

**City of Canby**

**Planning & Development Services**

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

Phone: 503.266.7001

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

January 28, 2025

Kelly Reid, DLCDC Regional Representative  
DLCDC  
635 Capitol St, NE, Suite 150  
Salem, Oregon 97301-0050

RE: Public Comments – Housing Efficiency Measures Adoption

Dear Kelly,

Please note there were no written or public comments for the Planning Commission hearings held on October 14, 2024 and October 28, 2024 nor for the City Council hearings held on November 6, 2024 and November 20, 2024 for the Housing Efficiency Measures associated with Text Amendment - TA 24-01 and Zone Change - ZC 24-01.

Please let us know if you have any questions on our Notice of Adopted Work Task Under Sequential UGB Program.

Sincerely,

  
Don Hardy  
Planning Director  
City Of Canby



**NOTICE OF AN ADOPTED  
WORK TASK UNDER SEQUENTIAL  
UGB PROGRAM  
FORM 4B**

**FOR DLCD USE**

City file no.:  
County file no.:  
DLCD no.:  
Received:

This form is for notice of an adopted **work task item that is part of an approved Sequential UGB Work Program.** (See [OAR 660-025-0185](#).) This notice form is *not* for submittal of any other change to a plan comprehensive plan or land use regulation or a completed periodic review task. Use [Form 5](#) with establishment of an urban reserve, or amendment adding over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 2](#) for any change to comprehensive plan or land use regulation other than the urban growth boundary amendment or urban reserve establishment or amendment described above. Use [Form 6](#) with submittal of an adopted periodic review task.

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Work Task for the City of Canby

City file no.: TA 24-02

Date of city adoption: 12-30-24

Date this notice sent: 01-28-2025

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City contact (name and title): Don Hardy, Planning Director

Phone: 503-266-0775 E-mail: [HardyD@canbyoregon.gov](mailto:HardyD@canbyoregon.gov)

Street address: 222 NE 2<sup>nd</sup> Ave (PO Box 930) City: Canby Zip: 97013

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Name and Description of Work Task: Housing Efficiency Measures: Cottage Cluster Development and Design Standards Chapter 16.21, Planned Unit Development Code Updates Chapters 16.74 and 16.76, Low Density Residential Chapter 16.16, and Medium Density Residential Chapter 16.18, As part of the City of Canby Code (TA 24-02).

# NOTICE OF ADOPTION OF WORK TASK UNDER SEQUENTIAL UGB PROGRAM – SUBMITTAL INSTRUCTIONS

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1. A Notice of Adopted Work Task must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

2. This notice should not be submitted until the amendment has been adopted by the city *and* the county (except Metro adoptions). Submit the city and county adoptions together. The adoption submittal will be deemed incomplete without both ordinances.

3. **Hard-copy submittal:** When submitting Notice of Adopted Work Task on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 4 on light blue paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Periodic Review Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

<https://www.oregon.gov/LCD/CPU/Pages/Plan-Amendments.aspx>

4. **Electronic submittals** may be sent via email to [DLCD.PR-UGB@dlcd.oregon.gov](mailto:DLCD.PR-UGB@dlcd.oregon.gov) with the subject line “Notice of Adopted Work Task.”

FTP may be needed for large file submittals. Contact DLCD for FTP information.

Include this Form 4B as the first pages of a combined file or as a separate file.

DLCD encourages all users to submit a PAPA via PAPA Online at:

<https://www.oregon.gov/LCD/CPU/Pages/Plan-Amendments.aspx>

5. **File format:** When submitting a Notice of Adopted Work Task via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the periodic review specialist at 503-373-0050 or

[DLCD.PR-UGB@dlcd.oregon.gov](mailto:DLCD.PR-UGB@dlcd.oregon.gov).

6. **Content:** An administrative rule provides requirements regarding submittal of an adopted change ([OAR 660-025-0130](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

7. Notify persons who participated in the local proceedings or requested notice of the final decision. ([OAR 660-025-0140](#)) A sample notice is attached to this Form 4.

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**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Periodic Review Specialist at 503-373-0050 or e-mail [DLCD.PR-UGB@dlcd.oregon.gov](mailto:DLCD.PR-UGB@dlcd.oregon.gov).

## **Notice checklist**

- Completed Form 4
- If the local record does not exceed 2,000 pages, a submittal must include the entire local record, including but not limited to adopted ordinances and orders, studies, inventories, findings, staff reports, correspondence, hearings minutes, written testimony and evidence, and any other items specifically listed in the work program
- If the local record exceeds 2,000 pages, a submittal must include adopted ordinances, resolutions, and orders; any amended comprehensive or regional framework plan provisions or land use regulations; findings; hearings minutes; materials from the record that the local government deems necessary to explain the submittal or cites in its findings; and a detailed index listing all items in the local record and indicating whether or not the item is included in the submittal.
- A task submittal of over 500 pages must include an index of all submitted materials.
- Notice of the final decision (a sample task notification letter is attached to this notice form).
- A list of persons who participated in local hearings or requested notice of final decision in writing, if any.



# Oregon

Tina Kotek, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)

October 11, 2024



Don Hardy, Planning Director  
City of Canby  
PO Box 930  
Canby, Oregon 97013

By email: [hardyd@canbyoregon.gov](mailto:hardyd@canbyoregon.gov)

**RE:** Proposed Efficiency Measures code amendments

Dear Mr. Hardy,

Thank you for the opportunity to review your draft proposed code amendments to complete the City's Sequential UGB Work Program Task 2: Identify and Adopt Land Efficiency Measures. The Work Program indicates the following under Task 2:

*“Land efficiency measures are changes the city makes to its zoning map and development code to increase land efficiency within the existing UGB in order to reduce the overall UGB expansion needs.*

*The land efficiency measures can include zone changes to zone more land for residential development, to up-zone or increase densities in some areas, or other changes to standards that would provide more capacity. These measures may partially overlap with strategies identified in the Housing Production Strategy.”*

Staff at DLCD have reviewed the proposed draft efficiency measures, as well as a draft of the city's Housing Production Strategy. Taken together, we believe the proposals will provide additional housing capacity and will result in more efficient land development.

The proposed cottage cluster amendments closely follow DLCD's model code for cottage clusters. We applaud the addition of this housing type that can provide smaller, more affordable options for current and future Canby residents. We note that when larger floor area and heights for cottage clusters are allowed the resulting housing units may not be priced much lower than typical detached homes, so it is important to calibrate the size allowances carefully.

The actions in the Housing Production Strategy that will most effectively move the needle further on land efficiency are strategy A: upzoning, strategy G, reducing the minimum lot size for townhomes and H, increasing the heights for high density housing. We support the proposed



timing of these actions to occur within the first half of the 8-year Housing Production Strategy implementation timeline. We will be monitoring the final adopted Housing Production Strategy to ensure the timeline continues to be front-loaded for these actions. Including these actions to be adopted by 2028 allows for evaluation during the mid-point review and provides time for the city to change course if it has not been successful in adopting these actions.

Thank you for your diligent work and we look forward to working with you.

Please contact your regional representative, Kelly Reid, at (971) 345-1987 or [kelly.reid@dlcd.oregon.gov](mailto:kelly.reid@dlcd.oregon.gov) if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Gordon W. Howard". The signature is written in a cursive, flowing style.

Gordon Howard  
Community Services Division Manager  
DLCD

Attachments:

- A. City of Canby Approved Sequential UGB Work Program

cc: Kevin Young, DLCD Urban Planner  
Jena Hughes, DLCD Housing and Growth Management Analyst  
Kelly Reid, DLCD Regional Representative

## **NOTICE OF PUBLIC HEARING**

### **CITY OF CANBY**

This Public Hearing Notice is to inform you of the opportunity to comment on the Housing Efficiency Measures Code Amendment (TA 24-02). The Planning Commission Public Hearing is scheduled for Monday, October 14, 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 public is encouraged to participate and provide comments in person, via Zoom, or by sending written comments to [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov).

If you wish to attend the Planning Commission Public Hearing virtually, please email Planning Staff at [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov) no later than 3 pm on Monday, October 14, 2024.

**Canby Planning Department**  
**222 NE 2<sup>nd</sup> Avenue - 503-266-7001**

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Please publish in the Canby Herald on Wednesday, October 9, 2024

Sent to the Canby Herald on Wednesday, October 3, 2024.

Email Public Notices to: [mcaplan@pamplinmedia.com](mailto:mcaplan@pamplinmedia.com)

Please send proof and charge to Account 100-103-419-6100.

*If you have questions, please contact Laney Fouse Lawrence at 503-266-0685 or by email [fousel@canbyoregon.gov](mailto:fousel@canbyoregon.gov).*



**CANBY PLANNING COMMISSION**  
**Regular Meeting**  
**Monday, October 14, 2024, at 6:00 PM**  
Hybrid Meeting (in person and via Zoom)  
Council Chambers, 222 NE 2<sup>nd</sup> Ave, First Floor, Canby, OR

Planning Commission meetings can be viewed on YouTube at:  
<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>

Planning Packet: <https://www.canbyoregon.gov/bc-pc/page/planning-commission-meeting-94>

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**Commissioner Matt Ellison, Chair**

**Commissioner Dan Ewert, Vice Chair**  
**Commissioner Michael Hutchinson**  
**Commissioner Hannah Ellison**

**Commissioner Judi Jarosh**  
**Commissioner Craig Lewelling**  
**Commissioner Jennifer Driskill**

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**1. CALL TO ORDER**

- a. Pledge of Allegiance

**2. CONSENT ITEMS**

- a. Draft Meeting Minutes – August 28, 2023
- b. Draft Meeting Minutes – August 26, 2024

**3. CITIZEN INPUT ON NON-AGENDA ITEMS**

This is an opportunity for members of the public to address the Planning Commission on non-agenda items. Each person will be given three minutes to speak. Staff and the Planning Commission will make every effort to respond to questions raised during citizens’ input before the meeting ends or as quickly as possible thereafter.

You may speak on non-agenda items via Zoom. To use Zoom, please send an email to [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov) no later than 3:00 pm on October 14, 2024, and provide your name, the topic you would like to speak on, and your phone number.

**4. OLD BUSINESS – None**

**5. NEW BUSINESS – None**

## 6. PUBLIC HEARINGS

To testify during a public hearing, please fill out a testimony/comment card and hand it to the Recording Secretary. If you would like to speak at a public hearing via Zoom, please email the City of Canby no later than 3:00 pm on October 14, 2024 at [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov) with your name, phone number and indicate which public hearing you would like to comment on.

### a. **Housing Efficiency Measures Code Amendments (TA 24-02) – Don Hardy, Planning Director**

City Staff seek a Planning Commission recommendation to approve a set of Housing Efficiency Measures, which require amendments to the City’s adopted zoning code. The two proposed efficiency measures—cottage clusters and updated Planned Unit Development (PUD) requirements—are intended to address housing needs identified in the City’s recently adopted Housing Needs Analysis (HNA). The measures were crafted by a coalition of parties including City Staff, its consultant team (led by DOWL), the Planning Commission, and the Oregon Department of Land Conservation and Development (DLCD).

## 7. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- a. The next Planning Commission meeting is planned for **Monday, October 28, 2024**, at 6:00 pm in the Council Chambers.
- b. Planning Director’s Update

## 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

## 9. ADJOURNMENT

*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 at 503-266-7001. A copy of this agenda can be found on the City’s Development Services webpage at <https://www.canbyoregon.gov/bc-pc>. City Council and Planning Commission Meetings are broadcast live via YouTube. For questions regarding programming, please contact: Willamette Falls Studio, (503) 650-0275; [media@wfmcastudios.org](mailto:media@wfmcastudios.org).*



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**TA 24-02**

**Housing Efficiency Measures Code Amendments**

**Staff Report for 10/14/24 PC Hearing**

**Applicant:** City of Canby

**Application Type:** Text Amendment (Type IV)

**City File No.:** TA 24-01

**REQUEST**

The City proposes code updates to the Canby Planning and Zoning Code to improve residential development standards to promote a mix of housing types. The proposed code amendments, referred to Housing Efficiency Measures (HEM) or efficiency measures, are the initial implementation of selected strategies in the draft Housing Production Strategy (HPS). These are required by the Department of Land Conservation and Development (DLCD) in order to approve the Canby urban growth boundary, and the efficiency measures are intended to lessen the need for urban growth boundary expansion. We received efficiency measure review comments from DLCD on September 27, 2024, and these are also incorporated in this staff report. Note, the draft HPS is in the final stages and is anticipated to be adopted by December 2025. Below are the findings to incorporate the proposed HEM code amendments into the Canby Municipal Code (CMC), Title 16, Planning and Zoning.

**OVERVIEW**

This report includes findings regarding each applicable existing Canby Comprehensive Plan and Zoning Code criterion for the housing efficiency measures. The proposal is consistent with the Comprehensive Plan and Zoning Code criteria for a Zoning Code Text Amendment found in CMC 16.88.170. Context is also provided on the housing production strategies; however, they are subject to a separate Planning Commission and City Council review.

**BACKGROUND**

The Canby Housing Needs Analysis (HNA) was recently adopted in July 2024. The HNA included a buildable land inventory for the Canby Urban Growth Boundary (UGB) and evaluated the housing need for Canby over the 20-year planning horizon. A 73-acre deficit in residential land for the 20-year forecasted growth, across all residential designations (low, medium, and high density) was identified. See Figure 1 below. The HNA findings also displayed Canby's significant challenge with providing affordable housing for both fee-owned housing and rental housing currently and over the next 20-years.



Figure 1. Reconciliation of Residential Land Needs, Canby UGB (Source: Canby HNA, Exhibit 27)

Dwelling Unit Type	Most Typical Plan Designation <sup>1</sup>	Buildable Land Requirement <sup>3</sup>	Current Buildable Land Inventory <sup>3</sup>	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 <sup>2</sup>	HDR /varies	18.24	9.82	(8.42)	<i>inadequate land supply</i>
<b>Total (gross buildable acres)</b>		<b>293.87</b>	<b>220.80</b>	<b>(73.07)</b>	<b><i>inadequate land supply</i></b>

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

<sup>1</sup> Manufactured housing is allowed in all residential land use classifications.

<sup>2</sup> Category also includes group quarters housing demand.

<sup>3</sup> Derived from previous Exhibits.

State legislation adopted in 2019 requires Oregon cities with a population over 10,000 people to adopt a HPS to promote the development of needed housing. The Canby draft HPS is intended to expand on the work of the HNA by examining how a city can impact housing affordability, access and choice issues, displacement and housing stability. The HPS process included a review of the city’s policies, past actions, future housing needs, and an analysis of who is at risk of being left behind in the existing housing environment. Community input was obtained to identify and evaluate recommended policy changes that can be implemented to increase production of needed subsidized and market-rate housing. At its core, the HPS identifies which tools, actions, or policies the city can implement to promote housing production, affordability, and choice, especially as it relates to the needs identified in the adopted HNA. The draft HPS proposes twelve (12) housing production strategies to be addressed over the next five (5) years. The strategies and their proposed adoption date are included in Table 1 below. The draft HPS is anticipated to begin its series of adoption hearings with Planning Commission and City Council on October 28, 2024, and final adoption by City Council in December 2024.

Table 1. HPS Strategies from September 2024 Final Draft HPS

HPS Strategy	Adoption Year
A. Develop Process for Identifying Land to Up-zone	2028
B. Allow Cottage Clusters in Residential Zones	2025
C. Identify Opportunities to Streamline PUDs	2028
D. Incentives to Encourage Diverse Housing Development in PUDs	2028
E. Modify SDC Fee Schedules with Scaled Based Charges (based on home size)	2026
F. Land Use Permitting Education for Property Owners/Developers	2028
G. Reduce Minimum Lot Size	2028
H. Increase Building Heights	2028
I. Update Residential Zones	2026
J. Update Design Standards	2029
K. Inventory and Encourage Preservation of Naturally Occurring Affordable Housing	2029
L. Partner with Clackamas County and Seek Public/Private Partnerships	2029

The proposed HEM code amendments are the first phase of implementing HPS strategies. The HEM code amendments are to implement three HPS strategies:

1. Strategy B. Allow Cottage Clusters in Residential Zones,
2. Strategy C. Identify Opportunities to Streamline PUDs (PUD code update), and
3. Strategy G. Reduce Minimum Lot Size (for townhouses).

The remaining HPS strategies will be implemented over the course of the next four years. Additionally, the next phase of HPS strategies implementation will be incorporated into the comprehensive Canby Planning and Zoning Code update that is anticipated to begin in the 2025-2026 fiscal year. An anticipated 2 to 3 year process will include a detailed code analysis of barriers to housing as well as changes earmarked in the HPS. The strategies to be addressed through the comprehensive code update process include the following.

1. Strategy H. Increase Building Heights
2. Strategy I. Update Residential Zones
3. Strategy J. Update Design Standards

The City is also in the process of updating the Comprehensive Plan. The HPS will be used to create and guide new housing policies in the Comprehensive Plan.

In addition to the proposed HEM efficiency measures, the City already has several efficiency measures or standards in place that support an effective use of land and a mix of housing types. They include the following.

- The City has a provision in the Zoning Code (Chapter 16.82) that allows deviations of development standards for "Special Housing Projects for the Elderly or Handicapped."
- Housing in a portion of the Downtown Core area of the C-1 Zone doesn't have to provide any parking if the development provides both housing and commercial uses.
- The City's R-2 (High Density) Residential Zone has been amended to require a minimum density of 14 dwelling units per acre, preventing lower density development.
- The City has amended its Zoning Code to allow duplexes in all low density residential zones to fully comply with HB 2001.
- A minimum density of 6 dwelling units per acre for triplexes and fourplexes in the R-1.5 zone is required.
- Established a minimum and maximum lot sizes in the R-1 and R-1.5 zones that create parameters for density. In the R-1 zone the minimum lot size permitted is 7,000 sf and 10,000 sf maximum. A 6 dwelling unit per acres maximum in the R-1 zone is proposed, and by maximum lot size the minimum R-1 density is four dwelling units per acre. In the R-1.5 zone the minimum lot size is 5,000 sf and the maximum lot size is 6,500 square feet.
- The City has a maximum building height of 35 feet across the R-1, R-1.5, and R-2 zones. Note, HPS Strategy H will revisit maximum building heights in the R-2 zone.

## **PROPOSAL**

The City proposes a series of HEM code amendments as the preliminary implementation of select strategies from the draft HPS; they are Strategy B. Allow Cottage Clusters in Residential Zones, Strategy C. Identify Opportunities to Streamline PUDs (PUD code update is portion of this strategy), and Strategy G. Reduce Minimum Lot Size (for townhouses).

The efficiency measures are primarily aimed at reducing barriers to certain middle housing types (i.e., cottage clusters, townhouses, and fourplexes) to promote a mix of housing developments. Middle

housing, also often referred to as “missing middle housing,” are housing types in between single family houses and large apartment buildings; it generally includes duplexes, triplexes, fourplexes, townhouses and cottage clusters. Improving PUD standards to promote a more beneficial, streamlined process are also proposed. A brief list of the proposed amendments is summarized below. A complete summary and the proposed amendments are attached to this Staff Report.

- Add cottage clusters as a newly permitted use in the R-1, Low Density Residential, and R-1.5, Medium Density Residential zones. Create siting and design standards specifically for cottage clusters.
- Amend townhouses from a conditional use to a permitted use in PUDs only in the R-1 zone.
- Reduce townhouses minimum lot size from 3,000 to 1,800 sf for townhouses in PUDs.
- Change fourplexes from a conditional to a permitted use in the R-1.5 zone.
- Amend allowed use provisions to PUDs add detailed provisions to help streamline PUD processes. Also amend density bonus incentives for PUDs to promote better design.

The intent of efficiency measures is to support the development of a greater diversity or mix of housing types to address land needs and housing affordability in Canby. These issues that were identified in the HNA. Additionally, the City is currently in the process of conducting the series of studies for the Urban Growth Boundary (UGB), including the HNA, HPS, Comprehensive Plan update, and more. Pursuant to state law, a requirement of the UGB expansion process is demonstrating actions towards using existing UGB land more efficiently to reduce the need for additional land. Per guidance from the state Department of Land Conservation and Development (DLCD), implementation of some efficiency measures is needed in order to support a UGB expansion.

### **COMPLIANCE WITH CITY OF CANBY MUNICIPAL CODE FOR HOUSING EFFICIENCY MEASURES**

The Canby Municipal Code defines the requirements for code amendments as follows:

#### **CMC 16.88.170 Amendments to Text of Title**

D. Standards and Criteria. In judging whether or not this title should be amended or changed, the Planning Commission and City Council shall consider:

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;

***Finding:** As a part of the next steps, the City will be updating the Comprehensive Plan. The HNA findings and draft HPS will inform updated housing policies in the Comprehensive Plan.*

*The proposed efficiency measure amendments are also consistent with exiting Comprehensive Plan policies. Compliance with applicable Comprehensive Plan goals and policies are addressed below.*

#### ***Urban Growth Element***

##### **Goals:**

- 1) To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.
- 2) To provide adequate urbanizable area for the growth of the city, within the framework of an efficient system for the transition from rural to urban land use.

### **Land Use Element**

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

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

### **Housing Element**

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

- Policy 2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.

*The proposed efficiency measure amendments support middle housing. The middle housing types are a gradual increase in the current densities found in the City's low and medium density zones. Middle housing is a denser and more-efficient use of land when compared to single-family detached homes. Therefore, the efficiency measures can improve the utilization of land within the City's UGB. This minimizes sprawl which helps preserve agricultural and forest lands surrounding the city consistent with statewide goals. Additionally, middle housing is typically a more affordable option than a single-family detached home. The proposed code amendments were developed with neighborhood consistency in mind, keeping similar setback requirements to the existing requirements and equivalent design standards to single family homes.*

*Additionally, the HPS and efficiency measures have been sent to DLCD for review. Staff finds the criterion is met.*

2. A public need for the change;

**Finding:** *The HNA findings demonstrated that in 2022, 29% of Canby residents are severely rent burdened. Canby's rate is slightly greater than the Clackamas County (27%) and statewide percentages (24%). In the 20-year planning horizon, the HNA identified a need for additional units across all housing types: single family detached, townhouses and 'plexes, multifamily housing or apartments. However, the HNA emphasized the need for affordable housing for fee-owned housing and rental housing both currently and over the course of the next 20 years. Sixty-two percent of the needed housing units are within the fee owned category.*

*Per HNA findings, a public need for changes to housing within the Canby community exists today. The draft HPS and proposed HEM code amendments provide the opportunity for more housing opportunities by reducing barriers middle housing types, primarily townhouses and cottage clusters. Middle housing is typically more affordable than a detached single-family home. Additionally, the efficiency measures improve options for a PUD development, supporting additional pathway to developing a mix of housing types. The proposed HEM code amendments support the public need for a mix of housing types and improved housing affordability in Canby with the intent to promote broader, more affordable housing options. Staff finds the criterion is met.*

3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;

***Finding:*** *The proposed efficiency measures and HPS strategies were developed through an extensive public process and discussion with decision-makers. The 12 HPS strategies proposed in the draft HPS were chosen from a list of over 100 strategies vetted through public involvement via stakeholder interviews, a citizen advisory committee, and a community open house. The HEM code amendments were presented at numerous work sessions with Planning Commission and City Council.*

*With the extensive public involvement process for the HPS and proposed HEM code amendments, the proposed HPS strategies and efficiency measures were tailored to the local context and determined to be the best approach for Canby. The tailored approach developed through the public involvement process best serves the needs of the Canby community. Therefore, Staff finds the criterion is met.*

4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;

***Finding:*** *The proposed efficiency measures have been developed with the consideration for health, safety, and general welfare of the residents of the community. Housing is an essential need for all. By improving housing opportunities for the future, the efficiency measures support community health, safety, and general welfare. Additionally, encouraging wider diversity of housing type supports housing choices for various stages of life and a variety of income levels. The efficiency measures propose an incentive for 1-story housing within PUDs to support aging in place in Chapter 16.76. Staff finds the criterion is met.*

5. Statewide planning goals.

***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. Staff finds the proposed amendments are consistent with applicable statewide planning goals.*

**Goal 1 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 proposed HPS strategies and efficiency measures went through an extensive public process. The HPS included stakeholder interviews, as well as a public advisory committee, and community open house with an online public survey. The HEM code amendments, born from HPS strategies, were presented at 3 Planning Commission work sessions and 2 City Council Work Sessions.*

**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 the HPS and associated HEM code amendments. Alternative strategies and efficiency measures were considered and publicly vetted and have been considered. The proposed changes are consistent with and adequate to carry out the Comprehensive Plan.*



**Goal 3 Agricultural Lands and Goal 4 Forest Lands**

*These goals do not apply because the City does not include areas designated for agricultural or 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**

*There are no proposed changes to text regarding non-residential development or economic development. Therefore, the intent of the goals remains satisfied by the policies of the Comprehensive Plan and Economic Opportunities Analysis and the implementation of the Zoning Ordinance.*

**Goal 10 Housing**

*The proposed HEM code amendments support a diversity of housing types by reducing barriers to certain middle housing types. Goal 10 supports a mix of housing types to address needed housing today and well as needed housing in the 20-year planning horizon. Therefore, the intent of this goal is met.*

**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 code amendments will not significantly affect existing or planned transportation facilities. In addition to the required traffic review for development, the City's traffic consultant manages an update to date model of all new development in Canby. Therefore, the evaluations of the transportation function, capacity and performance*

are maintained through the required traffic studies and active management of current conditions.

**Goal 13 Energy Conservation**

*The proposed code amendments reduce barriers to certain middle housing types, specifically cottage cluster development and townhouse development. Generally, the footprint of these middle housing types is smaller than a single-family detached home. Therefore, the proposed amendments could support better energy efficiency.*

**Goal 14 Urbanization**

*The HPS and associated HEM code amendments are a part of the City current efforts for expansion of the Urban Growth Boundary (UGB), through the sequential UGB process pursuant to OAR 660-038. The adoption of the proposed HEM code 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, and Goal 19 Ocean Resources**

*The City does not have any estuarine resources, and is not on the Oregon Coast, so goals 16 through 19 are not applicable.*

**CMC 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.

***Finding:*** *The proposed code amendments do not significantly change the characteristics of the city's low and medium density zones (R-1 and R-1.5). Rather, the efficiency measures encourage certain middle housing types by reducing barriers by shifting the uses from a conditional to a permitted use. Cottage clusters are proposed as a new use in the R-1 and R-1.5 chapters. Cottage cluster and PUD projects would be addressed through the required traffic analyses to determine and mitigate for impacts to the transportation system.*

*The City's traffic consultant manages an up-to-date active model of the current transportation system that has every new development incorporated. This ensures that proposed development is considered within the current function, capacity, and performance standards for the City's transportation facilities.*

*The proposed code amendments will not significantly impact the transportation system. Staff finds the standards are met.*

### **CONDITIONS**

Planning Commissions shall review the recommended code amendments and make a recommendation to City Council. The final 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 review, Staff recommends that the Planning Commission **recommend approval of the Housing Efficiency Measures code amendments (TA 24-02).**



## TRANSPORTATION PLANNING RULE FINDINGS

DATE: July 29th, 2024

TO: Don Hardy, Ryan Potter and Emma Porricolo | City of Canby

FROM: Kevin Chewuk | DKS Associates

SUBJECT: Canby N Holly Subdivision  
Transportation Planning Rule (TPR) Findings

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

### TPR FINDINGS

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

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant impact on the surrounding transportation system beyond currently allowed uses. The TPR allows a change in land use zoning in the event that a zone change would make the designation consistent with both the Comprehensive Plan and the Transportation System Plan. The allowance (found in Section 9) fits the circumstances of the project parcel, and specifically states:

Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all the following requirements are met.

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

**Response: The proposed annexation, and associated proposed zoning, are consistent with the City’s Comprehensive Plan.**

- b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP;

**Response: The City of Canby has adopted the Transportation System Plan (2010) and the proposed zoning is consistent with the TSP.**

- c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area

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

## FINDINGS

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

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

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





**Canby Housing Efficiency  
Measures Code Amendments  
TA 24-02**

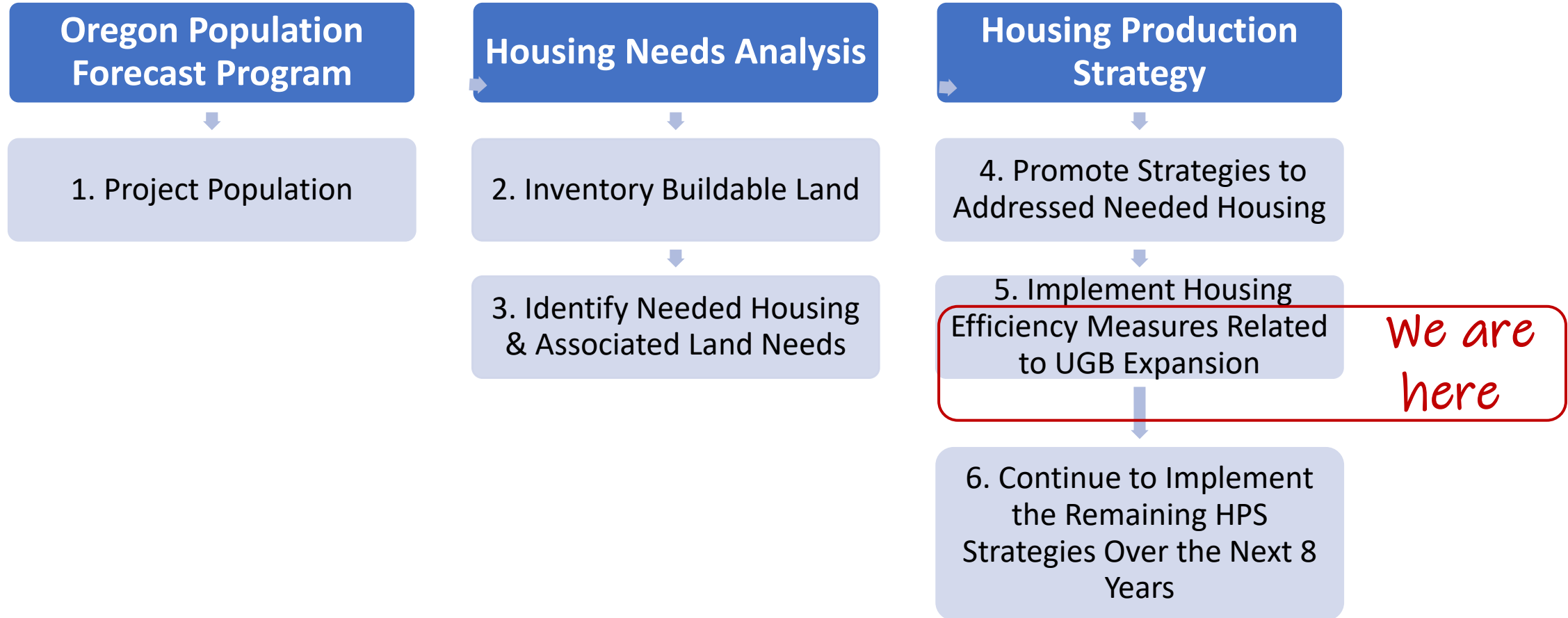
**Planning Commission Hearing  
October 14<sup>th</sup>, 2024**



# Housing Efficiency Measures

- Overview (Housing Processes)
- Context (Focus on Housing Efficiency Measures Cottage Cluster and Revision to Planned Unit Development standards in R-1 and R-1.5 Zones)
- Draft Code
- Planning Commission Recommendation

# Background





# Housing Needs Analysis

- Housing needs over next 20-years, roughly 6,000 additional residents
- Housing is not very affordable to many, so focus is on providing housing variety which the City can control
- 1,873 Housing Units Needed over 20-years
- Single-family standard lots (30%)
- Single-family small lot and cottages (32%)
- Townhomes and plexs (19%)
- Apartment/multifamily (19%)

# Housing Production Strategies

- Promote the development of needed housing
- Identify tools, actions and policies to promote affordability
- Framework of 12 strategies
- Strategies will be reviewed during Canby full code update starting in the fall of 2025
- Strategy implementation over 5 to 8 years, can be changed in consultation with DLCD and recognize that each city has unique circumstance and ways of working to achieve more affordable housing
- Planning Commission hearing on Housing Production Strategies October 28





# Housing Efficiency Measures

- Cottage cluster and revised planned unit development standards
- Identified through housing advisory committee, community outreach and reviewed by Planning Commission and City Council
- Required to show efficient use of land to limit the need for urban growth boundary expansion
- Even with housing efficiency measures, urban growth boundary expansion of about 74 acres is needed.
- Housing Efficiency Measures must be adopted to allow urban growth boundary expansion



# Housing Efficiency Measures Code Update Summary

Slide 7 of 16

- Proposes new development and design standards for Cottage Cluster developments.
- Proposes minor amendments to permitted uses and development standards in the R-1 and R-1.5 base zones.
- Proposes amendments to the PUD code to provide more specificity to open space requirements and density bonuses, promote better PUD design, and streamline the process by providing developers greater clarity on PUD requirements.
- **These code updates do not:**
  - Alter multifamily development design standards in the R-2 zone; or
  - Alter Canby's existing street standards or create allowances for narrow streets (i.e., "skinny streets").



