

Application for Annexation

Applicant/Owner	Blake DuPont 2785 SE Territorial Rd. Canby, OR 97013 Phone (503) 502-9949
Owners	Brian & Bridget DuPont 9757 Lariat LN Aurora, OR 97002
Consultant	Sisul Engineering, Pat Sisul 375 Portland Avenue Gladstone, OR 97027 Phone: (503) 657-0188 Email: patsisul@sisulengineering.com
Location	1495 S Fir Street South of SW 13 th Avenue on the west side of S Fir Street opposite Hope Village.
Legal Description	Tax Lot 1400, Sec. 04CA, T4S R1E WM (Assessor Map 4 1E 04CA)
Zoning	Current: Clackamas County, EFU Proposed: City of Canby, R-1.5
Site Size	1.31 Acres
Proposal	Annexation of 1.37 acres into the City of Canby 1.31 acres of real property & 0.06 acres of S Fir Street right-of-way
Date	June, 2021

PROPOSAL

The applicants propose annexation of 1.31 acres of real property into the City of Canby with zoning of R-1.5, Medium Density Residential, in conformance with the adopted Comprehensive Plan designation. Annexation will allow, in theory, development of approximately 6-9 new single-family residences as shown on the approved SW Canby Development Concept Plan for this area and the conceptual site plan submitted with the application. In addition, 0.06 acres of S Fir Street right-of-way is proposed for annexation along the frontage of the site.

SITE LOCATION



SITE DESCRIPTION

The site is located south of SW 13th Avenue and west of S Fir Street. The property is located across S Fir Street from the main Hope Village Campus and is to the south of the Hope Village Cottages located on SW Pacific Crest Drive. The western boundary of the site borders the Elmwood Mobile Home Community and there is one undeveloped 2-acre lot, Tax Lot 1500 to south of the site along the west side of S Fir Street. The new Beck Pond subdivision is located south and west of the site between S Elm St and S Fir St and the new Ivy Ridge Estates subdivision is located south and east of the site between S Fir St and S Ivy St.

The site has one home and two outbuildings located on it. The outbuildings were used as part of a small farm that operated onsite through the summer of 2019. The lot measures approximately 337 feet east-west by 169 feet north-south. S Fir Street borders the eastern side of the site and there is 169 feet of street frontage on S Fir St. The width of the S Fir Street right-of-way is 40 feet, and the pavement width varies between 30 and 38 feet within the right-of-way. On the Hope Village side of S Fir Street there are curb tight sidewalks, while the nearest sidewalks on the west side of S Fir Street have sidewalks with planter strips adjacent to the street. The portion of S Fir Street in front of this site is under the jurisdiction of the City of Canby and is designated as a Local Street in the Transportation System Plan.

The property is an island of County land surrounded by the City of Canby. The nearest County land lies over 900 feet to the south near the southern terminus of S Fir Street. This site currently carries Clackamas County's Exclusive Farm Use zoning, and it is proposed to annex into the City with R-1.5 zoning, in conformance with the zone identified on the City of Canby Comprehensive Plan Map. Most surrounding properties carry the City's R-1.5 zoning, including the main Hope Village campus and most properties on the west side of S Fir Street. The Elmwood Mobile Home Community and the southern portion of Beck Pond are zoned R-1, Low Density Residential. South of the existing Hope Village campus on the east side of S Fir Street, the land in the future Hope Village Southern Expansion area is zoned high-density R-2.

Much of the site has been farmed for an extended period. Existing landscaping includes lawn, shrubs, a hedge, and several trees in the vicinity of the home, however much of the site is void of trees and significant landscaping. Trees around the home would remain when the property was annexed, but some trees and shrubs may require removal when the site is later subdivided. The grade of the site is nearly flat, with less than 2 feet of fall across the site.

Public sanitary sewer and water are available to the site in S Fir Street. Both utilities are already extended past the site. Other public utilities, such as natural gas, power and communications are also available from S Fir Street. Fire protection is available to the property from Canby Fire District and police protection is available from the City of Canby Police Department. Storm drainage can be accommodated onsite through infiltration into the underlying soils.

Applicable Criteria and Standards

The requirements for a proposal for annexation are listed here and discussed in the following narrative:

Canby Comprehensive Plan

Canby Municipal Code

16.08 General Provisions

16.08.040 Zoning of Annexed Areas

16.08.150 Traffic Impact Study

16.54 Amendments to the Zoning Map

16.54.010 Authorization to Initiate Amendments

16.54.020 Application and Fee

16.54.030 Public Hearing on Amendment

16.54.040 Standards and Criteria

16.54.060 Improvement Conditions

16.84 Annexations

ORS 222.225 Annexations (adopted by reference)

16.84.030 Filing Procedures

16.84.040 Standards and Criteria

16.84.050 Consideration of Applications

16.84.090 Exceptions

16.88 General Standards and Procedures

16.88.010 Applicability

16.89 Application and Review Procedures

16.89.060 Process Compliance (Type IV Decision)

16.89.070 Neighborhood Meetings

CANBY COMPREHENSIVE PLAN

Urban Growth Element

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

Response: The site is designated "EFU" by Clackamas County, a rural residential zone. The soil type onsite identified by the Web Soil Survey is "Latourell Loam", which is suitable for agriculture or for development. Although the site was used for agriculture in the past, it is not currently being used for that purpose. The site is an island of undeveloped County land and is too small to be a viable farm. The site is bordered by newer urban developments to the north and east, by a manufactured home community to the west and by a single-family home on an oversized lot to the south that was annexed into the City of Canby in 2018. Because the property is within the City's Urban Growth Boundary, the policy has been established by the City and County that the site will ultimately be developed for urban uses.

Goal 2. To provide adequate urbanizable area for the growth of the City, within the framework of an efficient system for the transition from rural to urban land use.

Response: The site is an area of Canby that had been slowly growing and converting to urban uses in locations where public utilities were available. Hope Village to the east and the Elmwood Mobile Home Community to the west have existed for many years. More recently, development has been slowly extending south along the west side of S Fir Street. In 2018, a Development Concept Plan for the area was approved by the City Council and all surrounding properties that were not already within the City, were annexed. Recent significant residential developments south of the site include the Beck Pond and Ivy Ridge Estates (aka Riverside Park) subdivisions. Hope Village was also recently approved for a southerly expansion. City street improvements and utilities have been extended past this site in S Fir Street to serve other properties and are available to serve this site at the time of annexation. With this parcel being in the County, the provisions of some services are currently less efficient than if the land within this island were to be included within the City.

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

Response: The Comprehensive Plan is the adopted policy for the city and county. The proposed zoning for the site is consistent with the adopted Comprehensive Plan.

Policy 3. Canby shall discourage the urban development of properties until they have been annexed to the City and provided with all necessary urban services.

Response: Public facilities and services are available to the site from S Fir Street. Public sanitary sewer and water are available within S Fir Street and the applicant has been advised that the City has adequate capacity to serve the site. Other public utilities,

including natural gas, power, and communications are also available in S Fir Street. Fire protection is available through Canby Fire District and police protection is available from the City of Canby Police Department. Service providers have indicated that the site can be served at density levels consistent with the site's future R-1.5 zoning.

Upon development of Tax Lot 1500 to the south of this site, neighborhood access will be further enhanced from an easterly extension of SW 15th Avenue to S Fir Street. Public improvements, such as the water and natural gas systems will also benefit by having additional loops and redundancies within their systems.

A Transportation Planning Rule memo, paid for by the applicant, and prepared by DKS Associates, the City of Canby's traffic consultant, determined that when the site is developed as an R-1.5 subdivision, traffic from the site will not have a significant impact on the surrounding roadway system. The transportation assessment performed as a part of the City's Transportation System Plan accounted for the proposed development of the site as an R-1.5 subdivision, and therefore the rezoning of the site to R-1.5 is consistent with the acknowledged transportation system plan.

Public schools, by law, are required to provide for students within the district. The property is already located within the Canby School District and is served by Lee Elementary, Baker Prairie Middle School and Canby High School. According to school enrollment reports, Canby School District has fewer students enrolled in the 2020-2021 school year than during the 2019-2020 school year. The school district enrollment projections indicate that enrollment is anticipated to remain nearly flat for the next few years, even with the growth in the city. The school district has some classes nearer capacity, while other are below capacity. Below is a comparison of the number of students enrolled at each school serving this site during the past two school years. In each case, there are fewer students enrolled in the 2020-2021 school year than in the 2019-2020 school year.

Lee Elementary:	2020-2021:	331
	2019-2020:	399

Baker Prairie Middle School:	2020-2021:	607
	2019-2020:	611

Canby High School:	2020-2021:	1364
	2019-2020:	1418

The applicants intend to annex their land at this point and are unsure of how soon it may be developed as a subdivision. With the length of time required to go through the annexation and subdivision approval processes, the very earliest that homes would be anticipated to begin construction on the site would be late in the summer of 2022. Any new students generated by having new homes on this property would not impact district schools until fall or winter 2022 at the earliest. Since the site is small, the impact on the need for public services, including additional school resources, is anticipated to be minor.

Land Use Element

Goal: To guide the development and uses of land so that they are orderly, efficient, aesthetically pleasing, and suitably related to one another.

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

Response: The City experienced a significant slowdown in building permits beginning in 2007 in response to regional and national trends in homebuilding and associated finance issues. That slowdown began to turn around in 2013 and the City has seen a significant uptick in building activity in recent years.

This site is identified in the Comprehensive Plan as MDR – Medium Density Residential. Density in this zone is controlled by permitted maximum and minimum lot sizes identified in the Development Code for the R-1.5 zone. The ability to increase the density of the site, when developed, is limited by the requirements of the R-1.5 Chapter.

