



CITY COUNCIL Agenda – Amended 7-15-2024

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

JULY 17, 2024

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

The meetings can be viewed on YouTube at:

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

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

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

EXECUTIVE SESSION – 6:00 PM

EXECUTIVE SESSIONS ARE CLOSED TO THE PUBLIC. Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision.

1. **CALL TO ORDER**
2. **EXECUTIVE SESSION:** Pursuant to 192.660(2)(i) Performance Evaluation of Public Officer.
3. **ADJOURN**

There will be an Urban Renewal Agency Meeting at 6:30 PM.

REGULAR MEETING – 7:00 PM

1. **CALL TO ORDER**
 - a. Invocation
 - b. Pledge of Allegiance
2. **NEW EMPLOYEE INTRODUCTIONS**

3. CANBY ADULT CENTER PRESENTATION

4. **CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** This is an opportunity for audience members to address the City Council on items not on the agenda. If you are attending in person, please complete a testimony/comment card prior to speaking and hand it to the City Recorder. If you would like to speak virtually, please contact the Deputy City Recorder by 4:30 pm on July 17, 2024, with your name, the topic you'd like to speak on and contact information: ridgleyt@canbyoregon.gov or call 503-266-0637.

5. CONSENT AGENDA

- a. Approval of the June 19, 2024, Regular City Council Meeting Minutes. Pg. 1

6. PUBLIC HEARING – Added 7-15-2024

You are welcome to speak in person. *If you would like to speak virtually, please email or call the Deputy City Recorder by 4:30 pm on July 17, 2024, with your name and contact information: ridgleyt@canbyoregon.gov or call 503-266-0637. Once your information is received, you will be sent instructions to speak.**

- a. Public Hearing regarding **Ordinance No. 1627:** Adopting the Housing Needs Analysis as Part of the City of Canby Comprehensive Plan (TA 23-03/CPA 24-01). (*First Reading*) Pg. 9

7. ORDINANCES & RESOLUTIONS

- a. Consider **Ordinance No. 1625:** An Ordinance Authorizing the City Administrator to expend payment to City County Insurance (CIS) in an amount not to exceed \$500,000 for Liability Insurance Coverage for Fiscal Year 2024-2025. (*Second Reading*) Pg. 71
- b. Consider **Ordinance No. 1626:** An Ordinance Authorizing the City Administrator to expend payment to SAIF Corporation in the amount not to exceed \$114,493.71 for Workers Comp Coverage for Fiscal Year 2024-2025. (*Second Reading*) Pg. 74
- c. Consider **Ordinance No. 1628:** An Ordinance Authorizing City Administrator to enter into the Employment Agreement with Captain Doug Kitzmiller. (*First Reading*) Pg. 77
- d. Consider **Ordinance No. 1629:** An Ordinance Adopting the Comprehensive Plan, Transportation System Plan, and Urban growth Boundary Scope of Work and Budget for FY 24/25. (*First Reading*) Pg. 85
- e. Consider **Resolution No. 1415:** A Resolution Authorizing the City Administer to Enter into An Intergovernmental Agreement with Clackamas County for Dial-A-Ride Service. Pg. 96
- f. Consider **Resolution No. 1416:** A Resolution Granting Support for an Oregon Department of Transportation (ODOT) Transportation Grown Management (TGM) Grant Application for Concept Planning Related to the Urban Growth Boundary Expansion. Pg. 143
- g. Consider **Resolution No. 1417:** A Resolution Establishing a Memorial Tree and Bench Program. Pg. 146

8. OLD BUSINESS

- a. City Attorney Recruitment – **Amended Updated Chart 7-15-2024** Pg. 152
- b. City of Grants Pass vs Johnson Ruling Pg. 153

9. MAYOR'S BUSINESS

10. COUNCILOR COMMENTS & LIAISON REPORTS

11. CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS

- a. Council Goals Tracking Sheet
- b. Bi-Monthly Reports

Pg. 154

Pg. 157

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.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
June 19, 2024**

PRESIDING: Brian Hodson

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

COUNCIL ABSENT: Herman Maldonado

STAFF PRESENT: Eileen Stein, City Administrator; Maya Benham, Administrative Director/ City Recorder; Teresa Ridgley, Deputy City Recorder; Doug Kitzmiller, Police Captain, Todd Wood, Transit/Fleet/IT Director, Jerry Nelzen, Public Works Director; Monica Stone, Wastewater Treatment Plant Supervisor; Scott Schlag, Finance Director; Kevin Aguilar, HR Director; Heidi Muller, Transit Coordinator; Jamie Stickel, Economic Development Director, David Doughman, Interim City Attorney (attended virtually), and Marisa Ely, Library Director (attended virtually).

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

NEW EMPLOYEE INTRODUCTIONS: Monica Stone, Wastewater Treatment Plant Supervisor, introduced Steve Gering, Environmental Compliance Coordinator.

CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS: None

CONSENT AGENDA: ****Council President Hensley moved to approve the minutes of the June 5, 2024, Regular City Council Meeting; reappointments of Bruce Parker and Clifford Ash to the Bike and Pedestrian Committee with terms ending June 30, 2027; reappointment of Elizabeth Chapin to the Budget Committee with a term ending June 30, 2027; reappointments of Linda Warwick and Aimee Noss to the Library Advisory Board with terms ending June 30, 2028; reappointments of Dave Biskar, Cara Hawkins, and Terri Jones to the Parks and Recreation Committee with terms ending June 30, 2027; reappointments of DeAnna Ball-Karm, Gary Bryant, and Clint Coleman to the Traffic Safety Committee with terms ending June 30, 2027; and a second additional location brewery-public house OLCC application for Meteorite Brewery LLC. Motion was seconded by Councilor Sasse and passed 5-0.**

PUBLIC HEARINGS:

State Revenue Sharing Funds – Mayor Hodson read the hearing statement for all three public hearings.

Scott Schlag, Finance Director, presented the staff report. ORS 221.770 required the City to pass an ordinance or resolution requesting state revenue sharing money annually. A public hearing was held by the City before the Budget Committee and now before City Council to discuss proposed uses of the funds. Certification of the hearings was required and must be filed with the Oregon Department of Administrator Services before July 31, 2024, which Mr. Schlag would do after approval so the City could receive the funds for the upcoming fiscal year. Mr. Schlag clarified shared state revenue funds came primarily from taxes collected from alcohol, cigarettes, marijuana (which the City of Canby had not voted in), and 911. Jurisdictions collected the taxes and turned them over to the State, who disbursed the funds by a formula to the jurisdictions.

Mayor Hodson opened the public hearing.

There was no public testimony.

Mayor Hodson closed the public hearing.

****Council President Hensley moved to adopt Resolution 1410, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2025. Motion was seconded by Councilor Padden and passed 5-0.**

2024-2025 FY Budget as Recommended by the Budget Committee –

Mr. Schlag presented the staff report. The City was required to adopt an annual budget by June 30th of each year and under ORS 294.453, was required to hold a public hearing. ORS 294.458 required the City to submit tax certification documents to the County Assessor by July 15th. The City passed a local option levy of \$.49 per \$1,000 of assessed property value on November 18, 2016, to fund Swim Center operations. The City levied a permanent rate of \$3.4886 per \$1,000 of assessed value. The Budget Committee met on May 16, May 23, and May 30, 2024, to review and deliberate on the FY24-25 proposed budget. Staff reviewed the proposed budget with the committee and allowed for public comment. The budget was approved with the amendments in the memo provided during and after the budget meetings. There were two resolutions due to the conflict of interest with Councilor Sasse having a family member who worked for the City. He would need to abstain from voting on Resolution 1411A.

Mayor Hodson opened the public hearing.

There was no public testimony.

Mayor Hodson closed the public hearing.

****Council President Hensley moved to adopt Resolution 1411A, A RESOLUTION MAKING APPROPRIATIONS FOR THE 2025 FISCAL YEAR IN THE GENERAL FUND (PLANNING AND BUILDING PROGRAMS), THE STREET FUND, AND THE SEWER FUND. Motion was seconded by Councilor Davis and passed 4-0-1 with Councilor Sasse abstaining.**

****Council President Hensley moved to adopt Resolution 1411, A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAXES FOR THE 2025 FISCAL YEAR. Motion was seconded by Councilor Sasse and passed 5-0.**

Setting Fees for Services (Master Fee Schedule) –

Mr. Schlag presented the staff report. The Master Fee Schedule required an annual review which had been completed by each City department. Staff proposed changes effective July 1, 2024. Along with Resolution 1409 were three exhibits. Exhibit A summarized the fee changes. Exhibit B was a comparison of current fees versus proposed fees. Exhibit C reflected the new schedule effective if all changes were adopted. He highlighted the changes to the library, utility, park, main street, public works, and SDC fees.

Councilor Padden did not think the fees were high enough to capture the cost of services.

Councilor Stearns asked about the changes to the library fees.

Marisa Ely, Library Director, explained only one specific type of fee/fine changed. Though fines were a small amount, they helped offset some costs. Other library districts had gone fine free, and they were trying to do the same. The first step was to change the late fee from \$.25 to \$.10.

Councilor Stearns asked why fees were not increasing and capturing the cost of services due to inflation and the Consumer Price Index. Eileen Stein, City Administrator, said staff would be looking at the fees this next year to see if they should be charging the maximum amount. A Street Maintenance Task Force would be looking at the Street Maintenance Fee before it was changed.

Councilor Padden said there had been discussion about fees capturing the cost of services provided but was derailed with the changes in City administration over the last few years. Work had been done to increase fees over time to bring them closer to cost recovery and comparison with other cities.

Councilor Stearns suggested predictable increases every year that everyone expected instead of a large increase after many years of no increases.

Mayor Hodson opened the public hearing.

There was no public testimony.

Mayor Hodson closed the public hearing.

Council President Hensley would be voting no as she did not agree with several of the changes.

There was discussion regarding breaking some of the fees out from the resolution and making changes to them individually.

Ms. Ely clarified only one fee changed to match the others. The rest remained the same. The goal was to get rid of fees/fines and establish a new tax district at a different rate.

****Councilor Padden moved to adopt Resolution 1409, A RESOLUTION OF THE CITY COUNCIL OF CANBY, OREGON, SETTING FEES FOR SERVICES; AND REPEALING RESOLUTION NO. 1389. Motion was seconded by Councilor Davis and passed 4-1 with Council President Hensley opposed.**

ORDINANCES:

Ordinance 1623 – ****Councilor Padden moved to adopt Ordinance 1623, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH POLAR SYSTEMS, INC., OF WEST LINN, OREGON, TO PROVIDE MANAGED IT SERVICES FOR THE CITY OF CANBY. Motion was seconded by Councilor Stearns and passed 4-1 by roll call vote with Councilor Davis opposed.**

Ordinance 1624 – Doug Kitzmiller, Police Captain, explained the cost covered new tasers, cartridges, training, live deployment, software, charging docks, batteries, target system for training, and replacement during the five-year period.

Mayor Hodson asked about the expected life of the tasers.

Captain Kitzmiller answered the product would be backed for the five-year period.

****Council President Hensley moved to adopt Ordinance 1624, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH AXON ENTERPRISES IN THE AMOUNT OF \$140,965.04 FOR THE PURCHASE OF TASERS,**

EQUIPMENT, SOFTWARE, AND SERVICES. Motion was seconded by Councilor Davis and passed 5-0 by roll call vote.

Ordinance 1625 – Kevin Aguilar, HR Director, said this item was an annual renewal of the City's liability insurance with CIS.

Mayor Hodson asked about the increased amount.

Mr. Aguilar said they had a blended rate with law enforcement which went up by 7.4%, and property went up by 16.5%.

Councilor Stearns asked about the limits of the policy and if it covered liability for lawsuits.

Mr. Aguilar responded that each one had a different line item for automobile and property, but it more than covered the needs of the City. It did cover lawsuit liability.

****Councilor Padden moved to approve Ordinance 1625, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXPEND PAYMENT TO CITY COUNTY INSURANCE SERVICES (CIS) TO NOT EXCEED \$500,000 FOR LIABILITY INSURANCE COVERAGE FOR FISCAL YEAR 2024/2025 to come up for second reading on July 17, 2024. Motion was seconded by Councilor Sasse and passed 5-0 on first reading.**

Ordinance 1626 – Mr. Aguilar said this item was for workers comp coverage with SAIF. An audit was done last August to determine if there would be any modified rates or increases. The City had been responsible, and the rate was comparable to last year.

Council President Hensley asked if the amount included workers comp for volunteers.

Mr. Aguilar responded it did, but there was a separate resolution for the volunteers.

Councilor Stearns asked if SAIF was the only workers comp carrier for City employees.

Mr. Aguilar responded SAIF was the go-to carrier for the State of Oregon and public employers.

****Councilor Padden moved to approve Ordinance 1626, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXPEND PAYMENT TO SAIF CORPORATION IN THE AMOUNT NOT TO EXCEED \$114,493.71 FOR WORKERS COMP COVERAGE FOR FISCAL YEAR 2024/2025 to come up for second reading on July 17, 2024. Motion was seconded by Councilor Sasse and passed 5-0 on first reading.**

Resolution 1407 – Jerry Nelzen, Public Works Director, stated this property was next to Dragonberry and already had dry lines from when the Walnut Street extension was put in. The business was outside of the City limits and their septic system failed. Clackamas County required them to connect if the sewer line was readily available. They had agreed to annex in the next two years and the City would start collecting sewer bills on the dry line.

Council President Hensley asked how the agreement to annex would be enforced.

Mr. Nelzen responded it was an agreement the owner worked out with the Planning Department.

****Council President Hensley moved to approve Resolution 1407, A RESOLUTION AUTHORIZING THE EXTENSION OF MUNICIPAL SEWER SERVICE TO 267 S WALNUT STREET, TAX LOT 31E34 01900, LOCATED OUTSIDE THE CANBY CITY LIMITS, PURSUANT TO THE URGAN GROWN MANAGEMENT AGREEMENT BETWEEN CLACKAMAS COUNTY AND THE CITY OF CANBY. Motion was seconded by Councilor Padden and passed 5-0.**

Resolution 1408 – Mr. Schlag said there was an additional amount for the General Fund needed to cover the appropriation of Building Fund personnel costs, based on management's Fiscal Year 2023-2024 personnel budget projections. He recommended moving money from the contingency fund to the building fund to make sure they didn't over expend. Also, the Library Fund had an interfund loan with an interest-bearing component that needed to be repaid in fiscal year 2024. The interest component was not appropriated in the original adopted budget. This would allow the money to be appropriated in the budget to repay the Cemetery Perpetual Care Fund.

Councilor Padden asked how much interest the Library had to pay back. Mr. Schlag answered just under \$14,000.

Councilor Padden asked if it was possible to repay it using reserves instead of the Library Fund. Mr. Schlag answered no, however it could be changed in next year's budget.

****Councilor Padden moved to approve Resolution 1408, A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATED FUNDS WITHIN THE FY23-24 GENERAL AND LIBRARY FUNDS BUDGET. Motion was seconded by Councilor Sasse and passed 5-0.**

Resolution 1412 – Mr. Schlag said this was the same thing as in previous years for an interfund loan of \$500,000 to cover the first six months of Library operations which would be repaid in fiscal year 2025 with interest bearing at the rate earned by the Oregon Local Government Investment Pool.

Councilor Padden asked if Council had the option to cover the interest from reserves instead of the Library Fund. Mr. Schlag responded yes.

Councilor Padden suggested moving forward with the repayment from reserves or some other fund instead of the Library Fund so the library could keep the money for services but still get reimbursement to the Cemetery Perpetual Care Fund.

It was determined the resolution could be approved as it was, and where the money came from could be decided later. Ms. Stein stated determining where repayment was made could be done at a future Work Session.

Councilor Stearns noted they were thinking about approving more money for the library when the library was asking for less money from other sources.

****Council President Hensley moved to approve Resolution 1412, A RESOLUTION AUTHORIZING AN INTERFUND LOAN FROM THE CEMETARY PERPETUAL CARE FUND TO THE LIBRARY FUND IN THE AMOUNT OF \$500,000 AND AUTHORIZING REPAYMENT OF THE INTERFUND LOAN IN FISCAL YEAR 2024-2025. Motion was seconded by Councilor Davis and passed 5-0.**

Resolution 1413 – Mr. Aguilar said this resolution covered workers compensation for volunteers across the state and was built into the City’s rate with SAIF Corporation.

Councilor Stearns asked if this coverage protected the City from lawsuits. David Doughman, City Attorney, said it did unless there was malfeasance by the employer.

****Council President Hensley moved to approve Resolution 1413, A RESOLUTION EXTENDING WORKERS COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF CANBY AND REPEALING RESOLUTION 1390. Motion was seconded by Councilor Sasse and passed 5-0.**

OLD BUSINESS: City Attorney Recruitment – Councilor Padden asked when the next graph chart showing budgeted and actuals for quarterly expenses for City Attorney fees would be available. Ms. Stein said it would be available at the meeting in July.

MAYOR’S BUSINESS: Mayor Hodson said he and Council President Hensley sat at the City Complaint Desk at first Thursday. A gentleman requested the City develop more 55 and older apartments. Tomorrow was another Comprehensive Plan meeting at Baker Prairie Middle School at 6 p.m. Roads and transit would be the next items to cover at that meeting. Clackamas County Coordinating Committee (C4) had their annual retreat last weekend. Items covered at the retreat were housing and meeting Governor Kotek’s goal of 36,000 dwellings per year across the state. The Governor’s office was working on metrics and a process of what that would look like. Transportation funding was also discussed. For the 2025 legislative session, there was discussion of another transportation funding package for projects including the Abernathy Bridge stretch to Stafford on I-205, Rose Quarter Interstate Bridge, and Boones Bridge. He would bring back potential adjustments for funding of these projects if tolling was not on the table. They also finished setting the work plan for the year ahead. He asked Jamie Stickel, Economic Development Director, where people were able to sign up for floats or volunteering for the Independence Day celebration.

Ms. Stickel shared volunteers were still needed. It was not too late to sign up to have a float in the parade. Fireworks would take place at Baker Prairie Middle School.

Mayor Hodson announced there would be a pancake feed put on by the Canby Historical Society, a classic car show, and the parade. He noted staff and Council were taking appropriate actions on the recent harassment complaints made about a Councilor.

Mr. Doughman confirmed the Council was acting consistently with how they had been advised on this matter.

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Davis reported on the Parks and Recreation Advisory Board, where they discussed Auburn Farms final design and estimated start date of March 2025, Legacy Park Exercise Court, Maple Street Park turf infield which would be brown, and park bench program. There were two vacancies on the Parks and Recreation Advisory Board. The Board would miss Lisa Potter and mentioned the unexpected death of member Barbara Karmel. He thanked Ms. Stickel for her assistance in getting a grant for the fireworks display. Fireworks would happen this year as well as next year based on donations that had come in. The Chamber received a request from businesses along Highway 99E to determine the loss of business that had occurred due to the construction project. He thought the construction company could do a better job minimizing street closures so that businesses weren’t being impacted. Numerous businesses along Highway 99E had felt the impact.

Mayor Hodson said Mr. Nelzen reached out to ODOT to follow up on some of the construction pieces because the crews were going to go to six days a week and working overnight to get the project done. He had not seen much work being done at night or on a sixth day. He encouraged citizens to buy locally before going to Amazon or out of town.

Councilor Padden attended First Thursday also. He was signed up to work the table in October. He reported on the Planning Commission meeting where they had finalized recommendations to forward to City Council regarding the Housing Needs Analysis. He also attended the Canby Utility Board meeting where liability limits were adopted for people who were visiting or utilizing Canby Utility property, updated their Fire Mitigation Plan, and they were moving forward with the plan to build a new Water Treatment Plant. He also attended the landowners' meeting as part of the Comprehensive Plan update with robust opinions on what should or should not be done to bring land into the Urban Growth Boundary. There were a lot of questions about taxation, what could be built, and whether the land would be annexed into the City. He met with Public Works about signs honoring Frank Cutsforth during the Cutsforth Cruisin'. He took on the role of Projects and Programs Chair for the Willamette Falls & Landings Heritage Area Coalition and had been elevated to the Executive Board as a member at large. He would attend the Canby Pride event at Wait Park. He asked what was needed to be part of the parade. Ms. Stichel responded there was an application and a \$25 fee if he was campaigning. There was no fee if he was in the parade as a City Councilor.

Councilor Sasse attended the Library Board meeting where they reviewed the strategic plan and priorities created by Ms. Ely. Three new employees were hired, they were updating their donation policies and process, updating their whiteboard with summer events held at Wait Park, and were holding a patio tour the weekend of the 29th with five homes involved.

Councilor Stearns said he was uncomfortable voting for the fee schedule tonight and suggested a Work Session be scheduled to go over the fees.

Council President Hensley attended the C4 Retreat as well. She reminded everyone about the Comp Plan meeting. First Thursday was fun and she looked forward to doing it again. She attended the Clackamas Cities Association Dinner with Ms. Stein. The Traffic Safety Commission was word smithing the criteria for the speed limit lowering and working with the Planning Department.

CITY ADMINISTRATOR'S BUSINESS: Ms. Stein would be attending the OCMA Summer Conference next week, and Chief Tro would be acting in her capacity while she was gone. She spent time thinking about Council Goals and how to report back to Council in a quarterly update. The Council Goals would also be worked into the bi-monthly staff reports and department evaluations. She would start providing a monthly financial report also.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the consent agenda.
2. Adopted Ordinances 1623 and 1624.
3. Approved Ordinances 1625 and 1626 to a second reading on July 17, 2024.
4. Approved Resolutions 1407, 1408, 1409, 1410, 1411, 1411a, 1412, and 1413.

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

Mayor Hodson read the Executive Session statement and recessed the Regular Meeting at 9:15 p.m.

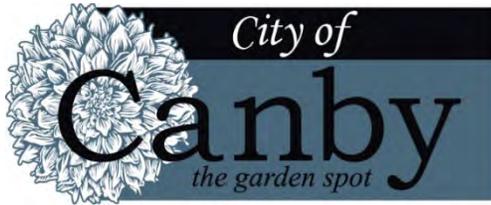
Mayor Hodson reconvened the Regular Meeting at 10:24 p.m. and immediately adjourned.

Maya Benham, CMC
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood

DRAFT



CITY COUNCIL Staff Report

Meeting Date: 7/17/2024

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Don Hardy, Planning Director
Agenda: Consider Ordinance 1627, An Ordinance authorizing to approve the Housing Needs Analysis and incorporating the HNA into the Canby Comprehensive Plan (TA 23/03/CPA 24-01) (*First Reading*)
Goal: Align Resources to Address Future Community Growth

Summary

The City proposes an amendment to the comprehensive plan incorporating the Housing Needs Analysis (HNA). The City seeks adoption of the new HNA addressing the 20-year housing needs of Canby as allowed by Oregon Planning Goal 10 and is consistent with the official June 30, 2020 population forecast and the sequential urban growth boundary adoption by the Department of Land Conservation and Development. The HNA identifies the 20-year land use needs with a forecast of approximately 73.1 acres of residential urban growth boundary expansion need and the housing mix to accommodate roughly 6,000 new residents over the next 20 years.

Background

The City proposes updates to the Comprehensive Plan, incorporating the June 18, 2024, City of Canby Housing Needs Analysis (HNA). The Department of Land Conservation and Development requires that the HNA be adopted as part of the Canby Comprehensive Plan.

The planning commission recommended approval of the Housing Needs Analysis at their June 10, 2024 hearing. They recommended that yearly monitoring of housing acreage consumption be completed to make sure that adequate residential acreage remains available for the 20-year residential population forecast. The HNA needs to be updated every 8-years.

Attachments

June 18, 2024 Housing Needs Analysis Final Report
July 17, 2024 City Council Staff Report, Canby Housing Needs Analysis and Comprehensive Plan Adoption Staff Report (TA 23-03/CPA 24-01)
City Council Executive Summary Staff Report
Draft City Council Ordinance
Confirmation of Post Acknowledgment Plan Amendment (PAPA) Online Submittal to DLCD
City Council Public Hearing Notice
Planning Commission Findings, Conclusion and Final Order

Fiscal Impact

None

Options

Adoption, Adoption with Modification or Continuance of Housing Needs Analysis

Proposed Motion

“I move to adopt Ordinance 1627, An Ordinance authorizing to approve the Housing Needs Analysis and incorporating the HNA into the Canby Comprehensive Plan to a second reading on August 7, 2024.”

ORDINANCE NO. 1627

AN ORDINANCE ADOPTING THE HOUSING NEEDS ANALYSIS AS PART OF THE CITY OF CANBY COMPREHENSIVE PLAN (TA 23-03/ CPA 24-01)

WHEREAS, the City Council accepted the Housing Needs Analysis (HNA) on July 17, 2024 which needs to be formally adopted into the Canby Comprehensive Plan;

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

WHEREAS, the planning commission recommended approval of the HNA on June 10, 2024; and

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

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

Section 1. The City of Canby City Council hereby adopts the HNA as a text amendment to the Canby Comprehensive Plan. A copy of the HNA is attached to this ordinance (City of Canby Housing Needs Analysis, Final Report, June 18, 2024) as Exhibit A and is incorporated by reference.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, July 17, 2024 ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, August 7, 2024 commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2nd Avenue, 1st Floor Canby, Oregon.

Maya Benham, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 7th day of August, by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

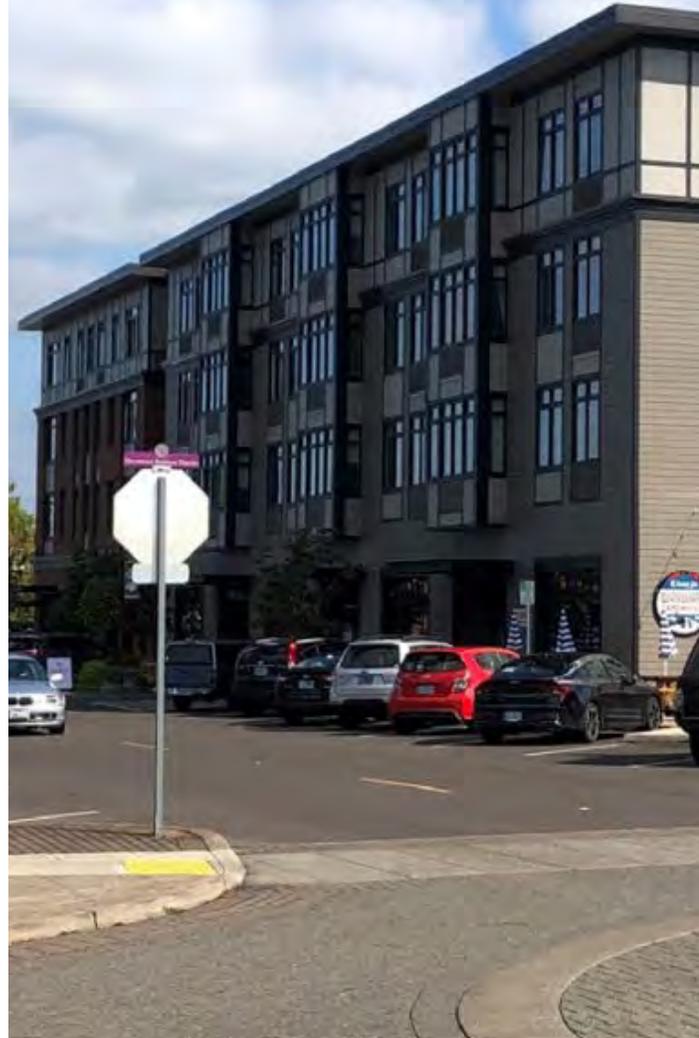
Maya Benham, CMC
City Recorder

Exhibit A

City of Canby Housing Needs Analysis

Final Report

June 18, 2024



Acknowledgements

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

Canby City Council

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

Canby Planning Commission

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

Consultant Team

3J Consulting
Steve Faust, AICP
Natalie Knowles
Julia Reismann

FCS GROUP

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

Housing Advisory Committee

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

Canby Staff

Don Hardy
Ryan Potter
Jamie Stickel
Brianna Addotta
Emma Porricolo

Department of Land Conservation and Development

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

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Introduction

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

Oregon Regulatory Requirements

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

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

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

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

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

Methodology

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

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

Process

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

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

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

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

Report Organization

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

I. Introduction.

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

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

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

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

Housing Need Projection

Methodology

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

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

Demographic and Socio-Economics

Population

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

Exhibit 1: Population Trends (2000-2022)

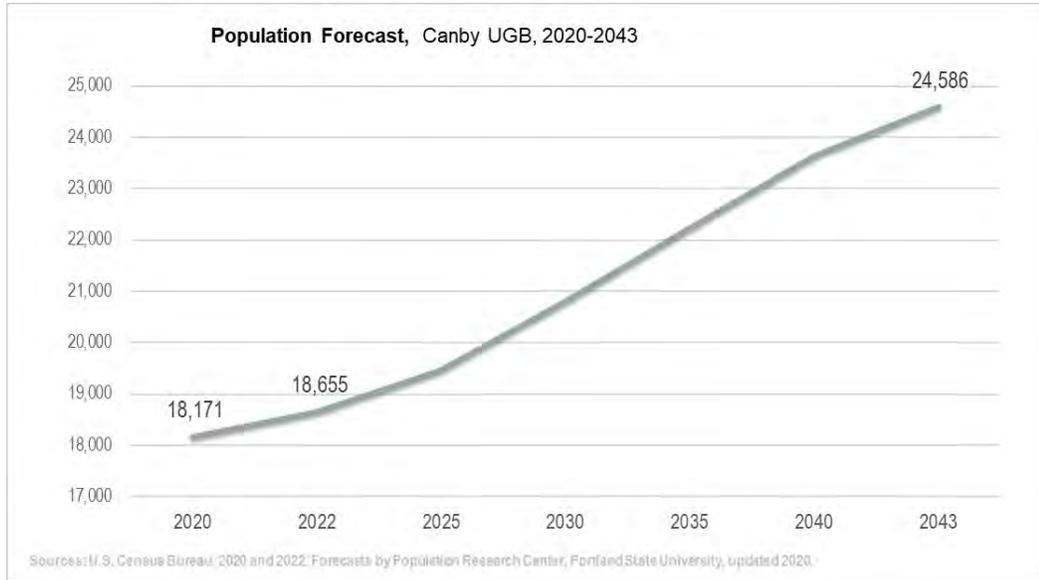
	2000	2010	2020	2022	Annual Growth Rate	
					2000-2010	2010-2022
Clackamas County	338,391	375,992	422,185	429,149	1.06%	1.11%
Canby UGB	13,323	17,097	18,171	18,655	2.53%	0.73%
City of Canby	12,790	15,829	17,210	18,979	2.15%	1.52%

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

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

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

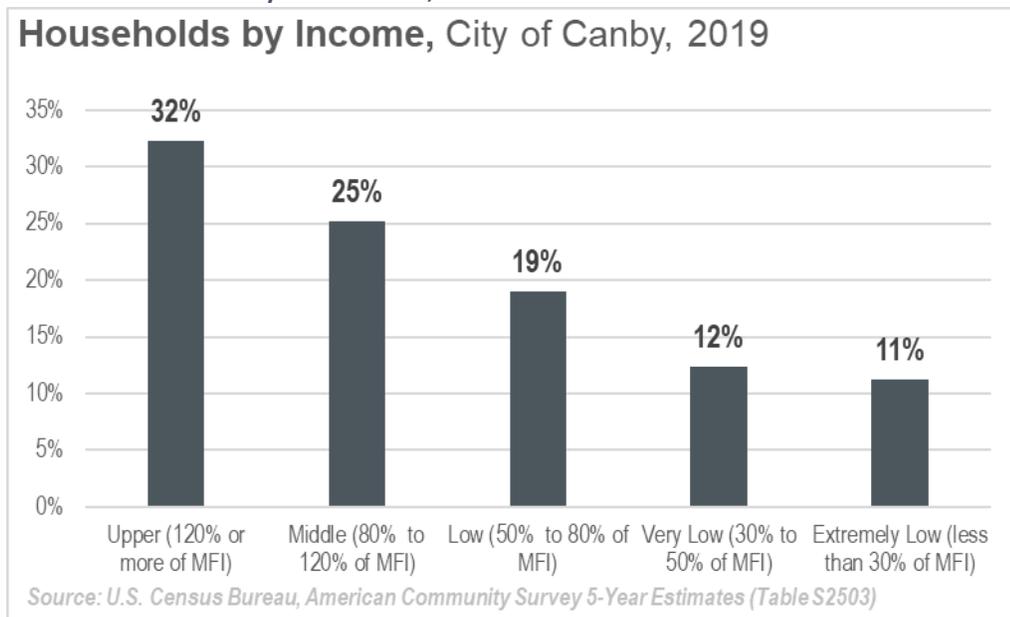
Exhibit 2: Canby UGB Population Forecast (2020-2043)



Socio-economic Characteristics

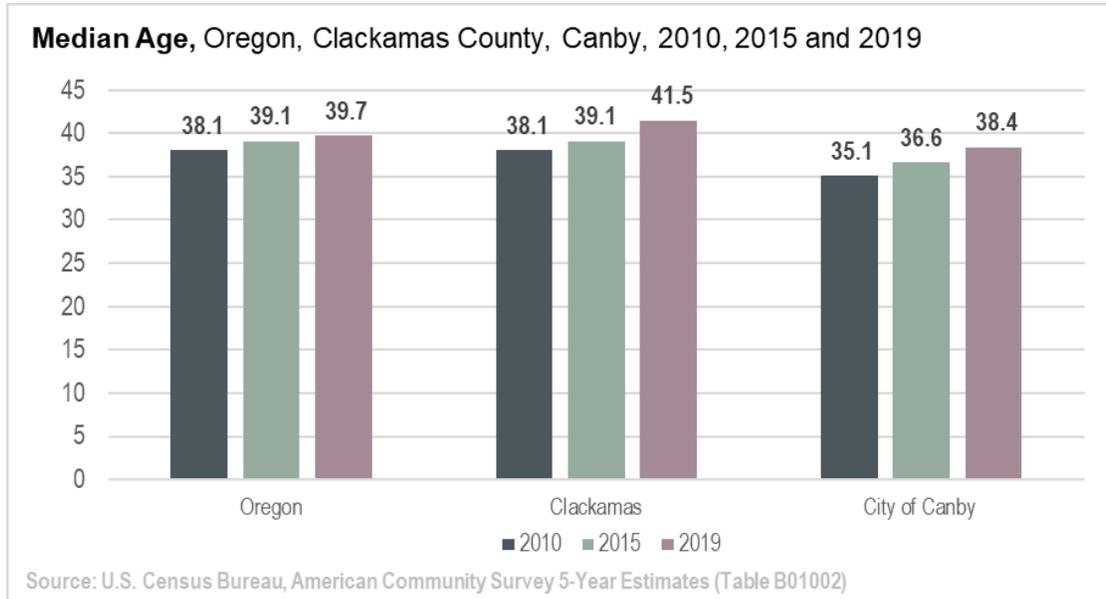
In 2019, the median family income (MFI) in Clackamas County was \$80,484. As shown below in Exhibit 3, nearly one third of the households in Canby earn over 120% of the MFI (\$96,581 or above).

Exhibit 3: Households by Income Level, 2015-2019



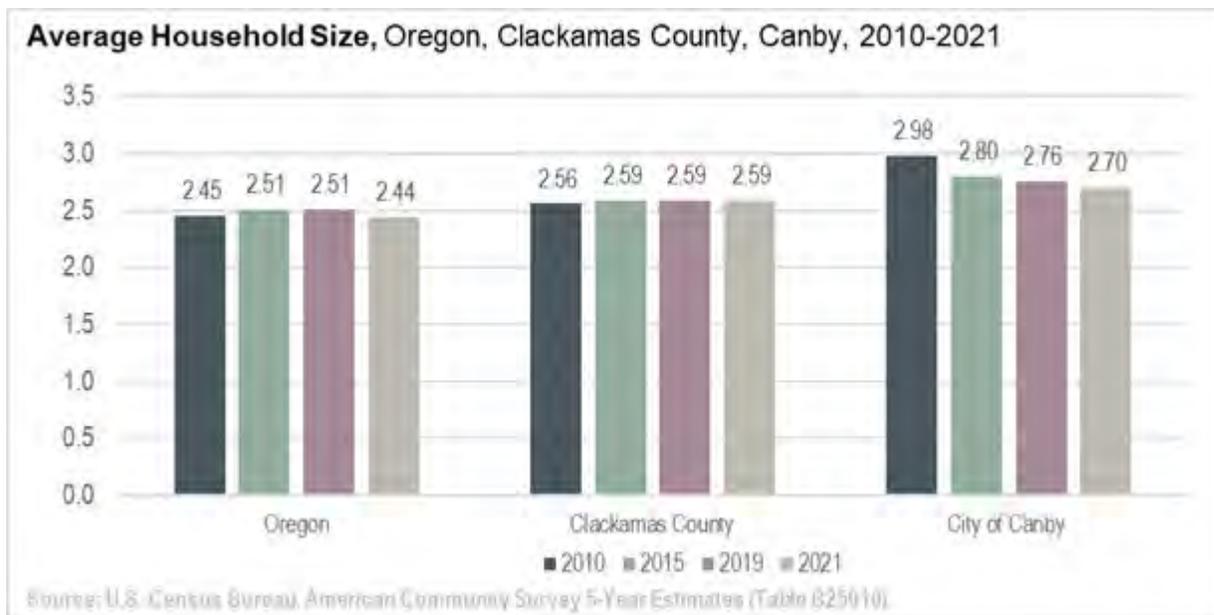
The median age in Canby (38.4) is below the Clackamas County average (41.5) and below the statewide average (39.7) as well (Exhibit 4).