# Cottage Cluster Development Code Summary

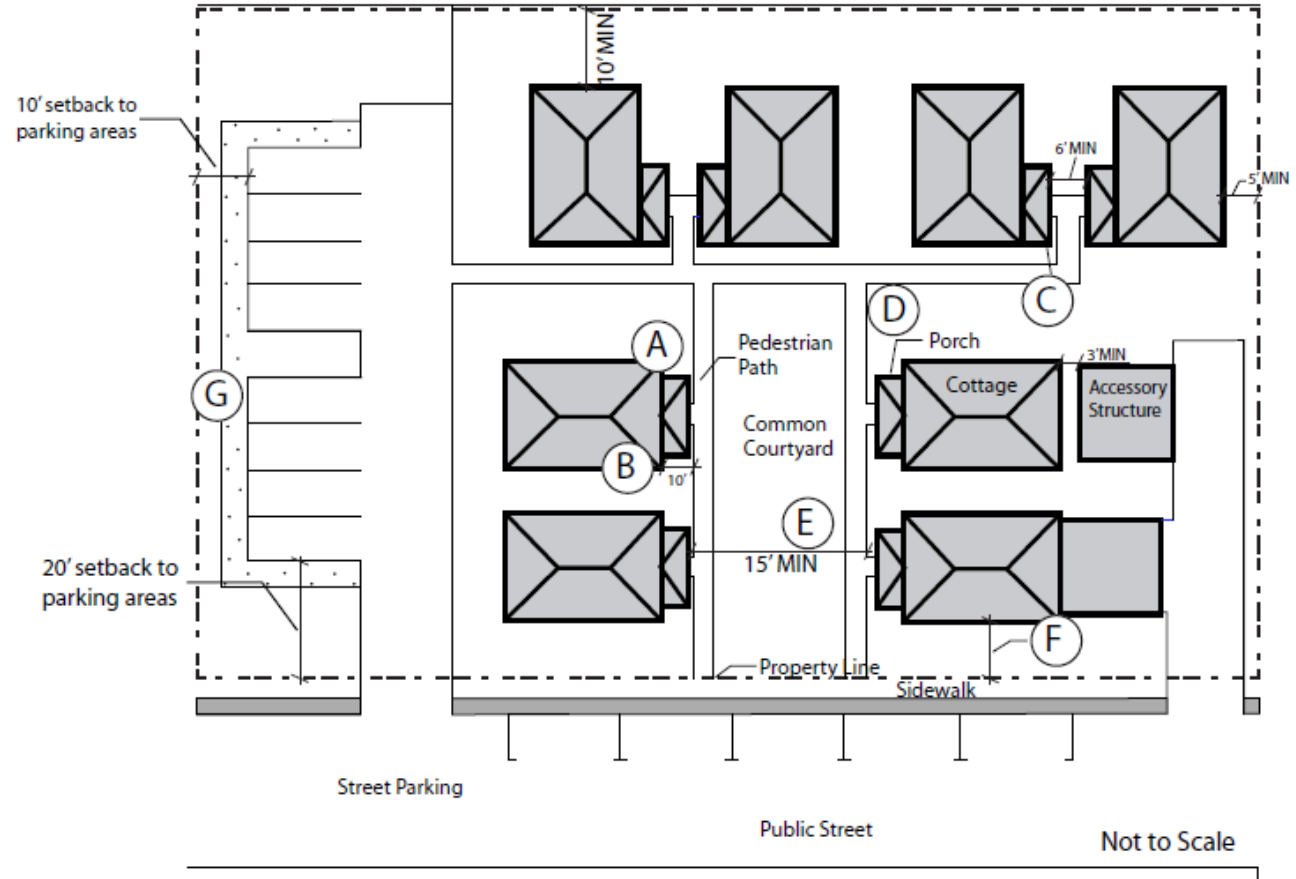
# Cottage Cluster Development Code Overview

- Allows Cottage Cluster developments as an outright permitted use within the R-1 (low density) and R-1.5 (medium density) zones.
- Creates specific development and design standards for Cottage Clusters that generally supersedes the housing development and design standards of the underlying base zones.
- Cluster developments will be reviewed through Canby's Type 3 Site and Design Review application process but can also be reviewed as a part of a PUD. They can also be subdivided pursuant to the land division standards.
- Cottage Clusters have a minimum density of 6 units per acre and there is no maximum density provided applicable development and design standards are met.

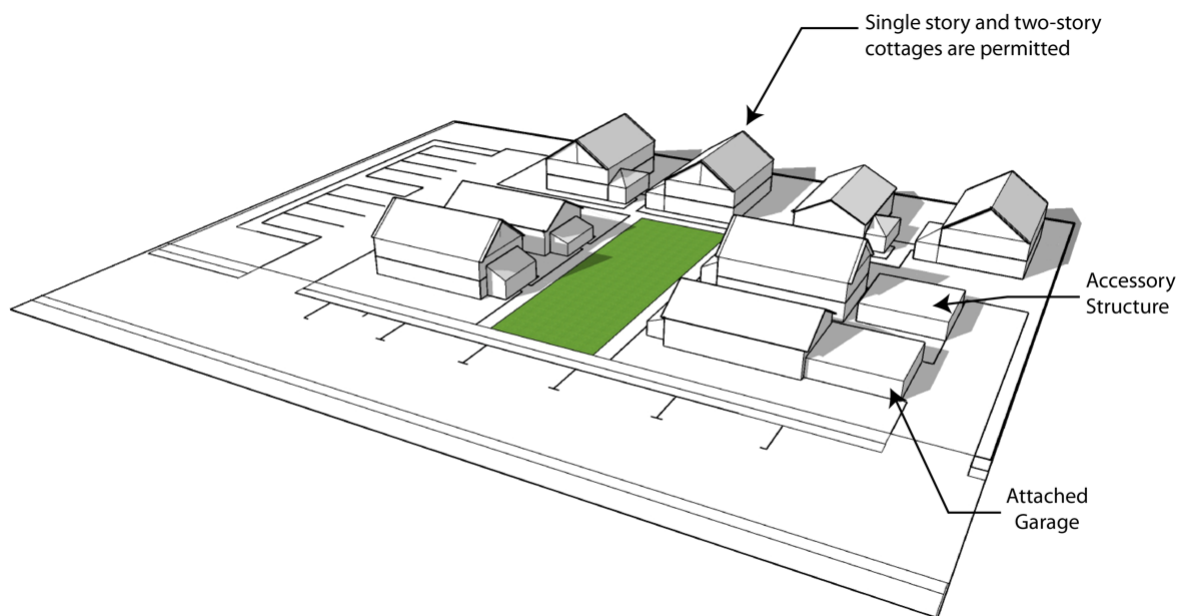


# Cottage Cluster Development Standards

- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.
- (F)** Front yard setback to match the minimum setback of the underlying zone.
- (G)** Parking facilities should be screened from public streets and residentially zoned properties with 3 foot tall landscaping, fencing or walls.



# Cottage Cluster Design Standards



- Cottages and community buildings must incorporate minimum design features.
- Individual cottages may be between 600 and 1,200 square feet of living space.
- Cottages must be clustered around and generally oriented toward a common courtyard open space area.
- Cottage Clusters may contain community buildings that provide community amenities, but this isn't required.
- Parking can be provided in a dedicated lot or through individual garages/carports.
- Standards require that parking areas are screened from residential properties.

# R-1 and R-1.5 Code Summary



# R-1 and R-1.5 Code Updates Overview

- Allows Cottage Cluster developments as an outright permitted use in both zones.
- Allows fourplexes as an outright permitted use in R-1.5.
- Allows townhouses as a permitted use in R-1, ***but only if proposed as a part of a PUD.***
- Limits townhouses to a maximum grouping of six consecutive townhouses in either zone, with groupings separated by at least ten (10) feet.
- Establishes the following development standards related to townhomes:
  - Minimum 20-foot front lot line in both zones.
  - 1,800 square foot minimum lot size if constructed as a part of a PUD in both zones.
  - 3,000 square foot minimum lot size if constructed outside a PUD in R-1.5 zone.
- Establishes a maximum density of 6 dwelling units per acre in the R-1 zone.





# Planned Unit Development (PUD) Code Summary



# PUD Code Updates Overview

- Establishes requirements for “usable open space” in PUDs and adds specificity about what is and isn’t usable open space (15% of a PUD’s site area must be dedicated to usable open space).
- Exempts acreage associated with a Cottage Cluster from a PUDs total area for the purpose of establishing a minimum usable open space area requirement given Cottage Clusters have their own open space requirements.
- Increases the density bonus to 20% more than the base zone’s maximum density and establishes specific approval criteria for the density bonus.
- Allows PUDs that are across multiple zones to spread and blend density across the PUD regardless of the underlying base zone.
- Exempts Cottage Cluster units from a PUDs maximum density.
- Creates a requirement that if a PUD is adjacent to lower intensity uses (such as rural residential), the PUDs higher intensity uses (such as townhomes) should be placed within the interior of the PUD.



# Discussion and Questions



## Canby Housing Efficiency Measures (TA 24-02)

### Canby Municipal Code (CMC) Text Amendments

#### Proposed Text Amendments Tracker

Existing CMC Section	New CMC Section	Description of Change
<b>16.16 R-1 Low Density Residential Zone</b>		
16.16.010 Uses Permitted outright.		<ul style="list-style-type: none"> <li>• Amended to allow cottage cluster developments as an outright permitted use.</li> <li>• Amended to allow townhouses as an outright permitted use if approved as a part of a PUD.</li> <li>• Amended to allow duplexes as an outright permitted use to memorialize previously approved HB 2001 code amendments adopted via Ord #1574.</li> <li>• Amended to strike duplexes as a conditional use.</li> </ul>
16.16.030 Development Standards.		<ul style="list-style-type: none"> <li>• Amended to identify that cottage clusters are subject to separate development standards and are not subject to the standards of this section.</li> <li>• Amended to add minimum lot size and modified lot dimensions for townhouses.</li> <li>• Amended to establish a maximum residential density standard of six (6) units per acre.</li> <li>• Amended to require that townhouse development shall not exceed six (6) consecutive attached dwellings, with each grouping of townhouses being separated by at least 10 feet. Language added encouraging that townhouses be alley loaded.</li> </ul>
<b>16.18 R-1.5 Medium Density Residential Zone</b>		
16.18.010 Uses Permitted outright.		<ul style="list-style-type: none"> <li>• Amended to increase the maximum townhouse grouping from three (3) to six (6) dwelling units.</li> <li>• Amended to allow fourplexes as an outright permitted use.</li> <li>• Amended to strike fourplexes as a conditional use.</li> </ul>

<p>16.18.030 Development standards.</p>		<ul style="list-style-type: none"> <li>• Amended to identify that cottage clusters are subject to separate development standards and are not subject to the standards of this section.</li> <li>• Amended to decrease the minimum townhouse lot size from 3,000 to 1,800 square feet if approved as a part of a PUD.</li> <li>• Amended to require that townhouse development shall not exceed six (6) consecutive attached dwellings in a row and that groupings should be separated by at least 10 feet. Language added encouraging that townhouses be alley loaded.</li> </ul>
<p><b>16.21 Residential Design Standards</b></p>		
	<p>16.21.080 Cottage Cluster Development and Design Standards.</p>	<ul style="list-style-type: none"> <li>• Section added to provide development and design standards for cottage cluster developments. Includes purpose statement, applicability provisions, approval processes and development/design standards for cottage clusters.</li> </ul>
<p><b>16.74 PUD Uses Permitted</b></p>		
<p>16.74.020 Uses permitted in residential zone.</p>		<ul style="list-style-type: none"> <li>• Amended to identify that all uses permitted outright or conditionally may be permitted with a PUD.</li> <li>• Amended to identify that a CUP is required if a conditional use is proposed with a PUD.</li> <li>• Amended to allow uses to be spread across a PUD site, regardless of the underlying base zone.</li> </ul>
<p><b>16.76 PUD Requirements</b></p>		
<p>16.76.010 Minimum Requirements.</p>		<ul style="list-style-type: none"> <li>• Amended to identify that open space provided with a PUD must be “usable”.</li> <li>• Amended to create exception for cottage clusters in PUDs for the purpose of calculating the minimum open space requirement.</li> <li>• Amended to identify that PUDs shall adhere to density provisions of the underlying base zone(s).</li> <li>• Amended to add approval criteria for a density bonus.</li> <li>• Amended to create exception that cottage cluster units do count toward</li> </ul>

		<p>maximum density allowance within a PUD.</p> <ul style="list-style-type: none"><li>• Amended to allow the total base zone density to be spread throughout the PUD site, regardless of the underlying base zone.</li></ul>
16.76.030 Standards and criteria.		<ul style="list-style-type: none"><li>• Amended to identify that higher intensity uses should be placed within the interior of a PUD where the PUD is adjacent to lower intensity uses.</li></ul>

**KEY**

Proposed New Text = Red Underlined

Proposed Removed Text = Red Underlined and Strikethrough

**Chapter 16.16**

**R-1 LOW DENSITY RESIDENTIAL ZONE**

**Sections:**

**16.16.010** Uses permitted outright.

**16.16.020** Conditional uses.

**16.16.030** Development standards.

**16.16.010** Uses permitted outright.

Uses permitted outright in the R-1 zone shall be as follows:

- A. Single-family dwelling; one single-family dwelling per lot;
- B. Duplex, subject to the standards in Chapter 16.81;
- C. Cottage cluster development, subject to the cottage cluster development and design standards of Chapter 16.21.080;
- D. Vegetable gardens, orchards and crop cultivation for personal use only, including greenhouses. No large-scale commercial sale of produce is permitted unless continued as a non-conforming use that was in place prior to the existing zoning designation. Keeping of animals other than domestic pets requires a special permit from the City Administrator unless a continuation of a non-conforming agriculture use.
- E. Accessory uses and/or accessory structures;
- F. Accessory dwelling, subject to review and approval through a Type 1 procedure (pursuant to Chapter 16.89.030) and must conform to the following standards:
  - 1. Compliance with the Oregon Structural Specialty Code;
  - 2. A maximum of one accessory dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a garage or workshop), or a unit attached or interior to a primary dwelling (e.g. an addition or the conversion of an existing floor).

3. A detached accessory dwelling may not exceed 800 square feet of floor area or 75% of the primary dwelling's floor area, whichever is smaller.
  4. Accessory dwellings that result from the conversion of a level or floor (e.g. basement, attic, or second floor) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 800 square feet.
  5. Accessory dwellings must meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:
    - a. Conversion of an existing legal non-conforming structure to an accessory dwelling is allowed, provided the conversion does not increase the non-conformity; and
    - b. Chapter 16.21, Residential Design Standards do not apply; and
    - c. An additional on-site parking space shall not be required but may be provided.
- G.** Day care facility in a residential home, with twelve (12) or fewer children;
- H.** Manufactured and mobile home subdivisions, where developed as planned unit developments, subject to the requirements of Divisions IV and V;
- I.** Minor public facilities;
- J.** Manufactured home - with the following additional approval criteria:
1. Must be double-wide or wider and must enclose at least 1,000 square feet.
  2. Must be located not more than twelve (12) inches above grade on an excavated and back-filled masonry foundation which is enclosed at the perimeter.
  3. Must have a pitched roof with a minimum slope of at least a nominal three (3) feet in height for each twelve (12) feet in width.
  4. Exterior siding and roofing must be similar in color, material and appearance to that used on surrounding dwellings within three hundred (300) feet of the lot.
  5. The exterior thermal envelope must meet performance standards equivalent to those required for single family dwellings under the State Building Code.
  6. Must not have bare metal siding or roofing.
- K.** Home occupations which meet the strict definition of section 16.04.240.
- L.** Residential Home/Adult Foster Home - for five or fewer individuals. (Per ORS 197.665).



**M.** Foster Care Home; as defined in Section 16.04

**N.** Uses permitted outright with a planned unit development. The following uses are permitted outright if approved as a part of a planned unit development in accordance with section 16.76.

**1.** Single-family townhouse dwellings having common wall construction. The townhouse construction is limited to a maximum grouping of six dwellings. If more than one group of dwellings is developed than a ten foot distance shall be maintained between an adjacent group of dwellings.

**16.16.020 Conditional uses.**

Conditional uses in the R-1 zone shall be as follows:

**A.** Cemetery;

**B.** Church;

**C.** Day care facility, other than a residence or caring for more than twelve (12) children;

**D.** Hospital;

**E.** Nursing home

**F.** School;

**G.** Major public facilities;

**H.** Golf courses, public or private, with facilities and structures that are associated with the use;

**I.** Home occupations which otherwise meet the strict definition of section 16.04.240, but which involve the manufacture of products, nonresidential storage of goods, or any activity which is likely to increase traffic;

**J.** Accessory use or structure (not a dwelling) located on a lot or lots abutting the lot which houses the principal use of the property;

**K.** Manufactured and mobile home park or trailer park, subject to the criteria of Chapter 16.44;

~~**L.** One two family dwelling (duplex) where the lot contains a minimum of twelve thousand square feet. Through the conditional use process, the Planning Commission may require the two dwellings in a duplex to share a common driveway to minimize curb cuts and paving;~~

~~M. One duplex on a corner lot that contains a minimum of ten thousand square feet, provided that the building is designed such that vehicle access to the different units is taken from different streets;~~

N. Bed and Breakfast;

O. Residential Facility - for six to fifteen individuals (Per ORS 197.667(4) and 443.400 (8))

P. Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line housing that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and the building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots.

Q. Other developments customarily found within a residential zone, as determined by the Planning Commission.

R. Detached accessory structure (not dwelling) up to twenty-two feet high which is located outside the allowed building footprint area for the principal structure and which does not meet the step-up height standard described in 16.16.030(E)(2)(b). (Ord. 890 section 16, 1993; Ord. 740 section 10.3.18(B), 1984; Ord. 1080, 2001; Ord. 1111 section 7, 2003; Ord 1237, 2007; Ord. 1514, 2019)

### **16.16.030 Development standards.**

The following subsections indicate the required development standards of the R-l zone. Cottage cluster developments are exempt from these standards and are instead subject to the cottage cluster development and design standards outlined in section 16.21.080.

#### **A. Minimum and maximum lot area:**

1. For single family dwellings: seven thousand (7,000) square feet minimum, and ten thousand (10,000) square feet maximum, per single-family dwelling. The maximum lot area standard does not apply to single family dwellings existing at the time of subdivision or partition plan approval; and the Planning Commission may approve smaller or larger lots in conformance with subsection B, below. Preexisting, legally created lots of record shall be considered to be legally buildable and separately saleable, provided they contain at least five thousand (5,000) square feet; and further provided, that any new structures on such lots meet the required setbacks.

2. For townhouse dwelling units having common wall construction and developed as a part of a planned unit development:

a. 1,800 square foot minimum lot size.

- 3. Density. There is no minimum density. The maximum density for all residential uses is 6 units per acre.**

**B. Lot area exceptions:**

- 1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met:**

- a.** The average area of all lots created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than seven thousand square feet and no greater than ten thousand square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 5,000 square feet.

- b.** No lot shall be created that contains less than six thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used;

- c.** The lot area standards for two-family dwellings, as provided in Sections 16.16.010 and 16.16.020, shall be met; and

- d.** As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of oversized lots (e.g., ten thousand square feet and larger), when such re-division would violate the average lot area provision in subsection 16.16.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

- 2. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.16.030.A.**

- 3. The Planning Commission may modify the maximum lot area requirements in 16.16.030.A if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.**

**C. Minimum width and frontage: sixty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.**

1. Exception. The minimum width and frontage for single family attached (common wall) townhouse lots is twenty feet.

**D. Minimum yard requirements:**

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only;
2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots, fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;
3. Interior yard: Seven feet, except as otherwise provided for zero-lot line housing.
4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply to such structures. Detached accessory dwellings are not eligible for the three foot reduction. Utility easements may only be reduced with the approval of all utility providers.
5. Infill standards may also apply. See CMC 16.21.050.

**E. Maximum building height:**

1. Principal building: thirty-five feet.
2. Detached accessory structure:
  - a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
  - b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
  - c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.

d. Detached accessory structures over twenty-two feet tall are not permitted.

3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

F. The maximum amount of impervious surface allowed the R-1 zone shall be 60 percent of the lot area.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surfaces include, but are not limited to, buildings, paved parking areas and driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.

2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review by the City Public Works Department for compliance with applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.

2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.

3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and covered patios if patio posts still comply with required five foot setbacks.

4. Accessory buildings shall not have a larger footprint than the primary building, unless lot area exceeds twelve thousand square feet.

5. Townhouse (common wall) development shall not exceed six attached dwellings if developed as a part of a planned unit development. If more than one group of

six dwellings is constructed, then the groups shall be separated by not less than ten (10) feet. Townhouse units are encouraged to be alley loaded when possible.

**KEY**

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**Chapter 16.18**

**R-1.5 MEDIUM DENSITY RESIDENTIAL ZONE**

**Sections:**

- 16.18.010** Uses permitted outright.
- 16.18.020** Conditional uses.
- 16.18.030** Development standards.

**16.18.010** Uses permitted outright.

Uses permitted outright in the R-1.5 zone shall be as follows:

- A.** Uses permitted outright in the R-1 zone;
- B.** Two-family or three-family dwellings. One duplex or triplex on each lot. (Ord. 740 sect. 10.3.20 (A), 1984)
- C.** Single-family townhouse dwellings having common wall construction. The townhouse construction is limited to a maximum grouping of ~~three~~ six dwelling units. If more than one group of dwellings is developed then a ten foot distance shall be maintained between an adjacent group of dwelling units. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)
- D.** Four-family dwellings, one fourplex on each lot.

**16.18.020** Conditional uses.

Conditional uses in the R-1.5 zone shall be as follows:

- A.** Uses listed as conditional in the R-1 zone; except as modified by Section 16.18.010, above;
- ~~**B.** Four family dwellings. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)~~

**16.18.030** Development standards.

The following subsections indicate the required development standards of the R-1.5 zone.

Cottage cluster developments are exempt from these standards and are instead subject to the cottage cluster development and design standards outlined in Section 16.21.080.

**A. Minimum and maximum lot area:**

1. For single family dwellings: five thousand (5,000) square feet minimum and six thousand five hundred (6,500) square feet maximum.
2. For townhouse dwelling units having common wall construction: ~~three thousand (3000) square foot minimum lot size.~~
  - a. 3,000 square foot minimum lot size.
  - b. 1,800 square foot minimum lot size if approved as a part of a planned unit development in accordance with section 16.76.
3. Minimum residential density: For two, three, and four family dwellings: new development shall achieve a minimum density of 6 units per acre and a maximum of 13 units per acre. Minimum density for a property is calculated by multiplying its area in acres (minus area required for street right-of-way and public park/open space areas) by the density standard. For example, 0.32 acres x 6 units/acre = minimum of 1.92 units. Decimals are rounded to the nearest whole number (e.g., a minimum of 1.92 units becomes a minimum of 2 units per acre). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.
4. The Planning Commission may approve smaller or larger lots in accordance with subsection B, below.

**B. Lot area exceptions:**

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.18.030.A as part of a subdivision or partition application when all of the following standards are met:
  - a. The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than five thousand square feet and no greater than six thousand five hundred square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 4,000 square feet;



**b.** No lot shall be created that contains less than four thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used; and

**2.** As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of over-sized lots (six thousand five hundred square feet and larger), when such re-division would violate the average lot size provision in subsection 16.18.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

**3.** A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.18.030.B.1.a.

**4.** The Planning Commission may modify the maximum lot area requirements in subsection 16.18.030.B if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

**5.** The maximum lot area standard does not apply to dwellings existing prior to subdivision or partition plan approval or to lots designated for open space.

**C.** Minimum width and frontage: forty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access. Twenty feet is permitted for single family attached (common wall) housing ~~on interior lots~~.

**D.** Minimum yard requirements:

**1.** Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only.

**2.** Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots: fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;

**3.** Interior yard: seven feet, except as otherwise provided for zero-lot line housing.

**4.** Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures, except accessory dwellings, erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply. Utility easements may only be reduced with the approval of all utility providers.

**5.** Infill standards may also apply. See CMC 16.21.050.

**E.** Maximum building height:

1. Principal building: thirty-five feet.
2. Detached accessory structure:
  - a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
  - b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
  - c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.
  - d. Detached accessory structures over twenty-two feet tall are not permitted.
3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

**F.** The maximum amount of impervious surface allowed the R-1.5 zone shall be 70 percent of the lot area.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surface include, but are not limited to, buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.
2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review and approval

by the City Public Works Department for compliance with other applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

**G. Other regulations:**

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.
2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.
3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and patio covers, if the patio posts still comply with required setbacks.
4. Accessory buildings shall not have a larger footprint than the primary building.
5. Townhouse (common wall) development shall not exceed six attached dwellings in a group as defined in Chapter 16.04.195. If more than one group of six dwellings is constructed, then the groups shall be separated by no less than ten feet. Townhouse units are encouraged to be alley loaded when possible.

**[New Section] 16.21.080 Cottage Cluster Development and Design Standards.**

- A. Purpose.** The purpose of these standards are to promote more affordable fee in common or fee ownership housing options within Canby. Additionally, they promote quality development, a sense of openness and community, and enhance livability, walkability, and safety of the community. These standards are also intended to encourage cottage cluster developments that are compatible with existing and future residential development within the R-1 and R-1.5 zones.
- B. Applicability.** These standards apply to all new cottage cluster developments as defined by section 16.04.
- C. Permitted Use.** Cottage Cluster developments are permitted outright within the R1 and R1.5 zones. Cottage Cluster developments may be permitted as a standalone development or as part of a Planned Unit Development in accordance with 16.72, PUD applications.
- D. Approval Process.** Cottage cluster developments are a Type 3 Site and Design Review application, approved in accordance with Chapter 16.49, Site and Design Review. Cottage cluster developments within a PUD are subject to Chapter 16.72, PUD Applications. Cottage cluster developments proposed to be subdivided may be approved in accordance with Chapter 16.62, Subdivisions as a Type 3 process.
1. Cottage cluster developments are exempt from the following sections of Chapter 16.49, Site and Design Review:
    - a. Section 16.49.040.B.5, Site Design Review Menu;
    - b. Section 16.49.080.C, minimum landscaping standards; and
    - c. Section 16.49.120, parking lot landscaping standards.
- E. Development Standards.** The following development standards apply to all cottage cluster developments and supersede the development standards of the underlying zone unless stated otherwise.
1. *Density.* The minimum density of any cottage cluster development is 6 units per acre. There is no maximum density standard, provided the cottage cluster development is designed to conform with the requirements of this section.
  2. *Lot Area.* There is no minimum or maximum lot area standard, provided the cottage cluster development is designed to conform with the requirements of this section.
  3. *Minimum Perimeter Yard Setback Requirements for Structures.*
    - a. Street yard: The minimum setback requirement of the underlying zone applies.

- b. Rear yard: 10 feet
    - c. Side yard 5 feet
  4. *Number of Cottages.* Cottage housing units shall be developed in clusters of a minimum of four (4) units. There is no maximum, provided one (1) common courtyard is provided for every 12 cottages.
  5. *Building Separation.* Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be three (3) feet.
  6. *Building Height.* The maximum building height for all structures is 35 feet.
  7. *Unit Size.* Each cottage's total floor area shall be a minimum of 600 square feet and shall not exceed a maximum of 1,200 square feet. Per section 16.21.080(F)(6)(e)(ii) of this chapter, individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage's maximum total floor area.
  8. *Maximum Impervious Surface.* The maximum impervious surface standard of the underlying zone applies.
  9. *Off-Street Parking.* At least one (1) off-street parking space shall be provided per cottage dwelling unit. Where a cottage cluster development fronts on a street that does not allow on-street parking, at least two (2) guest parking spaces shall be provided for every four (4) cottage dwelling units. If a cottage cluster development fronts on a street that allows on-street parking, there is no guest parking requirement. Off-street parking shall be designed in accordance with section 16.10.070, Parking Lots and Access, and section 16.21.080(F)(5).
  10. *Access Requirements.* Cottage cluster developments are permitted to have more than one driveway access provided applicable access spacing standards are met.
- F. Design Standards.** The following design standards apply to all cottage cluster developments. No other design standards shall apply to cottage clusters unless noted in this section. Where there is a conflict between these standards and the standards of other sections of this code, the standards of this section shall control.
1. *Cottage Design Standards.* All cottages and community buildings shall incorporate four (4) of the following design features:
    - a. Dormers.
    - b. Gables, hip roof, or gambrel roof form.
    - c. Recessed entries (minimum 2 foot recess).

