the Closing:

(i) Seller is a municipality in good standing under the laws of its formation and authorized to do business in the State of Oregon.

(ii) The execution, delivery and performance of this Agreement, and all instruments or documents required hereunder, are within Seller's powers and have been duly authorized, and the person signing this Agreement on Seller's behalf is duly authorized to do so, and execution and delivery of this Agreement and the performance of the obligations and agreements contained in this Agreement will not (i) conflict with, constitute an event of default under, or result in a breach of or a violation of the provisions of any agreement or other instrument to which Seller is a party or (ii) require the consent or approval of any person not a party to this Agreement.

(iii) Neither Seller nor any person or entity that owns an equity interest in Seller nor any of its officers, directors or managing members is a person or entity with whom U.S. persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control ("OFAC") of the Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List) or under any statute, executive order (including Executive Order 13224 signed on September 24, 2001 and entitled "Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism").

(iv) Seller is the Owner of the Property and has good title to the Property, free of liens and encumbrances except as shown on the Commitment.

(v) To Seller's actual knowledge, there is no litigation, action, suit, or other legal proceeding pending which affects the Property.

(vi) The Property is not in violation of any federal, state or local law, ordinance or regulation relating to Hazardous Substances, industrial hygiene or the environmental conditions on, under or about the Property including, but not limited to, soil and ground water condition. The term "Hazardous Substances" shall mean any flammable explosives, radioactive materials, hazardous wastes or substances, toxic wastes or substances and other related materials, including, without limitation, any substances defined as or included in the definition of "hazardous substances," "hazardous wastes," "hazardous materials," or "toxic substances" under any applicable federal, state or local laws or regulations.

(vii) To Seller's actual knowledge, there is no material breach or default under or in respect of any lease, contract, permit, warranty, easement, encumbrance, or other agreement affecting the Property.

(viii) Seller has not committed nor obligated itself in any manner whatsoever to sell the Property to any party other than Purchaser.

(ix) There are no leases on the Property..

(d) Knowledge Defined. For purposes of this Agreement and any document delivered at Closing, whenever the phrase "to the best of Seller's knowledge" or the "knowledge" of Seller or words of similar import are used, they shall be deemed to refer to the current actual knowledge of the Canby City Administrator, at the times indicated



only and not any implied, imputed or constructive knowledge, without any independent investigation having been made.

13. Risk of Loss.

The risk of loss or damage to the Property until closing shall be borne by the Seller. If, prior to closing, the Property shall be materially destroyed or damaged by any occurrence, or any action with respect to the Property shall be instituted by any public authority for condemnation pursuant to any power of eminent domain, Seller shall promptly notify Purchaser thereof and Purchaser shall have the option to terminate this Agreement by delivering written notice of its election to terminate to Seller within five (5) days after Purchaser is so notified by Seller. If Purchaser elects to terminate this Agreement, any sums paid by Purchaser hereunder shall be refunded in full and the Agreement shall thereafter be null and void and of no further force and effect. If Purchaser does not so elect to terminate this Agreement and closing is held and the Purchase Price has been paid, Purchaser shall be entitled to any award pursuant to any condemnation or eminent domain proceedings and to settle any loss with insurance carriers and to receive the proceeds of all insurance applicable to the loss.

14. Commissions.

(a) Purchaser Representation. Purchaser hereby represents and warrants to Seller that Purchaser has not incurred any obligation for the payment of any real estate broker's commission, finder's fee or other like sum in connection with the purchase of the Property from Seller, and Purchaser hereby agrees to indemnify and hold Seller harmless from and against any and all claims, demands, causes of action, and costs, including attorneys' fees and costs, made, brought or sought against or from Seller arising out of any agreement for the payment of a real estate broker's commission, finder's fee or other like sum entered into between Purchaser and a third party in connection with the sale of the Property to Purchaser.

(b) Seller Representation. Seller hereby represents and warrants to Purchaser that Seller has not incurred any obligation for the payment of any real estate broker's commission, finder's fee or other like sum in connection with the sale of the Property to Purchaser, and Seller hereby agrees to indemnify and hold Purchaser harmless from and against any and all claims, demands, causes of action and costs, including attorneys' fees and costs, made, brought or sought against or from Purchaser arising out of any agreement for the payment of a real estate broker's commission, finder's fee or other like sum entered into between Seller and any other third party in connection with the sale of the Property to Purchaser.

15. Effect of Acceptance.

Upon acceptance, this offer will become an Agreement binding upon and inuring to the benefit of Purchaser and Seller and their respective heirs, legal representatives, successors and assigns, and will be deemed to contain all the terms and conditions agreed upon, it being agreed that there are no conditions, representations, warranties, covenants, or agreements not contained herein or in the Exhibits hereto. Any subsequent conditions, representations,

warranties, covenants or agreements will not be valid and binding upon the parties unless in writing and signed by both parties.

16. Remedies; Purchaser's Release.

(a) Liquidated Damages. It is acknowledged by the parties that it would be extremely difficult and impracticable, if not impossible, to ascertain with any degree of certainty, prior to execution of this Agreement, the amount of damages that would be suffered by Seller in the event of Purchaser's failure to perform under the terms hereof. The parties, having made diligent but unsuccessful attempts to ascertain the actual compensatory damages Seller would suffer in the event of Purchaser's nonperformance of any obligation hereunder, or the failure of Purchaser to perform under the terms of this Agreement, hereby agree that the reasonable estimate of said damages is the amount of the Deposit. Therefore, in the event Purchaser fails to perform its obligations under this Agreement and, by reason of such nonperformance, the Closing shall fail to occur on the Closing Date or is canceled or terminated: (i) Seller may, as its exclusive remedy, retain the Deposit (together with accrued interest thereon) as liquidated damages; and (ii) Escrow Holder is hereby irrevocably instructed to immediately release the Deposit (if not previously released) to Seller upon receipt of written demand from Seller, without liability or further notice to or instructions from Purchaser (and notwithstanding any inconsistent unilateral instruction which may be deposited with Escrow Holder by Purchaser). Notwithstanding anything to the contrary herein, the amount retained by Seller as liquidated damages shall not exceed the maximum amount allowed pursuant to applicable law. Seller shall be entitled to recover, in addition to such liquidated damages, any damages incurred by Seller in enforcing this liquidated damages clause.

(b) Purchaser's Remedies. If all conditions precedent set forth in this Agreement have been waived or satisfied, and Seller fails or refuses to convey the Property to Purchaser, then Purchaser, as its exclusive remedy in such event and in lieu of any other relief, may either:

(i) Terminate this Agreement by giving Seller and Escrow Holder notice of termination and recover all amounts deposited in Escrow by Purchaser; or

(ii) Tender performance of all of its obligations hereunder and seek to specifically enforce Seller's obligation to convey the Property to Purchaser.

17. No Waiver.

Except as herein expressly provided, no waiver by a party of any breach of this Agreement or of any warranty or representation hereunder by the other party shall be deemed to be a waiver of any other breach by such other party (whether preceding or succeeding and whether or not of the same or similar nature), and no acceptance of payment or performance by a party after any breach of this Agreement or of any representation or warranty hereunder by such other party, whether or not the first party knows of such breach at the time it accepts such payment or performance shall be a waiver of any preceding breach other than the failure to pay the amount so accepted or the failure to perform the tasks accepted. No failure or delay by a

party to exercise any right it may have by reason of the default of the other party shall operate as a waiver of default or modification of this Agreement or shall prevent the exercise of any right by the first party while the other party continues to be so in default.

18. Notices.

Any notices required or permitted to be given hereunder shall be given in writing and shall be delivered (a) in person, (b) by certified mail, postage prepaid, return receipt requested, (c) by facsimile with confirmation of receipt, or (d) by a commercial overnight courier that provides next day delivery and provides a receipt, and such notices shall be addressed as follows:

To Seller:                Scott Archer  
                              222 NE 2nd Ave.  
                              Canby, OR 97013

To Purchaser:          Attn: Bryce Morrow  
                              Canby Library Holdings, LLC  
                              2115 SE Grant Street  
                              Portland, Oregon 97214

with a copy to:        James Bruce  
                              7420 SW Bridgeport Road, Suite 101  
                              Portland, OR 97224  
                              Telephone No.: 503-620-0114

19. Tax-Deferred Exchange.

Each party reserves the right to incorporate this transaction into tax-deferred exchanges of properties pursuant to the Internal Revenue Code, in which case, the other party agrees to fully cooperate in effectuating such exchanges, including executing exchange agreements, assignments and novation agreements if requested by the exchanging party, provided the other party shall incur no additional escrow costs or liability as a result of cooperating therein. This Agreement is not contingent upon qualifying this transaction as a tax-deferred exchange and if the contemplated exchanges shall fail to occur, the sale of the subject property shall then proceed to be consummated as provided herein.

20. Assignment.

Purchaser's rights and obligations hereunder shall not be assignable without the prior written consent of Seller, except to an entity which is controlled by or under common control with Purchaser. Purchaser shall provide Seller prompt notice of any such permitted assignment. Purchaser shall in no event be released from any of its obligations or liabilities hereunder in connection with any assignment. Subject to the provisions of this paragraph, this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.



21. Attorney Fees.

If either party files any action or brings any proceeding against the other arising from this Agreement, or is made a party to any action or proceeding brought by the Escrow Holder, then as between Purchaser and Seller, the prevailing party shall be entitled to recover as an element of its cost of suit, and not as damages, reasonable attorneys' fees and costs. The "prevailing party" shall be the party who is entitled to recover its costs of suit, whether or not suit proceeds to final judgment. A party not entitled to recover its costs shall not recover attorney fees or costs. No sum for attorneys' fees and costs shall be included in calculating the amount of a judgment for purposes of deciding whether a party is entitled to its costs or attorneys' fees. For purposes of this Agreement, "attorneys' fees" shall include, at trial, on appeal, discretionary review, bankruptcy or otherwise.

22. Governing Law.

This Agreement is governed by and will be construed in accordance with the laws of the State of Oregon.

23. Survival.

All representations, warranties, covenants and obligations set forth in this Agreement shall survive Closing and be fully enforceable for a period of twelve (12) months thereafter except Buyer's Promissory Note (from Section 7(b)) shall survive until paid or other satisfaction, whichever comes first.

24. Time of Essence.

Time is of the essence of each of the obligations of each party hereunder and specifically the Closing Date. Purchaser understands that Seller is obligated under law to proceed as a governmental entity with processes that are less timely than private transactions afford, including the ordinance process necessitated by the City of Canby Charter.

25. Counterparts.

This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.

26. Invalidity of Provisions.

If any provision of this Agreement is found to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect the validity of and enforceability of the remaining provisions of the agreement.

27. Operation of Property.

From and after the Effective Date and until the Closing or earlier termination of this Agreement, Seller shall, except as otherwise specifically provided herein, operate, manage, maintain and repair the Property in accordance with current business practices.

28. Counting of Days.

Whenever a time period set forth in this Agreement would otherwise expire on a Saturday, Sunday, or banking or federally recognized holiday, such time period shall be deemed extended to the next following day which is not one of the foregoing.

29. Nondisclosure.

Purchaser shall not disclose the existence of this Agreement, the terms and conditions of this Agreement, or any of the Seller's Documents to any third parties other than Purchaser's lenders, consultants and advisors on a need to know basis (and with the understanding that such lenders, consultants and advisors shall be bound by this nondisclosure obligation). Purchaser acknowledges that breach of this obligation will adversely affect the operation of Seller's business, and Seller shall be entitled to obtain injunctive relief to remedy any wrongful disclosure by Purchaser.

30. Statutory Disclaimer.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to execute this Agreement in two duplicate originals on the date set forth below.

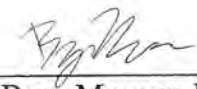
SELLER:

CITY OF CANBY

By:   
Canby City Administrator

PURCHASER:

CANBY LIBRARY HOLDINGS, LLC

By:   
Bryce Morrow, Member



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**EXHIBIT B**

**SELLER'S DOCUMENTS**

Preliminary Title Report, including copies of all exceptions.

ALTA Survey, if any.

Soils Report, if any.

Architectural and/or engineering plans, if any.

Copies of all governmental notices, CC&Rs, permits, and approvals received, obtained, or held by the Seller relating to the construction, operation, use, occupancy of any part of the Property, including improvements.

Certificates of insurance evidencing policies of insurance in effect at the Property.

All other contracts, agreements, and other material documents pertaining to the Property that Seller has in its possession and which will be binding upon Purchaser after closing.

Copies of all lease agreements and amendments for all tenants.

**EXHIBIT C**

**NOTE**

\$5,000.00

March 17th, 2021


CANBY LIBRARY HOLDINGS, LLC, promises to pay to the order of CITY OF CANBY, the sum of FIVE THOUSAND 00/100 DOLLARS (\$5,000.00).

This Note is due and payable within one (1) business day following the expiration of the Inspection Period as set forth in Section 6(a) of that certain Purchase and Sale Agreement dated March 17th, 2021, between CITY OF CANBY ("Seller") and the CANBY LIBRARY HOLDINGS, LLC ("Purchaser"). After that due date, this Note will bear interest at the rate of nine percent (5%) per annum.

This Note is given as an earnest money deposit under the previously-referenced Purchase and Sale Agreement between Purchaser and Seller. In the event of any dispute between said parties, the provision for attorney fees in that Agreement shall expressly apply.

**PURCHASER:**

CANBY LIBRARY HOLDINGS, LLC,  
an Oregon Limited Liability Company

By:   
Its: Member  
Date: 03/17/2021





## PROMISSORY NOTE

\$100,000.00

Canby, Oregon  
February 17, 2021

For value received, the undersigned (hereinafter "Borrower"), promises to pay in lawful money of the United States to the order of the CITY OF CANBY, CLACKAMAS, OREGON (hereinafter "Holder"), the principal sum of One-Hundred-Thousand-Dollars (\$100,000), together with interest as provided below.

The unpaid balance of the Promissory Note dated above shall bear interest at the rate of 0% per annum from the date of this Note until the Note is fully paid or otherwise satisfied through the specific performance noted herein.

All payments to Holder shall be made to the CITY OF CANBY, CLACKAMAS, OREGON at 222 NE 2nd Ave., Canby, OR 97013, or to such other place as Holder may designate by notice to the undersigned.

This Note can be satisfied and deemed paid in full by applying for and receiving written release of satisfactory improvements by Holder to the property at 292 N. Holly St., Canby, OR 97013 (hereinafter "Property") or by submitting written documentation to Holder verifying upgrades exceeding One-Million Dollars (\$1,000,000) to the Property. In the event the Property is sold, granted, conveyed, or otherwise assigned this Note is due immediately and without delay.

The invalidity, or unenforceability in particular circumstances, of any provision of this Note shall not extend beyond such provision or such circumstances and no other provision of this instrument shall be affected thereby.

This Note may be prepaid, in whole or in part, at any time without penalty.

The Holder acknowledges that this Note is subordinate to any and all other Notes or forms of debt that the company has or may acquire in the future that specifically and only relate to this specific real property located at 292 North Holly Street, Canby, Oregon.


This Note and all the covenants, promises and agreements contained herein shall be binding upon and inure to the benefit of the respective legal and personal representatives, devisees, heirs, successors, and assigns of Borrower and the Holder hereof.

All parties to this Note hereby waive the right to any jury trial in any action, proceeding, or counterclaim brought by any party against the other. This waiver of jury doesn't waive the rights of the parties in regard to court trials of proper jurisdiction.

UNDER OREGON LAW, MOST AGREEMENTS, PROMISES, AND COMMITMENTS MADE BY HOLDER AFTER OCTOBER 3, 1989, CONCERNING LOANS AND OTHER CREDIT EXTENSIONS, WHICH ARE NOT FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES OR SECURED SOLELY BY THE BORROWER'S RESIDENCE, MUST BE IN WRITING, EXPRESS CONSIDERATION, AND BE SIGNED BY HOLDER TO BE ENFORCEABLE.

**PRIOR TO SIGNING THIS NOTE, BORROWER HAS READ AND UNDERSTANDS ALL THE PROVISIONS OF THIS NOTE, INCLUDING THE INTEREST PROVISIONS, AND BORROWER AGREES TO THE TERMS OF THIS NOTE. BORROWER ACKNOWLEDGES RECEIPT OF A COMPLETED COPY OF THIS NOTE.**

**CANBY LIBRARY HOLDINGS, LLC**



---

By: Bryce Morrow, Member





# FIRST AMERICAN TITLE Property Research Report

**SUBJECT PROPERTY**

292 N Holly St  
00791593  
31E33CA07800  
Clackamas

**OWNER**

City Of Canby

**DATE PREPARED**

01/25/2021

**PREPARED BY**

ereyes-garcia@firstam.com



*First American Title*

Customer Service 503.219.8746  
cs.oregon@firstam.com

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and/or its affiliates.

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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





**First American Title™**

Customer Service Department

Phone: 503.219.TRIO (8746)

Fax: 503.790.7872

Email: cs.oregon@firstam.com

Date: 1/25/2021

### OWNERSHIP INFORMATION

Owner: City Of Canby

CoOwner:

Site: 292 N Holly St Canby OR 97013

Mail: PO Box 930 Canby OR 97013

Parcel #: 00791593

Ref Parcel #: 31E33CA07800

TRS: 03S / 01E / 33 / SW

County: Clackamas

### PROPERTY DESCRIPTION

Map Grid: 746-C6

Census Tract: 022904 Block: 2020

Neighborhood: CAN - Canby

School Dist: 86 Canby

Impr Type:

Subdiv/Plat: Canby

Land Use: 201 - Commercial land improved

Std Land Use: CMSC - Commercial Miscellaneous

Zoning: Canby-C1 - Central Business District

Lat/Lon: 45.263833 / -122.694512

Watershed: Lower Molalla River

Legal: 14 CANBY LTS 7&8 BLK 12[Y]183,641

### ASSESSMENT AND TAXATION

Market Land: \$228,480.00

Market Impr: \$1,252,990.00

Market Total: \$1,481,470.00 (0)

% Improved: 85.00%

Assessed Total: \$924,437.00 (2020)

Levy Code: 086-042

Tax: \$0.00 (2020)

Millage Rate: 17.3648

Exemption:

Exemption Type: Cities and Towns

### PROPERTY CHARACTERISTICS

Bedrooms:	Total SqFt:	Year Built: 1973
Baths, Total:	First Floor:	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 0.26 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 11,500 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material:
Cooling:	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	Ext Walls:
Building Style:	Garage:	Const Type:

### SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
	07/01/1989	1989-030971	\$343,000.00			
CITY OF CANBY		1989-030971	\$343,000.00	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.



Assessor Map



**First American Title™**

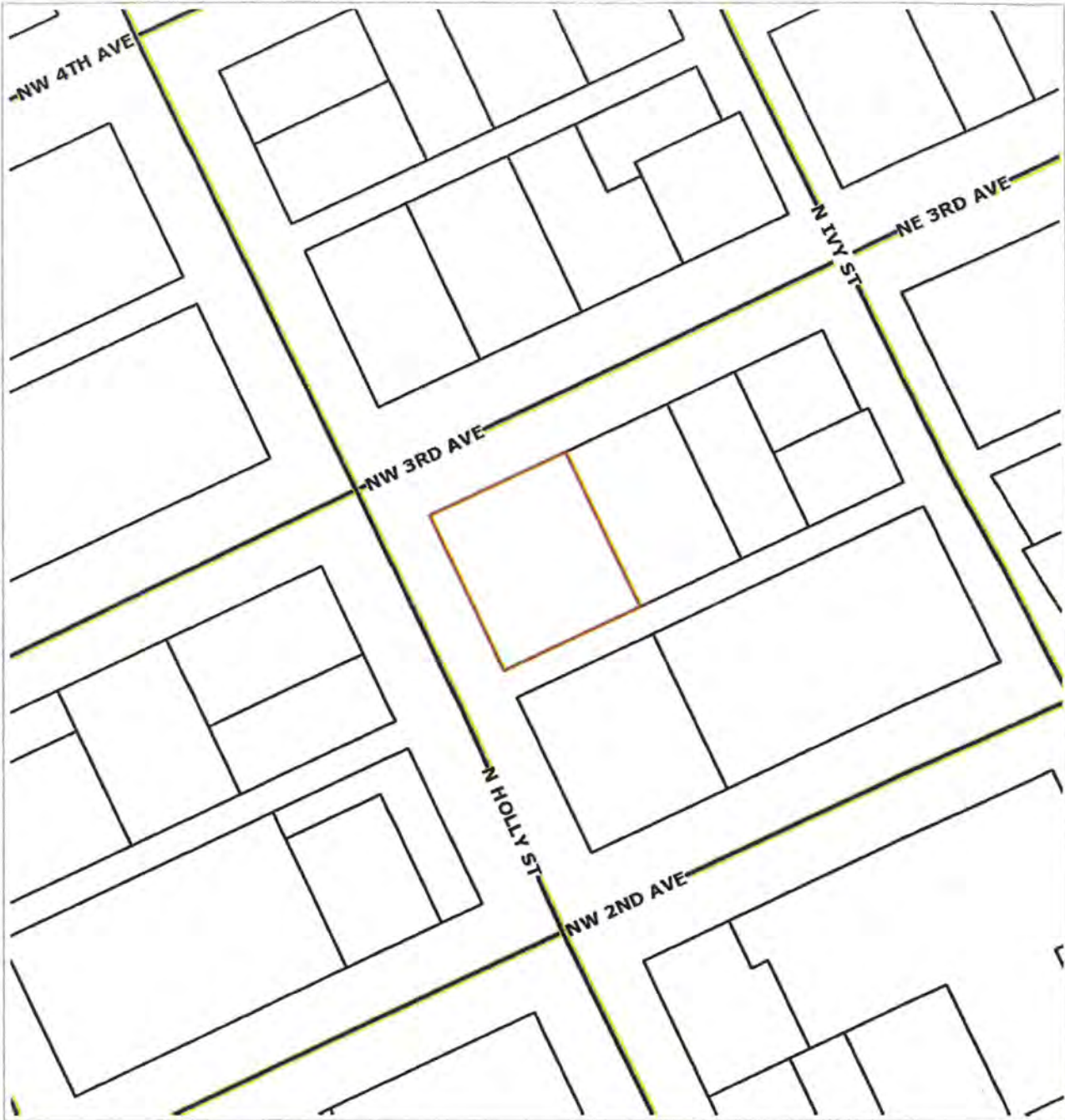
**Parcel ID: 00791593**

**Site Address: 292 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.



Street Map



**First American Title™**

**Parcel ID: 00791593**

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.

WARRANTY DEED - STATUTORY FORM  
(INDIVIDUAL or CORPORATION)

WALTER R. DANIELS AND VIRGINIA E. DANIELS, HUSBAND AND WIFE

Grantor, conveys and warrants to

CITY OF CANBY, A MUNICIPAL CORPORATION

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Lot 7 and 8, Block 12, CANBY, in the County of Clackamas and State of Oregon.  
(MAP AND TAX LOT NO. 31E J3CA 07800)

This instrument will 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 approved uses.

ENCUMBRANCES:

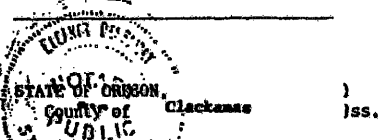
EASEMENTS OF RECORD.