Exhibit 4: Median Age, 2010-2019



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

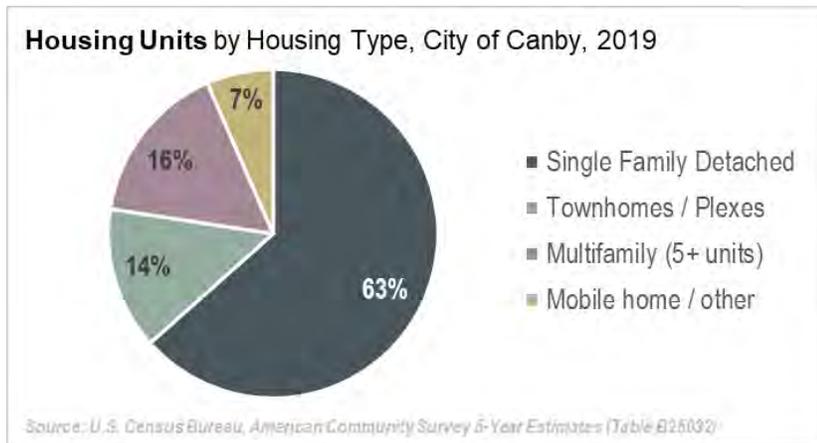
Exhibit 5: City of Canby Average Household Size 2010-2021



Housing Inventory and Tenancy

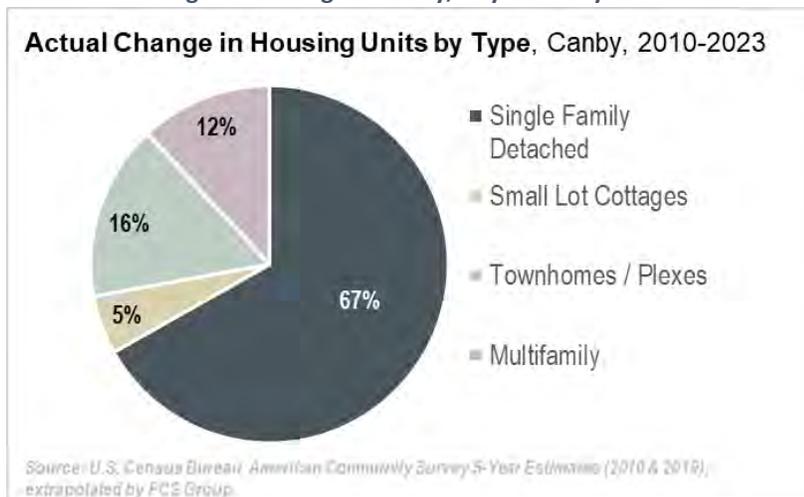
Canby's existing housing inventory and tenancy sheds light on housing conditions and market demand preferences. In 2019, there were 6,608 housing units in Canby of which 6,383 units were classified as occupied and only 225 units were vacant. Like most cities with under 50,000 residents, single-family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

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



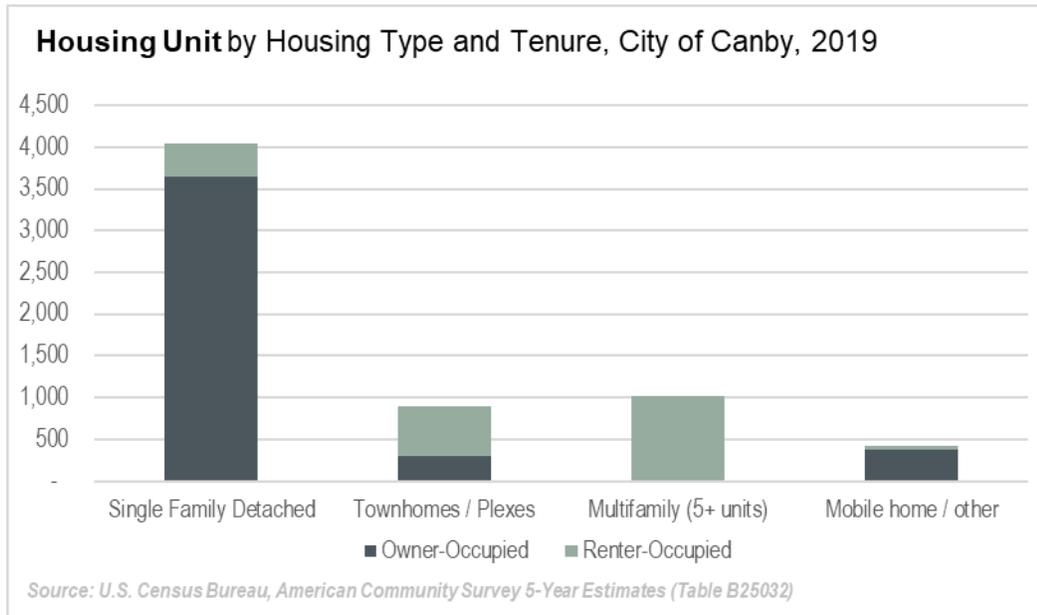
Between 2010 and 2023 the mix of new housing developed in Canby has trended a bit more towards single family detached homes. As indicated in Exhibit 6B, about two-thirds of new housing construction consisted in detached homes, and the remaining one-third was constructed as “middle housing” such as townhomes,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

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



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

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



Housing Market Characteristics

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

Exhibit 8: Canby Housing Affordability Analysis Assumptions

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

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

Exhibit 9: Canby Affordable Housing Analysis: Renters

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

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

** See assumptions provided in supporting table.

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

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

Exhibit 10: Canby Affordable Housing Analysis: Homeowners

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

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

** See assumptions provided in supporting table.

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

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

Exhibit 11: Zillow Home Value Price Index in Select Markets

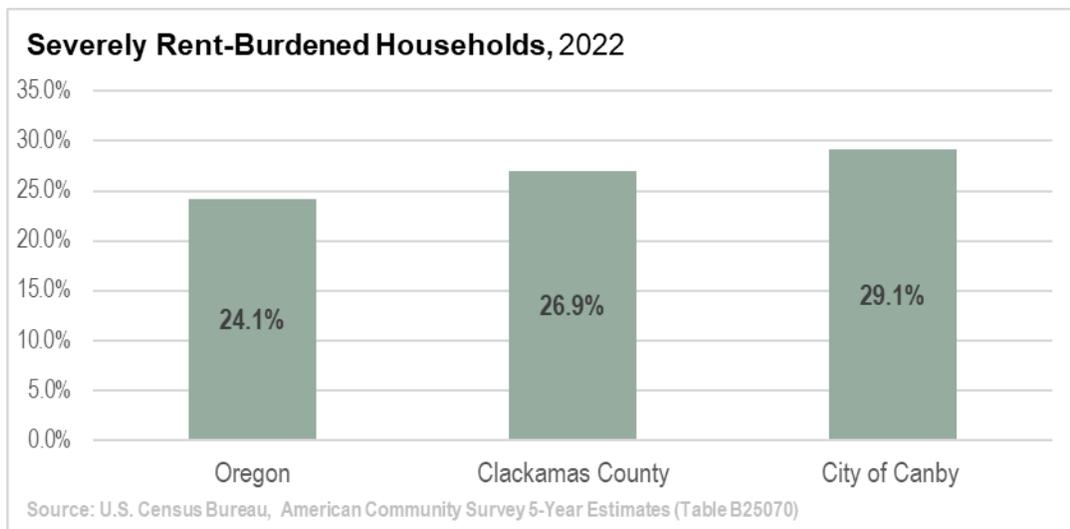
	2019	2020	2021	2022	2023	Annual Change %
Canby	\$432,000	\$463,000	\$560,000	\$581,915	\$561,936	8.2%
Aurora	\$362,000	\$393,000	\$479,000	\$717,490	\$656,116	19.6%
Wilsonville	\$470,000	\$503,000	\$606,000	\$635,102	\$634,357	9.4%
Oregon City	\$446,000	\$479,000	\$579,000	\$596,475	\$582,212	8.3%

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

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

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

Exhibit 12: Canby Severely Rent-Burdened Households



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

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

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

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

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

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

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

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

Exhibit 14

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

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

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

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

Exhibit 15 Canby Development Construction Pipeline

Canby Housing Construction Pipeline - Unit Count and Acres

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

Source: City of Canby, Nov. 2023.

Housing Needs

Summary of Future Housing Needs

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

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

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

Exhibit 16: Canby Housing Needs Forecast

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

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

Housing Demand by Dwelling Type and Tenancy

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

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

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

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

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

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

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

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

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

Analysis based on preceding tables.

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

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

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

Canby UGB Baseline Housing Needs Forecast by Household Income Level

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

Source: estimates based on prior tables and stated assumptions.

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

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

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

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

Note: numbers may not add exactly due to rounding.

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

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

Buildable Land Inventory

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

BLI Methodology

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

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

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

Residential Land Base

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

Residential Comprehensive Plan Land Use Classifications

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

Residential Zoning Categories

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

These classifications have been kept consistent throughout the analysis.

Land Classifications

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

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

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

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

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

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

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

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

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

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

Development Constraints

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

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

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

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

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

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

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

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

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

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

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

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

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

Source: 3J Consulting and FCS GROUP.

Redevelopment Opportunities

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

Buildable Land Inventory Results

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

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

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

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

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

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

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

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

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

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

Development in the Construction Pipeline

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

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

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

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

Remaining Unconstrained Buildable Residential Land

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

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

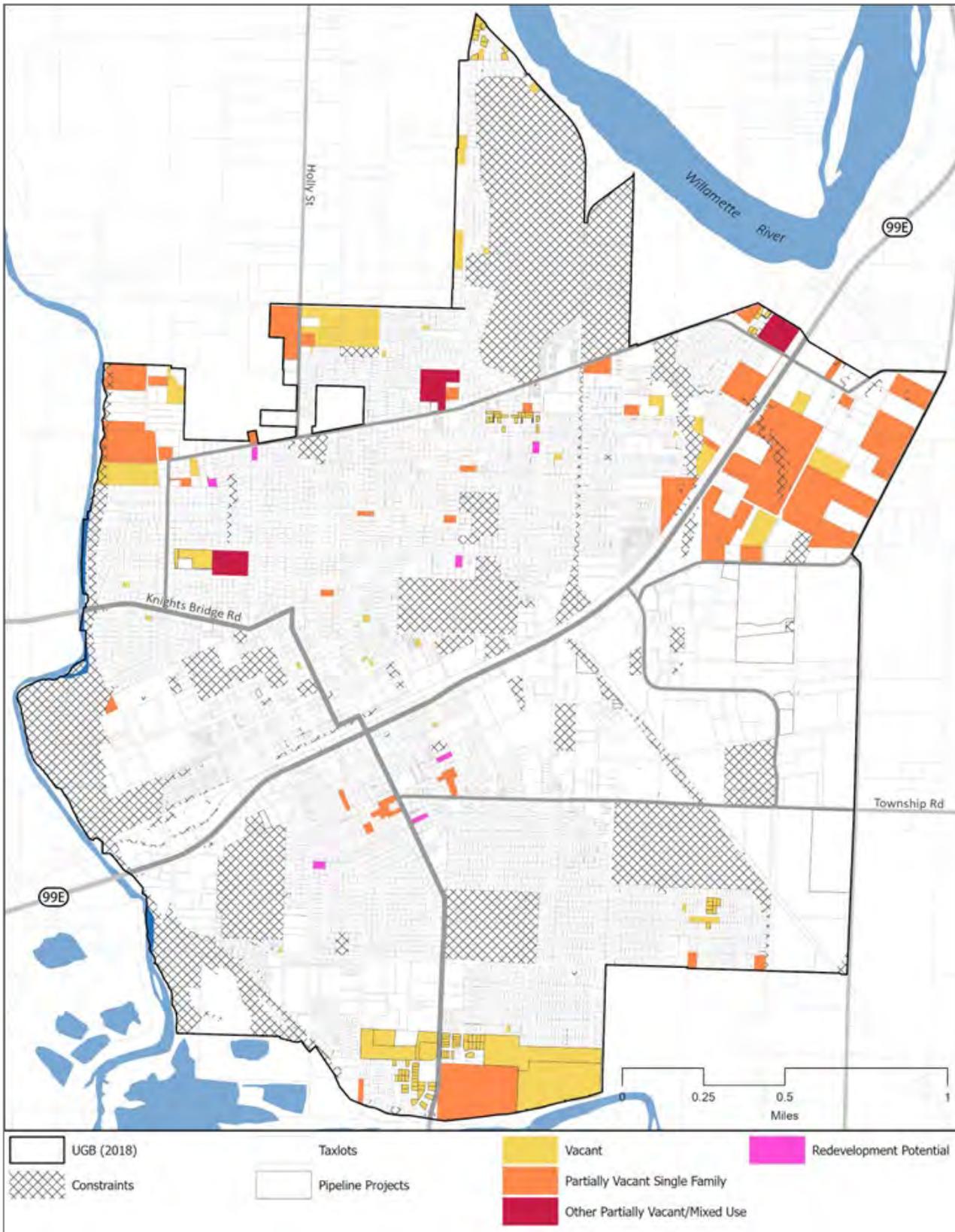
Residential BLI in Canby UGB (after Development in Pipeline Sites are Removed from BLI)

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

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

Exhibit 25 illustrates the residential buildable land inventory (BLI) within Canby’s Urban Growth Boundary (UGB) to determine the amount of land available to meet housing needs.

Exhibit 25. Canby Buildable Land Inventory – by Current Plan Designation



Residential Land Need Analysis

This section summarizes the housing-related land needs forecast for long-range planning purposes. The housing land needs forecast represents a 20-year forecast from 2022 through year 2043. These technical findings are consistent with State of Oregon requirements for determining housing needs per Oregon land use planning Goals 10 and 14, OAR Chapter 660, Division 8, and applicable provision of ORS 197.296 to 197.314 and 197.475 to 197.490.

Housing Need Forecast

As shown earlier in Exhibit 17, the forecasted housing mix for Canby includes 2,286 dwellings that will require vacant or part vacant or redevelopable land. This results in net new housing development on buildable land as follows:

- Single Family Detached: Includes 615 standard lot units and 735 small lot “cottage” homes
- Townhomes, Plexes and Manufactured housing: 412 dwelling units
- Multifamily: 524 dwelling units (includes apartments and condominiums with 5+ units per structure) plus 23 group quarters units).

As shown previously in Exhibit 17, the forecasted housing need of 2,286 dwelling units will be partially addressed by 412 units currently in the development pipeline. Once pipeline developments are completed, the remaining housing demand over the next 20 years is expected to consist of 1,874 dwellings.

Methodology for Forecasting Residential Land Need

The methodology for projecting housing land needs within the Canby UGB builds upon the residential housing needs forecast for 1,874 dwellings that are not within the current construction pipeline.

The analysis of UGB land requirements to accommodate the planned housing need included the following steps.

Step 1 takes into account the forecasted number of dwelling units by housing type, including single family detached, townhomes and plexes, multifamily, and manufactured homes as well as group quarters population (derived from Exhibit 17).

Step 2 considers the amount of new dwellings in the construction pipeline and subtracts them from the total housing demand identified in Step 1 (derived from Exhibit 17).

Step 3 considers the amount of net buildable land required to accommodate the future housing demand after subtracting the dwellings being constructed in the development pipeline; and applies the expected development density for each general housing type (see Exhibit 26). It should be noted that the City recently amended its development code to allow “middle housing” such as townhomes

and plexes to be constructed in any R-1 or R-1.5 land use zone. As such, the projected density levels are based on the historic level of approved residential developments in Canby plus a “safe harbor” planning assumption that increases prior density levels for each housing type by 3% through infill and redevelopment of existing developed tax lots.

Step 4 includes an allowance for future roadways and utility easements. The factors used to convert net to gross buildable acres for each housing type are based on City of Canby planning staff analysis of approved subdivision activity that occurred from 2017 to 2023. The factors used in this HNA represent the difference between gross land area and net land based generally upon recorded final plats for buildings and structures, less any land area conveyed to the City for public parks. The resulting average between gross and net land area for future housing equates to a factor of 1.231 (excluding land for public parks). This factor varies for each housing type and accounts for the expected amount of land needed for future roadways, public right of way, and utility easements. Please refer to Appendix A-2 for details.

Step 5 includes a comparison (reconciliation) between the land need determined in Step 4 and the remaining residential buildable land inventory after pipeline construction projects are subtracted, as presented in Section 3 of the HNA.

Exhibit 26 identifies the housing types and expected density levels that are consistent with the projected housing need. The results indicate a need for 238.8 net buildable acres and 293.9 gross buildable acres (includes future roadway and utility easements but excludes public parks).

Exhibit 26: Projected Housing Land Need and Density Levels, Canby UGB (excludes public parks)

Dwelling Unit Type	Proj. 20-Year Housing Need (after pipeline units are deducted)	Most Typical Plan Designation ¹	Most Applicable Local Zones ¹	Allowable Density (DU per Net Ac)	Historic Density (DU per Net Ac) ³	Expected Avg. Density (DU per Net Ac) ⁴	Site Requirements (net buildable acres)	Factor for New Street ROW & Utilities ⁵	Gross Buildable Land Need (acres)	Proj. Avg. Net Lot Size per DU
Single Family Detached (Standard Lot)	555	LDR	R-1	3 to 6.6	5.30	5.46	101.7	1.255	127.6	7,984
Single Family (Small Lot)	596	LDR	R-1	3 to 6.6	7.42	7.64	77.9	1.318	102.7	5,699
Townhomes / Plexes ¹	364	MDR	R-1.5	7 to 8.5+	8.60	8.86	41.0	1.105	45.3	4,915
Multi-family/Other ²	359	HDR/All	R-2, DC	14 to 28+	19.28	19.86	18.1	1.008	18.2	2,194
Total	1,874						238.8	1.231	293.9	

Source: derived from prior tables and analysis of approved subdivisions in Canby between 2017 and 2023.

¹ Manufactured housing is allowed in all residential zones.

² Category also includes group quarters housing demand @1.5 persons per dwelling unit.

³ Actual densities based on analysis of new residential building permits, per City of Canby analysis Aug. 2023. Excludes public parks.

⁴ Assumes 3% increase in historic density after adoption of Housing Production Strategy and HB 2001 housing measures.

⁵ Reflects site area required for future roads and utility easements; excludes public parks based on city permitting records.

The Canby HNA analysis also evaluated a land needs scenario (Scenario 4A) that reflected a “safe harbor” public facilities factor of 1.25 for all housing types. Those findings are reflected in Appendix A-4 and resulted in higher overall land needs to reflect additional land associated with public parks, which have been excluded from land needs findings shown in Exhibits 26-27. During the HNA process, the City determined that supplemental analysis is needed to ascertain specific amount of additional land needed for parks.

UGB Sufficiency Analysis

The Canby HNA assumes that all identified unconstrained vacant, part vacant and redevelopable land inside the Canby UGB that is planned for residential or mixed-use development is fully developed for that intended purpose over the next 20 years.

Based on the BLI findings there are 220.8 acres of buildable land supply that has been designated for residential or mixed-use development within the UGB after accounting (subtracting acres) for developments in the construction pipeline. The residential land needed to accommodate 1,874 net new dwellings equates to 293.9 acres (includes roadway right-of-way and utility easements but excludes public parks). As shown in Exhibit 27, the Canby UGB is currently deficient in all residential land use categories.

The amount of additional UGB land that's needed is expressed in gross buildable acres as follows:

- Lower Density = 22.6 acres for standard single-family lots and 33.9 acres for small lots and cottages;
- Medium Density = 8.1 acres needed for townhomes and plexes (2 to 4 units per structure); and
- Higher Density = 8.4 acres needed for apartments and other structures with 5 or more dwelling units per building.

Exhibit 27: Reconciliation of Residential Land Needs, Canby UGB

Dwelling Unit Type	Most Typical Plan Designation ¹	Buildable Land Requirement ³	Current Buildable Land Inventory ³	Buildable Land Deficit (excluding public parks)	UGB Land Sufficiency (excludes public parks)
Single-Family Standard Lot	LDR	127.62	173.74	(22.62)	<i>inadequate land supply</i>
Single-Family Small Lot & Cottages		102.67		(33.93)	<i>inadequate land supply</i>
Townhomes/Plexes (2-4 units)	MDR	45.34	37.25	(8.10)	<i>inadequate land supply</i>
Multi-family/Other ²	HDR /varies	18.24	9.82	(8.42)	<i>inadequate land supply</i>
Total (gross buildable acres)		293.87	220.80	(73.07)	<i>inadequate land supply</i>

Source: prior tables; and interpretation of current zoning code and housing development/market conditions.

¹ Manufactured housing is allowed in all residential land use classifications.

² Category also includes group quarters housing demand.

³ Derived from previous Exhibits.

These BLI findings indicate that the City will need to consider various policy strategies to address these deficiencies and ensure that it can accommodate planned 20-year housing needs for low, medium, and higher-density housing designations.

Findings and Recommendations

Key Findings

Canby's population growth over the next 20 years will result in new households that will require additional housing. Key findings of the housing needs analysis include:

- Over 29% of renter households in Canby are severely rent burdened with more than 50% of their income going towards monthly housing costs. This share is much higher than the Oregon statewide average of 24.1% based on 2022 American Community Survey five-year data.
- Canby's population is forecast to grow at 1.3% per year over the next two decades, adding approximately 5,931 new residents.
- Population growth will require the addition of 2,286 new dwelling units over the next 20 years.
- The forecasted housing mix that addresses 20-year demand is expected to consist of: 615 standard lot detached homes, 735 small lot "cottage" homes; 412 townhomes/plexes/manufactured homes; and 524 apartments or condominiums with 5+ units per structure.
- The forecasted housing need for 2,286 dwelling units will be partially addressed by 412 units that are currently in the development construction pipeline (construction permits have been issued). Once pipeline developments are completed, the remaining housing demand over the next 20 years is expected to consist of 1,874 dwellings.
- The residential land needed to accommodate 1,874 net new dwellings equates to 293.9 gross buildable unconstrained acres (includes land for housing, roadway right-of-way and utility easements but excludes public parks).
- The results of the residential land sufficiency analysis indicate that the current Canby UGB does not have enough buildable land inventory to address its 20-year housing needs. Based on current Comprehensive Land Use Plan designations for future residential and mixed use development, the overall UGB is deficient by 73.1 gross buildable acres.
- The amount of additional UGB land that's needed is expressed in gross buildable acres as follows:
 - Lower Density = 22.6 acres for standard single-family lots and 33.9 acres for small lots and cottages;
 - Medium Density = 8.1 acres needed for townhomes and plexes (2 to 4 units per structure); and
 - Higher Density = 8.4 acres needed for apartments and other structures with 5 or more dwelling units per building.

Housing Strategy Recommendations

Prior to pursuing a UGB expansion to accommodate future housing needs, the City of Canby must demonstrate that the need cannot reasonably be accommodated on land already inside the UGB. The City is required to evaluate opportunities to provide efficient development of residential land within the existing UGB, also known as “land efficiency measures.”

The City of Canby has implemented several land efficiency measures in recent years, including:

- Chapter 16.82 of the Zoning Code has a provision that allows deviations of development standards for "Special Housing Projects for the Elderly or Handicapped."
- Housing in a specifically defined Downtown Core area of the C-1 Zone doesn't have to provide any parking if the development is mixed use.
- The R-2 (High Density) Residential Zone has been amended to require a minimum density of 14 du/ac, preventing lower density development.
- Revised the development code to allow duplexes on lots zoned for single-family detached development.

The City is finalizing a Housing Production Strategy (HPS) concurrent with this Housing Needs Analysis. The purpose of a Housing Production Strategy is to identify specific tools, actions, and policies that the City plans to take to address the housing need identified in the HNA. The City has identified and analyzed 10 strategies in the draft HPS. The City will consider a subset of those strategies, those that can be adopted in the next 1-3 years, as potential land efficiency measures.

Develop criteria and a process for identifying land to up-zone (or rezone) to meet the deficit of land for multifamily housing development. The criteria may include considerations of location, transportation access, access to and capacity of infrastructure, site size, development constraints, and other relevant criteria. This policy is recommended because of a developable high-density residential shortfall identified in the Canby Housing Needs Analysis.

Allow cottages to be developed in clusters with shared central amenities (such as open spaces) to allow for the development of small single-family detached housing clustered on a lot in the R-1, R-1.5, and R-2 zones. This housing type can provide a range of needed housing. Examples of cottage cluster housing across the state of Oregon include subsidized housing for homeless veterans to market rate developments focused on serving seniors. This policy is recommended because of a need for smaller scale, more affordable housing units.

Identify opportunities to streamline the process and standards for designing and approving planned developments. This policy will help to address the need for single-family detached housing in Canby. This policy is recommended so the city can explore ways to reduce the time and monetary costs of producing needed housing in Canby.

Provide incentives to encourage developers to build planned developments with a variety of housing types, including incentives to support the development of income-restricted housing. Examples include use of system development charge (SDC) credits for private financing and the

use of tax increment financing (through new urban renewal district) for funding system roads and infrastructure. This policy will address the need for high-quality, range of housing types in Canby.

Create SDC fee schedule that is scaled based on dwelling unit size. Consider per square foot fees rather than fees per dwelling. This policy will reduce the up-front cost of developing smaller housing units while charging more to larger units, creating a more equitable regime of development fees.

APPENDIX A-1

Analysis of Subdivision Activity

Canby Historic Density Analysis														
Canby Analysis of Approved Subdivisions, as of Aug 31, 2023														
Year 2017 to 2023 (plus pipeline developments)														
5.23.2024 update														
Category	Year	Development Name	Dwelling Units	Total Gross Buildable Acres	Public Parks Acres	Road, Utilities & Open Space Acres	Net Acres	DU / Total Gross Buildable Ac	DU / Gross Ac (excl parks)	DU / Net Ac (excl. parks)	Avg. Lot Size (gross)	Avg. Lot Size (gross excl. parks)	Avg. Lot Size (net)	Housing Type
Approved/Constructed	2018	Beck Pond	69	13.78	0.86	2.54	10.38	5.0	5.3	6.65	8,699	8,157	6,553	Standard Detached
Approved/Constructed	2018	Cougar Run	23	5		1.17	3.83	4.6	4.6	6.01	9,470	9,470	7,254	Standard Detached
Approved/Constructed	2018	Ivy Ridge Estates***	90	24.68	3.39	7.00	14.29	3.6	4.2	6.30	11,945	10,303	6,916	Standard Detached
Approved/Constructed	2019	DuPont/Territorial Place Estates	9	1.96		0.32	1.64	4.6	4.6	5.49	9,486	9,486	7,938	Standard Detached
Approved/Constructed	2019	Hamilton Acres	41	9.14		2.45	6.69	4.5	4.5	6.13	9,711	9,711	7,108	Standard Detached
Approved/Constructed	2019	Tofte Farms 6	16	4.06		1.06	3	3.9	3.9	5.33	11,053	11,053	8,168	Standard Detached
Approved/Constructed	2020	Dodd's Farm	82	19.32		5.37	13.95	4.2	4.2	5.88	10,263	10,263	7,411	Standard Detached
Approved/Constructed	2020	Postlewait Estates	9	1.95		0.13	1.82	4.6	4.6	4.95	9,438	9,438	8,809	Standard Detached
Approved/Constructed	2021	Northwood Estates 4	15	4.45		1.05	3.4	3.4	3.4	4.41	12,923	12,923	9,874	Standard Detached
Approved/Constructed	2021	Hemmerling aka Territorial Gardens	15	3.17		0.67	2.5	4.7	4.7	6.00	9,206	9,206	7,260	Standard Detached
Approved/Constructed	2022	Mark's Place (R-1 portion only)***	150	52	3.09	20.78	28.13	2.9	3.1	5.33	15,101	14,203	8,169	Standard Detached
Approved/Constructed	2020	Redwood Landing 2	29	5.09		1.35	3.74	5.7	5.7	7.75	7,646	7,646	5,618	Small Lot/Cottage
Approved/Constructed	2021	Redwood Addition 2 (R-1.5 portion only)	12	2.46		1.00	1.46	4.9	4.9	8.22	8,930	8,930	5,300	Small Lot/Cottage
Approved/Constructed	2021	Beckwood Place	42	6.68		1.56	5.12	6.3	6.3	8.20	6,928	6,928	5,310	Small Lot/Cottage
Approved/Constructed	2022	Mark's Place (R-1.5 portion only)***	17	2.9		0.07	2.83	5.9	5.9	6.01	7,431	7,431	7,251	Small Lot/Cottage
Approved/Constructed	2017	Trail Crossing Apartments	58	2.58		0.06	2.52	22.5	22.5	23.02	1,938	1,938	1,893	Multi-family (apts)
Approved/Constructed	2018	Tievoli Apartments	8	0.56		0.00	0.56	14.3	14.3	14.29	3,049	3,049	3,049	Multi-family (apts)
Approved/Constructed	2018	Pine Place	6	0.42		0.00	0.42	14.3	14.3	14.29	3,049	3,049	3,049	Attached SF
Approved/Constructed	2019	Bergman Square	4	0.18		0.00	0.18	22.2	22.2	22.22	1,960	1,960	1,960	Attached SF
Approved/Constructed	2020	Schneider Square	4	0.15		0.00	0.15	26.7	26.7	26.67	1,634	1,634	1,634	Attached SF
Approved/Constructed	2021	Redwood Addition 2 (R-2 portion only)***	32	2.13		0.28	1.85	15.0	15.0	17.30	2,899	2,899	2,518	Attached SF
Approved/Constructed	2021	State Street Apartments	12	0.44		0.00	0.44	27.3	27.3	27.27	1,597	1,597	1,597	Multi-family (apts)
Approved/Constructed	2022	Monen/Wild Hare Rentals	8	0.52		0.00	0.52	15.4	15.4	15.38	2,831	2,831	2,831	Multi-family (apts)
Approved/Constructed	2023	Manzanita Apartments (R-2 portion only)	23	1.01		0.00	1.01	22.8	22.8	22.77	1,913	1,913	1,913	Multi-family (apts)
Minor Partition	2019	MLP 19-02	2	0.49		0.00	0.49	4.1	4.1	4.08	10,672	10,672	10,672	Standard Detached
Minor Partition	2019	MLP 19-01	2	0.15		0.00	0.15	13.3	13.3	13.33	3,267	3,267	3,267	Attached SF
Minor Partition	2018	MLP 18-02	2	0.39		0.00	0.39	5.1	5.1	5.13	8,494	8,494	8,494	Standard Detached
Minor Partition	2018	MLP 18-01 (A)	1	0.18		0.00	0.18	5.4	5.4	5.44	8,001	8,001	8,001	Standard Detached
Minor Partition	2018	MLP 18-01 (B)	8	0.56		0.00	0.56	14.4	14.4	14.38	3,029	3,029	3,029	Multi-family (apts)
Pipeline	2024-25	Subdivisions	199	61.2		12.25	49.00	3.2	3.2	4.06	13,407	13,407	10,725	Standard Detached
Pipeline	2024-25	Townhomes	48	7.8		1.56	6.23	6.2	6.2	7.70	7,071	7,071	5,657	Attached SF
Pipeline	2024-25	Hope Village	36	7.0		0.74	6.26	5.1	5.1	5.75	8,470	8,470	7,580	Attached SF
Pipeline	2024-25	Hope Village	124	4.5		0.22	4.28	27.6	27.6	28.95	1,581	1,581	1,505	Multi-family (apts)

Source: analysis of new residential construction permits issued between 2017 and 2023.
 *Area of residential lots only.
 **Gross land area includes open space, private and public roadways.
 *** Development site includes extraordinary environmental features and open space.
 Source: City of Canby, May 22, 2024.

APPENDIX A-2

Analysis of Roads, Public Parks, Utilities within Approved Subdivisions

Canby Historic Density Analysis
 Canby Analysis of Approved Subdivisions, as of Aug 31, 2023
 Year 2017 to 2023 (Includes construction pipeline developments)

Category	Year	Development Name	Zone	Dwelling Units	Total Gross Buildable Acres	Gross Buildable Acres (excluding parks)	Net Acres	Housing Type	Public Facilities Added If any	Public Parks Acres	Park Land % of Gross Acres	ROW/Utility % of Gross Acres	Total Public Facilities % of Gross
Approved/Constructed	2018	Beck Pond	R-1	69	13.78	12.92	10.38	Standard Detached	Emerald Necklace Dedication - 37,431 sf & ROW	0.86	6.2%	18.4%	24.7%
Approved/Constructed	2018	Cougar Run	R-1	23	5.00	5.00	3.83	Standard Detached	ROW		0%	23.4%	23.4%
Approved/Constructed	2018	Ivy Ridge Estates***	R-1	90	24.68	21.29	14.29	Standard Detached	Ped paths, public park & trail, city pump station, and ROW Tract A - ped path - 1,439 sf Tract B - Public Park - 16,017 sf Tract C - Emerald Necklace segment - 24,032 sf Tract E - Public Park - 35,190 sf Tract F - Emerald Necklace Trail - 72,540 sf	3.39	13.7%	28.4%	42.1%
Approved/Constructed	2019	DuPont/Territorial Place Estates	R-1	9	1.96	1.96	1.64	Standard Detached	ROW			16.3%	16.3%
Approved/Constructed	2019	Hamilton Acres	R-1	41	9.14	9.14	6.69	Standard Detached	streets & small ped path from cul de sac ped path is 1,966 sf tract			26.8%	26.8%
Approved/Constructed	2019	Tofte Farms 6	R-1	16	4.06	4.06	3	Standard Detached	ROW			26.1%	26.1%
Approved/Constructed	2020	Dodd's Farm	R-1	82	19.32	19.32	13.95	Standard Detached	Tracts for ped paths, ROW dedications, misc. tract Tract A (ped) - 1,476 sf Tract B - defunct Tract C (Ped) - 1,638 sf Tract D (ped) - 1,857 sf Tract E (misc.) - 2,999 sf			27.8%	27.8%
Approved/Constructed	2020	Postlewait Estates	R-1	9	1.95	1.95	1.82	Standard Detached	ROW			6.7%	6.7%
Approved/Constructed	2021	Northwood Estates	R-1	15	4.45	4.45	3.4	Standard Detached	ROW			23.6%	23.6%
Approved/Constructed	2021	Hemmerling aka Territorial Gardens	R-1	15	3.17	3.17	2.5	Standard Detached	ROW			21.1%	21.1%
Approved/Constructed	2022	Mark's Place (R-1 portion only)***	R-1	150	52.00	48.91	27.07	Standard Detached	Neighborhood park (46,081 sf) is privately owned & operated but will be accessible to the public. Emerald necklace trail dedication, misc. open space tracts and private roads, and public ROW dedications [Note, phase w/ trail section doesn't have recorded plat yet, anticipate ~ 3.09 acres tract]	3.09	5.94%	42.0%	47.9%
Approved/Constructed	2020	Redwood Landing 2	R-1.5	29	5.09	5.09	3.74	Small Lot/Cottage	ROW			26.5%	26.5%
Approved/Constructed	2021	Redwood Addition 2 (R-1.5 portion only)	R-1.5	12	2.46	2.46	1.46	Small Lot/Cottage	ROW Tract D - 1,196 sf			40.7%	40.7%
Approved/Constructed	2021	Beckwood Place	R-1.5	42	6.68	6.68	5.12	Small Lot/Cottage	ROW			23.4%	23.4%
Approved/Constructed	2022	Mark's Place (R-1.5 portion only)***	R-1.5	17	2.90	2.90	2.26	Small Lot/Cottage	see R-1 description			22.1%	22.1%
Approved/Constructed	2017	Trail Crossing Apartments	R-2	58	2.58	2.58	2.52	Multi-family (apts)	10-foot wide ROW dedication			2.3%	2.3%
Approved/Constructed	2018	Tievoli Apartments	R-2	8	0.56	0.56	0.56	Multi-family (apts)	none			0.0%	0.0%
Approved/Constructed	2018	Pine Place	R-2	6	0.42	0.42	0.42	Attached SF	frontage ROW dedicated			0.0%	0.0%
Approved/Constructed	2019	Bergman Square	R-2	4	0.18	0.18	0.18	Attached SF	none			0.0%	0.0%
Approved/Constructed	2020	Schneider Square	R-2	4	0.15	0.15	0.15	Attached SF	none			0.0%	0.0%
Approved/Constructed	2021	Redwood Addition 2 (R-2 portion)	R-2	32	2.13	2.13	1.78	Attached SF	ROW			16.4%	16.4%
Approved/Constructed	2021	State Street Apartments	R-2	12	0.44	0.44	0.44	Multi-family (apts)	none			0.0%	0.0%
Approved/Constructed	2022	Monen/Wild Hare Rentals	R-2	8	0.52	0.52	0.52	Multi-family (apts)	none			0.0%	0.0%
Approved/Constructed	2023	Apartments (R-2 portion only)	R-2	23	1.01	1.01	1.01	Multi-family (apts)	none			0.0%	0.0%
Minor Partition	2019	MLP 19-02	R-1	2	0.49	0.49	0.49	Standard Detached	none			0.0%	0.0%
Minor Partition	2019	MLP 19-01	R-2	2	0.15	0.15	0.15	Attached SF	716 sf tract at intersection dedicated			0.0%	0.0%
Minor Partition	2018	MLP 18-02	R-1	2	0.39	0.39	0.39	Standard Detached	none			0.0%	0.0%
Minor Partition	2018	MLP 18-01 (A)	R-2	1	0.18	0.18	0.18	Standard Detached	none			0.0%	0.0%
Minor Partition	2018	MLP 18-01 (B)	R-2	8	0.56	0.56	0.56	Multi-family (apts)	none			0.0%	0.0%
Pipeline	2024-25	Subdivisions	R-1	199	61.25	61.25	49.00	Standard Detached	ROW			20.0%	20.0%
Pipeline	2024-25	Townhomes	R-1.5	48	7.79	7.79	6.23	Attached SF	ROW			20.0%	20.0%
Pipeline	2024-25	Hope Village	R-2	165	15.09	15.09	12.07	Multi-family (apts)	18th ave frontage ROW dedicated			20.0%	20.0%

Source: analysis of new residential construction permits issued between 2017 and 2023, City of Canby Planning Dept. May 22, 2024.