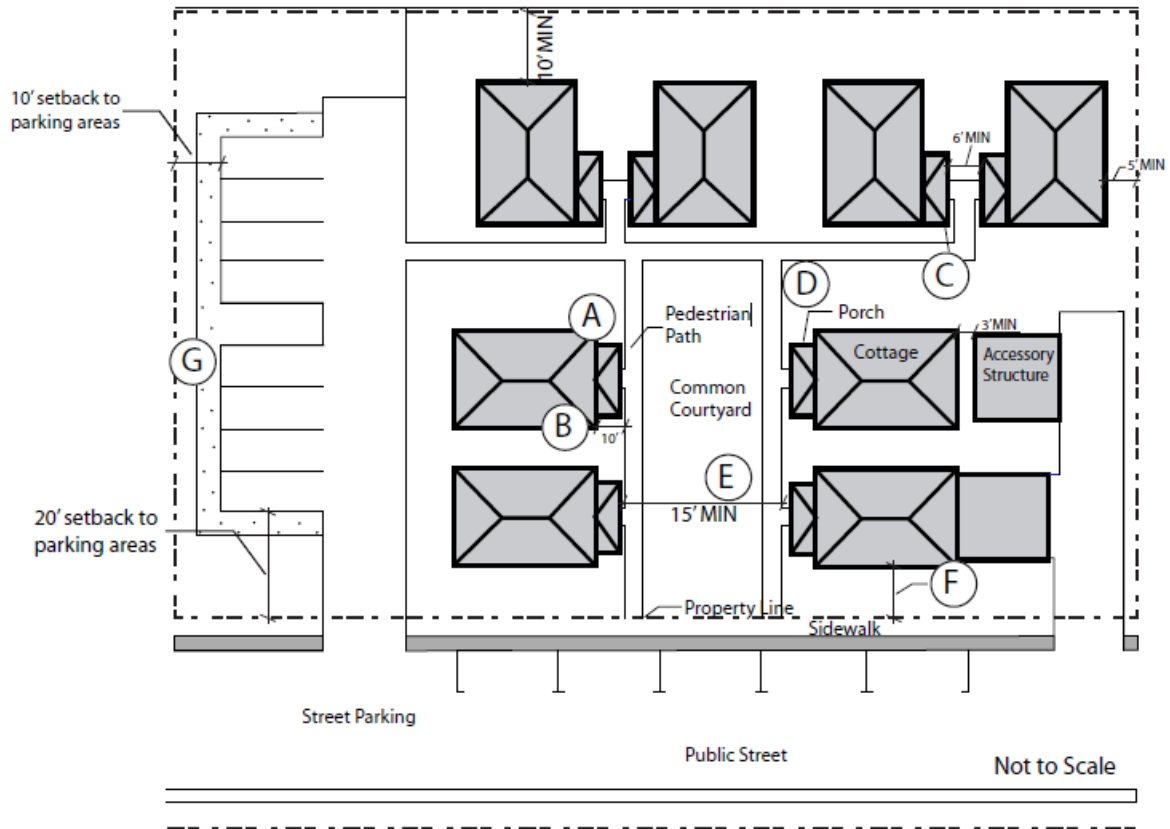
- d. Covered porch entries (minimum 48 square feet, minimum 4 foot depth).
  - e. Bay windows.
  - f. Any eaves of 12-inches or greater.
  - g. Off-set of 16-inches or greater on building face or roof.
  - h. Windows and main entrance doors occupy a minimum of 15 percent of the façade, not including the roof.
  - i. Window trim (minimum 4-inch) or shutters (minimum 8-inch)
  - j. Balconies or porch rail.
  - k. Shakes, shingles, brick or other similar decorative materials occupying at least 60 square feet of the street-facing and courtyard-facing façade.
2. *Cottage Orientation.* Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 1 and Figure 2):
- a. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and meet the following standards:
    - i. Have a main entrance facing the common courtyard;
    - ii. Be within 10 feet of the common courtyard measured from the façade of the cottage to the nearest edge of the common courtyard; and
    - iii. Be connected to the common courtyard by a pedestrian path.
  - b. Cottages within 20 feet of a street property line may have their entrances facing the street, provided 50 percent of all cottage units within the cluster face the common courtyard.
  - c. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that provides a reasonably direct connection to the common courtyard.
3. *Common Courtyard Design Standards.* Each cottage cluster development must share a common courtyard in order to provide a minimum open space area for the cottage cluster development. One (1) common courtyard shall be provided for every 12 cottage units (see Figure 1 and Figure 2).
- a. The common courtyard must be a single, contiguous area.

- b. Cottages must abut the common courtyard on at least two sides of the courtyard.
  - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
  - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
  - e. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard.
  - f. Pedestrian paths qualify as part of a common courtyard. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
4. *Community Buildings.* Cottage cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards and may not be used as dwelling units:
- a. Each cottage cluster is permitted one community building.
  - b. A community building shall not exceed 1,400 square feet of total floor area.
  - c. Community buildings may count towards a cottage cluster's common courtyard requirement provided the standards of section 16.21.080(F)(1) are met. Only the footprint area of the community building may count towards the common courtyard minimum area requirement.
5. *Pedestrian Access.*
- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following (see Figure 1 and Figure 2):
    - i. The common courtyard;
    - ii. Shared parking areas;
    - iii. Community buildings, if provided; and



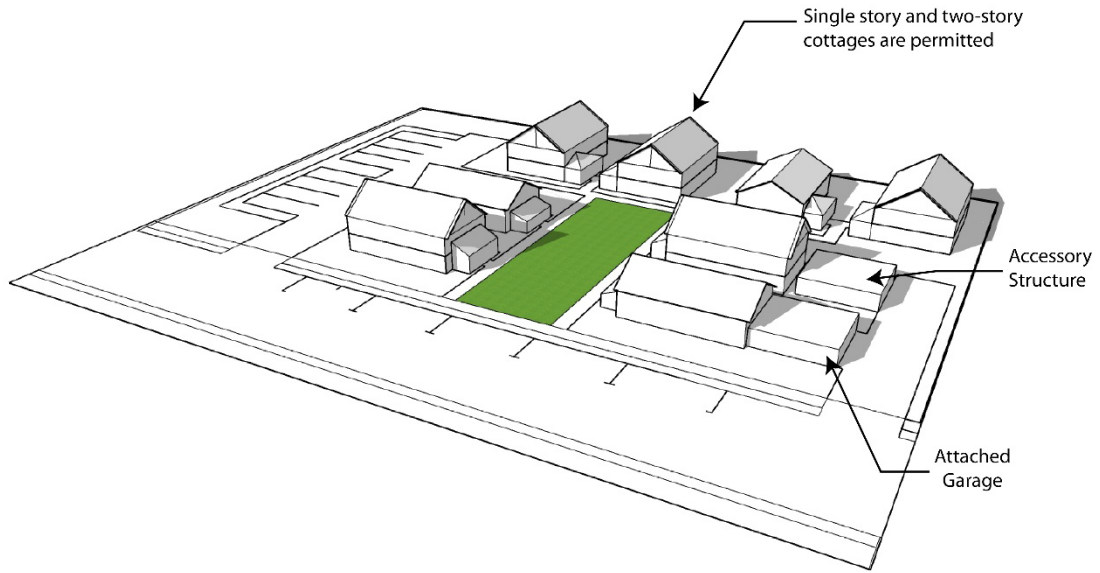
- iv. Abutting sidewalks within the public right-of-way, or to the edge of the roadway if sidewalks along the roadway are not provided.
    - b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet in width.
- 6. *Parking Area Location and Design* (see Figure 1 and Figure 2).
  - a. Clustered parking. Off-street parking may be arranged in clusters of not more than five (5) contiguous spaces separated from other clusters by at least four (4) feet of landscaping. Clustered parking areas may be covered.
  - b. Off-street parking spaces and vehicle maneuvering areas shall not be located:
    - i. Within 20 feet from any street property line, excluding alleys.
    - ii. Between a street property line, excluding alleys, and cottages abutting the street property line.
  - c. Off-street parking spaces shall not be located within 10 feet of any property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of all property lines.
  - d. Screening. Landscaping, fencing, or walls at least three (3) feet tall shall separate clustered parking areas and parking structures from public streets and residentially zoned properties.
  - e. Garages and carports shall meet the following standards:
    - i. Garages and carports (whether shared or individual) must not abut common courtyards.
    - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage's maximum total floor area per section 16.21.080(E)(7) of this chapter.
    - iii. Individual detached garages must not exceed 400 square feet in floor area.
    - iv. Garage doors for individual garages must not exceed 12 feet in width.
- 7. *Existing Structures*. On a lot or parcel to be used for a cottage cluster development, a pre-existing detached single-family dwelling may remain within the cottage cluster development area and does not need to comply with the requirements of this section except for minimum separation distance requirements per section 16.21.080(E)(4) above.

Figure 1. Cottage Cluster & Common Courtyard Design Standards



- (A) A minimum of 50% of cottages must be oriented to the common courtyard.
- (B) Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C) Cottages must be connected to the common courtyard by a pedestrian path.
- (D) Cottages must abut the courtyard on at least two sides of the courtyard.
- (E) The common courtyard must be at least 15 feet wide at its narrowest width.
- (F) Front yard setback to match the minimum setback of the underlying zone.
- (G) Parking facilities should be screened from public streets and residentially zoned properties with 3 foot tall landscaping, fencing or walls.

Figure 2. Cottage Cluster Development Concept



**KEY**

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**Chapter 16.74**

**USES PERMITTED**

**Sections:**

**16.74.010** Generally.

**16.74.020** Uses permitted in residential zone.

**16.74.030** Uses permitted in other than residential zone.

**16.74.010** Generally.

In a planned unit development the uses set out in this chapter are permitted. (Ord. 740 section 10.5.30[part], 1984)

**16.74.020** Uses permitted in residential zone.

In a planned unit development in a residential zone only the following uses are permitted:

**A.** All uses permitted outright or conditionally permitted in the underlying zone. If conditionally permitted uses are proposed within a planned unit development, the standards of Chapter 16.50 shall be met. Residential units, either detached or in multiple type dwellings, but at no greater density than is allowed for the zoning district as set forth in Division III, except as may be modified for a density bonus as provided in section 16.76.010 or Chapter 16.80.

**B.** Accessory and incidental retail and other nonresidential uses may be specifically and selectively authorized as to exact type and size to be integrated into the project by design. Accessory retail uses shall serve primarily as a convenience to the inhabitants of the project.

**C.** Mobile home subdivisions, subject to the standards and criteria of Division IV and Chapter 16.80.

**D.** Recreational facilities, including but not limited to tennis courts, swimming pools, and playgrounds. (Ord. 740 section 10.5.30 (A), 1984)

**E.** All permitted and conditional residential uses allowed in any base zone in which the planned unit development is located are allowed uses throughout the planned unit development.

**16.74.030 Uses permitted in other than residential zone.**

In planned unit developments in areas zoned for other than residential uses, uses shall be limited to those permitted by the zoning districts in which the use is located. (Ord. 740 section 10.5.30(B), 1984)

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**Chapter 16.76**

**REQUIREMENTS**

**Sections:**

- 16.76.010** Minimum requirements.
- 16.76.020** General requirements.
- 16.76.030** Standards and criteria.
- 16.76.040** Exceptions.

**16.76.010** Minimum requirements.

The minimum requirements for a residential planned unit development shall include the following two items:

- A. Open Space. A minimum of fifteen (15) percent of the gross area of the development shall be devoted to open space and shall be located in a common area or dedicated to the public, except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.

- 1. Usable Open Space. Open space areas shall be planned and improved to provide opportunities for active recreation, passive relaxation, or community interaction, and which are accessible to the general public or to residents, employees or customers in common. Examples include plazas, courtyards, private parks, sport fields and courts, and viewpoints overlooking natural resource areas.

- a. The following shall not be counted towards a planned unit development's usable open space:

- i. Areas of land where the average slope exceeds 20 percent where there is no associated usable amenity provided;
      - ii. Areas subject to the Wetland Overlay Zone (WO) per section 16.39 or the Hazard Overlay Zone (H) per section 16.40 unless the area can be improved to include usable amenities in conformance with the provisions of these

overlay zones;

- iii. Fenced surface stormwater facilities. Stormwater facilities may only be counted as usable open space if they are not fenced, include associated passive recreational amenities such as benches, viewpoints, or walking paths and are effectively incorporated into the development's overall open space design; and
- iv. Other areas determined by the review authority to be unusable for the purpose of meeting this standard.

2. Exemption. Portions of the planned unit development site used for cottage clusters do not count toward the development site's gross area for the purpose of calculating the minimum usable open space requirement for PUDs per this standard. However, common courtyards provided with cottage cluster developments per section 16.21.080(F)(2) as a part of a PUD may count towards a PUD's usable space requirement.

**B.** Density. The planned unit development site shall adhere to the minimum and maximum density provisions of the base zone, except where a density bonus is approved as provided in subsection B(1) below. The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located, unless alternative lot layout is used pursuant to 16.64.040(B). The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. The commission may grant a density bonus of not more than fifteen percent to planned unit developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The commission shall clearly state its findings in support of granting or denying a requested density bonus.

1. Density Bonus. The planning commission may grant an increase of up to 20% beyond the maximum density of the underlying base zone if all of the following criteria are met:
  - a. Existing and proposed streets within and connecting to the development site will support the proposed density;
  - b. Existing and proposed water, sanitary sewer and storm drainage systems within and connecting to the development will support the proposed density;
  - c. The development demonstrates innovative site design, outstanding architectural variety, and quality construction which will mitigate the increased density;
  - d. The increased density will be mitigated by providing exceptional

quality and increased quantity of usable open space beyond the minimum amount required by section 16.76.010(A), and other amenities, especially active recreational areas.

- e. A minimum of five (5) percent of the planned unit development's dwelling units must be single-story units that have at least one (1) entrance accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space.

## 2. Exceptions.

- a. Cottage cluster units provided within a planned unit development do not count toward the maximum density standard of the underlying base zone. Cottage cluster developments proposed within a planned unit development must meet the applicable development and design standards for cottage cluster developments per section 16.21.080.
- C. The density allowed in each base zone may be spread throughout the planned unit development site.
- D. To achieve the goals of low impact development, buildings are encouraged to be clustered within the designated development area of the site. Clustering is intended to preserve open space, reduce total impervious surface area, and minimize development impacts on critical areas and associated buffers. Preservation of open space reduces potential stormwater runoff and associated impacts and provides area for dispersion, filtration and infiltration of stormwater. The arrangement of clustered buildings shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns.
- E. The use of LID best management practices in site design and development is required where site and soil conditions make it feasible option. LID practices shall meet the standards set forth in the Canby Public Works design Standards. (Ord. 740 section 10.5.50, 1984; Ord. 890 section 57, 1993; Ord. 1338, 2010; Ord. 1514, 2019)

### **16.76.020 General requirements.**

Prior to development, application shall be made to the commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a master plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements and be subject to the standards and criteria of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

- A. Any areas proposed to be dedicated or reserved for public parks, schools, playgrounds, or otherwise dedicated or reserved for public purposes;



- B. Other undedicated open space set aside for the use of the residents of the development in common. Access and types of access for the open space area or areas shall be shown;
- C. A general land use plan for the proposed subdivision indicating the areas to be used for various purposes;
- D. Types of dwellings and site locations thereof;
- E. Proposed locations of off-street parking areas with dimensions;
- F. Pedestrian walks, malls and other trails, both public and private. The commission may require a complete circulation plan if warranted by the size and type of development;
- G. The stages to be built in progression, if any;
- H. The location of adjacent utilities intended to serve the development and a layout of the utilities within the development;
- I. Table showing the density and lot coverage of the overall development;
- J. Such other pertinent information as the commission may require in order to make necessary findings on the site approval. (Ord. 740 section 10.5.60(A), 1984)
- K. A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150. (Ord. 1340, 2011)

**16.76.030 Standards and criteria.**

Additional to the standards and criteria listed in Divisions III and IV which are applicable to planned unit development, the following standards and criteria shall apply:

- A. The site approval as acted upon by the commission shall be binding upon the developer, and variations from the plan shall be subject to approval by the commission.
- B. All land within the planned unit development may be subject to contractual agreements with the city and to recorded covenants providing for compliance with the city's requirements.
- C. The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUD's.
- D. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.

- E. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. Where the development is adjacent to lower intensity uses, higher intensity uses should be placed within the interior of the project. The commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.
- F. Each planned unit development shall be a complete development considering all previous requirements. The commission may, in addition, require the inclusion of facilities such as special curbs, sidewalks, streetlights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.
- G. Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
- H. The manner in which any open space or park and recreational area is to be maintained shall be submitted, along with the preliminary copy of the proposed owners' association bylaws and contractual agreements, with the preliminary subdivision. In the case of an individual owner, the commission may impose special requirements to assure long-term maintenance.
- I. The Planning Commission may, and in the case of single story or townhouse structures shall, require the separation of utilities from one unit to the next.
- J. In reviewing an application for the conversion of existing residential units to condominiums, the commission shall utilize the general standards as are applied to the new construction of planned unit developments. A proposed conversion which is not found to meet the standards customarily applied to planned unit developments will not be approved.
- K. In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the city at the time of the application. It is the intent of the city to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.
- L. No fence/wall shall be constructed throughout a planned unit development where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 740 section 10.5.60(B), 1984; Ord. 955 section 30, 1996)

**16.76.040 Exceptions.**

- A.** In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations, requirements and standards to the development. Modification of the lot size, lot width, and yard setback requirements may be approved by the commission at the time of the approval of the tentative subdivision plat or conditional use permit.
- B.** Building height shall conform to the zoning district in which the development is located.
- C.** Off-street parking and off-street loading requirement shall be pursuant to Division III. (Ord. 740 section 10.5.60(C), 1984)

## Canby Housing Efficiency Measures

### Canby Municipal Code (CMC) Text Amendments

#### Proposed Text Amendments Tracker

Existing CMC Section	New CMC Section	Description of Change
<b>16.16 R-1 Low Density Residential Zone</b>		
16.16.010 Uses Permitted outright.		<ul style="list-style-type: none"> <li>• Amended to allow cottage cluster developments as an outright permitted use.</li> <li>• Amended to allow townhouses as an outright permitted use if approved as a part of a PUD.</li> <li>• Amended to allow duplexes as an outright permitted use to memorialize previously approved HB 2001 code amendments adopted via Ord #1574.</li> <li>• Amended to strike duplexes as a conditional use.</li> </ul>
16.16.030 Development Standards.		<ul style="list-style-type: none"> <li>• Amended to identify that cottage clusters are subject to separate development standards and are not subject to the standards of this section.</li> <li>• Amended to add minimum lot size and modified lot dimensions for townhouses.</li> <li>• Amended to establish a maximum residential density standard of six (6) units per acre.</li> <li>• Amended to require that townhouse development shall not exceed six (6) consecutive attached dwellings, with each grouping of townhouses being separated by at least 10 feet. Language added encouraging that townhouses be alley loaded.</li> </ul>
<b>16.18 R-1.5 Medium Density Residential Zone</b>		
16.18.010 Uses Permitted outright.		<ul style="list-style-type: none"> <li>• Amended to increase the maximum townhouse grouping from three (3) to six (6) dwelling units.</li> <li>• Amended to allow fourplexes as an outright permitted use.</li> <li>• Amended to strike fourplexes as a conditional use.</li> </ul>

<p>16.18.030 Development standards.</p>		<ul style="list-style-type: none"> <li>• Amended to identify that cottage clusters are subject to separate development standards and are not subject to the standards of this section.</li> <li>• Amended to decrease the minimum townhouse lot size from 3,000 to 1,800 square feet if approved as a part of a PUD.</li> <li>• Amended to require that townhouse development shall not exceed six (6) consecutive attached dwellings in a row and that groupings should be separated by at least 10 feet. Language added encouraging that townhouses be alley loaded.</li> </ul>
<p><b>16.21 Residential Design Standards</b></p>		
	<p>16.21.080 Cottage Cluster Development and Design Standards.</p>	<ul style="list-style-type: none"> <li>• Section added to provide development and design standards for cottage cluster developments. Includes purpose statement, applicability provisions, approval processes and development/design standards for cottage clusters.</li> </ul>
<p><b>16.74 PUD Uses Permitted</b></p>		
<p>16.74.020 Uses permitted in residential zone.</p>		<ul style="list-style-type: none"> <li>• Amended to identify that all uses permitted outright or conditionally may be permitted with a PUD.</li> <li>• Amended to identify that a CUP is required if a conditional use is proposed with a PUD.</li> <li>• Amended to allow uses to be spread across a PUD site, regardless of the underlying base zone.</li> </ul>
<p><b>16.76 PUD Requirements</b></p>		
<p>16.76.010 Minimum Requirements.</p>		<ul style="list-style-type: none"> <li>• Amended to identify that open space provided with a PUD must be “usable”.</li> <li>• Amended to create exception for cottage clusters in PUDs for the purpose of calculating the minimum open space requirement.</li> <li>• Amended to identify that PUDs shall adhere to density provisions of the underlying base zone(s).</li> <li>• Amended to add approval criteria for a density bonus.</li> <li>• Amended to create exception that cottage cluster units do count toward</li> </ul>

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		<p>maximum density allowance within a PUD.</p> <ul style="list-style-type: none"><li>• Amended to allow the total base zone density to be spread throughout the PUD site, regardless of the underlying base zone.</li></ul>
16.76.030 Standards and criteria.		<ul style="list-style-type: none"><li>• Amended to identify that higher intensity uses should be placed within the interior of a PUD where the PUD is adjacent to lower intensity uses.</li></ul>

KEY

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Chapter 16.16

R-1 LOW DENSITY RESIDENTIAL ZONE

Sections:

16.16.010 Uses permitted outright.

16.16.020 Conditional uses.

16.16.030 Development standards.

16.16.010 Uses permitted outright.

Uses permitted outright in the R-1 zone shall be as follows:

- A. Single-family dwelling; one single-family dwelling per lot;
- B. Duplex, subject to the standards in Chapter 16.81;
- C. Cottage cluster development, subject to the cottage cluster development and design standards of Chapter 16.21.080;
- D. Vegetable gardens, orchards and crop cultivation for personal use only, including greenhouses. No large-scale commercial sale of produce is permitted unless continued as a non-conforming use that was in place prior to the existing zoning designation. Keeping of animals other than domestic pets requires a special permit from the City Administrator unless a continuation of a non-conforming agriculture use.
- E. Accessory uses and/or accessory structures;
- F. Accessory dwelling, subject to review and approval through a Type 1 procedure (pursuant to Chapter 16.89.030) and must conform to the following standards:
  - 1. Compliance with the Oregon Structural Specialty Code;
  - 2. A maximum of one accessory dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a garage or workshop), or a unit attached or interior to a primary dwelling (e.g. an addition or the conversion of an existing floor).

3. A detached accessory dwelling may not exceed 800 square feet of floor area or 75% of the primary dwelling's floor area, whichever is smaller.
  4. Accessory dwellings that result from the conversion of a level or floor (e.g. basement, attic, or second floor) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 800 square feet.
  5. Accessory dwellings must meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:
    - a. Conversion of an existing legal non-conforming structure to an accessory dwelling is allowed, provided the conversion does not increase the non-conformity; and
    - b. Chapter 16.21, Residential Design Standards do not apply; and
    - c. An additional on-site parking space shall not be required but may be provided.
- G.** Day care facility in a residential home, with twelve (12) or fewer children;
- H.** Manufactured and mobile home subdivisions, where developed as planned unit developments, subject to the requirements of Divisions IV and V;
- I.** Minor public facilities;
- J.** Manufactured home - with the following additional approval criteria:
1. Must be double-wide or wider and must enclose at least 1,000 square feet.
  2. Must be located not more than twelve (12) inches above grade on an excavated and back-filled masonry foundation which is enclosed at the perimeter.
  3. Must have a pitched roof with a minimum slope of at least a nominal three (3) feet in height for each twelve (12) feet in width.
  4. Exterior siding and roofing must be similar in color, material and appearance to that used on surrounding dwellings within three hundred (300) feet of the lot.
  5. The exterior thermal envelope must meet performance standards equivalent to those required for single family dwellings under the State Building Code.
  6. Must not have bare metal siding or roofing.
- K.** Home occupations which meet the strict definition of section 16.04.240.
- L.** Residential Home/Adult Foster Home - for five or fewer individuals. (Per ORS 197.665).



M. Foster Care Home; as defined in Section 16.04

N. Uses permitted outright with a planned unit development. The following uses are permitted outright if approved as a part of a planned unit development in accordance with section 16.76.

1. Single-family townhouse dwellings having common wall construction. The townhouse construction is limited to a maximum grouping of six dwellings. If more than one group of dwellings is developed than a ten foot distance shall be maintained between an adjacent group of dwellings.

**16.16.020 Conditional uses.**

Conditional uses in the R-1 zone shall be as follows:

A. Cemetery;

B. Church;

C. Day care facility, other than a residence or caring for more than twelve (12) children;

D. Hospital;

E. Nursing home

F. School;

G. Major public facilities;

H. Golf courses, public or private, with facilities and structures that are associated with the use;

I. Home occupations which otherwise meet the strict definition of section 16.04.240, but which involve the manufacture of products, nonresidential storage of goods, or any activity which is likely to increase traffic;

J. Accessory use or structure (not a dwelling) located on a lot or lots abutting the lot which houses the principal use of the property;

K. Manufactured and mobile home park or trailer park, subject to the criteria of Chapter 16.44;

~~L. One two family dwelling (duplex) where the lot contains a minimum of twelve thousand square feet. Through the conditional use process, the Planning Commission may require the two dwellings in a duplex to share a common driveway to minimize curb cuts and paving;~~

~~M. One duplex on a corner lot that contains a minimum of ten thousand square feet, provided that the building is designed such that vehicle access to the different units is taken from different streets;~~

N. Bed and Breakfast;

O. Residential Facility - for six to fifteen individuals (Per ORS 197.667(4) and 443.400 (8))

P. Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line housing that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and the building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots.

Q. Other developments customarily found within a residential zone, as determined by the Planning Commission.

R. Detached accessory structure (not dwelling) up to twenty-two feet high which is located outside the allowed building footprint area for the principal structure and which does not meet the step-up height standard described in 16.16.030(E)(2)(b). (Ord. 890 section 16, 1993; Ord. 740 section 10.3.18(B), 1984; Ord. 1080, 2001; Ord. 1111 section 7, 2003; Ord 1237, 2007; Ord. 1514, 2019)

### **16.16.030 Development standards.**

The following subsections indicate the required development standards of the R-l zone. Cottage cluster developments are exempt from these standards and are instead subject to the cottage cluster development and design standards outlined in section 16.21.080.

#### **A. Minimum and maximum lot area:**

1. For single family dwellings: seven thousand (7,000) square feet minimum, and ten thousand (10,000) square feet maximum, per single-family dwelling. The maximum lot area standard does not apply to single family dwellings existing at the time of subdivision or partition plan approval; and the Planning Commission may approve smaller or larger lots in conformance with subsection B, below. Preexisting, legally created lots of record shall be considered to be legally buildable and separately saleable, provided they contain at least five thousand (5,000) square feet; and further provided, that any new structures on such lots meet the required setbacks.
2. For townhouse dwelling units having common wall construction and developed as a part of a planned unit development:

- a. 1,800 square foot minimum lot size.

3. Density. There is no minimum density. The maximum density for all residential uses is 6 units per acre.

**B. Lot area exceptions:**

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met:

- a. The average area of all lots created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than seven thousand square feet and no greater than ten thousand square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 5,000 square feet.

- b. No lot shall be created that contains less than six thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used;

- c. The lot area standards for two-family dwellings, as provided in Sections 16.16.010 and 16.16.020, shall be met; and

- d. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of oversized lots (e.g., ten thousand square feet and larger), when such re-division would violate the average lot area provision in subsection 16.16.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

2. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.16.030.A.

3. The Planning Commission may modify the maximum lot area requirements in 16.16.030.A if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

**C. Minimum width and frontage: sixty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.**

1. Exception. The minimum width and frontage for single family attached (common wall) townhouse lots is twenty feet.

**D. Minimum yard requirements:**

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only;
2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots, fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;
3. Interior yard: Seven feet, except as otherwise provided for zero-lot line housing.
4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply to such structures. Detached accessory dwellings are not eligible for the three foot reduction. Utility easements may only be reduced with the approval of all utility providers.
5. Infill standards may also apply. See CMC 16.21.050.

**E. Maximum building height:**

1. Principal building: thirty-five feet.
2. Detached accessory structure:
  - a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
  - b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
  - c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.

d. Detached accessory structures over twenty-two feet tall are not permitted.

3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

F. The maximum amount of impervious surface allowed the R-1 zone shall be 60 percent of the lot area.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surfaces include, but are not limited to, buildings, paved parking areas and driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.

2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review by the City Public Works Department for compliance with applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.

2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.

3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and covered patios if patio posts still comply with required five foot setbacks.

4. Accessory buildings shall not have a larger footprint than the primary building, unless lot area exceeds twelve thousand square feet.

5. Townhouse (common wall) development shall not exceed six attached dwellings if developed as a part of a planned unit development. If more than one group of

six dwellings is constructed, then the groups shall be separated by not less than ten (10) feet. Townhouse units are encouraged to be alley loaded when possible.

**KEY**

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**Chapter 16.18**

**R-1.5 MEDIUM DENSITY RESIDENTIAL ZONE**

**Sections:**

- 16.18.010** Uses permitted outright.
- 16.18.020** Conditional uses.
- 16.18.030** Development standards.

**16.18.010** Uses permitted outright.

Uses permitted outright in the R-1.5 zone shall be as follows:

- A.** Uses permitted outright in the R-1 zone;
- B.** Two-family or three-family dwellings. One duplex or triplex on each lot. (Ord. 740 sect. 10.3.20 (A), 1984)
- C.** Single-family townhouse dwellings having common wall construction. The townhouse construction is limited to a maximum grouping of ~~three~~ six dwelling units. If more than one group of dwellings is developed then a ten foot distance shall be maintained between an adjacent group of dwelling units. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)
- D.** Four-family dwellings, one fourplex on each lot.