The true consideration for this conveyance is \$343,000.00.

Dated this July 17, 1989; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Walter R. Daniels  
WALTER R. DANIELS

Virginia E. Daniels  
VIRGINIA E. DANIELS



Personally appeared the above named  
WALTER R. DANIELS and VIRGINIA E. DANIELS  
and acknowledged the foregoing instrument  
to be his/her/their voluntary act and  
deed.

Before me:

Walter R. Daniels  
Notary Public for Oregon  
My commission expires: 10-22-91

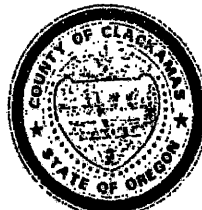
After recording return to:  
CITY OF CANBY  
182 W. Holly  
Canby, Oregon 97013

Until a change is requested all tax  
statements shall be sent to the following  
address:  
SAME AS ABOVE

4705 ED

STATE OF OREGON  
County of Clackamas  
I, John F. Kaufman, County Clerk, for the County of  
Clackamas, do hereby certify that the instrument of  
writing was received for recording in the records of said  
county at

1989 JUL 19 AM 10:27



Witness my hand and seal of office  
John F. Kaufman  
John F. Kaufman  
County Clerk  
Recording Certificate  
CCF-94 (rev 12-87)

89 30971

89 30971



## City Council Staff Report

Meeting Date: 9/6/2023

To: The Honorable Mayor Hodson & City Council  
Thru: Eileen Stein, Interim City Administrator  
From: Jerry Nelzen, Public Works Director  
Agenda Item: Consider Ordinance No. 1610: An Ordinance Authorizing the Interim City Administrator to execute a contract with Landmark Ford in the amount of \$160,317.03 for the purchase of a new service truck. (*First Reading*)

---

### **Summary**

The City of Canby, Department of Public Works (Public Works) is requesting funds to purchase a new service truck. This capital purchase was approved by City Council for the 2023-24 budget and the funds will be taken out of the Stormwater Department, in the Sewer Combined Fund.

### **Background**

Public Works depends on functional service trucks for its day-to-day operations. The service truck in question is a 1995 F-450 that is rapidly approaching the end of its functional life.

### **Discussion**

This service truck is used daily to maintain our sewer collection system and is used to haul tools, equipment, and parts. It is 27 years old and is at the end of its life span. A new service truck would provide productivity, reliability and along with up-to-date safety features.

### **Attachments**

See Attachment A, Landmark Ford Quote.

### **Fiscal Impact**

Budgeted funds are in the Sewer Combined Fund, Stormwater Program, in the amount of \$190,000 and the new service truck would cost the city \$160,317.03.

### **Options**

1. Continue to use the current 27-years-old service truck.
2. Authorize the purchase the new service truck.

### **Recommendation**

The City of Canby approve Ordinance No. 1610 to purchase the new service truck.

### **Proposed Motion**

"I move to approve Ordinance No. 1610: An Ordinance authorizing the Interim City Administrator to enter into a purchase agreement with Landmark Ford in the amount of \$160,317.03 to purchase a new service truck to a second reading on September 20, 2023."

## **ORDINANCE NO. 1610**

### **AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A PURCHASE AGREEMENT WITH LANDMARK FORD TRUCK SALES, INC. TO BUY A NEW SERVICE TRUCK**

**WHEREAS**, the City of Canby Department of Public Works (Public Works) requires a mobile work platform to move necessary equipment and supplies to different parts of the City of Canby (City) to perform maintenance on the City's streets, sanitary sewer system, and storm system;

**WHEREAS**, the City of Canby Public Works Department currently uses a 1995 Ford F-450 as a service truck;

**WHEREAS**, the service truck in the possession of the City of Canby Public Works Department is a mission critical vehicle and its operational life is coming to an end; and

**WHEREAS**, a new service truck would provide for a more efficient and safe option for performing street, sign, storm system and sewer maintenance.

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

**Section 1.** The City Administrator is hereby authorized on behalf of the City to enter into a purchase agreement with Landmark Ford to purchase a medium duty service truck. A copy of the Purchase Agreement is attached hereto as Exhibit "A."

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on 6<sup>th</sup> of September ordered posted as required by the Canby City Charter; and scheduled for second reading on 20<sup>th</sup> of September at the hour of 7:00 pm in the Council Chambers located at 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor Canby, Oregon.

---

Maya Benham,  
City Recorder



**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the Wednesday September 20, 2023, by the following vote:

YEAS\_\_\_\_\_

NAYS\_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
Maya Benham,  
City Recorder

==&gt;

Dealer: F74022

2024 F-SERIES SD

Page: 1 of 1

Order No: 9999 Priority: L1 Ord FIN: QR898 Order Type: 5B Price Level: 420

Ord PEP: 660A Cust/Flt Name: CANBY

PO Number:

RETAIL

RETAIL

F5G	F550 4X2 CHAS/C	\$54020	18B	PLAT RUNNING BD	\$320
	169" WHEELBASE			18000# GVWR PKG	
Z1	OXFORD WHITE		425	50 STATE EMISS	NC
A	VNYL 40/20/40		65Z	AFT AXLE TANK	NC
S	MED DARK SLATE		872	RR CAM & PREP K	415
660A	PREF EQUIP PKG			SP DLR ACCT ADJ	
	.XL TRIM			SP FLT ACCT CR	
572	.AIR CONDITIONER	NC		FUEL CHARGE	
	.AMFM/MP3/CLK		B4A	NET INV FLT OPT	NC
99N	.7.3L DEV V8 ENG			DEST AND DELIV	1995
44G	10-SPD AUTOMATC	NC		TOTAL BASE AND OPTIONS	57335
TGM	225 TRACTION	190		TOTAL	57335
X8L	4.88 LTD SLIP	395		*THIS IS NOT AN INVOICE*	
	FLEET SPCL ADJ	NC			
	FRT LICENSE BKT	NC			

## LANDMARK FORD STATE CONTRACT 1660 PRICE

\$159,308.00

\$258.09

PRIV TAX

\$589.44

CAT TAX

\$161.50

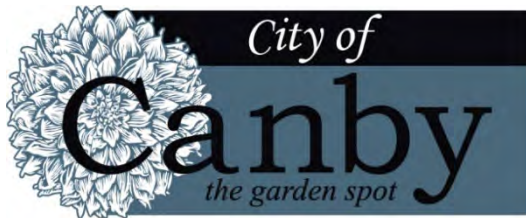
E-PLATES

\$160,317.03

TOTAL

TRUCK IS \$51,618

CARCO IS \$107,690



## CITY COUNCIL STAFF REPORT

Meeting Date: 9/6/2023

To: The Honorable Mayor Hodson & City Council  
Thru: Eileen Stein, Interim City Administrator  
From: Don Hardy, Planning Director  
Agenda Item: Consider Ordinance No. 1611: Adopting the Economic Opportunities Analysis as part of the City Comprehensive Plan (*First Reading*)  
Goal: Align Resources to Address Future Community Growth  
Objective: Complete the City's Economic Needs Analysis

---

### Summary

The Planning Commission has forwarded a recommendation of approval to City Council to adopt the Economic Opportunities Analysis (EOA) as part of the City's Comprehensive Plan. The City Council accepted the EOA during their April 19, 2023, hearing, however the Department of Land Conservation and Development requires that the EOA to be adopted as part of the Canby Comprehensive Plan. Below are the findings to incorporate the EOA into the current Canby Comprehensive Plan. Staff is recommending incorporation of the same Planning Commission August 14, 2023 recommendations forwarded to the City Council that are identified in the attached detailed staff report.

### Background

Key element of the Economic Opportunities Analysis include:

- Proposed employment growth scenario
- Proposed economic development objectives
- Proposed community development vision

The Canby EOA is intended to serve as a basis for the City to explore and document new information regarding the City's buildable lands inventory (BLI), population and employment trends, and develop policies and objectives aimed at strengthening the local economy. The Canby EOA will serve as the basis for the City to document and adopt local policies and actions that help make the City a more economically viable community for residents, businesses and workers.

The EOA is being completed to accomplish the following:

- Identify the land base to accommodate forecasted jobs.
- Establish employment targets based on economic analysis to establish amount of commercial and industrial acreage needed for 20-year population growth.
- Identify the anticipated acreage for employment land that may be brought into the City's Urban Growth Boundary.
- Use the Economic Analysis as part of the Economic Chapter of the Canby Comprehensive Plan and Transportation System Plan updates.
- Use the Community Development Objectives to further consider policy development in the Comprehensive Plan update.

The major elements of the EOA adoption include 13 Community Development Objectives, the medium growth development scenario and the community development vision statement which are described below, and which received a recommendation of approval from the Planning Commission on August 14, 2023. The Planning Commission added further recommendations shown in bold italics.

**Community Development Objectives:**

Enhance Canby's positive business environment with adequate commercial, industrial and mixed-use sites to address future growth opportunities.

***Planning Commission recommended targeting high tech industries, light manufacturing, agricultural specialty industries, higher education—community college, and satellite location for continuing education.***

Plan for Industrial expansion areas east and north of Mulino Rd. Retain and attract businesses that provide quality jobs with high levels of employment per acre.

***The Planning Commission requested: That council direct them to review the required employees per acre and make a code recommendation on the required employees per acre and exception criteria for projects below the designated employees per acre.***

Provide incentives for targeted job creation and major private investment.

Support expansion in health services.

***Planning Commission would like focus to include support services for the health industry, senior living, in addition to outpatient treatment facilities.***

Support workforce training and development.

Expand opportunities for the development of workforce housing.

Expand lodging options.

***Planning Commission recommended focus on hotel convention center/conference center to support activities at the Fairgrounds and other events in the city.***

Fund roads and infrastructure using innovative techniques.

***Planning Commission recommended using Urban Renewal funds for major infrastructure and focusing on a radius road system around city to address future road needs as the city expands.***

Support arts & visitation, including Agri- and bicycle-tourism.

***Planning Commission would like to encourage promoting of a convention center.***

Attract downtown redevelopment with integrated mixed-use buildings.

***Planning Commission would like to better connect the downtown and the industrial park.***

Update design standards and provide incentives for building renovations.

Think Regional and Act Local.



*The Planning Commission recommended the medium growth forecast which is noted below identifying the need for 438 acres of industrial employment and 8 acres of commercial employment expansion needed over the next 20-years. A detailed breakdown of the required employment acreage needed for each growth scenario is shown in the following table:*

**Canby UGB Employment Land Needs (gross buildable unconstrained acres)**

Comp. Plan Designation	Land Supply*	Land Need (Demand)**			Land Need (Shortfall)		
		Low	Medium	High	Low	Medium	High
Commercial (RC, DC, HC)	16.4	20.5	24.7	33.9	(4.1)	(8.3)	(17.5)
Industrial/Other Emp. (CM, LI, HI)*	163.0	244.4	601.5	637.8	(81.4)	(438.5)	(474.8)
<b>Total Buildable Land (gross acres)</b>	<b>179.4</b>	<b>264.9</b>	<b>626.2</b>	<b>671.6</b>	<b>(85.5)</b>	<b>(446.8)</b>	<b>(492.2)</b>

\* Includes projects in the development pipeline that have no building permit issued as of Jan. 1, 2023.

\*\* Excludes potential public land needs for new parks and schools.

*The Planning Commission also supported the Community Development Vision Statement.*

**Community Development Vision Statement**

Canby shall retain and enhance its unique sense of community and livable neighborhoods. Canby continues to be a great location for businesses to thrive and expand. Canby's downtown is inviting and safe, with innovative businesses that meet the community's needs. Canby's employment centers attract a diverse mix of businesses that offer quality jobs and benefits. The Highway 99E Corridor is designed as a safe and attractive gateway that invites visitors to explore Canby. The City of Canby proactively plans for and invests wisely in infrastructure and services that enable the community to manage growth in a sustainable manner.

**Discussion**

A PowerPoint presentation will be provided for the City Council hearing.

**Attachments**

- Planning Department Staff Report
- Draft City of Canby Economic Opportunities Analysis, March 17, 2023
- August 28, 2023, Planning Commission Economic Opportunities Analysis Final Findings
- City Council Ordinance
- DLCD PAPA Notice

**Fiscal Impact**

None

**Options**

Approve, modify or deny the economic opportunities analysis

**Recommendation**

Approval of economic opportunities analysis and adopt an ordinance

**Proposed Motion**

"I move to approve Ordinance 1611: An Ordinance Adopting the Economic Opportunity Analysis as part of the City Comprehensive Plan to a second reading on September 20, 2023."

**ORDINANCE NO. 1611**

**AN ORDINANCE ADOPTING THE ECONOMIC OPPORTUNITY ANALYSIS AS PART OF THE CITY OF CANBY COMPREHENSIVE PLAN**

**WHEREAS**, the City Council accepted the Economic Opportunity Analysis (EOA) on April 19, 2023 which needs to be formally adopted into the Canby Comprehensive Plan; and

**WHEREAS**, there is a state requirement that the EOA be adopted as part of the City's comprehensive plan; and

**WHEREAS**, the planning commission recommended approval of the EOA on March 27, 2023; and

**WHEREAS**, a staff report with appropriate findings have been prepared showing consistency of the EOA comprehensive plan text amendment with the City Municipal Code and statewide planning goals;

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

**Section 1.** They City of Canby City Council hereby adopts the EOA as a text amendment to the Canby Comprehensive Plan as Exhibit A.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, September 6, 2023 ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, September 20 commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor Canby, Oregon.

---

Maya Benham  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 20<sup>th</sup> day of September, 2023, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
Maya Benham  
City Recorder



## City of Canby

### Planning & Development Services

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

Phone: 503.266.7001

[www.canbyoregon.gov](http://www.canbyoregon.gov)

#### **Request:**

The City proposes updates to the Comprehensive Plan, including an updated Economic Opportunities Analysis (EOA). City Council accepted the EOA during their April 19, 2023, hearing, however the Department of Land Conservation and Development requires that the EOA to be adopted as part of the Canby Comprehensive Plan. Below are the findings to incorporate the EOA into the current Canby Comprehensive Plan. Staff is recommending incorporation of the same Planning Commission August 14, 2023 recommendations forwarded to the city council that include:

Support of the medium employment growth scenario:

#### **Canby UGB Employment Land Needs (gross buildable unconstrained acres)**

Comp. Plan Designation	Land Supply*	Land Need (Demand)**			Land Need (Shortfall)		
		Low	Medium	High	Low	Medium	High
Commercial (RC, DC, HC)	16.4	20.5	24.7	33.9	(4.1)	(8.3)	(17.5)
Industrial/Other Emp. (CM, LI, HI)*	163.0	244.4	601.5	637.8	(81.4)	(438.5)	(474.8)
<b>Total Buildable Land (gross acres)</b>	<b>179.4</b>	<b>264.9</b>	<b>626.2</b>	<b>671.6</b>	<b>(85.5)</b>	<b>(446.8)</b>	<b>(492.2)</b>

\* Includes projects in the development pipeline that have no building permit issued as of Jan. 1, 2023.

\*\* Excludes potential public land needs for new parks and schools.

The Community Development Vision:

#### **Community Development Vision Statement**

Canby shall retain and enhance its unique sense of community and livable neighborhoods. Canby continues to be a great location for businesses to thrive and expand. Canby's downtown is inviting and safe, with innovative businesses that meet the community's needs. Canby's employment centers attract a diverse mix of businesses that offer quality jobs and benefits. The Highway 99E Corridor is designed as a safe and attractive gateway that invites visitors to explore Canby. The City of Canby proactively plans for and invests wisely in infrastructure and services that enable the community to manage growth in a sustainable manner.

And, including the following community development objectives:

#### **Community Development Objectives:**



1. Enhance Canby's positive business environment with adequate commercial, industrial and mixed-use sites to address future growth opportunities.

*Planning Commission recommended targeting high tech industries, light manufacturing, agricultural specialty industries, higher education—community college, and satellite location for continuing education.*

2. Plan for Industrial expansion areas east and north of Mulino Rd.
3. Retain and attract businesses that provide quality jobs with high levels of employment per acre.  
*Planning Commission requested: that City Council direct them to review the required employees per acre and make a code recommendation on the required employees per acre and exception criteria for projects below the designated employees per acre.*
4. Provide incentives for targeted job creation and major private investment.
5. Support expansion in health services.
6. Support workforce training and development.
7. Expand opportunities for the development of workforce housing.
8. Expand lodging options.

*Planning Commission recommended focus on hotel convention center/conference center to support activities at the Fairgrounds and other events in the city.*

9. Fund roads and infrastructure using innovative techniques.  
*Planning Commission recommended using urban renewal funds for major infrastructure and focusing on a radius road system around city to address future road needs as the city expands.*
10. Support arts & visitation, including agri- and bicycle-tourism.  
*Planning Commission would like to encourage promoting of a convention center.*

11. Attract downtown redevelopment with integrated mixed-use buildings.  
*Planning Commission would like to better connect the downtown and the industrial park.*

12. Update design standards and provide incentives for building renovations.
13. Think Regional and Act Local.

### **SUMMARY CONCLUSIONS**

This report includes findings regarding each applicable current Comprehensive Plan and Zoning Code criterion. The proposal is consistent with the Comprehensive Plan and Zoning Code criteria for a Zoning Code Text Amendment.

### **PROPOSAL**

The City proposes an amendment to the recently accepted EOA which included the medium growth

scenario and 13 community development objectives. The Portland State University Population Research Center released a new, official population forecast on June 30, 2020 for the City of Canby Urban Growth Boundary that supersedes the 2017 population forecast. The City Council seeks a new EOA that pursues its Economic Vision as allowed by Oregon Planning Goal 9 which is consistent with the official June 30, 2020 population forecast.

#### **COMPLIANCE WITH CITY OF CANBY MUNICIPAL CODE**

The Canby Municipal Code defines the requirements for Comprehensive Plan amendment as follows:

##### **Canby Title 16.88.180 Comprehensive Plan Amendments**

- A. Authorization to Initiate Amendments. An amendment to the Comprehensive Plan may be initiated by the City Council, by the Planning Commission, or by the application of a 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.
- B. Application. Application procedures shall be as described in Chapter 16.89.
- C. Legislative Plan Amendment Standards and Criteria. In judging whether or not a legislative plan amendment shall be approved, the Planning Commission and City Council shall consider:
  - 1. The remainder of the Comprehensive Plan of the city, 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;
  - 2. A public need for the change;
  - 3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
  - 4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
  - 5. Statewide planning goals.
- D. Quasi-judicial Plan Amendment Standards and Criteria. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:
  - 1. The remainder of the Comprehensive Plan of the city, as well as the plans and policies of the county, state, or any local school or service districts which may be affected by the amendments;
  - 2. Whether all required public facilities and services exist or will be provided concurrent with the anticipated development of the area.

3. For proposed Comprehensive Plan amendments, which must consider the long-term adequacy of the transportation system for TPR 660-10-060 compliance, ODOT must be consulted to determine whether a highway project is “reasonably likely to be funded” based on funding projections at that time. (Ord. 740 section 10.8.80, 1984; Ord. 981 section 16, 1997; Ord. 1080, 2001; Ord. 1340, 2011; Ord. 1514, 2019)

**16.88.190 Conformance with Transportation System Plan and Transportation Planning Rule**

- A. A proposed Comprehensive Plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with the Transportation Planning Rule (OAR 660-012-0060). A plan or land use regulation amendment significantly affects a transportation facility if it:
  1. Changes the functional classification of an existing or planned transportation facility;
  2. Changes standards implementing a functional classification system;
  3. As measured at the end of the planning period identified in the adopted plan:
    - a. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
    - b. Would reduce the performance of the facility below the minimum acceptable performance standard identified in the Transportation System Plan;
    - c. Would worsen the performance of a facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Transportation System Plan.
- B. Amendments to the Comprehensive Plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and performance standards (e.g., level of service, volume to capacity ratio, etc.) of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
  1. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  2. Amending the TSP or Comprehensive Plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of Section – 0060 of the TPR. Such amendments shall include a funding plan or other mechanism so that the facility, improvement or service will be provided by the end of the planning period.
  3. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
  4. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
  5. Providing other measures as a condition of development, including transportation system management measures, demand management or minor transportation improvements.

- C. A Traffic Impact Study may be required by the City in accordance with Section 16.08.150. (Ord. 1043, section 3, 2000; Ord. 1237, 2007; Ord. 1340, 2011)

**Finding:** *The adoption of an Economic Opportunities Analysis and corresponding Comprehensive Plan text revision is a necessary factual basis for the City to craft Economic Policy for the City. The proposed text amendments do not affect the traffic generation and circulation patterns, level of park and recreation facilities, demand for public facilities and services, protection and use of natural resources or compliance with special purpose plans or programs; however, they do provide more opportunities for the City to meet the demand for economic development.*

*The proposed text amendments represent a logical implementation of the Comprehensive Plan. The adoption of an Amended Economic Opportunities Analysis provides the City with a factual basis on which to rely when creating economic goals and policies. Goals and policies will be further developed as part of the on-going Comprehensive Plan update process. The current Comprehensive Plan Economic Element Policy 3 identifies that Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities. The EOA update was deemed by the City Council to be desirable and appropriate during the April 19, 2023, hearing, where it was accepted but not adopted as part of the Canby Comprehensive Plan. The Economic Opportunities Analysis is consistent with the Canby Comprehensive Plan and Transportation System Plan, meets community needs and has been vetted through an in-depth public process that included evaluating alternatives and was vetted with the Oregon State Department of Land Conservation and Development.*

*The proposed text amendment does not include changes to the Transportation System Plan or significantly affect a transportation facility. The proposed text amendment is in compliance with the Transportation Planning Rule. This standard is met.*

**(2) The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.**

**Finding:** *Oregon's 19 Statewide Planning Goals are addressed below. Though several of the goals are not applicable to the proposed Comprehensive Plan text amendments, those that are applicable are responded to in detail.*

**Goal 1 Citizen Involvement**

*The proposed EOA and Comprehensive Plan text amendment do not specifically address citizen involvement.*

*This land use application is subject to a City of Canby Type IV land use review, which includes a significant citizen involvement component. This process has been established by the city and determined to be consistent with this goal. The mandatory public notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all avenues of citizen participation.*

**Goal 2 Land Use Planning**

*This statewide goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out Comprehensive Plan.*

*The process identified above was utilized in the drafting of this proposed EOA and Comprehensive Plan Text Amendment. Alternatives have been considered throughout the drafting of the updates. The proposed changes are consistent with and adequate to carry out the Comprehensive Plan.*

**Goal 3 Agricultural Lands**

*This goal does not apply because the City does not include areas designated for agricultural use.*

**Goal 4 Forest Lands**

*This goal does not apply because the City does not include areas designated for forest use.*

**Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources**

*There are no proposed changes to text or policy regarding Goal 5 open spaces, scenic and historic areas and natural resources. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.*

**Goal 6 Air, Water and Land Resources Quality**

*There are no proposed changes to text regarding air, water, or land resources. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.*

**Goal 7 Areas Subject to Natural Hazards**

*There are no proposed changes to text regarding areas subject to natural hazards. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.*

**Goal 8 Recreational Needs**

*There are no proposed changes to text regarding recreational needs. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.*

**Goal 9 Economic Development**

*The intent of the Economic Opportunities Analysis is to provide the City a factual basis on which to make economic policy decisions. The adoption of the EOA and Comprehensive Plan Text Amendments allows the City to continue to comply with Goal 9 and prepares the City for development in the city in the near term and in the 20-year planning horizon. Therefore, the intent of the Economic Development goal is supported and satisfied with this proposed Amended EOA.*

**Goal 10 Housing**

*There are no proposed changes to text regarding housing. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.*

**Goal 11 Public Facilities and Services**

*There are no proposed changes to text regarding public facilities and services. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.*



**Goal 12 Transportation**

*The Transportation Planning Rule (TPR), OAR 600-012.0060, requires that, where an amendment to a Comprehensive Plan or zoning regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures that assure that allowed land uses are consistent with the function, capacity, and performance standards of the facility. The proposed Amended EOA does not, in and of itself, propose any changes to an existing or planned transportation facility. However, the amount of employment land need projected in the Amended EOA has the potential to affect transportation facilities throughout the city. The employment land need identified in the Amended EOA will be used to inform the city's UGB expansion process, in which transportation facility analysis is addressed. In addition, any annexations into the city limits of employment lands identified in the EOA will require TPR analysis. Any impact to the transportation network will be addressed prior to expansion of the city and as such, the proposed zoning code text amendment does not affect the transportation system of the City.*

**Goal 13 Energy Conservation**

*There are no identifiable energy consequences of this land use action. The proposed text amendments will not result in any appreciable difference in waste production or recycling compared with development under the existing zoning.*

**Goal 14 Urbanization**

*The adoption of this EOA and Comp Plan Text Amendments prepares the City for the expansion of the Urban Growth Boundary, an on-going effort by the City to provide for the employment and housing needs of the City for the next 20 years. Approval of these updates will support the City's on-going compliance with Goal 14.*

**Goal 15 Willamette River Greenway**

*The Willamette Greenway does include the southern shoreline of the Willamette River on the north side of the city. However, the greenway does not extend into the Urban Growth Boundary and, therefore, encroachment of potential urban uses should not be a problem. Furthermore, most, if not all, of the greenway is in the floodplain; therefore, development will be restricted to comply with Federal Flood Insurance requirements.*

**Goal 16 Estuarine Resources****Goal 17 Coastal Shorelands****Goal 18 Beaches and Dunes****Goal 19 Ocean Resources**

*The city does not have any estuarine resources, and is not on the Oregon Coast, so goals 16 through 19 do not apply.*

**Conditions**

The hearing body (City Council) shall issue a final written order containing findings and conclusions recommending that the City Council approve, approve with conditions or deny the application for the Comprehensive Plan amendment.