*Area of residential lots only.

**Gross land area includes open space, private and public roadways.

*** Development site includes extraordinary environmental features and open space.

Appendix A-2 (continued)

Steps used to determine gross-to-net land ratio for public facilities (excluding parks)

1. **Step 1.** The factors that are used to convert net to gross buildable acres for each housing type are based on City of Canby planning staff analysis of approved subdivision activity listed in Appendix A-1 and A-2. The approved plans for each subdivision were evaluated to ascertain the gross land area and net land area. Except for the Mark's Place R-1 subdivision, the estimates of net and gross land area are based on final plats that have been officially recorded.
2. **Step 2.** City staff identified that amount to gross land area that was dedicated to public right of way (for streets and paths) and utilities, and public parks.
3. **Step 3.** Results were sorted by housing type (single family detached, small lot/cottages, townhomes/plexes (2-4 units per structure) and multifamily (5 or more units per structure). Density calculations were made to account for the difference between gross and net land area after deducting any land within the subdivision that was dedicated to public parks. This resulted in an overall average land area factor of 1.231 to account for the share of a new subdivision land that's needed for future roadways, public right of way and utility easements/open space (excludes land for public parks). This adjustment factor for public facilities varies for each housing type as noted in the table below.
4. **Step 4.** Applies these factors to the net density assumptions to determine the gross buildable land area that's required for each housing type.

Example: 50 dwelling unit (DU) small lot subdivision.

Net Land Area Requirement (excluding parks): 50 DUs / 7.42 DUs per net acre = **6.7 acres**

Total Gross Buildable Land Requirement (excluding parks) = 1.318 x 6.7 = **8.8 acres**

Resulting Land Requirement for street right-of-way and utilities: 8.8 – 6.7 = **2.1 acres** (excludes

Calculation of Gross Land Area Dedicated to Public Facilities (excluding parks)

Housing Type	Subdivisions in Survey	Dwellings per Gross Acre (excl. parks)	Dwellings per Net Acre (excl. parks)	Ratio of Gross to Net Acres (excluding parks)
Single Family Detached (Standard Lot)	15	4.22	5.30	1.255
Single Family (Small Lot)	4	5.63	7.42	1.318
Townhomes / Plexes / Apts. (Mix of Housing)	7	10.76	11.88	1.105
Multifamily / Apts.	7	19.13	19.28	1.008

Source: analysis of new residential construction permits issued between 2017 and 2023.

APPENDIX A-3

Analysis of Minor Partitions

City of Canby, Minor Partitions Resulting in New Housing Units: 2018-2023

	MLP 19-02	MLP 19-01	MLP 18-02	MLP 18-01	Total
Zone	R-1	R-2	R-1	R-2	
Parent Lot Size (acres)	0.49	0.12	0.39	0.74	1.74
Partition Area (acres)	0.47	0.10	0.39	0.74	1.71
Resulting Number of New Lots	2	2	2	2	8
Resulting Number of Developed Lots	2	2	2	2	8
Resulting Standard Lots	2		1	1	4
Resulting Small Lots		2	1		3
Resulting Apartments				8	8
Avg. Standard Lot Size (Net SF)	10,254		9,968		10,111
Avg. Small Lot Size (Net SF)			7,102	8,001	7,552
Avg. Apartment Lot Size (Net SF)		2,248			2,248

Source: City of Canby, Planning Department, Nov. 27, 2023.

APPENDIX A-4

Scenario 4A: Analysis of UGB Land Needs with Safe Harbor Factor for Public Facilities (including parks)

Dwelling Unit Type	Proj. 20-Year Housing Need (after pipeline units are deducted)	Most Typical Plan Designation ¹	Most Applicable Local Zones ¹	Allowable Density (DU per Net Ac)	Historic Density (DU per Net Ac) ³	Expected Avg. Density (DU per Net Ac) ⁴	Site Requirements (net buildable acres)	Factor for New Street ROW & Utilities ⁵	Gross Buildable Land Need (acres)
Single Family Detached (Standard Lot)	555	LDR	R-1	3 to 6.6	5.30	5.46	101.7	1.250	127.1
Single Family (Small Lot)	596	LDR	R-1	3 to 6.6	7.42	7.64	77.9	1.250	97.4
Townhomes / Plexes ¹	364	MDR	R-1.5	7 to 8.5+	8.60	8.86	41.0	1.250	51.3
Multi-family/Other ²	359	HDR/All	R-2, DC	14 to 28+	19.28	19.86	18.1	1.250	22.6
Total	1,874						238.8	1.250	298.5

Source: derived from prior tables and analysis of approved subdivisions in Canby between 2017 and 2023.

¹ Manufactured housing is allowed in all residential zones.

² Category also includes group quarters housing demand @1.5 persons per dwelling unit.

³ Analysis based on safe harbor public facilities factor of 1.25 for all housing types.

⁴ Assumes 3% increase in historic density after adoption of Housing Production Strategy and HB 2001 housing measures.

⁵ Reflects site area required for future roads and utility easements; excludes public parks based on city permitting records.

Scenario 4A: Resulting Overall UGB Land Needed for Housing

Projected 20-year Land Sufficiency for Housing, Canby UGB: Scenario 4A

Dwelling Unit Type	Most Typical Plan Designation ¹	Buildable Land Requirement ³	Current Buildable Land Inventory ³	Buildable Land Deficit (including public parks)	UGB Land Sufficiency (excludes public parks)
Single-Family Standard Lot	LDR	127.12	173.74	(20.32)	<i>inadequate land supply</i>
Single-Family Small Lot & Cottages		97.40		(30.48)	<i>inadequate land supply</i>
Townhomes/Plexes (2-4 units)	MDR	51.31	37.25	(14.06)	<i>inadequate land supply</i>
Multi-family/Other ²	HDR /varies	22.63	9.82	(12.81)	<i>inadequate land supply</i>
Total (gross buildable acres)		298.47	220.80	(77.67)	<i>inadequate land supply</i>

Source: prior tables; and interpretation of current zoning code and housing development/market conditions.

¹ Manufactured housing is allowed in all residential land use classifications.

² Category also includes group quarters housing demand.

³ Derived from previous Exhibits.

APPENDIX B-1

Supplemental Safe Harbor Housing and BLI Analysis Scenarios 1-3

Table 1: Housing Mix/Density Safe Harbors

A. Coordinated 20- Year Population Forecast	B. Housing Density Safe Harbor Numbers are in Dwelling Units (DU) per net buildable acre	C. Housing Mix Safe Harbor (Percentage of DU that Must be <i>Allowed</i> by zoning)		
		Low Density Residential	Medium Density Residential	High Density Residential
		Less than 2,500	<ul style="list-style-type: none"> Required Overall Minimum: 3 Assume for UGB Analysis: 4 Zone to Allow: 6 	70%
2,501 – 10,000	<ul style="list-style-type: none"> Required Overall Minimum: 4 Assume for UGB Analysis: 6 Zone to Allow: 8 	60%	20%	20%
10,001 – 25,000	<ul style="list-style-type: none"> Required Overall Minimum: 5 Assume for UGB Analysis: 7 Zone to Allow: 9 	55%	25%	20%
More than 25,000 but not subject to ORS 197.296	<ul style="list-style-type: none"> Required Overall Minimum: 6 Assume for UGB Analysis: 8 Zone to Allow: 10 	50%	25%	25%

- **Low Density Residential:** A residential zone that *allows* detached single family and manufactured homes and other needed housing types on individual lots in the density range of 2-6 units per net buildable acre (DU/NBA). The specified mix percentage is a maximum; a local government may allow a lower percentage.
- **Medium Density Residential:** A residential zone that *allows* attached single family housing, manufactured dwelling parks and other needed housing types in the density range of 6-12 units per net buildable acre. The specified mix percentage is a minimum; a local government may allow a higher percentage.
- **High Density Residential:** A residential zone that *allows* multiple family housing and other needed housing types in the density range of 12-40 units per net buildable acre. The specified mix percentage is a minimum; a local government may allow a higher percentage.
- **More than 25,000 but not subject to ORS 197.296:** The current population estimate for the city is less than 25,000 but the 20-year population forecast for the UGB is 25,000 or more. This safe harbor is not available for a jurisdiction subject to ORS 197.296 at the time of a UGB amendment.

APPENDIX B-2

Method 1

Safe Harbor Combined Housing Mix and Density Method 1, Determination of Residential Land Need, Canby UGB

	Factor	Finding	Units	Source Notes
1	20-Yr Population Growth Forecast:	24,586	population	Table A
2	Is Growth Forecast 10,001 to 25,000?	Yes		
3	20-Yr Population Change	5,931		Table A
4	Group quarters ¹	0.59%	35 dwelling units	Table B
5	Population in Households	5,895	population	calculation
6	Average Household Size	2.70		Table B
7	Number of Households	2,185	households	calculation
8	Vacancy Factor	3.40%	74 dwelling units	Table C
9	Dwelling Units Added	2,295	dwelling units	
10	Dwelling Mix Safe Harbor	Percent	Dwellings	
	Low Density Residential ²	55%	1,262 dwelling units	see OAR 660-024-0040(f)
	Medium Density Residential ³	25%	574 dwelling units	see OAR 660-024-0040(f)
	High Density Residential	20%	459 dwelling units	see OAR 660-024-0040(f)
	Total	100%	2,295 dwelling units	calculation
11	Dwelling Unit Density Requirements	DU/Net Acre ³	UGB Land Need Net Acres	
	Required overall minimum	5		see OAR 660-024-0040(f)
	Assume for UGB analysis	7	328 net acres	see OAR 660-024-0040(f)
	Zone to Allow	9		see OAR 660-024-0040(f)

¹ reflects people residing in shared living areas (congregate care), adjusted to exclude institutionalized population.

² Includes mobile homes and manufactured dwellings.

³ This applies to all residential zones within City.

APPENDIX B-3

Method 2: After Pipeline Development Reduction in Housing Need
Safe Harbor Incremental Mix Method 2, Determination of Residential Land Need, Canby UGB

					Source Notes
1 Existing Percentage of Density of Developed Land	Existing Dwellings	Existing Mix	Developed Acres	Current DUs Per Acre	
Low Density Residential ¹	4,136	62.6%			Table C
Medium Density Residential	1,408	21.3%			Table C
High Density Residential	1,064	16.1%			Table C
Total	6,608	100.0%	1,497	4.4	Table D1
2 Increase Overall Density as follows:	Increase Mix			New Overall Density	
	by:				
Average Increase	25%			5.5	see OAR 660-024-0040(h)
3 Planned Percentage of Housing Mix	Percent	Dwellings (After Pipeline Deduction)			
Low Density Residential ¹	55%	555 dwellings			see OAR 660-024-0040(f)
Medium Density Residential	25%	959 dwellings			see OAR 660-024-0040(f)
High Density Residential	20%	359 dwellings			see OAR 660-024-0040(f)
Total	100%	1,874 dwellings			calculation calculation
4 Zone to allow new housing mix			UGB		
	New Dwellings	Zone to Allow 2	Assumption for Analysis	Max UGB Land Need (Net Acres)	
Low Density Residential ¹	555	6.0			Table A
Medium Density Residential	959	16.0			Table A
High Density Residential	359	30.0			Table A
Total/Average	1,874	9 +	7 +	268	see OAR 660-024-0040(h)

¹ Includes mobile homes and manufactured dwellings.

² This applies to all residential zones within City.

APPENDIX B-4

Method 3: After Pipeline Development Reduction in Housing Need
Safe Harbor Incremental Mix Method 3, Determination of Residential Land Need, Canby UGB

					Source Notes
1 Existing Percentage of Density of Developed Land	Existing Dwellings	Existing Mix	Developed Acres	Current DUs Per Acre	
Low Density Residential ¹	4,136	63%			Table C
Medium Density Residential	1,408	21%			Table C
High Density Residential	1,064	16%			Table C
Total	6,607	100%	1,497	4.4	Table D1
2 Increase Percentage of Density as follows:	Increase Mix	New Mix			
	by:				
Low Density Residential ¹		48%			see OAR 660-024-0040(i)
Medium Density Residential	10%	31%			see OAR 660-024-0040(i)
High Density Residential	5%	21%			see OAR 660-024-0040(i)
Total		100%			calculation
3 Zone to allow new housing mix	Net New Dwellings Expected	Zone to Allow 2	UGB Assumption for Analysis	Max UGB Land Need (Net Acres)	
Low Density Residential ¹	555	6.0	5.0	111.0	see OAR 660-024-0040(i)
Medium Density Residential	959	16.0	9.0	106.6	see OAR 660-024-0040(i)
High Density Residential	359	30.0	19.0	18.9	see OAR 660-024-0040(i)
Total/Average	1,874	9.0 +	7.0 +	236	see OAR 660-024-0040(i)

¹ Includes mobile homes and manufactured dwellings.

² This applies to all residential zones within City.

APPENDIX C

Canby BLI Analysis: Remaining Gross Buildable Acres After Removing Pipeline Development

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

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

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

Excludes tax lots contained in the construction pipeline.

Residential BLI in Canby UGB (includes just Pipeline developments)

BLI in Development Pipeline (sites under construction as of Nov. 2023)	<2 acre lots	2 to 5 acre lots	5 to 10 acre lots	>=10 acre lots	Total
HDR - High Density Residential	1.9	2.1	5.9	-	9.8
MDR - Medium Density Residential	5.9	-	-	-	5.9
LDR - Low Density Residential	9.9	3.0	-	34.7	47.6
RC - Residential Commercial	1.9	-	-	-	1.9
DC - Downtown Commercial	-	-	-	-	-
Total Acres	19.6	5.1	5.9	34.7	65.2
% Distribution	7%	2%	2%	12%	23%

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

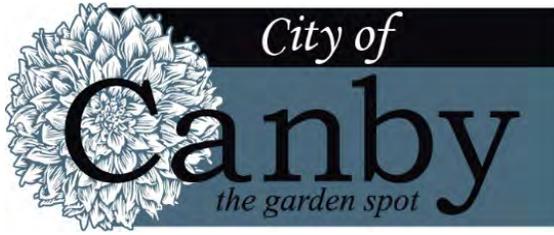
Residential BLI in Canby UGB (after Pipeline Sites are Removed from BLI)

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

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

Source: 3J Consulting and FCS GROUP, May 2024.

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City of Canby

Planning & Development Services

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

Phone: 503.266.7001

www.canbyoregon.gov

July 17, 2024 City Council Staff Report

Canby Housing Needs Analysis and Comprehensive Plan Adoption Staff Report (TA 23-03/CPA 24-01)

Request:

The City proposes updates to the Comprehensive Plan, incorporating the June 18, 2024, City of Canby Housing Needs Analysis (HNA). The Department of Land Conservation and Development requires that the HNA be adopted as part of the Canby Comprehensive Plan. Below are the findings to incorporate the HNA into the current Canby Comprehensive Plan.

SUMMARY CONCLUSIONS

This report includes findings regarding each applicable current Canby 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 comprehensive plan incorporating the HNA. The City seeks adoption of the new HNA addressing the 20-year housing needs of Canby as allowed by Oregon Planning Goal 10 and is consistent with the official June 30, 2020 population forecast and the sequential urban growth boundary adoption by the Department of Land Conservation and Development. The HNA identifies the 20-year land use needs with a forecast of approximately 73.1 acres of residential urban growth boundary expansion need and the housing mix to accommodate roughly 6,000 new residents over the next 20 years.

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 the Housing Needs Analysis and corresponding Comprehensive Plan text revision is a necessary factual basis for the City to craft Housing 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 housing.*

The proposed text amendments represent a logical implementation of the Comprehensive Plan. The adoption of Housing Needs Analysis provides the City with a factual basis on which to rely when creating housing goals and policies consistent with state requirements. Goals and policies will be further developed as part of the on-going Comprehensive Plan update process. The current Comprehensive Plan Housing Element Goal, “To provide for the housing needs of the citizens of Canby” is consistent with those needs identified in the Housing Needs Analysis. The Housing Needs Analysis is also consistent with the Canby Comprehensive Plan and Transportation System Plan policies and meets community needs and has been vetted through an in-depth public process that included a buildable lands assessment 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 HNA 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 is 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. Additionally, the HNA has been vetted through an in-depth public process that included an advisory committee, buildable lands assessment, several open houses and planning commission and city council work sessions and was vetted with the Oregon State Department of Land Conservation and Development.

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 HNA and Comprehensive Plan Text Amendment. Alternatives in the buildable lands methodology were considered and publicly vetted and have been considered throughout the drafting of the HNA. 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 HNA will be consistent with the adopted Economic Opportunities Analysis that provides the City a factual basis on which to make economic policy decisions.

Goal 10 Housing

The HNA is consistent with state requirements for identifying 20-year forecasted residential needs and housing mix and has been vetted with Department of Land Conservation and Development staff. 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 HNA does not, in and of itself, propose any changes to an existing or planned transportation facility. However, the amount of housing land needed projected in the HNA has the potential to affect transportation facilities throughout the city. The residential land need identified in the HNA 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 residential lands identified in the HNA 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 HNA 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 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.

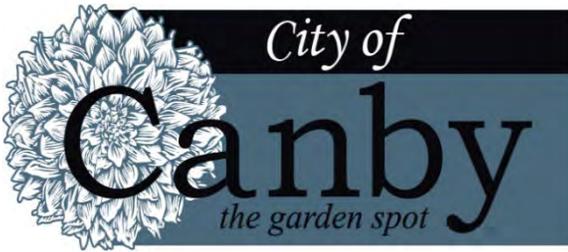
Conditions

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

Based on the above information, including community outreach, Planning Commission and City Council input and the future needs of Canby over the next 20-years, staff recommends that the City Council approve of the Housing Needs Analysis.



CITY COUNCIL EXECUTIVE STAFF REPORT SUMMARY

TO: Mayor Hodson and Council Members
FROM: Don Hardy, Planning Director
THROUGH: Canby Planning Department
DATE: July 17, 2024

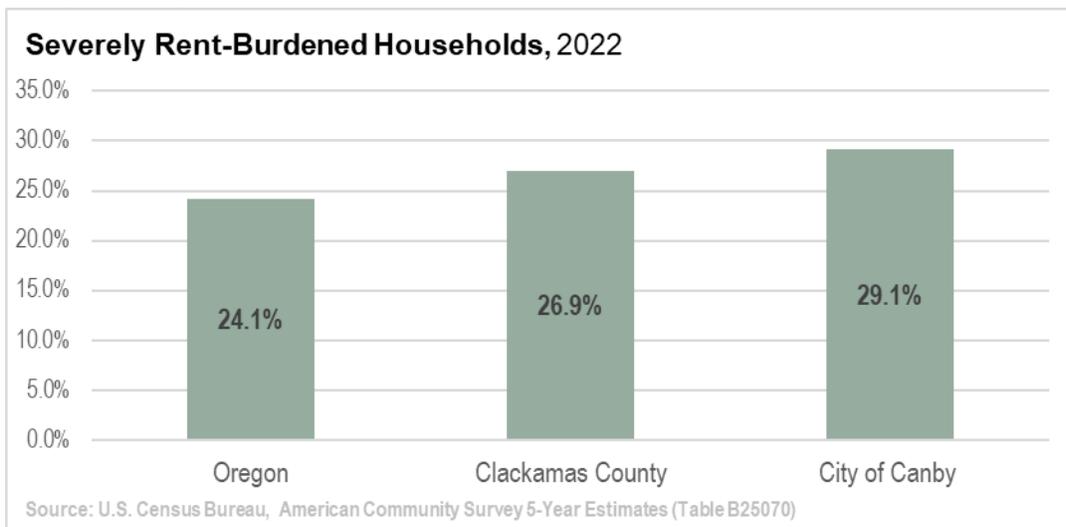
HOUSING NEEDS ANALYSIS SUMMARY

The draft Housing Needs Analysis (HNA) identifies a significant challenge with providing affordable housing for both fee-owned housing and rental housing currently and over the next 20-years. This staff report addresses housing need affordability. A separate staff report (2024 Canby Housing Needs Analysis and Comprehensive Plan Adoption) has also been developed addressing compliance with the Canby Comprehensive Plan text amendment process and consistency of the proposed HNA with statewide planning goals. The HNA identifies the overall housing acreage needs over the next 20 years.

To understand the housing affordability and housing acreage needs a series of tables are provided below:

The draft HNA identifies those Canby residents who are severely rent burdened:

Canby Severely Rent-Burdened Households



Canby’s rent burdened households are disbursed throughout the entire City, as shown in the following map reflecting the latest estimates for 2022.

The draft HNA identified median home prices in Canby:

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

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

The draft HNA identifies housing affordability by income in Canby:

Income by Profession Examples:

- **Lawyer**
\$128,000 Max rent: \$3,200
Max mortgage: \$500,000+
- **Engineer**
\$85,000 Max rent: \$2,000
Max mortgage: \$332,000+
- **Teacher (middle school)**
\$67,000 Max rent: \$1,600
Max mortgage: \$262,000+
- **Medical Assistant**
\$41,700 Max rent: \$1,000)
Max mortgage: \$164,000
- **Retail Salesperson**
\$33,350 Max rent: \$800)

Median family income in Clackamas County increased to **\$88,517** in 2021 up from \$80,484 in 2019.

The draft HNA identifies housing demand by residential type in Canby:

Canby Baseline Housing Needs by Tenure & Housing Type

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

Analysis based on preceding tables.

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

Projected 20-year Housing Need After Pipeline BLI Reduction, Canby

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

Note: numbers may not add exactly due to rounding.

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

** Category also includes group quarters housing demand .

The draft HNA identifies the residential land needs by acreage:

Dwelling Unit Type	Most Typical Plan Designation ¹	Buildable Land Requirement ³	Current Buildable Land Inventory ³	Buildable Land Deficit (excluding public parks)	UGB Land Sufficiency (excludes public parks)
Single-Family Standard Lot	LDR	127.6	173.7	(22.6)	<i>inadequate land supply</i>
Single-Family Small Lot & Cottages		102.7		(33.9)	<i>inadequate land supply</i>
Townhomes/Plexes (2-4 units)	MDR	45.3	37.2	(8.1)	<i>inadequate land supply</i>
Multi-family/Other ²	HDR /varies	18.2	9.8	(8.4)	<i>inadequate land supply</i>
Total (gross buildable acres)		293.9	220.8	(73.1)	<i>inadequate land supply</i>

Source: prior tables; and interpretation of current zoning code and housing development/market conditions.

¹ Manufactured housing is allowed in all residential land use classifications.

² Category also includes group quarters housing demand.

³ Derived from previous Exhibits.

Approximately 73.1 acres of residential urban growth boundary expansion over the next 20-years is required based on the above table.

COMMUNITY OUTREACH

A significant effort has been made to involve the Canby community in the housing needs analysis development which included:

Housing advisory group meetings:

- March 29, 2022
- June 28, 2022
- September 27, 2022
- February 22, 2023

Other community, Planning Commission and City Council discussions and newspaper articles about the housing production strategy include:

- July 14, 2022, Open House: Housing Needs Analysis and Economic Opportunities Analysis
- July 18, 2022, Community Survey: Housing Needs Analysis and Economic Opportunities Analysis
- October 19, 2022, Joint City Council and Planning Commission Work Session: Housing Need and Economic Opportunity Assessment
- November 2, 2022, City Council Work Session: Housing Need and Economic Opportunity Assessment
- November 28, 2022, Planning Commission Work Session: Housing Needs Analysis, Housing Production Strategy, and Economic Opportunity Analysis Update
- January 18, 2023, City Council Work Session Housing Needs Analysis Update
- January 23, 2023, Planning Commission Work Session Housing Needs Analysis Update
- January 24, 2023, Open House: Economic Opportunity Analysis and Housing Production Strategy
- January 31, 2023, Community Survey: Housing Production Strategy and Economic Opportunities Analysis
- March 1, 2023, Joint City Council and Planning Commission Work Session: Housing and Economic Studies
- February 12, 2024, Planning Commission Work Session: Canby Housing Needs Assessment Update and Review of Current Residential Standards Planning
- March 25, 2024, Planning Commission Work Session: Canby Housing Needs Assessment and Housing Production Strategy Update
- April 17, 2024, City Council Work Session: Housing Needs Analysis
- April 22, 2024, Planning Commission Work Session: Canby Housing Needs Analysis

Canby Herald Newspaper Articles:

- December 6, 2022, Canby Explores Housing Needs As Population Grows
- January 27, 2023, Canby Public Asked To Weigh In On Housing (included community survey link)

RECOMMENDATION

The HNA was submitted to the DLCDC 35 days in advance of the first evidentiary hearing as required by state law.

Based on the above information, including community outreach, Planning Commission and City Council input and the future needs of Canby over the next 20 years, staff recommends that the City Council approve of the Housing Needs Analysis.

Recommended motion *“I move that the City Council approve the Housing Needs Analysis.”*

ATTACHMENTS

- *City of Canby, Housing Needs Analysis, June 18, 2024*

Confirmation of PAPA Online submittal to DLCD

DLCD Plan Amendments

To: Laney Fouse Lawrence

Sent: 5/2/2024 5:31 AM

Canby

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

Local File #: TA 23-03

DLCD File #: [005-23](#)

Original Proposal Received: 11/16/2023

Date of Revision: 5/2/2024

First Evidentiary Hearing: 6/10/2024

Final Hearing Date: 7/17/2024

Submitted by: fousel

If you have any questions about this notice, please reply or send an email to plan.amendments@dlcd.oregon.gov.



City of Canby

Planning & Development Services

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

Phone: 503.266.7001

www.canbyoregon.gov

**PUBLIC HEARING NOTICE
TA 23-03 HOUSING NEEDS ANALYSIS
ADOPTED AS PART OF CANBY COMPREHENSIVE PLAN**

This Public Hearing Notice is to inform you of the opportunity to comment on the Housing Needs Analysis to be adopted as part of the Canby Comprehensive Plan at the Planning Commission Public Hearing scheduled for Monday, June 10, 2024, at 6 pm, in the City Council Chambers, 222 NE 2nd Ave, Canby, OR 97013. The Commission will make a recommendation to City Council regarding this item. The City Council will hold a Public Hearing on Wednesday, July 17, 2024, at 7 pm in the Council Chambers to deliberate the recommendation of the Planning Commission.

PUBLIC COMMENTS:

Public Comments are encouraged and can also be submitted in writing. The public also has the opportunity to testify in person or via Zoom to participate during the Public Hearings. See Zoom Meeting Instructions below.

WHERE TO SEND WRITTEN TESTIMONY:

Email Is The Best Way To Submit Written Comments – please email your comments to: PublicComments@canbyoregon.gov. Comments for the Planning Commission hearing are accepted prior to as well as during the public hearing, Comments may also be mailed to City of Canby, Attn: Planning, PO Box 930, Canby, OR 97013 or dropped off at the Planning Department, 222 NE 2nd Ave, upstairs.

ZOOM MEETING INSTRUCTIONS:

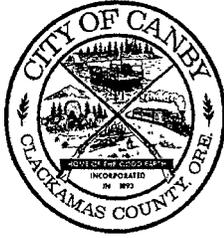
To participate in meetings via Zoom, you will need to request the Zoom invite by calling 503-266-7001 or emailing PublicComments@canbyoregon.gov. If this is your first-time using Zoom, please plan on requesting the invite at least a few days before the meeting so you can practice getting on the Zoom site either by cell phone, tablet or computer. To use Zoom, you will need to sign up for their free service.

OTHER WAYS TO WATCH THE HEARING:

The public can watch the live broadcast of all Public Hearings on the City's *YouTube* Channel, by clicking on the link at the top of the meeting agenda which can be found on the City Council or Planning Commission webpage.

Please call our office at 503-266-7001 if you need help locating this information. The City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV5, if you have access. For questions regarding programming, please contact: Willamette Falls Studio (503) 650-0275 or via email at media@wfmstudios.org.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001.



BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY

AN APPLICATION TO UPDATE THE CANBY) FINDINGS, CONCLUSION & FINAL ORDER
COMPREHENSIVE PLAN AND DEVELOPMENT) TA 23-03
CODE) HOUSING NEEDS ANALYSIS

The City of Canby is proposing updates to the Comprehensive Plan and Development Code to address the housing needs identified in the Housing Needs Analysis.

CRITERIA AND STANDARDS

In judging whether or not this legislative land use amendment of the Canby Comprehensive Plan, the Planning Commission must consider the following criteria from Chapter 16.88 of *the Land Development and Planning Ordinance*:

1. 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.

FINDINGS AND REASONS

The Planning Commission held a public hearing June 10, 2024, and advanced a recommendation of approval to the City Council for Text Amendment TA 23-03 for the Housing Needs Analysis by a vote of 5 to 1. In their recommendation of approval, the Planning Commission endorsed the findings in the June 10, 2024 staff reports and the May 31, 2024, City of Canby Housing Needs Analysis. The 35-day Department of Land Conservation and Development (DLCD 005-23) notice occurred in advance of the June 10, 2024 hearing as required for adoption of the Housing Needs Analysis. The Planning Commission recommended approval and noted that yearly monitoring of available housing inventory be completed to determine when the city should complete another Housing Needs Analysis.

CONCLUSION

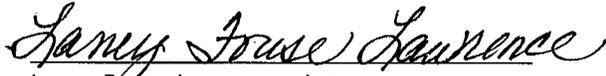
The Planning Commission concludes that the proposed amendment complies with the *Comprehensive Plan* of the City, and the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development.

I CERTIFY THAT THIS ORDER approving TA 23-03 City of Canby Housing Needs Analysis, was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 24th day of June 2024.


 Matt Ellison
 Planning Commission Chair


 Don Hardy
 Planning Director

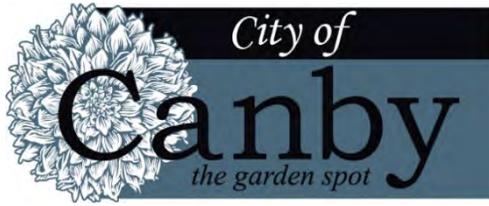

 Laney Fouse Lawrence, Attest
 Recording Secretary

ORAL DECISION: June 10, 2024

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

WRITTEN DECISION: June 24, 2024

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



CITY COUNCIL Staff Report

Meeting Date: 7/17/2024

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Kevin Aguilar, HR Director
Agenda Item: Consider Ordinance 1625: An Ordinance Authorizing the City Administrator to Expend Payment to CityCounty Insurance Services (Cis) in an amount not to exceed \$500,000 for Liability Insurance Coverage for Fiscal Year 2024-2025. (Second Reading)
Goal: Promote Financial Stability

Summary

CIS provides the City with liability insurance coverage every fiscal year. This protects the City by covering our properties, liabilities, and activities there is an accident or claim.

Attachments

None

Fiscal Impact

Not to exceed \$500,000. This number is an estimate based on increasing the liability portion by 7.4% and the property by 16.5%.

Options

Approve and the City maintains coverage for fiscal year 2024-2025.

Deny and the City's liability insurance coverage with lapse until we can find another alternative.

Recommendation

Approve the Ordinance as presented

Proposed Motion

"I move to adopt Ordinance No. 1625, An Ordinance authorizing the City Administrator to expend payment to CityCounty Insurance Services (CIS) in an amount not to exceed \$500,000 for liability insurance coverage for fiscal year 2024-2025."

ORDINANCE NO. 1625

AN ORDINANCE AUTHORIZING THE CANBY CITY ADMINISTRATOR TO EXPEND PAYMENT TO CITYCOUNTY INSURANCE SERVICES (CIS) IN AN AMOUNT NOT TO EXCEED \$500,000 FOR LIABILITY INSURANCE COVERAGE FOR FISCAL YEAR 2024-2025.

WHEREAS, the City of Canby currently has liability insurance coverage with CIS for its property, activities, and liabilities;

WHEREAS, the City of Canby wishes to continue to be covered by CIS for fiscal year 2024-2025; and

WHEREAS, the cost of liability insurance coverage with CIS should not exceed \$500,000.

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

1. The Canby City Council authorizes the City Administrator to expend payment not to exceed \$500,000 to CIS for liability insurance coverage.
2. In so far as liability insurance coverage is necessary to protect city property and activities that provide for the safety and welfare of the citizens of the City of Canby, an emergency is hereby declared to exist to maintain the City of Canby's property and activities of employees providing essential services.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, June 19, 2024, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, July 17, 2024, commencing at the hour of 7:00 p.m. in the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Maya Benham, CMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on July 17, 2024 by the following vote:

YEAS_____

NAYS_____

Brian Hodson
Mayor

ATTEST:

Maya Benham, CMC
City Recorder



CITY COUNCIL Staff Report

Meeting Date: 7/17/2024

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Kevin Aguilar, HR Director
Agenda Item: Consider Ordinance 1626: An Ordinance Authorizing the City Administrator to Expend Payment to SAIF Corporation in the amount of \$114,493.71 for Workers Comp Coverage for Fiscal Year 2024-2025. (*Second Reading*)
Goal: Promote Financial Stability

Summary

SAIF Corporation provides the City with Worker's Comp coverage every fiscal year. It protects the City by covering our employees and volunteers in the event that they get hurt at work or are otherwise doing work-related activities.

Attachments

None

Fiscal Impact

\$114,493.71

Options

Approve and the City maintains coverage for fiscal year 2024-2025.

Deny and the City's worker's comp coverage with lapse until we can find another alternative.

Recommendation

Approve the ordinance as presented

Proposed Motion

"I move to adopt Ordinance No. 1626, An Ordinance authorizing the City Administrator to Expend Payment to SAIF Corporation in the amount of \$114,493.71 for Worker's Comp coverage for Fiscal Year 2024-2025."