**16.18.020** Conditional uses.

Conditional uses in the R-1.5 zone shall be as follows:

- A.** Uses listed as conditional in the R-1 zone; except as modified by Section 16.18.010, above;
- ~~**B.** Four family dwellings. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)~~

**16.18.030** Development standards.

The following subsections indicate the required development standards of the R-1.5 zone.

Cottage cluster developments are exempt from these standards and are instead subject to the cottage cluster development and design standards outlined in Section 16.21.080.

**A. Minimum and maximum lot area:**

1. For single family dwellings: five thousand (5,000) square feet minimum and six thousand five hundred (6,500) square feet maximum.
2. For townhouse dwelling units having common wall construction: ~~three thousand (3000) square foot minimum lot size.~~
  - a. 3,000 square foot minimum lot size.
  - b. 1,800 square foot minimum lot size if approved as a part of a planned unit development in accordance with section 16.76.
3. Minimum residential density: For two, three, and four family dwellings: new development shall achieve a minimum density of 6 units per acre and a maximum of 13 units per acre. Minimum density for a property is calculated by multiplying its area in acres (minus area required for street right-of-way and public park/open space areas) by the density standard. For example, 0.32 acres x 6 units/acre = minimum of 1.92 units. Decimals are rounded to the nearest whole number (e.g., a minimum of 1.92 units becomes a minimum of 2 units per acre). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.
4. The Planning Commission may approve smaller or larger lots in accordance with subsection B, below.

**B. Lot area exceptions:**

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.18.030.A as part of a subdivision or partition application when all of the following standards are met:
  - a. The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than five thousand square feet and no greater than six thousand five hundred square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 4,000 square feet;



b. No lot shall be created that contains less than four thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used; and

2. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of over-sized lots (six thousand five hundred square feet and larger), when such re-division would violate the average lot size provision in subsection 16.18.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

3. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.18.030.B.1.a.

4. The Planning Commission may modify the maximum lot area requirements in subsection 16.18.030.B if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

5. The maximum lot area standard does not apply to dwellings existing prior to subdivision or partition plan approval or to lots designated for open space.

C. Minimum width and frontage: forty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access. Twenty feet is permitted for single family attached (common wall) housing ~~on interior lots~~.

D. Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only.

2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots: fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;

3. Interior yard: seven feet, except as otherwise provided for zero-lot line housing.

4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures, except accessory dwellings, erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply. Utility easements may only be reduced with the approval of all utility providers.

5. Infill standards may also apply. See CMC 16.21.050.

E. Maximum building height:

1. Principal building: thirty-five feet.
2. Detached accessory structure:
  - a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
  - b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
  - c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.
  - d. Detached accessory structures over twenty-two feet tall are not permitted.
3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

**F.** The maximum amount of impervious surface allowed the R-1.5 zone shall be 70 percent of the lot area.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surface include, but are not limited to, buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.
2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review and approval

by the City Public Works Department for compliance with other applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

**G. Other regulations:**

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.
2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.
3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and patio covers, if the patio posts still comply with required setbacks.
4. Accessory buildings shall not have a larger footprint than the primary building.
5. Townhouse (common wall) development shall not exceed six attached dwellings in a group as defined in Chapter 16.04.195. If more than one group of six dwellings is constructed, then the groups shall be separated by no less than ten feet. Townhouse units are encouraged to be alley loaded when possible.

**[New Section] 16.21.080 Cottage Cluster Development and Design Standards.**

- A. Purpose.** The purpose of these standards are to promote more affordable fee in common or fee ownership housing options within Canby. Additionally, they promote quality development, a sense of openness and community, and enhance livability, walkability, and safety of the community. These standards are also intended to encourage cottage cluster developments that are compatible with existing and future residential development within the R-1 and R-1.5 zones.
- B. Applicability.** These standards apply to all new cottage cluster developments as defined by section 16.04.
- C. Permitted Use.** Cottage Cluster developments are permitted outright within the R1 and R1.5 zones. Cottage Cluster developments may be permitted as a standalone development or as part of a Planned Unit Development in accordance with 16.72, PUD applications.
- D. Approval Process.** Cottage cluster developments are a Type 3 Site and Design Review application, approved in accordance with Chapter 16.49, Site and Design Review. Cottage cluster developments within a PUD are subject to Chapter 16.72, PUD Applications. Cottage cluster developments proposed to be subdivided may be approved in accordance with Chapter 16.62, Subdivisions as a Type 3 process.
1. Cottage cluster developments are exempt from the following sections of Chapter 16.49, Site and Design Review:
    - a. Section 16.49.040.B.5, Site Design Review Menu;
    - b. Section 16.49.080.C, minimum landscaping standards; and
    - c. Section 16.49.120, parking lot landscaping standards.
- E. Development Standards.** The following development standards apply to all cottage cluster developments and supersede the development standards of the underlying zone unless stated otherwise.
1. *Density.* The minimum density of any cottage cluster development is 6 units per acre. There is no maximum density standard, provided the cottage cluster development is designed to conform with the requirements of this section.
  2. *Lot Area.* There is no minimum or maximum lot area standard, provided the cottage cluster development is designed to conform with the requirements of this section.
  3. *Minimum Perimeter Yard Setback Requirements for Structures.*
    - a. Street yard: The minimum setback requirement of the underlying zone applies.

- b. Rear yard: 10 feet
    - c. Side yard 5 feet
  4. *Number of Cottages.* Cottage housing units shall be developed in clusters of a minimum of four (4) units. There is no maximum, provided one (1) common courtyard is provided for every 12 cottages.
  5. *Building Separation.* Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be three (3) feet.
  6. *Building Height.* The maximum building height for all structures is 35 feet.
  7. *Unit Size.* Each cottage's floor area shall be a minimum of 600 square feet and shall not exceed a maximum of 1,200 square feet.
  8. *Maximum Impervious Surface.* The maximum impervious surface standard of the underlying zone applies.
  9. *Off-Street Parking.* At least one (1) off-street parking space shall be provided per dwelling unit. Where a cottage cluster development fronts on a street that does not allow on-street parking, at least two (2) guest parking spaces shall be provided for every four (4) dwelling units. If a cottage cluster development fronts on a street that allows on-street parking, there is no guest parking requirement. Off-street parking shall be designed in accordance with section 16.10.070, Parking Lots and Access, and section 16.21.080(F)(5).
- F. Design Standards.** The following design standards apply to all cottage cluster developments. No other design standards shall apply to cottage clusters unless noted in this section. Where there is a conflict between these standards and the standards of other sections of this code, the standards of this section shall control.
1. *Cottage Design Standards.* All cottages and community buildings must meet four (4) of the following design features described below:
    - a. Dormers.
    - b. Gables, hip roof, or gambrel roof form.
    - c. Recessed entries (minimum 2 foot recess).
    - d. Covered porch entries (minimum 48 square feet, minimum 4 foot depth).
    - e. Bay windows.
    - f. Any eaves of 12-inches or greater.

- g. Off-set of 16-inches or greater on building face or roof.
  - h. Windows and main entrance doors occupy a minimum of 15 percent of the façade, not including the roof.
  - i. Window trim (minimum 4-inch) or shutters (minimum 8-inch)
  - j. Balconies or porch rail.
  - k. Shakes, shingles, brick or other similar decorative materials occupying at least 60 square feet of the street-facing and courtyard-facing façade.
2. *Cottage Orientation.* Cottages must be clustered around a common courtyard and must meet the following standards:
- a. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and meet the following standards:
    - i. Have a main entrance facing the common courtyard;
    - ii. Be within 10 feet of the common courtyard measured from the façade of the cottage to the nearest edge of the common courtyard; and
    - iii. Be connected to the common courtyard by a pedestrian path.
  - b. Cottages within 20 feet of a street property line may have their entrances facing the street, provided 50 percent of all cottage units within the cluster face the common courtyard.
  - c. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that provides a reasonably direct connection to the common courtyard.
3. *Common Courtyard Design Standards.* Each cottage cluster development must share a common courtyard in order to provide a minimum open space area for the cottage cluster development. One (1) common courtyard shall be provided for every 12 cottage units.
- a. The common courtyard must be a single, contiguous area.
  - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
  - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.

- d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
  - e. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard.
  - f. Pedestrian paths qualify as part of a common courtyard. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
4. *Community Buildings.* Cottage cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards and may not be used as dwelling units:
- a. Each cottage cluster is permitted one community building.
  - b. A community building shall not exceed 1,400 square feet of floor area.
  - c. Community buildings may count towards a cottage cluster's common courtyard requirement provided the standards of section 16.21.080(F)(1) are met. Only the footprint area of the community building may count towards the common courtyard minimum area requirement.
5. *Pedestrian Access.*
- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
    - i. The common courtyard;
    - ii. Shared parking areas;
    - iii. Community buildings, if provided; and
    - iv. Abutting sidewalks within the public right-of-way, or to the edge of the roadway if sidewalks along the roadway are not provided.
  - b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet in width.
6. *Parking Area Location and Design.*

- a. Clustered parking. Off-street parking may be arranged in clusters of not more than five (5) contiguous spaces separated from other clusters by at least four (4) feet of landscaping. Clustered parking areas may be covered.
  - b. Off-street parking spaces and vehicle maneuvering areas shall not be located:
    - i. Within 20 feet from any street property line, excluding alleys.
    - ii. Between a street property line, excluding alleys, and cottages abutting the street property line.
  - c. Off-street parking spaces shall not be located within 10 feet of any property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of all property lines.
  - d. Screening. Landscaping, fencing, or walls at least three (3) feet tall shall separate clustered parking areas and parking structures from public streets and residentially zoned properties.
  - e. Garages and carports shall meet the following standards:
    - i. Garages and carports (whether shared or individual) must not abut common courtyards.
    - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage's maximum floor area per section 16.21.080(E)(7) of this chapter.
    - iii. Individual detached garages must not exceed 400 square feet in floor area.
    - iv. Garage doors for individual garages must not exceed 12 feet in width.
7. *Existing Structures.* On a lot or parcel to be used for a cottage cluster development, a pre-existing detached single-family dwelling may remain within the cottage cluster development area and does not need to comply with the requirements of this section except for minimum separation distance requirements per section 16.21.080(E)(4) above.



**KEY**

Proposed New Text = Red Underlined

Proposed Removed Text = ~~Red Underlined and Strikethrough~~

**Chapter 16.74**

**USES PERMITTED**

**Sections:**

**16.74.010** Generally.

**16.74.020** Uses permitted in residential zone.

**16.74.030** Uses permitted in other than residential zone.

**16.74.010** Generally.

In a planned unit development the uses set out in this chapter are permitted. (Ord. 740 section 10.5.30[part], 1984)

**16.74.020** Uses permitted in residential zone.

In a planned unit development in a residential zone only the following uses are permitted:

**A.** All uses permitted outright or conditionally permitted in the underlying zone. If conditionally permitted uses are proposed within a planned unit development, the standards of Chapter 16.50 shall be met. Residential units, either detached or in multiple type dwellings, but at no greater density than is allowed for the zoning district as set forth in Division III, except as may be modified for a density bonus as provided in section 16.76.010 or Chapter 16.80.

**B.** Accessory and incidental retail and other nonresidential uses may be specifically and selectively authorized as to exact type and size to be integrated into the project by design. Accessory retail uses shall serve primarily as a convenience to the inhabitants of the project.

**C.** Mobile home subdivisions, subject to the standards and criteria of Division IV and Chapter 16.80.

**D.** Recreational facilities, including but not limited to tennis courts, swimming pools, and playgrounds. (Ord. 740 section 10.5.30 (A), 1984)

**E.** All permitted and conditional residential uses allowed in any base zone in which the planned unit development is located are allowed uses throughout the planned unit development.

**REVISED 11/17/2023.**

**16.74.030 Uses permitted in other than residential zone.**

In planned unit developments in areas zoned for other than residential uses, uses shall be limited to those permitted by the zoning districts in which the use is located. (Ord. 740 section 10.5.30(B), 1984)

**KEY**

Proposed New Text = Red Underlined

Proposed Removed Text = ~~Red Underlined and Strikethrough~~

Chapter 16.76

REQUIREMENTS

**Sections:**

- 16.76.010 Minimum requirements.
- 16.76.020 General requirements.
- 16.76.030 Standards and criteria.
- 16.76.040 Exceptions.

**16.76.010 Minimum requirements.**

The minimum requirements for a residential planned unit development shall include the following two items:

- A. Open Space. A minimum of fifteen (15) percent of the gross area of the development shall be devoted to open space and shall be located in a common area or dedicated to the public, except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.

- 1. Usable Open Space. Open space areas shall be planned and improved to provide opportunities for active recreation, passive relaxation, or community interaction, and which are accessible to the general public or to residents, employees or customers in common. Examples include plazas, courtyards, private parks, sport fields and courts, and viewpoints overlooking natural resource areas.

- a. The following shall not be counted towards a planned unit development's usable open space:

- i. Areas of land where the average slope exceeds 20 percent where there is no associated usable amenity provided;
- ii. Areas subject to the Wetland Overlay Zone (WO) per section 16.39 or the Hazard Overlay Zone (H) per section 16.40 unless the area can be improved to include usable amenities in conformance with the provisions of these

overlay zones;

- iii. Fenced surface stormwater facilities. Stormwater facilities may only be counted as usable open space if they are not fenced, include associated passive recreational amenities such as benches, viewpoints, or walking paths and are effectively incorporated into the development's overall open space design; and
- iv. Other areas determined by the review authority to be unusable for the purpose of meeting this standard.

2. Exemption. Portions of the planned unit development site used for cottage clusters do not count toward the development site's gross area for the purpose of calculating the minimum usable open space requirement for PUDs per this standard. However, common courtyards provided with cottage cluster developments per section 16.21.080(F)(2) as a part of a PUD may count towards a PUD's usable space requirement.

**B.** Density. The planned unit development site shall adhere to the minimum and maximum density provisions of the base zone, except where a density bonus is approved as provided in subsection B(1) below. The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located, unless alternative lot layout is used pursuant to 16.64.040(B). The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. The commission may grant a density bonus of not more than fifteen percent to planned unit developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The commission shall clearly state its findings in support of granting or denying a requested density bonus.

1. Density Bonus. The planning commission may grant an increase of up to 20% beyond the maximum density of the underlying base zone if all of the following criteria are met:
  - a. Existing and proposed streets within and connecting to the development site will support the proposed density;
  - b. Existing and proposed water, sanitary sewer and storm drainage systems within and connecting to the development will support the proposed density;
  - c. The development demonstrates innovative site design, outstanding architectural variety, and quality construction which will mitigate the increased density;
  - d. The increased density will be mitigated by providing exceptional

quality and increased quantity of usable open space beyond the minimum amount required by section 16.76.010(A), and other amenities, especially active recreational areas.

- e. A minimum of five (5) percent of the planned unit development's dwelling units must be single-story units that have at least one (1) entrance accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space.

## 2. Exceptions.

- a. Cottage cluster units provided within a planned unit development do not count toward the maximum density standard of the underlying base zone. Cottage cluster developments proposed within a planned unit development must meet the applicable development and design standards for cottage cluster developments per section 16.21.080.
- C. The density allowed in each base zone may be spread throughout the planned unit development site.
- D. To achieve the goals of low impact development, buildings are encouraged to be clustered within the designated development area of the site. Clustering is intended to preserve open space, reduce total impervious surface area, and minimize development impacts on critical areas and associated buffers. Preservation of open space reduces potential stormwater runoff and associated impacts and provides area for dispersion, filtration and infiltration of stormwater. The arrangement of clustered buildings shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns.
- E. The use of LID best management practices in site design and development is required where site and soil conditions make it feasible option. LID practices shall meet the standards set forth in the Canby Public Works design Standards. (Ord. 740 section 10.5.50, 1984; Ord. 890 section 57, 1993; Ord. 1338, 2010; Ord. 1514, 2019)

### **16.76.020 General requirements.**

Prior to development, application shall be made to the commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a master plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements and be subject to the standards and criteria of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

- A. Any areas proposed to be dedicated or reserved for public parks, schools, playgrounds, or otherwise dedicated or reserved for public purposes;

- B. Other undedicated open space set aside for the use of the residents of the development in common. Access and types of access for the open space area or areas shall be shown;
- C. A general land use plan for the proposed subdivision indicating the areas to be used for various purposes;
- D. Types of dwellings and site locations thereof;
- E. Proposed locations of off-street parking areas with dimensions;
- F. Pedestrian walks, malls and other trails, both public and private. The commission may require a complete circulation plan if warranted by the size and type of development;
- G. The stages to be built in progression, if any;
- H. The location of adjacent utilities intended to serve the development and a layout of the utilities within the development;
- I. Table showing the density and lot coverage of the overall development;
- J. Such other pertinent information as the commission may require in order to make necessary findings on the site approval. (Ord. 740 section 10.5.60(A), 1984)
- K. A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150. (Ord. 1340, 2011)

**16.76.030 Standards and criteria.**

Additional to the standards and criteria listed in Divisions III and IV which are applicable to planned unit development, the following standards and criteria shall apply:

- A. The site approval as acted upon by the commission shall be binding upon the developer, and variations from the plan shall be subject to approval by the commission.
- B. All land within the planned unit development may be subject to contractual agreements with the city and to recorded covenants providing for compliance with the city's requirements.
- C. The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUD's.
- D. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.

- E. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. Where the development is adjacent to lower intensity uses, higher intensity uses should be placed within the interior of the project. The commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.
- F. Each planned unit development shall be a complete development considering all previous requirements. The commission may, in addition, require the inclusion of facilities such as special curbs, sidewalks, streetlights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.
- G. Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
- H. The manner in which any open space or park and recreational area is to be maintained shall be submitted, along with the preliminary copy of the proposed owners' association bylaws and contractual agreements, with the preliminary subdivision. In the case of an individual owner, the commission may impose special requirements to assure long-term maintenance.
- I. The Planning Commission may, and in the case of single story or townhouse structures shall, require the separation of utilities from one unit to the next.
- J. In reviewing an application for the conversion of existing residential units to condominiums, the commission shall utilize the general standards as are applied to the new construction of planned unit developments. A proposed conversion which is not found to meet the standards customarily applied to planned unit developments will not be approved.
- K. In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the city at the time of the application. It is the intent of the city to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.
- L. No fence/wall shall be constructed throughout a planned unit development where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 740 section 10.5.60(B), 1984; Ord. 955 section 30, 1996)

**16.76.040 Exceptions.**

- A.** In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations, requirements and standards to the development. Modification of the lot size, lot width, and yard setback requirements may be approved by the commission at the time of the approval of the tentative subdivision plat or conditional use permit.
- B.** Building height shall conform to the zoning district in which the development is located.
- C.** Off-street parking and off-street loading requirement shall be pursuant to Division III. (Ord. 740 section 10.5.60(C), 1984)



**APPROVED MEETING MINUTES  
CANBY PLANNING COMMISSION**

6:00 PM – October 14, 2024

City Council Chambers – Virtual Meeting via Zoom

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**PRESENT** – Commissioners: Matt Ellison (Chair), Dan Ewert (Vice Chair), Michael Hutchinson, Craig Lewelling, Jennifer Driskill, and Hannah Ellison

**ABSENT** – Judi Jarosh

**STAFF** – Don Hardy, Planning Director, Ryan Potter, Planning Manager, AICP, and Laney Fouse Lawrence, Recording Secretary

**OTHERS** – David Doughman (City Attorney), Jessica Herceg (DOWL)

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**1. CALL TO ORDER**

- a. Pledge of Allegiance

**2. CONSENT ITEMS**

- a. Draft Meeting Minutes – August 28, 2023
- b. Draft Meeting Minutes – August 26, 2024

**Motion:** A motion was made by Commissioner Ellison and seconded by Commissioner Hutchinson to approve the meeting minutes from August 28, 2023, and August 26, 2024, as written. Motion approved 6/0.

**3. CITIZEN INPUT ON NON-AGENDA ITEMS** – None

**4. OLD BUSINESS** – None

**5. NEW BUSINESS** – None

**6. PUBLIC HEARINGS**

**a. Housing Efficiency Measures Code Amendments (TA 24-02) – Don Hardy, Planning Director**

City Staff sought Planning Commission’s recommendation to approve a set of Housing Efficiency Measures, which require amendments to the City’s adopted zoning code. The two proposed efficiency measures—cottage clusters and updated Planned Unit Development (PUD) requirements—are intended to address housing needs identified in the City’s recently adopted Housing Needs Analysis (HNA). The measures were crafted by a coalition of parties including City Staff, its consultant team (led by DOWL), the Planning Commission, and the Oregon Department of Land Conservation and Development (DLCD).

Director Hardy opened the public hearing by sharing data regarding the Housing Needs Analysis (HNA), Housing Production Strategies (HPS), and Housing Efficiency Measures (HEM). Jessica Herceg from DOWL gave an update on the draft cottage cluster development code and the minor revisions made to permitted uses and standards within the R-1 and R-1.5 base zones. Cottage cluster development standards were shared, along with graphics that represent conceptual layouts for how a cluster could be arranged.

Discussion between the Commission and staff began over the language and development standards included in Section 16.21.080 of the code.

Commissioner Ewert requested clarification on the purpose of the standards that aim to “promote more affordable fee in common or fee ownership housing options within Canby”. Jessica clarified that the intention of the purpose is to generalize that the housing product could be for rent and/or ownership. Commissioner Ewert and Driskill requested that the purpose statement for cottage cluster development and design standards be removed. They felt as though the statement did not belong in the standard. Commissioner Hutchinson noted that if purpose statements are spread evenly throughout the code, it would make sense to leave it as is. Planning Manager Potter explained that the purpose statements provide a lens and vision that the Commission can use when reviewing Type 3 development projects. He mentioned that in the future, standards may be perceived as ambiguous or vague and the Commission can use the purpose statement to help interpret the development standard. Herceg added that the purpose statement is used as a tool for developing standards over time and provides a history of the intent of the standard.

Commissioner Ewert asked for clarity on why cottage cluster developments are exempt from the sections 16.49.040, 16.49.080, and 16.49.120 of the approval process. Herceg explained the reasoning is because cottage cluster developments have their own specific site and design review standards.

The Commission and staff moved on to discuss other items within the development standards related to density. Commissioner Driskill requested that number four within the development standards section reference the 150 square feet of open space required for each unit. Concerns related to parking requirements was brought up by Driskill and Ewert, who both agreed that each unit should have two parking spaces. The rest of the commission shared their opinions related to the request to require two parking spaces for each unit.

Driskill brought up concern around pedestrian pathways being included as part of the common courtyard calculation. The Commission deliberated about whether the paths are considered part of the recreational open space and if developing a community building would replace or count as the common area. The Commission continued to review the code sections involving pedestrian access, parking area location and design, with a brief discussion on screening, fencing and existing structures.

Commissioner Ewert asked how the maintenance of these development types would work. It was explained that most likely the developer would establish a Homeowners Association (HOA) due to the common shared space. Attorney Doughman shared that the City has nuisance codes that apply throughout the entire City, so that may be used to ensure maintenance is upheld. The Commission and staff moved on to review the remainder of the code changes. All recommendations that were made will then be sent to the City Council for further review.

**Motion:** A motion was made by Commissioner Ellison and seconded by Commissioner Hutchinson to close the hearing and for staff to come back with recommendations with the noted revisions and final findings for approval. Motion approved 6/0.

## 7. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- a. The next Planning Commission meeting is planned for **Monday, October 28, 2024**, at 6:00 pm in the Council Chambers.
- b. Planning Director’s Update

Hardy shared there will be a hearing item related to the proposed Oregon Liquor and Cannabis Commission (OLCC) project at the next meeting along with a review of the Housing Production Strategy (HPS).

**8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None**

**9. ADJOURNMENT**

***Motion:*** A motion was made by Commissioner Lewelling and seconded by Commissioner Hutchinson to adjourn the meeting. Motion approved 6/0.

**The meeting adjourned at 8: 24 PM.**



**CANBY PLANNING COMMISSION – Revised Agenda**  
**Regular Meeting**  
**Monday, October 28, 2024, at 6:00 PM**  
Hybrid Meeting (in person and via Zoom)  
Council Chambers, 222 NE 2<sup>nd</sup> Ave, First Floor, Canby, OR

Planning Commission meetings can be viewed on YouTube at:  
<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>

Planning Packet: <https://www.canbyoregon.gov/bc-pc/page/planning-commission-meeting-95>

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**Commissioner Matt Ellison, Chair**

**Commissioner Dan Ewert, Vice Chair**  
**Commissioner Michael Hutchinson**  
**Commissioner Hannah Ellison**

**Commissioner Judi Jarosh**  
**Commissioner Craig Lewelling**  
**Commissioner Jennifer Driskill**

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**1. CALL TO ORDER**

- a. Pledge of Allegiance

**2. CONSENT ITEMS**

- a. Housing Efficiency Measures – Final draft version of the Housing Efficiency Measures from the October 14, 2024 hearing representing Planning Commission consensus from that meeting.

**3. CITIZEN INPUT ON NON-AGENDA ITEMS**

This is an opportunity for members of the public to address the Planning Commission on non-agenda items. Each person will be given three minutes to speak. Staff and the Planning Commission will make every effort to respond to questions raised during citizens’ input before the meeting ends or as quickly as possible thereafter.

You may speak on non-agenda items via Zoom. To use Zoom, please send an email to [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov) no later than 3:00 pm on October 28, 2024, and provide your name, the topic you would like to speak on, and your phone number.

**4. OLD BUSINESS – None**

**5. NEW BUSINESS – None**

## 6. PUBLIC HEARINGS

To testify during a public hearing, please fill out a testimony/comment card and hand it to the Recording Secretary. If you would like to speak at a public hearing via Zoom, please email the City of Canby no later than 3:00 pm on October 28, 2024 at [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov) with your name, phone number and indicate which public hearing you would like to comment on.

### a. **Housing Production Strategy – Don Hardy, Planning Director**

City staff seek a Planning Commission recommendation to approve the City's Housing Production Strategy (HPS). Strategies in the HPS are intended to promote the development of needed housing based on the City's adopted Housing Needs Analysis (HNA) and identifies tools, actions, and policies the City can implement to promote affordability and choice related to identified housing needs.

The strategies were developed by a coalition of parties including a Housing Advisory Committee, City staff, its consulting team (led by 3J Consulting), the Planning Commission, and the Oregon Department of Land Conservation and Development (DLCD).

## 7. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- a. The next Planning Commission meeting is planned for **Monday, November 25, 2024**, at 6:00 pm in the Council Chambers. November 11 is a holiday (Veterans Day) and City Hall will be closed; therefore, no meeting will be held.
- b. Planning Director's Update

## 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

## 9. ADJOURNMENT

*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 at 503-266-7001. A copy of this agenda can be found on the City's Development Services webpage at <https://www.canbyoregon.gov/bc-pc>. City Council and Planning Commission Meetings are broadcast live via YouTube. For questions regarding programming, please contact: Willamette Falls Studio, (503) 650-0275; [media@wfmstudios.org](mailto:media@wfmstudios.org).*

**16.21.080 Cottage Cluster Development and Design Standards.**

- A. Purpose.** The purpose of these standards is to promote more affordable fee in common or fee ownership housing options within Canby. Additionally, they are designed to promote quality development, a sense of openness and community, and enhance livability and walkability.. These standards are also intended to encourage cottage cluster developments that are compatible with existing and future residential development within the R-1 and R-1.5 zones.
- B. Applicability.** These standards apply to all new cottage cluster developments as defined by section 16.04.

**NOTE:** DOWL suggests that the City create a new sub-chapter to the City’s residential design standards chapter (Chapter 16.21.080) for the new cottage cluster development and design standards. In addition to the code provisions that would be added here, a definition for “cottage cluster development” and “common courtyard” will need to be added to [Chapter 16.04, Definitions](#). The following definitions are provided, both of which are consistent with the definitions provided by [OAR 660-046-0020](#) but modified slightly based on this draft code:

*Cottage Cluster: A grouping of at least four (4) detached dwelling units (cottages), where each cottage has a floor area square footage no less than 600 square feet and no greater than 1,200 square feet and are generally clustered around a common courtyard. For every 12 cottages there must be one (1) common courtyard. Cottage clusters are considered a type of middle housing and are not considered multiple dwelling units or single-dwelling unit detached dwellings. Cottage clusters typically have multiple cottages sharing a single lot; however, cottage clusters can also be divided so that cottages are on individual lots.*

*Common Courtyard: A single, contiguous common area for use by residents of a cottage cluster pursuant to the standards of Chapter 16.21.080(F)(2).*

- C. Permitted Use.** Cottage Cluster developments are permitted outright within the R1 and R1.5 zones. Cottage Cluster developments may be permitted as a standalone development or as part of a Planned Unit Development in accordance with 16.72, PUD applications.
- D. Approval Process.** Cottage cluster developments are a Type 3 Site and Design Review application, approved in accordance with Chapter 16.49, Site and Design Review. Cottage cluster developments within a PUD are subject to Chapter 16.72, PUD Applications. Cottage cluster developments proposed to be subdivided may be approved in accordance with [Chapter 16.62, Subdivisions](#) as a Type 3 process.
  1. Cottage cluster developments are exempt from the following sections of Chapter 16.49, Site and Design Review:
    - a. Section 16.49.040.B.5, Site Design Review Menu;

- b. Section 16.49.080.C, minimum landscaping standards; and
  - c. Section 16.49.120, parking lot landscaping standards.
2. Covenants, easements or other recorded documents shall be provided to the City prior to certificate of occupancy of the first unit, or prior to the final plat if the cottage cluster is proposed to be subdivided, addressing access and maintenance of all shared common areas or common facilities including, but not limited to, storm sewers and stormwater facilities, drainage ways, open space, landscaping, and shared parking facilities.

**NOTE:** The City’s legal counsel will provide input on the permitting process during the November 27<sup>th</sup> work session with the Planning Commission. Chapters 16.48 may need to be amended to exempt cottage clusters from certain design standards within those sections. This is noted below as well.

**E. Development Standards.** The following development standards apply to all cottage cluster developments and supersede the development standards of the underlying zone unless stated otherwise.

1. *Density.* The minimum density of any cottage cluster development is 6 units per acre. There is no maximum density standard, provided the cottage cluster development is designed to conform with the requirements of this section.
2. *Lot Area.* There is no minimum or maximum lot area standard, provided the cottage cluster development is designed to conform with the requirements of this section.