**Finding:** *Staff does not find it necessary to subject this decision to any conditions of approval.*

**CONCLUSION**

The Planning Commission at their August 14, 2023 hearing forwarded a recommendation of approval to City Council to the EOA as part of the city Comprehensive Plan. The Planning Commission identified that they did not want to forward a recommendation on the required number of employees per acre (applicable to portions of the City's industrial park) but requested that the City Council direct them to review the required employees per acre and make a recommendation on the required employees per acre and exception criteria for projects below the designated employees per acre. Otherwise, the Planning Commission adopted the findings and conclusions contained in the August 4, 2023 Staff Report and reflected in this staff report.

Staff recommends the City Council adopt the Economic Opportunities Analysis at their regularly scheduled meeting on September 6, 2023.

# Canby, Oregon

## Economic Opportunities Analysis

### Report

March 17, 2023  
*(Revised May 18, 2023)*

This project was funded in part by a grant from the  
Oregon Department of Land Conservation and  
Development

# ACKNOWLEDGEMENTS

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This work is made possible through the extensive input by City staff and the Canby Economic Opportunities Analysis project advisory committee, as well as community members that participated in the planning process. We specifically recognize and appreciate the time and attention dedicated to this work by the following people.

## **City of Canby Mayor and City Council**

Brian Hodson (Mayor)  
Traci Hensley (Council President)  
Christopher Bangs (Councilor)  
Shawn Varwig (Councilor)  
Jason Padden (Councilor)  
Jim Davis (Councilor)  
Herman Maldonado (Councilor)

## **Project Advisory Committee**

Kelly Reid and Leigh McIlvaine, Oregon Dept. of Land Conservation and Development  
Cindy Moore, Economic Development Coordinator  
Amy Oakley, Clackamas Workforce Partnership  
Briana Correa, Todos Juntos, Inc.  
Susan Myers, Developer Representative  
Teresa Sasse, Puddin' River Chocolates  
Brian Hodson, Canby Mayor  
Jason Padden, Canby City Council  
Sarah Spoon, Canby City Council

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Julia Reissmann, 3J Consulting



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*“The best way to enjoy your job is to imagine  
yourself without one.” - Oscar Wilde*

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## Section I. INTRODUCTION

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The Canby Economic Opportunities Analysis (EOA) is intended to serve as a basis for the City to explore and document new information regarding the City's buildable land inventory (BLI), population and employment trends, and development policies and objectives aimed at strengthening the local economy. The Canby EOA will serve as a basis for the City to document and adopt local policies and actions that help make the City a more economically viable community for residents, businesses and workers.

### I.A. OREGON REGULATORY REQUIREMENTS

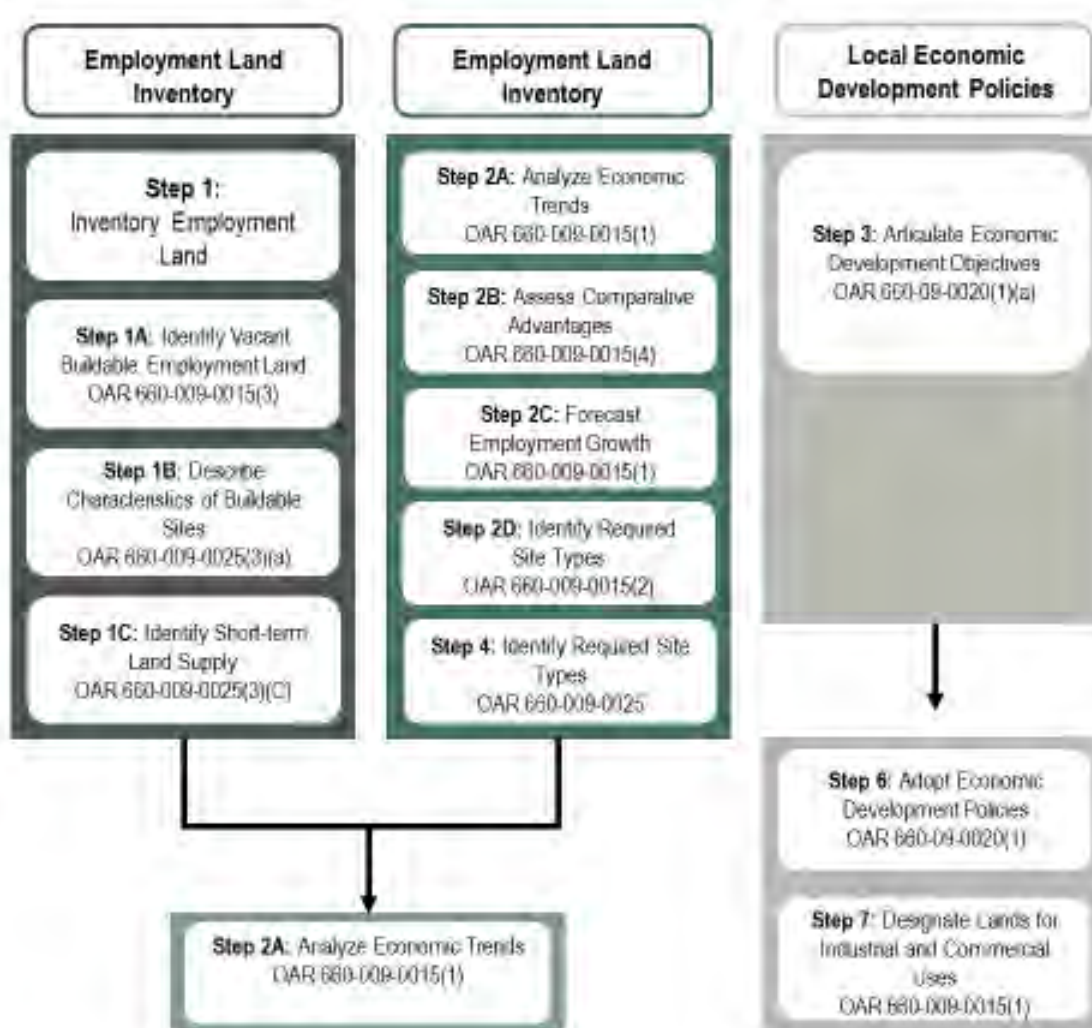
Canby is undergoing a review of its Comprehensive Plan per Oregon requirements. As part of the Comprehensive Plan update, the City must address the requirements of Goal 9 (Economic Development, OAR 660-009). Among other requirements listed in **Appendix A**, Goal 9 requires cities to periodically review and update the following:

- Local vision for strengthening local economies through the adoption of local economic policies that include community economic development objectives;
- Local urban growth requirements (land needs) for providing adequate land needed to accommodate 20-year employment growth forecasts. Land needs are to be based upon:
  - Current analysis of vacant and part-vacant buildable lands that are zoned or planned to accommodate job growth.
  - Forecast land needs based on an Economic Opportunities Analysis that considers global, national and local trends, and is generally consistent with regional growth forecasts or coordinated population growth forecasts.

### I.B. METHODOLOGY AND APPROACH

The technical and political approach used for the Canby EOA and related steps are illustrated in **Exhibit 1**. This approach is consistent with the DLCD Goal 9 administrative rule, the supporting OAR 660 guidance, as well as other supporting guidance provided per the DLCD Industrial & Other Employment Lands Analysis Guidebook (2005) and the Economic Development and Employment Land Planning Guidebook (July 2010).

Exhibit 1: Canby EOA Methodology and Approach



## Section II. EMERGING TRENDS

This section includes an analysis of economic trends and local competitive advantages according to prepared employment growth forecasts in accordance with OAR 660-009-0015(1-4). The analysis considers local economic development visions, goals, and objectives to inform the growth forecast.

### II.A. ECONOMIC OVERVIEW

FCS GROUP conducted an economic overview and market evaluation for office, commercial, industrial, and civic development for the Canby Urban Growth Boundary (UGB). The analysis focused on the expected level of demand for new development related to job growth over the next 20 years.

The United States (U.S.) economy has experienced an economic recovery since the Coronavirus-related economic downturn occurred during early 2019 through 2020. More recently, unemployment rates have declined to near record lows while the national economy has been hampered by persistently high inflation. Current trends reflect positive growth in the U.S. gross domestic product (GDP), which is a measure of the value of goods and services produced. According to Wells Fargo, U.S. GDP is expected to realize a 2.8% year-over-year GDP growth rate in 2022, but little or no real inflation adjusted growth in 2023 and 2024 (**Exhibit 2**).

As shown in **Exhibit 2**, the U.S. Consumer Price Index (CPI), which is a measure of inflation, is estimated to have increased at a rate of 8% in 2022 with anticipated increases of 3.8% in 2023 and 2.5% in 2024.

Exhibit 2: Global GDP and CPI Growth Projections

	GDP				CPI			
	2021	2022 Est.	2023 Proj.	2024 Proj.	2021	2022 Est.	2023 Proj.	2024 Proj.
<b>Advanced Economies</b>	5.2%	2.8%	0.2%	1.3%	3.1%	8.0%	5.0%	2.3%
United States	<b>5.9%</b>	<b>2.0%</b>	<b>0.2%</b>	<b>0.0%</b>	<b>4.7%</b>	<b>8.0%</b>	<b>3.8%</b>	<b>2.5%</b>
Eurozone	5.2%	3.2%	-0.7%	2.0%	2.6%	8.5%	6.2%	2.1%
United Kingdom	7.4%	4.4%	-1.5%	1.7%	2.6%	9.2%	8.9%	2.5%
Japan	1.7%	1.4%	1.2%	1.5%	-0.2%	2.4%	1.8%	0.8%
Australia	4.9%	3.8%	1.7%	2.4%	2.8%	6.4%	4.3%	2.9%
Canada	4.5%	3.5%	0.4%	2.4%	3.4%	6.8%	3.4%	1.9%
<b>Developing Economies</b>	6.6%	2.1%	2.8%	3.5%	5.9%	6.6%	5.2%	4.6%
China	8.1%	3.0%	4.9%	4.9%	0.9%	2.1%	2.3%	2.0%
India	8.7%	6.7%	5.8%	6.3%	5.5%	6.8%	4.5%	5.0%
Mexico	4.8%	3.1%	0.7%	1.8%	5.7%	7.9%	5.4%	3.6%
Brazil	4.6%	3.1%	0.4%	1.9%	8.3%	9.0%	5.0%	4.0%

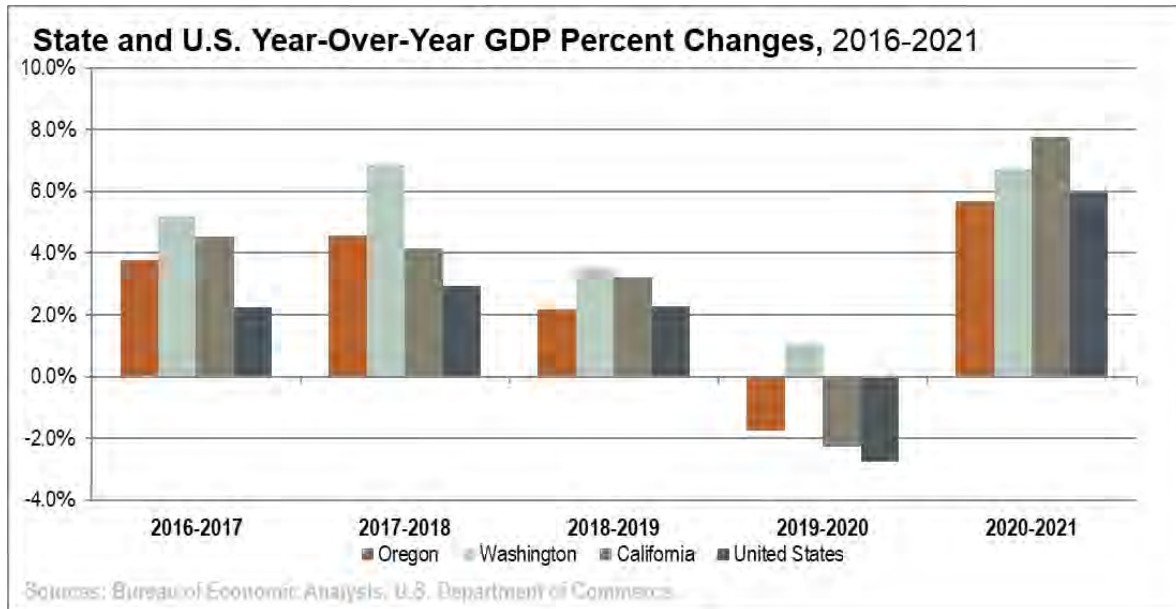
Source: Wells Fargo, forecast as of December 8, 2022.

Abbreviations: GDP = gross domestic product; CPI = consumer price index

Within the U.S., Oregon tends to exceed the national GDP growth rate. According to the U.S. Bureau of Economic Analysis, Oregon had the 8<sup>th</sup> fastest growing economy in the U.S., increasing at 2.9% per year from 2016-2021 (**Exhibit 3**).



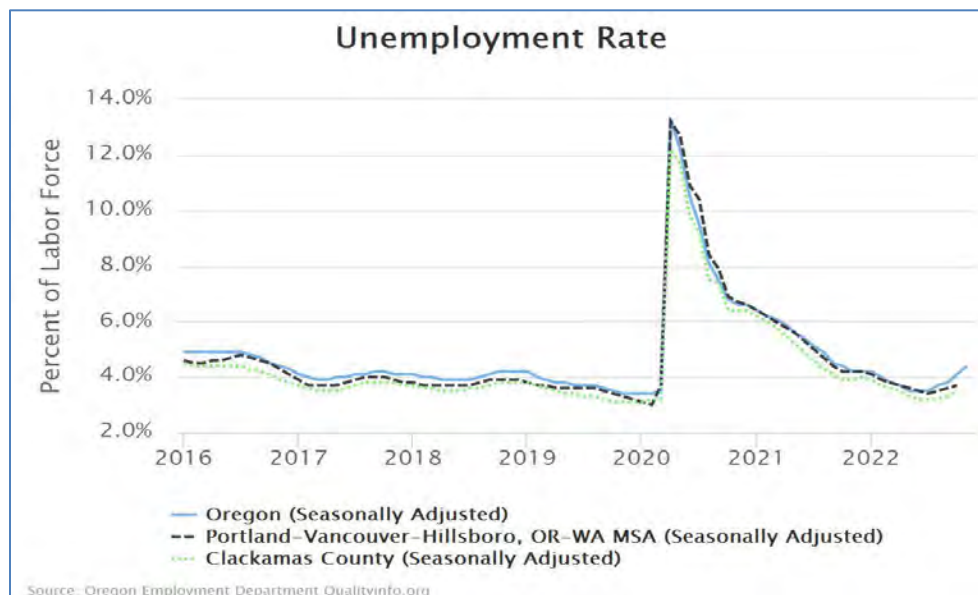
Exhibit 3: GDP Growth in Oregon, the United States, and Selected States



Statewide unemployment rates peaked at a seasonally adjusted rate of 13.3% in April 2020 before falling below 3.5% in July 2022 then ticking up slightly to 4.4% by November 2022 (**Exhibit 4**).

Clackamas County has recorded lower unemployment levels than the state as whole according to the Oregon Employment Department (OED). In October 2022, Clackamas County had an overall unemployment rate of 3.5% with a total employment of 222,549 workers.

Exhibit 4: Unemployment Rates, Clackamas County, Portland MSA, Oregon, 2016-2022



Because the unemployment rate is a measure of the percentage of workers between ages 15 and 64 that are actively looking for a job, it does not reflect factors regarding labor participation rates and underemployment (workers that have accepted low paying jobs since other jobs are not available).

locally). In 2021, labor participation rates (the share of civilian population that is employed or unemployed) were slightly higher in Clackamas County (63.9%) compared with the state (62.6%).

## II.B. DEMOGRAPHIC TRENDS

Population has been steadily increasing in Canby, Clackamas County, and Oregon as a whole for the past 20 years. Canby's population increased by 42% from 2000 to 2021, from 12,790 residents in 2000 to 18,171 in 2021 and 18,979 in 2022. Canby's average annual growth rate (AGR) in population consistently outpaced the growth rates recorded in Clackamas County and Oregon during the past 21 years (**Exhibit 5**).

Exhibit 5: Population Trends, 2000-2021

	2000	2010	2020	2021	Avg. Growth Rate 2000-2010 2010-2021	
Oregon	3,421,399	3,761,925	4,176,346	4,207,177	0.95%	1.02%
Clackamas County	338,391	375,992	422,185	425,316	1.06%	1.13%
City of Canby	12,790	15,829	17,210	18,171	2.15%	1.26%

Sources : U.S. Census, PSU Population Research Center

The long-term population forecasts prepared by Portland State University (PSU) anticipate a continuation of positive growth for Clackamas County. The county is projected to attain a 0.9% AGR between 2020 and 2040. The Canby Urban Growth Boundary (UGB) is projected to grow more quickly than the county, at a rate of 1.3% per year (**Exhibit 6**).

Exhibit 6: Population Projections, 2020-2043

	2020	2022	2025	2030	2035	2040	2043	AGR (2020- 2040)
Clackamas	421,401	429,149	437,222	460,401	483,349	505,622	519,632	0.9%
Canby UGB	18,171	18,655	19,468	20,796	22,234	23,635	24,586	1.3%

Source: Population Research Center, Portland State University, June 30, 2020

In 2020, 87% of Canby's population 25 years and over had graduated from high school, which was a smaller percentage than that of the State (91%), and the County (94%) as shown in **Exhibit 7**. Additionally, 26% of Canby's population 25 years and over had obtained a bachelor's degree and 10% of the city's population had achieved a graduate degree.

Exhibit 7: Educational Attainment of Population 25 years and over, 2020

	Clackamas Oregon County Canby		
Less than high school	9%	6%	13%
High school	48%	46%	51%
College	30%	34%	26%
Graduate School	13%	13%	10%
<b>Total</b>	100%	100%	100%

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates (Tables B15003)

Canby workers are far more likely to be employed in manufacturing occupations as compared with Clackamas County and the State. In 2019, nearly 22% of Canby's jobs were in manufacturing,

compared with 11% in Clackamas County and 10% in Oregon. Construction (15%) Retail trade (11%), educational services (8%), accommodation and food service (8%), and health care (8%) also represent significant shares of jobs in Canby (**Exhibit 8**).

Exhibit 8: Occupations for the Employed Population 16 years and over, 2016

	Canby	Clackamas County	Oregon
Agriculture, Forestry, Fishing and Hunting	0.9%	2.7%	2.6%
Utilities	0.5%	0.3%	0.5%
Construction	15.2%	8.8%	6.0%
Manufacturing	21.7%	11.2%	10.1%
Wholesale Trade	6.5%	6.4%	3.9%
Retail Trade	10.9%	11.6%	10.5%
Transportation and Warehousing	2.6%	2.4%	3.6%
Information	2.6%	1.4%	2.0%
Finance and Insurance	2.0%	3.4%	3.0%
Real Estate and Rental and Leasing	0.9%	1.4%	1.5%
Professional, Scientific, and Technical Services	2.5%	6.2%	5.4%
Management of Companies and Enterprises	0.0%	1.5%	2.7%
Admin. & Support, Waste Mgmt.	1.7%	5.0%	5.5%
Educational Services	8.4%	6.5%	8.2%
Health Care and Social Assistance	8.3%	13.8%	14.8%
Arts, Entertainment, and Recreation	1.5%	1.6%	1.7%
Accommodation and Food Services	8.4%	8.1%	9.3%
Other Services (excluding Public Administration)	4.0%	4.6%	4.4%
Public Administration	1.4%	2.9%	4.2%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

35)

## II.C. INCOME AND EMPLOYMENT TRENDS

Income levels for Canby's residents tend to be below those of Clackamas County but well above the state as a whole. Between 2010 and 2020, median household and family incomes for residents of Canby increased measurably but were outpaced slightly by growth rates observed statewide and in Clackamas County (**Exhibit 9**).

In 2020, the median household income within Canby was much higher for owner-occupied households (\$91,523) than for renter households (\$49,677).