ORDINANCE NO. 1626

AN ORDINANCE AUTHORIZING THE CANBY CITY ADMINISTRATOR TO EXPEND PAYMENT TO SAIF CORPORATION IN THE AMOUNT NOT TO EXCEED \$114,493.71 FOR WORKERS COMP COVERAGE FOR FISCAL YEAR 2024-2025.

WHEREAS, the City of Canby currently has worker's comp coverage with SAIF Corporation for its employees and volunteers;

WHEREAS, the City of Canby wishes to continue to be covered by SAIF for fiscal year 2024-2025; and

WHEREAS, the estimated cost of worker's comp coverage with SAIF is \$114,493.71.

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

1. The Canby City Council authorizes the City Administrator to expend payment not to exceed \$114,493.71 to SAIF Corporation for worker's comp insurance coverage.
2. In so far as worker's comp coverage is necessary to protect the employees that provide for the safety and welfare of the citizens of the City of Canby, an emergency is hereby declared to exist to maintain the City of Canby's workforce of employees providing essential services.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, June 19, 2024, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, July 17, 2024, commencing at the hour of 7:00 p.m. in the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Maya Benham, CMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on July 17, 2024 by the following vote:

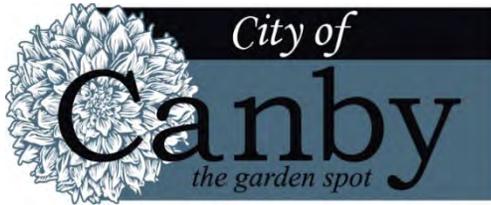
YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Maya Benham, CMC
City Recorder



CITY COUNCIL Staff Report

Meeting Date: 7/17/2024

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Kevin Aguilar, HR Director
Agenda: Consider Ordinance No. 1628, An Ordinance Authorizing the City Administrator to enter into an Employment Agreement between the City of Canby and Captain Doug Kitzmiller. (*First Reading*)
Goal: Promote Financial Stability

Summary

Should the City enter into an Employment Agreement with Captain Kitzmiller for the next two years immediately following his official retirement with PERS?

Background

Captain Kitzmiller has been employed with the Canby Police Department since 1998. He has held various roles including Patrol Sergeant from 2011 until 2021 and has since been in his current position as Captain. He is eligible to retire with PERS and continue his employment.

Effective January 1, 2020, the [Work After Retirement section of Senate Bill 1049](#) lifts most existing restrictions on retirees working after retirement. This allows eligible retirees to work unlimited hours for a PERS-participating employer, while continuing to receive their retirement benefits (without accruing any new benefits), in calendar years 2020 through 2034. The employee is responsible for ensuring eligibility and compliance with any PERS requirements or changes.

Attachments

Ordinance No. 1628

Exhibit A—Employment Agreement for Captain Doug Kitzmiller.

Fiscal Impact

During this agreement, the City won't have to pay the employee portion of the PERS IAP (currently set at 6%), so the City will save approximately \$8,800 per year. The City will also save the costs associated with having to recruit, select, and hire a new Captain.

Options

1. Adopt Ordinance No. 1628 authorizing the employment agreement

2. Reject Ordinance No. 1628

Proposed Motion

“I move to adopt Ordinance 1628, An Ordinance Authorizing the City Administrator to enter into an Employment Agreement between the City of Canby and Captain Doug Kitzmiller to a second reading on August 7th, 2024.”

ORDINANCE NO. 1628

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN EMPLOYMENT CONTRACT BETWEEN THE CITY OF CANBY AND DOUG KITZMILLER

WHEREAS, the City of Canby currently employs Doug Kitzmiller as Captain at the Canby Police Department;

WHEREAS, Doug Kitzmiller has been and continues to be in good standing with the City of Canby for 26 years;

WHEREAS, Doug Kitzmiller wants to officially retire in the Oregon PERS system as of September 30, 2024; and

WHEREAS, the City of Canby would like Doug Kitzmiller to work back as Captain until October 01, 2026 in accordance with PERS workback rules.

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

Section 1. The City Administrator is hereby authorized on behalf of the City to enter into an Employment Contract Agreement with Doug Kitzmiller to continue as Captain for the City. A copy of the Agreement is attached hereto as Exhibit "A."

Section 2. The effective date of this Ordinance shall be September 6, 2024.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, July 17, 2024, ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, August 7, 2024, commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2nd Avenue, 1st Floor Canby, Oregon.

Maya Benham, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 7th day of August 2024, by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Maya Benham, CMC
City Recorder

**Employment Agreement
for
Police Captain**

THIS AGREEMENT is made and entered into October 1, 2024, by and between the City of Canby, an Oregon municipal corporation, hereinafter referred to as "City," and Doug Kitzmiller, hereinafter referred to as "Employee," both of whom understand and agree as follows:

RECITALS

WHEREAS, both parties desire to enter into an agreement setting out mutual obligations and to allow Employee to continue to serve as a Police Captain after Employee retires.

Now, therefore, in consideration of the mutual covenants herein contained, the parties agree as follows:

- 1. Term and Termination.** The term of this Agreement begins on October 1, 2024 and ends on October 1, 2026 unless terminated sooner under the terms of this Agreement. The agreement may be renewed or extended by mutual agreement.
- 2. Duties.** City hereby agrees to employ Employee as Police Captain of the City of Canby to perform on a continuing basis the functions and duties which are generally described in the Police Captain job description attached as Exhibit A, and to perform other legally permissible and proper duties and functions as the Police Chief shall assign.
- 3. Hours of Work.** Employee shall devote his full work time to the duties and responsibilities of his position, and any additional work time reasonably required to discharge the duties and functions as assigned. Employee may not be engaged in other employment during the term of this Agreement without the specific written authorization of the Police Chief which consent is in the Police Chief's sole discretion.
- 4. At-Will Employment.** Both Parties acknowledge and agree that Employee is considered to be an at-will employee per Personnel Policy 10.1 - Employment Relationship.
- 5. Resignation.** Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of Employee to resign at any time from this position with City subject to the provisions of the Agreement. In the event Employee voluntarily resigns this position before the expiration of the Agreement Employee shall give City a minimum of thirty (30) days written notice, unless the Parties agree otherwise.
- 6. Compensation.** City agrees to pay Employee their current salary \$146,712 (Non-Represented Salary Schedule: Range 8, Step 8) annually for services rendered. Employee shall be eligible for any cost-of-living increase given to all full-time non-represented City employees and effective the same date. Employee will continue to receive 5% for DPSST Executive

Certification pay, 2% for 20-year longevity pay and 2% in deferred compensation contribution match. Such salary shall be payable in installments at the same time as the full-time non-represented employees of City are paid. If either Party terminates this Agreement, Employee shall be compensated only for services rendered before the termination date.

7. PERS Payment/Retirement Liability. City will not object to Employee's retirement through the State Public Employees Retirement System (PERS) as of September 30, 2024. During the term of this Agreement, the City will pay any PERS benefits as required by law. In the event the City is not required to pay PERS benefits under state law, City may (but is not required) in its sole and absolute discretion pay PERS benefits. Employee is responsible for any liability associated with PERS either through notifications required to PERS, amounts paid out by PERS, limitation on hours worked, and any other liability associated with Employee's retirement and any applicable PERS requirements. Further, Employee is responsible for any liability or work restrictions related to Employee's federal social security benefits.

8. Use of Automobile. Employee shall receive the exclusive and unrestricted use of the automobile he is using as of the date this Agreement is executed for professional, training, and educational related activities. The City shall pay all maintenance, repair, liability, property damage, and comprehensive insurance coverage associated with the automobile.

9. Vacation Leave. The total vacation accrual balance as of September 30, 2024, up to 500 hours of vacation shall be cashed out and reported to PERS. As of October 1, 2024, the City will add 40 hours of vacation leave that shall be carried forward and will not be cashed out until this Agreement is terminated. During the term of this Agreement, Employee shall continue to accrue 240 hours of vacation leave annually. At the termination or expiration of this Agreement, there will be a payment of accrued vacation leave.

10. Sick Leave. All accrued sick leave beyond 500 hours as of September 30, 2024, shall be reported to PERS and will not carryover and will not be paid out. Per the Non-Represented Benefits, 500 sick leave hours will be paid out at retirement and deposited in the Employee's HRA-VEBA account. Employee may elect to have less than 500 hours paid out and any remaining balance of sick leave shall be carried forward. Employee will continue to accrue 96 hours of sick leave annually during the term of this Agreement. At the termination or expiration of this Agreement, there will be no payment of accrued sick leave.

11. Other Benefits. The Employee will continue to receive all fringe benefits offered to all full-time non-represented employees. City will provide Employee with health, dental, vision, life, accidental death and dismemberment, and long-term disability insurance coverage as offered to all full-time non-represented employees of the City through the month this Agreement is terminated or expires. Employee may elect to have any balance of administrative leave and/or personal holiday cashed out at retirement or carry forward any accruals.

12. Performance Evaluation. The Police Chief shall evaluate Employee's performance at least once annually.

13. Personnel Policies. Unless otherwise agreed to herein, Employee is subject to the rules and regulations that apply to all City employees as set forth in the City's Personnel Policies, Canby Police Department's Policies and Procedures, and as otherwise adopted by the City.

14. Professional Development.

Subject to available funds and City approval, City agrees to pay the travel and subsistence expenses of Employee for official travel, meetings and occasions reasonably adequate to continue the professional development of Employee, and to reasonably pursue necessary official functions for the City.

Subject to available funds and City approval, City agrees to pay travel and subsistence expenses for travel to and attendance at Conferences, short courses, institutes and seminars that are necessary for professional development.

15. Other Terms and Conditions

A. City may from time to time fix other terms and conditions relating to Employee's performance hereunder, provided such terms and conditions are not inconsistent or in conflict with the provisions of this Agreement.

B. Employee shall perform his duties in accordance with all the laws, ordinances, rules, and regulations applicable to his position.

B. The entire Agreement between the parties with respect to the subject matter hereunder is contained in this Agreement. Except as herein expressly provided to the contrary, the provisions of this Agreement are for the benefit of the parties solely and not for the benefit of any other person, persons or legal entities.

D. Employee acknowledges that he has not been induced to enter into this Agreement by any representation or statements, oral or written, not expressly contained herein or expressly incorporated by reference. City makes no representations, warranties or guarantees, expressed or implied, other than expressed representations, warranties and guarantees contained in this Agreement.

16. Notice. Any written notice hereunder shall become effective as of the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addresses as stated in this Agreement, or at such other address as may hereafter be specified by notice in writing. In lieu of mailing, written notice shall become effective as of the date it is personally delivered to the addressee. Any notice required to be given under the terms and conditions of this Agreement shall be given as follows:

City of Canby: Eileen Stein, City Administrator
222 NE 2nd Avenue
Canby, OR 97013

Employee: Doug Kitzmiller

17. Severability. If any part, term, or provision of this agreement is held by the courts to be illegal or in conflict with the laws of the State of Oregon, the validity of the remaining portions of the Agreement shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision.

For the City:

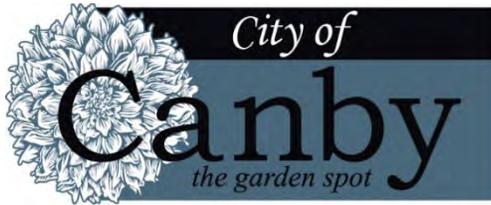
For the Employee:

Eileen Stein, City Administrator

Doug Kitzmiller, Police Captain

Date: _____

Date: _____



CITY COUNCIL Staff Report

Meeting Date: 7/17/2024

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Don Hardy, Planning Director
Agenda: Consider Ordinance No 1629: An Ordinance Adopting the Comprehensive Plan, Transportation System Plan and Urban Growth Boundary Expansion Scope of Work for FY 24/25. (*First Reading*)
Goal: Align Resources to Address Future Community Growth
Plan a Transportation System that Eases the Impacts of growth

Summary

The comprehensive plan, transportation system plan and urban growth boundary expansion work is continuing in FY 24/25 with the 3J Consulting services to include the comprehensive plan and transportation system plan adoption for the current city limits and current urban growth boundary. The urban growth boundary expansion application will also be prepared, and adoption of new system development fees are anticipated. The FY 24/25 scope budget is \$228,938. The FY 24/25 Planning Department budgeting has accounted for this work.

Background

The initial comprehensive plan work started in 2022 with the city issuance of a Request for Proposal (RFP) for the update to the Canby Comprehensive Plan and Transportation System Plan on September 19, 2022. The city selected and awarded the work to 3J Consulting on October 5, 2022. The comprehensive plan and the transportation system plan fiscal year contracts to 3J Consulting, include FY 22/23 totaling \$177,576 and FY 23/24 totaling \$523,068 and continued work based on the RFP tasks are needed in FY24/25. Work completed to date includes, community visioning and community summits and listening sessions, technical advisory committee and transportation advisory committee work, on-line surveys, community conversations, transportation system plan chapter development, draft comprehensive plan chapters and policies, urban growth boundary expansion work, housing efficiency code draft updates, and economic opportunity analysis and housing needs analysis adoption.

Attachments

Ordinance 1629
Exhibit A, FY 24/25 FY 24/25 Comprehensive Plan Scope of Work.

Fiscal Impact

The total FY 24/25 budget is \$228,938.

Options

Approve or Deny the budget request.

Proposed Motion

“I move to approve Ordinance 1629, An Ordinance Adopting the Comprehensive Plan, Transportation System Plan and Urban Growth Boundary Expansion Scope of Work for FY 24/25 to a second reading on August 7, 2024.”

ORDINANCE NO. 1629

AN ORDINANCE ADOPTING THE COMPREHENSIVE PLAN, TRANSPORTATION SYSTEM PLAN AND URBAN GROWTH BOUNDARY SCOPE OF WORK AND BUDGET FOR FY 24/25.

WHEREAS, City issued a Request for Proposal (RFP) for update to the Canby Comprehensive Plan, Transportation System Plan and Urban Growth Boundary expansion on September 19, 2022, and selected and awarded the work to 3J Consulting to complete the work on October 5, 2022;

WHEREAS, contracts for the comprehensive plan, transportation system plan and urban growth boundary expansion have been issued to 3J consultants for FY 22/23 totaling \$177,576 and for FY 23/24 totaling \$523,068, and continued work based on the RFP tasks is needed in FY 24/25;

WHEREAS, the FY 24/25 continued comprehensive plan, transportation system plan and urban growth boundary expansion work totals \$228,938; and

WHEREAS, the FY 24/25 budget accounted for this budget related to the comprehensive plan, transportation system plan and urban growth boundary expansion.

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

Section 1. In addition to the amounts identified in the recitals above, the City of Canby City Council hereby authorizes approval for the FY 24/25 totaling \$228,938 for comprehensive plan, transportation system plan and urban growth boundary expansion work as described in Exhibit A.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, July 17, 2024 ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, August 7, 2024 commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2nd Avenue, 1st Floor Canby, Oregon.

Maya Benham, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 7th day of August, by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Maya Benham, CMC
City Recorder



Comprehensive Plan and Transportation System Plan Update

Fiscal Year 2024-25 Scope of Work

July 2024 – June 2025

Exhibit A

Combined Tasks

Task 1 – Project Management

1.1 Project Administration

Consultant will maintain project files to include documentation related to the Project, including but not limited to computations, assumptions, meeting minutes, working drawings, correspondence and memoranda. Consultant should prepare and maintain a Project management team (PMT) website (using web-based tools) that includes communication, PMT roster, draft and revised schedules, online discussion topics, and deliverables.

1.2 Project Schedule

Consultant will maintain the project schedule showing the duration of work tasks and subtasks needed to complete the Project. Consultant will prepare a simple graphic milestone-oriented schedule for the project. Consultant will coordinate the schedule with the consultant team.

1.5 Regular Project Management Team (PMT) Meetings and Project Assessment

Consultant will organize, participate, co-lead (with the City) and summarize online project management team meetings. These calls will be conducted approximately every two weeks for the duration of the planning process and will integrate both the Comprehensive and TSP efforts. Consultant will provide a summary of key decisions and action items after each meeting.

1.6 Additional Communication and Coordination

In addition to the tasks described above the Consultant project manager will regularly communicate and coordinate with City staff and other team members regarding the status of and plans for current and upcoming project deliverables and activities. This will be done via email, telephone and online meeting communication.

Timeline: July 2024 – June 2025

Task 1. Deliverables
Maintain Basecamp project management site
Update graphic project schedule
PM meetings and summaries
Email correspondence and phone calls
Monthly invoices and detailed progress reports



Task 2 – Community Engagement

2.3 Project Webpage

Consultant will work with City staff to regularly update the website to include access to draft work products, announcements about upcoming engagement events, results of previous engagement events and other project information as it is available. Consultant will develop a plan for transitioning web assets back to City at the conclusion of the project.

2.6 Project Advisory Committee (PAC) meetings

The Consultant will prepare for, facilitate, and summarize up to two (2) meetings of the PAC. Meetings may be two (2) hours to cover Comprehensive Plan and TSP content. PAC meetings will be conducted in-person or via a hybrid in-person/online meeting platform. Topics for the PAC meetings include:

- Meeting #7 (September 2024). Review draft Comprehensive Plan.
- Additional meeting as needed.

2.12 Planning Commission and City Council Updates

Consultant will support City staff for one briefing to the City Planning Commission and one briefing to City Councilors. Consultant will support City staff for one work session with the City Planning Commission and two work sessions with City Councilors.

Timeline: July 2024 – December 2024

Task 2. Deliverables
Maintain project website/online engagement platform
PAC meetings #7 materials and summaries
Presentation for briefings #6 and #7

Comprehensive Plan Update

CP Task 4 – Urban Growth Boundary (UGB) Evaluation and Amendment

4.2 Evaluation of Efficiency Measures

Development Scenario Support: DOWL conducted research and provided the City with development scenarios to illustrate what current code allows in the R-1 and R1.5 base zones and under the PUD scenario. The final deliverable was a table comparing each scenario. This task included virtual meetings and coordination via email as well as one round of client edits for the table.

Preliminary Development Compliance Review: DOWL reviewed a cottage concept design relative to Canby’s draft cottage code as presented to the Planning Commission on November 27, 2023. DOWL provided comments via email regarding the concept plan’s consistency with the draft code.

Additional Cottage Cluster Research: To further assess best practices in cottage cluster development and at the request of the client, DOWL contacted three local agencies in Washington and Oregon, as well as DLCD, to obtain cottage development project examples.



4/16/2024

Case Study Compliance Review: Using examples of cottage clusters constructed in the three jurisdictions, DOWL will conduct a code compliance review to identify any changes that may be warranted to the draft Canby Code to better enable these case study projects. This will assist staff in identifying what, if any, changes should be made to optimize desired outcomes. The final deliverable for this effort will be a 4-5 page memorandum summarizing the differences in each development example. This task includes two (2) virtual meetings and one round of client review of the memorandum.

Additional Code Diagrams: As needed to support greater awareness of the implications of the preliminary code standards, DOWL will create up to three additional development diagrams illustrating the orientation and design of cottage clusters and open space areas

CP Task 5 – Short-Term Action Planning

5.1 Recommended Updates to System Development Charge (SDC) Methodologies

The current FY 2023-24 budget for the Comprehensive Plan update focuses on formulating a locally preferred funding plan for addressing transportation and city-owned infrastructure required to maintain current levels of service as Canby grows over time. That budget for the initial phase of funding work will focus on creating a long-range capital improvement program and funding strategy for transportation (included with TSP update) as well as City-owned park facilities and utilities for wastewater and stormwater, with emphasis on new funding techniques being considered for UGB expansion areas.

The supplemental work program identified below for FY 24-25 is intended to build upon the results of the locally preferred funding plan and carry the SDC through refinement and adoption by June 2025. The SDC adoption focuses on transportation, parks, wastewater and stormwater facilities. The consultant team will work with City staff and their engineers and public officials to prioritize capital facility improvements, determine boundaries for SDC rates, and implement a new methodology for scaling SDCs by home size.

Task 5.1.1 | Confirm Key Assumptions

Within 2 weeks of notice to proceed, the FCS project team will set up a meeting with City staff to discuss and confirm key assumptions using City input and current master plans for the multi-service SDC study, including such items as:

- Identify capital cost assumptions for long range projects identified in recent capital plans, master plans (e.g., transportation, stormwater, wastewater, parks) and system plans.
- Confirm inventory and current level of service for existing City facilities, such as parks & trails, stormwater facilities, streets, and wastewater treatment and conveyance systems.
- Update debt service schedules for the above-mentioned public facilities (if any).
- Confirm wastewater fixed asset inventory and treatment capacity assumptions.
- Compile historical accounting of SDC expenditures by year.
- Compile customer data and growth forecasts.
- Review the existing SDC ordinance and procedures.
- Prepare capital cost index assumptions.

We will convene a meeting with City staff in person to initiate the study and clarify objectives, approaches, and schedule.



4/16/2024

Once the initial data set has been obtained, we will review the data and make requests for any additional items or explanations, as necessary.

Task 5.1.2 | Policy Review

Identify with City staff any key policy questions surrounding the SDC structures, bases, and/or calculations. Analyze policy choices and recommend a course of action on each policy question (up to four), possibly to include the following:

- Approaches to level of service for preparing the stormwater, parks, wastewater and transportation SDCs. Water rates and SDCs will be handled by Canby Utility as such rates and charges are calculated and collected separately by Canby Utility.
- Applicability of a reimbursement fee and improvement fee.
- Basis of the charge for each service including scaling the SDCs by dwelling unit size.

The consultant will provide issue papers around each of these fees to clearly communicate current City practices, alternative methods, and recommended methods for consideration, discussion, and input.

Task 5.1.3 | Technical Analysis

The SDC analyses will be based primarily on information in the most recent plans and staff and consultant knowledge.

Under Oregon statutes cities may create three types of SDCs: reimbursement fee, improvement fee and compliance fee. The reimbursement fee is to be based on existing facilities that have “excess capacity” to serve future development. The improvement fee is based on future planned facilities that are required to maintain current levels of service. The compliance fee takes into account the cost of complying with SDC regulations and periodically updating SDCs and maintaining accounting and administrative practices.

The SDC analyses will include both a reimbursement fee (as applicable) and an improvement fee. The following task elements are included:

- 3a Develop Reimbursement Fee. Identify the recoverable costs of existing system facilities and calculate the “reimbursement fee” portion of each SDC.
- 3b Develop Improvement Fee. Calculate the “improvement fee” portion of each SDC, working with City staff, the list of needed capital improvements for each service, the recommended allocation approach, and other related financial, planning, and engineering information.
- 3c Document the current maximum defensible SDCs the City can charge, and discuss implementation options for phasing in the new SDCs over time.

Task 5.1.4 | Study Documentation and Presentation

In addition to the analytical elements, the SDC study will require professional communication of findings and results. This will include interim reviews with City staff and management, report preparation, and 2 presentations to the Public Infrastructure Committee or City Council and 1 hearing presentation with the City Council. The following task elements are anticipated:



4/16/2024

- 4a Review Meetings. Prepare materials for and participate in up to four (4) interim review meetings (video conferences) with City staff (and/or others such as identified stakeholders). Participate in ad hoc conference calls and video conferences as necessary to meet City needs.
- 4b Prepare SDC Study Methodology Report. Prepare and submit an electronic (.pdf) copy of the Public Review draft report, summarizing all study assumptions, methodologies, analytical results and recommendations. The report will also include a technical appendix supporting the findings. Incorporate City comments on the draft, as appropriate, and submit an electronic version (.pdf) of the final report for City production and distribution.
- 4c Prepare and provide a notice of public hearing for interested parties as required in ORS 223.304.
- 4d Local Presentations. Prepare materials and present SDC findings at up to two (2) meetings with the Public Infrastructure Committee/Planning Commission or City Council via video conference and one hearing with City Council.
- 4e Based upon the feedback received from subtasks 4a-4d, prepare a final SDC Methodology Report and implementation strategy.

Timeline: July 2024 – June 2025

CP Task 6 – Updated Comprehensive Plan Document

6.1 Preliminary Draft Comprehensive Plan and Action Plan

Consultant will prepare a Preliminary draft of the Comprehensive Plan in Microsoft Word, including updated text, maps and policies. The Action Plan prepared in Task 5 will be a companion document to the Comprehensive Plan.

Consultant will prepare a document template to be used for each Comprehensive Plan chapter. It will indicate the proposed page layout, fonts, colors, and other recommended graphic styles. Consultant will revise this template, as needed, prior to creating the draft Comprehensive Plan in Task 6.2.

6.2 Draft Comprehensive Plan Review and Revision

The team will review the draft Comprehensive Plan with the PAC, other community members for review and comment. The Consultant will present the draft Comprehensive Plan, HNA, and UGB expansion at work sessions of the Planning Commission and City Council. Further review will occur during the adoption process in Task 7. Consultant will draft a set of updated policies for inclusion in the Comprehensive Plan based on this review.

Task CP6. Deliverables

Preliminary draft Comprehensive Plan

Comprehensive Plan format template

Draft Comprehensive Plan



CP Task 7 – Adoption Process

The Comprehensive Plan, UGB Expansion and Housing Needs Analysis will be packaged to move through the adoption process concurrently. Additional meetings with the Clackamas County Board of Commissioners are expected to be needed to adopt the proposed UGB amendments.

7.1 Presentation Materials

Consultant will prepare a PowerPoint presentation for use in presenting the proposed draft Comprehensive Plan to the Planning Commission in a work session or public hearing.

7.2 Canby Planning Commission and City Council and Clackamas County Board of Commissioners Work Sessions and Hearings

Consultant will participate in up to two (2) work sessions and two (2) public hearings with the Canby Planning Commission and City Council and one hearing with the Clackamas County Board of Commissioners to adopt the updated Comprehensive Plan and proposed amendment to the Canby UGB. City staff will make all logistical arrangements for these hearings, including providing public notice and submitting required notice to state agencies. Consultant will prepare a final Comprehensive Plan document.

Task CP7. Deliverables

Adoption presentation

Revised adoption presentation

Planning Commission and City Council work sessions

Planning Commission and City Council hearings

Board of County Commissioners hearing

Transportation System Plan Update

TSP Task 2 – Transportation Existing Conditions and Future Needs Analysis

2.3 TM #8: Future Traffic Forecasting

Update distribution of land use in the current UGB and inputs into the travel demand model.

TSP Task 3 – Transportation Projects and Programs

3.2 TM #11: Transportation Projects and Programs

Prepare a scenario that assumes I-205 tolling. Run travel demand model and update intersection operations at the 31 study intersections with diversion traffic. Identify additional projects.

3.3 Area Special Area J Rezone

Consultant will prepare the horizon year (2043) travel forecasts using the Canby travel forecast tool for Special Area J located in the NE part of the City. Future forecasts will be consistent with the recommended Comprehensive Plan zone changes for the area. Consultant should coordinate with City staff to complete the land use (population and employment) information for horizon year.



4/16/2024

The Consultant will develop future horizon year baseline motor vehicle volumes for study intersections and post-process them using National Cooperative Highway Research Program Report 255 guidelines. The forecasting methods and results will be documented in draft and revised TM #11 under Task 3.2.

TSP Task 6 – Adoption Process

The Transportation System Plan and System Development Charge updates will be packaged to move through the adoption process concurrently.

6.1 Planning Commission and City Council Public Hearing

Consultant will prepare for and attend two (2) Planning Commission and two (2) City Council hearing and will provide a presentation overview of the Adoption Draft TSP and SDC updates.

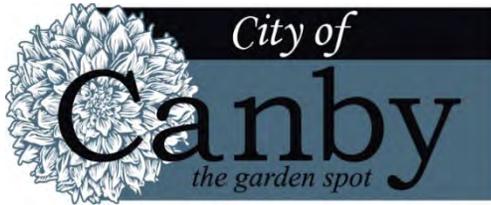
6.2 Final TSP

Consultant will incorporate edits from Planning Commission and City Council hearings into the Final TSP.

Task TSP6. Deliverables
Planning Commission Public Hearing
City Council Public Hearing
Final TSP

Total FY 24/25 budget is shown in the table below.

Canby Comprehensive Plan and TSP FY 24-25 Budget	3J Subtotal	DKS	FCS Subtotal	DOWL Subtotal	TOTAL
Tasks					
1. Project Management	\$27,468	\$23,330	\$5,690	\$0	\$56,488
CP4. UGB Evaluation and Amendment	\$3,704	\$0	\$0	\$10,035	\$13,739
CP5. Short-Term Action Planning	\$11,796	\$16,920	\$55,250	\$0	\$83,966
CP6. Updated Comprehensive Plan Document	\$11,954	\$0	\$0	\$0	\$11,954
CP7. Adoption Process	\$6,223	\$0	\$0	\$0	\$6,223
TSP2. Transportation Existing Conditions and Future Needs	\$448	\$14,230	\$0	\$0	\$14,678
TSP3 – Transportation Projects and Programs	\$448	\$7,290	\$0	\$0	\$7,738
TSP3A – Area Special Area J Rezone	\$1,864	\$17,840	\$0	\$0	\$19,704
TSP6. Adoption Process	\$388	\$14,060	\$0	\$0	\$14,448
Total Fees	\$64,293	\$93,670	\$60,940	\$10,035	\$228,938



CITY COUNCIL Staff Report

Meeting Date: 7/17/2024

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Todd Wood, Transit & Fleet Services Director
Agenda: Consider Resolution No. 1415: A Resolution with Clackamas County for Dial-A-Ride Services outside Canby UGB
Goal: Plan a Transportation System that eases the impacts of growth

Summary

Allow Canby Area Transit (CAT) to enter into the proposed Intergovernmental Agreement (IGA) with Clackamas County. Allowing CAT to provide Dial-A-Ride Services outside of the Canby Urban Growth Boundary (UGB), funded by Clackamas County.

Background

Canby Area Transit (CAT) currently provides Dial-A-Ride services within the Urban Growth Boundary (UGB) of Canby and per the TriMet Agreement specifications. This service is provided Monday through Saturday and hours depending on the client's eligibility for service via application and review process. Clackamas County provides ride services through their Transportation Reaching People (TRP) program. Due to demand and resources Clackamas County has asked for assistance in providing transportation for clients outside the Canby UGB Monday through Friday from 5:00am to 8:15pm. The City and County have agreed to an area that can be covered for the services.

Attachments

Resolution No. 1415
Intergovernmental Agreement with Clackamas County.

Fiscal Impact

No City fiscal impact as the county will pay for Revenue Hours of service (at contract rate), fuel and maintenance costs up to \$150,000.00 from July 2024 through June 2025.

Options

Reach a consensus on agreement with Clackamas County to provide Dial-A-Ride services in coordination with the TRP program.

Do not provide Dial-A-Ride services outside the UGB to assist the Clackamas County TRP program.

Proposed Motion

"I move to authorize the City Administrator to sign the Intergovernmental Agreement between the City of Canby and Clackamas County to provide Dial-A-Ride services."

RESOLUTION NO. 1415

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY FOR DIAL-A-RIDE SERVICE.

WHEREAS, the Parties entered into a Contract for Transit Dial-A-Ride Services, effective July 1, 2024 to June 30, 2025;

WHEREAS, the City of Canby will provide General Public and Paratransit Services to any persons over the age of 65 or with a qualifying Disability covered under the Americans with Disability Act who have completed an application;

WHEREAS, the City of Canby will provide Dial-A-Ride services for the Clackamas County Monday through Friday from 5:00am to 8:15pm;

WHEREAS, the City of Canby will provide General Public and Paratransit Services within the designated area outlined in "Exhibit D" on Page 11 of the contract; and

WHEREAS, Clackamas County will reimburse the City of Canby up to \$150,000.00 in cost for services up to and including revenue hour cost, fuel and maintenance (\$110.00/per revenue hour). The City of Canby is responsible for sending the invoice to the Clackamas County for reimbursement per the contract.

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

- (1) The City of Canby agrees to enter into agreement with Clackamas County in pursuant to ORS 190.010 for purposes of the terms and conditions as outlined in the **INTERGOVERNMENTAL AGREEMENT BETWEEN CLACKAMAS COUNTY AND THE CITY OF CANBY RELATED TO THE EXPANSION OF DIAL-A-RIDE SERVICES OUTSIDE THE CANBY URBAN GROWTH BOUNDARY.**

This Resolution will take effect immediately upon adoption by the City Council.

ADOPTED this 17th day of July, 2024 by the City of Canby City Council.

Brian Hodson
Mayor

ATTEST:

Maya Benham, CMC
City Recorder

**INTERGOVERNMENTAL AGREEMENT
BETWEEN CLACKAMAS COUNTY
AND CITY OF CANBY, OREGON**

1. Purpose. This agreement ("Agreement") is entered into between Clackamas County ("COUNTY") and the City of Canby ("CITY") for the cooperation of units of local government under the authority of ORS 190.010. This Agreement provides the basis for a cooperative working relationship for the purpose of providing demand response transit service in partnership with the CITY's Canby Area Transit ("CAT") service to increase operational efficiencies, collaboration and cost effective management of both services.
2. Scope of Work and Cooperation.
 - 2.1. Subject to the terms of this Agreement, CITY agrees to provide the following functions
 - 2.1.1. Provide expanded demand response services (riders that meet the eligibility requirements for the City can call and request rides for specific days and times) in the area outline in Exhibit D, between the IGA Boundary and Canby UGB.
 - 2.1.2. Act as on-sight liaison and provide operational oversight on behalf of COUNTY with operations contractor ("TransDev") providing immediate communication with the contractor and their employees of policy and contractor functions. This includes contract compliance checks such as payroll, billable hours audit and policy compliance, and participating in contractor-led safety meetings.
 - 2.1.3. Work with the COUNTY on mutually agreeable policy and program development, in compliance with applicable transit rules and guidelines, and implement as needed, including communicating changes to contractor
 - 2.1.4. Submit invoices to COUNTY for reimbursement as part of monthly billing.
 - 2.1.5. Interact with public, including information requests.
 - 2.1.6. Provide vehicle(s) to be used for demand response services
 - 2.1.7. Compile data required for completion of fiscal and grant reports, including tracking performance measures. Collaborate and assist with completion of grant applications and other activities designed to promote long term stable funding.
 - 2.1.8. Provide necessary staff and other administrative resources necessary to fulfill its obligations under this Agreement.
 - 2.1.9. Provide demand response services Monday through Friday from 5:00am to 8:15pm.
 - 2.1.10. Provide demand response service for any persons in the boundary as outlined in Exhibit D that are 65 years old and older and/or people with disabilities. All riders will be required to complete an application.
 - 2.1.11. Provide demand response rides at a cost of \$1.00 per ride. Deduct these fares from cost on monthly invoice to the County.
 - 2.1.12. Other tasks and projects as needed.
 - 2.2. Subject to the terms of this Agreement, COUNTY agrees to provide the following:
 - 2.2.1. Provide ongoing fiscal support to demand response program expansion, as set forth in Section 3 of this Agreement. Changes in funding requiring changes in service levels will be communicated to CITY when notification is received from the funder, and the parties will negotiate in good faith to address those changes.
 - 2.2.2. Complete and submit required reports to funders in a timely manner.

2.2.3. Reimburse CITY, in an amount not to exceed \$150,000 for the entire one-year term of this Agreement, for eligible costs incurred, as further described in Exhibit B.

2.2.4. Provide administrative and operational support as needed.

3. Compensation and Record Keeping

3.1. Compensation. COUNTY shall compensate the CITY for satisfactorily performing the services identified in Section 2 and in accordance with the **Exhibit B**, attached hereto and incorporated by this reference herein. Total maximum compensation under this Agreement shall not exceed **\$150,000**. Any continuation or extension of this Agreement after the end of the fiscal period in which it is written is contingent on a new appropriation for each succeeding fiscal period sufficient to continue to make payments under this Agreement, as determined by the COUNTY in its sole administrative discretion.

3.2. Method of Payment. To receive payment, CITY shall submit invoices and accompanying progress reports as required in **Exhibit A**, attached hereto and incorporated by this reference herein.

3.3. Withholding of Contract Payments. Notwithstanding any other payment provision of this Agreement, should CITY fail to submit required reports when due, or submit reports which appear patently inaccurate or inadequate on their face, or fail to perform or document the performance of contracted services, COUNTY may immediately withhold payments hereunder. The COUNTY may continue to withhold payment until CITY submits required reports, performs required services, or establishes to COUNTY's satisfaction that such failure arose out of causes beyond the control, and without the fault or negligence, of CITY.