**NOTE:** In order to provide design flexibility, the minimum density is set at 6 units per acre, which is the R-1.5 zone’s minimum density for duplex/triplex/fourplexes, and there is no maximum density or minimum/maximum lot area standard. However, both of these standards will be effectively regulated and controlled by compliance with the development and design standards of this section.

3. *Minimum Perimeter Yard Setback Requirements for Structures.*

- a. Street yard: The minimum setback requirement of the underlying zone applies.

**NOTE:** During work sessions, the Planning Commission seemed especially concerned with providing a similar streetscape experience to existing single-family development patterns. This ensures that cottage cluster developments will be setback from the street a similar minimum distance as existing and future single-family residential units.

- b. Rear yard: 10 feet
- c. Side yard 5 feet

**NOTE:** These rear and side yard setback standards are consistent with the DLCD cottage cluster model code. These setback distances represent minor reductions to the setback standards of the R-1 and R-1.5 zones, but provide additional flexibility in the design and layout of a cottage cluster development.

4. *Number of Cottages.* Cottage housing units shall be developed in clusters of a minimum of four (4) units per cluster. There is no maximum, provided one (1) common courtyard, consistent with the standards of section 16.21.080(F)(3), is provided for every 12 cottages.

**NOTE:** This is a typical standard provided in most cottage cluster development standards throughout the state.

5. *Building Separation.* Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be three (3) feet.

**NOTE:** This is a typical standard provided in most cottage cluster development standards throughout the state as well as in the DLCD cottage cluster model code.

6. *Building Height.* The maximum building height for all structures is 28 feet.

**NOTE:** This is the same maximum building height standard as the R-1 and R-1.5 zone, creating consistency with adjacent single-family development. By stating “all structures”, this accounts for any accessory structures provided such as garages, carports, and community/common buildings.

7. *Unit Size.* Each cottage’s total floor area shall be a minimum of 600 square feet and shall not exceed a maximum of 1,200 square feet. Per section 16.21.080(F)(6)(e)(ii) of this chapter, individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage’s maximum total floor area.

**NOTE:** There is considerable variation in the size requirements for cottages. This is the requirement provided by Turner’s cottage cluster design standards. Redmond and Albany, for example, have no minimum unit size and allow cottages to be as large as 1,400 square feet. Albany further requires that the average floor area per unit not exceed 1,000 square feet. The DLCD cottage cluster model code simply requires the average unit size not to exceed 1,400 square feet, but that a cottage’s footprint cannot be greater than 900 square feet.

8. *Maximum Impervious Surface.* The maximum impervious surface standard of the underlying zone applies.
9. *Off-Street Parking.* At least one (1) off-street parking space shall be provided per cottage dwelling unit. Off-street parking shall be designed in



accordance with [section 16.10.070, Parking Lots and Access](#), and section 16.21.080(F)(5).

- a. If a cottage cluster development fronts on a street that does not allow on-street parking, at least two (2) guest parking spaces shall be provided on site for every four (4) cottage dwelling units.
- b. If a cottage cluster development fronts on a street that allows on-street parking, there is no guest parking requirement.

**NOTE:** The requirement of one space per unit is typical for cottage cluster standards across the state, including City of Turner. Visitor parking requirements are more varied, but the requirement of one space for every 4 units is taken from Silverton’s cottage code, with an added caveat that visitor parking is not required if the adjacent street allows on-street parking. There is no maximum parking standard. Parking seemed to be a major concern for the Planning Commission, so we should plan to discuss this especially.

10. *Access Requirements.* Cottage cluster developments are permitted to have more than one driveway access provided applicable access spacing standards are met.

**F. Design Standards.** The following design standards apply to all cottage cluster developments. No other design standards shall apply to cottage clusters unless noted in this section. Where there is a conflict between these standards and the standards of other sections of this code, the standards of this section shall control.

1. *Cottage Design Standards.* All cottages and community buildings shall incorporate four (4) of the following design features:

- a. Dormers.
- b. Gables, hip roof, or gambrel roof form.
- c. Recessed entries (minimum 2 foot recess).
- d. Covered porch entries (minimum 48 square feet, minimum 4 foot depth).
- e. Bay windows.
- f. Any eaves of 12-inches or greater.
- g. Off-set of 16-inches or greater on building face or roof.
- h. Windows and main entrance doors occupy a minimum of 15 percent of the façade, not including the roof.
- i. Window trim (minimum 4-inch) or shutters (minimum 8-inch)
- j. Balconies or porch rail.

- k. Shakes, shingles, brick or other similar decorative materials occupying at least 60 square feet of the street-facing and courtyard-facing façade.

**NOTE:** This section requires minimum design elements for all cottages and community buildings included as a part of a cottage cluster development. This options menu is taken from the minimum design standards for single-family and two-family dwellings per CMC 16.21.030. All cottages and community buildings must incorporate at least four of these elements in their design, which will help to ensure compatibility with adjacent single-family development.

2. *Cottage Orientation.* Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 1 and Figure 2):
  - a. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and meet the following standards:
    - i. Have a main entrance facing the common courtyard;
    - ii. Be within 10 feet of the common courtyard measured from the façade of the cottage to the nearest edge of the common courtyard; and
    - iii. Be connected to the common courtyard by a pedestrian path.
  - b. Cottages within 20 feet of a street property line may have their entrances facing the street, provided 50 percent of all cottage units within the cluster face the common courtyard.
  - c. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that provides a continuous and reasonably direct connection to the common courtyard.
3. *Common Courtyard Design Standards.* Each cottage cluster development must share a common courtyard in order to provide a minimum open space area for the cottage cluster development. One (1) common courtyard shall be provided for every 12 cottage units (see Figure 1 and Figure 2).
  - a. The common courtyard must be a single, contiguous area.
  - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
  - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.

- d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
- e. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard.
- f. Pedestrian paths qualify as part of a common courtyard. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

**NOTE:** The requirement for a common courtyard is a typical requirement for cottage clusters around the state and is an integral part of a cottage cluster development's design. It provides usable open space for residents while offering a similar "back yard" experience as single-family units. These requirements are taken from the DLCD cottage cluster model code. This language is extremely similar to that provided in other city's cottage cluster codes, such as Turner, Albany, and Redmond. Silverton requires a "common green", but is much less restrictive to how cottages are oriented to or clustered around the open space area. However, Silverton does require 400 square feet of common area per cottage, which is significantly higher than the model code.

4. *Community Buildings.* Cottage cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards and may not be used as dwelling units:
  - a. Each cottage cluster is permitted one community building.
  - b. A community building shall not exceed 1,400 square feet of total floor area.
  - c. Community buildings may count towards a cottage cluster's common courtyard requirement provided the standards of section 16.21.080(F)(1) are met. Only the footprint area of the community building may count towards the common courtyard minimum area requirement.
  - d. A community building cannot count for more than 75% of the common courtyard.

**NOTE:** This language is largely taken from the DLCD cottage cluster model code but simplified slightly and similar to the language in Turner's code. The model code requires

all buildings within a site (including cottages and community buildings) to not exceed an average maximum building area of 900 square feet. We are not applying a maximum average building area, but rather have specific limitations for cottages and the community building. Turner also applied a 1,400 square foot maximum for community buildings. An additional provision has been added to clarify that any community buildings proposed may count towards the “common courtyard” area requirement.

5. *Pedestrian Access.*

- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following (see Figure 1 and Figure 2):
  - i. The common courtyard;
  - ii. Shared parking areas;
  - iii. Community buildings, if provided; and
  - iv. Abutting sidewalks within the public right-of-way, or to the edge of the roadway if sidewalks along the roadway are not provided.
- b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet in width.

**NOTE:** This language is taken from the DLCD cottage cluster model code and has not been modified.

6. *Parking Area Location and Design* (see Figure 1 and Figure 2).

- a. Clustered parking. Off-street parking may be arranged in clusters of not more than five (5) contiguous spaces separated from other clusters by at least four (4) feet of landscaping. Clustered parking areas may be covered.
- b. Off-street parking spaces and vehicle maneuvering areas shall not be located:
  - i. Within 20 feet from any street property line, excluding alleys.
  - ii. Between a street property line, excluding alleys, and cottages abutting the street property line.
- c. Off-street parking spaces shall not be located within 10 feet of any property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of all property lines.

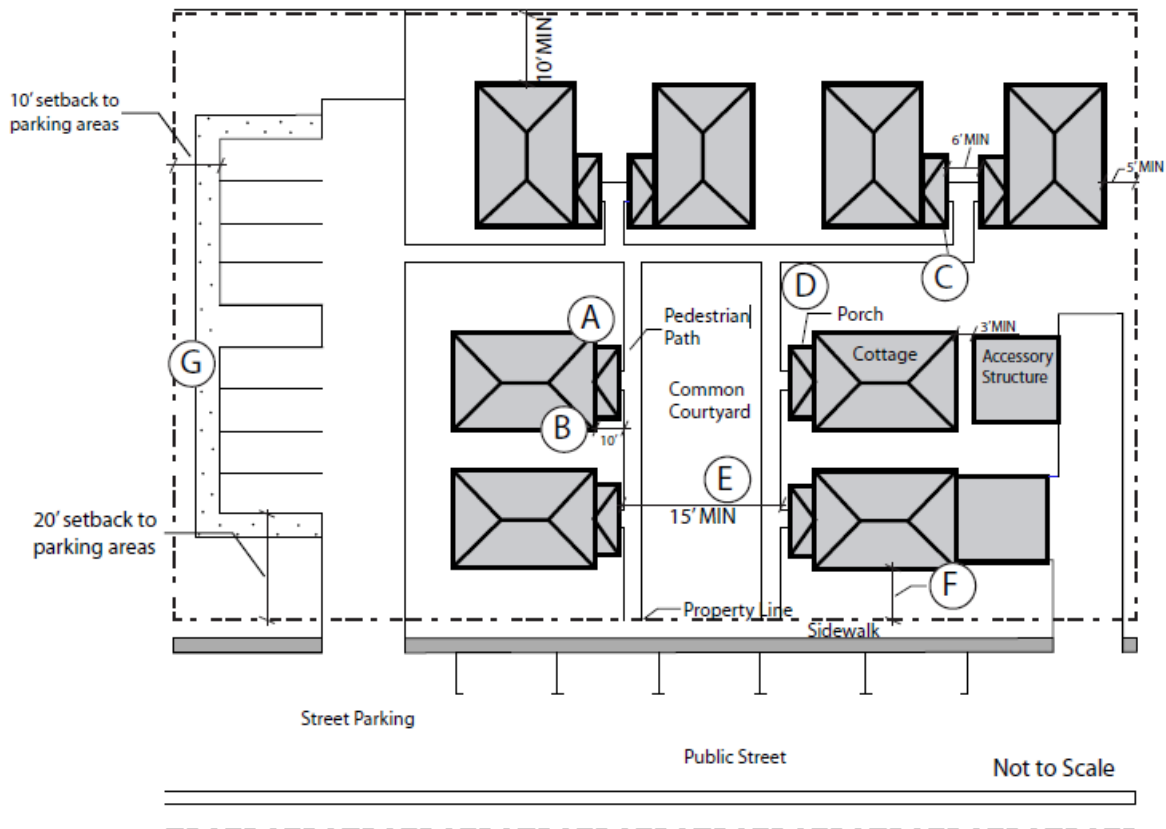
- d. **Screening.** Landscaping, fencing, or walls at least three (3) feet tall shall separate clustered parking areas and parking structures from public streets and residentially zoned properties.
- e. Garages and carports shall meet the following standards:
  - i. Garages and carports (whether shared or individual) must not abut common courtyards.
  - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage's maximum total floor area per section 16.21.080(E)(7) of this chapter.
  - iii. Individual detached garages must not exceed 400 square feet in floor area.
  - iv. Garage doors for individual garages must not exceed 12 feet in width.

**NOTE:** This language is largely taken from the DLCD model code, but includes additional requirements for screening parking areas from adjacent residential properties. Additional buffer distances could be provided between parking and maneuvering areas and adjacent residential properties if desired.

- 7. *Existing Structures.* On a lot or parcel to be used for a cottage cluster development, a pre-existing detached single-family dwelling may remain within the cottage cluster development area and does not need to comply with the requirements of this section except for minimum separation distance requirements per section 16.21.080(E)(4) above.

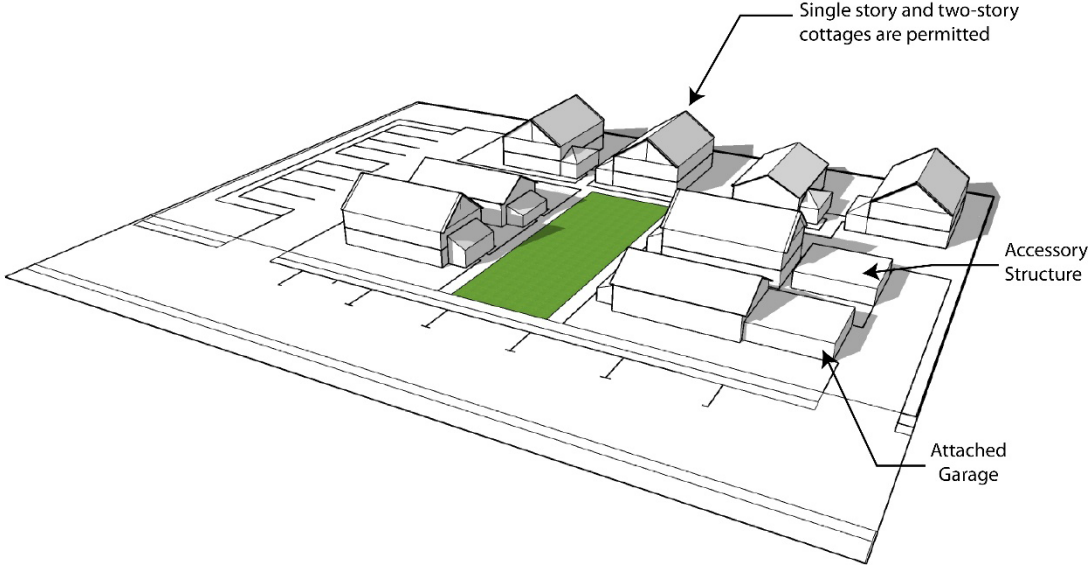
**NOTE:** The DLCD cottage cluster model code includes a carveout for existing dwellings within a new cottage cluster development. The model code language has been simplified somewhat, removing restrictions on how existing dwellings can be modified.

**Figure 1.** Cottage Cluster & Common Courtyard Design Standards



- (A) A minimum of 50% of cottages must be oriented to the common courtyard.
- (B) Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C) Cottages must be connected to the common courtyard by a pedestrian path.
- (D) Cottages must abut the courtyard on at least two sides of the courtyard.
- (E) The common courtyard must be at least 15 feet wide at its narrowest width.
- (F) Front yard setback to match the minimum setback of the underlying zone.
- (G) Parking facilities should be screened from public streets and residentially zoned properties with 3 foot tall landscaping, fencing or walls.

*Figure 2. Cottage Cluster Development Concept*



DRAFT





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**3J CONSULTING**

**CITY OF CANBY**

# Housing Production Strategy

FINAL DRAFT REPORT • SEPTEMBER 2024

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### PREFACE:

This document represents a preliminary draft Housing Production Strategy that focuses on housing needs and potential strategies the City of Canby is considering for adoption during FY 2023/2024. The findings contained in this report reflect current statistics from available data sources and the contents will be updated based on future data and input that is received from local stakeholders and state agencies prior to adoption.

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## Glossary

**Accessory Dwelling Unit (ADU):** A small living space located on the same lot as a single-family house.

**Affordable For-Sale Housing:** An owner-occupied dwelling with an annual housing cost (mortgage payments, utilities, property taxes, etc.) that equates to no more than 30% of household income.\*

**Affordable Rental Housing:** A dwelling that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30% of the household's monthly income. If income-restricted or government supported, U.S. Housing and Urban Development (HUD) income restrictions vary by family size.\*

*\*A healthy housing market includes a variety of housing types that are affordable to a range of household income levels. However, the term “affordable housing” is often used to describe income-restricted housing available only to qualifying low-income households. Income-restricted housing can be located in public, non-profit or for-profit developments. It can also include housing vouchers to help pay for market-rate housing (see “Vouchers” below for more details).*

**American Community Survey (ACS):** This is an ongoing nationwide survey conducted by the U.S. Census Bureau. It is designed to provide communities with current data about how they are changing.

**Area median income (AMI):** This term refers to area-wide median family income calculations provided by the federal Department of Housing and Urban Development (HUD) for a county or region. Income limits to qualify for affordable housing are often set relative to AMI in this report, unless otherwise indicated.

**Buildable Lands Inventory (BLI):** An assessment of the capacity of land to accommodate forecasted housing and employment needs.

**Buildable Residential Land:** Includes land that is designated for residential development that is vacant and part-vacant and not constrained by existing buildings or environmental issues.

**Cost Burdened:** Defined by US Department of Housing and Urban Development (HUD) as households who spend over 30% of their income on housing.

**Cottages:** Small, single-level, detached units, often on their own lots and sometimes clustered around pockets of shared open space. A cottage is typically under 1,000 square feet in footprint.

**Density:** Defined by the number of housing units on one acre of land.

**Development density:** Expected number of dwelling units (per acre) based on current zoning designations.

**Fair market rent (FMR):** HUD determines what a reasonable rent level should be for a geographic area and sets this as the areas FMR. Housing choice voucher program holders are limited to selecting units that do not rent for more than fair market rent.

**Group Quarters:** People living in shared housing facilities, such as a college dormitory, military barrack, nursing home or temporary shelter are not considered households and are counted as group quarters population.

**High Density:** Lots with the average density of 12+ dwelling units per acre. Best suited for multifamily housing such as apartments and condominiums.

**Housing Unit (or Dwelling Unit):** A house, an apartment or other group of rooms, or a single room is regarded as a housing unit when it is occupied or intended for occupancy as separate living quarters; that is, when the occupants do not live and eat with any other person in the structure and there is direct access from the outside or common hall.

**Household:** Consists of all people that occupy a housing unit. The people can be related, such as a family or unrelated. A person living alone is also a household.

**HUD:** Acronym for US Department of Housing and Urban Development, the federal agency dedicated to strengthening and supporting the housing market.

**Low Density:** Land zoned to allow up to an average density of 3-5 dwelling units per acre. The most typical housing type on these lands are larger detached single-family homes on lots between 8,000 and 15,000 square feet

**Low-Income:** Families designated as low-income may qualify for subsidized housing and/or income-based deed-restricted housing units. HUD classifies families based on median family income levels as shown below:

Income Category	Household Income*
Extremely low-income	30% of MFI or less
Very-low income	30-50% of MFI
Low income	50-80% of MFI
Middle income	80-120% of MFI
Upper income	> 120% of MFI

\* Median Family Income (MFI) for the HUD defined market area.

**Manufactured Housing:** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

**Median Family Income (MFI):** The median sum of the income of all family members 15 years and older living in the household. Families are groups of two or more people (one of whom is the householder) related by birth, marriage, or adoption and residing together; all such people (including related subfamily members) are considered as members of one family. Median income of non-family households tends to be lower than for family households. In this report both MFI and AMI refer to the U.S. Department of Housing and Urban Development Area Median Family Income (AMI) unless otherwise specified.

**Medium Density:** Lots with the average density of 6-12 dwelling units per acre.

**Middle Housing:** Typically includes duplexes, triplexes, quadplexes, townhomes, and cottage clusters.

**Mixed Use:** Characterized as two or more residential, commercial, cultural, institutional, and/or industrial uses into one combined building or building(s) on the same parcel of land.

**Multi-Family Housing:** Multiple dwelling units in a single building or groups of buildings on a single lot with 5 or more units per structure. Parking is shared, and entrance to units is typically accessed through a shared lobby.

**Partially-vacant land:** Unconstrained land that has some existing development but can be subdivided to allow for additional residential development.

**Permanent Resident Population:** This refers to the count of all people (citizens and noncitizens) who are living in the location at the time of the census. People are counted at their usual residence, which is the place where they live and sleep most of the time.

**Plexes:** two to four separate dwelling units within one structure. In most instances each duplex, triplex or quadplex unit has its own separate entry.

**Residual Land Value:** The amount a developer would typically be willing to pay for the land/site in order to build a specific real estate improvement based on underlying assumptions and market conditions.

**Seasonal dwellings:** These units are intended by the owner to be occupied during only certain seasons of the year. They are not anyone's usual residence. A seasonal unit may be used in more than one season; for example, for both summer and winter sports. Published counts of seasonal units also include housing units held for occupancy by migratory farm workers. While not currently intended for year-round use, most seasonal units could be used year-round.

**Severely Cost Burdened:** Defined US Department of Housing and Urban Development (HUD) as households who spend over 50% of their income on housing.

**Single Family Attached:** Residential structures comprised of two to four housing units with a shared wall that separates each unit. "Attached" duplexes require a single building permit for both dwelling units.

**Single Family Detached:** Free standing residential building, unattached, containing separate bathing, kitchen, sanitary, and sleeping facilities.

**Subsidized Housing:** Public housing, rental assistance vouchers, and developments that use Low-Income Housing Tax Credits (LIHTC) are examples of subsidized housing. Subsidized housing lowers overall housing costs for its occupants. Affordable housing and subsidized housing are different even though the terms are sometimes used interchangeably.

**Tenure:** Tenure refers to the ownership of the housing unit in relation to its occupants. According to the U.S. Census Bureau, a housing unit is “owned” if the owner or co-owner(s) live in the unit, even if it is mortgaged or not fully paid for. A cooperative, condominium or mobile home is “owned” only if the owner or co-owner lives in it. All other occupied housing units are classified as “rented.”

**Townhome:** Attached housing units, each on a separate lot, and each with its own entry from a public or shared street or common area.

**Vacant housing unit:** A housing unit is vacant if no one is living in it at the time of enumeration unless its occupants are only temporarily absent. Units temporarily occupied at the time of enumeration entirely by people who have a usual residence elsewhere are also classified as vacant.

**Vacant land:** Vacant land identified within the local buildable land inventory that is not developed and unconstrained for future planned residential development.

**Vouchers (Tenant-based and Project-based):** HUD provides housing vouchers to qualifying low-income households to off-set a portion of their rents. These are typically distributed by local housing authorities. Vouchers can be “tenant-based,” meaning the household can use them to help pay for market-rate housing in the location of their choice. The tenant pays the difference between the fair market rent and 30% of the tenant’s income. Or vouchers can be “project-based,” meaning they are assigned to a specific building.

# EXECUTIVE SUMMARY

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The City of Canby is undertaking studies of housing issues, needs and local land use policies through a Housing Needs Analysis (HNA) and this Housing Production Strategy (HPS). The HPS examines how the City can impact housing affordability, access and choice issues, displacement and housing stability. The HPS process includes a review of the city's policies, past actions, future housing needs, and an analysis of who is at risk of being left behind in the existing housing environment. At its core, the HPS identifies which tools, actions, or policies the City can implement to promote housing production, affordability, and choice, especially as it relates to the needs identified in the HNA.

The City of Canby has already adopted policy measures that provide additional housing production opportunities including:

- The City has a provision in the Zoning Code (Chapter 16.82) that allows deviations of development standards for "Special Housing Projects for the Elderly or Handicapped."
- Housing in a portion of the Downtown Core area of the C-1 Zone doesn't have to provide any parking if the development provides both housing and commercial uses.
- The City's R-2 (High Density) Residential Zone has been amended to require a minimum density of 14 du/ac, preventing lower density development.
- The City has amended its Zoning Code to allow duplexes in all low density residential zones to fully comply with HB 2001.

Concurrent with the HNA and the HPS planning process, the city conducted community outreach through community open house meetings, housing advisory committee meetings, planning commission and city council work sessions and hearings, and community housing surveys to obtain input from the public-at-large (housing consumers) and housing producers (builders and developers) regarding issues and ideas that could foster new housing development.

Based on the HNA findings and community feedback, additional strategies are recommended to help address housing needs for all citizen and to reduce regulatory "barriers" through actions, including:

- Providing a process for identification of land to up-zone for middle housing
- Allowing clusters of cottage housing in all R Zones
- Streamlining the PUD review/approval process with clear and objective guidelines
- Creating new incentives for fostering a range of housing types within PUDs
- Scaling system development charges (SDCs) by home size
- Conducting education to property owners regarding land use permitting for infill development, such as adding accessory dwellings and minor partitions.
- Amending commercial zoning to allow mixed-use housing development in appropriate locations.

The eventual adoption/implementation of these new policy actions will help foster additional housing construction for all needed housing types.



# I. INTRODUCTION

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## Purpose

Communities across the state of Oregon are facing unprecedented challenges with providing safe and affordable housing. In response, the Oregon legislature passed a series of measures designed to encourage cities to proactively look ahead and identify local housing policies which will meet existing and future housing needs for all residents.

In Canby, the City is undertaking comprehensive studies of housing issues, needs and local policy recommendations in the form of a Housing Needs Analysis update and this Housing Production strategy. This Housing Production Strategy is intended to expand on the work of the Housing Needs Analysis by examining how a city can impact housing affordability, access and choice issues, displacement and housing stability. The HPS process includes a review of the city's policies, past actions, future housing needs, and an analysis of who is at risk of being left behind in the existing housing environment. Community input is obtained to identify and evaluate recommended policy changes that can be implemented to increase production of needed subsidized and market-rate housing.

At its core, the HPS identifies which tools, actions, or policies the city can implement to promote housing production, affordability, and choice, especially as it relates to the needs identified in the HNA.

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*The Housing Production Strategy address the following questions:*

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- *What tools, actions or policies will the city implement to promote housing production, affordability and choice?*
  - *What local policies and actions can be taken to produce additional affordable and market rate housing?*
- 

## Approach

Key steps taken to create this report include the following:

- **Contextualized Housing Needs Analysis (Report)** sets the stage for the overall HPS. The Report summarizes findings from the HNA; identifies actions already taken by the City to foster housing production; and identifies the housing needs of key demographics in the City of Canby whose housing needs may not be met. Those demographics include residents living in rental units, people with disabilities, older Oregonians, people experiencing homelessness, and Black, Indigenous, and People of Color (BIPOC) community members. This report can be found in **Appendix A**.
- **Stakeholder Input.** Through the HNA and HPS process, interviews were conducted with housing stakeholders including developers, affordable housing advocates, real estate brokers, housing consumers and others to confirm housing development barriers and opportunities. Input was also gathered through an online survey open to the public, an open house, a regularly convened Housing Advisory Committee, and presentations to City Council and Planning Commission. These outreach efforts provided local context regarding existing conditions in Canby's housing market as well as direction on which policies were recommended.

- **Development of Recommended Strategies to Accommodate Future Housing Need.** Based on data gathered through public outreach and review of the city’s HNA, the consultant team identified strategies recommended for inclusion in the HPS (detailed in section 4 of this report).
- **HPS Report.** The findings and recommendations of the HPS are compiled in this draft report document. Feedback and recommended edits to this draft report will be reviewed and incorporated prior to the HPS being finalized.

## II. CANBY'S HOUSING NEEDS

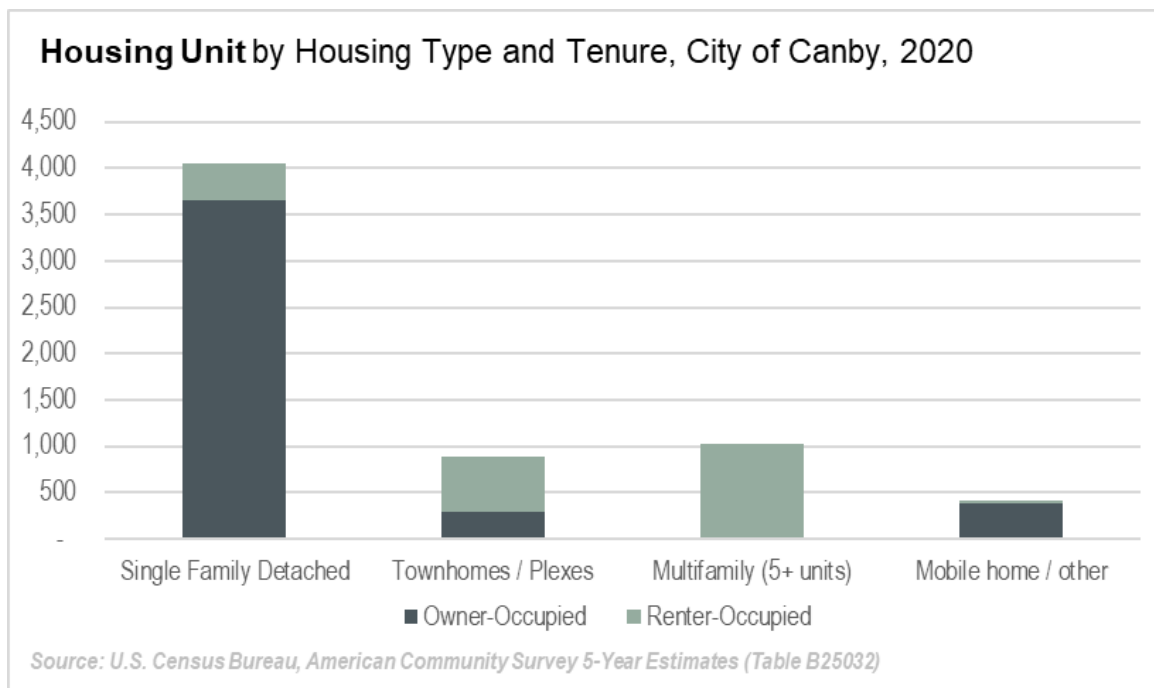
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Canby completed a Housing Needs Analysis (HNA) adopted in July 2024. The HNA projects the number of housing units that will be needed to meet the needs of the city's growing population as well as the buildable land that will be needed to accommodate the development of that new housing. The document also provides crucial data related to the state of the existing housing market including affordability analyses. The HNA also served as an important bridge to the Contextualized Housing Need analysis available in **Appendix A** and which is summarized below.

Key takeaways from the HNA include the following.