Exhibit 9: Income Trends, 2010-2020

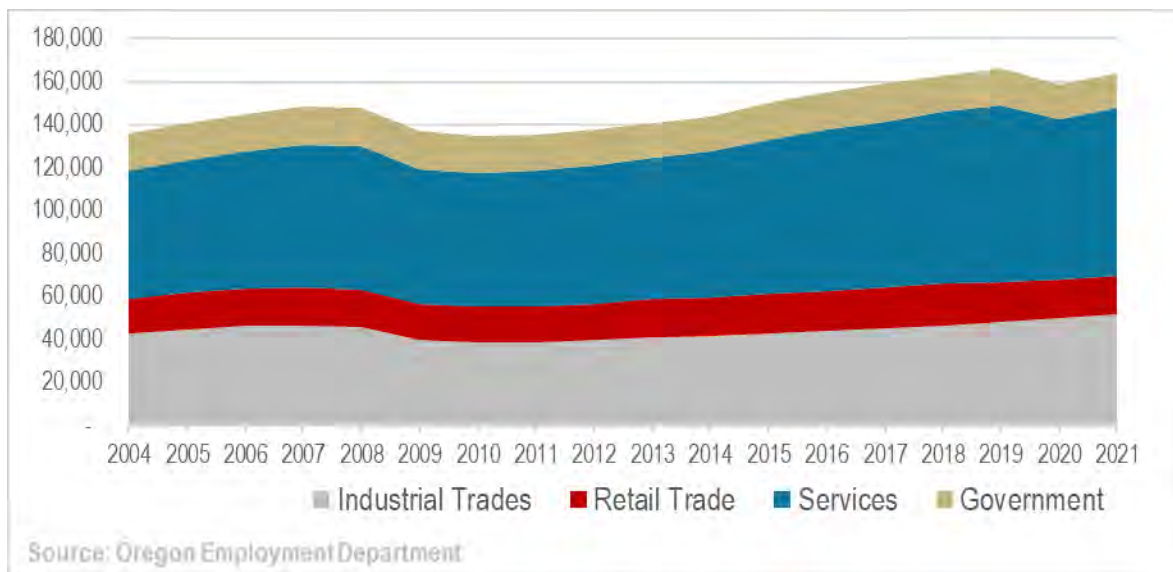
Median Household Income			
	2010	2020	AGR
<b>Canby</b>	<b>\$57,427</b>	<b>\$74,825</b>	<b>2.7%</b>
Clackamas County	\$62,007	\$82,911	2.9%
Oregon	\$49,260	\$65,667	2.9%
Median Family Income Trends			
	2010	2020	AGR
<b>Canby</b>	<b>\$67,370</b>	<b>\$87,173</b>	<b>2.6%</b>
Clackamas County	\$74,905	\$100,172	2.9%
Oregon	\$60,402	\$80,630	2.9%

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates (Table B2 and Table B10113).

AGR: average annual growth rate.

In 2021, the total at-place-of-work employment within Clackamas County recorded 164,593 workers (nonfarm workers). Within Clackamas County, the services sector (professional business services, leisure and hospitality and financial activities) accounts for 48% of the employment. Industrial trades and retail trades are next with 31% and 11% of the jobs, and the government sector accounted for 10% of the employment base (**Exhibit 10**).

Exhibit 10: Employment Trends by Sector in Clackamas County, 2004-2021\*

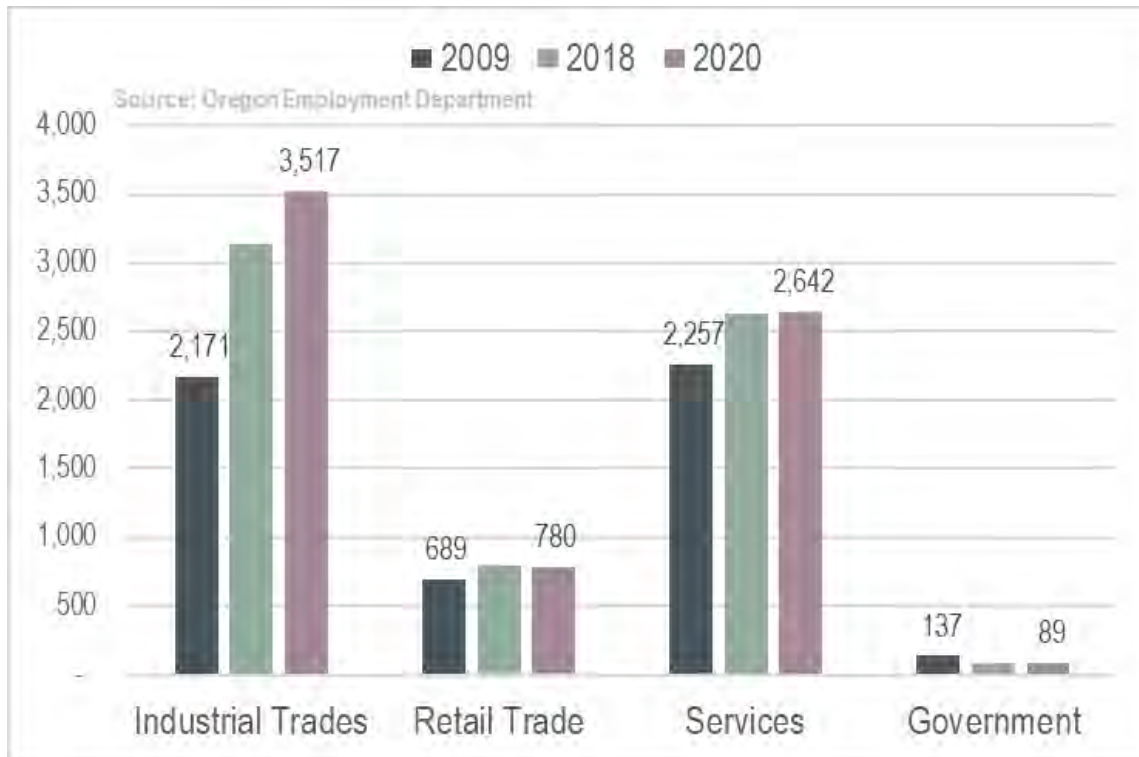


*\*Note, the job estimates shown above may tend to understate the total number of employees that work in Clackamas County since Oregon Employment Data only includes nonfarm workers that are covered by unemployment insurance. Hence, the OED estimates tend to exclude smaller home-based businesses and part-time workers that do not pay workers compensation insurance.*

Employment in Canby has increased significantly in recent years. According to the Oregon Employment Department, the total number of jobs covered by unemployment insurance increased to

7,028 jobs up from 6,718 in 2018. Half of Canby's employment is in the strong and growing industrial sector which added 1,348 jobs between 2014 and 2020. The services sector accounts for 38% of employment in the city, followed by the retail trade sector which accounted for 11% of all jobs in 2020 (**Exhibit 11**).

Exhibit 11: Employment Trends by Sector in Canby, 2009-2020



Canby's top private employers include a wide range of business types, as shown in **Exhibit 12**. In 2020 there were 11 private employers in Canby that each employed between 100 and 350 workers. These local businesses generated an estimated \$274 to \$316 million in annual GDP.

Exhibit 12: Canby's Top Private Employers, 2020

Description		Annual GDP (\$M)	Emp. Range
Larusso Concrete Inc.	Masonry Contractors	\$ 13.6 to \$ 17.0	100-125
Marquis Companies I Inc.	Assisted Living Facilities for the Elderly	\$ 11.8 to \$ 14.1	125-150
Wilson Construction Co.	Power and Communication Line Construction	\$ 17.0 to \$ 20.4	125-150
Shimadzu USA Manufacturing Inc.	Analytical Laboratory Instrument Manufacturing	\$ 24.7 to \$ 28.2	175-200
Kendal Floral Supply LLC	Flower, Nursery Stock, and Florists' Supplies	\$ 22.8 to \$ 26.0	175-200
MEC Northwest	Printed Circuit Assembly Manufacturing	\$ 24.7 to \$ 28.2	175-200
JMJ Construction LLC	New Single-Family Housing Construction	\$ 27.1 to \$ 30.5	200-225
Johnson Controls Battery Group Inc.	Storage Battery Manufacturing	\$ 28.2 to \$ 31.7	200-225
Fred Meyer	Warehouse Clubs and Supercenters	\$ 21.3 to \$ 23.4	250-275
Colima Construction LLC	Drywall, Plaster Work & Building Insulation	\$ 40.7 to \$ 47.5	300-350
Columbia Distributing	Beverage Merchant Wholesalers	\$ 40.7 to \$ 47.5	300-350

Source: Clackamas County Economic Landscape analysis by FCS GROUP, 2022.

Note: Data represents employment in 2020



Canby has been successful at adding employers of all sizes. Between 2009 and 2020 the number of employer establishments in Canby increased from 481 to 616 (over 12 per year on average). Significant growth has occurred in small, medium and very large business categories, as shown in **Exhibit 13**.

Exhibit 13: **Canby's Employers by Number of Workers per Establishment, 2009-2020**

Employee Count per Establishment	Number of Establishments				
	2009	2020	2009 Dist.	2020 Dist.	% Change
0-1	166	227	35%	37%	37%
2-10	209	256	43%	42%	22%
11-25	63	76	13%	12%	21%
26-49	18	28	4%	5%	56%
50-100	17	17	4%	3%	0%
101+	8	12	2%	2%	50%
<b>Total</b>	<b>481</b>	<b>616</b>	<b>100%</b>	<b>100%</b>	<b>28%</b>

Source: Oregon Employment Department.

## II.D. TARGET BUSINESS CLUSTERS

Location quotient (LQ) analysis is a method of determining which business sectors are clustered in the City of Canby in comparison to the Oregon state average. LQ analysis reveals what makes the local economy “unique” in comparison to a broader geography. The LQ analysis indicates existing and potential emerging business clusters present in Canby based on their size (as measured by employment) and projected growth potential. The data used for the cluster analyses were derived from the Oregon Employment Department 2020 wage and salary employment statistics and the Clackamas, Multnomah, and Washington County job growth projections described previously applied to City of Canby current employment estimates.

Business clusters in Canby with high LQs include arts, entertainment and recreation, wholesale trade, manufacturing, construction, utilities, information, retail trade and other services.

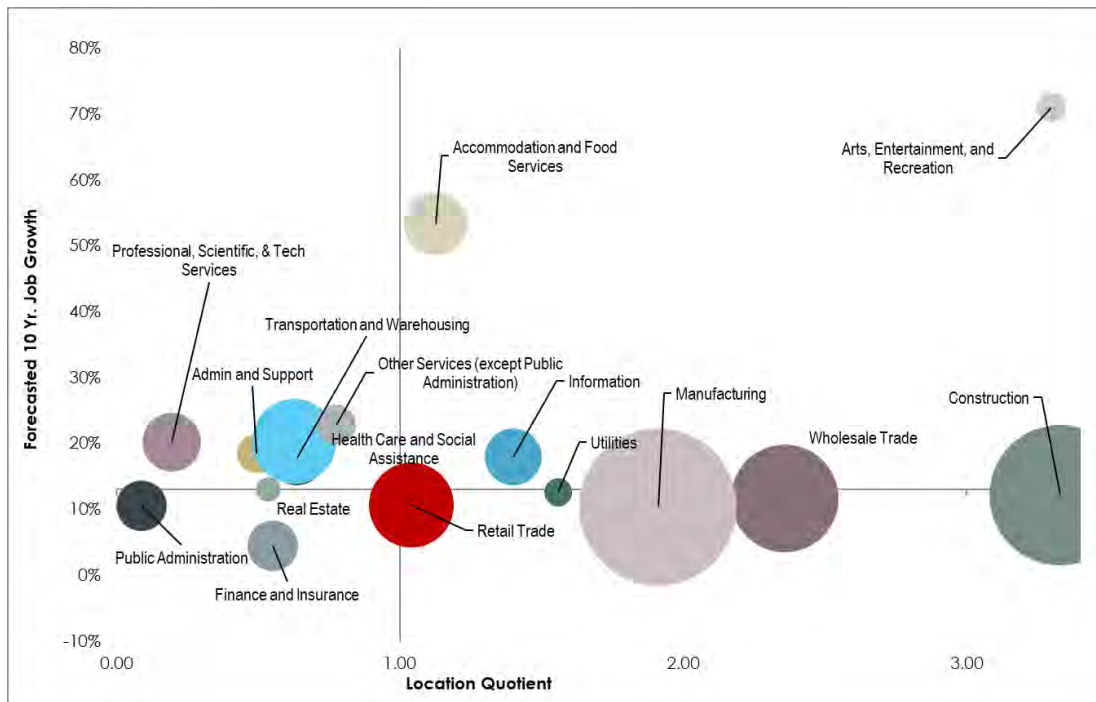
For example, the wholesale trade sector, a cluster which includes Kendal Floral Supply and American Metals, has an LQ of 2.65 which signifies that this business cluster is more than twice as concentrated in Canby than the statewide average (**Exhibit 14**).

Clusters with less than 1.0 LQ may represent a business cluster with either a competitive disadvantage (e.g., from lack of access to key markets) or business clusters with pent-up demand. Clusters with pent-up demand may represent “emerging” opportunities if the job growth rate is projected to be higher than average. For example, the health care cluster has a 0.62 LQ and a high job growth forecast (20% projected growth between 2020 and 2030) so it may now be in position to expand if local employment sites and workforce training opportunities are provided locally.

The preliminary list of target industries for Canby includes several existing and emerging clusters including:

- Advanced Manufacturing: metals and machinery
- High tech Manufacturing & Testing: electrical components, battery storage, etc.
- Construction trades
- Wholesale trade
- Health services

Exhibit I4: Industry Cluster Location Quotients and Forecasted Growth, Canby Area



Compiled by FCS Group based on Oregon Employment Department data from 2020.

During the EOA planning process, FCS conducted meetings with the project advisory committee, and the public, and interviewed local business stakeholders to ascertain local business expansion plans and relative market advantages Canby has for attracting and retaining various types of businesses. The input from those meetings combined with the analysis of growth trends suggests that Canby could have a high degree of success in attracting specific clusters of industries to its commercial and industrial lands, as summarized in **Exhibit 15**.

In addition to the target industries listed in Exhibit 15, feedback from stakeholder interviews and public surveys indicated that Canby should also aim to attract additional commercial retail, professional and business services, entertainment/recreation, hotels, and business-to-business supply chains in flexible light industrial buildings. Mixed support was voiced for additional warehousing

and distribution operations in the City given relatively low employment density and wages offered by that sector.

Exhibit I5: Potential Target Industries for Canby

Target Industry Category	Market Potential	Relative Wage Rates	Potential Job Creation	Target Industry	Example Businesses
<b>Advanced Manufacturing</b>	●	●	●	<input checked="" type="checkbox"/>	
Energy Systems	●	●	●	<input checked="" type="checkbox"/>	Johnson Controls
Electronic Component Manufacturing	●	●	●	<input checked="" type="checkbox"/>	MEC Northwest
Fabricated Metal Product Manufacturing	●	●	●	<input checked="" type="checkbox"/>	JV Northwest
Navigational, Measuring, Electromedical, and Control Instruments	●	●	●	<input checked="" type="checkbox"/>	Shimadzu USA, FLIR
<b>Composit Materials and Product Manufacturing</b>	●	●	●	<input type="checkbox"/>	Larusso Concrete
<b>Construction related</b>	●	●	●	<input type="checkbox"/>	Colima Construction, JMJ Construction, Wilson
<b>Food/Beverage Processing</b>	●	●	●	<input checked="" type="checkbox"/>	Puddin' River Chocolates, Cutsforth's
<b>Transportation and Distribution</b>	●	●	●	<input type="checkbox"/>	Kendal Floral, Amazon
<b>Health Care</b>	●	●	●	<input checked="" type="checkbox"/>	Providence
Legend: Good: ● Fair: ● Poor: ○					

Source: FCS GROUP.

## II.E. REGIONAL EMPLOYMENT GROWTH FORECAST

The Oregon Employment Department prepares employment forecasts for “regions” throughout Oregon. Canby’s region includes Clackamas, Multnomah and Washington counties. As shown in **Exhibit 16**, the tri-county region is projected to experience positive growth over the next 10 years across all job sectors. The sectors that are projected to add the most net new jobs include: transportation and warehousing, professional, scientific & tech services, health care and social assistance, construction and educational services.

Exhibit 16: Projected Job Growth s by Industry for Clackamas, Multnomah and Washington Counties 2020-2030

Sector	2020	2030	Change in Jobs	% Change	AAGR Trend
Industrial Trades	254,400	285,100	30,700	12%	1.15%
Retail Trade	87,700	97,100	9,400	11%	1.02%
Services	542,400	663,900	121,500	22%	2.04%
Government	112,000	123,800	11,800	11%	1.01%
<b>Total</b>	<b>996,500</b>	<b>1,169,900</b>	<b>173,400</b>	<b>17%</b>	<b>1.62%</b>

Source: Oregon Employment Department. Includes Clackamas, Multnomah & Washington counties.

## Section III. OPPORTUNITIES AND CONSTRAINTS ANALYSIS

Current market trends regarding visitation, business openings & closures, and perceived market considerations are important factors to consider when evaluating the ability for Canby to retain or attract economic development. A summary of these considerations follows.

### III.A. BUSINESS OPENINGS/CLOSURES

Canby has witnessed several notable business openings and expansions over the past four years. **Exhibit 17** summarizes the most significant openings and expansions in the area, ranging from the opening of a manufacturing facility by Caldera International (medical products) to numerous food and beverage establishments.

Exhibit 17: Canby Business Openings and Closures May 2013-2018

Name	Industry	Date
<b>Openings/Expansions</b>		
Siren Song	Leisure and hospitality	9/9/2021
Art-O-Maddic	Retail trade	6/18/2021
B's Bake Shoppe	Leisure and hospitality	8/5/2020
Caldera International	Manufacturing	8/26/2019
Coffee Doodle Doo	Leisure and hospitality	8/9/2019
Wayward Sandwiches	Leisure and hospitality	5/9/2019
Columbia Distributing	Transportation, warehousing and utilities	5/2/2019
Neurotherapeutic Pediatric Therapies	Health care and social assistance	4/24/2019
Baker's Prairie Bakery	Leisure and hospitality	12/12/2018
TMK Creamery	Manufacturing	2/29/2018
HealthMarkets Insurance Agency	Financial activities	2/28/2018
<b>Closures</b>		
Dave's Prescription Shop	Retail trade	5/7/2019
Secret Garden Floral	Retail trade	2/11/2019

Source: Oregon Employment Department.

### III.B. INDUSTRIAL LEADS

Over the years, Canby has recorded numerous business leads that have or are currently expressing interest in industrial property in Canby. Selected business leads are listed below.

- Oregon Liquor Control Commission distribution warehouse
- Amazon distribution center which would employ 500



### III.C. RETAIL TRADE

FCS GROUP conducted an analysis of retail sales data to identify existing retail trade flows within the Canby market area. The analysis examines the consumer retail demand and existing estimated sales within a 15, 30- and 45-minute drive time of Canby (to/from downtown).

The retail trade flow analysis measures the difference between local buying power from resident demand within the footprint of the analysis area and the actual sales in the same area. The retail trade analysis summary shown in **Exhibit 18** indicates that Canby retail and food service establishments attract a significant amount of retail inflow (local sales are far greater than local buying power).

Based on the analysis of individual store groups there is also a retail outflow which means most Canby's residents currently travel outside the area to make purchases in the following store group categories:

- Building Materials, Garden Equipment & Supply Stores
- Electronics and Appliance Stores
- Motor vehicle sales, auto parts and supply stores

Exhibit 18: Canby Retail Market Trade Area Profile, 2020

	15 Minutes	30 Minutes	45 Minutes
Population	82,389	683,585	1,435,758
Households	31,525	263,114	569,834
Aggregate Income	\$3,233,438,694	\$28,456,276,380	\$56,534,407,008
<b>Total Demand and Sales (Supply) within Trade Area</b>			
Demand	\$1,070,657,334	\$9,677,982,953	\$18,957,694,917
Supply	\$1,286,857,770	\$10,621,285,989	\$19,600,993,128
Retail Trade Outflow/(Inflow)	\$216,200,436	\$943,303,036	\$643,298,211
<b>Food and Drink Demand and Sales (Supply) within Trade Area</b>			
Demand	\$115,970,767	\$1,064,867,750	\$2,111,201,777
Supply	\$101,291,611	\$1,030,244,223	\$2,480,737,818
Retail Trade Outflow/(Inflow)	(\$14,679,156)	(\$34,623,527)	\$369,536,041

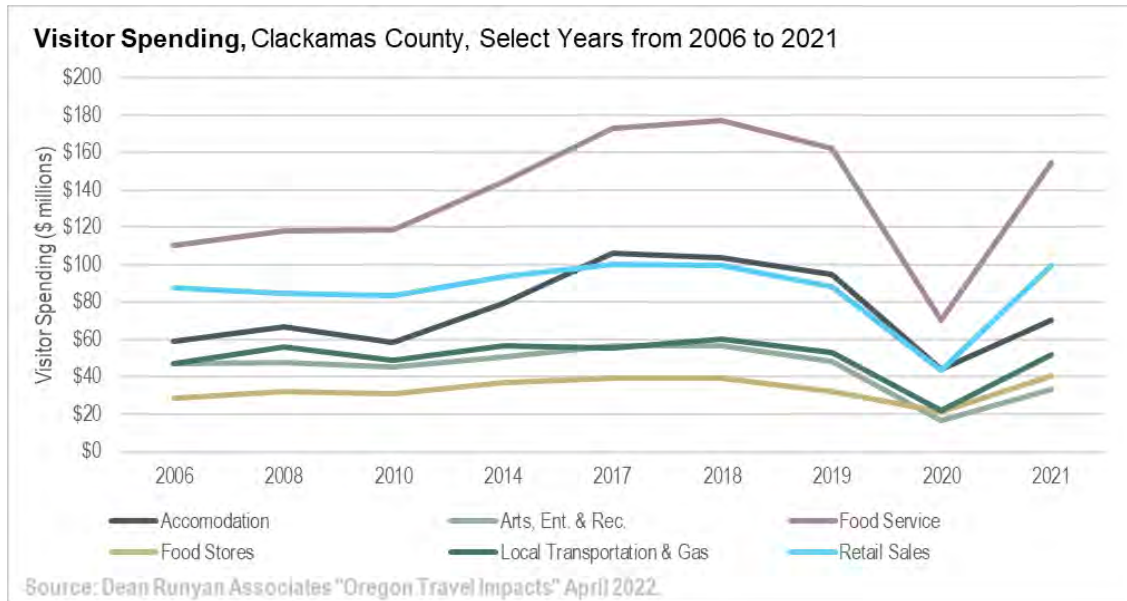
Source: ESRI Business Analyst Online

### III.D. VISITATION

The recreation and visitation industry has long been a bright spot within Clackamas County. County residents and visitors enjoy access to abundant recreational opportunities afforded by the Clackamas River, Mount Hood National Forest, wineries, breweries, skiing on Mount Hood, agritourism and other activities.

**Exhibit 19** depicts trends in visitor spending within Clackamas County between 2006 and 2021. Visitor spending reached a record level in 2018 at \$537 million, a total which declined measurably during the pandemic in 2020 before recovering in 2021 to \$451 million. In 2021 the leading sector for visitor spending was food service establishments followed by accommodation, retail spending, local transportation and gas, arts, entertainment and recreation and food stores.

Exhibit 19: Visitor Spending in Millions (2012-2021)



## Section IV. EMPLOYMENT GROWTH AND LAND INVENTORY & NEEDS

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In light of the trends and opportunities identified above, the Canby EOA Advisory Committee evaluated three alternative employment growth forecasts for the Canby UGB (see **Exhibit 20**).

**Low Growth Forecast Scenario:** this scenario assumes Canby's overall employment growth reflects a *Safe Harbor* assumption ties the overall average annual job growth rate (1.79%) to be generally consistent with the projected housing growth rate over the next 20 years. Overall job growth in Canby would increase by 3,270 jobs from 7,665 jobs (2023 est.) to 10,935 jobs in 20 years.