3.4. Record and Fiscal Control System. All payroll and financial records pertaining in whole or in part to this Agreement shall be clearly identified and readily accessible. Such records and documents should be retained for a period of three (3) years after receipt of final payment under this Agreement and all other pending matters are closed.

3.5. Access to Records. COUNTY, the State of Oregon and the federal government and their duly authorized representatives shall have access to the books, documents, papers, and records of CITY that are directly pertinent to this Agreement for the purpose of making audits, examinations, excerpts, and transcripts. Likewise, CITY, the State of Oregon and the federal government and their duly authorized representatives shall have access to the books, documents, papers, and records of COUNTY that are directly pertinent to this Agreement for the purpose of making audits, examinations, excerpts, and transcripts.

4. Manner of Performance

4.1. Compliance with Applicable Laws and Regulations, and Special Federal Requirements. CITY and COUNTY shall comply with all federal laws and regulations, Oregon laws and regulations, local ordinances and rules applicable to this Agreement, including, but not limited to, all applicable federal and Oregon civil rights and rehabilitation statutes, rules and regulations, and as listed in **Exhibit C**, attached and incorporated into this Agreement. All provisions of law required to be a part of this Agreement, whether listed or otherwise, are hereby integrated and adopted herein.

4.2. Precedence. When a requirement is listed both in the Agreement and in an exhibit to it, the requirement in the exhibit shall take precedence.

4.3. Subcontracts. CITY shall not enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from COUNTY.

5. General Provisions

5.1. Contact. All routine correspondence and communication regarding this Agreement, as well as requests for written acknowledgment, shall be directed to the following representatives:

For COUNTY: Kristina Babcock, Human Services Supervisor, 2051 Kaen Rd, Oregon City, OR 97045 (kbabcock@clackamas.us) (971-349-0481)

For CITY: Todd Wood, Transit Director, City of Canby, 195 S. Hazel Dell Way Suite C, Canby, OR 97013 (woodt@canbyoregon.gov) (503-266-0751)

Either party may change the contact or its associated information by giving prior written notice to the other party.

Each party shall give the other party immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

5.2. Indemnification. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, commissioners, councilors, agents and employees, against all claims, demands, actions and suits of any kind or nature for personal injury, death or damage to property arising out of this Agreement where the loss or claim is attributable to the negligent or purposeful acts or omissions of the indemnitor or the indemnitor's officers, commissioners, councilors, employees, agents, subcontractors, or anyone over which the party has a right to control. Each party shall give the other party immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement. An indemnified party may, at its election and expense, assume its own defense and settlement.

5.3. Severability. If any provision of this Agreement is found to be unconstitutional, illegal or otherwise unenforceable by a Court or authority of competent jurisdiction, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement without such provision, to give effect to the intentions of the parties to the maximum extent possible.

5.4. Modifications. Any modification or change to the terms of this Agreement shall be effective only when reduced to writing and approved by the governing bodies of both parties. Any modification or change, including any additional agreement providing descriptions of tasks, standards of performance or costs, shall be in writing, shall refer specifically to this Agreement and shall be valid only when approved by the governing bodies of both parties.

5.5. Integration. This Agreement contains the entire agreement between the parties concerning its subject matter.

5.6. Third-Party Beneficiaries. The CITY and COUNTY are the only parties to this Agreement and are the only parties entitled to enforce its terms.

5.7. Applicable Law. The laws of the State of Oregon govern this Agreement without respect to conflict of laws principles. Any litigation between the parties arising out of or related to this Agreement will be conducted exclusively in the Circuit Court for the State of Oregon, Clackamas County. The parties accept the personal jurisdiction of this court.

5.8. Dispute Resolution.

5.8.1. Subject to mutually agreed upon extensions of time in writing, failure or unreasonable delay by any party to substantially perform any material provision of this Agreement shall constitute default. In the event of an alleged default or breach of any term or condition of this Agreement, the party alleging such default or breach shall give the other party not less than 30 days written notice specifying the nature of the alleged default and the manner in which the default may be cured satisfactorily. During this 30-day period, the party shall not be considered in default for purposes of termination or instituting legal proceedings.

5.8.2. The parties shall negotiate in good faith to resolve any dispute arising under this Agreement. Should any dispute arise between the parties concerning this Agreement that cannot be resolved by mutual agreement, the parties may mutually agree to mediate the dispute prior to a party commencing litigation. The mediation shall take place in Clackamas County, Oregon. The parties will equally bear the mediator's fees and costs.

5.9. Term and Termination.

5.9.1. Term. This Agreement is effective upon execution by both parties and will terminate on June 30, 2025, unless the parties agree in writing to extend the Agreement. The City may seek reimbursement for eligible costs set forth in Exhibit B incurred on or after July 1, 2024.

5.9.2. Termination For Convenience. Either party may terminate this Agreement by providing at least 30 days prior written notice to the other party.

5.9.3. Termination For Cause. Subject to Section 5.8.1 of this Agreement, either party may terminate this Agreement in the event of a breach by the other party. Upon termination for breach, each party shall have all rights and remedies available to it at law, in equity, and under this Agreement. In the event of City's breach, County may, at its option, also pursue any of the following additional remedies: (1) withholding funds until compliance is met; or (2) reclaiming directly associated funds in the case of omissions or misrepresentations in financial or programmatic reporting if not corrected. In the event of County's breach, City may, at its option, also suspend support functions provided under Section 2.1 until compliance is met.

5.9.4. Termination for Lack of Appropriation. Either party may terminate this Agreement in the event that party fails to receive expenditure authority, including but not limited to receipt of state or federal funds, sufficient to allow the party, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement, or if federal or state laws, regulations or guidelines are modified or interpreted in such a way that either party is prohibited from paying for such work from the planned funding source.

- 5.10. Effective Date. This Agreement will only become effective upon approval by the governing bodies of COUNTY and CITY. CITY may request reimbursement for eligible expenses incurred between July 1, 2024 and June 30, 2025.
- 5.11. Necessary Acts. Each party shall execute and deliver to the others all such further instruments and documents as may be reasonably necessary to carry out this Agreement including, but not limited to, any additional requirements imposed by state or federal funding sources.
- 5.12. Debt Limitation. This Agreement is expressly subject to the limitations of the Oregon Constitution and Oregon Tort Claims Act, and is contingent upon appropriation of funds. Any provisions herein that conflict with the above referenced laws are deemed inoperative to that extent.
- 5.13. Counterparts. This Agreement may be executed in several counterparts (electronic or otherwise), each of which shall be an original, all of which shall constitute the same instrument.
- 5.14. No Attorney Fees. In the event any arbitration, action or proceeding, including any bankruptcy proceeding, is instituted to enforce any term of this Agreement, each party shall be responsible for its own attorneys' fees and expenses.

CITY OF CANBY

Eileen Stein, City Manager

Eileen Stein, City Manager

Approved as to form:

Assistant City Counsel

CLACKAMAS COUNTY

Commissioner: Tootie Smith, Chair
Commissioner: Ben West
Commissioner: Mark Shull
Commissioner: Paul Savas
Commissioner: Martha Schrader

Tootie Smith, Chair

Approved as to form:

County Counsel

EXHIBIT A

REPORTING REQUIREMENTS

Reporting:

CITY shall submit on a monthly basis a narrative summary of the work performed and rides provided by the expanded demand response service.

Invoicing

CITY, through designated staff, shall submit to COUNTY a monthly invoice for project costs. Invoices must include, total rides, revenue miles, revenue hours, non revenue miles, non revenue hours, and fares collected.

Invoices and required reports may be submitted electronically via e-mail as an attachment and shall be received by COUNTY on or before the 15th of each quarter following the billing period.

E-mail address: kbabcock@clackamas.us

COUNTY shall make payment to CITY within 30 days of receipt of each invoice submitted.

EXHIBIT B

BUDGET

BUDGET	
	Year 1 7/24 to 6/25
Expanded Elderly and Disabled Transportation	\$ 150,000.00
TOTAL	\$ 150,000.00

Total Compensation under this agreement shall not exceed \$150,000

RIDES PROVIDED	
	Year 1 7/24 to 6/25
Expanded Elderly and Disabled Transportation	1500
TOTAL	1500

REVENUE HOUR RATE BREAKDOWN

Revenue Hour Rate: \$92.49/hr
Fuel & Maintenance: \$16.22
TOTAL PER HR: 108.61/hr (Rounded to \$110.00)
Hour Breakdown of \$150,000.00 Budget:
Total of 1,363.64 Hours a Year
Total of 113.64 Hours a Month
Total of 28.41 Hours a Week
Total of 5.68 Hours a Day

EXHIBIT C

SPECIAL REQUIREMENTS

1. CITY certifies to the best of its knowledge and belief that neither it nor any of its principals:
 - (a) Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or CITY;
 - (b) Have within a three-year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph 1(b) of this certification; and
 - (d) Have within a three-year period preceding this agreement had one or more public transactions (federal, state or local) terminated for cause or default.

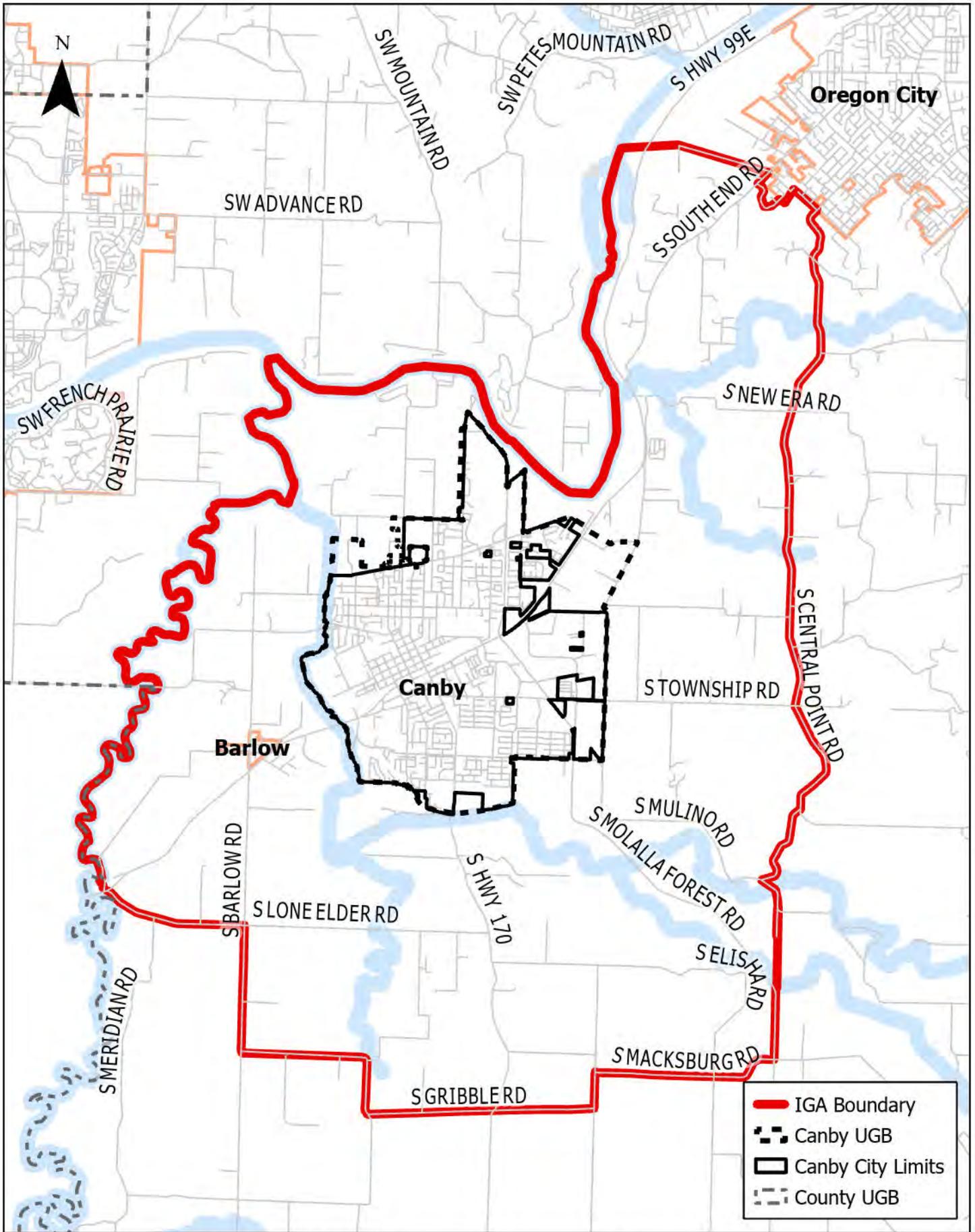
Where the CITY is unable to certify to any of the statements in this certification, such CITY shall attach an explanation to this proposal.

2. In case of suspected fraud by applicants, employees, or vendors, CITY shall cooperate with all appropriate investigative agencies, and shall assist in recovering invalid payments.
3. CITY shall protect the confidentiality of all information concerning applicants for and recipients of services funded by this agreement and shall not release or disclose any such information except as directly connected with the administration of the particular Clackamas County program(s) or as authorized in writing by the applicant or recipient, or as otherwise required by public records laws. All records and files shall be appropriately secured to prevent access by unauthorized persons.

CITY shall ensure that all officers, employees, and agents are aware of and comply with this confidentiality requirement.

4. CITY shall ensure that no person or group of persons shall, on the ground of age, race, color, national origin, primary language, sex, religion, handicap, political affiliation or belief, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part by funds delegated under this agreement.
5. CITY will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity covered by this contract.
6. CITY will comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor Regulations (41 CFR Part 60).
7. CITY will establish safeguards to prohibit employees and volunteers from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

8. CITY shall comply with applicable requirements set forth in that certain intergovernmental agreement entered into by and between COUNTY and Tri-County Metropolitan Transportation District of Oregon (TriMet) on or about 09/14/2023, a copy of which is attached hereto and incorporated by this reference herein, that is the source of funding for this Agreement. Such requirements include, but are not limited to, the following:
- (a) Indemnification of TriMet. Subject to the limits of the Oregon Constitution and the Oregon tort Claims Act, CITY shall indemnify, defend, save and hold harmless TriMet, and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including reasonable attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of CITY or any of CITY's officers, agents, employees or subcontractors ("Claims"). It is the specific intention of the parties that TriMet shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of TriMet, be indemnified by CITY from and against any and all Claims. Neither CITY, CITY's contractor(s) nor subcontractor(s) (collectively "Subcontractors"), nor any attorney engaged by CITY shall defend any claim in the name of TriMet nor purport to act as legal representative of TriMet without the prior written consent of TriMet. TriMet may, at any time at its election, assume its own defense and settlement in the event that it determines that CITY or CITY'S subcontractors are prohibited from defending TriMet or that CITY or CITY's Subcontractor are not adequately defending TriMet's interests, or that an important governmental principle is at issue or that it is in the best interests of TriMet to do so. TriMet reserves all rights to pursue claims it may have against CITY or CITY's subcontractors if TriMet elects to assume its own defense.



**Canby Area Transit (CAT) &
Clackamas County
IGA Boundary**

**TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON
SUBRECIPIENT AGREEMENT No. GG230847EVL
DISBURSEMENT OF STATE OF OREGON, PUBLIC TRANSIT SECTION
STATEWIDE TRANSPORTATION IMPROVEMENT FUNDS**

PARTIES:

1. Tri-County Metropolitan Transportation District of Oregon (TriMet), is a mass transit district organized under ORS Chapter 267. TriMet is acting as a Qualified Entity (QE) designated to distribute funds pursuant to ORS Chapter 184.751 *et seq* to authorized entities that provide Public Transportation Services from the State of Oregon Department of Transportation (ODOT), Public Transit Division, Special Transportation Improvement Fund (STIF) for the purposes set forth at ORS 184.758.

Pursuant to Resolution No. 22-12-69, TriMet’s Board of Directors authorized TriMet to disburse STIF Formula Funds received by TriMet to eligible Subrecipients in accordance with the STIF Plan.

2. [Clackamas County], a Public Transportation Service Provider (Subrecipient).

DEFINITIONS:

As used in this Agreement, which includes all Exhibits:

1. “Americans with Disabilities Act” (“ADA”) means section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended by the ADA Amendments Act of 2008.
2. “Capital Asset” means real property or tangible items purchased or leased with STIF moneys, including without limitation vehicles and structures, with a purchase price of \$5,000 or more and a useful life of at least one year.
3. “Commission” means the Oregon Transportation Commission (“OTC”) established under ORS 184.612.
4. “Fiscal Year” means the annual period which begins on July 1 and ends on June 30.
5. “Low-Income Household” means a household the total income of which does not exceed 200% of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2) for the 48 Contiguous States and the District of Columbia.
6. “Payroll Based Formula” means the portion of STIF funds disbursed per ORS 184.758(5), effective July 1, 2023.
7. “Population-Based Formula” means the portion of STIF Formula funds disbursed per ORS 184.758(3), effective July 1, 2023.
8. “Project” means a public transportation improvement activity or group of activities that is (i) eligible for STIF moneys; (ii) included in a STIF Plan adopted by the Commission; and (iii) funded by this Agreement.
9. “Project Manager(s)” means the individuals identified in Section 12 of this Agreement who are authorized by TriMet and Subrecipient respectively to send and receive communications regarding this Agreement.

10. “Public Transportation Services” means any form of passenger transportation by car, bus, or other conveyance, either publicly or privately owned, which provides service to the general public (not including charter, sightseeing, or exclusive school bus service) on a regular and continuing basis. Such transportation may include services designed to meet the needs of a specific user group, including for older adults and individuals with disabilities, for purposes such as health care, shopping, education, employment, public services, personal business, or recreation. Public Transportation Services must be designated and advertised as Shared-Ride Service.
11. “Public Transportation Service Provider” (“PTSP”) means a Qualified Entity or a city, county, Special District, Intergovernmental Entity or any other political subdivision or municipal or Public Corporation that provides Public Transportation Services. Subrecipient is a Public Transit Service Provider.
12. “Qualified Entity” means a county in which no part of a Mass Transit District or Transportation District exists, a Mass Transit District, a Transportation District or an Indian Tribe.
13. “Recipient” means a Qualified Entity or Public Transportation Service Provider that has a STIF Plan approved by the Commission or enters into an agreement directly with ODOT to receive STIF Formula Funds.
14. “Representation Letter” means a letter prepared by a Subrecipient’s external auditors and sign by Subrecipient’s senior management that attests to the accuracy of the statements that the Subrecipient has submitted to the auditors for their analysis.
15. “Satisfactory Continuing Control” means the legal assurance that a Capital Asset will remain available to be used for its originally authorized purpose throughout its useful life or until disposition.
16. “Shared Ride Service” means a service where neither the operator nor any passenger may refuse to permit additional passengers that are otherwise complying with the operator’s rules and policies.
17. “STIF” or “Statewide Transportation Improvement Fund” means the fund established under ORS 184.751.
18. “STIF Formula Fund” means the Statewide Transportation Improvement funds to be disbursed to TriMet conditioned upon the Commission’s approval of TriMet’s STIF Plan pursuant to ORS 184.758(2)(a) (effective July 1, 2023) and includes those funds distributed by TriMet as provided in the STIF Plan.
19. “STIF Formula Fund Cycle” means the time period of Fiscal Years 2024 (July 1, 2023) through the end of Fiscal Year 2025 (June 30, 2025) that is programmed in the STIF Plan.
20. “STIF Plan” means a public transportation improvement plan that is approved by TriMet’s Board of Directors and submitted to the Oregon Department of Transportation for review and approval by the Commission in order for TriMet to receive STIF Formula Fund for Fiscal Year 2024-2025.
21. “Student Transit Services” means Public Transportation Services within the Subrecipient’s service area that can feasibly and efficiently be used by students in grades 9-12.

RECITALS:

1. In 2017, the Oregon Legislature established the Statewide Transportation Improvement Fund, which appropriates funds to the Oregon Department of Transportation to finance investments and improvements in public transportation services.
2. In 1985, the Oregon Legislature created the Special Transportation Fund (STF) to support elderly and disabled transportation services. In the 2020 First Special Session, the Oregon Legislative Assembly passed Senate Bill 1601 (2020 Or Laws Chapter 15), effective July 1, 2023. Upon the effective date, the former STF program will be merged into STIF program. The combined funds will be referred to as STIF Formula Funds distributed pursuant to ORS 184.758(2)(a). Consistent with the purpose of the former STF program, a portion of the STIF Formula funds under ORS 184.758(2)(a) shall be dedicated to transit services for older adults and individuals with disabilities, and will be included in the STIF Plan.
3. The STIF Formula Fund is intended to improve Public Transportation Services for current and potential future Oregon transit users by distributing moneys to Qualified Entities. Unless approved by the Oregon Department of Transportation, STIF Formula Funds may not be used to supplant local and regional agency moneys currently dedicated to Subrecipient. .
4. The Commission has approved TriMet’s STIF Plan for use of STIF Formula Funds for the period of Fiscal Year 2024 (beginning July 1, 2023) through the end of Fiscal Year 2025 (June 30, 2025). TriMet is a Recipient of STIF Formula Funds as it is authorized to receive STIF Formula Funds directly from the Oregon Department of Transportation. TriMet’s STIF Plan consists of numerous Projects to provide Public Transportation Services in TriMet’s area of responsibility based on anticipated STIF Formula Funds.
5. Subrecipient is authorized to receive STIF Formula Funds and provide Public Transportation Services in TriMet’s Area of Responsibility as defined by OAR 732-040-0005(5).
6. TriMet’s STIF Plan anticipates sufficient future STIF Formula Funds for Subrecipient for a Project or Projects that provides Public Transportation Services, as specified in this Agreement.
7. Pursuant to ORS Chapter 184 and OAR Chapter 732, Divisions 40 and 42, TriMet and Subrecipient enter into this Agreement for the sole purpose of disbursing the approved STIF Formula Funds to Subrecipient in order for Subrecipient to complete one or more projects specified in the approved STIF Plan. **Funds shall be used solely for the Project(s) and shall not be used for any other purpose.**

AGREEMENTS:

1. General

- 1.1. Subrecipient agrees to comply with and use the STIF Formula Funds in accordance with the terms of this Agreement, including the terms and conditions of ORS 184.751 through 184.766, the provisions of OAR Chapter 732 Divisions 40 and 42, as may be amended, TriMet’s approved STIF Plan, and any ODOT guidance documents pertaining to the Statewide Transportation Improvement Funds Program, including but not limited to the QE – Subrecipient Oversight Compliance Guide (the current version of the Compliance Guide as well as other STIF Formula Fund resources, which are available at <https://www.oregon.gov/odot/RPTD/Pages/STIF-Reporting-and-Technical-Resources.aspx>) and all amendments and addendums to such resources, all of which are incorporated into and made part of this Agreement. Specific contractual requirements applicable to Subrecipient under this Agreement are set forth in Exhibits A-F, which are incorporated into and

made part of this Agreement. Any conflict among the terms of this Agreement shall be resolved in accordance with the following order of precedence: this Agreement form: Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E, and Exhibit F. This Agreement is subject to any written agreements made between ODOT and TriMet regarding disbursement of the STIF Formula Funds, and shall be amended to incorporate those changes.

- 1.2. Subrecipient affirms that it has all the necessary policies and procedures in place to ensure compliance with OAR 732 Divisions 40 and 42, and to achieve the goals and outcomes described in the Project, including but not limited to program and project management; financial management; operations management, procurement, use and maintenance of equipment, records retention, compliance with state and federal civil rights laws, compliance with the Americans with Disabilities Act (ADA), compliance with FTA drug & alcohol regulations, charter and school bus, and safety and asset management.
- 1.3. TriMet affirms that it has all the necessary policies and procedures in place and will take all necessary steps to ensure timely and full distribution of STIF Formula Funds due and payable to Subrecipient. TriMet agrees that it will take all necessary action to ensure that it will not inhibit the distribution of STIF Formula Funds due and payable to Subrecipient so long as Subrecipient is in compliance with this Agreement, including the documents and laws and regulations referred to in Section 1.1 above.
- 1.4. Subrecipient shall not be relieved of any responsibility for performance of Subrecipient's duties under this Agreement, regardless of any lower tier subcontract/subaward entered into. Subrecipient shall require any subcontractor/subrecipient performing services under this Agreement to enter into a written agreement with Subrecipient before the commencement of services, which shall require the subcontractor to comply with ORS 184.751 through 184.766 and the provisions of OAR Chapter 732, Divisions 40 and 42, as may be amended, and the terms of this Agreement. Where provided in this Agreement, Subrecipient shall specifically include in all subcontracts a requirement that the subcontractor shall be bound as provided in this Agreement and exhibits thereto.
- 1.5. Exhibit E reflects funding sub-allocations made by TriMet to Subrecipient and other Public Transportation Service Providers in TriMet's Area of Responsibility. Exhibit E, Part 1 reflects the methodology and disbursement factor for the Payroll-Based Formula funds. Exhibit E, Part 2 reflects the methodology and disbursement for the Population-Based Formula funds. Exhibit E Part 3 represents disbursement factor development methodology used by TriMet to allocate the Payroll-Based Formula Funds identified in Part 1. Subrecipient agrees that TriMet has shared all data used to develop the sub-allocation methods in Exhibit E with Subrecipient as relevant, included in its STIF Plan.
 - 1.5.1. Subrecipient and TriMet agree that the set funding amount for Population-Based Funds designated for Subrecipient and other Public Transportation Service providers in Exhibit E, Part 2 represents, to the extent possible and using the best available data, Subrecipient's share of the Population-Based funds as approved by the Oregon Transportation Commission.
 - 1.5.2. Subrecipient and TriMet agree that the funding amount for Regional Coordination funds, if any, of STIF Formula Funds designated for Subrecipient in Exhibit E, Part 1 represents, the amounts agreed upon by the HB 2017 Transit Advisory Committee, which is the advisory committee established pursuant to ORS 184.761.
 - 1.5.3. Notwithstanding 1.4.2, if Subrecipient receives STIF Formula Funds generated within TriMet's geographic district, Subrecipient agrees that the STIF Formula Funds in Exhibit E,

Part 1 represent the allocation to Subrecipient approved by the Oregon Transportation Commission.

- 1.6. If the total amount of STIF Formula Funds transferred to Subrecipient pursuant to Section 1.4 exceeds the total amount in Exhibit D, the Subrecipient shall retain all excess funds in a restricted account for a future STIF Plan or for disbursement as otherwise approved by the Oregon Transportation Commission.
- 1.7. If the total amount of STIF Formula Funds received by TriMet from ODOT exceeds the total amount budgeted by Subrecipient for any fiscal year in Exhibit E, then TriMet shall retain all excess funds in a restricted account and will disburse the funds plus interest, to Subrecipient for STIF Plan activities to be conducted in the following fiscal year until the maximum amount for the current STIF Plan has been reached, or disbursed in accordance to the subsequent STIF Plan approved by the Commission. A Subrecipient cannot spend more than the amount budgeted for STIF Plan Period, whether from STIF Formula funds or interest earned on those funds.
- 1.8. Once payments to Subrecipient have reached at least 75% of the Subrecipient's annual amount identified in the STIF Plan per Exhibit E, in the following quarterly allocation from ODOT, TriMet will first apply the agreed upon allocation percentages to all the Subrecipients and make adjustments to that allocation to ensure each Subrecipient is fully funded, assuming no shortages in funding from the approved STIF Plan is determined.
 - 1.8.1. Any STIF Formula Funds, including interest, accrued at the end of the STIF Plan period in excess of the amount budgeted by Subrecipient for the STIF Plan period in Exhibit E will be retained by TriMet and disbursed in accordance to the subsequent STIF Plan approved by the Oregon Transportation Commission.
- 1.9. If the STIF Formula Funds transferred to Subrecipient pursuant to Section 1.4 are not sufficient to meet the funding schedule shown as "Plan Budget" on Exhibit D, TriMet will utilize the Subrecipient's percentage of STIF Formula Funds identified in Exhibit E relative to the total STIF Formula Funds received by TriMet, unless the Parties agree otherwise.

Under the STIF Formula funding arrangement (1.6.1.9), the Subrecipient will receive quarterly disbursements as a lump sum. The Subrecipient assumes full responsibility for allocating the lump sum among the approved projects outlined in the STIF Plan.

- 1.10. TriMet agrees to distribute STIF Formula Funds due to Subrecipient in accordance with the terms of this Agreement, ORS 184.751 *et seq.*, and OAR Chapter 732 Divisions 40 and 42.
- 1.11. TriMet is not responsible for satisfying Subrecipient's budgetary shortfalls or remedying delays in funding to Subrecipient for any reason beyond TriMet's direct control.

2. Audit and Compliance Review

- 2.1. All audit and compliance review requirements shall be based on the written guidance provided by ODOT regarding the responsibilities of the QE to conduct oversight activities. This guidance, currently captured in "QE- Subrecipient Oversight Compliance Guide" dated June 2021, shall be incorporated by reference and any subsequent amendments to that guide shall be incorporated into the audit and compliance processes as outlined in this agreement. In the event the parties cannot reach resolution, ODOT shall have responsibility to determine in writing any disagreements regarding implementation of the QE guidance.

- 2.1.1. Subrecipient oversight should not duplicate oversight in areas already monitored by ODOT, FTA, or otherwise evaluated through the independent audit process.
- 2.2. Subrecipient shall conduct an agreed-upon procedure (AUP) to satisfy the annual financial audit of the STIF Formula Funds received and expended by the Subrecipient pursuant to this Agreement and OAR 732-040-0015. AUP will be carried out by an independent licensed public accountant contracted by the Subrecipient in conjunction with the Subrecipient's annual financial audit or as a separately contracted out independent ad-hoc audit carried out by a licensed public accounting firm contracted by the Subrecipient. Subrecipient will adhere to financial management procedures in accordance with Oregon and other applicable laws and requirements, and specifically as provided by ORS 184.751 through 184.766 and OAR Chapter 732, Divisions 40 and 42 in addition to the requirements set forth in this Agreement.
- 2.3. All financial audits prepared pursuant to Section 2.1 shall include the AUP engagement requirements, developed by ODOT, as prescribed in ODOT's STIF Formula QE-Subrecipient Oversight Compliance Guide, and in accordance with Generally Accepted Government Auditing Standards (GAGAS), as well as annual expense testing as that meets the QE expense testing requirement as outlined in the QE- Subrecipient Oversight Compliance Guide. Those procedures, and related costs, will be included with the Subrecipient's annual financial statement audit as referenced in Section 2.1 and will be reimbursed to Subrecipient as a cost of the STIF Project or Projects from the Subrecipient's STIF allocation as included in the subrecipient's approved STIF Plan. The AUP and expense testing will be completed at the same time as the Subrecipient's annual financial audit if possible and results of the AUP and expense testing shall be submitted within 30 days of the submission of the finalized financial audit report, unless a change is mutually agreed by TriMet and Subrecipient.
- 2.4. If expense testing is performed by a third party auditor as authorized by the QE Subrecipient Guide, the results of the expense testing shall be submitted to TriMet within 30 days after finalized report has been issued by the auditor.
- 2.5. In conjunction with the above-described audit and expense testing, as directed in writing by ODOT, TriMet may request additional information regarding specific projects or services. Provided, however, that it is the intent of the parties that TriMet will not request additional information if doing so would be duplicative of audits previously performed by Subrecipient or ODOT. As such, TriMet may not request an additional audit if either ODOT or Subrecipient has previously performed an audit (1) that covered the same time period as the audit requested by TriMet; (2) involved a review of the information required by OAR 732-040-015; and (3) was otherwise consistent with any audit procedures or requirements set forth in an ODOT-approved guidance document.
- 2.6. Subrecipient shall be subject to periodic on-site compliance reviews, by TriMet, or a third-party auditor contracted by the Subrecipient, as prescribed in ODOT's STIF Formula QE-Subrecipient Oversight Compliance Guide. The purpose of the compliance site review is to ensure that Subrecipient has appropriate and adequate internal controls and management procedures to meet the terms and conditions of agreements governing the disbursement of STIF Formula Funds. Compliance reviews may include, but not be limited to the following, as applicable: program and project management, financial management, operations management, procurement, use and maintenance of equipment, records retention, compliance with state and federal civil rights laws, compliance with the Americans with Disabilities Act (ADA), compliance with FTA drug and alcohol regulations, charter and school bus, and safety and asset management.

- 2.6.1. This review shall occur at a frequency outlined in the QE- Subrecipient Oversight Compliance Guide or in amended guidance, and will not duplicate any materials that have already been tested as part of the completion of the annual AUP, expense testing, or any audits or reviews completed by ODOT or FTA during the period of review.
- 2.6.2. Alternative methods of this review (i.e., desk review) are acceptable, however, require prior approval by ODOT.
- 2.7. The following reports are required as part of the Subrecipient’s annual Financial Statement audit, in conjunction with the AUP engagement and expense testing:
- 2.7.1. When conducting a financial statement audit in accordance with Generally Accepted Auditing Standards (GAAS) and Generally Accepted Government Auditing Standards (GAGAS or the Yellow Book), written representations are provided in Subrecipient’s Representation Letter regarding STIF Formula Funds to complement the auditing procedures of the independent auditor.

TriMet requires the following language to be included in the Subrecipient’s Representation Letter to account for STIF Formula Funds, regardless of materiality:

“We are responsible for complying, and have complied with, the requirements pursuant to ORS Chapter 184 and OAR 732, Divisions 40 and 42 for the use of STIF Formula funds identified in the approved FY2024-2025 STIF Plan. We have all appropriate, adequate internal controls and management procedures to meet the terms and conditions of agreements governing the disbursement of STIF Formula Funds, including program and project management, financial management, operations management, procurement, use and maintenance of equipment, records retention, compliance with state and federal civil rights laws, compliance with the Americans with Disabilities Act (ADA), compliance with FTA drug & alcohol regulations, charter and school bus, and safety and asset management.”

- 2.7.2. No later than 30 days after receipt of the auditor’s financial report, Subrecipient will provide an electronic copy of the following documents to TriMet through the Nextcloud Dropbox or emailed to TriMet STIF Compliance Monitoring Team <STIFCompliance@TriMet.org>:
- 2.7.2.1. Audited Financial Statement Report (or Annual Comprehensive Financial Report (ACFR)) and Single Audit, when applicable;
 - 2.7.2.2. Report of Independent Auditors on Compliance and on Internal Control Over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with Oregon Municipal Auditing Standards;
 - 2.7.2.3. Report of Independent Auditors on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards;
 - 2.7.2.4. Report of Independent Auditors on Compliance for the Major Federal Program, Report on Internal Control Over Compliance, and Report on the Schedule of Expenditures of Federal Awards Required by the Uniform Guidance, when applicable;
 - 2.7.2.5. Management Representation Letter with the representation language described in 2.7.1;

- 2.7.2.6. Agreed-Upon Procedures Report as required by ODOT as described in 2.2;
 - 2.7.2.7. Any written communications describing material weaknesses, significant deficiencies, or other matters, including written comments for opportunities for improvement, when applicable;
 - 2.7.2.8. The results of any comprehensive review completed by the Federal Transit Administration or the Oregon Department of Transportation within 30 days of receipt, if applicable;
 - 2.7.2.9. The results of any STIF Formula Fund related reviews or audits within 30 days of receipt, if applicable.
 - 2.7.2.10. If applicable, Subrecipient will provide the asset inventory list as described in Exhibit C Capital Asset Requirements
- 2.8. Subrecipient shall permit TriMet, ODOT, the Secretary of State of the State of Oregon, or their authorized representatives, upon reasonable notice, access to all data and records relating to STIF Formula Funds received or disbursed and to inspect the STIF Plans and Projects financed with STIF Formula Funds including, but not limited to, the financial records, physical premises, and Capital Assets used to deliver public transportation services.

Subrecipient shall ensure that its agreements or contracts with lower tier subrecipients or subcontractors include provisions which permit TriMet, ODOT, the Secretary of State of Oregon, or their authorized representatives, access to data and records held by the Subrecipient or contractor as described in this Section.

3. Accounting Requirements

- 3.1. Subrecipient shall account for STIF Formula Funds separately. Any interest accrued must be added to the moneys and reported to TriMet at the end of the Fiscal Year in which it was earned.
- 3.2. Subrecipient shall document the expenditure of all STIF Formula Funds disbursed by TriMet under this Agreement. Subrecipient shall create and maintain all expenditure records in accordance with generally accepted accounting principles (GAAP) and in sufficient detail to permit TriMet to verify how the STIF Formula Funds were expended. Subrecipient shall comply with applicable federal, state and local laws for accounting, billing and reporting requirements with STIF Formula Funds.