In order to satisfy building demand, the City Council adopted annexation supply policy to assure a 3-year supply of available platted lots for consumption.

According to an analysis performed by the applicant (see Appendix A), based on the Portland State University Population Research Center and METRO estimates and forecasts, the average number of SFR homes needed per year for the next three years is 71 year, and 213 total.

Comparing the recent building permit activity in the City of Canby to the population estimates the recent building permit activity is outpacing the projected growth. According to Clackamas County Building Permit Data available online through the County's Accela onsite permitting program, the number of new SFR permits issued in the City of Canby for the past three years is:

2018:	84 permits	
2019:	129 permits	
2020:	144 permits	
<hr/>		
Total:	357 permits	Average: 119 permits / year

According to an analysis performed by the Applicant, as of May 17, 2021, there were 60 platted available SFR lots in the City of Canby. Based on an average of 71 new SFR permits needed annually, the existing inventory of buildable lots (60) would provide approximately a 10-month supply, far below a 3-year available platted supply.

However, other "in process" development applications are anticipated to add 274 additional lots by the third quarter of 2022. The available lot inventory would be anticipated to peak slightly below a year supply around August 1, 2022, then gradually decrease through the remainder of 2022, 2023, and 2024, unless additional subdivisions are approved and constructed.

Using the City of Canby's Comprehensive Plan's methodology for forecasting the potential residential development, small parcels of vacant land designated Low Density Residential within the City shall assume 15 percent of the land area shall be subtracted for dedication of street rights-of-way and easements, 10 percent of the remaining land area shall be assumed for public and semi-public purposes, and 5 percent of the remaining land area for an assumed vacancy factor. The remaining acreage shall be multiplied by 4.5 dwelling units per acre to determine the projected number of homes.

The proposed annexation would add approximately 1.31 acres of buildable land to the City, although the developable portion of the site would be smaller considering that there is already a home on the site. Per the methodology in the Comprehensive Plan, the anticipated number of new dwelling units would be 3 and the number of new persons accommodated on the site would be 8, as calculated below:

1. 1.31 acres less 0.20 acres (right-of-way and easements) = 1.11 acres
2. 1.11 acres less 0.11 acres (pubic & semi-public open space) = 1.00 acres
3. 1.00 acres less 0.05 acres (vacancy factor) = 0.95 acres
4. 0.95 acres x 4.5 units per acre = 4.3 dwelling units
5. 1 existing home already exists = 3.3 new dwelling units (rounds down to 3)
6. 3 new dwelling units with 2.6 persons/dwelling unit = 8 people

Based on a Conceptual Development Plan prepared by the applicant, the proposed annexation site could potentially add 6 buildable lots for new SFR homes. This is a considerable increase over the number of lots anticipated by the Comprehensive Plan.

The Southwest Canby Master Plan, prepared in 2018, identified the one existing home and 7 new lots for this parcel. However, due to the Southwest Canby Master Plan being appealed by the owners of Tax Lot 1500 (south of this site) and Tax Lot 1500 being removed from the adopted Southwest Canby Master Plan, the street and lot layout reflected for this area of the Master Plan are no longer applicable to Tax Lots 1400 or 1500. In addition, because the Master Plan identified a lot layout for this parcel having a substandard cul-de-sac radius, the number of lots shown on the Master Plan would likely not have been approved by the Planning Commission without approval of a variance.

Annexation of the land would not immediately result in any new units being available for development. Following annexation, an application for subdivision would have to be completed, with approval required by the Planning Commission. Then construction plans would have to be prepared, land development would need to occur, and a subdivision plat would have to be filed. Given the number of processes required to develop raw land into a subdivision, the earliest that this would be anticipated to be accomplished would be summer or fall of 2022. Home construction would be anticipated to possibly begin in late summer or early fall 2022 with the first new dwellings becoming available for occupancy in late 2022 or early 2023, after much of the current buildable lot inventory has been depleted.

If annexed, and once the land is fully platted, it would be expected to add approximately six new single-family residential units to the available lot supply. Based

on the rate of growth projected for Canby (see Appendix A), this is anticipated to be a one-month supply.

The site adjacent to an area of newer development. Public facilities are installed in front of the property and are available to serve this lot when it is annexed into the City. Annexation of the site would facilitate completion of road and sidewalk improvements to western half of S Fir Street, which is included as part of the annexation.

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

Response: The applicant has contacted the City and other service providers. No problems were identified with the provision of any public facility or service for this 1.3 acre site.

Policy No. 6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the Land Development and Planning Ordinance, in guiding the use and development of these unique areas.

Implementation Measures:

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

Response: The site is not located within an "Area of Special Concern" as mapped in the Comprehensive Plan.

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

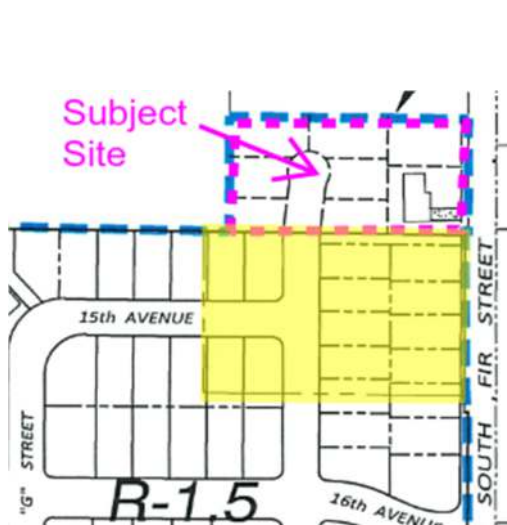
Implementation Measures:

A) The City of Canby's annexation Development Map shall be used to identify properties required to adopt a Development Concept Plan (DCP) or Development Agreement (DA) prior to annexation

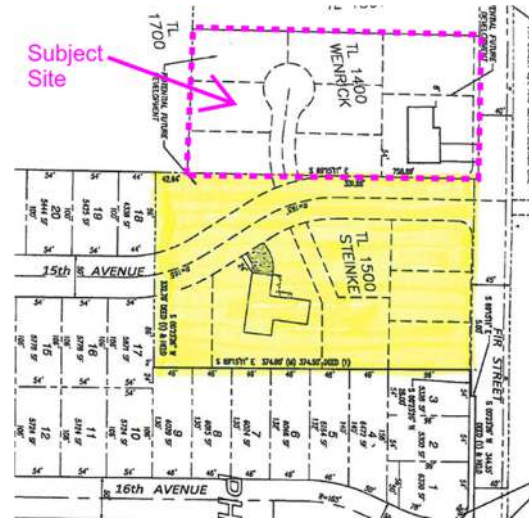
Response: This site is located within a Development Concept Plan Area as noted on the City's annexation Development Map. The Southwest Canby Master Plan was created and approved by the City Council in 2018 and much of the land within the Master Plan area was annexed and has been developed as new neighborhoods.

The original Master Plan layout submitted to the City identified a conceptual layout showing a north-south street through Tax Lot 1500 ending with a cul-de-sac in Tax Lot

1400. After the Master Plan was submitted, a revised plan was created showing an extension of SW 15th Avenue through Tax Lot 1500 to S Fir Street with a cul-de-sac north to serve Tax Lot 1400. The original submitted plan and the modified plan that was initially approved by the City are shown below. The subject site, Tax Lot 1400 is noted with pink, while Tax Lot 1500 is noted in yellow.



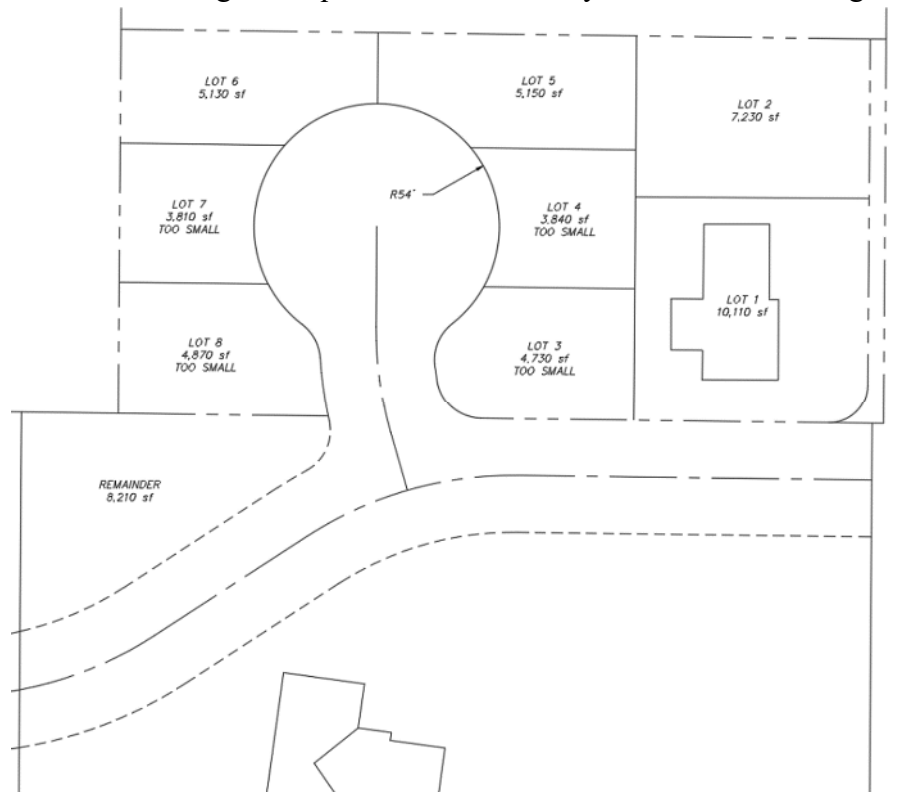
Original Submitted Plan



Modified Plan Approved

Both the original and modified plans above show Tax Lot 1400 having a substandard cul-de-sac radius bulb not meeting the requirements of the City Public Works Design