**Medium Growth Forecast Scenario:** this scenario reflects the level of job growth anticipated based on actual historic job growth rates for major sectors including industrial, retail, services and government. Historic growth rates were derived from 2009-2020 trends in covered employment within the City of Canby using Oregon Employment Department estimates for the industrial, retail and service sectors. Government sector growth rates are assumed to reflect the long-term population growth rate for the Canby UGB. This scenario would result in an average annual employment growth rate of 3.2%. Overall job growth in Canby would increase by 6,778 jobs from 7,665 jobs currently to 14,443 in 20 years.

**High Growth Forecast Scenario:** this scenario is consistent with the medium growth forecast but includes the local aspirational objective to attract additional living wage jobs into Canby. This scenario assumes that there are adequate sites to accommodate the addition of 300 industrial jobs and 460 service sector jobs over and above the assumptions shown in the medium scenario. The rationale for the additional service job growth assumes that the City's annual rate of growth in this sector (2.04%) equates to the long-range forecast for the Region (includes Clackamas, Multnomah and Washington Counties) per Oregon Employment Department's long range job growth forecast. This scenario would result in an overall average annual employment growth rate of 3.5%. Overall job growth in Canby would increase by 7,576 jobs from 7,665 jobs currently to 15,241 in 20 years.

Exhibit 20: Employment Growth Forecast, Canby UGB

Sector				Annual Growth Rates		Proj. Canby Growth Rate			20-Year Job Growth Forecast		
	2009	2020	2023 Est.	Canby Trend	Regional Forecast	Low	Medium	High	Low	Medium	High
Industrial Trades	2,171	3,517	4,012	4.48%	1.15%	2.24%	4.48%	4.64%	2,238	5,632	5,932
Retail Trade	689	780	807	1.13%	1.02%	1.02%	1.13%	1.32%	182	204	243
Services	2,257	2,642	2,758	1.44%	2.04%	1.32%	1.44%	2.04%	829	914	1,374
Government	137	89	89	-3.85%	1.01%	1.01%	1.32%	1.32%	20	27	27
<b>Total</b>	<b>5,254</b>	<b>7,028</b>	<b>7,665</b>	<b>2.68%</b>	<b>1.62%</b>	<b>1.79%</b>	<b>3.22%</b>	<b>3.50%</b>	<b>3,270</b>	<b>6,778</b>	<b>7,576</b>

Source: Oregon Employment Department (historic trend and regional forecast) and stated assumptions.

## Employment Land Needs Assessment

The employment land need for the Canby UGB is calculated using the following steps:

1. Allocating the growth forecasts into building types based on each sector's typical space needs for office, general government, retail/service, general industrial, flex/business park and warehousing/distribution.
2. Applying an average job density (floor area square feet per job) based on the building types listed above;
3. Applying a work-at-home assumption for the various building types
4. Allocating building absorption among two categories: refill/redevelopment demand (jobs added into existing buildings); and vacant land demand (jobs requiring building expansions or new buildings on vacant or part-vacant lands).
5. Applying a net-to-gross land area factor of 1.25 to account for public roadways and utilities required to serve new development on vacant and part-vacant lands.

Employment density assumptions for forecasting land needs are illustrated in **Exhibit 21** and detailed calculations are provided in **Appendix D**.

### Refill/Redevelopment and Work at Home Assumptions

To keep employment land needs forecasts conservative, the vacant land need factors out work-at-home assumptions and includes separate calculations for building refill/redevelopment assumptions. People that work at home and jobs added within existing buildings through infill/redevelopment would not require any vacant land.

This analysis assumes that the amount of building refill that is expected to occur in existing buildings reduces net new development requirements by 15,000 to 24,000 SF of floor area for commercial buildings; and 3,000 to 4,000 SF for government buildings (detailed calculations shown in **Appendix D**).

### Mixed Use Development Assumptions

The analysis of employment land needs assumes that all buildable mixed use land zoned land in Canby is developed with 1 ground floor level of commercial and housing above. In other words, this analysis assumes that each vacant or part-vacant tax lot that is zoned for commercial or service

related employment growth (e.g., future retail or office uses) will be developed as mixed use with commercial on the ground level and upper-level housing.

As such, the Canby buildable land inventory includes the vacant and part-vacant mixed-use zoned tax lots in both the employment land and residential land inventory counts.

Exhibit 21: Employment Land Needs Forecast, Canby UGB

	Office	Government	Flex/Bus. Park	Gen. Industrial	Warehouse/ Dist.	Retail/ Service
Refill Job Allocation <sup>1</sup>	5%	20%	0%	0%	0%	5%
Jobs Needing Vacant Land Allocation <sup>2</sup>	83%	80%	90%	95%	100%	95%
Building SF Per Job <sup>2</sup>	250	750	550	1,000	1,500	500
Floor-Area-Ratio <sup>2</sup>	0.35	0.20	0.25	0.25	0.20	0.35
Public Facility Net:Gross Adjustment <sup>3</sup>	1.25	1.25	1.25	1.25	1.25	1.25
Work at Home Adjustment <sup>4</sup>	12%	0%	10%	5%	0%	0%

\* assumptions are intended to reflect a long-term average and current local observations.

1/ Adjusts for building refill & vacancy allowances.

2/ Building density consistent with local observations.

3/ Allowances take into account land dedicated to public/utility easements.

4/ Allowance based on local business license data; and is generally consistent with statistics by Oregon Emp. Dept.

Source: assumptions reflect local observations.

The assumptions used for estimating higher utilization of jobs within existing buildings (refill) and work-at-home allowances, which result in an adjusted (lower) number of total jobs that are projected to require vacant land than would otherwise occur. As shown in **Exhibit 22**, the Canby EOA assumes that approximately 12% of future jobs would not require development of vacant land as a result of potential building refill and work-at-home assumptions, and planned occupancy of new buildings that were currently under construction as of January 1, 2023.

The forecasted number of jobs that would require vacant land ranges from: 2,852 (low growth scenario; 5,963 (medium growth scenario); and 6,640 (high growth scenario).

Exhibit 22: Canby Jobs Requiring Vacant Land

	Low	Medium	High
Industrial	2,238	5,632	5,932
Retail	182	204	243
Services	829	914	1,374
Government & Education	20	27	27
<b>Total Job Growth</b>	<b>3,270</b>	<b>6,778</b>	<b>7,576</b>
<b>Proj. Jobs not requiring vacant land*</b>	<b>418</b>	<b>815</b>	<b>936</b>
<b>Proj. Jobs on Vacant Land</b>	<b>2,852</b>	<b>5,963</b>	<b>6,640</b>

\* reflects jobs accommodated through refill in existing buildings and home-based workers.

## Vacant Land Needs

The resulting employment land needs for the Canby UGB range from 265 acres (low growth scenario), 626 acres (medium growth scenario), and 672 acres (high growth scenario) of gross buildable (unconstrained land area). As shown in **Exhibit 23**, the employment land needs by general



land use type range from 244 to 638 acres for industrial (includes land zoned CM, LI or HI); 20.5 to 33.9 acres for commercial (land zoned CD, HC or Mixed Use). These land demand forecasts assume 2 acres of land will be required for civic uses such as police and fire stations (excludes parks and schools).

Exhibit 23: Employment Land Needs Forecast, Canby UGB

Land Use Classification	Land Need (Demand)*		
	Low	Medium	High
Commercial (DC, HC)	20.5	24.7	33.9
Industrial/Other Emp. (CM, LI, HI)*	244.4	601.5	637.8
<b>Total Buildable Land (gross acres)</b>	<b>264.9</b>	<b>626.2</b>	<b>671.6</b>

\* excludes potential public land needs for new parks and schools.

Excluding public/education, the current overall employment density within Canby is estimated at 14.3 jobs per net buildable acre on developed land zoned for employment uses.

Based on the employment job growth and related land need forecast, the overall employment density within Canby will increase over time. Again, after excluding public/education, the future level of employment density for net new job growth over the next 20 years is estimated to range from 14.4 to 15 jobs per net buildable acre in the medium to higher growth scenarios.<sup>1</sup>

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<sup>1</sup> Analysis of existing conditions assumes 7,576 private jobs on 527 developed acres zoned for commercial and industrial development in Canby (equates to 14.3 jobs per net acre). Future growth estimates for medium and high growth scenarios assume 6,751 to 7,522 private jobs are added over the next 20 years, requiring 468 to 503 net buildable acres (excludes public facilities) which equates to 14.4 to 15.0 jobs per net acre.

## Section V. BUILDABLE LAND INVENTORY & SITE SUITABILITY ANALYSIS

The BLI findings for the Canby UGB were documented by 3J Consulting and updated as of October 21, 2022. The BLI findings reflect all vacant and part-vacant land within the Canby UGB that has not yet been developed nor has been issued a building permit as of January 1, 2023.

The BLI findings reflect current zoning categories that allow employment uses. This includes land that is with Comprehensive Plan designations as follows: Downtown Commercial, Commercial/Manufacturing, Highway Commercial, Heavy Industrial and Light Industrial. As shown in **Exhibit 24** (with supporting BLI methodology provided in **Appendix E**), the total remaining BLI includes 179 acres of unconstrained land area within vacant, part vacant and redevelopment lots. The light and heavy industrial land is spread over 48 separate tax lots, and commercial land is spread over 24 separate tax lots.

Exhibit 24: Vacant, Part Vacant and Redevelopable Employment Land, Canby UGB

Comprehensive Plan Category	Developed Land	Permitted	Pipeline	Buildable*	Constrained**	Total
DC - Downtown Commercial	35	0	0	1	0	36
CM - Commercial/Manufacturing	67	0	1	7	0	76
HC - Highway Commercial	67	0	0	12	2	82
HI - Heavy Industrial	67	0	0	26	1	94
LI - Light Industrial	282	14	80	51	1	428
<b>Total</b>	<b>519</b>	<b>14</b>	<b>82</b>	<b>97</b>	<b>5</b>	<b>716</b>

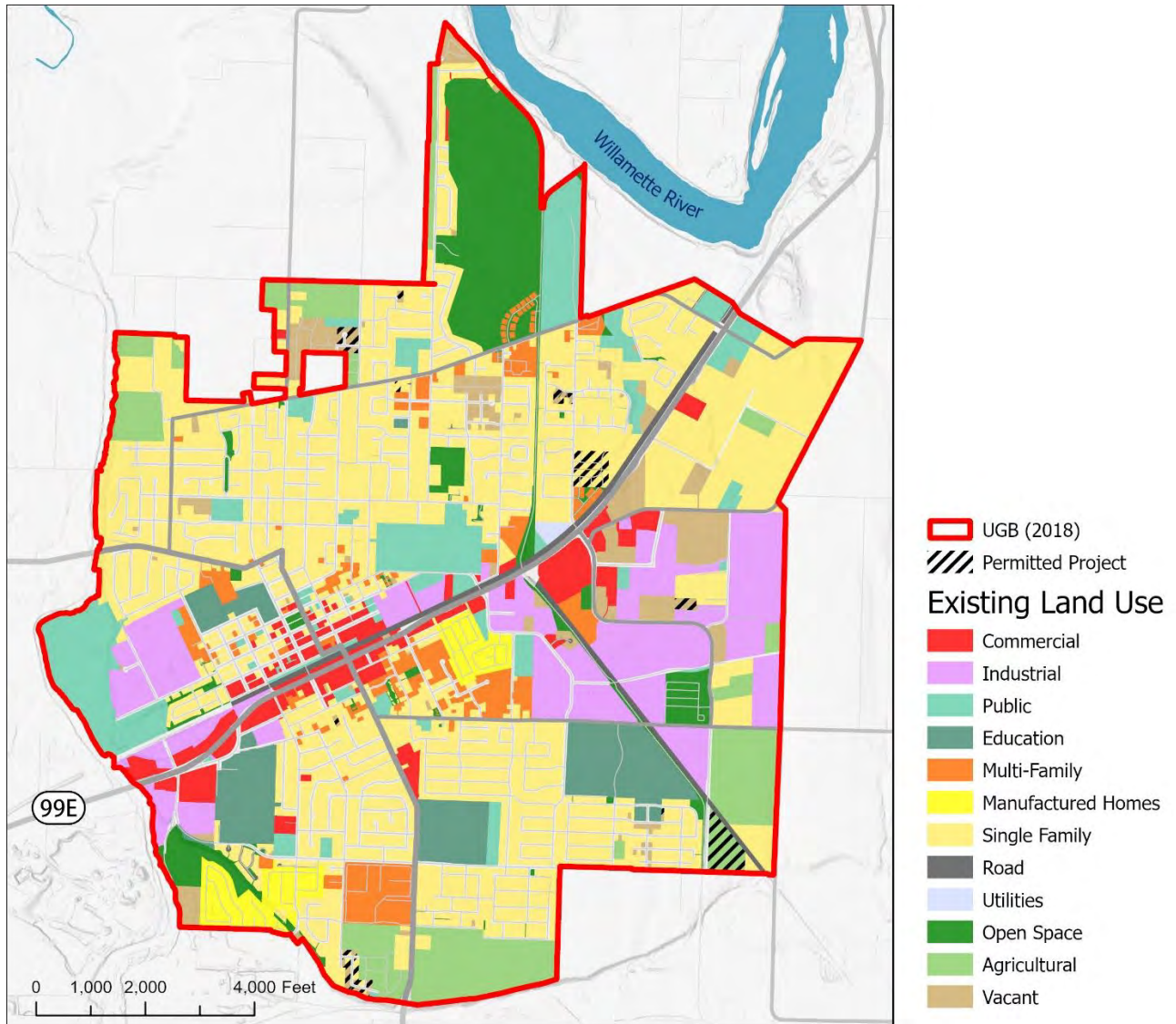
Comprehensive Plan Category	Developed Land*	Buildable Vacant	Constrained Vacant	Buildable Part Vacant	Redevelopment	Total Buildable
RC - Residential Commercial	14	0	0	5	0	6
DC - Downtown Commercial	35	1	0	0	0	1
CM - Commercial/Manufacturing	67	6	0	3	0	8
HC - Highway Commercial	67	10	2	0	2	9
HI - Heavy Industrial	67	16	1	9	0	24
LI - Light Industrial	296	96	1	26	9	131
<b>Total</b>	<b>547</b>	<b>129</b>	<b>5</b>	<b>43</b>	<b>12</b>	<b>179</b>

Source: Canby Buildable Land Inventory; 3J Consulting, March 2023.

As shown in **Exhibits 25 and 26**, most of the remaining vacant commercial tax lots are located along Highway 99E and in downtown.

The majority of the remaining commercial land supply is concentrated in tax lots that have less than 5 acres of unconstrained land area. The commercial inventory includes 5 tax lots with 1-5 acres each, and 19 tax lots within less than 1 acre of buildable land area. Approximately 83% of the commercial land area is classified as vacant and the remainder is classified as redevelopable.

Exhibit 25: Canby UGB Existing Land Use



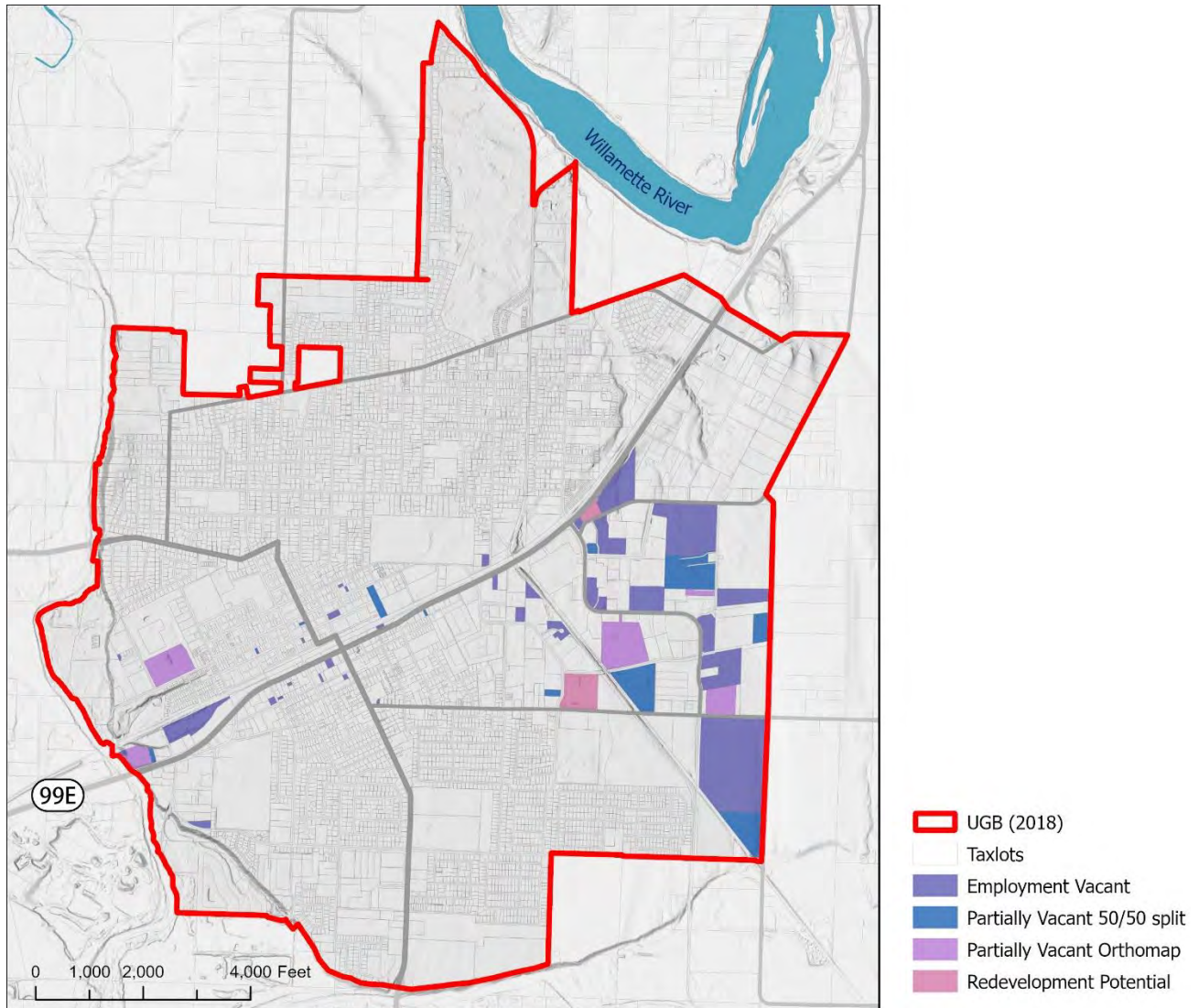
Source: Canby GIS analysis by 3J Consulting, April 2023.

Most of the remaining industrial land inventory is concentrated in the Pioneer Business Park. There are also a few vacant industrial tax lots located north of Highway 99E.

At present there are three (3) remaining vacant industrial tax lot with over 10 acres each of unconstrained land area; and eight (8) tax lots each with between 5 and 10 acres of land area. There are an additional 11 tax lots each with 1 to 5 acres of land area; and 26 tax lots with under 1 acre of land area.

Approximately half of the remaining industrial land inventory is classified as vacant and unconstrained; 25% is classified as part-vacant; and 25% is classified as redevelopable (see **Exhibit 26**).

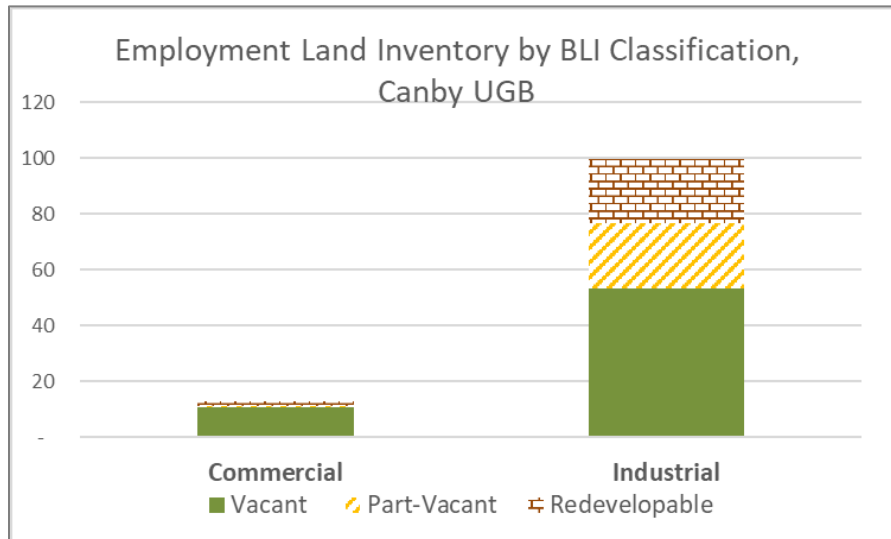
Exhibit 26: Canby UGB Buildable Employment Land Inventory



Source: Canby GIS analysis by 3J Consulting, April 2023.



Exhibit 27: Buildable Land by Classification



## SITE SUITABILITY ANALYSIS

The site suitability analysis compares the remaining buildable land inventory to the projected employment land needs based on market factors detailed above.

As part of the EOA update, it has been determined that all remaining buildable employment lands within the Canby UGB can reasonably be served by planned investments in public and private facilities and services, such as roads, water, sewer, storm, power and telecommunications.

The commercial land use demand is derived from retail, service and office jobs that require new floor area on buildable land zoned CD or HC. The industrial land use demand forecast will be derived from jobs in manufacturing, construction, wholesale trade, transportation, distribution and utilities sectors on land zoned CM, LI or HI).

Exhibit 28: Canby Employment Land Need Forecast

### Canby UGB Employment Land Needs (gross buildable unconstrained acres)

Comp. Plan Designation	Land Supply*	Land Need (Demand)**			Land Need (Shortfall)		
		Low	Medium	High	Low	Medium	High
Commercial (RC, DC, HC)	16.4	20.5	24.7	33.9	(4.1)	(8.3)	(17.5)
Industrial/Other Emp. (CM, LI, HI)*	163.0	244.4	601.5	637.8	(81.4)	(438.5)	(474.8)
<b>Total Buildable Land (gross acres)</b>	<b>179.4</b>	<b>264.9</b>	<b>626.2</b>	<b>671.6</b>	<b>(85.5)</b>	<b>(446.8)</b>	<b>(492.2)</b>

\* Includes projects in the development pipeline that have no building permit issued as of Jan. 1, 2023.

\*\* Excludes potential public land needs for new parks and schools.

Site location, size and infrastructure requirements are important factors to consider when addressing the employment land needs. **Exhibit 29** identifies most likely site requirements under the middle and high employment growth scenarios.