4. Reporting Requirements

- 4.1. Unless already described under Section 2, Audit and Compliance, in addition to any other reporting required by this Agreement or by law, Subrecipient shall submit the following electronic documentation to TriMet:
 - 4.1.1. The Subrecipient's adopted annual budget for the upcoming Fiscal Year must be submitted, no later than 30 days after adoption and in the same format as published for the public. A lower tier subcontractor or subrecipient is not required to submit its organization's annual budget to TriMet.
 - 4.1.2. The results of any relevant financial audits of the Subrecipient or any subcontractor, as required by a local, state or federal oversight agency for the purposes of statewide reporting including, but not limited to:

- 4.1.2.1. Any other report concerning the financial and administrative activities of Subrecipient as required by law that affects the ability of Subrecipient or a subcontractor to perform the functions or programs funded by this Agreement.
- 4.2. Results of audits described in this Section must be submitted to TriMet no later than 30 days after receipt of the final results. A copy of information submitted under this Section 4.1.2 must be sent to TriMet no later than 30 days after submittal to the requesting agency.
 - 4.2.1. Subrecipient will provide TriMet with information that documents the benefits and discrete measurable outcomes associated with each Project as outlined in Exhibit F, the ODOT STIF Formula Fund Reporting Requirements Overview.
- 4.3. Quarterly Reports: Subrecipient shall prepare a quarterly report for TriMet which details Project progress, outcomes achieved, and expenditures of STIF Formula Fund moneys by itself and any subcontractors. The quarterly report shall also provide information confirming that the funds disbursed under OAR 732-042-0035(1) have been used to support transit services for older adults and individuals with disabilities. The quarterly report must be submitted no later than 30 days following the end of a quarter.
 - 4.3.1. The quarterly reporting periods for each STIF Plan year are:
 - 4.3.1.1. January through March
 - 4.3.1.2. April through June
 - 4.3.1.3. July through September
 - 4.3.1.4. October through December
- 4.4. Quarterly progress reports should be remitted via TriMet's established process for posting on its website that meets the requirements of Exhibit A and Exhibit D. Reports must be in a format acceptable to TriMet.
- 4.5. TriMet reserves the right to request additional information as may be necessary to comply with state reporting requirements.
- 4.6. STIF Plan Period Reconciliation: Within 30 days of the end of an approved STIF Plan period, TriMet shall reconcile disbursements made to Subrecipient against the Subrecipient's reported expenditures. If disbursements are found to exceed the expenditures, the amount may be carried forward by the Subrecipient into the next STIF Formula Fund Cycle provided that the Commission approves of the funding plan and any funds carried forward.
- 4.7. Capital Asset Reports: If the Subrecipient has acquired, purchased or leased Capital Assets using STIF Formula Fund moneys, Subrecipient shall provide TriMet with a report of the Capital Asset inventory, described in Exhibit C Section 2, including, an identification of any sale, transfer or other disposition of the Capital Asset as described in Exhibit C. Capital Asset Reports must be submitted to TriMet on a quarterly schedule in a manner specified by TriMet.

5. Withholding of Funds

- 5.1. Subrecipient shall assure that funds allocated hereunder are used only for the purposes permitted, and assumes responsibility for breach of conditions of the STIF Formula Funding requirements hereunder by Subrecipient. Upon breach of this Agreement by Subrecipient, TriMet may withhold future STIF Formula Fund payments to Subrecipient.
- 5.2. In addition to any other provisions of this Agreement TriMet may withhold payment of STIF Formula Funds, if:

- 5.2.1. The Subrecipient or its subcontractor is not using STIF Formula Funds in accordance with the STIF Plan, this Agreement, or applicable laws or regulations;
- 5.2.2. The Subrecipient or its lower-tier subrecipient or subcontractor has not submitted reporting required by applicable law or this Agreement, subject to a reasonable cure period;
- 5.2.2. TriMet determines that there are unresolved audit findings relating to the accounting for STIF Formula Funds as provided by Section 2 Audit and Compliance Review of this Agreement;
- 5.2.3. TriMet determines that there is any unresolved compliance review finding relating to the use of STIF moneys as provided by Section 2 Audit and Compliance Review of this Agreement;
- 5.2.3. If an audit or a review of Subrecipient under this Agreement determines that Subrecipient used STIF Formula Funds inconsistently with this Agreement, TriMet may withhold future STIF Formula Funds;
- 5.2.4. Federal or State laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement;
- 5.2.5. The Commission has withdrawn, modified, or limited its approval of Subrecipient's program as described in this Agreement;
- 5.2.6. Subrecipient terminates this Agreement; or
- 5.2.7. TriMet fails to receive funding, appropriations, limitations or other expense authority outside the control of TriMet, sufficient to allow TriMet, in the exercise of its reasonable administrative discretion or to continue to make payments for performance of this Agreement.

6. Discrimination Prohibited/Compliance with Laws

- 6.1. Subrecipient certifies that no person shall, on the grounds of race, color, creed, religion, sex, age, national origin, or disability, be excluded from participation in, or be denied the benefits of, any activity for which Subrecipient receives STIF Formula Funds. Subrecipient shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, age, national origin, or disability.
- 6.2. Subrecipient shall comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the Agreement or to the implementation of the Project. Without limiting the generality of the foregoing, Subrecipient expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
- 6.3. Subrecipient will include the terms of Sections 6.1-6.2 in any contract with a lower-tier subcontractor or subrecipient for the use of STIF Formula Funds.

7. Indemnification

- 7.1. The parties agree that TriMet shall have no liability of any nature in connection with the Subrecipient's use of the STIF Formula Funds or Subrecipient's provision of transportation services. To the fullest extent permitted by law, Subrecipient agrees to fully indemnify, hold harmless and defend, TriMet, its directors, officers, employees and agents from and against all

claims, suits, actions of whatsoever nature, damages or losses, and all expenses and costs incidental to the investigation and defense thereof including reasonable attorney's fees, resulting from or arising, as between TriMet and Subrecipient, solely out of the Subrecipient's use of the STIF Formula Funds or Subrecipient's provision of transportation services by Subrecipient, its officers, directors, employees, agents, subcontractors and volunteers under this Agreement. If Subrecipient is a public body and the claim, suit, or action subject to indemnification under this section is limited by the Oregon Tort Claims Act (ORS 30.260 *et seq*), then Subrecipient's indemnification will not exceed an amount equal to the applicable tort claim limit for Subrecipient pursuant to the Oregon Tort Claims Act. Any claim, suit, or action not arising solely out of the Subrecipient's use of the STIF Formula Funds or Subrecipient's provision of transportation services shall be governed by Exhibit A(6), contribution.

- 7.2. In addition to any other remedies available to TriMet as provided for by law or under this Agreement, any Subrecipient receiving STIF Formula Funds, pursuant to this Agreement shall assume sole liability for that Subrecipient's breach of the conditions of this Agreement. The provisions set forth in this Section and related provisions in Exhibit A shall survive termination or expiration of this Agreement.

8. Vehicle/ Operator Requirements

- 8.1. Subrecipient shall ensure that all drivers of vehicles purchased with STIF Formula Funds have a valid Oregon driver's license and shall have passed a defensive driving course or bus driver's training course. Per ORS 820.200, drivers of public passenger-carrying vehicles must be at least 21 years of age. Drivers of equipment designed to carry 16 or more passengers, including the driver, shall have a valid Commercial Driver's License (CDL). Subrecipient shall otherwise ensure that operation of the vehicles is performed in accordance with all applicable laws and regulations.
- 8.2. To the extent allowed by Oregon law, Subrecipient shall require criminal, Department of Motor Vehicles and employment background checks as part of the eligibility requirements for all drivers as provided by Subrecipient's own policy or as provided for in a contract with a vendor or contractor.
- 8.3. Subrecipient will include the terms of Sections 8.1-8.2 in any contract with a lower-tier subcontractor or subrecipient for the use of STIF Formula Funds.

9. Funding

- 9.1. Upon execution of this Agreement, TriMet shall disburse to Subrecipient funds quarterly, as outlined in the schedule set forth in Exhibits A, D, and E.
- 9.2. Subrecipient shall document eligible use of STIF Formula Funds through the reports submitted to TriMet's Project Manager in accordance with this Agreement and the Exhibits.
- 9.3. The parties acknowledge that the schedule for disbursement of funds in Exhibits D and E are based on anticipated future revenues collected by the State of Oregon. The estimated disbursements are not guaranteed. Actual funds received may not be sufficient to provide Subrecipient the full amount of STIF Formula Funds in any quarter as anticipated by this Agreement.

10. Term

This Agreement shall be in effect from July 1, 2023 upon signature of both parties. Subrecipient may use STIF Formula Funds for allowable costs incurred after July 1, 2023 and through the term of this Agreement, June 30, 2025, unless the Agreement is terminated earlier as provided in this Agreement.

11. Communications

All communications between the parties regarding this Agreement shall be directed to the parties' respective Project Managers as indicated below:

TriMet:

Program Manager for Reporting and Compliance:

Erika Turney, Grants Manager
101 SW Main St., Suite 500
Portland, OR 97204
503.962.4832
turneye@trimet.org, or
STIFCompliance@trimet.org

Program Manager for STIF Program Questions:

Tom Mills, Director of Planning and Policy
101 SW Main St., Suite 700
Portland, OR 97204
503.962.4883
millst@trimet.org

Subrecipient:

For all communications:

Teresa Christopherson, Administrative Services Manager, Social Services Division
2051 Kaen Rd. #135
Oregon City, OR 97045
503-650-5718 teresachr@co.clackamas.or.us If one party finds a need to designate a new Project Manager, it shall immediately notify the other party in writing, electronic mail, or other dated documentation.

12. Assignment/Subcontracts

Except with regard to audit requirements, Subrecipient may not assign, delegate or subcontract any of its rights or obligations under this Agreement to any other party without the prior written consent of TriMet. Any assignment, delegation or subcontract in violation of this paragraph shall be null and void, and shall constitute grounds for immediate termination by TriMet. If the delegation to a specific entity has been made in the STIF Plan approved by ODOT, then TriMet consents to the delegation.

13. Mediation

Should any dispute arise between the parties concerning this Agreement, which is not resolved by mutual agreement, it is agreed that it will be submitted to mediated negotiation prior to any party commencing litigation. In such an event, the parties to this Agreement agree to participate in good faith in a non-binding mediation process. The mediator shall be selected by mutual agreement of the parties, but in the absence of such agreement each party shall select a temporary mediator and those mediators shall jointly select the permanent mediator. All costs of mediation shall be borne equally by the parties. Notwithstanding the foregoing, either party may seek equitable relief, including, but not limited to, injunctive relief and specific performance, at any time prior to, during, or following mediation.

14. Entire Agreement/Authority

14.1. This Agreement, which includes the attached Exhibits A-F constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made shall be effective only in the specific instance and for the specific purpose given. The failure of either party to enforce any provision of this Agreement shall not constitute a waiver by either party of that or any other provision.

14.2. If any term of this Agreement is determined by a court to be illegal or conflict with any law, the remaining terms shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

14.3. This Agreement may be executed in two or more counterparts (by facsimile or scanned email PDF), each of which is an original and all of which together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.

14.4. The individuals signing below represent and warrant that they have authority to bind the party for which they sign.

TRIMET

Subrecipient

By: Nancy Young-Oliver
Chief Financial Officer (CFO)

By:  _____

Signature: _____ (delegate 10/6 - 10/11)

As Its: Chair, Board of County Commissioners

Date: 10/10/2023

Date: 09/14/2023

Approved as to form

By:  _____ 08/22/2023

[PTSP] Attorney

EXHIBIT A

SPECIFIC AGREEMENT PROVISIONS

Subrecipient shall comply with the provisions as set forth in this Exhibit. Where provided in Exhibit A, Subrecipient shall require each of its lower-tier subrecipients or subcontractors to comply with the provisions as set forth in this Exhibit.

1. Disbursement and Recovery of STIF Formula Funds.

A. **Disbursement Generally.** TriMet shall promptly disburse STIF Formula Funds to Subrecipient after the Oregon Department of Transportation provides funding to TriMet in accordance with and subject to approval of the STIF Plan, the terms and conditions of this Agreement, and Subrecipient's compliance with this Agreement. As used in this Section, "promptly, means within 5 business days of TriMet's receipt of STIF Formula Funds from ODOT, absent a written notification from TriMet to Subrecipient explaining the reason(s) for any delay beyond 5 business days. Subject to the forgoing and based on the current and best available information, TriMet anticipates the following schedule for distribution of STIF Formula funds to Subrecipient:

- i. Upon execution of this Agreement and to the extent TriMet has received funds from ODOT, TriMet shall disburse funds to the Subrecipient as outlined in Exhibit E. TriMet will make disbursements quarterly following receipt from ODOT. ODOT expects to disburse funds to TriMet on January 15, April 15, July 15, and October 15 each year during the STIF Plan Period.
- ii. TriMet will provide a written summary of total funds received and total funds disbursed with each disbursement made under this Agreement to all Subrecipients.

B. **STIF Plan Budget Revisions.** In the event that Subrecipient determines that funds need to be shifted between tasks within that Subrecipient's Project or between that Subrecipient's Projects as allowed under ODOT published guidance, Subrecipient's Project Manager will submit a transfer request to TriMet's Project Manager for Reporting and Compliance. TriMet will promptly request approval from ODOT on Subrecipient's behalf.

2. Representations and Warranties of Subrecipient. Subrecipient represents and warrants to TriMet as follows:

A. **Organization and Authority.** Subrecipient is duly organized and validly existing under the laws of the State of Oregon and is eligible to receive the STIF Formula Funds. Subrecipient has full power, authority, and legal right to make this Agreement and to incur and perform its obligations hereunder, and the making and performance by Subrecipient of this Agreement (1) have been duly authorized by all necessary action of Subrecipient and (2) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of Subrecipient's Charter, Articles of Incorporation or Bylaws, if applicable, (3) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Subrecipient is a party or by which Subrecipient may be bound or affected. No authorization, consent, license, approval of, filing or registration with or

notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Subrecipient of this Agreement.

- B. **Binding Obligation.** This Agreement has been duly executed and delivered by Subrecipient and constitutes a legal, valid and binding obligation of Subrecipient, enforceable in accordance with its terms subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors' rights generally.
- C. **No Solicitation.** Subrecipient's officers, employees, and agents shall neither solicit nor accept gratuities, favors, or any item of monetary value from contractors, potential contractors, or parties to sub agreements, except as permitted by applicable law. No member or delegate to the Congress of the United States or State of Oregon employee shall be admitted to any share or part of this Agreement or any benefit arising therefrom.
- D. **No Debarment.** Neither Subrecipient nor its principals is presently debarred, suspended, or voluntarily excluded from this transaction, or proposed for debarment, declared ineligible or voluntarily excluded from participating in this Agreement by any state or federal agency. Subrecipient agrees to notify TriMet immediately if it is debarred, suspended or otherwise excluded from this federally- assisted transaction for any reason or if circumstances change that may affect this status, including without limitation upon any relevant indictments or convictions of crimes.
- E. **Policies and Procedures.** Subrecipient represents and warrants that it has all of the policies and procedures in place to ensure compliance with OAR 732, Divisions 40 and 42, and to achieve the goals and outcomes specified in the Agreement, including but not limited to program and project management, financial management, operations management, procurement, use and maintenance of equipment, records retention, compliance with state and federal civil rights laws, compliance with the Americans with Disabilities Act (ADA), charter and school bus, and safety and asset management.

The warranties set in this section are in addition to, and not in lieu of, any other warranties set forth in this Agreement or implied by law.

3. Retention of Records and Audit Expenses

- A. **Retention of Records.** Subrecipient shall retain and keep and require its subcontractors to retain and keep accessible all books, documents, papers, and records that are directly related to this Agreement, the STIF Formula Funds or the Project for a minimum of six (6) years, or such longer period as may be required by other provisions of this Agreement or applicable law, following the expiration date of this Agreement. If there are unresolved audit questions at the end of the six-year period, Subrecipient and its subcontractors shall retain the records until the questions are resolved.
- B. **Capital Asset Records.** For any Capital Asset purchased with STIF Formula Funds by Subrecipient or a subcontractor, all records relating to such Capital Assets shall be maintained for three years after disposition of the Capital Asset.
- C. **Audit Requirements.** Subject to the applicable limits of the Oregon Constitution and the Oregon Tort Claim Act, Subrecipient shall indemnify and hold harmless TriMet from the cost of any audits or special investigations to the extent arising from or related to Subrecipient's use of STIF Formula Funds in breach of this Agreement or applicable law. Subrecipient acknowledges and agrees that any audit costs incurred by Subrecipient as a result of allegations of fraud, waste or abuse are ineligible for reimbursement under this Agreement. This section does not apply to

regular audit and compliance reviews that are conducted pursuant to Section 2 of this Agreement.

4. **Subrecipient Sub agreement and Procurement**

A. **Sub agreements.** Subrecipient may enter into agreements with contractors or subcontractors (collectively, "sub agreements") for performance of the Project.

- i. All sub agreements must be in writing executed by Subrecipient and must incorporate and pass through all of the applicable requirements of this Agreement to the other party or parties to the sub agreement(s). Use of a sub agreement does not relieve Subrecipient of its responsibilities under this Agreement. Subrecipient agrees to provide TriMet with a copy of any signed sub agreement upon request by TriMet. Any substantial breach of a term or condition of a sub agreement relating to funds covered by this Agreement must be reported by Subrecipient to TriMet within ten (10) days of its being discovered.

B. **Subrecipient's sub agreement(s) shall require the other party to such sub agreement (s) to indemnify, defend, save and hold harmless TriMet, and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including reasonable attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the other party to Subrecipient's sub agreement or any of such party's officers, agents, employees or subcontractors ("Claims"). The sub agreement shall specifically state that it is the specific intention that TriMet shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of TriMet, be indemnified by the other party to Subrecipient's sub agreement(s) from and against any and all Claims.**

Any such indemnification shall also provide that neither Subrecipient's subrecipient(s), contractor(s) nor subcontractor(s) (collectively "Subcontractors"), nor any attorney engaged by Subrecipient's Subcontractor(s), shall defend any claim in the name of TriMet nor purport to act as legal representative of TriMet without the prior written consent of TriMet. TriMet may, at any time at its election, assume its own defense and settlement in the event that it determines that Subrecipient's Subcontractor is prohibited from defending TriMet or that Subrecipient's Subcontractor is not adequately defending TriMet's interests, or that an important governmental principle is at issue or that it is in the best interests of TriMet to do so. TriMet reserves all rights to pursue claims it may have against Subrecipient's Subcontractor if TriMet elects to assume its own defense.

Subrecipient shall require the other party, or parties, to each of its sub agreements that are not units of local government as defined in ORS 190.003 to obtain and maintain insurance of the types and in the amounts provided in Exhibit B to this Agreement.

C. **Procurements.** Subrecipient shall make purchases of any equipment, materials, or services for the Project in compliance with all applicable procurement laws and policies.

5. **Termination**

A. **Termination by Subrecipient.** Subrecipient may terminate this Agreement or terminate or suspend any specific Project funded by this Agreement, effective upon delivery of written notice of termination to TriMet within 30 days, or at such later date as may be established by Subrecipient in such written notice, if:

- i. The requisite local funding to continue the Project becomes unavailable to Subrecipient; or
 - ii. Federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement.
- B. Effect of Termination.** The expiration or termination of this Agreement or any Project, for any reason, shall not release Subrecipient from any obligation or liability to TriMet, any requirement or obligation that:
- i. Has already accrued hereunder;
 - ii. Comes into effect due to the expiration or termination of the Agreement; or
 - iii. Otherwise survives the expiration or termination of this Agreement.

Following the termination of this Agreement or any Project as provided in this Section, Subrecipient shall promptly identify all unexpended funds and return all unexpended funds to TriMet. Unexpended funds are those funds received by Subrecipient under this Agreement that (i) have not been spent or expended to pay the costs or expenses of the Project or Projects; and (ii) are not required to pay costs or expenses of the terminated Project(s) that will become due and payable as a result of the termination of the Project(s).

Subrecipient's identification and calculation of unexpended funds in this Section is Subject to **Section 2, Audit and Compliance Review**, of this Agreement.

6. General Provisions

- A. Contribution.** If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against TriMet or Subrecipient with respect to which the other party may have liability, the notified party must promptly notify the other party in writing of the Third Party Claim and deliver to the other party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a party of the notice and copies required in this paragraph and meaningful opportunity for the party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that party's liability with respect to the Third Party Claim.

With respect to a Third Party Claim for which TriMet is jointly liable with Subrecipient (or would be if joined in the Third Party Claim), TriMet shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Subrecipient in such proportion as is appropriate to reflect the relative fault of TriMet on the one hand and of the Subrecipient on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of TriMet on the one hand and of Subrecipient on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. TriMet's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if TriMet had sole liability in the proceeding.

With respect to a Third Party Claim for which Subrecipient is jointly liable with TriMet (or would be if joined in the Third Party Claim), Subrecipient shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by TriMet in such proportion as is appropriate to reflect the relative fault of Subrecipient on the one hand and of TriMet on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Subrecipient on the one hand and of TriMet on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. If Subrecipient is a public body, Subrecipient's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, if Subrecipient had sole liability in the proceeding.

- B. **Duplicate Payment.** Subrecipient is not entitled to compensation or any other form of duplicate, overlapping or multiple payments for the same work performed under this Agreement from any agency of the State of Oregon or the United States of America, TriMet or any other party, organization or individual.
- C. **No Third Party Beneficiaries.** TriMet and Subrecipient are the only Parties to this Agreement and are the only Parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly or indirectly, to a third person unless such a third person is individually identified by name herein and expressly described as an intended beneficiary of the terms of this Agreement.
- D. **Notices.** Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, email, or mailing the same, postage prepaid, to Subrecipient's Project Manager or TriMet's Project Manager at the address or number set forth in Paragraph 12 Communications of the Agreement, or to such other addresses or numbers as either party may hereafter indicate. Any communication or notice personally delivered shall be deemed to be given when actually delivered. Any communication by email shall be deemed to be given when the recipient of the email acknowledges receipt of the email. Any communication or notice mailed shall be deemed to be given three days after the date of mailing. If email is used for communications pursuant to the following Sections, either mail or personal delivery must also be employed by the sender to the recipient and the later of the delivery dates is the date that will be used to calculate any timeframes for responses or cure periods for the recipient: Section 5.2; Exhibit A, Sections 1(A), 3(C), 5, and 6(A); and Exhibit C, Section 7.
- E. **Governing Law, Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between TriMet and Subrecipient that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Multnomah County in the State of Oregon. EACH PARTY HEREBY CONSENTS TO THE EXCLUSIVE JURISDICTION OF SUCH COURT, WAIVES ANY OBJECTION TO VENUE, AND WAIVES ANY CLAIM THAT SUCH FORUM IS AN INCONVENIENT FORUM.
- F. **Insurance; Workers' Compensation.** All employers, including Subrecipient, that employ subject workers who provide services in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126. Employer's liability insurance with coverage limits of not less than \$500,000 must be included. Subrecipient shall ensure that each of its contractor(s) and

subcontractor(s) complies with these requirements. Subrecipient shall include in any subcontracts to perform services pursuant to this Agreement a provision requiring a subcontractor to comply with this Subsection F, and that failure to do so is a material breach of the subcontract with Subrecipient.

- G. **Independent Contractor.** Subrecipient shall perform the Project as an independent contractor and not as an agent or employee of TriMet. Subrecipient shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement, including but not limited to PERS contributions, workers compensation, unemployment taxes and state and federal income tax withholdings. Subrecipient has no right or authority to incur or create any obligation for or legally bind TriMet in any way. TriMet cannot and will not control the means or manner by which Subrecipient performs the Project, except as specifically set forth in this Agreement. Subrecipient is responsible for determining the appropriate means and manner of performing the Project. Subrecipient acknowledges and agrees that Subrecipient, its officers, directors, employees, subcontractors or volunteers are not an “officer,” “employee,” or “agent” of TriMet, as those terms are used in ORS 30.265, and shall not make representations to third parties to the contrary. Neither Subrecipient, nor its directors, officers, employees, subcontractors, or volunteers shall hold themselves out either explicitly or implicitly as officers, employees, or agents of TriMet for any purpose whatsoever. Nothing in this Agreement shall be deemed to create a partnership, franchise, or joint venture between the parties.

EXHIBIT B
SUBRECIPIENT INSURANCE REQUIREMENTS

GENERAL

Subrecipient shall obtain and provide, and require in its first tier sub agreements with entities that are not units of local government as defined in ORS 190.003, if any, that the subcontractor obtain and provide the same insurance applicable to Subrecipient for subcontractor's performance under its sub agreement: i) insurance specified under TYPES AND AMOUNTS and meeting the requirements under ADDITIONAL INSURED, "TAIL" COVERAGE, NOTICE OF CANCELLATION OR CHANGE, and CERTIFICATES OF INSURANCE before performance of this Agreement and of any sub agreement commences, and ii) maintain the insurance in full force throughout the duration of this Agreement and sub agreement. The insurance must be provided by insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to TriMet. Subrecipient shall not commence work under this Agreement, and shall not authorize work to begin under a sub agreement until the insurance is in full force. Thereafter, Subrecipient shall monitor continued compliance with the insurance requirements in its sub agreements on an annual or more frequent basis. Subrecipient shall incorporate appropriate provisions in the sub agreement permitting it to enforce compliance with the insurance requirements and shall take all reasonable steps to enforce such compliance. In no event shall Subrecipient permit work under a sub agreement when Subrecipient is aware that the contractor is not in compliance with the insurance requirements. As used in this section, "first tier" means a sub agreement in which the Subrecipient is a party.

Subrecipient may be self-insured as long as the amount of insurance are equal to the amounts listed below. Subrecipient shall comply with any requirements of TriMet with respect to these insurance requirements, including but not limited to TriMet issued stop work orders (or the equivalent) until the insurance is in full force, or terminating the Contract as permitted by this Contract, or pursuing legal action to enforce the insurance requirements.

TYPES AND AMOUNTS

- I. **WORKERS COMPENSATION.** Insurance in compliance with ORS 656.017, which requires all employers that employ subject workers, as defined in ORS 656.027, to provide workers' compensation coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Employer's liability insurance with coverage limits of not less than \$500,000 must be included.

- II. **COMMERCIAL GENERAL LIABILITY.** Commercial General Liability Insurance covering bodily injury, death, and property damage in a form and with coverages that are satisfactory to TriMet. This insurance shall include personal injury liability, products and completed operations. Coverage shall be written on an occurrence form basis, with not less than the following amounts as determined by TriMet:

 Bodily Injury, Death and Property
 Damage:

 \$1,000,000 per occurrence (for all claimants for claims arising out of a single accident or occurrence).

 Insurance policy shall include Sexual Abuse/Molestation coverage with limits no less than \$500,000 per occurrence/aggregate.

- III. **AUTOMOBILE Liability Insurance: Automobile Liability.** Automobile Liability Insurance covering all owned, non-owned and hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for "Commercial General Liability" and

"Automobile Liability"). Automobile Liability Insurance must be in not less than the following amounts as determined by TriMet:

Bodily Injury, Death and Property
Damage:

\$1,000,000 per occurrence (for all claimants for claims arising out of a single accident or occurrence).

ADDITIONAL INSURED

The Commercial General Liability Insurance and Automobile Liability insurance must include TriMet, and its respective officers, employees and agents as Additional Insureds but only with respect to the Subrecipient's activities to be performed under the Agreement and, with respect to subcontractors, activities to be performed under their sub agreements. Coverage must be primary and non-contributory with any other insurance and self-insurance.

"TAIL" COVERAGE

If any of the required insurance policies is on a "claims made" basis, such as professional liability insurance, the Subrecipient and the subcontractor shall maintain either "tail" coverage or continuous "claims made" liability coverage, provided the effective date of the continuous "claims made" coverage is on or before the effective date of this Agreement for Subrecipient, and the effective date of the sub agreement for subcontractors, for a minimum of 24 months following the later of: (i) the Subrecipient's completion and TriMet's acceptance of all services required under this Agreement, and the subcontractors completion and Subrecipient's acceptance of all services required under the sub agreement or, (ii) the expiration of all warranty periods provided under this Agreement with respect to Subrecipient and the sub agreement with respect to the subcontractor. Notwithstanding the foregoing 24-month requirement, if the Subrecipient or subcontractor elects to maintain "tail" coverage and if the maximum time period "tail" coverage reasonably available in the marketplace is less than the 24-month period described above, then the Subrecipient or subcontractor may request and TriMet may grant approval of the maximum "tail" coverage period reasonably available in the marketplace. If TriMet approval is granted, the Subrecipient or subcontractor shall maintain "tail" coverage for the maximum time period that "tail" coverage is reasonably available in the marketplace.

NOTICE OF CANCELLATION OR CHANGE

The Subrecipient or its insurer must provide 30 days' written notice to TriMet before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

CERTIFICATE(S) OF INSURANCE

Subrecipient shall submit to TriMet a certificate(s) of insurance for all required insurance before the commencement of performance of services. The certificate(s) or an attached endorsement must specify: i) all entities and individuals who are endorsed on the policy as Additional Insured and ii) for insurance on a "claims made" basis, the extended reporting period applicable to "tail" or continuous "claims made" coverage. In lieu of filing the certificate of insurance required herein, if Subrecipient is a local government as defined under ORS 190.003, Subrecipient may furnish a declaration that Grantee is self-insured for no less than the amounts required by applicable law.

EXHIBIT C CAPITAL ASSET REQUIREMENTS

The terms of Exhibit C applies to all Recipients who purchased Capital Assets with STIF Formula Funds.

1. Subrecipient shall ensure Satisfactory Continuing Control of a Capital Asset purchased or leased in whole or part with STIF Formula Funding during the period of its useful life or until disposition.
2. Subrecipient shall inventory Capital Assets purchased or leased in whole or part with STIF Formula Funds. The inventory will include a description of the Capital Asset, date of purchase or lease, purchase price, amount of STIF Formula Funds contributed to the purchase or lease, the source of other funds, if applicable, the authorized use, the Subrecipient or subcontractor using the Capital Asset, and the condition of the asset.
 - i. If Capital Asset is a vehicle, the inventory must include the size of vehicle, the total number of passenger seats, the total number of ADA stations, the total number of seats when all ADA stations are deployed, the current mileage, and its current condition.
 - ii. If Capital Asset is an improvement to real property, such as a facility, building, or transit shelter, the inventory must include the location of the Capital Asset and its current condition.
3. Vehicles may be replaced using STIF Formula Funding if:
 - i. Subrecipient holds clear title to the vehicle(s) being replaced. Salvaged titles will not be accepted.
 - ii. The vehicle(s) has met or exceeded the applicable useful life guidelines established by the Oregon Department of Transportation (ODOT), or, if federal funds are used to purchase the vehicle, those established by the Federal Transit Administration (FTA), provided such FTA standards are no less stringent.
 - iii. The vehicle has not been previously replaced.
4. By executing an Agreement that includes the purchase of Capital Assets, Subrecipient commits to continually use the vehicle for the approved purpose for the useful life of the vehicle(s).
5. To be eligible to receive STIF Formula Funds for a real property Capital Asset, such as a transit facility, bus barn, maintenance facility, land, or administration building, Subrecipient shall demonstrate one or more of the following:
 - i. Subrecipient ownership of the property upon which the Capital Asset will be located;
 - ii. Subrecipient possession of an executed lease agreement for the property location that will be in place for the useful life of the Capital Asset;
 - iii. Subrecipient possession of an executed lien on the property for the useful life of the Capital Asset;
 - iv. In the case of a Project which will utilize property owned by a local city, county or government, an executed intergovernmental agreement with the property owner guaranteeing ongoing use for the duration of the useful life of the Capital Asset; or
 - v. In the case of a Project to purchase land, an option to purchase the land identified in the Project.

6. Subrecipient: shall:
 - i. Comply with all useful life standards established by TriMet and ODOT for Capital Assets acquired pursuant to their STIF Plans, or, if federal funds are used to purchase the Capital Asset(s), those established by the FTA, provided such FTA standards are no less stringent.
 - ii. Use TriMet's and ODOT's established procedures for the disposition of Capital Assets acquired with STIF Formula Fund moneys, or, if federal funds are used to purchase the Capital Asset(s), those established by the FTA, provided such FTA standards are no less stringent.
 - iii. Retain the net proceeds from a sale or other disposition of a Capital Asset to reinvest in a future STIF Plan capital Project or return the net proceeds to ODOT. Net proceeds are the asset's original value less disposal proceeds, depreciation, and disposal costs. If non-STIF funds were used in the original purchase, then only the proportion representing STIF Formula Fund contribution to the purchase are subject to this rule.
 - iv. Comply with TriMet's and ODOT's written procedures to ensure that a Capital Asset is maintained in safe operating condition, or, if federal funds are used to purchase the Capital Asset(s), those established by the FTA provided such FTA standards are no less stringent.
 - v. Maintain insurance or self-insurance coverage, or require subcontractors to maintain insurance coverage, that meets or exceeds the standards in ORS 806.070.
 - vi. Ensure that vehicles purchased in whole or in part with STIF Formula Fund moneys are titled with the Oregon Department of Transportation Driver and Motor Vehicle Services Division pursuant to ORS 803.045 and supporting rules, with the Oregon Department of Transportation listed as the primary security interest holder, subject to the following additional requirements:
 1. If the vehicle is registered in the name of an entity that is not a Qualified Entity or Public Transportation Service Provider, then TriMet, as the Qualified Entity and as required by OAR 732-042-0040(6), must be listed on the vehicle title as the secondary security interest holder.
 2. If the vehicle was purchased with federal funds in addition to STIF Formula Fund moneys, and the federal funding source requires the vehicle to be titled otherwise than provided in this Agreement, then the federal titling requirements prevail.
7. Subrecipient shall notify TriMet of the sale, transfer or other disposition of a Capital Asset purchased with STIF Formula Fund moneys and shall report the use of proceeds, if any, from the sale to TriMet.
8. A Subrecipient may transfer its interest in a Capital Asset to an asset of equal or greater value if the transfer is proposed in a STIF Plan which is approved by the Commission.
9. When TriMet is a security interest holder in a Capital Asset, TriMet may exercise all of the rights provided to a secured lien holder under Oregon law, including without limitation, the ability to take control or possession of the Capital Asset if it determines either:
 - i. that the asset is not being used for the purpose described in a STIF Plan under which it was funded in whole or part by STIF Formula Fund moneys; or

- ii. if, during a compliance audit conducted pursuant to **Section 2 Audit and Compliance Review** of this Agreement, TriMet determines the asset is not being maintained in a state of good operational repair.