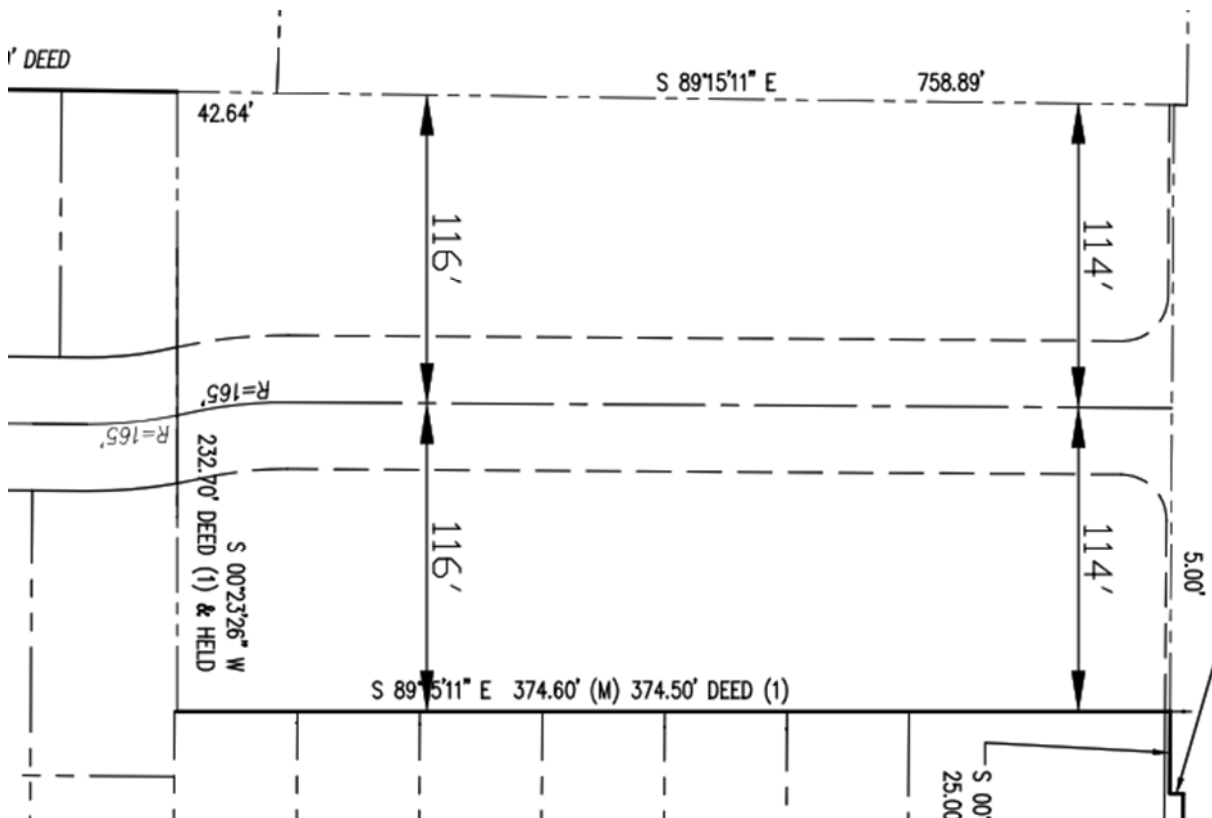
Standards. A layout like what was indicated on either Master Plan drawing would likely not be approved by the Planning Commission without approval of a variance. A cul-de-sac having a standard sized cul-de-sac bulb (see plan at right) would force two of



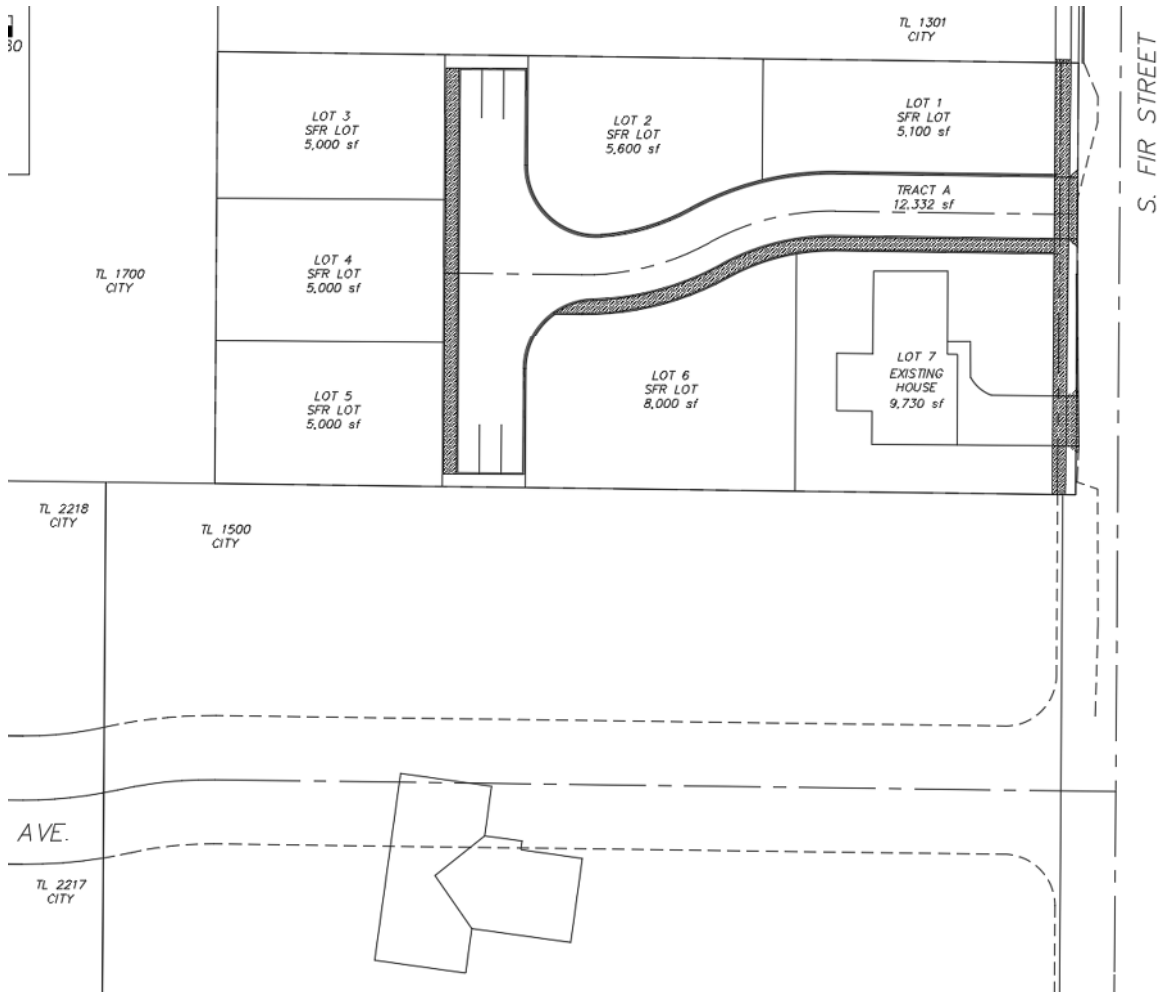
the six lots indicated around the bulb to be eliminated because the lots are undersized for the R-1.5 zone. The resulting layout would be an inefficient use of the land.

The original approval of the Southwest Canby Master Plan was appealed by the owners of Tax Lot 1500 after it had been approved. Although the appeal (APP 18-02) was denied by the City Council, the Council included a Condition of Approval that removed the determination of any future development on Tax Lot 1500 from the SW Canby Master Plan and added that “any future development proposal...shall be judged upon its own merits if and when submitted and shall not be bound by any shadow plat which has previously come before the City.” A copy of the Findings from the rejection of the appeal have been included with this application in Section X, SW Canby Development Concept Plan and City File No. APP18-02.

Because the subject site (Tax Lot 1400) only had connectivity with the other lots in the SW Canby Master Plan area through Tax Lot 1500, removal of the shadow platting of Tax Lot 1500 from the Master Plan also effectively removed the shadow platting on the subject site from consideration. The Findings for APP 18-02 mention that the appellant presented an illustration of the appellants preferred future street alignment across their property. Although the appellant’s preferred alignment (below) was not in any way adopted or binding, it showed how SW 15th Avenue could be extended eastward to S Fir Street by dividing the property exactly in half north to south with equal future lot depths on each side. The City Council acknowledged that this was one of several viable possible development options for Tax Lot 1500.



For the reasons detailed above, the applicant has submitted a Conceptual Site Plan for the annexation site (Tax Lot 1400) that is different from shown on the original and modified versions of the SW Canby Development Concept Plan. The plan below would work with the street alignment for SW 15th Avenue preferred by the owners of Tax Lot 1500, and it would result in six new lots for new SFR homes. As the current application is for annexation only, the submitted Conceptual Site Plan is non-binding and will need to be approved by a separate application process and a public hearing before the Planning Commission.



The public infrastructure is in place to serve this site from S Fir Street, and it is anticipated that all access and infrastructure to serve the site will come from S Fir Street. The western portion of the S Fir Street right-of-way fronting this site that has not been annexed into the City of Canby is also included in the proposed annexation.

Environmental Concerns Element

Goal 1. To protect identified natural and historical resources.

Goal 2. To prevent air, water, land, and noise pollution.

Goal 3. To protect lives and property from natural hazards.