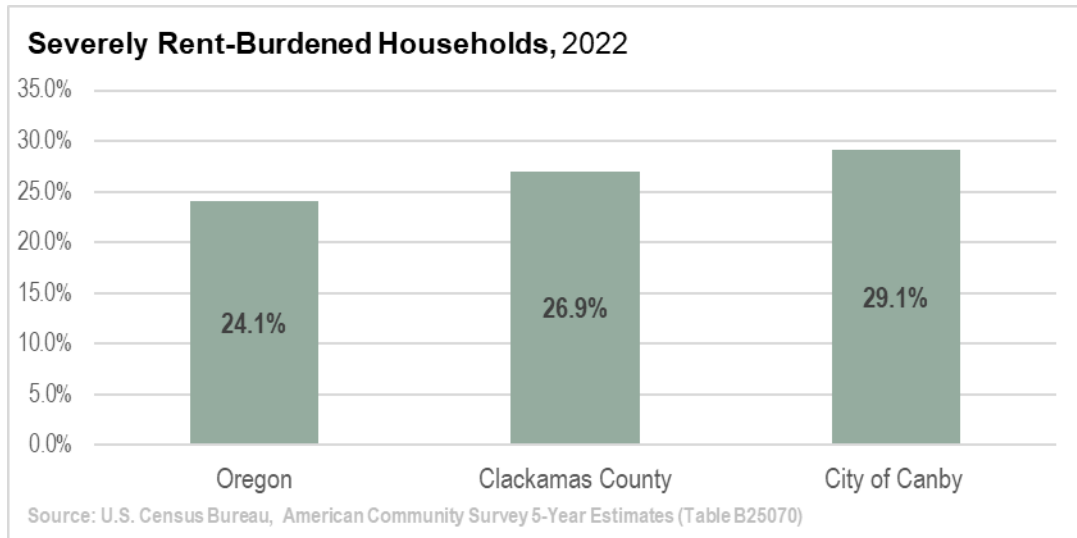
- **Population in Canby is forecasted to increase faster than the statewide average.** Based on Portland State University Population Research Center (PRC) data, population in the Canby UGB is projected to increase by 5,931 persons over the next 20 years, this equates to a 1.3% average annual rate of growth.
- **The vast majority (68% of occupied dwellings) in Canby are owner-occupied.** Most of those owner-occupied units are single-family detached units. Renters are much more likely to live in multifamily and townhome/plex units.
- **Within the Canby School District 89 in FY 2021-22, there were approximately 125 students in grades K-12 that were experiencing housing hardships.** According to McKinney-Vento estimates this includes children in shelters (1-5), unsheltered (22), motel/hotel residents (6), doubled-up residents (78) and unaccompanied youths (19).
- **Vacancy rates are very low.** Only 3% of housing units in Canby were vacant in 2020, which is lower than the countywide average (6%) as well as the statewide average (8%). Canby housing vacancy rates are reported to be even lower today as housing demand continues to outpace production of new housing.
- **Housing prices are outpacing household incomes.** In 2019, the median family income in Canby was \$80,484. Households making the MFI can afford the mortgage of a \$410,000 house or a monthly rent of \$1,900. The median home price in Canby is \$560,000. Home prices have been growing rapidly in the region - 14% in each of the last two years.

Exhibit 1: Existing Housing by Type and Tenancy, Canby



- **Housing demand prospects are very strong in Canby.** The draft HNA forecasts a need for 2,262 units (1,536 new ownership units and 725 new rental units) to keep pace with population growth. The forecasted housing needs analysis concluded that:
  - Approximately 60% of the new units were projected to be single-family (detached and attached) homes.
  - 7% are projected to be manufactured homes in parks.
  - Duplex through four-plex units were projected to represent 16% of the total need.
  - Multifamily units are expected to make up 17% of projected future need.
  - Of ownership units, 84% were projected to be single-family homes, 7% will be absorbed by townhomes and plexes, another 7% of demand will be met by manufactured homes, and 2% will be in multifamily developments.
  - There is a greater mix of demand among rental units, with 49% expected in multifamily developments, 30% in townhomes and plexes, 19% in single-family detached units, and 2% in manufactured homes.
- **There is a current supply shortage for rentals in Canby which is impacting cost burdens.** According to the US Census American Community Survey (ACS) 2022 5-year estimates, renters in Canby experience a high-cost burden (over 29% of renter households spend more than 50% on rent) largely because of a lack of affordable rental units, especially among households at the lower to middle end of the rent range.

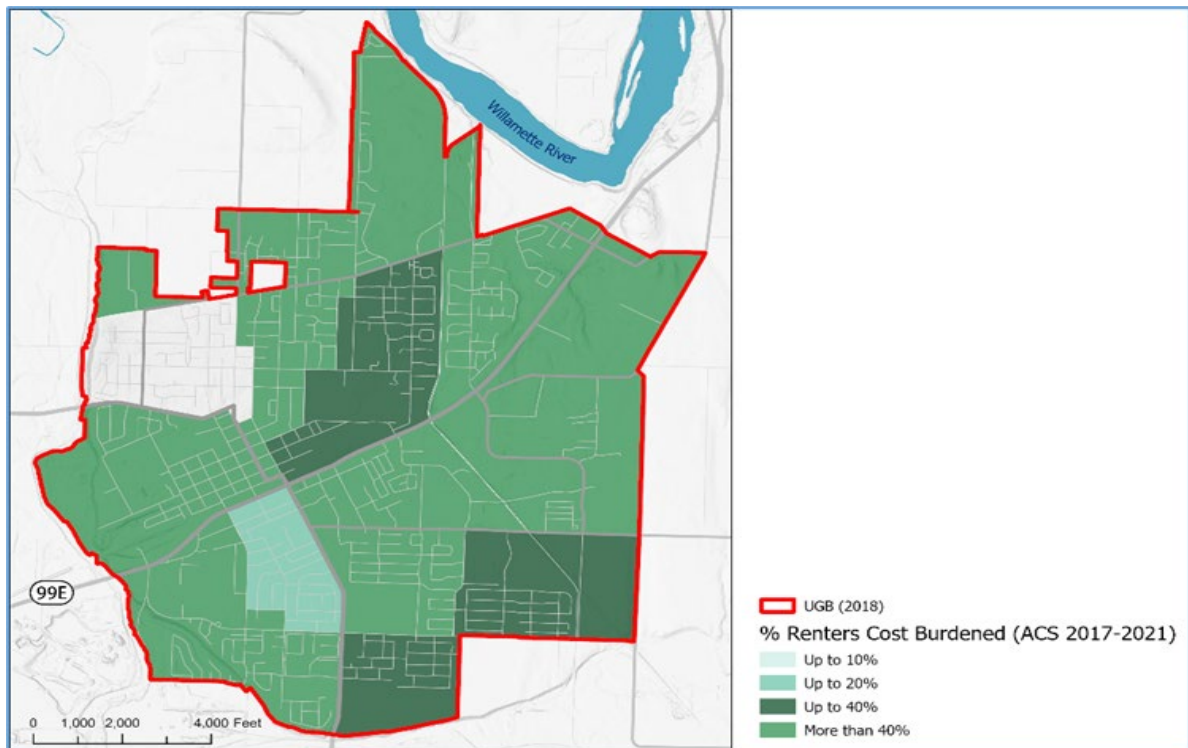
Exhibit 2: Severe Rent Burden



Further information regarding contextualized housing needs, an analysis of the housing needs of key demographic subgroups in the city of Canby, can be found in **Appendix A**.

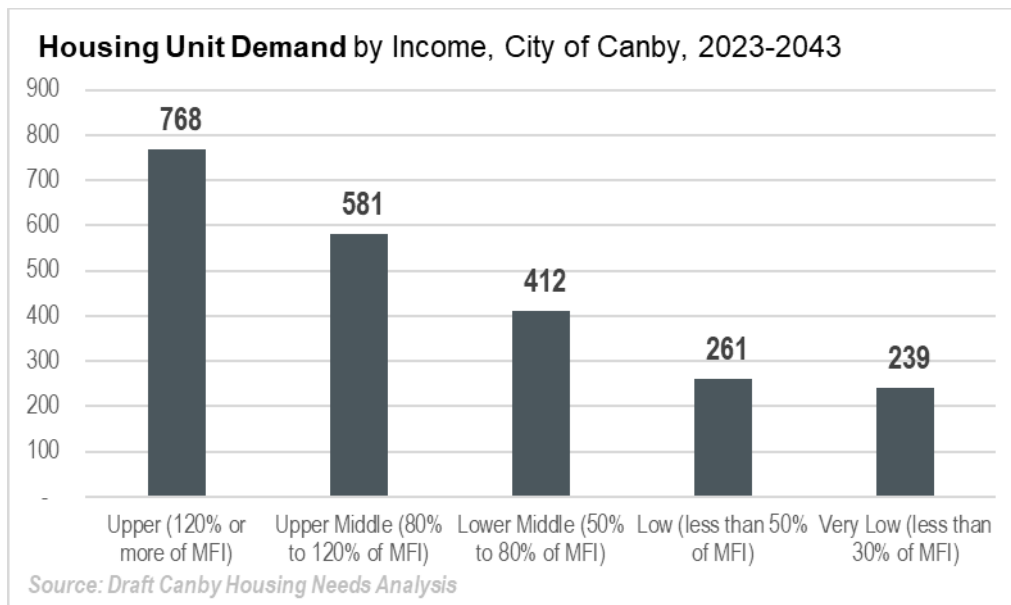
Canby's rent burdened households are disbursed throughout the entire city, as shown in the following map reflecting the estimates for 2020 (**Exhibit 3**).

Exhibit 3: Map of Canby Rent Burdened Households, 2020



- **Housing demand will persist across all income levels.** The draft HNA recommends that Canby plan for a wider range of housing types over the next 20 years, as mentioned above.
- **Single family housing demand will remain strong.** Future demand for home ownership will remain higher in the mid- to higher-income ranges.
- **To help minimize rent burdens** it is recommended that the City continue to plan for several middle housing types that would be more attainable to households earning 120% or less of the area median income level (see Exhibits 4 and 5).

**Exhibit 4: Projected Housing Unit Demand by Income Level**



**Exhibit 5: Projected Housing Unit Demand by Income Level**

Household Income Level	Owner Occupied Dwelling Units	Renter Occupied Dwelling Units	Total Dwellings	% Mix	Representative Attainable Housing Products
Upper (120% or more of MFI)	768	-	768	34%	Standard Detached Homes
Upper Middle (80% to 120% of MFI)	538	44	581	26%	Small Lot Homes & Cottages
Lower Middle (50% to 80% of MFI)	230	181	412	18%	Townhomes, Plexes & Modular 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
<b>Housing Units</b>	<b>1,536</b>	<b>725</b>	<b>2,262</b>	<b>100%</b>	
<b>Plus Group Quarters Units</b>	-	23	23		Transitional housing & congregate care
<b>Total Dwelling Units</b>	<b>1,536</b>	<b>749</b>	<b>2,285</b>		
<b>Demand Mix</b>	<b>67%</b>	<b>33%</b>	<b>100%</b>		

- **Overall net new housing demand in Canby for the next 20 years is 2,285 dwelling units. Canby will require approximately 392 gross buildable acres of residential land to accommodate 20-year housing needs.** Currently, Canby has a deficit of land of all residential categories (**Exhibit 6**). Most land demand is expected in the lower density category (294 buildable acres) with measurable demand also expected in the medium and high density category (66 acres).

**Exhibit 6: Projected 20-year Land Sufficiency for Housing, Canby UGB**

Dwelling Unit Type	Most Typical Plan Designation <sup>1</sup>	Buildable Land Requirement <sup>3</sup>	Current Buildable Land Inventory <sup>3</sup>	Buildable Land Deficit (excluding public parks)
Single-Family Standard Lot	LDR	127.6	173.7	(22.62)
Single-Family Small Lot & Cottages		102.7		(33.93)
Townhomes/Plexes (2-4 units)	MDR	45.3	37.2	(8.10)
Multi-family/Other <sup>2</sup>	HDR /varies	18.2	9.8	(8.42)
<b>Total (gross buildable acres)</b>		<b>293.9</b>	<b>220.8</b>	<b>(73.07)</b>

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

<sup>1</sup> Manufactured housing is allowed in all residential land use classifications.

<sup>2</sup> Category also includes group quarters housing demand.

<sup>3</sup> Derived from previous Exhibits.

## ACTIONS BY THE CITY TO MEET HOUSING NEEDS

The City of Canby has been focused on addressing local housing needs for many years.

### Recent Accomplishments

The City of Canby has recently adopted important efficiency measures that provide additional housing production opportunities including:

- The City has a provision in the Zoning Code (Chapter 16.82) 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 City's R-2 (High Density) Residential Zone has been amended to require a minimum density of 14 du/ac, preventing lower density development.
- The City has amended its Zoning Code to allow duplexes in all low density residential zones to fully comply with HB 2001.

These efficiency measures that have already been adopted are expected to increase the overall density in Canby by 3%, adding a total of 55 dwelling units within the City's UGB (**Exhibit 7**).



**Exhibit 7: Supplemental Analysis of Adopted Efficiency Measures**

3% Density Increase due to adopted efficiency measures (DUs per net acre)	Net Acres Needed after density increase	Additional Dwellings added due to efficiency measures
0.16	101.70	16
0.22	77.92	17
0.26	41.05	11
0.58	18.10	10
		<b>55</b>

*Derived from Canby HNA Exhibit 26.*

## Evaluation of Additional Local Policy Actions

- In addition to these actions, the City drafted a current Housing Needs Analysis (adopted in July 2024). Concurrent with the HNA and the HPS planning process, the city conducted community outreach (through community open house meetings, housing advisory committee meetings, planning commission and city council work sessions and hearings, and community housing surveys) to obtain feedback from the public-at-large (housing consumers) and housing producers (including builders and developers) to identify key issues and to obtain input regarding “best practices” used by cities to foster housing development.
- Community input has been incorporated into the Housing Production Strategy to address housing needs for all citizen and to help remove regulatory “barriers” through locally preferred actions, such as:
  - A. Providing a process for identification of land to up-zone for middle housing
  - B. Allowing clusters of cottage housing in all R Zones
  - C. Streamlining the PUD review/approval process with clear and objective guidelines
  - D. Creating new incentives for fostering a range of housing types within PUDs
  - E. Scaling system development charges (SDCs) by Home Size
  - F. Conducting education to property owners regarding land use permitting for infill development, such as adding accessory dwellings and minor partitions.
- The eventual adoption/implementation of these new policy actions will help foster additional near-term housing construction for all needed housing types and could also create UGB efficiencies which could reduce the overall land needs discussed above. An evaluation of key policy measures is provided in **Section IV**.



## III. COMMUNITY ENGAGEMENT

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Throughout the HNA and HPS process, Canby and the consultant team conducted stakeholder interviews with key housing producers, employers, housing non-profit representatives. Examples include developers, real estate agents, housing advocates, and consumers and consumer representatives for priority populations. A presentation of public outreach activities is included in **Appendix C**.

Housing producers were asked to identify barriers and opportunities to facilitate the development of more affordable housing options. Housing consumers were asked to share their experiences attaining affordable housing and the barriers to doing so.

### STAKEHOLDER INTERVIEW SUMMARY

Interviews were conducted with several housing stakeholders including the following:

#### Housing Consumers and Advocates

- Hope Village (staff)
- Canby Adult Center (staff and clients)
- Bridging Cultures
- Faith Based Communities

#### Housing Producers

- Property Owners
- Developers
- Land Use Attorney
- Apartment Complex Manager

Key themes from these interviews include the following:

#### Housing Producer Input

- **Lack of incentives and guidance for affordable housing** – Incentives are needed for developers to produce smaller homes.
- **Overarching regulatory requirements create a barrier** – The amount of roadway required, parking, SDC fees, design standards, and minimum lot width limit cost reducing options.
- **Existing Zoning Code, specifically Zone R-2, offers helpful flexibility** – It is less limiting than R-1 in terms of lot size and locational variability.
- **Higher density housing centralized in the Downtown area** – Look to the Dahlia Building and consider the lack of senior housing, and surplus of large rental units.

## Housing Consumer Input

- **Community members live in a variety of housing types and more housing in each category is desired** – Additionally, housing should incorporate minimal maintenance, multi-modal accessibility, and connectivity.
- **Intergenerational housing, home equity, and senior housing are at the forefront of Canby residents' desires** – Many live in Canby for the proximity to family, want to be able to own housing, and see a large need for affordable senior housing.
- **Rental housing rates are too high** – The need for affordable housing starts at 40% MFI. People with \$40,000 annual income struggle to make rents in the \$1,200 to \$1,400 range, and most rents are closer to \$1,600.
- **The City should take actionable steps to aide in creating and attracting affordable housing** – Ideally through the purchase of land, rent control measures, and development code revisions.

## HOUSING ADVISORY COMMITTEE

The process for the HNA and the HPS for Canby included periodic meetings with Canby's housing advisory committee to obtain feedback on interim deliverables and draft recommendations, with specific attention focused on understanding housing issues and identifying which policies the city should pursue. In a meeting on September 27, 2022, the agenda focused on draft HNA findings and "best practices" cities can take to foster housing production. Key takeaways are highlighted below:

- Committee members urged caution in pursuing ways to increase housing production without quality controls included. Committee members want quantity and quality.
- Pursuing high-priority infrastructure projects to unlock developable residential land has worked for the city in the past and should continue to be emphasized. This is especially true of the needed water treatment plant project.
- Density bonuses for income-restricted housing received positive feedback from committee members.
- SDCs scaled that reflect the size of housing units was also recommended.
- While relaxing parking requirements is viewed as extremely controversial, artful implementation should be considered, particularly in downtown.
- In order to make sure growth occurs in an orderly manner with high quality housing products, a well thought out, incremental approach to policy implementation is encouraged.

## COMMUNITY OPEN HOUSE

A community open house meeting was held on July 14, 2022 on the topic of housing. Approximately 40 members of the public attended. City staff and the consultant team provided an update on housing data followed by an opportunity for the public to share their observations about housing issues and needs in Canby. A summary of meeting input includes the following:

- Some attendees were concerned that by planning for growth the city is making it happen. They said the city should remain small and rural and should not emulate larger cities in the greater Portland Metro Area.
- Some attendees expressed concern that any potential expansion to the UGB would destroy prime farmland.

- Attendees observed that new development design standards in Canby need to be created, with special focus on multifamily housing and fencing.
- Attendees were very supportive of Canby pursuing a policy that would allow development of cottage clusters.
- Several attendees observed that residents need to be able to weigh in on what constitutes “affordable” housing.
- Some attendees expressed concern that new apartments in the city are not affordable to most residents, with newer apartments in the area charging \$1,800 per month.
- Attendees expressed interest in using tax increment financing as part of newly formed urban renewal districts as a means to pay for infrastructure and “pay down SDCs” for affordable housing.

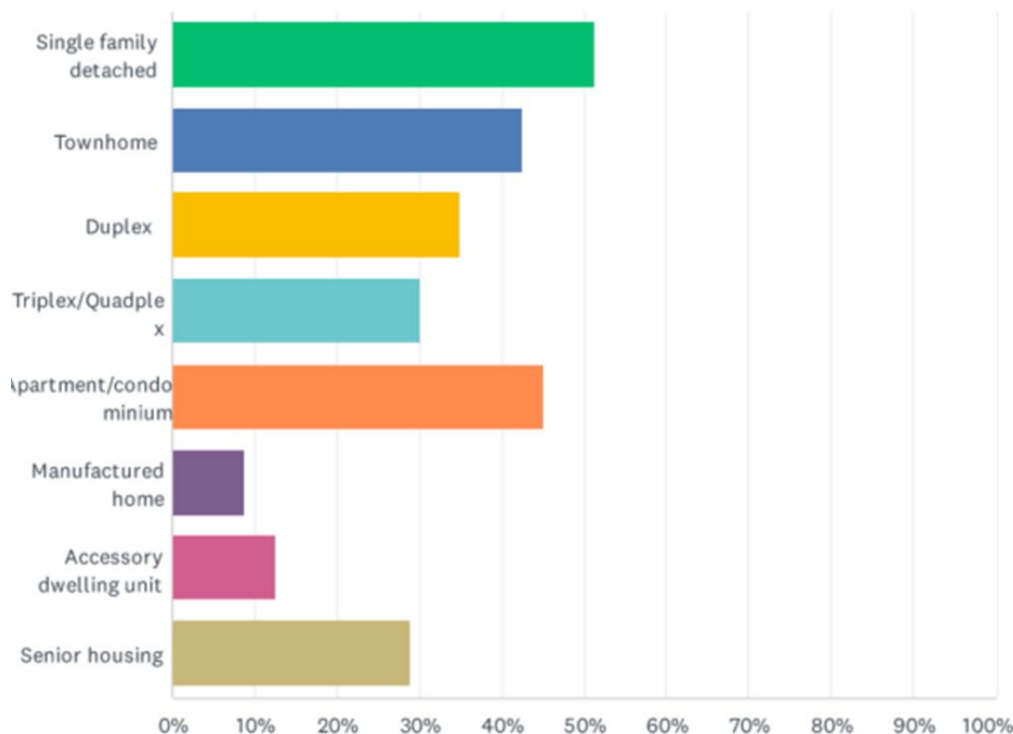
## PUBLIC SURVEY

An online public survey was conducted throughout the HNA process which helps contextualize public perspectives on the housing market in Canby. A total of 80 responses were recorded as of December 2022. A summary of feedback obtained from the online survey is provided below.

### What Housing Types does Canby Need Most?

Respondents to this question favored single-family detached housing followed closely by apartments/condominiums and townhomes. Accessory dwelling units were called out by about 10% of respondents with even fewer respondents saying that manufactured homes were needed in Canby.

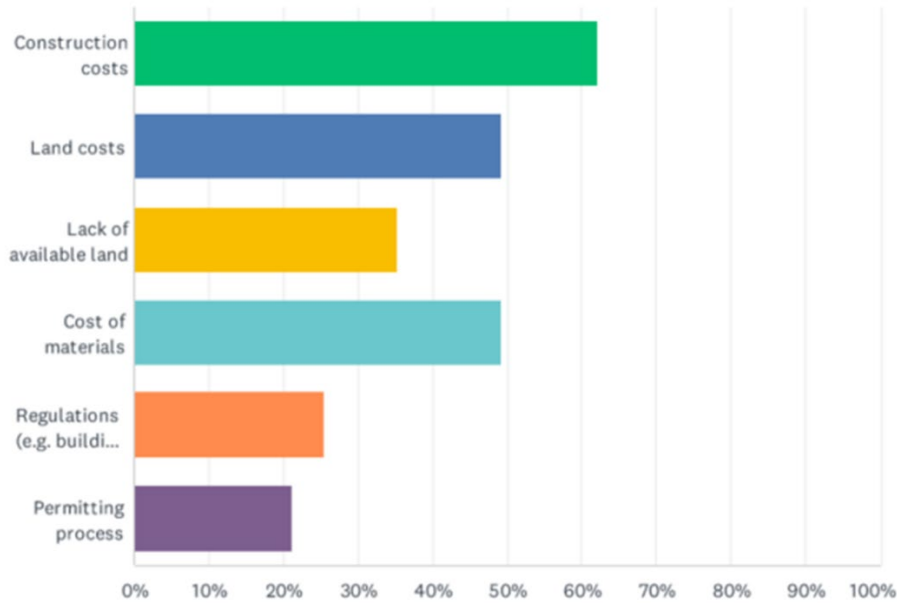
*What Types of Housing Does Canby Need the Most?*



### What are the Top Three Barriers to Housing Development in Canby?

Nearly three quarters of respondents cited construction costs as the largest barrier to the construction of housing in the city. Nearly half of all respondents cited land costs and cost of materials as major factors as well. Importantly, only one quarter of respondents cited regulations and 20% of respondents cited the permitting process as a major barrier.

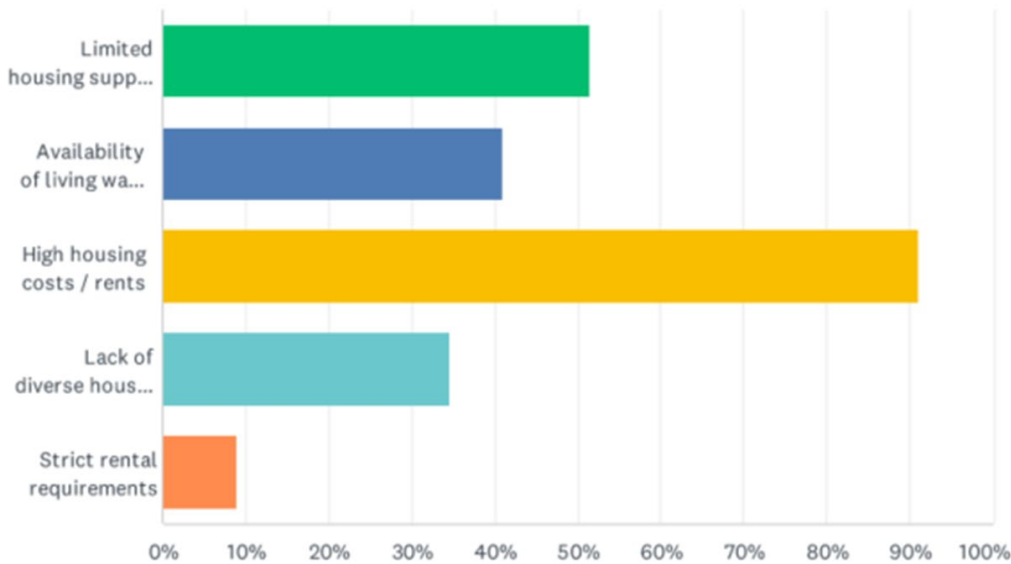
*What are the Top Barriers to Housing Development?*



### What are the Top Barriers to Owning a Home in Canby?

Over 90% of respondents cited housing costs as a major barrier to home ownership. A lack of housing supply and the availability of living wage jobs were also significant concerns.

*What are the Top Barriers to Home Ownership?*



An opportunity for respondents to provide open-ended responses was also provided. Thematic responses regarding issues and concerns are summarized below.

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

## HOW WAS INPUT CONSIDERED?

Feedback provided by the Housing Advisory Committee, open house attendees, stakeholders, and public survey participants was used to provide important local context to the unique issues faced by Canby. Additionally, this diverse feedback provided a sense for what new policies might be politically feasible in the near term (1 to 8 years). Examples include:

- Broad support for cottage cluster development standards suggests that this is a policy the city can undertake without concern for significant pushback.
- Concern from community members regarding widespread up-zoning versus a more focused approach to identifying strategic locations where multifamily should occur.
- General support regarding the need to scale SDCs by house size.
- Overall support for additional downtown mixed-use development (e.g., housing over commercial or adjacent to commercial uses).

## FUTURE OUTREACH RECOMMENDATIONS

The following recommendations for public outreach are not limited to housing policy development efforts but can be implemented on a regular basis.

- The opportunity to hear from the general public in an open house setting is beneficial. Members of the public appreciate the opportunity to learn what city staff are working on and like to have their opinions heard. This exercise also improves the mutual understanding of concerns being faced by housing consumers in Canby. It should be noted that the city has already scheduled another community wide public open house meeting that is focused on housing policy implementation during 2023.
- Continued efforts to reach out to the Hispanic and Latino community in Canby should be undertaken. Nearly 1 in 5 residents in Canby (17%) are included in this demographic. Minority residents have not been well represented during the public meetings so more targeted outreach will be required to obtain their input regarding local housing issues.
- As the impacts of the Covid-19 pandemic ease, additional efforts should be made to meet with the public at locations that are convenient to them (such as community events, farmers markets, club meetings, etc.).
- The city could consider regularly convening a housing committee that is similar to the Housing Advisory Committee created for the HNA and HPS planning process. This model exists in other communities of similar size to Canby. The ad hoc housing committee could assist with updates to local housing market data and serve as a sounding board for the review of new local policies.

## IV. STRATEGIES TO MEET FUTURE NEEDS

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The following strategies are intended to increase the provision of needed housing in Canby. Strategies listed below have been analyzed to determine citywide housing impact as well as how well they meet the needs of key demographics. These policies will be refined through the Housing Production Strategy process.

### A. Develop Process for Identifying Land to Up-Zone

#### Description

- Develop a process for identifying land to up-zone (or rezone) to meet a growing need for medium and high density 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.
- Determine the quantity of land needed to be upzoned to address deficits identified in the HNA process.
- This policy is recommended because of an identified need for increased middle housing products highlighted in the Housing Needs Analysis as well as a need for more affordable housing options to meet the needs of protected classes identified in the Contextualized Housing Need memo (**Appendix A**).
- This policy also dovetails with a preference for R-2 zoned land highlighted by stakeholders.

#### Implementation Steps

- Consider combining this change to the development code with other housing policies.
- Determine the need for consultant assistance for public outreach or technical analysis.
- Review buildable land inventory data, adequacy of infrastructure, access to services throughout Canby UGB, and willingness of property owners to develop land with proposed uses.
- Identify candidate sites and up-zone evaluation criteria.
- Identify and convene Advisory Committee to advise and review staff recommendations.
- Develop zoning code amendments through the comprehensive plan update process and adopt them through required public hearings.

#### Timeframes

- For Adoption: 2028
- For Implementation: 2029
- For housing Impacts: 2032

#### Estimated Magnitude of Impact

- Housing Type Impact: increase in low income and multifamily housing.
- Housing Tenure Impact: Increase in rental units.
- Income Demographic Served: Low to middle income households (50-120% MFI)

- Housing Production Impacts: The Canby HNA estimates that after the implementation of HB 2001 and related Canby land use regulations, low density residential land is expected to yield between 5.59 units per net acre for standard detached homes and 7.8 dwellings per net acre for cottage homes. Medium and high density land is expected to yield 8.46 dwellings per net acre for townhomes and 19.46 units per net acre for apartments on average. Using those density assumptions, for every acre Canby upzones from low density to medium or high density the City can expect an increase of about 1.7 units per net acre for townhomes and 12.7 units per acre for apartments.
- Demographic Benefits and Burdens
  - Low-income communities: There is expected to be a benefit to lower income households by providing more cost effective, higher density market-rate housing which will be relatively more affordable than single-family detached units. In addition, higher density land could provide the opportunity for subsidized housing development which will be required to address the needs of extremely low-income households and Canby's homeless population. A potential burden of this policy is an increased risk of displacement of lower-income families if upzoning occurs in enclaves of existing affordable housing. Potential mitigation strategies that the city can explore include affordable housing requirements and renter protections.
  - Communities of color: This policy is expected to have a direct benefit to BIPOC communities given that higher density residential land will likely yield more housing choice for renters (55% of Canby's BIPOC households live in rental housing compared with 33% of white households). As stated above, this policy could burden BIPOC households with a greater risk of displacement if upzoning occurs in existing enclaves of affordable housing without mitigation strategies.
  - People with disabilities: This policy could provide increased housing choice and accessibility for Canby residents with disabilities, especially if this policy includes accessibility considerations. If some upzoning occurs in areas with nearby amenities, this policy could be especially beneficial to Canby residents with disabilities. As stated above, this policy could increase the burden of displacement on disabled residents of Canby if upzoning occurs in existing enclaves of affordable housing without mitigation strategies.
  - Individuals experiencing houselessness: As stated above, this policy creates an increased opportunity for the development of subsidized housing, including housing intended to meet the needs of Canby's houseless population. As with other potentially vulnerable populations, displacement of houseless residents could occur if upzoning is pursued without mitigation strategies.
  - Seniors: There is no direct benefit to older residents of Canby of this policy, however, to the extent that there is desire to downsize (e.g. move from a single-family home to a more centrally located, higher-density home), increasing medium and higher-density housing opportunities will benefit those residents. The potential burden of displacement risk for Canby's older residents does exist to the extent their homes are included in areas identified to be up-zoned.