Exhibit 29: Employment Site Requirements, Middle and High Growth Scenarios

	Very Small Users	Small Users	Medium Users	Large Users	Total
<i>Assumed Jobs On Site (annual average)</i>	<i>Less than 9</i>	<i>10 to 25</i>	<i>26 to 99</i>	<i>100 to 200+</i>	
<i>Proj. Avg. Jobs per Establishment</i>	<i>7 jobs</i>	<i>15 jobs</i>	<i>80 jobs</i>	<i>185 jobs</i>	
<i>Proj. Distribution of Job Growth Capture</i>	<i>24%</i>	<i>21%</i>	<i>27%</i>	<i>28%</i>	<i>100%</i>
<i>Proj. Jobs on Vacant Land: Middle Scenario</i>	<i>1,431 jobs</i>	<i>1,252 jobs</i>	<i>1,610 jobs</i>	<i>1,670 jobs</i>	<i>5,963 jobs</i>
<i>Proj. Jobs on Vacant Land: High Scenario</i>	<i>1,594 jobs</i>	<i>1,394 jobs</i>	<i>1,793 jobs</i>	<i>1,859 jobs</i>	<i>6,640 jobs</i>
<i>Avg. Site Size per Estab. (net acres)</i>	<i>0.25</i>	<i>1.75</i>	<i>8</i>	<i>15</i>	
<i>Proj. Vacant Land: Middle Scenario (acres)</i>	<i>51.1</i>	<i>146.1</i>	<i>161.0</i>	<i>135.4</i>	<i>494</i>
<i>Proj. Vacant Land: High Scenario</i>	<i>56.9</i>	<i>162.7</i>	<i>179.3</i>	<i>150.7</i>	<i>550</i>
<i>Proj. Distribution of Land Needs</i>	<i>20%</i>	<i>20%</i>	<i>35%</i>	<i>25%</i>	<i>100%</i>
<i>Total Sites Needed: Middle Scenario (sites)</i>	<i>204</i>	<i>83</i>	<i>20</i>	<i>9</i>	<i>317</i>
<i>Total Sites Needed: High Scenario (sites)</i>	<i>228</i>	<i>93</i>	<i>22</i>	<i>10</i>	<i>353</i>
<i>Industrial Capture (sites)</i>	<i>10%</i>	<i>90%</i>	<i>95%</i>	<i>95%</i>	
<i>Industrial Sites Needed: Middle Scenario</i>	<i>20</i>	<i>75</i>	<i>19</i>	<i>9</i>	<i>123</i>
<i>Industrial Sites Needed: High Scenario</i>	<i>23</i>	<i>84</i>	<i>21</i>	<i>10</i>	<i>137</i>
<i>Commercial Capture (sites)</i>	<i>90%</i>	<i>10%</i>	<i>5%</i>	<i>5%</i>	
<i>Commercial Sites Needed: Middle Scenario</i>	<i>184</i>	<i>8</i>	<i>1</i>	<i>0</i>	<i>194</i>
<i>Commercial Sites Needed: High Scenario</i>	<i>205</i>	<i>9</i>	<i>1</i>	<i>1</i>	<i>216</i>

### Commercial and Office Land Need Requirements

With a long-term land demand forecast of 22 to 35 acres for commercial retail and office land needs (middle and high growth scenarios) and with a buildable land supply of 17 acres of commercial zoned land inside the existing UGB, Canby should explore new strategies to plan and annex appropriate locations for office and retail development.

Canby's short-term buildable land supply should be adequate in meeting market demand over the next 12 months. However, over the long-term, the City may need approximately 5 to 18 acres of additional land area for commercial and office development.

Possible long-term strategies include completing master planning on adjacent planning areas, such as the Area J planning area for a combination of office, commercial and housing development. A portion of the Area J planning area will be needed to address Canby's long-term employment land need.

In light of the fact that the remaining land supply within the City is primarily comprised of smaller tax lots (only 5 vacant commercial tax lots exist with over 1 acre in size), the City should explore strategies that support "special site" preferences for strategic uses, such as a new neighborhood shopping center, lifestyle center, hotel(s), and a medical/health campus that typically require sites ranging from 4-8 acres in size.

A forecast of site needs for commercial-zoned land in Canby is provided in **Exhibit 30**.

Exhibit 30: Commercial Site Requirements, Middle and High Growth Scenarios

Commercial	Very Small Users	Small Users	Medium Users	Large Users	Total
<i>Jobs on Site (average)</i>	<i>7 jobs</i>	<i>15 jobs</i>	<i>80 jobs</i>	<i>185 jobs</i>	
<i>Range in Site Size (net buildable acres)</i>	<i>Less than 1.0</i>	<i>1 to 3</i>	<i>3 to 10</i>	<i>11 to 20</i>	
<i>Avg. Site Size (net buildable acres)</i>	<i>0.25</i>	<i>1.75</i>	<i>8</i>	<i>15</i>	
<b>Land Supply (Sites or Tax Lots)</b>	<b>19</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>24</b>
<b>Total Land Demand (Sites or Tax Lots)</b>					
Middle Growth Forecast Scenario	184	8	1	0	194
High Growth Forecast Scenario	205	9	1	1	216
<b>Difference: Site Surplus or (Shortfall)*</b>					
Middle Growth Forecast Scenario (sites/tax lots)	(179)	(3)	(1)	(0)	
High Growth Forecast Scenario (sites/tax lots)	(200)	(4)	(1)	(1)	
<b>Total Building Floor Area Needed</b>					
Middle Growth Forecast Scenario	- 451,000 SF	- 44,000 SF	- 28,000 SF	- 29,000 SF	- 552,000 SF
High Growth Forecast Scenario	- 502,000 SF	- 49,000 SF	- 31,000 SF	- 33,000 SF	- 615,000 SF

\* Number of sites reflects 20-year demand by individual establishments or tenants.

### Industrial and Other Land Need Requirements

The Canby EOA indicates that the total long-term demand for industrial and other employment uses is expected to range from 265 to 672 acres of gross buildable land area. While the City appears to have an adequate short-term industrial/other land supply to meet demand, the long-term needs under all growth forecast scenarios would require the City to consider designating some land within the current UGB for employment and/or evaluating additional reserves for UGB expansion.

It is recommended that the EOA policies consider whether special site requirements are needed over the long-term that would require additional land area to be annexed in locations to accommodate large industrial uses that cannot be located on existing or planned industrial areas. A forecast of site needs for commercial-zoned land in Canby is provided in **Exhibit 31**.

Exhibit 31: Industrial Site Requirements, Middle and High Growth Scenarios

Industrial	Very Small Users	Small Users	Medium Users	Large Users	Total
<i>Jobs on Site (average)</i>	<i>7 jobs</i>	<i>15 jobs</i>	<i>80 jobs</i>	<i>185 jobs</i>	
<i>Range in Site Size (buildable acres)</i>	<i>Less than 1.0</i>	<i>1 to 3</i>	<i>3 to 10</i>	<i>11 to 20</i>	
<i>Avg. Site Size (net buildable acres)</i>	<i>0.25</i>	<i>1.75</i>	<i>8</i>	<i>15</i>	
<b>Land Supply (Sites or Tax Lots)</b>	<b>26</b>	<b>11</b>	<b>8</b>	<b>3</b>	<b>48</b>
<b>Land Demand (Sites or Tax Lots)</b>					
Middle Growth Forecast Scenario	20	75	19	9	123
High Growth Forecast Scenario	23	84	21	10	137
<b>Difference: Site Surplus or (Shortfall)*</b>					
Middle Growth Forecast Scenario (sites/tax lots)	6	(64)	(11)	(6)	
High Growth Forecast Scenario (sites/tax lots)	3	(73)	(13)	(7)	

\* Number of sites reflects 20-year demand by individual establishments or tenants.

## Section VI. COMMUNITY

# ECONOMIC DEVELOPMENT OBJECTIVES

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As part of this EOA planning process, the City and consultant team conducted a communitywide survey, community and business stakeholder interviews and public meetings and a City Council work session. Three separate meetings were conducted with the Canby EOA project advisory committee to obtain input and feedback on interim work products. This outreach resulted in input from a wide range of perspectives—community residents, local businesses, workforce training specialists, and policy officials.

A summary of community feedback is included in **Appendix B**.

Going forward it is recommended that a new Economic Development Mission be adopted along with current aspirations to build a stronger local economy for all residents, employers, and employees. The following statements will be subject to community review and refinement during the EOA adoption process, and subsequently incorporated into a new Comprehensive Plan for Canby during 2023.

### Community Development Mission Statement

*Canby shall retain and enhance its unique sense of community and livable neighborhoods. Canby continues to be a great location for businesses to thrive and expand. Canby's downtown is inviting and safe, with innovative businesses that meet the community's needs. Canby's employment centers attract a diverse mix of businesses that offer quality jobs and benefits.<sup>2</sup> The Highway 99E Corridor is designed as a safe and attractive gateway that invites visitors to explore Canby. The City of Canby proactively plans for and invests wisely in infrastructure and services that enable the community to manage growth in a sustainable manner.*

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<sup>2</sup> Quality jobs are hereby defined to include businesses that pay annual wages that are above the Clackamas County average with health benefits provided to their workers.

## Community Development Objectives

1. **Enhance Canby's positive business environment with adequate commercial, industrial and mixed-use sites to address future growth opportunities.**
  - Develop local plans to support the “medium growth scenario” as described in the Canby EOA.
  - Foster a positive business environment and permitting process.
2. Plan for Industrial expansion areas east and north of Mulino Rd.
  - Plan for Industrial Expansion Areas adjacent to the industrial park. Adjust UGB and modify boundary of the Pioneer Business Park as part of a UGB expansion alternatives analysis.
  - Identify and construct transportation and infrastructure improvements that serve Business Park expansion.
3. Retain and attract businesses that provide quality jobs with high levels of employment per acre
  - Consider methods to advance public financing and funding for off-site infrastructure improvements needed to support business expansion for businesses that provide at least 8 jobs per acre.
4. Provide incentives for targeted job creation and major private investment
  - Support reasonable business incentive programs, offered by Business Oregon such as the Strategic Investment Program that provides limited tax abatement for major private investments.
  - Sponsor annual business summit meetings and events held by the Canby Chamber of Commerce.
5. Support expansion in health services
  - Work with local and regional health care providers to ensure that additional outpatient treatment facilities are available as the local population expands.
6. Support workforce training and development
  - Work with the Clackamas Workforce Partnership to connect workforce training opportunities and programs with local community residents and businesses.
7. Expand opportunities for the development of workforce housing
  - Update Canby's Housing Needs Analysis and conduct a Housing Production Strategy during 2023.

- Evaluate and implement code amendments that lower the barrier to the development of middle housing types, such as plexes, courtyard apartments and accessory dwelling units.

#### 8. Expand lodging options

- Identify potential locations for a future hotel along Highway 99W.
- Help facilitate partnerships between landowners and hotel operators.

#### 9. Fund roads and infrastructure using innovative techniques

- Update local system development charges to fully fund capacity expansion projects.
- Implement equitable transportation utility revenue generation that fully captures the impacts created by various business and industrial types and their impacts on local streets and related maintenance costs.
- Explore and create special assessments, such as local improvements districts to recapture the value created by major public or private investments in infrastructure.

#### 10. Support arts & visitation, including agri- and bicycle-tourism

- Implement master plan projects that include trails, pathways, parks, river access, and camping/RV facilities.
- Work with community partners, such as the Canby Parks and Recreation Advisory Board and the Canby School District and other organizations to explore feasibility for a new sports complex.
- Evaluate feasibility for a new amphitheater.
- Expand funding resources and attract state grants.

#### 11. Attract downtown redevelopment with integrated mixed-use buildings

- Ensure downtown Canby remains visually and functionally attractive.
- Evaluate opportunities to incentivize vertical mixed-use developments using techniques such as public parking, advance financing of off-site infrastructure and limited multifamily tax abatement.

#### 12. Update design standards and provide incentives for building renovations

- Implement effective design standards in core area and along Highway 99W.
- Create development codes which promote attractive highway commercial development servicing the needs of the community.
- Use the anticipated comprehensive plan and transportation system plan to establish goals to be used in creating future development code standards that will promote business consistent with design standards.



### 13. Think Regional and Act Local

- Support, monitor and participate in local and regional economic development organization activities that help Canby define its role within the larger region. Examples include Canby Chamber of Commerce, Clackamas County Economic Development Commission, and Greater Portland Inc.
- Play an active role in regional and state-sponsored economic planning processes to ensure that local business expansion needs are fully understood and can be addressed within the broader market area, if not within the Canby UGB.

## APPENDIX A: GOAL 9 OREGON ADMINISTRATIVE RULES

### **(OAR 660-009-000)**

#### 660-009-0000

##### Intent and Purpose

The intent of the Land Conservation and Development Commission is to provide an adequate land supply for economic development and employment growth in Oregon. The intent of this division is to link planning for an adequate land supply to infrastructure planning, community involvement and coordination among local governments and the state. The purpose of this division is to implement Goal 9, Economy of the State (OAR 660-015-0000(9)), and ORS 197.712(2)(a) to (d). This division responds to legislative direction to assure that comprehensive plans and land use regulations are updated to provide adequate opportunities for a variety of economic activities throughout the state (ORS 197.712(1)) and to assure that comprehensive plans are based on information about state and national economic trends (ORS 197.717(2)).

Statutory/Other Authority: ORS 183 & 197

Statutes/Other Implemented: ORS 197.712

##### History:

LCDD 7-2005, f. 12-13-05, cert. ef. 1-1-07

LCDC 4-1986, f. & ef. 10-10-86

#### 660-009-0005

##### Definitions

For purposes of this division, the definitions in ORS chapter 197 and the statewide planning goals apply, unless the context requires otherwise. In addition, the following definitions apply:

- (1) "Developed Land" means non-vacant land that is likely to be redeveloped during the planning period.
- (2) "Development Constraints" means factors that temporarily or permanently limit or prevent the use of land for economic development. Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat, environmental contamination, slope, topography, cultural and archeological resources, infrastructure deficiencies, parcel fragmentation, or natural hazard areas.
- (3) "Industrial Use" means employment activities generating income from the production, handling or distribution of goods. Industrial uses include, but are not limited to: manufacturing; assembly; fabrication; processing; storage; logistics; warehousing; importation; distribution and transshipment; and research and development. Industrial uses may have unique land, infrastructure, energy, and transportation requirements. Industrial uses may have external impacts on surrounding uses and may cluster in traditional or new industrial areas where they are segregated from other non-industrial activities.
- (4) "Locational Factors" means market factors that affect where a particular type of industrial or other employment use will locate. Locational factors include, but are not limited to, proximity to raw materials, supplies, labor, services, markets, or educational institutions; access to transportation and freight facilities such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes; and workforce factors (e.g., skill level, education, age distribution).
- (5) "Metropolitan Planning Organization (MPO)" means an organization designated by the Governor to coordinate transportation planning on urban land of the state including such designations made subsequent to the adoption of this division. The Longview-Kelso-Rainier MPO is not considered an MPO for the purposes of this division. Cities with less than 2,500 population are not considered part of an MPO for purposes of this division.

(6) "Other Employment Use" means all non-industrial employment activities including the widest range of retail, wholesale, service, non-profit, business headquarters, administrative and governmental employment activities that are accommodated in retail, office and flexible building types. Other employment uses also include employment activities of an entity or organization that serves the medical, educational, social service, recreation and security needs of the community typically in large buildings or multi-building campuses.

(7) "Planning Area" means the area within an existing or proposed urban growth boundary. Cities and counties with urban growth management agreements must address the urban land governed by their respective plans as specified in the urban growth management agreement for the affected area.

(8) "Prime Industrial Land" means land suited for traded-sector industries as well as other industrial uses providing support to traded-sector industries. Prime industrial lands possess site characteristics that are difficult or impossible to replicate in the planning area or region. Prime industrial lands have necessary access to transportation and freight infrastructure, including, but not limited to, rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes. Traded-sector has the meaning provided in ORS 285B.280.

(9) "Serviceable" means the city or county has determined that public facilities and transportation facilities, as defined by OAR 660, divisions 011 and 012, currently have adequate capacity for development planned in the service area where the site is located or can be upgraded to have adequate capacity within the 20-year planning period.

(10) "Short-term Supply of Land" means suitable land that is ready for construction within one year of an application for a building permit or request for service extension. Engineering feasibility is sufficient to qualify land for the short-term supply of land. Funding availability is not required. "Competitive Short-term Supply" means the short-term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses.

(11) "Site Characteristics" means the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to, a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes.

(12) "Suitable" means serviceable land designated for industrial or other employment use that provides, or can be expected to provide the appropriate site characteristics for the proposed use.

(13) "Total Land Supply" means the supply of land estimated to be adequate to accommodate industrial and other employment uses for a 20-year planning period. Total land supply includes the short-term supply of land as well as the remaining supply of lands considered suitable and serviceable for the industrial or other employment uses identified in a comprehensive plan. Total land supply includes both vacant and developed land.

(14) "Vacant Land" means a lot or parcel:

(a) Equal to or larger than one half-acre not currently containing permanent buildings or improvements; or

(b) Equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements.

Statutory/Other Authority: ORS 183 & 197

Statutes/Other Implemented: ORS 197.712

History:

LCDD 7-2005, f. 12-13-05, cert. ef. 1-1-07

LCDC 4-1986, f. & ef. 10-10-86

660-009-0010

Application

(1) This division applies to comprehensive plans for areas within urban growth boundaries. This division does not require or restrict planning for industrial and other employment uses outside urban growth boundaries. Cities and counties subject to this division must adopt plan and ordinance amendments necessary to comply with this division.

(2) Comprehensive plans and land use regulations must be reviewed and amended as necessary to comply with this division as amended at the time of each periodic review of the plan pursuant to ORS 197.712(3).

Jurisdictions that have received a periodic review notice from the Department (pursuant to OAR 660-025-0050) prior to the effective date of amendments to this division must comply with such amendments at their next periodic review unless otherwise directed by the Commission.

(3) Cities and counties may rely on their existing plans to meet the requirements of this division if they conclude:

(a) There are not significant changes in economic development opportunities (e.g., a need for sites not presently provided for in the plan) based on a review of new information about national, state, regional, county and local trends; and

(b) That existing inventories, policies, and implementing measures meet the requirements in OAR 660-009-0015 to 660-009-0030.

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

(a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or

(b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or

(c) Adopt a combination of the above, consistent with the requirements of this division.

(5) The effort necessary to comply with OAR 660-009-0015 through 660-009-0030 will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on national, state, regional, county, and local economic trends. A jurisdiction's planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this division.

(6) The amendments to this division are effective January 1, 2007. A city or county may voluntarily follow adopted amendments to this division prior to the effective date of the adopted amendments.

Statutory/Other Authority: ORS 183 & 197

Statutes/Other Implemented: ORS 197.712

History:

LCDD 7-2005, f. 12-13-05, cert. ef. 1-1-07

LCDD 4-2001, f. & cert. ef. 10-2-01

LCDC 4-1986, f. & ef. 10-10-86

660-009-0015

Economic Opportunities Analysis

Cities and counties must review and, as necessary, amend their comprehensive plans to provide economic opportunities analyses containing the information described in sections (1) to (4) of this rule. This analysis will compare the demand for land for industrial and other employment uses to the existing supply of such land.

(1) Review of National, State, Regional, County and Local Trends. The economic opportunities analysis must identify the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the planning area based on information about national, state, regional, county or local trends. This review of trends is the principal basis for estimating future industrial and other employment uses as described in section (4) of this rule. A use or category of use could reasonably be expected to expand or locate in the planning area if the area possesses the appropriate locational factors for the use or category of use. Cities and counties are strongly encouraged to analyze trends and establish employment projections in a geographic area larger than the planning area and to determine the percentage of employment growth reasonably expected to be captured for the planning area based on the assessment of community economic development potential pursuant to section (4) of this rule.

(2) Identification of Required Site Types. The economic opportunities analysis must identify the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses. Cities and counties are encouraged to examine existing firms in the planning area to identify the types of sites that may be needed for expansion. Industrial or other employment uses with compatible site characteristics may be grouped together into common site categories.

(3) Inventory of Industrial and Other Employment Lands. Comprehensive plans for all areas within urban growth boundaries must include an inventory of vacant and developed lands within the planning area designated for industrial or other employment use.

(a) For sites inventoried under this section, plans must provide the following information:

(A) The description, including site characteristics, of vacant or developed sites within each plan or zoning district;

(B) A description of any development constraints or infrastructure needs that affect the buildable area of sites in the inventory; and

(C) For cities and counties within a Metropolitan Planning Organization, the inventory must also include the approximate total acreage and percentage of sites within each plan or zoning district that comprise the short-term supply of land.

(b) When comparing current land supply to the projected demand, cities and counties may inventory contiguous lots or parcels together that are within a discrete plan or zoning district.

(c) Cities and counties that adopt objectives or policies providing for prime industrial land pursuant to OAR 660-009-0020(6) and 660-009-0025(8) must identify and inventory any vacant or developed prime industrial land according to section (3)(a) of this rule.

(4) Assessment of Community Economic Development Potential. The economic opportunities analysis must estimate the types and amounts of industrial and other employment uses likely to occur in the planning area. The estimate must be based on information generated in response to sections (1) to (3) of this rule and must consider the planning area's economic advantages and disadvantages. Relevant economic advantages and disadvantages to be considered may include but are not limited to:

(a) Location, size and buying power of markets;

(b) Availability of transportation facilities for access and freight mobility;

(c) Public facilities and public services;

(d) Labor market factors;



- (e) Access to suppliers and utilities;
- (f) Necessary support services;
- (g) Limits on development due to federal and state environmental protection laws; and
- (h) Educational and technical training programs.

(5) Cities and counties are strongly encouraged to assess community economic development potential through a visioning or some other public input based process in conjunction with state agencies. Cities and counties are strongly encouraged to use the assessment of community economic development potential to form the community economic development objectives pursuant to OAR 660-009-0020(1)(a).

Statutory/Other Authority: ORS 183 & 197

Statutes/Other Implemented: ORS 197.712

History:

LCDD 7-2005, f. 12-13-05, cert. ef. 1-1-07

LCDC 4-1986, f. & ef. 10-10-86

[660-009-0020](#)

#### Industrial and Other Employment Development Policies

(1) Comprehensive plans subject to this division must include policies stating the economic development objectives for the planning area. These policies must be based on the community economic opportunities analysis prepared pursuant to OAR 660-009-0015 and must provide the following:

(a) Community Economic Development Objectives. The plan must state the overall objectives for economic development in the planning area and identify categories or particular types of industrial and other employment uses desired by the community. Policy objectives may identify the level of short-term supply of land the planning area needs. Cities and counties are strongly encouraged to select a competitive short-term supply of land as a policy objective.

(b) Commitment to Provide a Competitive Short-Term Supply. Cities and counties within a Metropolitan Planning Organization must adopt a policy stating that a competitive short-term supply of land as a community economic development objective for the industrial and other employment uses selected through the economic opportunities analysis pursuant to OAR 660-009-0015.

(c) Commitment to Provide Adequate Sites and Facilities. The plan must include policies committing the city or county to designate an adequate number of sites of suitable sizes, types and locations. The plan must also include policies, through public facilities planning and transportation system planning, to provide necessary public facilities and transportation facilities for the planning area.

(2) Plans for cities and counties within a Metropolitan Planning Organization or that adopt policies relating to the short-term supply of land, must include detailed strategies for preparing the total land supply for development and for replacing the short-term supply of land as it is developed. These policies must describe dates, events or both, that trigger local review of the short-term supply of land.

(3) Plans may include policies to maintain existing categories or levels of industrial and other employment uses including maintaining downtowns or central business districts.

(4) Plan policies may emphasize the expansion of and increased productivity from existing industries and firms as a means to facilitate local economic development.