Policy I-R-A. Canby shall direct urban growth such that viable agricultural uses within the urban growth boundary can continue as long as it is economically feasible for them to do so.

Response: The site was farmed through the summer of 2019, however, at only 1.3 acres and with one existing home on the lot, the site is not large enough to be viable as a farm any longer. In addition to being small, the site is bordered by urban development within the City of Canby, which conflicts with the noise, dust, and chemicals associated with most agricultural operations. The ultimate destiny for this site was settled with establishment of the Urban Growth Boundary and earlier annexations that have edged up to the site and now surround property.

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

Response: The site was farmed through the summer of 2019, however, is no longer viable as a farm due to its small size and the surrounding urban development. Although it was farmed until recently, there is no current agricultural use of this land. The site is therefore unproductive agricultural land and should be a first priority for annexation.

Policy 2-R. Canby shall maintain and protect surface water and groundwater resources.

Response: No surface water features are located on or near this site. The site currently has a well which is used for domestic and irrigation water, which would continue to be used for the existing home onsite following annexation. Annexation would not negatively impact surface water or groundwater resources.

Policy 6-R. Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.

Response: No historic sites or buildings are located on this site.

Policy 9-R. Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.

Response: The site has no creeks, ravines, and few trees. Because the site has historically been farmed, it has historically provided little habitat for fish or wildlife. Annexation and future development of the site would have no more of an adverse impact on fish or wildlife than the other recent annexations surrounding this site that have been approved.

Policy 10-R. Canby shall attempt to minimize the adverse impacts of new developments on wetlands.

Response: No wetlands exist on the site. Annexation will have no impact on wetlands.

Policies 1-H, 2-H, 3-H: Policies relating to hazards associated with topography and slope, flood prone areas, and poor soils.

Response: The site is nearly flat and has no flood prone areas. Onsite soils are “Latourell Loam”, a soil type which covers significant areas of the City of Canby. Latourell Loam is suitable for development as housing. The Soil Construction Limitation Map in the City of Canby Comprehensive Plan identifies no soil construction limitations in the City near this site. Hazards associated with topography, slope, flood prone areas and poor soils are not applicable.

Transportation Element

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

Policy 1. Canby shall provide the necessary improvement of City streets, and will encourage the County to make the same commitment to local County roads, in an effort to keep pace with growth.

Policy 2. Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the City's growth needs.

Response: In 2018, the Clackamas County surrendered jurisdiction of S Fir Street south of SW 13th Avenue to the southern line of the Beck Pond subdivision to the City of Canby. S Fir Street is now maintained by the City of Canby and is designated as a local street in the City’s Transportation System Plan. No street improvements will be required for annexation into the City. Future street improvements to be required at the time the site is subdivided will include street widening, curbs on the west side of S Fir Street and installation of a planter strip, street trees and sidewalk.

Policy 6. Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Response: A site plan for a future subdivision can be designed to provide access for all lots and to facilitate access for emergency vehicles. This will be demonstrated in the context of one or more subdivision applications, after the site has been annexed into the City and City zoning has been applied. A conceptual layout for the site is included with this application, showing how new streets could be extended to provide adequate

emergency access, vehicular access, and safe and convenient bicycle and pedestrian access for neighborhood residents.

Public Facilities and Services Element

Goal: To assure the provision of a full range of public facilities and services to meet the needs of the residents and property owners of Canby.

Response: To the best of the applicant's knowledge, all public facilities and services are available to the site for future development.

Housing Element

Goal: To provide for the housing needs of the citizens of Canby.

Response: The site is part of the land supply within the Urban Growth Boundary of the City of Canby that is planned to provide the future housing needs of citizens. Annexation of the property into the City of Canby will help fulfill housing needs for the citizens of Canby.

Conclusion: The proposed annexation supports applicable policies of the Canby Comprehensive Plan, based on the foregoing discussion of goals and policies.

CANBY MUNICIPAL CODE:

Chapter 16.08 General Provisions

16.08.040 Zoning of annexed areas.

Zoning of newly annexed areas shall be considered by the Planning Commission in its review and by the Council in conducting its public hearing for the annexation.

Response: The applicant has submitted an application requesting the annexed area to be given the City zoning of R-1.5, consistent with the adopted Comprehensive Plan for the site. The applicant requests that the Planning Commission review and recommend approval to the City Council and that the City Council approve the annexation.

16.08.150 Traffic Impact Study (TIS).

A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards to determine when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine

whether conditions are needed to minimize impacts to and protect transportation facilities: what information must be included in a Traffic Impact Study; and who is qualified to prepare the Study.

B. Initial scoping. During the pre-application conference, the city will review existing transportation data to determine whether a proposed development will have impacts on the transportation system. It is the responsibility of the applicant to provide enough detailed information for the city to make a determination. If the city cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. If a TIS is required, the city will provide the applicant with a "scoping checklist" to be used when preparing the TIS.

C. Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.

- 1. Changes in land use designation, zoning designation, or development standard.*
- 2. Changes in use or intensity of use.*
- 3. Projected increase in trip generation.*
- 4. Potential impacts to residential areas and local streets.*
- 5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.*
- 6. Potential impacts to intersection level of service (LOS).*

D. TIS General Provisions

- 1. All transportation impact studies, including neighborhood through-trip and access studies, shall be prepared and certified by a registered Traffic or Civil Engineer in the State of Oregon.*
- 2. Prior to TIS scope preparation and review, the applicant shall pay to the city the fees and deposits associated with TIS scope preparation and review in accordance with the adopted fee schedule. The city's costs associated with TIS scope preparation and review will be charged against the respective deposits. Additional funds may be required if actual costs exceed deposit amounts. Any unused deposit funds will be refunded to the applicant upon final billing.*
- 3. For preparation of the TIS, the applicant may choose one of the following:*
 - a. The applicant may hire a registered Oregon Traffic or Civil Engineer to prepare the TIS for submittal to the city. The city Traffic Engineer will then review the TIS and the applicant will be required to pay to the city any fees associated with the TIS review; or*
 - b. The applicant may request that the city Traffic Engineer prepare the TIS. The applicant will pay to the city any fees associated with preparation of the TIS by the city Traffic Engineer.*

4. *The TIS shall be submitted with a concurrent land use application and associated with application materials. The city will not accept a land use application for process if it does not include the required TIS.*
5. *The city may require a TIS review conference with the applicant to discuss the information provided in the TIS once it is complete. This conference would be in addition to any required pre-application conference. If such a conference is required, the city will not accept the land use application for processing until the conference has taken place. The applicant shall pay the TIS review conference fee at the time of conference scheduling, in accordance with the adopted fee schedule.*
6. *A TIS determination is not a land use action and may not be appealed.*

E. TIS Scope. The city shall determine the study area, study intersections, trip rates, traffic distribution, and required content of the TIS based on information provided by the applicant about the proposed development.

1. *The study area will generally comprise an area within a ½-mile radius of the development site. If the city determines that development impacts may extend more than ½ mile from the development site, a larger study area may be required. Required study intersections will generally include (in addition to the primary access points) collector/collector and above intersections with an anticipated peak hour traffic increase of five-percent from the proposed project.*
2. *If notice to ODOT or other agency is required pursuant to noticing requirements in Chapter 16.89, the city will coordinate with those agencies to provide a comprehensive TIS scope. ODOT may also require a TIS directly to support an OR 99E approach permit application.*

F. TIS Content. A project-specific TIS checklist will be provided to the applicant by the city once the city has determined the TIS scope. A TIS shall include all of the following elements, unless waived by the city.

1. *Introduction and Summary. This section shall include existing and projected trip generation including vehicular trips and mitigation of approved development not built to date; existing level and proposed level of service standard for city and county streets and volume to capacity for state roads; project build year and average growth in traffic between traffic count year and build year; summary of transportation operations; traffic queuing and delays at study area intersections; and proposed mitigation(s).*
2. *Existing Conditions. This section shall include a study area description, including information about existing study intersection level of service.*
3. *Impacts. This section should include the proposed site plan, evaluation of the proposed site plan, and a project-related trip analysis. A figure showing the assumed future year roadway network (number and type of lanes at each intersection) also shall be provided. For subdivision and other developments, the future analysis shall be for the year of proposed site build-out. For proposed comprehensive plan and/or zoning map amendments, the future analysis year shall be 20 years from the date of the City's adopted TSP, or 15 years, whichever is greater.*

4. *Mitigation. This section shall include proposed site and area-wide specific mitigation measures. Mitigation measures shall be roughly proportional to potential impacts. See Subsection K below for rough proportionality determination.*
5. *Appendix. This section shall include traffic counts, capacity calculations, warrant analysis, and any other information necessary to convey a complete understanding of the technical adequacy of the TIS.*

G. TIS Methodology. The City will include the required TIS methodology with the TIS scope.

H. Neighborhood Through-Trip Study. Any development projected to add more than 30 through-vehicles in a peak hour or 300 through-vehicle per day to an adjacent residential local street or neighborhood route will be require assessment and mitigation of residential street impacts. Through-trips are defined as those to and from a proposed development that have neither an origin nor a destination in the neighborhood. The through-trip study may be required as a component of the TIS or may be a stand-alone study, depending on the level of study required in the scoping checklist. The through-trip study shall include all of the following:

1. *Existing number of through-trips per day on adjacent residential local streets or neighborhood routes.*
2. *Projected number of through-trips per day on adjacent residential local streets or neighborhood routes that will be added by the proposed development.*
3. *Traffic management strategies to mitigate for the impacts of projected throughtrip consistent.*

*If a residential street is significantly impacted, mitigation shall be required.
Thresholds used to determine if residential streets are significantly impacted are:*

1. *Local residential street volumes should not increase above 1,200 average daily trips*
2. *Local residential street speeds should not exceed 28 miles per hour (85th percentile speed).*

I. Mitigation. Transportation impacts shall be mitigated at the time of development when the TIS identifies an increase in demand for vehicular, pedestrian, bicycle, or transit transportation facilities within the study area. Mitigation measures may be suggested by the applicant or recommended by ODOT or Clackamas County in circumstances where a state or county facility will be impacted by a proposed development. The city shall determine if the proposed mitigation measures are adequate and feasible. ODOT must be consulted to determine if improvements proposed for OR 99E comply with ODOT standards and are supported by ODOT. The following measures may be used to meet mitigation requirements:

1. *On-and off-site improvements beyond required standard frontage improvements.*
2. *Development of a transportation demand management program.*

3. *Payment of a fee in lieu of construction, if construction is not feasible.*
4. *Correction of off-site transportation deficiencies within the study area that are substantially exacerbated by development impacts.*
5. *Construction of on-site facilities or facilities located within the right-of-way adjoining the development site that exceed minimum required standards and that have a transportation benefit to the public.*

J. Conditions of Approval. The city may deny, approve, or approve with appropriate conditions a development proposal in order to minimize impacts and protect transportation facilities.