### Revenue Impacts:

- May result in increased property tax revenues.
- Increased intensity of development may result in more efficient use of infrastructure and favorable return on public investment.

## B. Allow Cottage Clusters in Residential Zones

### Description

- 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 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 and people with disabilities. These types of developments can also subdivide, allowing for affordable starter home opportunities.
- Allow cottage developments with sufficient density to make their development financially viable for developers.
- This policy is recommended because of the need for smaller scale, more affordable housing units documented in the HNA.
- This policy also reflects the community’s desire for more diverse housing types as expressed in stakeholder outreach.
- This policy could also address Canby residents’ desire for senior housing, affordable home ownership opportunities and attainably priced rental housing options.

### Implementation Steps

- Consider combining this change to the development code with other housing policies.
- Determine the need for consultant assistance for public outreach or technical analysis.
- Develop zoning code amendments and adopt them through required public hearings.

### Timeframes

- For Adoption: 2025
- For Implementation: 2026
- For housing Impacts: 2028

### Estimated Magnitude of Impact

- Housing Type Impact: Increase in middle housing options.
- Housing Tenure Impact: Increase in rental units as well as “starter home” ownership and opportunities and downsizing opportunities for “empty nesters”.
- Income Demographic Served: Middle and upper income households (80% - 120%+ MFI)
- Housing Production Impacts: Increased infill housing production with the potential for greater impact if incentives such as scaled SDCs are adopted in conjunction with this strategy.
- Demographic Benefits and Burdens
  - Low-income communities: Direct benefit to middle income households in a market-rate setting. Canby could also provide incentives for development of cottage clusters aimed at lower income households. This style of development may also provide home ownership opportunities to residents who may not otherwise be able to afford to buy a home in Canby, increasing housing choice for residents of a broad income spectrum. As with upzoning land above, this strategy does potentially burden low-income communities with an increased risk

of displacement in areas where cottage development is allowed. Potential mitigation strategies that the city can explore include affordable housing requirements and ownership opportunity assistance targeted at lower income households.

- Communities of color: An indirect benefit is expected given that 55% of BIPOC Canby residents are currently renters in the community and this style of development is likely to increase the amount and variety of housing choice. This benefit could be twofold given that, as stated above, cottage clusters can provide home ownership opportunities that may not otherwise be available in Canby. This strategy could burden BIPOC households with an increased risk of displacement in areas where cottage development is allowed. Potential mitigation strategies that the city can explore include affordable housing requirements and ownership opportunity assistance targeted at residents of color.
- People with disabilities: This policy could benefit Canby residents with disabilities by providing a greater selection of housing choice as well as access to amenities in cases where cottage clusters are developed in a central area. Cottage cluster communities could also cater to residents with disabilities with a focus on accessibility. A potential burden for disabled residents is that, unlike structures with four or more units, there is no Federal requirement for accessible design in the cottage cluster style of development. Potential mitigation strategies that the city can explore include a focus on accessibility in siting and design can help address this burden.
- Individuals experiencing houselessness: Taken alone this policy will not provide a direct benefit to Canby's houseless population. The City could consider providing incentives to nonprofits that work with houseless residents on a case-by-case basis which would provide a direct benefit. For instance, as a part of strategy M, the County, nonprofit housing providers, and the City could collaborate to develop a cottage cluster development aimed at housing Canby's homeless residents. As with other potentially vulnerable populations, the displacement burden of houseless residents could occur in areas where cottage developments are allowed absent mitigation strategies.
- Seniors: To the extent that there is desire to downsize (e.g. move from a single-family home to a more centrally located, higher-density home), cottage cluster housing opportunities will benefit Canby's seniors. In addition, several other communities in Oregon have seen the development of cottage clusters targeted towards seniors (especially lower-income seniors), which would provide additional affordable housing choice. To the extent that cottage clusters are available adjacent to amenities, seniors could also benefit from greater access to services. The burden of increased risk of displacement for Canby's older residents does exist to the extent their homes are included in areas where cottage clusters become an allowed use.

#### Revenue Impacts:

- Increased intensity of development may result in an increase in infrastructure system efficiencies and return on public investment.
- Increases in residential population may result in an increased need for city services.

## C. Identify Opportunities to Streamline Planned Unit Developments (PUDs)

### Description

- 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.
- This policy could also include allowance of a wider variety of housing types allowed in PUDs, addressing the community's desire for more diverse housing types.
- This policy could also address the regulatory barriers identified by the development community such as roadway right of way standards and minimum lot width.

### Implementation Steps

- Consider combining this change to the development code with other housing policies.
- Determine the need for consultant assistance for public outreach or technical analysis.
- Develop zoning code amendments and adopt them through required public hearings.

### Timeframes

- For Adoption: 2028
- For Implementation: 2029
- For housing Impacts: 2030

### Estimated Magnitude of Impact

- Housing Type Impact: Increase in variation in single family housing types (small lot, large lot, townhomes, etc.) and duplex development.
- Housing Tenure Impact: Increase in owner-occupied units.
- Income Demographic Served: Middle and upper income households (80%-120%+ MFI)
- Housing Production Impacts: This policy will increase the range of housing types within planned residential developments which may translate to more affordable home ownership opportunities.
- Demographic Benefits and Burdens
  - Low-income communities: There is no direct benefit to low-income Canby residents from this policy. Increased use of the PUD path could increase housing costs overall, which may increase housing cost burden for lower-income residents of Canby. Generally speaking, PUDs are subject to Planning Commission review which makes these developments vulnerable to localized opposition to new housing proposals, particularly those that contain denser, diverse, and affordable housing options. This could result in fewer housing units attainable for low-income residents. Potential mitigation strategies that the city can explore include affordable housing or housing mix requirements as discussed below in strategy D.
  - Communities of color: There is no direct benefit to BIPOC Canby residents from this policy. There is a potential indirect benefit in the increased housing choice that PUDs can provide. As above, newer homes could increase cost burdens experienced by lower income BIPOC

households. Potential mitigation strategies that the city can explore include affordable housing or housing mix requirements as discussed in strategy D below.

- People with disabilities: There is no direct benefit to Canby residents with disabilities. It is possible that newer developments will be built with accessibility considerations in mind but that would not be ensured by this policy alone. There is a risk that new PUD units will not contain accessibility features required in structures with four or more units, which are required under federal law to include certain minimum accessibility features. Potential mitigation strategies that the city can explore include a focus on accessibility in siting and design can help address this risk.
- Individuals experiencing houselessness: It is unlikely that this policy will result in any direct benefits for Canby's houseless residents. As in prior strategies discussed in this HPS, displacement of houseless residents could occur in areas where new PUDs are developed absent mitigation strategies.
- Seniors: Canby's seniors may benefit from increased housing choice stemming from PUDs. As in prior strategies, there is a risk of displacement for Canby's older residents to the extent their homes are included in areas identified for PUDs.

#### Revenue Impacts:

- No revenue impact expected.

## D. Incentives to Encourage Diverse Housing Development in PUDs

### Description

- 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 SDC credits for private financing and the use of tax increment financing (through new urban renewal district) for funding system roads and infrastructure, use of publicly owned land, density bonuses and other considerations, a required share of deed restricted affordable housing, and other policy options.
- This policy will address the need for a broad range of housing types in Canby.
- This policy will address residents' desire for the City to take actionable steps to incentivize private investment in affordable housing as well as developer's desire for incentives to build affordable housing.

### Implementation Steps

- Consider and adopt incentives that foster a wider range of housing types in PUDs, such as reduced SDCs for deed restricted affordable housing, lot size reductions for middle housing, and inclusion of public facility investments (such as public open space, parks, bike/pedestrian facilities) for PUDs that provide a range of housing options that deliver benefits to marginalized populations and households.
- Conduct outreach to the public, property owners, and development community.
- Present recommended incentives, financial impacts to decision makers (Planning Commission, City Council, etc.) for approval.
- Annually report out a count of income restricted units developed stemming from this strategy to measure its effectiveness.

### Timeframes

- For Adoption: 2028
- For Implementation: 2030
- For housing Impacts: 2034

### Estimated Magnitude of Impact

- Housing Type Impact: Increasing middle housing (duplexes, ADUs) as well as the provision of income restricted units.
- Housing Tenure Impact: Increase in rental and owner-occupied units.
- Income Demographic Served: Low to middle income households (50-120% MFI)
- Housing Production Impacts: This policy will indirectly increase the development of needed housing by reducing the development costs of needed middle housing and income-restricted dwelling units.
- Demographic Benefits and Burdens
  - Low-income communities: This policy could have an indirect to direct housing choice benefit to low-income residents of Canby depending on how it is implemented. The most direct way the City can help low-income communities is to provide incentives to developers in exchange

for a share of PUD units being deed restricted affordable dwellings. This would provide guaranteed units for residents who require a subsidized unit to live in Canby. If incentives provided are not contingent on deed restrictions, indirect benefits may still accrue to lower-income residents in the form of an increased number of rental units, some of which may be priced lower than existing rentals in Canby. As in the prior PUD-related strategy PUDs are subject to Planning Commission review which makes these developments subject to localized opposition, particularly those that contain denser, diverse, and affordable housing options. This could result in fewer housing units attainable for low-income residents.

- Communities of color: As above, the impact of this policy on BIPOC Canby residents depends on how incentives are crafted and deployed. For instance, the City could provide incentives to a non-profit developer whose focus is providing homes to Latinx residents which would be a direct benefit. More likely, these incentives will provide a proportional benefit to BIPOC residents of Canby through the development of more dwelling units, greater housing choice, and the potential for deed-restricted dwelling units. As above, local opposition to housing developments attainable to Canby's communities of color could result in fewer new housing units attainable to this population.
- People with disabilities: Again, this policy's impact on Canby residents with disabilities will depend on how the City chooses to deploy them. For instance, incentives could be contingent, in part, on the development of units explicitly accessible to residents with disabilities, which would be a direct benefit. Otherwise, benefits of incentives would be proportional. There is a risk that new PUD units will not contain accessibility features required in structures with four or more units, which are required under federal law to include certain minimum accessibility features. Potential mitigation strategies that the city can explore include a focus on accessibility in siting and design can help address this risk.
- Individuals experiencing houselessness: It is unlikely that this policy will result in any positive or negative impacts for Canby's houseless residents. As in prior strategies discussed in this HPS, displacement of houseless residents could occur in areas where new PUDs occur absent mitigation strategies.
- Seniors: Again, this policy's impact on older residents of Canby will be contingent on how incentives are deployed. The City could choose to make incentives contingent on a share of PUD units being explicitly designed for older residents which would constitute a direct benefit. Otherwise, the benefits of these incentives would be proportional. As in prior strategies, there is a risk of displacement for Canby's older residents to the extent their homes are included in areas identified for PUDs.

#### Revenue Impacts:

- No significant revenue impact expected over the long term.

## E. Modify System Development Charge (SDC) Fee Schedules with Scaled Charges Based on Home Size

### Description

- 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.
- This policy is in response to the community desire for Canby to take actionable steps to incentivize private and non-profit developer investment in affordable housing. This policy will also address developer's recommendation that more incentives be provided for the development of affordable housing.

### Implementation Steps

- Consider combining this change to the development code with other housing policies.
- Determine the need for consultant assistance for public outreach or technical analysis.
- Identify and convene Advisory Committee to advise and review staff recommendations.
- Adopt updated SDC Methodology through required public process.

### Timeframes

- For Adoption: 2026
- For Implementation: 2027
- For housing Impacts: 2028

### Estimated Magnitude of Impact

- Housing Type Impact: Primary benefit: smaller housing units (e.g., plexes, townhomes, cottage homes, manufactured homes).
- Housing Tenure Impact: Benefits home renters and owners
- Income Demographic Served: Low to upper income households (50%-120%+ MFI)
- Housing Production Impacts: Scaling SDCs will help to incentivize construction of smaller market-rate single family detached dwelling units which should be less expensive than larger dwelling units.
- Demographic Benefits and Burdens
  - Low-income communities: It is unlikely that scaled SDCs on single-family detached housing will provide direct benefit or burden to low-income communities.
  - Communities of color: BIPOC residents of Canby who hope to own a single-family detached home will realize direct benefits from this policy, given that a lower SDC on smaller homes will result in cost savings.
  - People with disabilities: Canby residents with a disability hoping to own a single-family detached home will realize direct benefits from this policy, given that a lower SDC on smaller homes will result in cost savings.
  - Individuals experiencing houselessness: It is unlikely that this policy will result in any positive or negative impacts for Canby's houseless residents.



- Seniors: Older Canby residents hoping to own a single-family detached home will realize direct benefits from this policy, given that a lower SDC on smaller homes will result in cost savings.
- It is unlikely that there will be significant negative impacts to these population from incentives provided to developers of PUDs in Canby.

#### Revenue Impacts:

- No overall revenue impact if scaled SDCs are calibrated to be revenue neutral.

## F. Land Use Permitting Education for Property Owners/ Developers

### Description

- Provide information and FAQs to local developers and property owners to help them understand how to navigate the land use permitting process.
- Consider developing a property owner guidebook to building ADUs which could address resident's desires for more diverse housing types.
- This policy could also address residents' request for more attainably priced rental housing as well as intergenerational housing opportunities.
- This policy is recommended to address developer's suggestion that there is a lack of guidance for development of affordable housing.
- This outreach could also include networking between property owners and smaller scale developers to encourage infill developments.

### Implementation Steps

- Develop outreach materials (e.g. meeting slides, infographics, newsletters, etc.)
- Conduct outreach to the development community, property owners.
- Schedule and conduct meetings/networking events.

### Timeframes

- For Adoption: 2028
- For Implementation: 2029
- For housing Impacts: 2035

### Estimated Magnitude of Impact

- Housing Type Impact: Minor impact across all housing types.
- Housing Tenure Impact: Homeowners may learn more about what is permissible on their land (e.g. duplex, ADUs, etc.) which could lead to the development of more rental units.
- Income Demographic Served: Minor impact across all incomes.
- Housing Production Impacts: Overall increased development of needed housing, especially infill, and smaller scale development types.
- Demographic Benefits and Burdens
  - Low-income communities: In the longer-term, it is possible that property owners will develop more ADUs than they would without educational opportunities which would provide more affordable rental units for low-income residents.<sup>1</sup> In addition to increased housing choice, ADUs developed in areas close to amenities would also provide low-income residents of

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<sup>1</sup> Portland State University Institute for Sustainable Solutions 2018 ADU Survey

Canby better access to services and opportunities. This strategy has the potential to reinforce systemic barriers that have historically locked lower income community members out of property ownership.

- Communities of color: In the short-term this policy could help address a documented shortcoming in outreach to BIPOC community members in Canby. In the longer-term, increased provision of ADUs would create more housing choice for Canby's renters of color. In addition, ADUs developed in areas close to amenities would also provide BIPOC renters in Canby better access to services and opportunities. As with low-income residents, this strategy could reinforce systemic barriers that have historically locked community members of color out of property ownership.
- People with disabilities: In the longer-term, increased provision of ADUs would create more housing choice for Canby's renters with a disability. In addition, ADUs developed in areas close to amenities would also provide Canby's renters with a disability with better access to services and opportunities.
- Individuals experiencing houselessness: In the longer term, it is possible that connections developed through educational events result in subsidized housing which would directly benefit houseless residents of Canby.
- Seniors: In the longer term, increased provision of ADUs would create more housing choice for Canby's seniors. In addition, ADUs developed in areas close to amenities would also provide Canby's older residents with better access to services and opportunities. ADUs are also commonly built to allow older family members to live on the same property as their family while providing the privacy of a stand-alone residence.

#### Revenue Impacts:

- Initial years may require 0.2 FTE of staff time plus advertising and education/outreach materials cost of approximately \$5,000 per year.

## G. Reduce Minimum Lot Size

### Description

- Reduce the minimum lot size for townhomes from 3,000 square feet to between 1,500 and 2,000 square feet for zones that allow townhomes.
- Allowing for more density among the townhome category can address some of Canby’s demand for middle housing types as well as provide more affordable ownership opportunities for Canby residents.
- This policy is recommended based on conversations with housing providers and more accurately reflects modern townhome construction practices.
- This policy directly addresses developer’s concerns around minimum lot width regulations.
- This policy also responds to residents’ desire for more diverse housing types, potential senior housing, and more attainably priced home ownership opportunities.

### Implementation Steps

- Consider combining this change to the development code with other housing policies.
- Determine the need for consultant assistance for public outreach or technical analysis.
- Develop zoning code amendments and adopt them through required public hearings.

### Timeframes

- For Adoption: 2028
- For Implementation: 2030
- For housing Impacts: 2032

### Estimated Magnitude of Impact

- Housing Type Impact: Increase in middle housing.
- Housing Tenure Impact: Increase in “starter home” ownership opportunities.
- Income Demographic Served: Middle to upper income residents (80-120%+ MFI)
- Housing Production Impacts: Increased infill housing production with the potential for greater impact if incentives such as scaled SDCs are adopted in conjunction with this strategy.
- Demographic Benefits and Burdens
  - Low-income communities: This policy would result in lower development costs which could increase rental opportunities for lower income residents of Canby. This increased housing choice would, at least in part, materialize in more amenity-rich areas of Canby which could provide locational benefits for lower income residents as well. As with upzoning land above, this strategy could result in increased housing cost burden for low-income communities in areas where reduced lot sizes are allowed.
  - Communities of color: An indirect benefit is expected given that 55% of BIPOC Canby residents are currently renters in the community and this style of development is likely to increase the housing choice available to renters. This benefit could be twofold given that townhomes can provide home ownership opportunities that may not otherwise be available in Canby, providing BIPOC residents the opportunity to become homeowners. This strategy

does run the risk of displacement of Canby's communities of color in areas where minimum lot sizes are reduced.

- People with disabilities: Adoption of lower minimum lot size requirements would provide increased housing choice and, likely, improved access to services and amenities for Canby's disabled residents. There is a risk in that townhomes developed because of reduced minimum lot size requirements are more likely to be multi-story and are unlikely to be developed with an elevator or other accessibility features. A focus on accessibility in siting and design can help address this risk.
- Individuals experiencing houselessness: Taken alone this policy will not provide a direct benefit to Canby's houseless population. Taken in conjunction with strategy I, reduced minimum lot sizes could provide opportunities for nonprofits to provide housing to residents experiencing homelessness in a more cost-effective manner. As with other potentially vulnerable populations displacement of houseless residents could occur in areas where reduced minimum lot sizes lead to increased development.
- Seniors: To the extent that there is desire to downsize (e.g. move from a larger single-family home to a more centrally located townhome or smaller single family detached home), reduced minimum lot sizes will benefit those residents by increasing housing choice and access to amenities. There is a risk of displacement for Canby's older residents to the extent their homes are included in areas where minimum lot sizes are reduced. Additionally, the multi-story nature of townhomes may pose accessibility issues for seniors experiencing mobility issues.

#### Revenue Impacts:

- Increased intensity of development may result in an increase in infrastructure system efficiencies and return on public investment.
- Increases in residential population may result in an increased need for city services.

## H. Increase Building Heights

### Description

- Increase maximum building height in R-2 zones and for housing in commercial zones.
- This policy reflects the observations made by housing providers that there is strong demand for housing in the downtown area. Developers believe that taller residential buildings would be market supportable.
- This strategy also addresses the need for more middle and high density housing development opportunities observed in the HNA.
- Citizens’ desire for more diverse housing types and affordable home ownership opportunities (in the case of condo development) would also be addressed by this strategy.

### Implementation Steps

- Consider combining this change to the development code with other housing policies.
- Determine the need for consultant assistance for public outreach or technical analysis.
- Develop zoning code amendments and adopt them through required public hearings.
- Height increases will need to be factored with on-site parking requirements, available transit service and state fire codes.

### Timeframes

- For Adoption: 2028
- For Implementation: 2030
- For housing Impacts: 2032

### Estimated Magnitude of Impact

- Housing Type Impact: Increase in high density housing.
- Housing Tenure Impact: Increase in rental units and potentially “starter home” ownership opportunities.
- Income Demographic Served: Low to middle income households (50-120% MFI)
- Housing Production Impacts: Increased housing density in the R-2 and commercial zones resulting in greater infill housing production with the potential for greater impact if incentives such as scaled SDCs are adopted in conjunction with this strategy.
- Demographic Benefits and Burdens
  - Low-income communities: There is expected to be a minor benefit to lower income households by providing more cost effective, higher density market-rate housing. In addition to improved housing choice, increased building heights in the R-2 zone could provide the opportunity for subsidized housing development which will address the needs of extremely low-income households. Existing naturally occurring affordable units in the R-2 zone could be at risk of redevelopment pressure should this policy be implemented, increasing housing cost burden in lower-income residents of Canby.
  - Communities of color: This policy is expected to have a direct benefit to BIPOC communities given that more opportunity for the development of multifamily residential land will likely yield more housing choice for renters (55% of Canby’s BIPOC households live in rental

housing compared with 33% of white households). Additionally, increased building height could result in development of condos or other home ownership opportunities presently less available in Canby which increases housing choice for BIPOC families. As above, this policy could increase housing cost burden for BIPOC residents living in naturally occurring affordable housing situated on R-2 zones as this policy would increase redevelopment pressure.

- People with disabilities: Increased multifamily development will provide Canby's disabled residents with increased housing choice in the form of multifamily units which will include accessibility considerations. These units will also be located in amenity-rich districts with access to needed services. As noted above, to the extent that Canby's disabled residents live in naturally occurring affordable housing in the R-2 zone that housing may face increased development pressure, ultimately increasing housing cost burdens for residents.
- Individuals experiencing houselessness: As stated above, this policy creates an increased opportunity for the development of subsidized housing, which could also include housing intended to meet the needs of Canby's houseless population. Increased development pressure in the R-2 zone may disrupt housing currently occupied by Canby's homeless residents.
- Seniors: To the extent that seniors in Canby desire to downsize (e.g. move from a single-family home to a more centrally located, higher-density home), the opportunity for multifamily will benefit those residents by providing increased housing choice. As observed above, these units will be in amenity-rich districts which will provide easy access to necessary services. Taller multifamily developments are also likely to include federally required accessibility features which will benefit seniors with mobility issues. Canby's seniors accommodated in existing naturally occurring affordable housing in the R-2 zone may lose that housing due to increased development pressure.

#### Revenue Impacts:

- Increased intensity of development may result in an increase in infrastructure system efficiencies and return on public investment.
- Increases in residential population may result in an increased need for city services.

## I. Update Residential Zones

### Description

- Revise the R-1.5 zone to allow mobile home parks as a permitted use. Mobile home parks are required by state statute to be a permitted use which is why this strategy is under consideration.
- Remove single-family detached residential as a permitted use in the R-2 zone.
- This policy is recommended because there is a projected deficit in middle and high density residential land which would be exacerbated by further single-family detached development on higher density R-2 land.
- This policy addresses resident’s desires for more diverse housing types, affordable home ownership opportunities, and attainably priced rental housing.

### Implementation Steps

- Consider combining this change to the development code with other housing policies.
- Determine the need for consultant assistance for public outreach or technical analysis.
- Develop zoning code amendments and adopt them through required public hearings.

### Timeframes

- For Adoption: 2026
- For Implementation: 2027
- For housing Impacts: 2029

### Estimated Magnitude of Impact

- Housing Type Impact: Increase in middle housing, naturally occurring affordable housing.
- Housing Tenure Impact: Increase in rental units as well as naturally occurring affordable ownership opportunities.
- Income Demographic Served: Very low to low income households (30-80% MFI)
- Housing Production Impacts: Maintenance of middle housing and infill housing production opportunities along with increased opportunities for the private development of affordable housing.
- Demographic Benefits and Burdens
  - Low-income communities: This strategy directly benefits low-income residents by providing affordable rental and ownership opportunities in the form of mobile home parks. As in prior land use-focused strategies, there is a risk of displacement of low-income communities in areas where increased development occurs.
  - Communities of color: Mobile home parks and multifamily development types allowed in the R-2 zone increase housing choice for Canby’s BIPOC households. Increased provision of mobile home parks could also provide home ownership opportunities for Canby’s BIPOC households that may not otherwise be available. This strategy does run the risk of displacement of Canby’s communities of color in areas where new development occurs. Potential mitigation strategies that the city can explore include affordable housing requirements and ownership opportunity assistance targeted at residents of color.



- People with disabilities: Preserving the R-2 zone for middle and high density housing will benefit Canby's disabled residents by increasing accessible housing choices. This benefit is twofold in that the R-2 zone in Canby is in amenity-rich areas, providing disabled residents access to necessary services. There is a risk that multifamily developments of under 4 units will not be Federally required to include accessibility features and will thus pose a greater accessibility barrier than other housing types. Potential mitigation strategies that the city can explore include a focus on accessibility in siting and design can help address this risk.
- Individuals experiencing houselessness: This strategy, in conjunction with Strategy L, could empower the City to partner with housing providers to house homeless residents. This could be especially effective in the context of a mobile home park which is owned by a nonprofit. As with other potentially vulnerable populations displacement of houseless residents could occur in areas where more dense developments are allowed absent mitigation strategies.
- Seniors: Both prongs of this strategy could benefit Canby's senior population. Firstly, maintaining R-2 land for more dense housing options provides opportunities to downsize out of larger units. In addition, there are numerous examples of 55+ mobile home parks throughout Oregon which could provide desirable housing for the seniors of Canby. There is a risk of displacement for Canby's older residents to the extent their homes are included in zones impacted by this strategy.

#### Revenue Impacts:

- Increased intensity of development may result in an increase in infrastructure system efficiencies and return on public investment.
- Increases in residential population may result in an increased need for city services.

## J. Update Design Standards

### Description

- Update design standards, to allow for more modern-looking development and reduce dimensional requirements that limit infill development.
- Specifically, street width requirements from the fire department (provided consistent with Oregon State Fire Codes), 20-foot width requirement for townhome developments and impervious street requirements.
- This policy is recommended because several stakeholders identified dimensional requirements as a bottleneck for infill development downtown.
- This policy also addresses resident's desires for more diverse housing types and, potentially, attainably priced rental and home ownership opportunities.

### Implementation Steps

- Consider combining this change to the development code with other housing policies.
- Determine the need for consultant assistance for public outreach or technical analysis.
- Develop zoning code amendments and adopt them through required public hearings.

### Timeframes

- For Adoption: 2029
- For Implementation: 2031
- For housing Impacts: 2033

### Estimated Magnitude of Impact

- Housing Type Impact: Increase in infill development, particularly middle housing types.
- Housing Tenure Impact: Increase in rental units as well as townhome and small lot single family-detached ownership opportunities.
- Income Demographic Served: Low to middle income households (50-120% MFI)
- Housing Production Impacts: Increased infill housing production with the potential for greater impact if incentives such as scaled SDCs are adopted in conjunction with this strategy.
- Demographic Benefits and Burdens
  - Low-income communities: Assuming that changes result in increased middle housing development there will be a benefit to lower income households in the form of increased rental housing choice. This strategy, like others, does run the risk of displacement of low-income communities in areas where increased middle housing development is allowed.
  - Communities of color: To the extent that this strategy leads to increased housing production it will provide improved housing choice for Canby's BIPOC households. This strategy does run the risk of displacement of Canby's communities of color in areas where infill development occurs.
  - People with disabilities: Canby's disabled population could benefit from this strategy in that infill development will increase housing choice and is likely to be near to other services which could increase accessibility. In addition, this process allows for an opportunity to update design standards to include accessibility considerations for future middle housing

development. There is a risk that more dense developments which include more than one story pose a greater accessibility barrier than single-story single family-detached housing.

- Individuals experiencing houselessness: Taken alone this policy will not provide a direct benefit to Canby's houseless population. As with other potentially vulnerable populations displacement of houseless residents could occur in areas where infill development is allowed absent mitigation strategies.
- Seniors: Infill development could provide more opportunities for Canby's senior population to downsize and live in areas with better access to services. There is a risk of displacement for Canby's older residents to the extent their homes are included in areas identified to be upzoned.

#### Revenue Impacts:

- Increased intensity of development may result in an increase in infrastructure system efficiencies and return on public investment.
- Increases in residential population may result in an increased need for city services.

## K. Inventory and Encourage Preservation of Naturally Occurring Affordable Housing

### Description

- Preserve and support development of existing manufactured housing parks because they play a significant role in providing naturally occurring affordable housing.
- Work with owners of manufactured home parks to ensure livable conditions.
- Should the owner be considering selling the park, work with residents to preserve the park through a coop ownership approach or nonprofit ownership.
- Take advantage of Oregon Housing and Community Services (OHCS) Manufactured Dwelling Park Loan program to preserve manufactured home parks up for sale.
- Develop connections with organizations that provide support for manufactured home park preservation including Oregon Housing and Community Services (OHCS), Network for Oregon Affordable Housing, Banner Bank, and CDFIs.
- This policy is recommended based on Canby resident’s desires for affordable home ownership opportunities, attainably priced rental housing, and the desire for the City to take actionable steps to incentivize affordable housing.

### Implementation Steps

- Partner with organizations listed above and the Clackamas County Housing Authority to support preservation efforts.
- Inventory and monitor manufactured home parks in the Canby UGB.
- In zones with pre-existing legal non-conforming mobile home parks, make mobile home parks permitted to use and allow replacements for new manufactured homes. Alternatively, consider a Manufactured Housing Community Preservation zone that is a single-use zone only allowing manufactured housing.

### Timeframes

- For Adoption: 2029
- For Implementation: 2030
- For housing Impacts: 2031

### Estimated Magnitude of Impact

- Housing Type Impact: Increase in naturally occurring affordable housing.
- Housing Tenure Impact: Maintenance of affordable home ownership options.
- Income Demographic Served: Very low to low income households (30-80% MFI)
- Housing Production Impacts: Limited housing production impacts will result from this strategy.
- Demographic Benefits and Burdens
  - Low-income communities: The impact of this strategy on low-income residents will be most pronounced for those living in a mobile home park that is for sale. This strategy will also maintain mobile home parks, providing affordable rental and ownership housing options available for low-income Canby residents. Negative impacts of this strategy on low-income residents are expected to be limited.