(5) Cities and counties are strongly encouraged to adopt plan policies that include brownfield redevelopment strategies for retaining land in industrial use and for qualifying them as part of the local short-term supply of land.

(6) Cities and counties are strongly encouraged to adopt plan policies pertaining to prime industrial land pursuant to OAR 660-009-0025(8).

(7) Cities and counties are strongly encouraged to adopt plan policies that include additional approaches to implement this division including, but not limited to:

- (a) Tax incentives and disincentives;
- (b) Land use controls and ordinances;
- (c) Preferential tax assessments;
- (d) Capital improvement programming;
- (e) Property acquisition techniques;
- (f) Public/private partnerships; and
- (g) Intergovernmental agreements.

Statutory/Other Authority: ORS 183 & 197

Statutes/Other Implemented: ORS 197.712

History:

LCDD 7-2005, f. 12-13-05, cert. ef. 1-1-07

LCDC 4-1986, f. & ef. 10-10-86

#### 660-009-0025

#### Designation of Lands for Industrial and Other Employment Uses

Cities and counties must adopt measures adequate to implement policies adopted pursuant to OAR 660-009-0020. Appropriate implementing measures include amendments to plan and zone map designations, land use regulations, public facility plans, and transportation system plans.

(1) Identification of Needed Sites. The plan must identify the approximate number, acreage and site characteristics of sites needed to accommodate industrial and other employment uses to implement plan policies. Plans do not need to provide a different type of site for each industrial or other employment use. Compatible uses with similar site characteristics may be combined into broad site categories. Several broad site categories will provide for industrial and other employment uses likely to occur in most planning areas. Cities and counties may also designate mixed-use zones to meet multiple needs in a given location.

(2) Total Land Supply. Plans must designate serviceable land suitable to meet the site needs identified in section (1) of this rule. Except as provided for in section (5) of this rule, the total acreage of land designated must at least equal the total projected land needs for each industrial or other employment use category identified in the plan during the 20-year planning period.

(3) Short-Term Supply of Land. Plans for cities and counties within a Metropolitan Planning Organization or cities and counties that adopt policies relating to the short-term supply of land must designate suitable land to respond to economic development opportunities as they arise. Cities and counties may maintain the short-term supply of land according to the strategies adopted pursuant to OAR 660-009-0020(2).

(a) Except as provided for in subsections (b) and (c), cities and counties subject to this section must provide at least 25 percent of the total land supply within the urban growth boundary designated for industrial and other employment uses as short-term supply.

(b) Affected cities and counties that are unable to achieve the target in subsection (a) above may set an alternative target based on their economic opportunities analysis.

(c) A planning area with 10 percent or more of the total land supply enrolled in Oregon's industrial site certification program pursuant to ORS 284.565 satisfies the requirements of this section.

(4) If cities and counties are required to prepare a public facility plan or transportation system plan by OAR chapter 660, division 011 or division 012, the city or county must complete subsections (a) to (c) of this section at the time of periodic review. Requirements of this rule apply only to city and county decisions made at the time of periodic review. Subsequent implementation of or amendments to the comprehensive plan or the public facility plan that change the supply of serviceable land are not subject to the requirements of this section. Cities and counties must:

(a) Identify serviceable industrial and other employment sites. The affected city or county in consultation with the local service provider, if applicable, must make decisions about whether a site is serviceable. Cities and counties are encouraged to develop specific criteria for deciding whether or not a site is serviceable. Cities and counties are strongly encouraged to also consider whether or not extension of facilities is reasonably likely to occur considering the size and type of uses likely to occur and the cost or distance of facility extension;

(b) Estimate the amount of serviceable industrial and other employment land likely to be needed during the planning period for the public facilities plan. Appropriate techniques for estimating land needs include but are not limited to the following:

(A) Projections or forecasts based on development trends in the area over previous years; and

(B) Deriving a proportionate share of the anticipated 20-year need specified in the comprehensive plan.

(c) Review and, if necessary, amend the comprehensive plan and the public facilities plan to maintain a short-term supply of land. Amendments to implement this requirement include but are not limited to the following:

(A) Changes to the public facilities plan to add or reschedule projects to make more land serviceable;

(B) Amendments to the comprehensive plan that redesignate additional serviceable land for industrial or other employment use; and

(C) Reconsideration of the planning area's economic development objectives and amendment of plan objectives and policies based on public facility limitations.

(d) If a city or county is unable to meet the requirements of this section, it must identify the specific steps needed to provide expanded public facilities at the earliest possible time.

(5) Institutional Uses. Cities and counties are not required to designate institutional uses on privately owned land when implementing section (2) of this rule. Cities and counties may designate land in an industrial or other employment land category to compensate for any institutional land demand that is not designated under this section.

(6) Compatibility. Cities and counties are strongly encouraged to manage encroachment and intrusion of uses incompatible with industrial and other employment uses. Strategies for managing encroachment and intrusion of incompatible uses include, but are not limited to, transition areas around uses having negative impacts on surrounding areas, design criteria, district designation, and limiting non-essential uses within districts.

(7) Availability. Cities and counties may consider land availability when designating the short-term supply of land. Available land is vacant or developed land likely to be on the market for sale or lease at prices consistent with the local real estate market. Methods for determining lack of availability include, but are not limited to:

(a) Bona fide offers for purchase or purchase options in excess of real market value have been rejected in the last 24 months;

(b) A site is listed for sale at more than 150 percent of real market values;

(c) An owner has not made timely response to inquiries from local or state economic development officials; or

(d) Sites in an industrial or other employment land category lack diversity of ownership within a planning area when a single owner or entity controls more than 51 percent of those sites.

(8) Uses with Special Siting Characteristics. Cities and counties that adopt objectives or policies providing for uses with special site needs must adopt policies and land use regulations providing for those special site needs. Special site needs include, but are not limited to large acreage sites, special site configurations, direct access to transportation facilities, prime industrial lands, sensitivity to adjacent land uses, or coastal shoreland sites designated as suited for water-dependent use under Goal 17. Policies and land use regulations for these uses must:

(a) Identify sites suitable for the proposed use;

(b) Protect sites suitable for the proposed use by limiting land divisions and permissible uses and activities that interfere with development of the site for the intended use; and

(c) Where necessary, protect a site for the intended use by including measures that either prevent or appropriately restrict incompatible uses on adjacent and nearby lands.

Statutory/Other Authority: ORS 183 & 197

Statutes/Other Implemented: ORS 197.712

History:

LCDD 7-2005, f. 12-13-05, cert. ef. 1-1-07

LCDC 4-1986, f. & ef. 10-10-86

[660-009-0030](#)

Multi-Jurisdiction Coordination

(1) Cities and counties are strongly encouraged to coordinate when implementing OAR 660-009-0015 to 660-009-0025.

(2) Jurisdictions that coordinate under this rule may:

(a) Conduct a single coordinated economic opportunities analysis; and

(b) Designate lands among the coordinating jurisdictions in a mutually agreed proportion.

## APPENDIX B: COMMUNITY OUTREACH SUMMARY

The City of Canby has initiated a process to update its economic data and policies and identify tools to help encourage job growth.

The community outreach process entailed the following techniques:

- **EOA Advisory Committee Meetings:** three separate meetings were held between April 2022 and October 2022 to discuss key issues and opportunities; and to review interim findings and recommendations. The advisory committee included:
  - Kelly Reid and Leigh McIlvaine, Oregon Dept. of Land Conservation and Development
  - Cindy Moore, Economic Development Coordinator
  - Amy Oakley, Clackamas Workforce Partnership
  - Briana Correa, Todos Juntos, Inc.
  - Susan Myers, Developer Representative
  - Teresa Sasse, Puddin'River Chocolates
  - Brian Hodson, Canby Mayor
  - Jason Padden, Canby City Council

Input provided by the advisory committee served to address diverse local perspectives.

- **Joint City Council/Planning Commission Meeting.** This meeting was held in November 2022 to review and discuss draft findings and recommendations.
- **Stakeholder Interviews.** From April through October 2022, the consultant team interviewed key stakeholders such as local business owners, employers, and developers. Findings included:
  - Desire to provide additional light industrial and flex buildings.
  - Support for continued downtown development with adequate parking.
  - Support for a wide mix of employment sites for small, medium and large businesses.
  - Maintaining a positive business friendly environment with streamlined permitting for new business development.
  - Acknowledgement of the importance of adding attainable housing for people that work in Canby.
- **Community Survey.** An online survey was conducted during the Summer/Fall 2022. There were 70 responses to that survey, with responses summarized below.

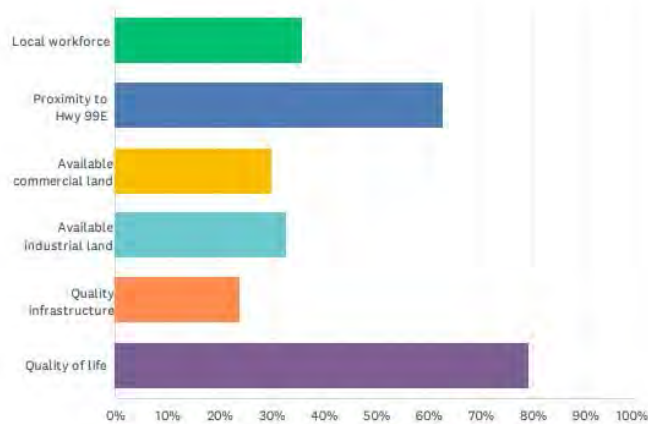


## Businesses Like...

Q6 What are the top three advantages to doing business in Canby?

Answered: 57 Skipped: 7

1. Quality of Life
2. Hwy 99E
3. Local workforce
4. Available sites

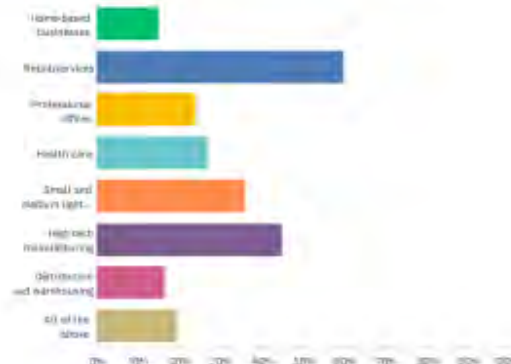


## Types of businesses or jobs needed...

Q7 What are the top three business and jobs you think Canby needs the most?

Answered: 27 Skipped: 1

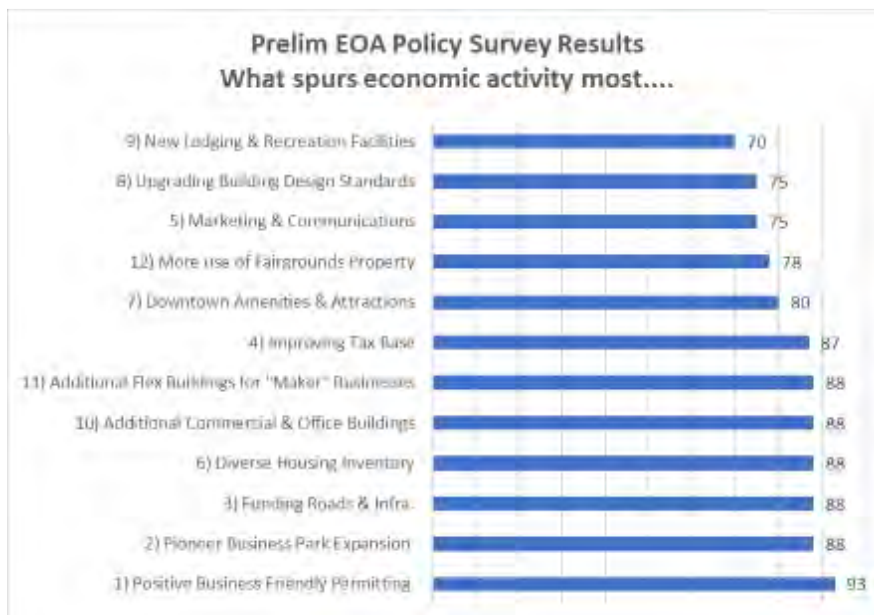
1. Retail/services
2. High tech jobs
3. Small & medium light industrial (flexible buildings)
4. Health services
5. Prof. Offices
6. Lodging
7. Recreational amenities



## Community dislikes...

1. Traffic congestion and anything that degrades quality of life
2. Lack of sidewalks & traffic control systems
3. Lack of attainable housing supply for workers
4. Lack of coordinated long term community master plan
5. Lack of quality design & landscaping standards
6. Warehousing & distribution businesses that pay low wages
7. Sprawl (low density development that is not pedestrian friendly)

## EOA Advisory Committee Priorities



*Objectives  
that will help  
promote local  
economic  
development*

**The input received during the EOA planning process was considered by the EOA Advisory Committee, City staff and City Council and utilized to help develop the recommended EOA goals, objectives, policies and actions identified in this document.**

## Appendix C. Regional Employment Growth Forecast

	2020	2030	Change	% Change
<b>Total employment</b>	<b>996,500</b>	<b>1,169,900</b>	<b>173,400</b>	<b>17%</b>
<b>Total payroll employment</b>	<b>937,000</b>	<b>1,105,400</b>	<b>168,400</b>	<b>18%</b>
Total private	825,000	981,600	156,600	19%
Natural resources and mining	10,200	10,900	700	7%
Mining and logging	600	600	0	0%
Construction	55,100	61,800	6,700	12%
Construction of buildings	15,800	17,700	1,900	12%
Residential building construction	8,200	9,500	1,300	16%
Nonresidential building construction	7,600	8,200	600	8%
Heavy and civil engineering construction	3,800	4,200	400	11%
Specialty trade contractors	35,500	39,900	4,400	12%
Manufacturing	99,100	109,400	10,300	10%
Durable goods	75,000	82,700	7,700	10%
Wood product manufacturing	2,100	2,100	0	0%
Primary metal manufacturing	4,500	5,100	600	13%
Fabricated metal product manufacturing	10,000	11,400	1,400	14%
Machinery manufacturing	7,900	9,000	1,100	14%
Computer and electronic product manufacturing	33,900	35,900	2,000	6%
Semiconductor and electronic component mfg.	28,000	29,700	1,700	6%
Electronic instrument manufacturing	4,200	4,700	500	12%
Transportation equipment manufacturing	5,800	6,900	1,100	19%
Nondurable goods	24,000	26,700	2,700	11%
Food manufacturing	10,800	12,300	1,500	14%
Paper manufacturing	1,700	1,700	0	0%
Trade, transportation, and utilities	177,700	200,100	22,400	13%
Wholesale trade	46,200	51,600	5,400	12%
Merchant wholesalers, durable goods	24,500	26,600	2,100	9%
Merchant wholesalers, nondurable goods	17,400	20,200	2,800	16%
Electronic markets and agents and brokers	4,300	4,800	500	12%
Retail trade	87,700	97,100	9,400	11%
Motor vehicle and parts dealers	10,600	12,400	1,800	17%
Building material and garden supply stores	6,900	7,400	500	7%
Food and beverage stores	19,000	20,700	1,700	9%
Clothing and clothing accessories stores	7,200	9,000	1,800	25%
Sporting goods, hobby, book and music stores	4,100	4,500	400	10%
General merchandise stores	16,900	17,500	600	4%
Transportation, warehousing, and utilities	43,700	51,400	7,700	18%
Transportation and warehousing	41,500	48,900	7,400	18%
Truck transportation	8,600	9,300	700	8%
Couriers and messengers	9,000	10,900	1,900	21%
Warehousing and storage	12,500	14,900	2,400	19%

**Source:** Oregon Employment Department, Workforce and Economics Research Division.

Contact: Amy Vander Vliet, Regional Economist, Amy.S.Vandervliet@employ.oregon.gov, (971) 804-2099

Oregon Employment Department, Workforce and Economic Research Division

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<b>Total payroll employment</b>	<b>937,000</b>	<b>1,105,400</b>	<b>168,400</b>	<b>18%</b>
Total private	825,000	981,600	156,600	19%
Information	21,100	24,900	3,800	18%
Publishing industries, except Internet	10,100	11,500	1,400	14%
Software publishers	9,000	10,600	1,600	18%
Telecommunications	2,500	1,800	-700	-28%
Financial activities	61,600	66,700	5,100	8%
Finance and insurance	35,900	37,500	1,600	4%
Credit intermediation and related activities	15,300	15,900	600	4%
Insurance carriers and related activities	16,600	16,900	300	2%
Real estate and rental and leasing	25,700	29,200	3,500	14%
Real estate	23,000	26,000	3,000	13%
Professional and business services	155,400	186,300	30,900	20%
Professional and technical services	65,600	78,900	13,300	20%
Legal services	7,400	7,400	0	0%
Architectural and engineering services	12,600	14,700	2,100	17%
Computer systems design and related services	12,900	16,400	3,500	27%
Management of companies and enterprises	37,300	45,100	7,800	21%
Administrative and waste services	52,500	62,400	9,900	19%
Administrative and support services	49,800	59,000	9,200	18%
Employment services	21,700	26,900	5,200	24%
Business support services	5,500	5,200	-300	-5%
Services to buildings and dwellings	12,400	14,500	2,100	17%
Private educational and health services	140,000	168,600	28,600	20%
Private educational services	19,500	23,600	4,100	21%
Health care and social assistance	120,500	145,000	24,500	20%
Ambulatory health care services	43,700	54,200	10,500	24%
Hospitals	25,000	27,000	2,000	8%
Nursing and residential care facilities	22,700	27,000	4,300	19%
Social assistance	29,100	36,800	7,700	26%
Leisure and hospitality	72,400	113,100	40,700	56%
Arts, entertainment, and recreation	10,000	17,100	7,100	71%
Amusement, gambling, and recreation	6,800	12,000	5,200	76%
Accommodation and food services	62,500	95,900	33,400	53%
Accommodation	5,400	10,200	4,800	89%
Food services and drinking places	57,100	85,800	28,700	50%
Restaurants and other eating places	51,100	74,400	23,300	46%
Other services	32,400	39,800	7,400	23%
Membership associations and organizations	13,100	14,900	1,800	14%
Government	112,000	123,800	11,800	11%
Federal government	14,500	14,600	100	1%
Federal government post office	3,500	3,600	100	3%
State government	8,200	8,800	600	7%
Local government	89,300	100,400	11,100	12%
Local education	45,600	50,800	5,200	11%
<b>Self-employment</b>	<b>59,500</b>	<b>64,500</b>	<b>5,000</b>	<b>8%</b>

**Source:** Oregon Employment Department, Workforce and Economics Research Division.

Contact: Amy Vander Vliet, Regional Economist, Amy.S.Vandervliet@employ.oregon.gov, (971) 804-2099

Oregon Employment Department, Workforce and Economic Research Division

## Appendix D. Employment Land Needs Assumptions

### Canby UGB Net New Employment Forecast: 2023-2043\*

	Low	Medium	High
Industrial	2,238	5,632	5,932
Retail	182	204	216
Services	737	914	1,374
Government & Education	20	24	24
<b>Total Job Growth</b>	<b>3,178</b>	<b>6,775</b>	<b>7,546</b>
<b>Proj. Jobs not requiring vacant land*</b>	<b>403</b>	<b>815</b>	<b>934</b>
<b>Proj. Jobs on Vacant Land</b>	<b>2,775</b>	<b>5,960</b>	<b>6,611</b>

\* reflects jobs accommodated through refill in existing buildings and home-based workers.

### Canby UGB Job Growth Capture Rates: 2023-2043

	Scenario A	Scenario B	Scenario C
Industrial	100%	100%	100%
Retail	100%	100%	100%
Services	100%	100%	100%
Government & Education	100%	100%	100%

### Canby UGB Job Growth Forecast: 2023-2043

	Low	Medium	High
Industrial	2,238	5,632	5,932
Retail	182	204	216
Services	737	914	1,374
Government & Education	20	24	24
<b>Total</b>	<b>3,178</b>	<b>6,775</b>	<b>7,546</b>

**Source:** Derived from prior tables



**Employment Sectors to Building Type Assignment Assumptions**

	Building Types						
Employment Sectors	Office	Government	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Retail	0%		10%	0%	0%	90%	100%
Services	50%		20%	0%	0%	30%	100%
Industrial			30%	55%	15%	0%	100%
Government/Education/Other Public		100%		0%	0%		100%

Source: reflects local assumptions by FCS GROUP.

**Net New Employment Forecast by Building Type, Scenario A Forecast**

Employment Sectors	Office	Government	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Retail	-	-	18	-	-	164	182
Services	369	-	147	-	-	221	737
Industrial	-	-	671	1,231	336	-	2,238
Government/Other Public	-	20	-	-	-	-	20
<b>Total</b>	<b>369</b>	<b>20</b>	<b>837</b>	<b>1,231</b>	<b>336</b>	<b>385</b>	<b>3,178</b>

**Net New Employment Forecast by Building Type, Scenario B Forecast**

Employment Sectors	Office	Government	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Retail Trades	-	-	20	-	-	184	204
Services	457	-	183	-	-	274	914
Industrial	-	-	1,690	3,098	845	-	5,632
Government/Other Public	-	24	-	-	-	-	24
<b>Total</b>	<b>457</b>	<b>24</b>	<b>1,893</b>	<b>3,098</b>	<b>845</b>	<b>458</b>	<b>6,775</b>

Source: FCS GROUP based on local market assumptions.

**Net New Employment Forecast by Building Type, Scenario C Forecast**

Employment Sectors	Office	Government	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Retail Trades	-	-	22	-	-	194	216
Services	687	-	275	-	-	412	1,374
Industrial	-	-	1,780	3,263	890	-	5,932
Government/Other Public	-	24	-	-	-	-	24
<b>Total</b>	<b>687</b>	<b>24</b>	<b>2,076</b>	<b>3,263</b>	<b>890</b>	<b>606</b>	<b>7,546</b>

Source: FCS GROUP based on local market assumptions.

**Building Type to Land Needs Assumptions\***

	Office	Government	Flex/Bus. Park	Gen. Industrial	Warehouse/ Dist.	Retail/ Service
Refill Job Allocation <sup>1</sup>	5%	20%	0%	0%	0%	5%
Jobs Needing Vacant Land Allocation <sup>2</sup>	83%	80%	90%	95%	100%	95%
Building SF Per Job <sup>2</sup>	250	750	550	1,000	1,500	500
Floor-Area-Ratio <sup>2</sup>	0.35	0.20	0.25	0.25	0.20	0.35
Public Facility Net:Gross Adjustment <sup>3</sup>	1.25	1.25	1.25	1.25	1.25	1.25
Work at Home Adjustment <sup>4</sup>	12%	0%	10%	5%	0%	0%

\* assumptions are intended to reflect a long-term average and current local observations.

1/ Adjusts for building refill & vacancy allowances.

2/ Building density consistent with local observations.

3/ Allowances take into account land dedicated to public/utility easements.

4/ Allowance based on local business license data; and is generally consistent with statistics by Oregon Emp. Dept.

Source: assumptions reflect local observations.