1. *Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.*
2. *Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, traffic channelization, construction of sidewalks, bikeways, accessways, paths, or street that serve the proposed use may be required.*
3. *The city may require the development to grant a cross-over access easement(s) to adjacent parcel(s) to address access spacing standards on arterials and collector roadways or site-specific safety concerns. Construction of shared access may be required at the time of development if feasible, given existing adjacent land use. The access easement must be established by deed.*

K. Rough Proportionality Determination. Improvements to mitigate impacts identified in the TIS shall be provided in rough proportion to the transportation impacts of the proposed development.

1. *The TIS shall include information regarding how the proportional share of improvements was calculated, using the ratio of development trips to growth trips and the anticipated cost of the full Canby Transportation System Plan. The calculation is provided below:*

Proportionate Share Contribution = [Net New Trips/(Planning Period Trips Existing Trips)] X Estimated Construction Cost.

- a. *Net new trips means the estimated number of new trips that will be created by the proposed development within the study area.*
- b. *Planning period trips means the estimated number of total trips within the study area within the planning period identified in the TSP.*
- c. *Existing trips means the estimated number of existing trips within the study area at the time of TIS preparation.*
- d. *Estimated construction cost means the estimated total cost of construction of identified improvements in the TSP.*

Response: As part of the pre-application conference, City Planning Staff contacted DKS, their transportation consultant, regarding the scope of the project and what level of study is needed for annexation. The City's consultant determined that a Transportation Planning Rule (TPR) memo is required for annexation. The applicant paid the City \$800 for DKS to prepare a scoping memo and \$1,400 for DKS to prepare a TPR memo.

The TPR memo determined that when the site is developed as an R-1.5 subdivision, traffic from the site will not have a significant impact on the surrounding roadway system. The transportation assessment performed as a part of the City's Transportation System Plan accounted for the proposed development of the site as an R-1.5 subdivision, and therefore the rezoning of the site to R-1.5 is consistent with the acknowledged transportation system plan.

Chapter 16.54 Amendments to the Zoning Map

16.54.010 Authorization to initiate amendments. An amendment to the zoning map may be initiated by the City Council, by the Planning Commission, or by application of the property owner or his authorized agent. The Planning Commission shall, within forty days after closing the hearing, recommend to the City Council, approval, disapproval or modification of the proposed amendment.

Response: The proposed annexation and amendment to the Zoning Map has been initiated by the owners of the property, one of which is the applicant. The criterion has been met.

16.54.020 Application and fee. Application procedures shall be as described in Chapter 16.89.

Response: The applicant has submitted an application as required by Chapter 16.89 and the City is processing the application in accordance with adopted Codes.

16.54.030 Public hearing on amendment. Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment following the requirements for advertising and conduct of hearing prescribed in Division VIII.

Response: The application will be heard before the Planning Commission in accordance with adopted procedures.

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

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

B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

Response: The site is not located within an “Area of Special Concern”, as mapped in the Comprehensive Plan. Public water and sewer are available to serve the site from S Fir Street, as are power, gas, and communications. The criteria of this section are met.

16.54.60 Improvement conditions.

A. In acting on an application for a zone change, the Planning Commission may recommend and the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change. Allowable conditions of approval may include, but are not necessarily limited to:

- 1. Street and sidewalk construction or improvements;*
- 2. Extension of water, sewer, or other forms of utility lines;*
- 3. Installation of fire hydrants.*

B. The city will not use the imposition of improvement conditions as a means of preventing planned development, and will consider the potential impact of the costs or required improvements on needed housing. The Planning Commission and City Council will assure that the required improvements will not reduce housing densities below those anticipated in the Comprehensive Plan.

Response: Improvement conditions will be discussed at the time of the Planning Commission hearing. The applicant would anticipate having to construct typical infrastructure improvements at the time of land division, such as those identified in 16.54.60.A numbers 1 through 3, above.

DIVISION VI. – ANNEXATIONS

Chapter 16.84 Regulations

16.84.020 State regulations. The regulations and requirements of Oregon Revised Statutes Chapter 222 are adopted by reference and made a part of this division.

ORS 222.225 Annexations

The State of Oregon passed Senate Bill 1573, effective March 15, 2017. The bill eliminated specific requirements for elections when processing annexations if specific criteria are met, specifically the annexation must demonstrate that:

- 1. It was submitted on behalf of all owners of land in the annexation territory;*

- 2. The annexation territory must be included within the urban growth boundary of the city or Metro and is, or will be, subject to acknowledged comprehensive plan of city;*
- 3. At least one parcel in the annexation territory must be contiguous to city limits;*
- 4. The proposal must conform to all other requirements of the city's ordinances.*

Response: The application contains a signed petition of owners of record in the application, is within the urban growth boundary, is subject to the comprehensive plan and has contiguous city limits on all four sides. This annexation proposal may forego the elections proceedings stated in CMC 16.84.030.

16.84.030 Filing procedure. Whenever an application for annexation is filed, it shall be reviewed in accordance with the following procedures:

A. Application Filing Deadlines. Application deadlines are established to permit public hearings by both the Planning Commission and the City Council in time to meet state and county requirements for submitting ballot information for these election dates.

Application deadlines are as follows:

1. Regular annexation dates are in May and November. Annexations must be filed with the City before 5:00 p.m. on the last working day in August for a ballot election in May and the last working day in February for a ballot election in November. Incomplete applications may result in missing these planned election dates, at the City's discretion.

2. Annexations can be scheduled for a special election provided that all costs associated with the special election are covered by the applicant. Special elections will be scheduled by the City Council following the required City Council hearing on the application.

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

Response: The criteria of Section 16.84.030 is out of date, as annexation are no longer required to go to a vote of the citizens. The application has been submitted using standard City of Canby application forms provided on the City's website.

16.84.040 Standards and Criteria

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

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

- a. A Development Agreement (DA) binding for all properties located within the boundaries of the designated DA area as shown on the City of Canby Annexation*

Development Map. The terms of the Development Agreement may include, but are not limited to:

- 1. Timing of the submittal of an application for zoning.*
- 2. Dedication of land for future public facilities including park and open space.*
- 3. Construction of public improvements.*
- 4. Waiver of compensation claims.*
- 5. Waiver of nexus or rough proportionality objections to future exactions.*
- 6. Other commitments deemed valuable to the City of Canby.*

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

Response: The site is not within a Development Agreement area shown on the City of Canby Annexation Development Map. The provisions of Section (a) do not apply.

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

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

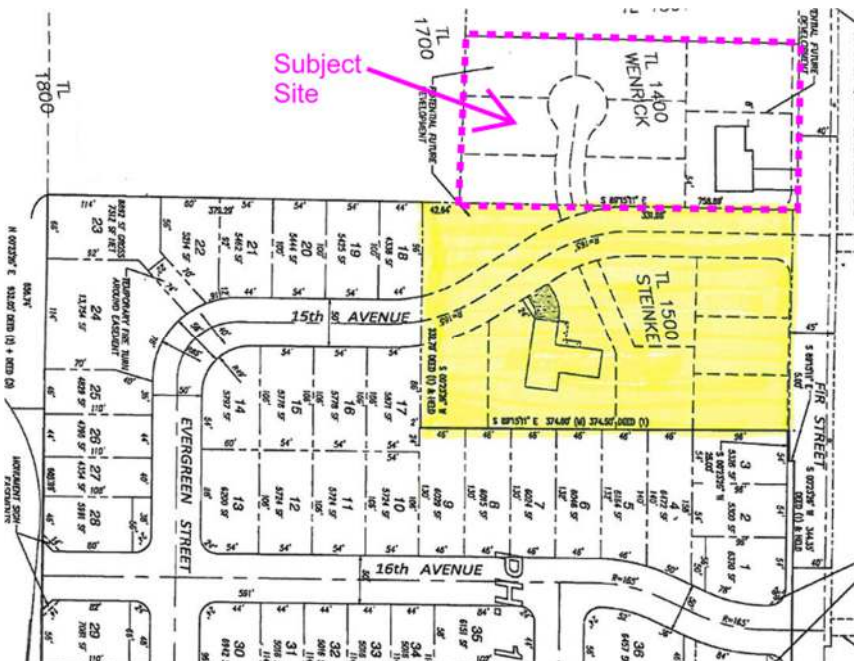
For newly annexed properties that are within the boundaries of a DCP area as designated on the City of Canby Annexation Development Map: A Development Concept Plan shall be adopted by the City Council prior to granting a change in zoning classification.