EXHIBIT D
SUBRECIPIENT SCOPE OF WORK

Sub-Recipient Contact Information

- Name of Organization: Clackamas County
- Contact Person: Teresa Christopherson, Administrative Services Manager, Social Services Division
- Address: 2051 Kaen Rd. #135, Oregon City, OR 97045
- Telephone: 503-650-5718
- E-Mail: teresachr@co.clackamas.or.us
- FAX:

TriMet Contact for Reporting and Compliance:

- Contact Person: Erika Turney, Grants Manager
- Address: 101 SW Main St., Suite 500, Portland, OR 97201972019720197204

- Telephone: 503.962.4832
- E-Mail: STIFCompliance@trimet.org and turneye@trimet.org

TriMet Contact about HB2017 Program:

- Contact Person: Tom Mills, Director, Mobility Planning & Policy
Address: 101 SW Main St., Suite 700, Portland, OR 97201972019720197204
- Telephone: 503.962.4883
- E-Mail: millst@trimet.org

Term of Contract:

7/1/2023 thru 6/30/2025

Total FY24-25 STIF Formula Funds (with unspent funds/interest from FY22-23 STIF Plan): \$ 7,825,661

Total New FY24-FY25 STIF Formula Funds (no unspent funds/interest): \$5,694,843

DESCRIPTION OF PROJECTS

Project Description:

Clackamas County will conduct the following activities with FY24-25 Oregon Statewide Transportation Improvement Funds and Special Transportation Funds received via TriMet:

STIF Plan Project Number	Project Name	Project Description	Task Number & Description
1	Transit Operations	Mt Hood Express Service: Continued funding for existing Village Shuttle and Mt Hood Express services from the City of Sandy to Rhododendron and Government Camp. This includes funding for one Express run daily and one Villages shuttle daily added during the funding cycle in FY19/21. All other operational and match costs needed to maintain existing service levels. This project includes funding allocated through the STF process.	Task 1: Operations
			Task 2: Operations
			Task 3: Operations
			Task 4: Operations

2	Planning and Capital	Clackamas County Planning and Capital Improvements	Task 1: Planning
			Task 2: Purchase 1 standard 40' bus
			Task 3: Project Administration
			Task 4: Preventative Maintenance
			Task 5: Capital Purchase Technology
			Task 6: Vehicle Purchase 1 Van and 2 under 40' Buses
3	Community Based Transportation	Clackamas County Community Based Transportation	Task 1: Operations
			Task 2: Operations
			Task 3: Operations
			Task 4: Program Reserve
			Task 5: Operations
			Task 6: Operations
			Task 7: Purchase 1 Van
4	Admin and Program Reserve	Clackamas County Admin and Program Reserve	Task 1: Program Reserve
			Task 2: Program Reserve
			Task 3: Project Administration
5	Clackamas County Shuttles	Regional Coordination Project: This project was previously approved under the FY19-21 STIF Plan. Continued and expansion funding for the Clackamas Community College (CCC) free Xpress Shuttle, Oregon City Last Mile Shuttle, and Clackamas Industrial Last Mile Shuttles that provide enhanced transit access throughout the community, particularly for transit dependent and low income populations. Rollover funding will be used to purchase additional vehicles to provide this extra service and maintain existing service levels. This shuttle is open to the public and provides a direct link between Oregon City and Clackamas.	Task 1: Purchase one Under 30' bus
			Task 2: Operations
			Task 3: Project Administration
6	Estacada to Clackamas Community College	Service from Estacada to CCC. Partnering with Sandy Area Metro to provide expanded Estacada service to include	Task 1: Purchase one Under 30' bus

		Clackamas Community College via Redland Road or another identified alternative.	Task 2: Operations
7	Regional Coordination Program Reserve	Approved category to cover the costs of projects within the STIF Plan	Task 1: Program Reserve

PLAN BUDGET:

STIF Plan Project Number	FY24	FY25	FY22-23 Unspent	FY22-23 Interest
1	\$266,779	\$266,782	\$187,000	\$0
2	\$70,899	\$43,287	\$100,000	\$0
3	\$912,863	\$1,166,758	\$50,000	\$0
4	\$310,962	\$373,000	\$375,748	\$25,000
5	\$780,000	\$883,513	\$1,093,070	\$0
6	\$216,000	\$404,000	\$0	\$0
7	\$0	\$0	\$300,000	\$0
Subtotal	\$2,557,503	\$3,137,340	\$2,105,818	\$25,000
Grand Total (all funds):	\$7,825,661			
Grant Total (new funds):	\$5,694,843			

REPORTING:

Plan Outcomes	FY24-25 Plan	Quarterly Report	Annual Report
Revenue Miles	593,782	X	
Revenue Hours	119,978	X	
Rides	82,969	X	
Number of new shared stops with other transit providers	6	X	
Number of rides provided to students in grades 9-12	6,000	X	
Number of students in grades 9-12 served by demand response	0	X	
Other outcomes	n/a	X	
Number of individuals within a ½ mile of a transit stop for fixed route transit	160,036		X
Number of low-income households within a ½ mile of a transit stop for fixed route transit	39,632		X
Number of students in grades 9-12 attending a school served by transit	500		X
Number of rides to students in grades 9-12	n/a		X
Program Criteria			
Increased frequency to areas with a high percentage of low-income households			X
Expanded routes or services to areas with a high percentage of low-income households			X
Reduced fares in communities with a high percentage of low-income households			X
Procurements of low or no emission buses for use in areas with a population of 200,000 or more			X
Improved frequency and reliability of service between communities in and out of the Qualified Entity’s area			X

Improved coordination among Public Transportation Service Providers to reduce fragmentation of service		X
Implementation of programs to provide student transit service for students in grades 9-12		X
Capital Assets		
Acquired, purchased or leased capital assets Qualified Entities and Public Transportation Service Providers using STIF funds	X	
Low-Income Tax Mitigation		
Report on mitigating the tax on low-income passengers		X
Audit Reports		
Copy of financial audits, including STIF procedures		X

EXHIBIT E

STIF FUNDING DISBURSEMENT FORMULA

EXHIBIT E PART 1

Payroll-Based Formula

	Step 1:	Step 2:	Step 3:	Step 4:	
FY24 STIF Payroll Based Formula Funds Disbursement Steps	Apply STIF Disbursement Factors to Total	Regional Coord. Disbursement per Quarter	Human Services/Streetcar Disbursement per Quarter	Human Services/Streetcar Breakout per Quarter	Not to Exceed FY24 STIF Payroll Based Formula Funds Plan
Jurisdictions	Multiply total by disbursement factor for each jurisdiction	Deduct off the top of TriMet Disbursement	% of TriMet Disbursement	Divide Human Services/Streetcar disbursement	Year FY24 of New FY24-25 Payroll Based Formula Funds STIF Plan
TriMet	0.95078072			0.11822251	\$ 69,134,666
Clackamas County	0.00874575	\$ 195,000		0.05485343	\$ 2,034,702
Multnomah County	0.00117914	\$ 236,500		N/A	\$ 1,201,000
Washington County	0.00572522	\$ 700,216		N/A	\$ 3,223,365
City of Wilsonville - SMART	0.02197322	\$ 426,193	0.06263100	N/A	\$ 2,755,000
Canby Area Transit	0.00539101	\$ -		N/A	\$ 432,921
Sandy Area Metro	0.00233753	\$ 137,500		0.01785235	\$ 862,953
South Clackamas Transportation District	0.00386741	\$ -		N/A	\$ 408,256
City of Portland Streetcar	N/A	\$ -		0.61265121	\$ 3,000,000
Ride Connection	N/A	\$ -		0.1964205	\$ 961,822
Subtotal		\$ 1,695,410			\$ 84,014,684

	Step 1:	Step 2:	Step 3:	Step 4:	
FY25 STIF Payroll Based Formula Funds Disbursement Steps	Apply STIF Disbursement Factors to Total	Regional Coord. Disbursement per Quarter	Human Services/Streetcar Disbursement per Quarter	Human Services/Streetcar Breakout per Quarter	Not to Exceed FY25 STIF Payroll Based Formula Funds Plan
Jurisdictions		Deduct off the top of TriMet Disbursement	% of TriMet Disbursement	Divide Human Services/Streetcar disbursement	Year FY25 of New FY24-25 Payroll Based Formula Funds STIF Plan
TriMet	0.950780720	N/A		0.09801122	\$ 51,267,000
Clackamas County	0.008745750	\$ 220,878		0.05394116	\$ 2,600,741
Multnomah County	0.001179140	\$ 248,750		N/A	\$ 1,079,000
Washington County	0.005725220	\$ 755,362		N/A	\$ 3,474,099
City of Wilsonville - SMART	0.021973220	\$ 428,000	0.08055586	N/A	\$ 4,405,000
Canby Area Transit	0.005391010	N/A		N/A	\$ 450,231
Sandy Area Metro	0.002337530	\$ 87,500		0.01713599	\$ 682,921
South Clackamas Transportation District	0.003867410	N/A		N/A	\$ 239,256
City of Portland Streetcar	N/A	N/A		0.58806728	\$ 3,000,000
Ride Connection	N/A	N/A		0.24284435	\$ 1,238,860
Subtotal		\$ 1,740,491			\$ 68,437,108

EXHIBIT E PART 2

Population-Based Formula

FY24 STIF Population Funds Disbursement Steps	STIF Population Disbursement per Quarter	Not to Exceed FY24 STIF Population Based Formula Funds Plan
Jurisdictions		New FY24 Population Based Formula Funds Per FY24-25 STIF Plan
TriMet	\$ -	\$ -
Clackamas County	\$ 132,425	\$ 529,700
Multnomah County	\$ 136,608	\$ 546,431
Washington County	\$ -	\$ -
City of Wilsonville - SMART	\$ 79,307	\$ 317,227
Canby Area Transit	\$ 32,436	\$ 129,744
Sandy Area Metro	\$ 37,137	\$ 148,550
South Clackamas Transportation District	\$ 33,346	\$ 133,385
City of Portland Streetcar	\$ -	\$ -
Ride Connection	\$ 776,086	\$ 3,104,345
Total	\$ 1,227,345	\$ 4,909,381

FY25 STIF Population Funds Disbursement Steps	STIF Population Disbursement per Quarter	Not to Exceed FY25 STIF Population Based Formula Funds Plan
Jurisdictions		New FY25 Population Based Formula Funds Per FY24-25 STIF Plan
TriMet	\$ -	\$ -
Clackamas County	\$ 132,425	\$ 529,700
Multnomah County	\$ 136,608	\$ 546,431
Washington County	\$ -	\$ -
City of Wilsonville - SMART	\$ 79,307	\$ 317,227
Canby Area Transit	\$ 32,436	\$ 129,744
Sandy Area Metro	\$ 37,137	\$ 148,549
South Clackamas Transportation District	\$ 33,346	\$ 133,385
City of Portland Streetcar	\$ -	\$ -
Ride Connection	\$ 776,086	\$ 3,104,346
Total	\$ 1,227,345	\$ 4,909,381

EXHIBIT E PART 3

Disbursement Factor Development Methodology

Area	2020 QCEW		Percent out of TriMet District	ODOT STIF Formula Fund Allocation		
	Total Pay	Payroll Tax		FY 2024	FY 2025	Total
Clackamas County Total						
Within TriMet Service District	\$7,016,749,380	\$7,016,749				
Outside TriMet Service District	\$2,321,479,836	\$2,321,480		\$2,321,003	\$2,439,061	\$4,760,064
	\$9,338,229,216	\$9,338,229.22				
Sub-County Allocation						
Clackamas County	\$540,785,839	\$540,786	23.29%	\$540,675	\$568,176	\$1,108,851
South Clackamas Transportation District (SCTD)	\$239,137,961	\$239,138	10.30%	\$239,089	\$251,250	\$490,339
City of Wilsonville	\$1,063,668,349	\$1,063,668	45.82%	\$1,063,450	\$1,117,542	\$2,180,992
City of Canby	\$333,348,510	\$333,349	14.36%	\$333,280	\$350,232	\$683,512
City of Sandy	\$144,539,177	\$144,539	6.23%	\$144,509	\$151,860	\$296,369
Subtotal	\$2,321,479,836	\$2,321,480		\$2,321,003	\$2,439,061	\$4,760,064
Washington County Total						
Within TriMet Service District	\$19,518,639,792	\$19,518,640				
Outside TriMet Service District	\$649,041,327	\$649,041		\$690,524	\$725,647	\$1,416,171
	\$20,167,681,119	\$20,167,681.12				
Sub-County Allocation						
Washington County	\$354,014,315	\$354,014	54.54%	\$376,641	\$395,798	\$772,439
City of Wilsonville	\$295,027,012	\$295,027	45.46%	\$313,883	\$329,849	\$643,732
Subtotal	\$649,041,327	\$649,041		\$690,524	\$725,647	\$1,416,171
Multnomah County Total						
Within TriMet Service District	\$32,255,337,212	\$32,255,337				
Outside TriMet Service District	\$72,911,229	\$72,911		\$66,940	\$70,345	\$137,285
	\$32,328,248,441	\$32,328,248.44				
Data Sources:	Oregon Employment Department Revised by OED April 2022			Oregon Department of Transportation December 2021		

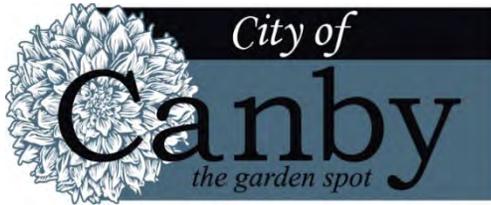
Jurisdiction	2020 Payroll [QCEW Data]	FY24-25 STIF Disbursement Rate [Rounded to 8 decimals]
TriMet	\$58,790,726,384	0.95078072
Clackamas County	\$540,785,839	0.00874575
Multnomah County	\$72,911,229	0.00117914
Washington County	\$354,014,315	0.00572522
SMART	\$1,358,695,361	0.02197322
Canby	\$333,348,510	0.00539101
Sandy	\$144,539,177	0.00233753
SCTD	\$239,137,961	0.00386741
Total	\$61,834,158,776	1.00000000

EXHIBIT F

**Statewide Transportation Improvement Fund Formula
Fund Reporting Requirements Overview**

The Statewide Transportation Improvement Fund Formula Fund Reporting Requirements Overview, and as may be amended, is incorporated by reference and made a part of this Agreement. The current version is available here:

<https://www.oregon.gov/odot/RPTD/RPTD%20Committee%20Meeting%20Documents/STIF-Formula-Reporting-Requirements-Overview.pdf>



CITY COUNCIL Staff Report

Meeting Date: 7/17/2024

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Don Hardy, Planning Director
Agenda: Consider Resolution No. 1416: A Resolution Granting Support for an Oregon Department of Transportation (ODOT) Transportation Growth Management (TMG) Grant Application for Concept Planning Related to the Urban Growth Boundary Expansion.
Goal: Plan a Transportation System that Eases the Impacts of Growth

Summary

The Oregon Department of Transportation (ODOT) provides funding to support Integrated Land Use and Transportation Planning through the Transportation Growth Management (TGM) program. The city is currently working on an urban growth boundary (UGB) expansion of approximately 560 acres. Once the UGB expansion is adopted by the City of Canby and approved by Clackamas County and DLCD, the next step toward making the UGB expansion area development-ready is to prepare a concept plan. The concept plan will designate land uses, provide a conceptual layout of utilities and roads, identify high-level costs for public infrastructure, and describe possible funding and phasing strategies. An ODOT TGM grant would off-set some of the costs for this concept planning effort. ODOT and the Department of Land Conversation and Development representatives have encouraged the city to submit for the TGM grant. The city has a good chance of receiving funding based on the comprehensive plan, transportation system plan, and UGB expansion work completed to date.

Background

The UGB expansion submittal is anticipated in FY 25/26 and conceptual planning can occur concurrently during review by the County and State. The ODOT TGM grant provides funding in a two-year cycle and if awarded to the city, funding would occur from FY 25/26 to FY 26/27. This matches up with when the city would want to complete concept planning. ODOT has encouraged the city to submit a grant project budget of \$250,000. The application does require a local match of approximately \$25,000 in the form of dedicated time from staff and volunteers. City staff will document the staff project hours dedicated to the project that will fulfill the local match.

Attachments

Resolution of support by city council

Fiscal Impact

None

Options

Approve or Deny the resolution of support

Proposed Motion

"I move to approve Resolution 1416, a Resolution Granting Support for an Oregon Department of Transportation (ODOT) Transportation Growth Management (TMG) Grant Application for Concept Planning Related to the Urban Growth Boundary Expansion.

RESOLUTION NO. 1416

A RESOLUTION GRANTING SUPPORT FOR AN OREGON DEPARTMENT OF TRANSPORTATION (ODOT) TRANSPORTATION GROWTH MANAGEMENT (TGM) GRANT APPLICATION FOR CONCEPT PLANNING RELATED TO THE URBAN GROWTH BOUNDARY EXPANSION

WHEREAS, Canby is pursuing an urban growth boundary expansion based on buildable land identified needs and ODOT grant funding can be used to pay for concept planning urban growth boundary expansion work that will be completed between FY 25/26 and FY 26/27;

WHEREAS, the Oregon State Department of Transportation (ODOT) provides Transportation Growth Management (TGM) grants for Oregon cities; and these grants can be used to pay for urban growth boundary expansion consulting services;

WHEREAS, ODOT TGM grant application submittals are due on July 31, 2024 and grant awards and funding will start in FY 25/26 and run through FY 26/27;

WHEREAS, The TGM grant application requires a resolution of support from the City Council as part of the grant application submittal; and

WHEREAS, ODOT TGM staff have encouraged Canby to submit the TGM grant application as Canby anticipates submitting its urban growth boundary expansion application in FY 24/25 and subsequently will complete concept planning.

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

1. The Canby City Council supports the submittal of the TGM grant for concept planning work and hereby directs planning staff to submit the TGM grant application.

This Resolution will take effect on July 17, 2024.

ADOPTED this 17th day of July, 2024 by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Maya Benham, CMC
City Recorder



CITY COUNCIL Staff Report

Meeting Date: 7/17/2024

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Ryan Potter, Planning Manager
Agenda: Consider Resolution No. 1417: A Resolution Establishing a Memorial Tree and Bench Program
Goal: Develop a more robust Parks & Recreation Program aligned with the Parks Master Plan

Summary

The City of Canby Parks and Recreation Advisory Board respectfully offers to the City Council for their consideration a proposed Memorial Tree and Bench Program. This program would formalize a process where members of the community could donate funds for the installation of trees, benches, and picnic tables in memory of a person or event. As discussed in the proposed program (see Attachment A), Public Works Staff would implement the program, with the Public Works Director having approval authority over each proposed donation.

Background

This program was initiated and developed by members of the Parks and Recreation Advisory Board. The purpose statement for the program is as follows:

“To create a policy for a mutually beneficial program between the City of Canby and its citizens. To provide an avenue through which citizens are able to create a lasting, personalized memorial for a meaningful person or event. To provide a uniform structure through which an individual citizen can subsidize the placement of a tree, bench or picnic table that will enhance the parks of the City of Canby and the donors’ connection with the same.”

The program outline provided by the Parks and Recreation Advisory Board also establishes approval criteria and procedures for donations and includes a proposed donation application (Attachment B).

Discussion

Because the proposed program affects voluntary donations and does not alter City code or impose regulations or fees on the general public, no City ordinance is needed. Approval of Resolution No. 1417 (see Attachment C) allows the City Council to affirm their endorsement of the Memorial Tree and Bench Program.

Attachments

- A. Resolution No. 1417
- B. Proposed Memorial Tree and Bench Program
- C. Proposed Memorial Donation Application

Fiscal Impact

The impact of the proposed program on City finances would be negligible since monetary donations received from applicants would be priced to fund program costs. Costs would include 1) the cost incurred by the City to purchase and ship the item (tree, bench, or picnic table), 2) the cost to purchase the plaque, and 3) the required labor to install both.

Once established by Public Works Staff, finalized fee amounts would be proposed during the budgeting process for inclusion in the next fiscal year's fee schedule.

Options

1. Adopt Resolution No. 1417, allowing City Staff to begin implementing the proposed program.
2. Reject the proposed resolution.
3. Reject the proposed resolution with guidance to City Staff and the Parks and Recreation Advisory Board on how to improve the proposed program for Council consideration at a later date.

Recommendation

Staff recommend that the City Council adopt the proposed Memorial Tree and Bench Program via approval of Resolution No. 1417.

Proposed Motion

"I move to approve Resolution No. 1417, a Resolution Establishing a formal Memorial Tree and Bench Donation Program."

RESOLUTION NO. 1417

A RESOLUTION ESTABLISHING A MEMORIAL TREE AND BENCH PROGRAM

WHEREAS, members of the Canby community periodically desire to dedicate trees, benches, or other park-related amenities to the memory of a loved one;

WHEREAS, the City has occasionally permitted such dedications but only on a case-by-case basis without consistent procedures, applications, or fees;

WHEREAS, the City of Canby Parks and Recreation Advisory Board wishes to establish a program that both promotes enhancement of the public realm and encourages emotional investment from the community in that enhancement; and

WHEREAS, a formal Memorial Tree and Bench Program implemented by Public Works Staff and funded by targeted, voluntary donations would facilitate these aims.

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

1. The City of Canby adopts a Memorial Tree and Bench Program as proposed by the Parks and Recreation Advisory Board.

This Resolution will take effect on July 17, 2024.

ADOPTED this 17th day of July, 2024 by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Maya Benham, CMC
City Recorder

City of Canby Tree & Bench Program

Purpose: To create a policy for a mutually beneficial program between the City of Canby and its citizens. To provide an avenue through which citizens are able to create a lasting, personalized memorial for a meaningful person or event. To provide a uniform structure through which an individual citizen can subsidize the placement of a tree, bench or picnic table that will enhance the parks of the City of Canby and the donors' connection with the same.

Management Philosophy: The protection of the natural environment is a high priority. To this end, the Canby Parks Department maintains full control of final decisions regarding the memorial item and the placement. The City of Canby may limit memorials in order to promote resource management and sustainability of natural landscapes. The integrity, natural and architectural features of parks, natural areas and facilities will be preserved and the memorial will not detract from a user's experience. Design specifications will be compatible with existing management and operations plans. Memorials cannot have a commercial or corporate label.

Approval Criteria:

All proposals will be evaluated by the City of Canby Public Works Department staff according to the following:

- Placement of enhancements in the Parks and Recreation system must be compatible with the existing Parks Master Plan, the City of Canby's Master Plan, parks operations, individual park plans and/or the Capital Improvement Plan.
- The final decision as to the location of the donation will be determined by the Public Works Department following consultation with the donor.
- Memorials shall not detract from or overpower the scenic or architectural values of the existing environment.
- All memorials will be selected from a set menu of trees and enhancements determined by the Public Works Department.
- Memorial donations, which are large in scale, may be considered on a case by case basis, as they relate to park planning and the CIP.
- Non-designated monetary memorial donations will be used to meet the current needs of the Public Works Department as recommended by the department director.
- Installation of trees will be done during the months of October through March.
- Installation of benches, picnic tables or other donations will be done at the direction of the head of the Public Works department.
- Trees must be selected from the current City of Canby Street Tree list and must comply with all perimeters set forth by the list.

Procedures:

- Donor completes the Memorial Donation Application form.
- Department staff will review application to determine the appropriateness of the proposal as measured by the approval criteria.
- Department staff will contact donor, in writing, within 30 days of receipt of application to communicate approval or identify any unmet criteria for approval.
- After a positive review decision, Department staff will finalize the Memorial Donation Agreement form and submit it to the Public Works director for final approval.

- The City of Canby does not guarantee permanency of the memorial. If a memorial must be relocated, Department staff will attempt to notify the donor, in writing, at the address shown on the completed Donation Agreement form. The City takes no responsibility to replace stolen, or vandalized, items.
- The City of Canby does not guarantee the life of the tree.
- The Director's approval must be received before the ordering or installation of the memorial may proceed.
- The City shall be responsible for the installation, maintenance and protection of the memorial within reasonable parameters.
- Once installed the memorial becomes City property.
- Memorial trees will be 1 3/4 to 2 inch diameter trunk size.
- Cost for trees will be \$350 - \$400, depending on the variety selected. This includes the cost of installation.
- The cost for Bench (without a back) is _____. Bench is _____. The cost for square pedestal picnic table is _____. Rectangular picnic table is _____. These costs include installation.
- Installation of furnishings and plaques will be carried out by the Parks Department staff at the direction of the Department head.
- Plaques will be available through Canby Trophy & Awards. The plaques will be engraved cast aluminum and include a stand if needed. Plaques will be 4 x 6 at a cost \$72 or 6 x 8 at a cost \$138. Custom inscriptions will be available for an additional \$15. Inscriptions must be approved by Public Works Director. Staff will order the plaque with approved inscription.

City of Canby
Memorial Tree & Bench program
Application

Donor name: _____

Donor organization:(if applicable)_____

Donor address:_____

Primary phone:_____ Secondary phone:_____

Email:_____

Preferred location for Memorial:_____

Donation type:(tree, furnishing or cash)_____

Desired tree species:_____

Other item description:_____

Plaque: _____ Yes _____ No Inscription details: _____

Memorial gifts to the City of Canby are considered outright and unrestricted donations. The City of Canby does not guarantee the permanency of the accepted donation. If a memorial must be relocated, Department staff will attempt to notify the donor in writing at the address shown on this form. Donation may be tax deductible (please consult an accountant). The donor declares to have read this form and agrees with the conditions set forth in this policy and agrees to pay the City any donation funds within one month of notification of Memorial Agreement approval.

_____ I have read and understand the donation policy.

Donor signature _____ Date

Mail or email completed form to:

For office use only: Received date _____ Accepted by _____

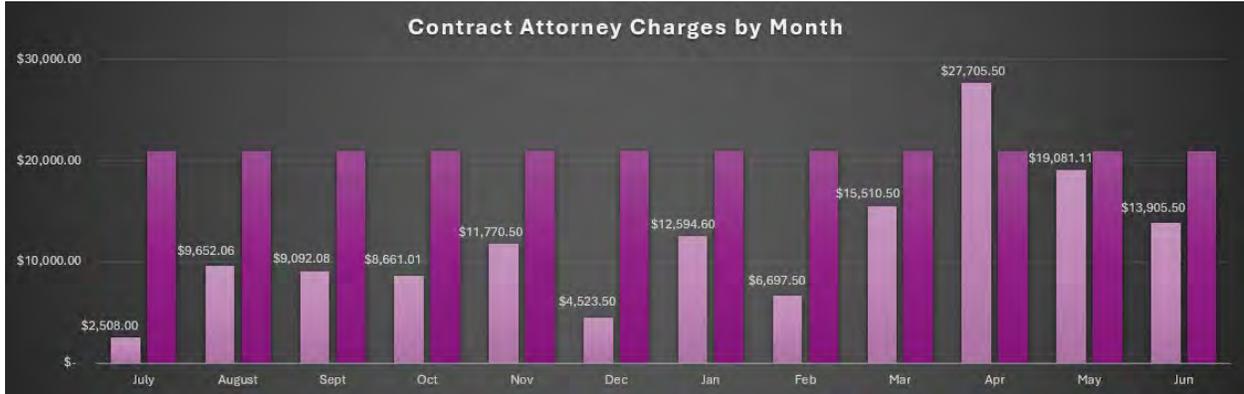
Director approval _____ Date _____

Cost \$ _____ Paid \$ _____ Date _____

Exact location _____

Inscription proof approved by donor _____

Revised chart that shows BEH services for the FY24 compared to in-house attorney cost (\$20,932.58 per month):



MEMORANDUM

TO: Canby City Council

FROM: David Doughman, Legal Counsel 

SUBJECT: Effect of U.S. Supreme Court Decision in *Grants Pass v. Johnson*

DATE: July 11, 2024

Recently, BEH sent an email to its clients with an update regarding the above captioned case. Decisions in the case from inferior courts significantly limited the ability of cities throughout the West to enforce local restrictions against camping on public property. The Supreme Court reversed the decisions of those lower courts and found that enforcement of those restrictions, including jail time for offenders, does not constitute “cruel and unusual punishment,” which the Eighth Amendment prohibits.

While many local governments throughout the West have declared the Supreme Court’s ruling a victory, the decision does not significantly affect how cities in Oregon can regulate camping. As you are probably aware, the Oregon Legislature enacted HB 3115 (ORS 195.530). It requires any local law regulating the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property open to the public to be “objectively reasonable” as to time, place and manner with regard to persons who are homeless.

HB 3115 effectively codified in state law the holdings of the lower courts in the *Grants Pass* case. Notwithstanding the Supreme Court’s decision, Canby must still comply with HB 3115, which has been interpreted to impose the same limitations present in the *Grants Pass* line of cases. Put another way, if we *did not* have a state law imposing limits on the regulation of camping on public property, then the Supreme Court’s decision would allow Oregon local governments to return to their former ordinances if they wished to do so.

I am happy to discuss this further with you at the July 17 council meeting.

FY 24-26 Canby City Council Goals and Objectives

GOALS	#	OBJECTIVES	DEPT	YEAR	Council Priority 2024	Notes/First Quarter Status
1. PROMOTE FINANCIAL STABILITY	1.1	Develop the City's policy for reserve levels to balance savings and spending to meet community needs	Finance	FY23-24	1	The Council would like to keep the reserve levels set between 20-25%. DONE. Financial Policy 5 Revenue Constraints and Fund Balance was changed to reflect this.
	1.2	Adjust the City's operational fees to reflect current costs of providing services.	Finance	FY23-24	2	Annually in June, staff presents a Master Fee Schedule update to the Council. Consider a grant writer position if self-funded through grants, maximize franchise and recycling fees. STATUS: Master Fee Schedule updated for FY 24-25.
	1.3	Adjust the City's System Development Charges (SDCs).	PW/Planning	FY24-25	3	STATUS: Will start full SDC update work upon scope of work approval by City Council at the July 17, 2024 meeting.
	1.4	Finalize the transition of the current Urban Renewal District expenses and projects.	Finance/ Economic Development	FY24-25	4	DONE. Final decision on projects and expenses made in June 2024. ED program expenses will be brought into City upon expiration of URA in FY 25-26. Final URA projects selected.
	1.5	Conduct assessment on current and future City staffing needs for next three years.	HR/City Administrator/Fin ance	FY24-25	5	To be done in conjunction with FY 24-25 budget and 5 year financial projection. STATUS: Police Department is just starting to analyze its staffing needs for next three years. Public Works needs 3 FTE to adequately maintain existing city parks.
	1.6	Discuss options for a future Urban Renewal District to support new economic development and park opportunities in conjunction with UGB expansion.	Finance/ Economic Development	FY 25-26	6	Conduct a work session in FY 24-25 to begin discussions on strategy. STATUS: Not yet scheduled.
2. ALIGN RESOURCES TO ADDRESS FUTURE COMMUNITY GROWTH	2.1	Complete the City's Housing Needs Analysis and Housing Production Strategy.	Planning	FY23-24	1	STATUS: Estimated to be done by July 1st. Council Hearing HNA will be July 17th. HPS hearings will be Fall/Winter 2024.
	2.2	Recruit a hotel/motel for Canby.	Economic Development	FY23-24	2	Keep the Council regularly apprised of market opportunities. STATUS: Next check-in early September.
	2.3	Consider updates to City Charter	City Administrator	FY24-25	3	Conduct a work session to consider changes. Staff suggests increasing \$50,000 threshold in Section XI.4. STATUS: Planned for late Fall/early Winter.

	2.4	Complete the City's development code update	Planning	FY25-26	4	STATUS: Identified low-hanging fruit last year, needs more work for mid-hanging fruit (would require consultant support to look at all codes holistically and recommend changes.) Full update 25/26 - needs to wait for completion of Comp Plan update. Incremental housing code updates 24-25. Minor residential code updates will occur with adoption of Housing Efficiency Measures Fall/Winter 2024. Full code update will start in FY25/26.
3. PLAN A TRANSPORTATION SYSTEM THAT EASES THE IMPACTS OF GROWTH	3.1	Complete the transportation system plan update	Planning	FY23-24/24-25	1	For the area within the current city limits and UGB. TSP and Comp Plan will be updated following UGB expansion. STATUS: On track for TSP adoption with comprehensive plan by Summer 2025.
	3.2	Establish a task force to determine the level of service for streets and set street maintenance fees accordingly	Public Works	FY23-24	2	STATUS: We have currently had one meeting and will be scheduling the next meeting in August 2024.
	3.3	Update downtown parking district master plan	Economic Development/Police (Code Compliance)	FY24-25	3	Involve Library staff as Library Advisory Board has expressed interest in expanding disabled parking. STATUS: Will begin in Winter 2025.
	3.4	Present an evaluation of County roads in current city limits and urban growth boundary. Determine cost and impact of integration into the local transportation system.	Public Works	FY 24-25	4	Continue efforts and focus on North Pine Street. STATUS: In progress.
	3.5	Identify County roads in future urban growth boundary and determine cost and impact of integration into the local transportation system	Public Works/Planning	FY 25-26	5	Incorporate efforts into current UGB expansion process. STATUS: Planning will coordinate with Public Works and consultants as UGB expansion process continues.
4. DEVELOP A MORE ROBUST PARKS + RECREATION PROGRAM ALIGNED WITH THE PARKS MASTER PLAN	4.1	Research and present funding options for parks in current city limits and UGB.	Public Works/Finance	FY23-24/24-25	1	STATUS: In progress. To maintain current park maintenance standards, the Parks Master Plan states we need (3) more FTE's.
	4.2	Identify and plan for land acquisition for future athletic fields.	City Administrator/Public Works/Economic Development	FY23-24/24-25	2	STATUS: Continuing to explore sites and opportunities as they are identified.
	4.3	Consider hiring a consultant to evaluate how to provide park and recreation services in Canby (park district versus a parks department.)	City Administrator/Public Works	FY 24-25	3	STATUS: Met with CAPRD Executive Director to learn background issues.
	4.4	Research and develop funding options for additional parks in the future UGB expansion areas.	Public Works/Planning/Finance	FY 25-26	4	STATUS: To maintain current park maintenance standards, the Parks Master Plan states we need (3) more FTE's. Future UGB areas to be identified.
	5.1	Conduct a community survey on customer service and city service levels	City Administrator/Communications/H R	FY23-24/24-25	1	STATUS: Funding included in FY 24-25 budget.

5. ENHANCE ENGAGEMENT AND COMMUNICATIONS THAT REPRESENTS BROAD PERSPECTIVES	5.2	Create a strategy for increasing youth engagement in local government	Communications	FY24-25	2	Work with Canby School District. To include the library as it would be a great support for this. STATUS: Will fold into Communications Plan.
	5.3	Create a strategy for increasing diversity in citizen engagement in local government	Communications	FY24-25	3	Work with Bridging Cultures, Canby Center, faith communities, and the library. STATUS: Will fold into Communications Plan.
	5.4	Develop a communications plan for the city	Communications	FY23-24	4	Evaluate other cities' programs for implementation ideas. STATUS: Reaching out to other cities to gather plans and templates.
	5.5	Update Council policies and guidelines	Council/City Recorder	FY23-24	5	Desire to reflect the new Council appointment process. STATUS: Council subcommittee identified and first meeting is being set up.
	5.6	Create a Canby Civic Engagement Academy	Communications/HR	FY24-25	6	Evaluate other cities' programs for implementation ideas. STATUS: Staff committee is meeting and developing ideas.

2024 Retreat Parking Lot

Parking lot - Develop short-term (can we purchase the prop) and long-term strategy (if can't purchase, then buy other land) of the Aquatic and Adult center. Eileen discuss with Superintendent.

Parking lot: Pedestrian/ADA access to community parks (not in MP, but in CIP and will be prioritized as part of budget process)

Parking Lot - What to do with Traverso property (not in MP, not in city limits)

Parking lot - RV Dump Site

Hybrid Work + Customer Service recommendations

Other Comments from 3/13/24

- List Council Goals on staff reports.
- Give Council a quarterly report on goals
- Conduct a mid-year goal review
- Include goals in bi-monthly reports



City of Canby Bi-Monthly Report
Department: Administration
For Months of: May & June 2024

To: The Honorable Mayor Hodson & City Council
 From: Maya Benham, Administrative Director/City Recorder
 Prepared by: Same as above
 Through: Eileen Stein, City Administrator
 Date: 7/17/2024

Boards and Commissions - Current Vacancies

Board/ Commission/ Committee	Vacancy	Applications Received	Status
Bike & Pedestrian Committee	1	0	Term ends 6/30/2026
Heritage & Landmark Commission	2	0	Both terms end 6/30/2027
Heritage & Landmark Commission (High school Student)	1	0	Term ends at the end of school year 2025
Library Advisory Board (High School Student)	1	0	Term ends at the end of school year 2025
Parks and Recreation Advisory Board	2	2	Terms end 6/30/2025 & 6/30/2027
Transit Advisory Committee	1	0	Term ends 3/31/2025

Liquor Licenses/ Noise Variance Application

There was one OLCC Liquor License.
 There were no Noise Variance applications.

Public Records Requests

Processed eight public records requests.

Recruitments

- Head Guard
- Lifeguard II – Seasonal
- Municipal Court Clerk I
- Police Officer Lateral

New Hires

- Police Officer - Recruit
- Maintenance Worker – Seasonal (3)
- Library Assistant I – On Call (2)
- Environmental Compliance Coordinator
- Library – Summer Intern
- Library Assistant II



City of Canby Bi-Monthly Report
Department: Municipal Court
For Months of: May and June 2024

To: The Honorable Mayor Hodson & City Council
 From: Jessica Roberts, Municipal Court Supervisor
 Prepared by: Same as above
 Through: Eileen Stein, City Administrator
 Date: 7/17/2024

Canby Municipal Court has jurisdiction over all city and state traffic offenses and City Code violations committed within city limits.