**Net New Refill Building Space Requirements (Floor Area Sq.Ft.)**

	Office	Government	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Low	4,000	3,000	-	-	-	10,000	17,000
Medium	5,000	4,000	-	-	-	11,000	20,000
High	8,000	4,000	-	-	-	15,000	27,000

**Net New Building Floor Area Development on Vacant Lands (Floor Area) - 20 Year Forecast**

	Office	Government	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Low	67,000	12,000	373,000	1,111,000	504,000	183,000	2,250,000
Medium	83,000	14,000	843,000	2,796,000	1,267,000	218,000	5,221,000
High	125,000	14,000	925,000	2,945,000	1,335,000	288,000	5,632,000

**Vacant Land Need (gross buildable acres) - 20 Year Forecast**

	Office	Government	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Low	5.5	1.7	42.8	127.5	72.3	15.0	264.9
Medium	6.8	2.0	96.8	320.9	181.8	17.9	626.2
High	10.2	2.0	106.2	338.0	191.5	23.6	671.6

#### Building to Land Use Assignment Assumptions

Land Use Classification	Office	Government	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail
Commercial (retail, office, lodging)	100%	0%	0%	0%	0%	100%
Mixed Use	0%	0%	0%	0%	0%	0%
Public	0%	100%	0%	0%	0%	0%
General Industrial & Flex	0%	0%	100%	100%	100%	0%
<b>Total</b>	100%	100%	100%	100%	100%	100%

Assumptions by FCS GROUP and City staff based on local observations.

#### Vacant Land Needs Forecast by Zoning Classification, Scenario A Forecast

Land Use Classification	Office	Government	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Commercial (retail, office, lodging)	5.5	-	-	-	-	15.0	20.5
Mixed Use	-	-	-	-	-	-	-
Public	-	1.7	-	-	-	-	1.7
General Industrial & Flex	-	-	42.8	127.5	72.3	-	242.7
<b>Total</b>	<b>5.5</b>	<b>1.7</b>	<b>42.8</b>	<b>127.5</b>	<b>72.3</b>	<b>15.0</b>	<b>264.9</b>

#### Vacant Land Needs Forecast by Zoning Classification, Scenario B Forecast

Land Use Classification	Office	Government	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Commercial (retail, office, lodging)	6.8	-	-	-	-	17.9	24.7
Mixed Use	-	-	-	-	-	-	-
Public	-	2.0	-	-	-	-	2.0
General Industrial & Flex	-	-	96.8	320.9	181.8	-	599.5
<b>Total</b>	<b>6.8</b>	<b>2.0</b>	<b>96.8</b>	<b>320.9</b>	<b>181.8</b>	<b>17.9</b>	<b>626.2</b>

#### Vacant Land Needs Forecast by Zoning Classification, Scenario C Forecast

Land Use Classification	Office	Government	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Commercial (retail, office, lodging)	10.2	-	-	-	-	23.6	33.9
Mixed Use	-	-	-	-	-	-	-
Public	-	2.0	-	-	-	-	2.0
General Industrial & Flex	-	-	106.2	338.0	191.5	-	635.8
<b>Total</b>	<b>10.2</b>	<b>2.0</b>	<b>106.2</b>	<b>338.0</b>	<b>191.5</b>	<b>23.6</b>	<b>671.6</b>

#### Canby UGB Land Needs for Employment (gross buildable acres)

General Land Use	Low	Medium	High
Commercial (CD, HC)	20	25	34
Industrial (CM, LI, HI)	243	599	636
Public & Education (excl. schools & parks)	2	2	2
<b>Total Land Need</b> (unconstrained acres)	<b>265</b>	<b>626</b>	<b>672</b>

Source: findings based on preceding assumptions.

## Appendix E: Buildable Land Inventory Methodology

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 the 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.

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 steps used to create the land inventory are described below.

### **Economic Land Base for Employment Lands**

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

#### Comprehensive Land Use Classifications

- Private Recreation (PR)
- Residential Commercial (RC)
- Light Industrial (LI)
- Heavy Industrial (HI)
- Commercial/Manufacturing (CM)
- Highway Commercial (HC)
- Downtown Commercial (DC)

#### Zoning Categories

- Residential Commercial (CR)
- Light Industrial M1I)
- Heavy Industrial (M2)

- Commercial/Manufacturing (CM)
- Highway Commercial (C2)
- Downtown Commercial (C1)

These classifications have been kept consistent throughout the analysis.

### Canby Buildable Land Categories EOA

**Vacant land:** Properties with no structures or have buildings with very little value. For purpose of the BLI, employment lands with improvement value less than \$5,000 are considered vacant and the improvement value is 5% or less than the land value. 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 \$5,000) but have enough land to be subdivided without the need for rezoning. This determination is made using tax assessor records and satellite imagery. For lots with structures that are in value 40% below their land value, it is assumed that half the lot is developed and the other half is vacant. Commercial inventory for partially-vacant land includes lots of at least one acre in size and one half-acre of unimproved land. The partially-vacant industrial land inventory includes lots that have at least five acres of unimproved land.

**Redevelopment Potential:** Occupied properties with a higher land value than the on-site structure. Properties must be at least 20,000sqft to be considered of interest for redevelopment. Commercial inventory for redevelopment land includes lots of at least one acre in size and one half-acre of unimproved land. The redevelopable industrial land inventory includes lots that have at least five acres of unimproved land

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

**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. By definition, 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 and economic uses. Public-owned land is generally not considered to be available for new growth unless the underlying zoning permits it. 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 considered to be “suitable for new development” unless it is:

- Is severely constrained by natural hazards as determined by the Statewide Planning Goal 7;
- Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;
- Has slopes over 25 percent;
- Is within the 100-year flood plain; or
- Cannot be provided or served with public facilities

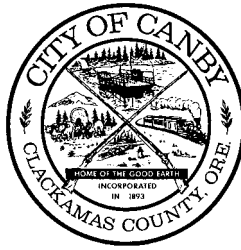
Based on state guidelines and data provided by the City, the following constraints have been deducted from the residential lands inventory.

- 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 identified as parks, open space, outdoor recreation or conservation. This includes school land, parks, natural areas, cemeteries, homeowner association-owned land used for common space, trail parcels, golf courses, utility easements, etc.
- Land in public ownership with no development potential.
- Land with slopes greater than 25%.

Economic land is slightly differently treated by state guidelines.

The following constraints have been used for the economic lands inventory.

- Open water of at least one-half acre in size.
- Wetlands identified by the City and identified in the Comprehensive Plan as a barrier for future development.
- Land designated for parks, open space, outdoor recreation or conservation. This includes school land, parks, natural areas, cemeteries, homeowner association-owned land used for common space, trail parcels, golf courses, utility easements, etc.
- Land in public ownership with no development potential (such as the County’s fairgrounds).
- Lands in flood-hazard areas as identified by the Flood Prone classification of Canby’s Comprehensive Plan.
- Land within floodways is 100% constrained.
- Economic land within the 100-year floodplain is reduced by 50%.
- Industrial Land with slopes greater than 10% and all other commercial land with slopes greater than 25%.



## BEFORE THE PLANNING COMMISSION OF THE CITY OF CANBY

A LEGISLATIVE AMENDMENT TO THE  
ADOPTED CITY OF CANBY  
COMPREHENSIVE PLAN

)  
)  
)

FINDINGS, CONCLUSION & FINAL ORDER  
CPA 23-02  
Economic Opportunities Analysis

### NATURE OF THE APPLICATION

Planning Staff initiated a legislative amendment to the City of Canby Comprehensive Plan consisting of an update to the City's Economic Opportunities Analysis (EOA). The technical information in the EOA will inform and guide later stages of the City's Comprehensive Plan Update, which is underway.

### HEARINGS

The Planning Commission considered application **CPA 23-02** at the duly noticed hearing on August 14, 2023. The purpose of this hearing was for Planning Staff to receive a recommendation from Planning Commission to forward on to City Council.

### CRITERIA AND STANDARDS

In judging whether to recommend approval of the proposed Comprehensive Plan amendment, the Planning Commission determines whether criteria from the Land Development and Planning Ordinance are met. Applicable criteria and standards were reviewed in the Staff Report dated August 4, 2023 and presented at the August 14, 2023 meeting of the Canby Planning Commission.

### FINDINGS AND REASONS

The Staff Report was presented and oral testimony from Planning Staff was received at the public hearing. Planning Staff recommended adoption of the proposed Comprehensive Plan Amendment (**CPA 23-02**). No conditions of approval were identified or recommended by Planning Staff.

At the public hearing, the Planning Commission concurred with the findings of EOA in its entirety, including the following:

- Community Vision
- Economic Development Objectives
- Medium Growth Scenario

By its concurrence with the findings in the Staff Report, the Planning Commission found that the EOA document and associated Comprehensive Plan Amendment were consistent with the following provisions of the Land Development and Planning Ordinance:

- **Section 16.88.180, Comprehensive Plan Amendments, and**
- **Section 16.88.190, Conformance with Transportation System Plan and Transportation Rule**

*Finding:* The adoption of an EOA and corresponding Comprehensive Plan text revision is a necessary factual basis for the City to craft Economic Policy for the City. The proposed text amendments do not affect the traffic generation and circulation patterns, level of park and recreation facilities, demand for public facilities and services, protection and use of natural resources or compliance with special purpose plans or programs; however, they do provide more opportunities for the City to meet the demand for economic development.

The proposed text amendments represent a logical implementation of the Comprehensive Plan. The adoption of an Amended Economic Opportunities Analysis provides the City with a factual basis on which to rely when creating economic goals and policies. Goals and policies will be further developed as part of the on-going Comprehensive Plan update process. The current Comprehensive Plan Economic Element Policy 3 identifies that Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities. The EOA update was deemed by the City Council to be desirable and appropriate during the April 19, 2023, hearing, where it was accepted but not adopted as part of the Canby Comprehensive Plan. The Economic Opportunities Analysis is consistent with the Canby Comprehensive Plan and Transportation System Plan, meets community needs and has been vetted through an in-depth public process that included evaluating alternatives and was vetted with the Oregon State Department of Land Conservation and Development.

The proposed text amendment does not include changes to the Transportation System Plan or significantly affect a transportation facility. The proposed text amendment is in compliance with the Transportation Planning Rule. This standard is met.

The Planning Commission also concurred with the findings in the Staff Report related to the Comprehensive Plan Amendment's compliance with applicable **Statewide Planning Goals** and administrative rule requirements:

- **Goal 1, Citizen Involvement**

*Finding:* The proposed EOA and Comprehensive Plan text amendment do not specifically address citizen involvement. This land use application is subject to a City of Canby Type IV land use review, which includes a significant citizen involvement component. This process has been established by the city and determined to be consistent with this goal. The mandatory public notice of the action and decision, and the hearings on this case

before the Planning Commission and City Council are all avenues of citizen participation.

- **Goal 2, Land Use Planning**

Finding: This statewide goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out Comprehensive Plan. The process identified above was utilized in the drafting of this proposed EOA and Comprehensive Plan Text Amendment. Alternatives have been considered throughout the drafting of the updates. The proposed changes are consistent with and adequate to carry out the Comprehensive Plan.

- **Goal 3, Agricultural Lands**

Finding: This goal does not apply because the City does not include areas designated for agricultural use.

- **Goal 4, Forest Lands**

Finding: This goal does not apply because the City does not include areas designated for forest use.

- **Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources**

Finding: There are no proposed changes to text or policy regarding Goal 5 open spaces, scenic and historic areas and natural resources. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

- **Goal 6, Air, Water and Land Resources Quality**

Finding: There are no proposed changes to text regarding air, water, or land resources. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

- **Goal 7, Areas Subject to Natural Hazards**

Finding: There are no proposed changes to text regarding areas subject to natural hazards. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

- **Goal 8, Recreational Needs**

Finding: There are no proposed changes to text regarding recreational needs. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

- **Goal 9, Economic Development**

Finding: The intent of the Economic Opportunities Analysis is to provide the City a factual basis on which to make economic policy decisions. The adoption of the EOA and Comprehensive Plan Text Amendments allows the City to continue to comply with Goal 9

and prepares the City for development in the city in the near term and in the 20-year planning horizon. Therefore, the intent of the Economic Development goal is supported and satisfied with this proposed Amended EOA.

- **Goal 10, Housing**

Finding: There are no proposed changes to text regarding housing. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

- **Goal 11, Public Facilities and Services**

Finding: There are no proposed changes to text regarding public facilities and services. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

- **Goal 12, Transportation**

Finding: The Transportation Planning Rule (TPR), OAR 600-012.0060, requires that, where an amendment to a Comprehensive Plan or zoning regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures that assure that allowed land uses are consistent with the function, capacity, and performance standards of the facility. The proposed Amended EOA does not, in and of itself, propose any changes to an existing or planned transportation facility. However, the amount of employment land need projected in the Amended EOA has the potential to affect transportation facilities throughout the city. The employment land need identified in the Amended EOA will be used to inform the city's UGB expansion process, in which transportation facility analysis is addressed. In addition, any annexations into the city limits of employment lands identified in the EOA will require TPR analysis. Any impact to the transportation network will be addressed prior to expansion of the city and as such, the proposed zoning code text amendment does not affect the transportation system of the City.

- **Goal 13, Energy Conservation**

Finding: There are no identifiable energy consequences of this land use action. The proposed text amendments will not result in any appreciable difference in waste production or recycling compared with development under the existing zoning.

- **Goal 14, Urbanization**

Finding: The adoption of this EOA and Comp Plan Text Amendments prepares the City for the expansion of the Urban Growth Boundary, an on-going effort by the City to provide for the employment and housing needs of the City for the next 20 years. Approval of these updates will support the City's on-going compliance with Goal 14.

- **Goal 15, Willamette River Greenway**

Finding: The Willamette Greenway does include the southern shoreline of the Willamette River on the north side of the City. However, the greenway does not extend into the Urban

Growth Boundary and, therefore, encroachment of potential urban uses should not be a problem. Furthermore, most, if not all, of the greenway is in the floodplain; therefore, development will be restricted to comply with Federal Flood Insurance requirements. The City does not have any estuarine resources, and is not on the Oregon Coast, so goals 15 through 19 do not apply.

The Planning Commission identified that they did not want to forward a recommendation on the required number of employees per acre (applicable to portions of the City's industrial park) but requested that the City Council direct them to review the required employees per acre and make a recommendation on the required employees per acre and exception criteria for projects below the designated employees per acre. Otherwise, the Planning Commission adopted the findings and conclusions contained in the August 4, 2023 Staff Report.

### **CONCLUSION**

In summary, the Planning Commission adopted the analysis and conclusions contained in the Staff Report, concluding that the proposed Comprehensive Plan Amendment met all applicable approval criteria and recommending that City Council adopt the **Economic Opportunities Analysis (CPA 23-02)** as articulated in the written order below.

### **ORDER**

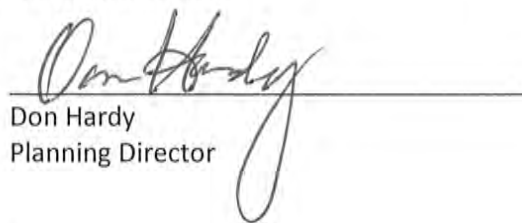
**THE PLANNING COMMISSION** of the City of Canby recommends that the City Council **approve** Comprehensive Plan Amendment **CPA 23-02**.



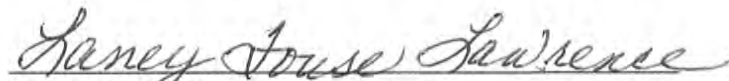
I CERTIFY THAT THIS ORDER, CPA 23-02, Economic Opportunities Analysis, was presented to and APPROVED by the Planning Commission of the City of Canby on the 14<sup>th</sup> of August 2023.



Matt Ellison  
Planning Commission Chair



Don Hardy  
Planning Director



Laney Fouse Lawrence, Attest  
Recording Secretary

**ORAL DECISION: August 14, 2023**

Name	Aye	No	Abstain	Absent
Matt Ellison, Chair	x			
Dan Ewert, Vice-Chair	x			
Michael Hutchinson				x
Jennifer Driskill	x			
Judi Jarosh	x			
Hannah Ellison				x
Craig Lewelling	x			

**WRITTEN DECISION: August 28, 2023**

Name	Aye	No	Abstain	Absent
Matt Ellison, Chair				
Dan Ewert, Vice-Chair				
Michael Hutchinson				
Jennifer Driskill				
Judi Jarosh				
Hannah Ellison				
Craig Lewelling				

**From:** [DLCD Plan Amendments](#)  
**To:** [Laney Fouse Lawrence](#)  
**Subject:** Confirmation of PAPA Online submittal to DLCD  
**Date:** Monday, July 10, 2023 4:18:45 PM

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**Canby**

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: TA 23-02

DLCD File #: [004-23](#)

Proposal Received: 7/10/2023

First Evidentiary Hearing: 8/14/2023

Final Hearing Date: 9/6/2023

Submitted by: fousel

If you have any questions about this notice, please reply or send an email to [plan.amendments@dlcd.oregon.gov](mailto:plan.amendments@dlcd.oregon.gov).



## CITY COUNCIL STAFF REPORT

Meeting Date: 9/6/2023

To: The Honorable Mayor Hodson & City Council  
Thru: Eileen Stein, Interim City Administrator  
From: Don Hardy, Planning Director  
Agenda Item: Consider Resolution No. 1394: A Resolution Adopting the C4 Committee Joint Values Statement  
Goal: Plan a Transportation System that eases the impacts of growth  
Objective: Build relationships with ODOT and Clackamas County to pursue project planning resources and funding for transportation improvements

---

### Summary

The Clackamas County Coordinating Committee (C4) meets to provide coordination and cooperation between jurisdictions within Clackamas County and to form unified positions on land use and transportation plans. Membership is comprised of elected officials from Clackamas County, cities within the county, representatives from unincorporated communities, and representatives from transit, sewer, water and safety districts. Mayor Brian Hodson is the co-chair of the committee.

The C4 committee asked staff to develop a joint value statement as an outcome of the June 3, 2023 C4 retreat. This draft statement contains unifying values related to tolling. At the request of several mayors and Commissioner Savas, the C4 Toll Strategy Subcommittee discussed and amended some of the wording in the Joint Values Document to strengthen the language. The revised version is attached with red lines so the Council can see the changes. The C4 committee will consider approval of the new language at their regular meeting on September 7, 2023. Upon approval of the document and addition of logos the document will be used to share with external partners and ODOT to clearly communicate Clackamas County and cities within the county values and desired outcomes if tolling is implemented in Oregon.

Mayor Hodson supports approval of the joint values statement. Creating this joint statement and sharing with ODOT and external partners is an important step to solidifying and displaying our alignment as a County. The joint values statement clearly identifies that endorsement of the joint values and outcomes does not equate to an endorsement of tolling or support for any proposed toll projects.

The C4 committee is requesting the authorization to use the logo from participating jurisdictions in Clackamas County. Canby planning staff are supportive of the text and recommend use authorization to use Canby's logo.

### Background

On-going ODOT tolling discussions have occurred over roughly the last three years. The complicated evolution of toll projects, policies and programs have been difficult to navigate. Staff continue to work collaboratively to review and evaluate proposals. As the tolling discussions continue and as funding strategies, policies and projects continue to evolve the C4 committee will use this joint statement as a foundation to guide our engagement and positions.

### Discussion

Consideration of the endorsement of the values statement and use of Canby's logo.

### Attachments

- C4 Joint Values Statement
- Resolution

**Fiscal Impact**

None

**Options**

Approve or reject the joint values statement

**Recommendation**

Approval of the values statement, authorize the use of Canby's logo and adopt a resolution

**Proposed Motion**

"I move to approve Resolution 1394: A Resolution Adopting the C4 Committee Joint Values Statement."

## **RESOLUTION NO. 1394**

### **A RESOLUTION ADOPTING THE C4 COMMITTEE JOINT VALUES STATEMENT**

**WHEREAS**, the City of Canby is a participant in the Clackamas Cities Coordinating Committee (C4) and Mayor Hodson serves as co-chair on the committee;

**WHEREAS**, C4 has agreed to a joint values statement to work together in support of common efforts to address the Oregon Department of Transportation (ODOT) intent to introduce tolling on Interstate 5 and 205 to identify desired outcomes if tolling is implemented in Oregon; and

**WHEREAS**, Mayor Hodson endorses the joint values statement, but City Council support is important to authorize the endorsement of the joint values statement in a resolution.

**NOW THEREFORE, BE IT RESOLVED** by the City of Canby as follows:

1. The City Council accepts the C4 joint values statement and authorizes the use of Canby's logo for purposes of expressing consolidated support by Clackamas cities and other jurisdictions for forwarding this statement to ODOT.

This Resolution will take effect on September 6, 2023.

ADOPTED this 6<sup>th</sup> day of September, 2023 by the City of Canby City Council.

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Brian Hodson  
Mayor

ATTEST:

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Maya Benham  
City Recorder

# Joint Values on the Proposed Regional Congestion Pricing and Toll Projects within the Portland Metro Region

## C4 TOLL STRATEGY SUBCOMMITTEE PROPOSED REVISIONS

The jurisdictions named here support a functional regional transportation system that prioritizes safety, equity, a vibrant economy, healthy and active communities, climate action, disaster resilience, and the reliable movement of people and goods.

We acknowledge that additional transportation funding is needed to address maintenance and capital projects on the interstate system. We recognize ODOT has been directed to pursue pricing in some form, but also that toll collections have been paused until 2026 in order to better address local concerns. As ODOT continues to advance tolling and explore other funding strategies, the jurisdictions listed here will advocate for the following values to be reflected in any proposed policy or project.

**These values are not an endorsement of any proposal to implement tolling or congestion pricing.**

### To rebuild trust with local communities, ODOT ~~should~~must...

- ~~• Deliver clear benefits to the drivers, communities, and businesses affected by toll corridors~~
- Be influenced by local voices and jurisdictions ahead of implementation
- Deliver clear benefits to the drivers, communities, and businesses affected by toll corridors
- Prioritize robust and inclusive community engagement
- Incorporate and track commitments made with local and regional partners through transparent and consistent communication

### To ensure the transportation system works for Oregonians, the OTC and the State Legislature should direct ODOT to...

- Extend the existing revenue sharing models with local jurisdictions to apply to toll revenues
- Prioritize the completion of the bottleneck projects identified in HB 2017 (2017) and HB 3055 (2021)
- Explore alternative funding mechanisms beyond pricing to address transportation funding needs
- ~~Advance~~Provide adequate public transit infrastructure within proposed toll corridors

### To ensure the efficient and equitable movement of people and goods, tolling or congestion pricing programs should...

- Decrease diversion into local communities
- Increase safety on and off the interstate system
- Ensure that all tolling or congestion programs are designed with regional implementation and collaboration in mind to avoid disproportionate economic ~~disadvantages~~impacts or unfair burdens on people and communities
- ~~Maintain~~Support a regionally balanced transportation system that provides reliable travel times for commuters and employers on and off the tolled corridor
- Establish viable travel alternatives to accommodate mode shifts, including bicycle and pedestrian networks and accessible transit programs in areas with inadequate or no service
- Provide considerations for local trips with few or no alternatives
- Improve transportation system resiliency to natural disasters, such as earthquakes and wildfires
- Improve regional air quality and reduce vehicle pollution, both on and off the interstate system
- Establish a long-term oversight and accountability program committee to ~~showcase financial~~provide transparency
- Consider recommendations from the Low-income Toll Report and the Equity Mobility Advisory Committee (EMAC)
- Address the land use implications inherent with how tolling will affect local communities