Response: The site is within a Development Concept Plan area shown on the City of Canby Annexation Development Map. The area (identified by a red polyline) includes one parcel north of this site and other properties south of the site to the Molalla River bluff and east to S Ivy Street as shown on the City's Annexation Development Map:



A Development Concept Plan and Map were prepared for the site in 2018, prior to annexation of several properties within the DCP area.

At right is a plan showing the northern portion of the original submitted DCP site plan. The parcel in pink is the subject of this annexation. This original plan was modified during the City's review/approval process based on discussions between the applicant, the owners of Tax Lot 1500, and the City of Canby. In the original plan, SW 15th Avenue has a "tee" intersection with Street 'F'.



The street layout shown on Tax lots 1400 & 1500 was revised during the approval process as shown at left.

The owners of Tax Lot 1500 filed an appeal to the approval of the Beck Pond subdivision and the Southwest Canby Development Concept Plan (APP 18-02) to challenge this plan.

City File No. APP 18-02 was heard by the Canby City Council in August 2018. The appeal to deny the approval of the Beck Pond subdivision and the SW Canby Development Concept Plan was rejected by the City Council, however, the Council did modify the original approval with the addition of a specified amendment. The specified amendment included an additional condition of approval that the approval of the Beck Pond subdivision shall not determine the configuration of any future development on Tax Lot 1500 and that any future development proposal on Tax Lot 1500 shall be judged upon its' own merits at the time when an application is submitted.

Based on information in APP 18-02 and information provided by the owners of Tax Lot 1500 at the neighborhood meeting, the future proposal for development of their tax lot will likely include an east-west roadway from the current terminus of SW 15th Avenue eastward to S Fir Street with no street stub to the north to serve the proposed annexation site. The future layout for Tax Lot 1500 would look roughly as indicated below:



Based on the likely development plan to be proposed by the owners of Tax Lot 1500 and the condition added to the approval of the Southwest Canby DCP by the City Council with the rejection of APP 18-02, the applicant for the proposed annexation has provided a conceptual site plan showing all access for the proposed annexation site to come from S

Fir Street and not from an extension of SW 15th Avenue through Tax Lot 1500. This plan was shown earlier in this narrative and is on plans submitted with this application.

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

Response: A detailed study of need is located in Appendix A at the end of this narrative. In summary, the Current Single Family Residential (SFR) Lot Inventory (May 17, 2021) has been determined to be 60 lots, or a 10-month supply, based on current growth. The available SFR lot inventory is anticipated to climb with approval and development of several "In Process" subdivisions through late 2022, with the peak of the inventory being slightly less than a 3-year lot supply. The available inventory would then be projected to drop through the remainder of 2022, 2023 and 2024, unless other subdivision applications were submitted and approved for other subdivisions not currently being considered.

The DuPont annexation property is minor in the overall City of Canby buildable lot inventory. When developed as a single-family residential subdivision, it is anticipated to add approximately 6 SFR lots to the buildable SFR lot inventory, approximately a one-month supply. The first of these residences would be expected to be livable in early 2023, nearly two years from now. If no subdivision applications are submitted and approved between now and mid-2024, the available SFR lot inventory projected for July 1, 2024, would be approximately a one-year supply. However, additional applications for subdivisions and partitions are anticipated to be approved by the City of Canby over the next two years that would add to the City's available inventory of buildable SFR lots.

3. Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part; and proposed actions to mitigate proposed concerns, if any.

Response: The site is within the City's UGB, and is expected to develop according to the Comprehensive Plan designations. Some residents on adjacent properties will experience a loss of open space. However, vacant and undeveloped land within an UGB is expected to be utilized to accomplish the community's goals as expressed in the Comprehensive Plan. Therefore, the aesthetic and social impacts of development of the annexation site should be within the anticipated range of impacts associated with continuing growth within the City of Canby.

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

Response: Public facilities and services are available as previously discussed. Public sanitary sewer and water are available in S Fir Street to serve the site. Drainage is not provided by a public facility but is generally accommodated onsite through the installation of underground infiltration systems with the development. Other developments surrounding this site have used a variety of infiltration devices including drywells, infiltration chambers, rock galleries, and vegetated swales to dispose of stormwater runoff. The underlying soils of this area can accept the runoff from newly developed impervious surfaces.

Public streets nearby this site are local streets and have the capacity to carry the number of trips expected to be generated by this site at the R-1.5 zoning shown on the Comprehensive Plan. This is discussed in the Transportation Analysis Letter prepared by DKS Associates, the City's Traffic Engineer.

Public park facilities located near the site include the Canby Community Park on SW Berg Parkway, Legacy Park on SE 13th Avenue, and some new trail space that has been created along the Molalla River within the Beck Pond and Ivy Ridge Estates subdivisions. When developed, this site will pay additional fees toward acquisition and development of additional parks.

As discussed earlier in this narrative, Canby schools that would serve this site include Lee Elementary, Baker Prairie Middle School and Canby High School. Each of these schools has fewer students enrolled in the 2020-2021 school year than during the 2019-2020 school year. School enrollment has been flat and is projected to remain flat for the next few years.

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

Response: Annexation by itself will not generate an increased demand on public services. One home, constructed in 1975, is currently located on the property. The existing home, which faces S Fir Street in the SE corner of the property is in good condition and will remain onsite when the property is subdivided.

Subdivision of the property into multiple lots, each with a new home, would increase the demand for City facilities. Because the site is located within the City's UGB, it is expected to develop according to its Comprehensive Plan designation and therefore, the increased demand for public services should be within the range of anticipated impacts. The applicant had a pre-application meeting with City service providers and no issues regarding an inability to serve the property were raised by service providers.

6. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand.

Response: Annexation of the property will not increase the demand for public services, however, subdivision of the property will create additional lots and homes that will increase demand for public water, sanitary sewer, streets, emergency services, parks and schools. Any public utilities needed to serve the development of the property would be provided by the developer through construction of new public utility infrastructure at the time of subdivision. Systems Development charges paid for by the homebuilders at the time a building permit is obtained, theoretically offset the impact of each single-family home has to the utility, roadway, or park system.

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

Response: Public facilities needed to serve the development will be provided by the development through construction of new facilities by a developer (water, sewer, drainage, streets) and through the payment of SDC fees (water, wastewater, transportation, storm and parks) by homebuilders building homes within the development. Homebuilders will also pay the construction excise tax for the school district.

8. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.

Response: The proposed use of the site is consistent with the adopted Comprehensive Plan Map designation and the text contained in the City's Land Development and Planning Ordinance. No text or map amendments are anticipated to be needed for development of the site.

9. Compliance with other applicable city ordinances or policies.

Response: The application complies with other city ordinances or policies, or can be made to comply through the development process.

10. Compliance with applicable sections of ORS 222.

Response: The applicant expects to comply with these provisions of state law.

16.84.090 Exceptions. The City Council may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for reasons including, but not limited to: identified health hazards, limited development potential, or administrative error. An exception to referring an annexation application that meets the approval criteria to an election cannot be granted except as provided in the Oregon Revised Statutes.

Response: No exceptions to the requirements of this chapter are necessary.

Division VIII. – GENERAL STANDARDS

Chapter 16.88 Standards and Procedures: General, Text Amendments, Comprehensive Plan Amendments, and Transportation Planning

16.88.010 Applicability. The general standards and procedures set out in this chapter apply to the regulations of all sections of this title, except as may be specifically noted.

Response: The general standards and procedures noted in Chapter 16.88 include a wide array of standards and procedures that apply to applicants, City Staff and officials, and to

the public, and apply to all sections of this title. The applicant duly notes that the regulations and procedures on Chapter 16.88 are applicable to the submitted application for annexation.

Chapter 16.89 Application and Review Procedures

16.89.060 Type IV decision.

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

A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type IV applications.

B. Neighborhood meetings. The applicant may be required to present their development proposal at a neighborhood meeting (see Section 16.89.070). Table 16.89.020 sets the minimum guidelines for neighborhood review but the Planning Director may require other applications to go through neighborhood review as well.

C. Application requirements. Type IV applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

D. Public notice and hearings. The public notice and hearings process for the Planning Commission's review of Type IV applications shall follow that for Type III applications, as provided in subsections 16.89.050.D and 16.89.050.E.

E. Decision process.

- 1. Approval or denial of a Type IV decision shall be based on the standards and criteria located in the code.*
- 2. The hearings body shall issue a final written order containing findings and conclusions recommending that the City Council approve, approve with conditions, or deny the application.*
- 3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.*
- 4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.*

F. City Council proceedings:

- 1. Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, approve with conditions, or deny the recommendation of the Planning Commission.*
- 2. The City Council may question those individuals who were a party to the public hearing conducted by the Planning Commission if the Commission's record appears*

to be lacking sufficient information to allow for a decision by the Council. The Council shall hear arguments based solely on the record of the Commission.

3. The City Council may choose to conduct public hearings on Comprehensive Plan amendments, amendments to the text of this title, zone map amendments, and annexations. If the Council elects to conduct such hearings, it may do so in joint session with the Planning Commission or after receiving the written record of the Commission.

Response: Annexation is identified as a Type IV application procedure with the City Council being the decision body. The applicant has had a pre-application meeting with the City Staff and utility service providers, had a neighborhood meeting with surrounding property owners and residents, and has paid fees and submitted an application for annexation on forms provided on the City's website. Once the application is deemed complete, City Planning Staff review the application, prepare a Staff Report, and schedule a public hearing before the Planning Commission. The Planning Commission will hold a public hearing with opportunity for public testimony and following the hearing will make a recommendation to the City Council. City Council will then conduct another public hearing with opportunity for public testimony and will make the final decision. The applicant is hopeful that City Staff, the Planning Commission and the City Council will agree that this is the appropriate time to annex this 1.3-acre island of County land into the City of Canby.