Monthly Statistics	May	June
Misdemeanors		
Warrants Issued	6	4
Misdemeanor Case Detail		
Diversion/Deferred Sentence	0	0
Offenses Dismissed	10	1
Offenses Sentenced	9	2
Traffic & Other Violations		
Offenses Filed	193	244
Cases/Citations Filed	138	179
Parking Citations Filed	12	14
Traffic & Other Violations Case Detail		
Diversion (Good Driver Class/MIP)	22	13
Dismissal (Fix It Tickets)	13	8
Dismissed by Judge	14	6
Sentenced by Judge	49	32
Handled by Violations Bureau	85	86
Guilty by Default	41	56
Traffic and Criminal Trials		
Court Trial (Misdemeanor)	0	0
Jury	0	0
Traffic Trial	13	4
Defendant Accounts Referred to Collections	\$38,097	\$22,212
Fines & Surcharges Collected	\$48,002.58	\$63,491.20

Explanation of terms:

1. Difference between Offenses Filed vs. Cases Filed
 - Multiple offenses (charges) can be filed on any one defendant from a single traffic stop.
 - Offenses filed reflects this number. Cases filed (also called docket numbers) refers to a single defendant's matter before the court.
2. Guilty by Default. When a defendant does not appear or contact the court on their scheduled court date a defaulted conviction is entered against them on the following Thursday. A court clerk processes the default convictions.
3. The court's Violations Bureau Order allows court clerks to accept pleas, offer a deferred sentence program (if qualified) and set a payment plan, under the Judge's authority.

If a defendant qualifies, the clerks can offer an option to participate in an informative driving education course for a fee to the court. If there are no convictions during the following two months, the case will be dismissed.

Current programs and to qualify:

- Good Drivers Program (no prior traffic convictions in the last five years and no further convictions for 60 days)
 - 1st Offender - Minor in Possession of Alcohol/Marijuana citation
4. The court offers a Fix It program, which allows the defendant to have a citation dismissed if an issue with their vehicle, registration or license is fixed. There is a \$50 dismissal fee owed for each fixed violation.
 5. On July 1, 2022, the Canby Municipal Court stopped process misdemeanor offenses committed within city limits. The Municipal Court continues to process criminal matters cited into the court before July 1, 2022. The Misdemeanor Case Details provided in this report refer to those matters. The Municipal Court will begin processing criminal matters again in the near future.



City of Canby Bi-Monthly Report
Department: Finance
For Months of: May & June 2024

To: The Honorable Mayor Hodson & City Council
From: Scott Schlag, Finance Director
Prepared by: Katy Joyner, Financial Analyst
Through: Eileen Stein, City Administrator
Date: 7/17/2024

In addition to providing services and responding to inquiries from both internal and external customers, the Finance Department reports the following items of interest this period.

- The FY2024-25 budget was approved by the Budget Committee in May and adopted by the Council in June. A supplemental budget for FY23/24 was also adopted in June.
- The Master Fee Schedule was updated for FY2024-25 and adopted by the Council in June setting the prices for services offered by the City.
- The interim audit kicked off in June, we are working on providing the requested documents to the auditors and have our target for completion at the end of December.
- The GFOA Budget Presentation Award application is being worked on and will be completed and submitted in July.
- Quarter 2 Transit Tax returns were mailed at the end of June, the Transit Tax Coordinator continues to send P&I and pre-collection notices to customers. So far, we have collected \$1,541,001 this fiscal year
- Staff got through the end of the fiscal year rush to get invoices paid, new Purchase Order's set up and contracts in place to prepare for the new fiscal year. Excellent job Finance Team!
- The Finance Team participated in the following meetings, trainings, and events this period:
 - Budget Committee meetings
 - Caselle webinars
 - Finance Team meetings
 - Leadership Team meetings
 - OPPA Conference (Oregon Public Purchasing Association)



City of Canby Bi-Monthly Report
Department: Fleet
For Months of: May & June 2024

To: The Honorable Mayor Hodson & City Council
 From: Robert Stricker, Lead Mechanic
 Prepared by: Same as above
 Through: Eileen Stein, City Administrator
 Date: 7/17/2024

May-24					
Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	0	\$0.00	\$0.00	\$0.00	\$0.00
Adult Center	1	\$191.25	\$32.59	\$319.60	\$543.44
IT Department	0	\$0.00	\$0.00	\$0.00	\$0.00
Facilities	0	\$0.00	\$0.00	\$0.00	\$0.00
Wastewater Collections	3	\$305.24	\$198.81	\$275.40	\$779.45
Wastewater Treatment	11	\$624.89	\$768.91	\$617.37	\$2,011.17
Parks	9	\$2,591.40	\$1,094.80	\$1,439.85	\$5,126.05
Police	16	\$3,370.04	\$1,374.31	\$7,230.41	\$11,974.76
Streets	10	\$2,398.25	\$515.78	\$2,346.30	\$5,260.33
Fleet Services	0	\$0.00	\$0.00	\$127.01	\$127.01
Canby Area Transit (CAT)	31	\$4,746.04	\$4,912.99	\$13,257.32	\$22,916.35
Total	81			Total	\$48,738.56

Jun-24					
Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	0	\$0.00	\$0.00	\$0.00	\$0.00
Adult Center	1	\$170.00	\$10.92	\$254.61	\$435.53
Facilities	0	\$0.00	\$0.00	\$64.46	\$64.46
IT Department	0	\$0.00	\$0.00	\$0.00	\$0.00
Wastewater Collections	1	\$156.34	\$20.58	\$499.06	\$675.98
Wastewater Treatment	5	\$67.66	\$3.18	\$58.75	\$129.59
Parks	3	\$227.01	\$130.86	\$1,104.39	\$1,462.26
Police	10	\$1,902.29	\$1,440.04	\$5,921.65	\$9,263.98
Streets	12	\$620.45	\$771.11	\$1,974.16	\$3,365.72
Fleet Services	1	\$210.14	\$377.33	\$76.54	\$664.01
Canby Area Transit (CAT)	27	\$8,645.83	\$1,635.12	\$11,727.52	\$22,008.47
Total	60			Total	\$38,070.00



City of Canby Bi-Monthly Report
Department: IT
For Months of: May & June 2024

To: The Honorable Mayor Hodson & City Council
From: Todd M. Wood, Director
Prepared by: Same as above
Through: Eileen Stein, City Administrator
Date: 7/17/2024

- 1.) Polar Systems will begin as IT support on July 22, 2024. The contract will run for approximately three years.
- 2.) Recruitment for an IT coordinator has begun.
- 3.) Mowreader consulting will continue to provide IT support services for the Police Department through December 2024.
- 4.) IT has cleared 146 tickets in May and June.



City of Canby Bi-Monthly Report
Department: Library
For Months of: May & June 2024

To: The Honorable Mayor Hodson & City Council
 From: Marisa Ely, Library Director
 Prepared by: Same as above
 Through: Eileen Stein, City Administrator
 Date: 7/17/2024

Usage Metrics Overview



CANBY PUBLIC LIBRARY

MAY/JUNE '24 SNAPSHOT

Items added to the collection - 1,423 	Items checked in 42,612
Holds filled 8,011	 New cards 201
Digital checkouts 8,223 	Room reservations 226
Physical checkouts 32,848	 Adult events - 20 Participants - 521
Customer interactions - 1,821 	Children's events - 45 Participants - 1,255
Visitors 16,515	 Teen events - 8 Participants - 79

Staff

- Sophia Khan, our new 25-hour Library Assistant II, started on June 18th!
- We hired several new on-calls, Ember (previous volunteer and intern), Emma, and Jennifer.
- Our teen intern, Raley, started on June 17th! The funding for this temporary position comes from a Teen Intern Grant through the State Library of Oregon, a project funded in part by the Institute of Museum and Library Services through the Library Services and Technology Act.

Spaces

- The library's Maker Lab, currently funded by our Friends of the Library and Canby Kiwanis Club, now has 3D printers!
- The new Community Bulletin Board and Programming Bulletin Board are now up, near the entrance to the library. A policy for the Community Board was approved by the Library Advisory Board.



Collections

- Next year's OBOB's have arrived and can be found in the Juvenile section of the library.

Programming

Age Group	Program/Event
Children	Arts, Crafts, and Coloring
	Family Storytime
	Lego Play
	Maker Lab & STEAM Night (<i>pict.</i> →)
	Minecraft Club
	Baby & Toddler Storytime
	SPECIAL EVENTS: Summer Reading performances
	Outreach Events (10/1,604)
Totals: 45 events / 1,255 participants	
Outreach Events: 10 / 1,604	
Teen	Dungeons & Dragons
	Young Teen Crafting (<i>pictured</i>)
	Totals: 8 events / 79 participants
Adult	Book Club
	Knit & Stitch Group
	Citizenship Classes
	Art Cafe
	Mindfulness Meditation Classes
	Music in the Stacks
	Totals: 20 events / 521 participants
Outreach Events: 1 / 257	



General News

- The library participated in May 2nd's First Thursday event, where we did a Library Open House to show the community all the different programs and services we have to offer.
- The library partnered with the Canby Historical Society and Oak Lodge History Detectives for a "Discover the History of Your House" program on May 18th.
- Our annual Summer Reading Program began on June 1st! This program is for all ages and included several Summer events at Wait Park.

Upcoming Events & News

- Lego Building Competition on July 30th from 5-6:45pm (sign-ups required)
- Clackamas County Repair Fair on July 20th from 10am-1pm
- An Evening with (author) Megan Lally on July 20th from 2:30-4:30pm
- Tabletop Gaming for teens every 2nd and 4th Saturday from 12-4pm



City of Canby Bi-Monthly Report
Department: Police
For Months of: May & June 2024

To: The Honorable Mayor Hodson & City Council
 From: Chief Jorge Tro
 Prepared by: Katie McRobbie, Administrative Supervisor
 Through: Eileen Stein, City Administrator
 Date: 7/17/2024

	MAY	JUNE
Calls for Service - Dispatched 911 and Non-Emergency Calls	1201	1315
PROPERTY CRIMES REPORTED		
Burglary	3	1
Unauthorized Use of Motor Vehicle / Unlawful Entry into Motor Vehicle	2	4
Robbery	0	0
Theft I, II, & III	22	11
Forgery / Counterfeiting	3	2
Trespass	9	12
Vandalism / Criminal Mischief	9	6
PERSON CRIMES REPORTED		
Assault I, II, IV	1	3
Carrying Concealed Weapons (knife, blade, etc.)	0	2
Disorderly Conduct (includes resisting arrest)	2	1
Endangering Welfare of a Minor / Recklessly Endangering	1	0
Felon in Possession of Firearm / Restricted Weapon	0	0
Harassment, Intimidation or Threats	8	6
Identity Theft	2	3
Interfering with Peace Officer	0	0
Menacing	0	4
Sex Offenses	3	1
Strangulation	0	2
ARRESTS		
Warrant Arrests (includes contempt of court, restraining order violations, parole violations)	18	12
Adult and Juvenile Custodies (includes juvenile curfew)	52	38

DRUG CRIMES		
Possession Controlled Substance (Cocaine, Heroin, Marijuana, Meth)	1	0
Delivery of a Controlled Substance (Cocaine, Heroin, Marijuana, Meth)	0	0
Manufacture Controlled Substance (Cocaine, Heroin, Marijuana, Meth)	0	0
TRAFFIC CRIMES, ACCIDENTS, CITATIONS		
Attempt to Elude	1	2
Driving Under the Influence of Intoxicants (Alcohol & Controlled Substance)	12	8
Other Traffic Crimes (Hit & Run, Driving While Suspended / Revoked, Reckless Driving, Failure to Surrender Suspended License / Use Invalid License)	10	11
Traffic Accidents	10	10
Traffic Citations	336	418



City of Canby Bi-Monthly Report
Department: Development Services
For Months of: May & June 2024

To: The Honorable Mayor Hodson & City Council
From: Don Hardy, Planning Director
Prepared by: Laney Fouse Lawrence, Planning Technician
Through: Eileen Stein, City Administrator
Date: 7/17/2024

The following report provides a summary of Planning and Development Services activities related to city-wide goals for the months of May 1 – June 30, 2024. Please feel free to call department staff if you have questions or desire additional information about any of the listed projects or activities. This report identifies ongoing planning activities, a list of pre-application and pre-construction applications, a list of project hearings and the number of projects for which the City has performed site plan review for building permits.

Goal 1.3 Adjust the City's System Development Charges (SDCs).

- Planning staff will start the SDC update work upon scope of work approval by City Council at the July 17, 2024 hearing.

Goal 2.1 Complete the City's Housing Needs Analysis (HNA) and Housing Production Strategy (HPS).

- The Council Hearing of the HNA will be July 17th. The HPS hearings will be Fall/Winter 2024.

Goal 2.4 Complete the City's development code update

- Minor residential code updates will occur with adoption of Housing Efficiency Measures Fall/Winter 2024. The full city development code update will start in FY25/26.

Goal 3.1 Complete the transportation system plan (TSP) update

- Planning staff is on track for TSP adoption with comprehensive plan adoption by Summer 2025.

Goal 3.5 Identify County roads in future urban growth boundary and determine cost and impact of integration into the local transportation system

- Planning staff will coordinate with Public Works and consultants as the UGB expansion process continues.

Development Services Activities:

Land Use Application Activity:¹

1. **Pre-Application Conferences** held for the period of May 1 – June 30, 2024: N Holly St Annexation for future Subdivision.
2. **Pre-Construction Conferences** held for the period of May 1 – June 30, 2024: Clackamas County Fairgrounds Multipurpose Building.
3. **Site Plans Submitted for Zoning Conformance** May 1 – June 30, 2024: 19 site plan review applications were submitted and have been or are being released for building permits
4. **Signs Submitted for Plan Review** May 1 – June 30, 2024: 3 applications submitted

Planning Commission Activity:

1. Agenda Items Reviewed May 1 – June 30, 2024. During this period, the Planning Commission:
 - a. Public Hearing – Planning Commission approved a recommendation to the City Council for the City’s 2024 Housing Needs Analysis (HNA) to be adopted as part of the City’s Comprehensive Plan.
 - b. Viewed a staff presentation on Housing Efficiency Measures focused on addressing types of residential development.

City Council Activity:

1. May 1 – June 30, 2024. During this period, the City Council:
 - a. Viewed a staff presentation on the Housing Needs Analysis

¹ Note that the applications listed here do not capture the department’s full backlog of active land use applications and site plan reviews, many of which were either submitted prior to this reporting period or have been submitted but are currently deemed incomplete applications.



City of Canby Bi-Monthly Report
Department: Public Works
For Months of: May & June 2024

To: The Honorable Mayor Hodson & City Council
From: Jerry Nelzen, Public Works Director
Prepared by: Ronda Rozzell, Office Specialist III, Monica Stone, Dustin Breese, Spencer Polack, Chris Goetz and Ken Daniels
Through: Eileen Stein, City Administrator
Date: 7/17/2024

Facilities

The Facility Maintenance Department installed a new electrical panel for the backup generator for City Hall.



Facilities	Total Hours
May	160
June	196

Parks Department

The months of May and June were very busy for the parks department. The month of May was all about getting the Veteran Memorial, Zion Cemetery and Baker Prairie Cemetery looking good for Memorial weekend. In June we had two big projects in addition to our regular maintenance. The first was the sports fitness court at Legacy Park. Irrigation needed to be moved. After the irrigation was done, the parks department brought in over 15 yards of soil to dress out around the new concrete slab. Grass seed was applied to get grass growing around this sports fitness court.

The second project was at Maple Street Park. Several irrigation lines that ran under the dirt at both baseball infields had to be located or moved over so no “live” irrigation lines would be under the new synthetic turf. This was requested by the contractors that will install the synthetic turf.



Parks	Total Hours
May	1,130
June	1,063

Sewer Collections

The Collections crew repaired a sewer lateral at 264 SE 1st Avenue and adding a cleanout in sidewalk.



May Sewer	Total Hours
Sewer Cleaning	37
Sewer Maint/Repair	151
Sewer TV'ing	48
Lift Station Maintenance	104
Locating Utilities	68
Sewer Inspections	1
Vactor Usage	4
Drying Beds	2

June Sewer	Total Hours
Sewer Cleaning	5
Sewer Laterals/Maintenance	29
Sewer TV'ing	15
Lift Station Maintenance	88
Locating Utilities	66
Sewer Inspections	5
Drying Beds	3

Storm Water

Our stormwater crew installed a 26 ft drywell for the drainage of the Maple Street Park Turf project.



May Stormwater	Total Hours
Catch Basin Maintenance	1
Drywell Maintenance	61
Erosion Control	4
Vactor Usage	4
Pretreatment	22

June Stormwater	Total Hours
Catch Basin Maintenance	117
Storm Line Maintenance/Repair	12
Drywell Maintenance	10
Erosion Control Inspections	3
Vactor Usage	5
Drying Beds	3
Pretreatment	20

Streets Department

A contractor moving a house from Canby to Liberal.



May Streets	Total Hours
Street Sweeping	110
Street Maintenance	264
Sidewalks Inspections	5
Driveway Approach Inspections	2
Street Sign Maintenance	31
Street Sign Installation	5
Streetlight Repair	8
Tree Trimming	11
Tree Planting	7
Dump Truck	1
Mini Trackhoe	10

June Streets	Total Hours
Street Sweeping	100
Street Maintenance	615
Sidewalk Inspections	13
Driveway Approaches	5
Street Sign Manufacturing	16
Street Sign Maintenance	4.5
Streetlights	2
Tree Trimming/Removal	8
Tree Watering	26
Mini Trackhoe	4

Wastewater Compliance, Operations & Maintenance Report

Wastewater Treatment Plant (WWTP) NPDES Permit and Safety Compliance

All NPDES permit compliance requirements were met and zero safety incidents were reported. Cumulatively, the operations and maintenance team treated **64.6 million gallons** of wastewater between May and June 2024. There were two brief power disruptions and no compliance excursions. Process control changes were made to aeration basin mixing and aeration strategies to improve settling characteristics. As required by the NPDES permit, an inspection of the outfall was conducted in June. Overall, the plant performance was excellent.

NPDES Permit Parameter	NPDES Permit Limit	WWTP - May Monthly Avg	WWTP - June Monthly Avg
Biochemical Oxygen Demand (BOD)	10 mg/l	3 mg/l	2 mg/l
Total Suspended Solids (TSS)	10 mg/l	4 mg/l	3 mg/l
BOD Removal Efficiency	85%	99%	99%
TSS Removal Efficiency	85%	98%	99%

Capital Projects

The operations team met with several other municipalities with similar sized UV disinfection systems to review system reliability, maintenance records, vendor support and overall satisfaction. This was done to prepare for the UV Replacement Project planned in FY 24/25.

Environmental Compliance Programs: Laboratory, Pretreatment, Stormwater and FOG

Laboratory Tests Performed	Laboratory Sampling Events
<ul style="list-style-type: none"> • Process Control: 184 • Compliance: 150 • Outside Contract Lab: 26 • Industrial Compliance/Noncompliance: 2 	<ul style="list-style-type: none"> • Permitted Sampling Events: 18 • Permitted Industrial Sampling Events: 1 • OSU Influent Sampling Events: 8 • Additional Sampling Events: 2

Pretreatment activities included monthly review of business licenses, environmental surveys, industrial sampling data and construction plans. City staff conducted FOG inspections, industrial inspections and worked with local businesses on BMP agreements.



Niel Olsen and Jon Patrick (pictured above) sampling for the Local Limits study.

Sampling and Analysis Conducted:

- Weekly BOD's / E-coli Testing
- Performing weekly SOUR Testing
- Monthly Lab equipment maintenance
- OSU Covid 19 Wastewater Study sampling
- Industrial Pretreatment- Grand Northern TSS Testing
- Completed Bioassay Sampling
- Completed 2nd Tier I Toxics Sampling
- Industrial Pretreatment- Clarios Sampling
- Completed Willamette River Sampling for Local Limits
- Completed Collection System Sampling for Local Limits

Compliance Maintenance Tasks:

- Dissolved Oxygen – YSI probe cleaning: caps-weekly / sensors-monthly
- Monthly calibration of Influent and Effluent samplers
- Calibration pH probes on Influent and Aeration Basin
- Twice daily plant checks
- Monitoring dissolved oxygen in Aeration Basin North/South (Cell #2, #3, #4)
- Belt press operation, twice weekly plant wash downs, draining scum pit, spiral screen cleaning, sky plume filter change /cleaning
- Influent screenings and dewatered solids preparation for pick-up
- Rotate motors, check pump amp draws, and AB recirculation pump pressures

Asset Management and Maintenance Program

There was a 35% increase in work orders completed during this bi-monthly reporting cycle, with 61 work orders closed in Antero. The following includes a summary of work performed:

- Routine daily maintenance and repairs of equipment, buildings and grounds
- Installation of a new TSS/turbidity meter for process control monitoring
- Cleaning and maintenance of the lime silos
- Urgent repair of biosolids conveyor - bearing failure
- Maintenance of Lime System Mixer
- Requested quotes and order new Sulzer Belt Press transfer pump and Raw Hidrostal pump
- Mowing around trees in the field between treatment plant and creek
- Installed Welo recirculation mixer in Aeration Basin 2 north to eliminate solids cap
- Repaired Belt Press conveyor #1 tail bearing
- UV #2 had new lights, wipers and quartz tube installed
- Vactored holes, poured concrete, installed bollards and gravel around propane tank
- Repaired gate valve on effluent splitter box
- Repaired damage to brush mower
- Replace UPS in UV vault
- Research UV equipment options for upcoming upgrade. Review O&M manuals and contact other facilities with the equipment installed to determine cost and work requirements for each unit
- Fire Department - WWTP inspection and punch list completed
- Landfill lab sludge solids results received; Landfill permit was completed
- Landscape maintenance; trim ivy and bushes, watering trees



Pictured Above: Patrick Mahoney working on the lime silo and Bob Wengert working on the bearing replacement

Biosolids Program

Month	WWTP Solids Processed	WWTP - Belt Press Operation	Solids Hauled to Heard Farms
May	946,20000 gallons	22 days	226 wet tons/8 loads
June	834,900 gallons	20 days	168 wet tons/6 loads

Administration, Public Involvement, Safety and Training Programs

Training continues to be a priority as vacant positions are filled at the wastewater treatment plant. Steve Gering (pictured below) joined the team as the new Environmental Compliance Coordinator. Steve is focused on ensuring that the Pretreatment Program carries forward with some policy updates and the implementation of new local limits. He will also support the City's stormwater program, community outreach and GIS initiatives.



Public Involvement

More than 20 Clackamas Community College students enrolled in the Water Environment Technology program toured the wastewater treatment plant as part of their educational curriculum. Multiple interagency committee meetings were attended by staff including: the Oregon Water Education Foundation Committee, ACWA Water Quality, Pretreatment and Stormwater Committees.

Training

The following trainings were completed by WWTP staff as listed below:

- Water Environment School- Continuing Education Credits for Certification Renewal
- ACWA – Stormwater Summit
- Overhead Crane Operation
- Forklift Operation
- Heat Stress Illness Lockout
- Tagout CPR/AED/First Aid
- Training Blood Bourne Pathogens
- Emergency Spill Response Plan
- Emergency Evacuation Plan
- Right To Know- Hazard Communication (Chemical Updates)
- Interagency plant tours UV Systems: City of Silverton, City of Dundee and City of Sandy

Environmental Health and Safety

The City of Canby's Fire Marshal conducted an inspection at the WWTP. Following the inspection, the hazard communication program was updated. Many chemical identifying signs were replaced, and current safety data sheets were added. Staff installed protective bollards around the industrial sized propane tank located on site. A follow-up inspection indicated that all concerns were addressed.



Mark Crawford (Canby Fire)



Hazard Communication Program Update



Chris Goetz operating the Vactor and creating space for the bollard installation. Bob Wengert, Mark Vogel and Patrick Mahoney pictured above and below, working together to complete the bollard installation.





City of Canby Bi-Monthly Report
Department: Canby Swim Center
For Months of: May and June 2024

To: The Honorable Mayor Hodson & City Council
From: Eric Laitnen, Aquatic Program Manager
Prepared by: Same as above
Through: Eileen Stein, City Administrator
Date: 7/17/2024

Well, another year behind us everything is going as it should. Highlights of the past year have been finishing the summer up for 2023 with a lot of swimming lessons, public swims and penguin club, Jr swim team. The fall started with our annual maintenance, cleaning and painting the whole building. Fall means a quieter time as kids get back to school and figure out their schedules. It is our shortest season at the Canby Swim Center as we change our seasons to match the Canby school's sports calendar. In November we make some changes to fit high school swimming and take a break from swimming lessons for a few weeks. It actually works pretty well since the challenging weather usually happens during the winter sports season and then we don't need to refund or find ways to make up swimming lessons. The swimming teams really did fantastic this year with the Gators sending swimmers to all the Championship meets and the Canby High School winning their district meet, boys and girls the same year for the first time. They then went on to 2nd (girls) and 5th (boys) at high school state. Spring is all about getting lessons going again. A lot of public lessons and all the Canby School District 2nd grade students have swimming lessons. Spring finishes up with lifeguard training and The Canby Gator Grinder Triathlon. The triathlon is a fundraiser for the Canby Swim Club and is a great community activity. This year the weather was perfect, and the Gator Grinder was a great success.

Attendance has been going up every year since covid. As you know everything changed and it seems nothing is quite the same as before the pandemic. I am not sure we are back to pre-covid normal, but we do seem to be at our new normal and that is pretty good. Attendance is up about 6,000 swims. Each year numbers for each program go up and down due to so many factors, but the constant is overall numbers continue to rise. Revenue also is going well and continues to go up each year, but it isn't the most important factor as we make our schedules. We just want to make our services as accessible as possible to as many people as we can and offer good programs to the community that funds our pool.

With any luck I will be able to complete a plan for renovations this year so next year we can get them done and bring the office and dressing rooms to a much higher standard. We definitely will want to add some multi-use restrooms and upgrade the main restroom/dressing rooms. In order to do that, we will probably need to reconfigure the staff area to use some of that space. I am looking forward to making some changes.

SUBJECT:

May 2024 Monthly Attendance Numbers

CANBY SWIM CENTER	ADMIT 2023	ADMIT 2024	PASS 2023	PASS 2024	TOTAL 2023	TOTAL 2024	YTD TOTAL 22-23	YTD TOTAL 23-24
MORNING LAP	28	26	354	336	382	362	3017	3590
ADULT RECREATION SWIM	30	45	361	428	391	473	3156	3739
MORNING WATER EXERCISE	63	101	199	273	262	374	2034	2943
PARENT/ CHILD/ Family Swim	288	138	0	0	288	138	2269	2094
MORNING PUBLIC LESSONS	0	0	0	0	0	0	3110	3232
SCHOOL LESSONS	759	939	0	0	759	939	2410	2583
NOON LAP	80	106	364	352	444	458	3398	4120
TRIATHLON CLASS	0	0	0	0	0	0	0	0
AFTERNOON PUBLIC	278	177	3	2	281	179	3972	4087
PENGUIN CLUB	0	0	123	192	123	192	977	1603
CANBY H.S. SWIM TEAM	0	0	0	0	0	0	979	1144
CANBY GATORS	0	0	936	924	936	924	6994	6386
MASTER SWIMMING	0	0	12	30	12	30	80	168
EVENING LESSONS	1050	1108	0	0	1050	1108	7328	9509
EVENING LAP SWIM	66	55	47	48	113	103	776	897
EVENING PUBLIC SWIM	309	273	24	16	333	289	2264	2628
EVENING WATER EXERCISE	0	0	0	0	0	0	0	0
ADULT LESSONS	45	28	0	0	45	28	215	167
GROUPS AND RENTALS	2	0	0	0	2	0	42	112
OUTREACH SWIMMING	0	0	0	0	0	0	0	0
TOTAL ATTENDANCE	2998	2996	2423	2601	5421	5597	43021	49002

SUBJECT:

June 2024 Monthly Attendance Numbers

DATE: July 2024

CANBY SWIM CENTER	ADMIT 2023	ADMIT 2024	PASS 2023	PASS 2024	TOTAL 2023	TOTAL 2024	YTD TOTAL 22-23	YTD TOTAL 23-24
MORNING LAP	39	41	366	329	405	370	3422	3960
ADULT RECREATION SWIM	30	29	368	375	398	404	3554	4143
MORNING WATER EXERCISE	65	78	244	170	309	248	2343	3191
PARENT/ CHILD/ Family Swim	304	328	0	0	304	328	2573	2422
MORNING PUBLIC LESSONS	980	965	0	0	980	965	4090	4197
SCHOOL LESSONS	312	420	0	0	312	420	2722	3003
NOON LAP	64	84	253	283	317	367	3715	4487
TRIATHLON CLASS	0	0	0	0	0	0	0	0
AFTERNOON PUBLIC	454	530	9	15	463	545	4435	4632
PENGUIN CLUB	0	0	266	214	266	214	1243	1817
CANBY H.S. SWIM TEAM	0	0	0	0	0	0	979	1144
CANBY GATORS	0	0	610	768	610	768	7604	7154
MASTER SWIMMING	0	0	9	8	9	8	89	176
EVENING LESSONS	935	992	0	0	935	992	8263	10501
EVENING LAP SWIM	56	32	90	51	146	83	922	980
EVENING PUBLIC SWIM	391	315	50	12	441	327	2705	2955
EVENING WATER EXERCISE	0	0	0	0	0	0	0	0
ADULT LESSONS	8	40	20	0	28	40	243	207
GROUPS AND RENTALS	0	11	0	0	0	11	42	123
OUTREACH SWIMMING	0	0	0	0	0	0	0	0
TOTAL ATTENDANCE	3638	3865	2285	2225	5923	6090	48944	55092



City of Canby Bi-Monthly Report
Department: Transit
For Months of: May & June 2024

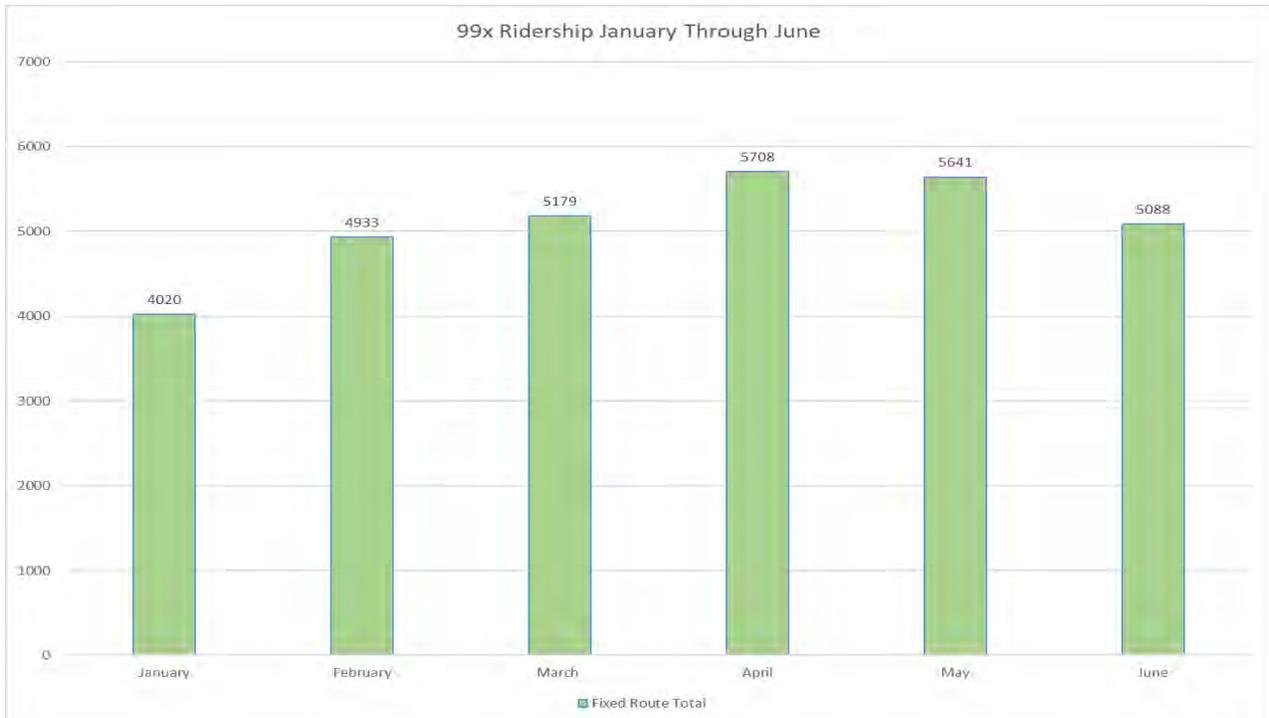
To: The Honorable Mayor Hodson & City Council
 From: Todd Wood, Transit Director
 Prepared by: Same as above
 Through: Eileen Stein, City Administrator
 Date: 7/17/2024

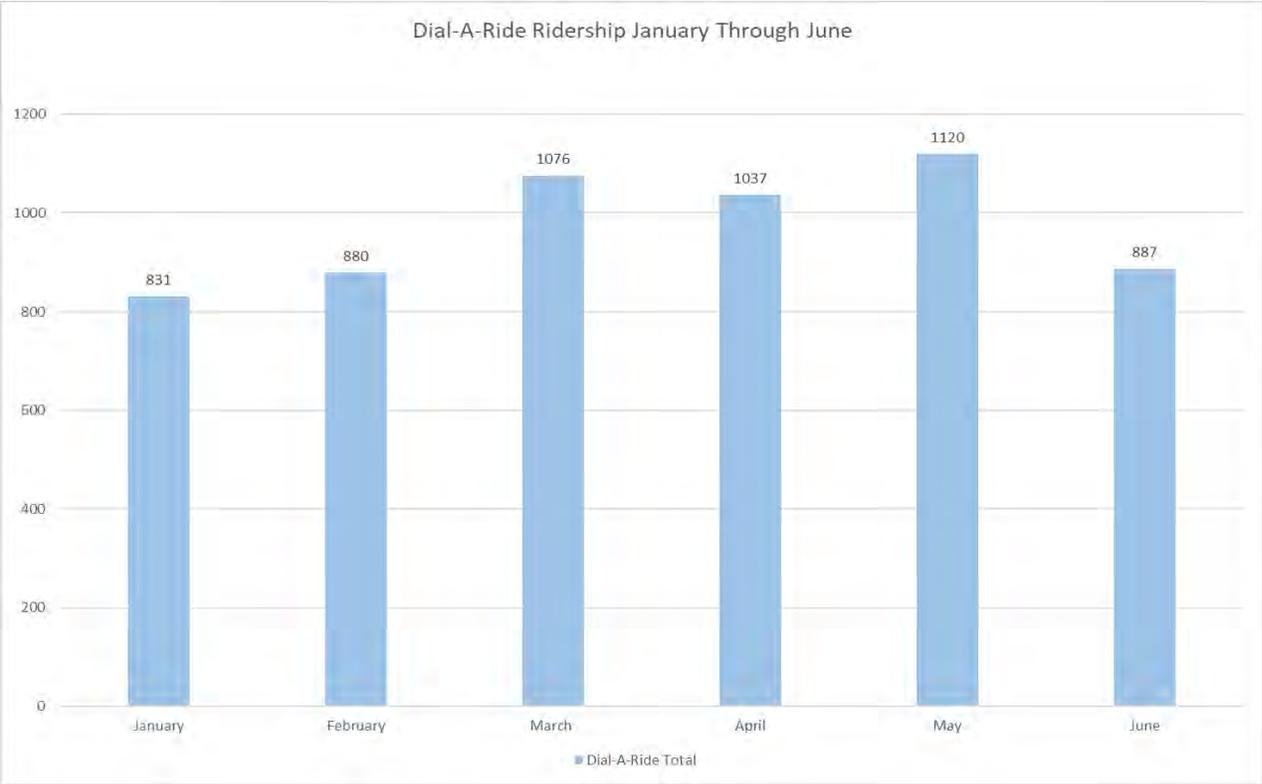
1) Ridership:

May average daily weekday daily 99x route ridership: 238 trips
 May average daily weekend daily 99x route ridership: 98 trips
 June average daily weekday daily 99x route ridership: 223 trips
 June average daily weekend daily 99x route ridership: 122 trips

May average daily weekday Dial-a-Ride route ridership: 43 trips
 May average daily weekend Dial-a-Ride route ridership: 39 trips
 June average daily weekday Dial-a-Ride route ridership: 39 trips
 June average daily weekend Dial-a-Ride route ridership: 21 trips

May average daily weekday daily Loop route ridership: 102 trips
 May average daily weekend daily Loop route ridership: 51 trips
 June average daily weekday daily Loop route ridership: 83 trips
 June average daily weekend daily Loop route ridership: 50 trips





2) New Transit Building:

A community information session on the building will be held on June 14th from 5pm-7pm at the PD conference room.

3) Transit Master Plan:

The transit master plan group will give an update to the city council on October 2, 2024. It is now in phase 2 of public engagement.