16.89.070 Neighborhood Meetings.

A. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input, identify issues, and exchange information about the proposed meeting.

B. The Planning Commission or Planning Director may require an applicant to hold a meeting in the neighborhood prior to accepting an application as complete. A neighborhood meeting is required for some application types, as shown in Table 16.89.020, unless this requirement is waived by the Planning Director.

C. At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:

- 1. The appointed chair of any neighborhood association in whose boundaries the application lies; and*
- 2. All of those who would receive notice of the application's public hearing before the Planning Commission.*

D. The meeting shall be held in a fully accessible location approved by the City.

E. Following a required neighborhood meeting, applicants shall prepare a written summary of pertinent issues raised and shall prepare a detailed response to each issue. This material shall be submitted to the Planning Department in electronic format at least two weeks before the initial public hearing.

F. Applicants or attendees may make audio or video recordings of the neighborhood meeting if desired.

Response: The applicant held a virtual neighborhood meeting for neighborhood representatives, neighboring property owners and residents on Thursday, May 13, 2021. The meeting was held virtually, rather than in person, to comply with State and County Covid-19 restrictions. Approximately 250 notices were mailed to surrounding residents and property owners including a list of resident addresses provided by Hope Village management for residents in the nearby Meadow and Cascade House buildings. Meeting attendance included four people in total, including the applicant, the applicant's representative, and the owners of Tax Lot 1500 to the south of the subject site.

The applicant's representative began the meeting by discussing the proposal, explaining the City of Canby annexation process, residents' opportunities for input, and then showing maps of the annexation area. After roughly 10 minutes, the meeting was opened for questions and comments. Much of the discussion was centered on the development of the Southwest Canby Development Concept Plan. The owners of Tax Lot 1500 appealed the initial approval of the Southwest Canby DCP due to the street configuration of the plan near and on their property. The appeal (APP 18-02) was heard by City Council and was rejected, with the City Council approving the DCP and the subdivision application with a specified amendment. The specified amendment included the additional condition of approval that the approval of the Beck Pond subdivision shall not determine the configuration of any future development on Tax Lot 1500 and that any future development proposal on Tax Lot 1500 shall be judged upon its' own merits at the time when an application is submitted. Being as though the applicant and none of the City Planning Staff were involved in the approval of the Southwest Canby DCP, the information from the owners of Tax Lot 1500 was extremely helpful. Based on the information from the owners of Tax Lot 1500, the applicant revised the conceptual development plan for the proposed annexation site to conform with their plan for the extension of SW 15th Avenue through their site.

After approximately 30 minutes of discussion and questions, the meeting was ended. A summary of the meeting is located in Section V, Neighborhood Meeting Summary.

Conclusion

The foregoing narrative describes a proposal for annexation of 1.31-acre island of County land located in Canby near Hope Village on the west side of S Fir Street together with 0.06 acre of street right-of-way. As demonstrated in the foregoing narrative, the annexation supports the City's goals and policies and satisfies applicable criteria identified in the City's Comprehensive Plan and Land Development and Planning Ordinance. Therefore, the applicant hopes that the City Staff, Planning Commission and City Council will support and approve the proposal for annexation and apply a City zoning of R-1.5 to the property.

Appendix A:

Needs Analysis: Single Family Residential Lots May 17, 2021 through July 1, 2024

NEEDS ANALYSIS: SINGLE FAMILY RESIDENTIAL LOTS

Introduction:

Below, the Applicant compares the projected available lot supply in Canby to the projected population growth through the end of the second quarter of 2024 in order to determine whether there is currently a sufficient supply of single-family residential lots in the City of Canby. Single family residential lots include R-1 and R-1.5 platted lots. Past and recent absorption rates will be determined and applied to potential future plats known to be “in process”.

Population & Housing Growth:

Anticipated growth for the City of Canby can be estimated according to the Portland State University Population Research Center (PRC) and METRO Regional Population and Employment Range Forecasts (METRO Forecast). The Canby UGB estimated population from the PRC is identified in Table 1 below:

Table 1: Canby UGB Estimated Population 2021-2024 - PRC

Year	PRC Pop. Est.
2020	18,347
2021	18,566
2022	18,787
2023	19,012
2024	19,238

Based on an average household size of 2.8 residents per housing unit, which is the number used by the PRC in their analysis, the projected population increase of 672 people (19,238 – 18,566) between 2024 and 2021 would generate 240 new households over that period. Since development outside the city limits is constrained by Clackamas County’s rural zoning, nearly all the new households will be accommodated by development located within the Canby city limits.

The City of Canby has four residential building zoning districts; R-1 Low Density Residential Zone, R-1.5 Medium Density Residential Zone, R-2 High Density Residential Zone, and C-R Residential/Commercial Zone. Generally, lots developed in the R-1, R-1.5, and C-R zones would be single family lots while lots and housing developed in R-2 zones is more commonly multi-family residential. For this analysis, we assume that R-2 housing will be multi-family unless known or anticipated otherwise by the City Planning Department.

Table 2 indicates the additional housing needed based on the average household size of 2.8 residents per housing unit. Clackamas County data shows that of the countywide provided housing, 68.7 percent is provided by single family residential detached housing units. The City of Canby’s ratio of SFR housing to total housing is higher than the County’s ratio but will likely trend toward the County ratio over time.

Table 2: Projected Housing Needed Based on PRC Population Forecast

Year	Population	Population Increase	Average Household Size	New Housing Needed	SFR Housing Needed (R-1/1.5)	SFR as % of Needed Housing
2020	18,347					
2021	18,566	219	2.8	78	54	68.7%
2022	18,787	221	2.8	79	54	68.7%
2023	19,012	225	2.8	80	55	68.7%
2024	19,238	226	2.8	81	56	68.7%
2025	19,468	230	2.8	82	56	68.7%

On February 25, 2021, the METRO Council adopted a population, housing, and employment forecast. The distributed forecast contains population and housing projections by city and county through 2045. The estimates for the Canby (adjusted to City limits) are listed in Table 3 below:

Table 3: METRO Population of Housing Forecast 2020-2030

Year	Population Forecast	Household Forecast
2020	17,161	6,564
2030	19,582	7,833

Assuming a linear relationship, the population and household forecast can be extrapolated for projected annual growth as noted in Table 4 below:

Table 4: METRO Population of Housing Forecast 2020-2030

Year	Population Forecast	Household Forecast
2020	17,161	6,564
2021	17,402	6,691
2022	17,643	6,818
2023	17,884	6,945
2024	18,125	7,072
2025	18,367	7,199
2026	18,608	7,325
2027	18,849	7,452
2028	19,090	7,579
2029	19,331	7,706
2030	19,582	7,833

Based on the METRO data, 381 additional households will be needed between 2021 and 2024 to accommodate the projected increase in population over that period. Using the countywide ratio of SFR housing to total housing, the projected 381 additional households would be made up of 262 single family households and 119 multi-family households.

A comparison of the PRC data and the METRO data is shown in Table 5 below:

Table 5: Comparison of PRC & METRO data

Year	PRC Canby UGB Pop.	PRC Canby UGB Pop. Increase	PRC SFR Housing Needed	METRO Canby City Limits Pop.	METRO Canby City Limits Pop. Increase	METRO Canby City Limits Housing Needed	METRO SFR Housing Needed	Average SFR Housing Needed
2021	18,566	219	54	17,402	241	127	87	71
2022	18,787	221	54	17,643	241	127	87	71
2023	19,012	225	55	17,884	241	127	87	71
2024	19,238	226	56	18,125	241	127	87	72
2025	19,468	230	56	18,367	242	127	87	72

Based on an average of the PRC estimate and the METRO estimate, an average of 71 new SFR homes per year is needed between 2021 and 2024, or a total of 213 lots.

Building Permits:

Using information accessed from Clackamas County's Accela online building permit system, the applicant was able to track the number of new single family dwelling permits issued within the City of Canby over the past three years to determine the actual number of permits issued per year and an average annual rate for the past 3 years. The number of new SFR building permits issued per year within the City of Canby was found to be as noted in Table 6, below:

Table 6: Building Permits Issued Per Calendar Year

Year	Number
2018	84
2019	129
2020	144
Average per year	119

Table 6 shows that the number of new SFR construction permits issued over the past three years is greatly outpacing the projections of the PSU PRC and METRO. Therefore, the population projections for Canby may be low, if recent trends are an indicator of future trends.

Current Housing Inventory:

The inventory of available buildable lots in Canby is an ever-changing figure. Inventory climbs as new subdivision and partition plats are recorded with Clackamas County Recorder's office and inventory drops with each new building permit approved and paid for at the County Building Permit Center. For this analysis, we define "Current Inventory" to be the available lot inventory as of May 17, 2021, per information accessed on the Clackamas County's Accela online building permit system. A lot was considered available if a building permit had not yet been issued on

the lot. Lots having homes under construction or having a building permit issued were considered being “not available” for building.

Tables 7 and 8 below identify the available SFR lots created by subdivision or partition plat:

Table 7: Available SFR Subdivision Lots (includes R-1 & R-1.5 zoned lots), May 17, 2021

Subdivision Name	Zoning	Total Lots	Homes Permitted for Building	Lots Restricted from Building*	Lots Available
Faist Addition No. 6*	R-1	30	28	1	1
Timber Park*	R-1.5	105	103	2	0
Faist Addition No. 8	R-1	26	18	0	8
Redwood Landing	R-1	82	81	0	1
Cougar Run**	R-1	23	0	23	0
Ivy Ridge Estates	R-1 & R-1.5	30	27	0	3
Hamilton Acres	R-1	41	21	0	20
Postlewait Homestead	R-1	9	6	0	3
Dodds Farm	R-1	20	0	0	20
Available Subdivision Platted Lots					56

* Certain lots in Faist Addition No. 6 and Timber Park are currently being used as fire truck turnarounds. These lots will become buildable with construction of the Cougar Run subdivision.

**The Cougar Run subdivision is platted, but lots are not available since public improvements have not been constructed.

Table 8: Available SFR Partition Lots (includes R-1 & R-1.5 zoned lots), May 17, 2021

Date Recorded	Partition Plat	Map	Tax Lot	Zoning
6/20/2017	PP2017-048	31E33BD	10510	R-1
6/20/2017	PP2017-048	31E33BD	10511	R-1
6/20/2017	PP2017-048	31E33BD	10515	R-1
3/14/2018	PP2018-024	31E28AA	03905	R-1
Available Partition Plat Lots				4

Based on Tables 7 and 8 above, there were 60 platted lots available in the R-1 and R-1.5 zoning districts on May 17, 2021. Fifty-eight of the lots are zoned R-1 and 2 are zoned R-1.5.

Current Inventory:

Table 9 below analyzes the SFR Housing needs vs. Available platted lots.

Table 9: Current Inventory Analysis

Description	Lot Count
SFR Housing needed through 2024	213
Available Platted SFR Lots	60
Current Deficiency of SFR Lots	153

Based on the above analysis, the City of Canby is currently deficient by 153 SFR platted lots in the R-1 & R-1.5 zoning districts.

Future Housing Inventory:

The process for planning a subdivision, having that subdivision approved by the City of Canby, preparing and engineering design, and then constructing the public infrastructure improvements and having a subdivision plat recorded to legally divide the land into subdivision lots is a lengthy process. Typical timelines from initial acquisition of raw land to recording of a subdivision plat can be two years or more. If annexation of land is necessary, the time frames would be even longer.

At any moment in time there are many subdivisions in one stage or another of the development process. Some are late in the process and are close to having a recorded subdivision plat, while others are early in the process and have not yet had a subdivision application submitted to the Planning Department for approval. According to the City of Canby Planning Department, as of June 2021, the “In Process” single family land development projects that are working their way through the land use, construction, and platting processes include the list of subdivisions below. These developments are anticipated to become future housing inventory. Zoning and the anticipated number of lots is based on information provided by the City of Canby for applications that have been submitted. For applications not yet submitted, the lot numbers are based on previous applications for annexations. Anticipated date of availability is based on what stage the project is currently in, with an estimated time for completion based on experience, weather, and other variables.

Table 10: In Process Development Projects

Application Name and/or Applicant	Zoning	Anticipated Date of Lot Availability	Anticipated Number of Lots
Subdivisions			
Seven Acres, Sprague	R-1	July 1, 2021	22
Dodds Farm, No. 2, Lennar NW Inc.	R-1	September 1, 2021	30
NE Territorial Place, Paul DuPont	R-1	October 1, 2021	9
Ivy Ridge Estates No. 2, Riverside Park, LLC	R-1	November 1, 2021	30
Ivy Ridge Estates No. 3, Riverside Park, LLC	R-1	November 1, 2021	30
Redwood Landing 2	R-1.5	December 1, 2021	29
Beckwood	R-1.5	December 1, 2021	42
Redwood Landing 3	R-1.5	April 1, 2022	12
Cougar Run, Canby School District	R-1	June 1, 2022	23
Faist Addition No. 9, Netter	R-1	July 1, 2022	6
Northwood Estates No. 4, 2KRMT	R-1	July 1, 2022	15
Burkett/Montecucco Phase 1	R-1	August 1, 2022	25
Partitions			
PAR 20-02, 592 NE Territorial Rd.	R-1.5	November 1, 2021	1
Potential Additional Lots Through 2022			274

- The Cougar Run subdivision is platted; lots will become available once public improvements are constructed.
- Redwood Landing 3 also has 32 R-2 lots. R-2 lots are considered multi-family lots and not included in this SFR analysis.

Based on the data in Table 10, there are 274 projected SFR lots currently in the City of Canby land development process. It is projected that all these plats will be recorded and available for building by August 1, 2022. There are other potential subdivision applications on the horizon, such as the Cutsforth subdivision property on Territorial Rd., however, these developments are either stalled or it is too early to forecast when they may be proposed for subdivision.

Lot Absorbition

Based on an average annual demand of 71 building permits and a 365-day year, it estimated that a building permit would be issued for a new SFR home every 5.14 days. This equates to approximately 17 permits issued in the first quarter of the year and 18 permits issued in Quarters 2 through 4 each year.

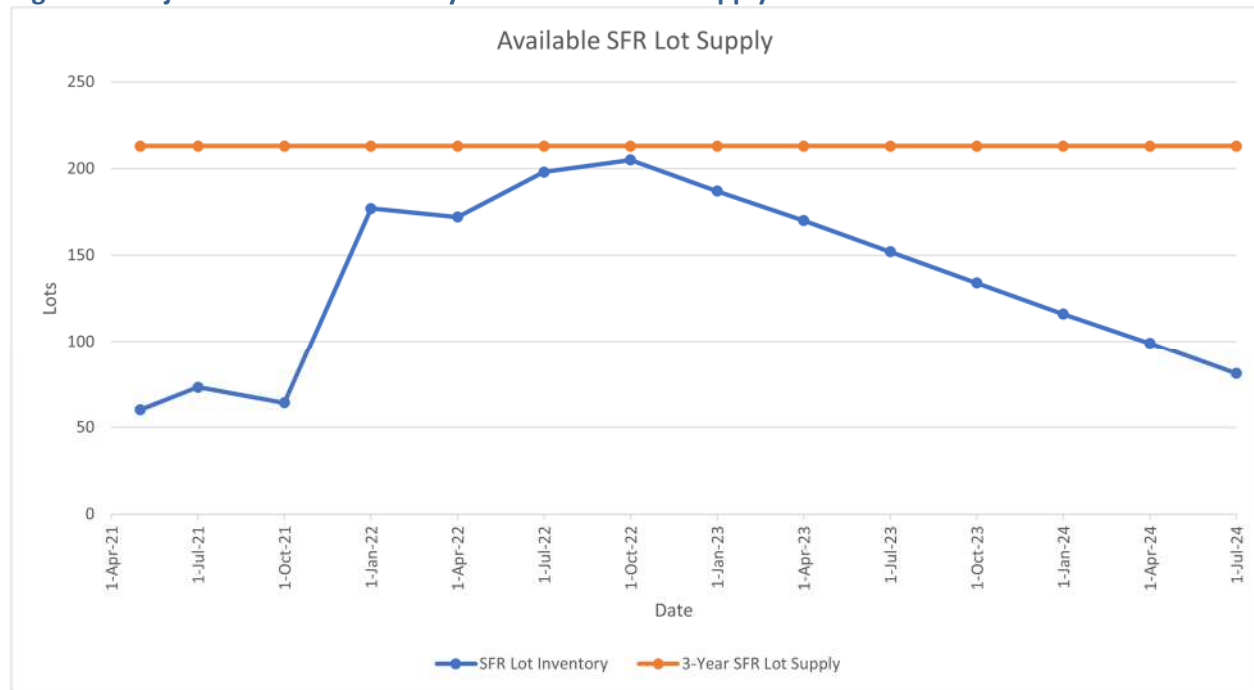
Beginning with the available platted lots listed in Table 9, adding lot inventory for “In Process” SFR development projects on the anticipated dates listed in Table 10 and deducting the estimated number of building permits per quarter, a projected quarterly inventory can be estimated for the following three years. This assumes no new subdivision applications beyond those previously accounted in Table 10 are approved by the City of Canby:

Table 11: Projected SFR Lot Supply by Calendar Quarter

Date	Lot Count
May 17, 2021	60
7/1/21	73
10/1/21	64
1/1/22	178
4/1/22	173
7/1/22	199
10/1/22	206
1/1/23	188
4/1/23	171
7/1/23	153
10/1/23	135
1/1/24	117
4/1/24	100
7/1/24	82

Based on the projected population growth, estimated plat sizes and plat recording dates, and the absorption rates of future projects noted above, the inventory of SFR lots will reach a high in late 2022 and then begin a downward trend. At the end of a 3-year period, July 1, 2024, the available SFR lot supply is projected to be slightly higher than it was on May 17, 2021, with a total of 82 available SFR lots. Based on the projected average of 71 SFR lots per year, 82 lots would equal roughly a 14-month supply. A graph of the projected available lot supply over the next three years is located on the following page.

Figure 1: Projected SFR Lot Inventory vs. 3-Year SFR Lot Supply



With a substantial number of subdivisions currently “in process”, the available SFR lot inventory is projected to climb through 2021 into late 2022 as the “in process” subdivisions are approved, developed, and plats are recorded. There is projected peak in late 2022, slightly below a 3-year available lot supply, when the last of the current “in process” subdivision plats records.

If no new subdivisions were to be proposed, approved, and developed, beyond those currently “in process”, the projected lot inventory would be anticipated to drop through calendar years 2023 and the first half of 2024 as building permits were issued. With no new approvals, the projected inventory on July 1, 2024, is 82 lots, roughly a 14-month supply.

However, other subdivisions are anticipated to be submitted for approval, approved through the City of Canby land development process, and developed as subdivisions that will continue to add lots into the available SFR lot inventory in 2022, 2023 & 2024. This includes lots that could be developed on the site of the proposed application for annexation. The annexation site includes a potential for 6 new lots for SRF homes. These 6 lots would be approximately a one-month supply and their impact on the overall available lot supply would be minimal. It is anticipated that these lots could become available near the end of 2022 or in early 2023 after the last of the current “in process” subdivisions are completed, and the projected SFR lot inventory begins to decline.

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