- Communities of color: As with low-income communities, this strategy will most benefit Canby's households of color living in a mobile home park that is for sale. The strategy will also provide affordable rental and home ownership options for Canby's BIPOC households. Negative impacts of this strategy on communities of color are expected to be limited.
- People with disabilities: Impacts on Canby's disabled residents are expected to be most pronounced for those living in a mobile home park that is for sale. As with low-income and BIPOC Canby residents, preserving mobile home parks will maintain important housing options for disabled Canby residents. Negative impacts of this strategy on people with disabilities are expected to be limited.
- Individuals experiencing houselessness: Preserving naturally occurring affordable housing could provide attainable housing options for Canby's houseless residents that would like to move into housing. There is not expected to be any negative impact on the houseless residents of Canby.
- Seniors: As with low-income communities, this strategy will chiefly benefit Canby's senior households living in a mobile home park that is for sale. Additionally, maintaining naturally occurring affordable housing will provide additional housing options for Canby's seniors. Negative impacts of this strategy on Canby's seniors are expected to be limited.

#### Revenue Impacts:

- Financial impacts to the City will be limited to staff time spent developing connections with service providers.

## L. Partner with Clackamas County and Seek Public/Private Partnerships

### Description

- Coordinate with existing Clackamas County entities such as the Clackamas County Housing Authority, to address supply of affordable housing and to assist those experiencing homelessness.
- Partner with Clackamas County Health, Housing and Human Services (H3s) Divisions to support housing programs in and around Canby to alleviate housing cost burden and displacement.
- Partner with the Clackamas County Housing and Homelessness Task Force to find ways to secure a clear path to shelter and reduce wait times for those experiencing homelessness.
- Seek opportunities for public private partnerships and possible partnerships with faith-based organizations for housing programs.
- This policy reflects Canby resident's desire for the city to take actionable steps to incentivize affordable housing as well as the construction of attainably priced rental housing.

### Implementation Steps

- Identify agencies, organizations and partners that can help the City address the needs of those at risk of losing their housing or those who can help provide attainably priced rental housing
- Reach out and hold meetings with relevant County staff.

### Timeframes

- For Adoption: 2029
- For Implementation: 2030
- For housing Impacts: 2031

### Estimated Magnitude of Impact

- Housing Type Impact: Potential increase in shelter and transitional housing types.
- Housing Tenure Impact: Potential increase in temporary group quarters housing. Maintaining access to rental and ownership housing for those at risk.
- Income Demographic Served: Extremely low to low-income households (0-80% MFI)
- Housing Production Impacts: Potential for increase in shelter and group quarters housing.
- Demographic Benefits and Burdens
  - Low-income communities: To the extent that resources are provided through a partnership with the County, low-income residents at risk of losing their housing will benefit. Negative impacts of this strategy on low-income residents are expected to be limited.
  - Communities of color: No unique benefit will be provided to Canby's residents of color but those experiencing housing insecurity may benefit. Negative impacts of this strategy on communities of color are expected to be limited.
  - People with disabilities: Impacts on Canby's disabled residents are expected to be limited to those facing housing insecurity. Negative impacts of this strategy on people with disabilities are expected to be limited.
  - Individuals experiencing houselessness: Assuming that this strategy results in increased provision of resources, there will be a direct, substantial benefit for houseless residents of

Canby, particularly housing navigation and financial resources. Negative impacts of this strategy on Canby's houseless population are expected to be limited.

- Seniors: Seniors will not be uniquely benefited by this policy apart from those experiencing housing instability. Negative impacts of this strategy on Canby's senior population is expected to be limited.

#### Revenue Impacts:

- There is not expected to be a measurable revenue impact from this policy.

# V. ACHIEVING FAIR & EQUITABLE HOUSING OUTCOMES

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## Location of Housing

Many of the recommended policies in this HPS would result in an increase in compact, residential development which will have a positive impact on greenhouse gas emissions. Pursuing these strategies will result in higher density development through a mix of regulatory and financial incentives. Policies expected to have a positive impact on location of housing considerations include the following.

- Develop Criteria & Process for Identifying Land to Up-zone
- Allow Cottage Clusters in Residential Zones
- Modify System Development Charge (SDC) Fee Schedules
- Reduce Lot Size
- Increase Building Heights
- Update Design Standards

## Fair Housing and Housing Choice

Many policies recommended in the HPS will result in an increase in the supply of housing at various price-points and locations throughout Canby. While none of these policies explicitly require increased access to federally protected classes it is expected that an increase in supply will indirectly provide increased access to all residents of Canby. It is also expected that the increase of supply will occur throughout the city, providing access to neighborhoods with high-quality community amenities, schooling, employment and business opportunities, and a healthy and safe environment. Policies expected to positively impact fair housing and housing choice considerations include the following.

- Develop Criteria & Process for Identifying Land to Up-zone
- Allow Cottage Clusters in Residential Zones
- Identify Opportunities to Streamline PUDs
- Incentives to Encourage Diverse Housing Development in PUDs
- Modify System Development Charge (SDC) Fee Schedules
- Land Use Permitting Education for Property Owners and Developers
- Reduce Minimum Lot Size
- Increase Building Heights
- Update Residential Zones
- Update Design Standards
- Inventory and Encourage Preservation of Preserving Naturally Occurring Affordable Housing



## Housing Options for Residents Experiencing Homelessness

Many of the policies recommended by the HPS would have peripheral impacts on housing options for residents experiencing homelessness, specifically strategies aimed at increasing the amount and variety of housing available in the City and preserving naturally occurring affordable housing. Strategy L directly calls for building connections to services, shelter, and subsidized housing options for Canby's residents experiencing homelessness. At full implementation of strategy L, these services would be provided locally, allowing residents of Canby who are experiencing homelessness to remain where they are most comfortable.

## Affordable Homeownership and Affordable Rental Housing

Several policies recommended in the HPS would have a direct impact on the provision of affordable housing. More affordable rental units will be realized by increasing higher density zoning and opportunities to develop multifamily housing in commercial zones. Affordable home ownership opportunities, and subsequent opportunities for wealth creation via home ownership, will be more attainable through streamlined PUD processes. Policies aimed at providing incentives for the development of income restricted units as a part of a PUD would be especially helpful in this regard. Examples of policies that will increase affordable rental and ownership housing options include the following.

- Develop Criteria & Process for Identifying Land to Up-zone
- Allow Cottage Clusters in Residential Zones
- Identify Opportunities to Streamline PUDs
- Incentives to Encourage Diverse Housing Development in PUDs
- Modify System Development Charge (SDC) Fee Schedules
- Land Use Permitting Education for Property Owners and Developers
- Reduce Minimum Lot Size
- Increase Building Heights
- Update Residential Zones
- Update Design Standards
- Inventory and Encourage Preservation of Preserving Naturally Occurring Affordable Housing
- Partner with Clackamas County and Seek Public/Private Partnerships

## Gentrification, Displacement, and Housing Stability

Policies throughout the HPS are aimed at improving housing stability and preventing displacement as new development occurs in Canby. In part, this issue is addressed by simply providing a variety of housing types, tenures and price points so that residents can continue to reside in Canby as their needs change. However, to completely address the risks of displacement and housing instability, the City will need to be more proactive than simply providing the opportunity for housing development. Canby will have to incentivize and pursue the development of deed restricted housing, actively maintain naturally occurring affordable housing, and conduct outreach to residents facing housing instability. Policies expected to positively impact fair housing and housing choice considerations include the following.

- Develop Criteria & Process for Identifying Land to Up-zone
- Allow Cottage Clusters
- Update Residential Zones
- Inventory and Encourage Preservation of Preserving Naturally Occurring Affordable Housing
- Partner with Clackamas County and Seek Public/Private Partnerships

## MEASURING STRATEGY IMPLEMENTATION AND PROGRESS

As stipulated in ORS 660-008-0050, a city's first HPS report must include measurements of progress towards housing outcomes made by the city.

Canby will be required to report progress on HPS goals to DLCD every four years from HPS adoption. This report must include the following elements:

- A summary of the actions already taken by the city to implement the Strategies to Meet Future Housing Need adopted in the city's most recent Housing Production Strategy Report. If the city has not implemented Strategies to Meet Future Housing Need on the schedule adopted in their most recent Housing Production Strategy Report, the city must provide an explanation of the circumstances or factors that posed a barrier to implementation and a plan for addressing the identified need that the strategy addressed.
- A reflection of the relative efficacy of implemented Strategies to Meet Future Housing Need adopted in the city's most recent Housing Production Strategy Report. This section of the report will require the city to report progress observed from the strategies adopted through the HPS process.
- A reflection of the actions taken in response to the factors discussed above (e.g. progress towards fair housing or mitigation of displacement).

With the goal of statutory compliance and ease of reporting progress in mind, the following are recommended metrics for the city to monitor annually.

### Affordability Metrics

- Citywide median rent
- Citywide median home value
- Estimated median cost of new housing
- Estimated median rent for new development

### Provision of New Needed Housing

- Tracking the number and type of new units developed in Canby
- To the extent possible, new unit construction by location
- To the extent possible, new units of housing by zone
- Number of new income restricted units with special attention paid to units resulting from incentives provided to PUD developments
- Number of new units in mixed use developments

- New units added in cottage clusters
- New duplex units developed in low density zones

#### Other Considerations

- Average density of development in low, medium, and high density zones
- New housing for homeless residents by type (e.g., shelter, permanent supportive housing, subsidized, etc.)
- Informational meetings held with developers and landowners.
- Results of review of potential barriers to new development
- Results of scaled SDC methodology report
- Acres of upzoned land within the Canby UGB

# APPENDIX A. CONTEXTUALIZED HOUSING NEED

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**To:** Don Hardy and Jamie Stickel, City of Canby

**Date:** December 29, 2022

**From:** Todd Chase & Tim Wood; FCS GROUP

**CC:** Steve Faust, 3J Consulting

**RE:** Canby Contextualized Housing Need

## INTRODUCTION

This Memorandum provides a contextualized look at housing needs for the Canby Urban Growth Boundary (UGB). This is a required element of the larger Housing Production Strategy effort to properly address housing needs in the UGB over the next 20 years. This effort will build on the parallel effort being undertaken to update the Canby Housing Needs Analysis (HNA), providing a more granular look at projected housing needs.

Information provided in this memorandum will help decision makers better understand the strategies recommended in the Housing Production Strategy (HPS) document.

## METHODOLOGY

As provided in OAR 660-008-0050, HPS reports must include analysis of the housing needs through several lenses, including:

- Income
- Race and ethnicity
- People experiencing homelessness
- People with disabilities
- Older Residents

In order to provide this context, data was collected from the following sources:

- Clackamas County
- City of Canby
- Portland State University Population Research Center
- U.S. Decennial and American Community Survey (ACS)
- U.S. Department of Housing and Urban Development (HUD)

Where trends or long-range projections are provided by an identified data source, FCS GROUP has included extrapolations or interpolations of the data to arrive at a base year (2023 estimate) and forecast year (2043 projection).

## PAST ACTIONS BY THE CITY TO MEET HOUSING NEEDS

The City of Canby has been focused on addressing local housing needs for many years. Recent accomplishments include:

- The City has a limited provision in the Zoning Code (Chapter 16.82) 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 City's R-2 (High Density) Residential Zone has been amended to require a minimum density of 14 du/ac, preventing lower density development.

In addition to these actions, the City has drafted a current Housing Needs Analysis. Community outreach was conducted to review "best practices" used by cities to foster housing development. The City is now focused on evaluating the following "short listed" policy actions as part of the Housing Production Strategy Process:

- Revise development code to allow duplexes
- Reduce minimum lot sizes in single family zones (with design guidelines)
- Identify high-priority infrastructure projects to leverage buildable residential land
- Provide density bonuses for affordable housing
- Monitor residential land supply & housing inventory
- Develop partnerships with nonprofits
- Housing-focused community outreach
- Conduct development barriers audit

## HOUSING POLICY BACKGROUND

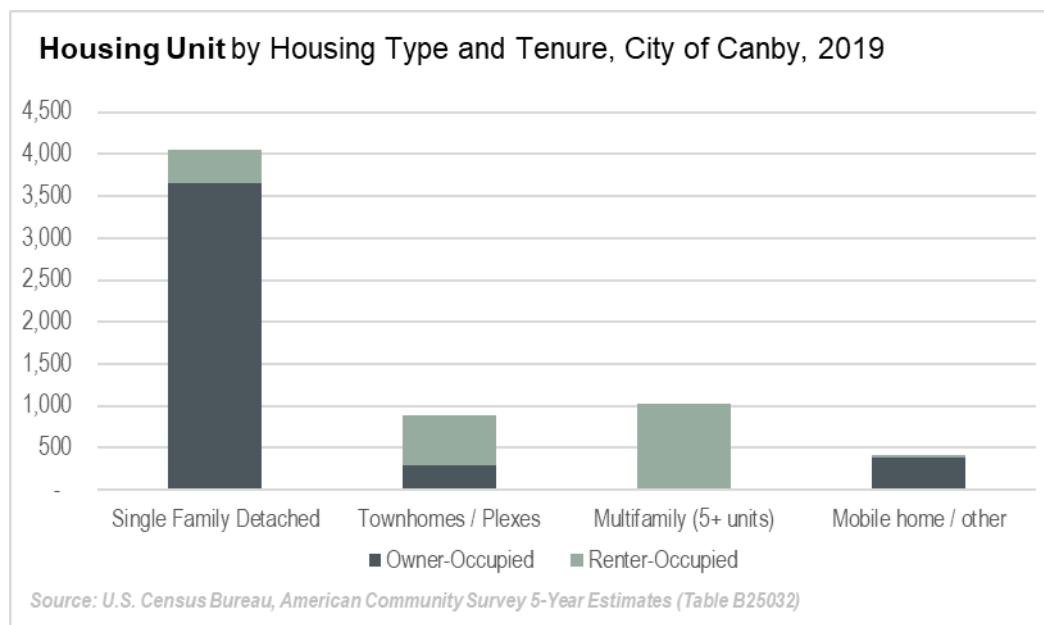
This section provides additional context for the code and zoning amendments that will be evaluated.

### Canby Housing Needs Analysis Update

Findings of the HNA include the following:

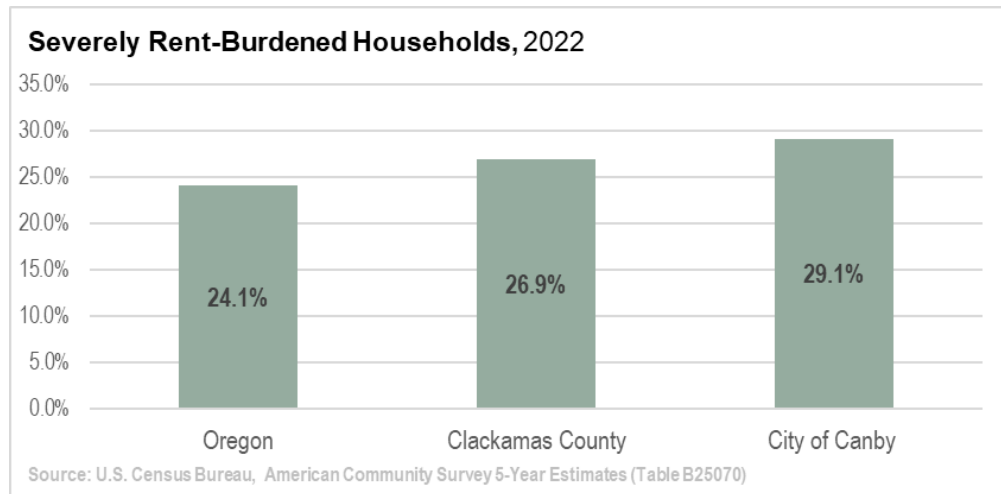
- **Population in Canby is forecasted to increase faster than the statewide average.** Based on Portland State University Population Research Center (PRC) data, population in the Canby UGB is projected to increase by 5,931 persons over the next 20 years, this equates to an 1.3% annual rate of growth.
- **The vast majority (68% of occupied dwellings) in Canby are owner-occupied.** Most of those owner-occupied units are single-family detached units. Renters are much more likely to live in multifamily and townhome/plex units.

**Exhibit 1: Existing Housing by Type and Tenancy, Canby**



- **Vacancy rates are very low.** Only 3% of housing units in Canby were vacant in 2020, which is lower than the countywide average (6%) as well as the statewide average (8%). Canby housing vacancy rates are reported to be even lower today as housing demand continues to outpace production of new housing.
- **Housing Demand prospects are very strong in Canby.** The HNA forecasts a need for 2,236 units (1,502 new ownership units and 733 new rental units) to keep pace with population growth. The forecasted housing needs analysis concluded that:
  - Approximately 62% of the new units were projected to be single-family (detached and attached) homes.
  - 7% are projected to be manufactured homes in parks.
  - Duplex through four-plex units were projected to represent 15% of the total need.
  - Multifamily units are expected to make up 16% of projected future need.
  - Of ownership units, 84% were projected to be single-family homes, 7% will be absorbed by townhomes and plexes, another 7% of demand will be met by manufactured homes, and 2% will be in multifamily developments.
  - There is a greater mix of demand among rental units, with 49% expected in multifamily developments, 30% in townhomes and plexes, 19% in single-family detached units, and 2% in manufactured homes.
- **There is a current supply shortage for rentals in Canby.** According to the US Census American Community Survey (ACS) 2020 5-year estimates renters in Canby experience a high-cost burden (over 29% of renter households spend more than 50% on rent) largely because of a lack of affordable rental units, especially among households at the lower to middle end of the rent range.

Exhibit 2: Rent Burden



## HOUSING DEMAND: KEY DEMOGRAPHICS

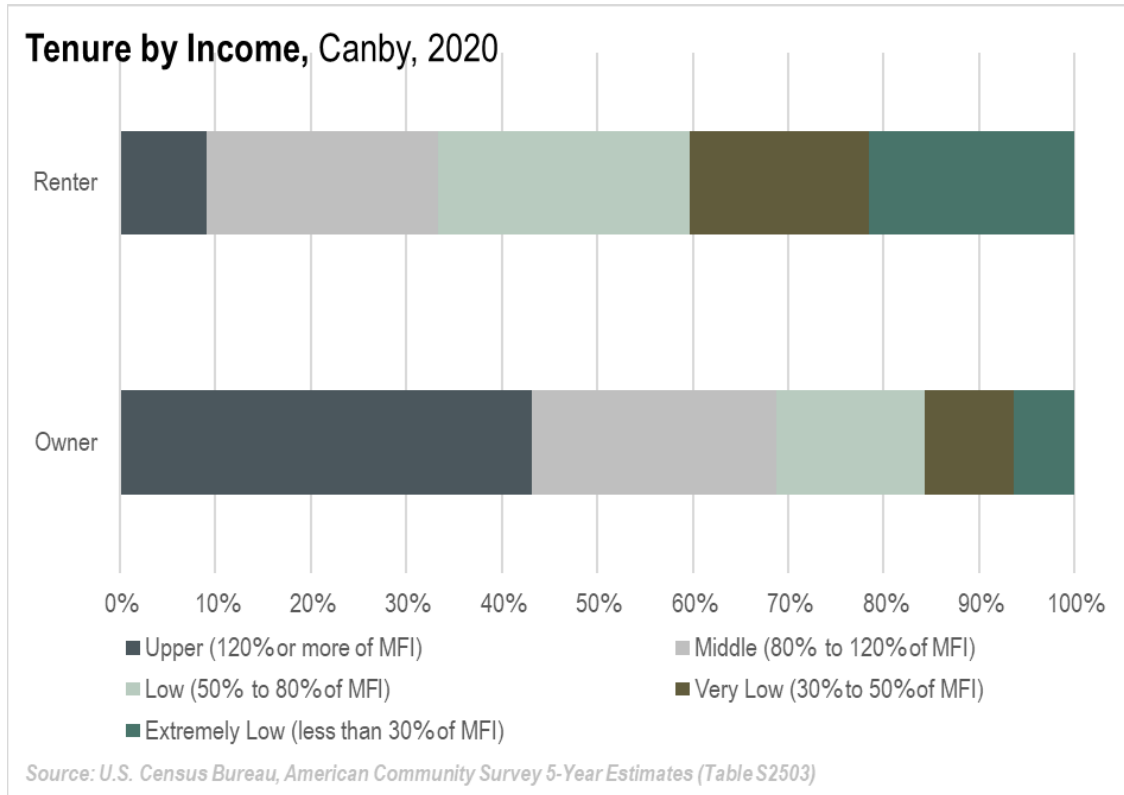
Building on the HNA housing needs forecast for the Canby UGB, this section highlights key demographics within Canby.

### Renters

#### Why are renters a key demographic?

- Renters are much more vulnerable to housing insecurity because they do not own their residences; and are subject to issues beyond their control such as rent increases, and evictions.
- As detailed later in this section, residents of color in Canby are more likely to be renters (56%) than white residents (33%).
- Increasingly, renters make up the backbone of the workforce as home ownership becomes less attainable to those earning under 120% of the median family income (**Exhibit 3**).

**Exhibit 3: Tenure by Income**

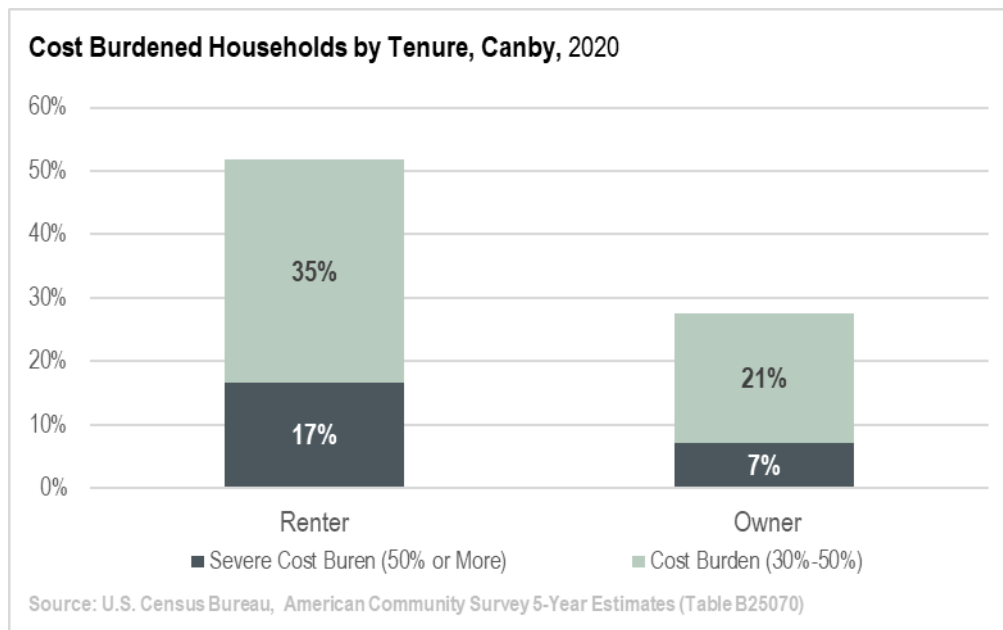


**Renter Housing Cost Burden Considerations**

- Renter-occupied households are much more likely to spend more than 30% of household income for housing. As such, the share of renters that are housing cost burdened is more than twice that for homeowners, as shown in **Exhibit 4**.



**Exhibit 4: Cost Burdened Households by Tenure**



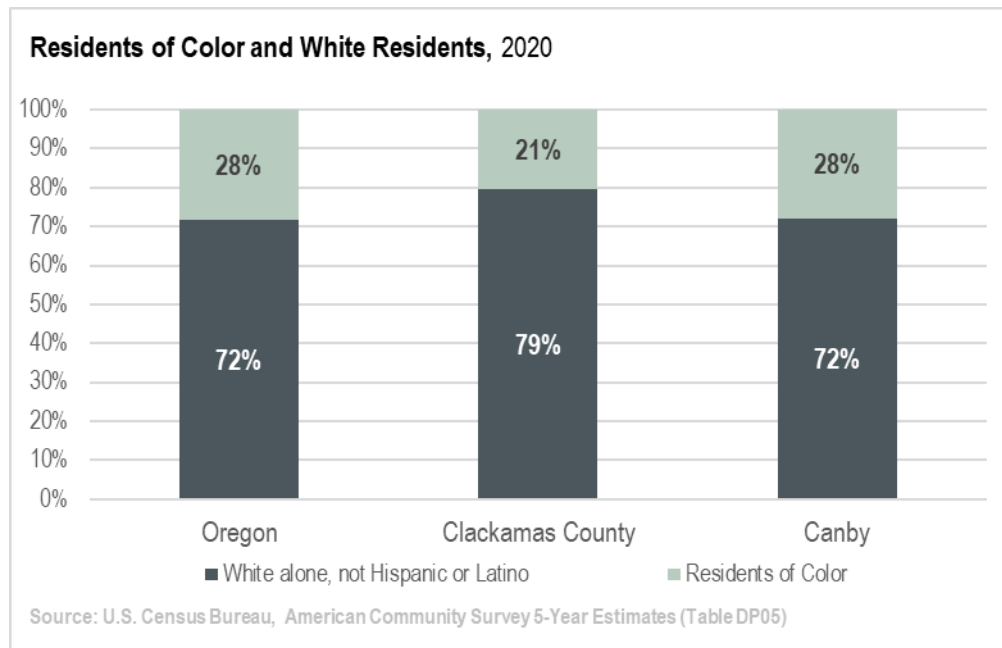
- The Canby HNA identifies the need for approximately 733 additional rental dwelling units, with approximately 49% of future renters residing within multifamily developments, 30% in townhomes and plexes, 19% in single-family detached units, and 2% in manufactured homes. This allocation of demand takes into account recent demand findings and input received during developer stakeholder interviews as part of the HNA planning process.
- Policies that are being evaluated to accommodate needed housing for renter households include providing new “incentives” for the development of multifamily and attached housing types, which will result in increased housing options and improved overall quality of rental products offered in Canby.

## People of Color

### Why are people of color a key demographic?

- For the purposes of this report, people of color (POC) include residents that fall into any of the following Census-defined categories of racial identify:
  - Black or African American
  - American Indian and Alaska Native
  - Asian
  - Native Hawaiian and Other Pacific Islander
  - Some other race
  - Two or more races
  - Hispanic or Latino (of any race)
- According to U.S. Census data, 28% of Canby’s population is represented by residents of color which is the same as the statewide average but higher than the Clackamas County average (**Exhibit 5**). Most residents of color in Canby are identified as Hispanic or Latino (17% of the total population).

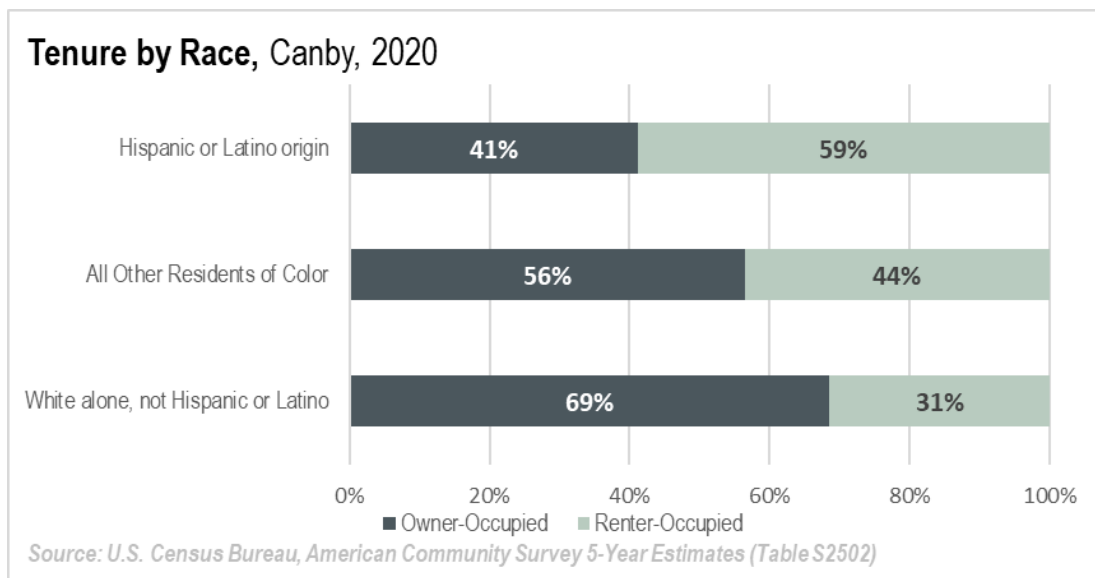
**Exhibit 5: Residents of Color and White Residents**



**Housing Considerations for People of Color**

- According to U.S. Census data, residents of color in Canby are more likely to live in renter-occupied housing (**Exhibit 6**). That is especially true among Hispanic or Latino households, 59% of which live in rental housing.

**Exhibit 6: Tenure by Race**



- As discussed earlier, renter households are nearly twice as likely to experience housing cost burden which suggests that Canby’s residents of color experience a significant share of the housing cost burdens in the city.

- Based on discussions with community members, Hispanic or Latino households in Canby are largely forced to have a higher average occupancy and tend to be more intergenerational in nature on account of the lack of affordable housing available in the community.
- Policies pursued by the city to accommodate needed housing for households of color should incentivize a greater diversity of housing types and affordability. In addition, the city could pursue policies to eliminate housing discrimination.

## Homeless Residents

### Why are homeless residents a key demographic?

- In a for-profit housing environment, homeless residents are unlikely to be provided housing, which requires non-profits and governments to step in to fill the gap. This is exacerbated by a hot housing market like the tri-county area where rent and housing costs are rising rapidly.
- The latest estimate of homelessness in Clackamas County, the January 2023 point in time homeless count, reported 410 individuals experiencing homelessness. 178 of those individuals were unsheltered while 182 were in a shelter and 50 were in transitional housing. It should be noted that point-in-time figures are generally considered to be undercounts.
- Within the Canby School District 89 in FY 2021-22, there were approximately 125 students in grades K-12 that were experiencing housing hardships. According to McKinney-Vento estimates this includes children in shelters (1-5), unsheltered (22), motel/hotel residents (6), doubled-up residents (78) and unaccompanied youths (19).
- 2021-22 McKinney-Vento Act data from the U.S. Department of Education suggests that 453 students in Canby School District are experiencing poverty while 110 are currently experiencing homelessness.

### Housing Considerations for Homeless Residents

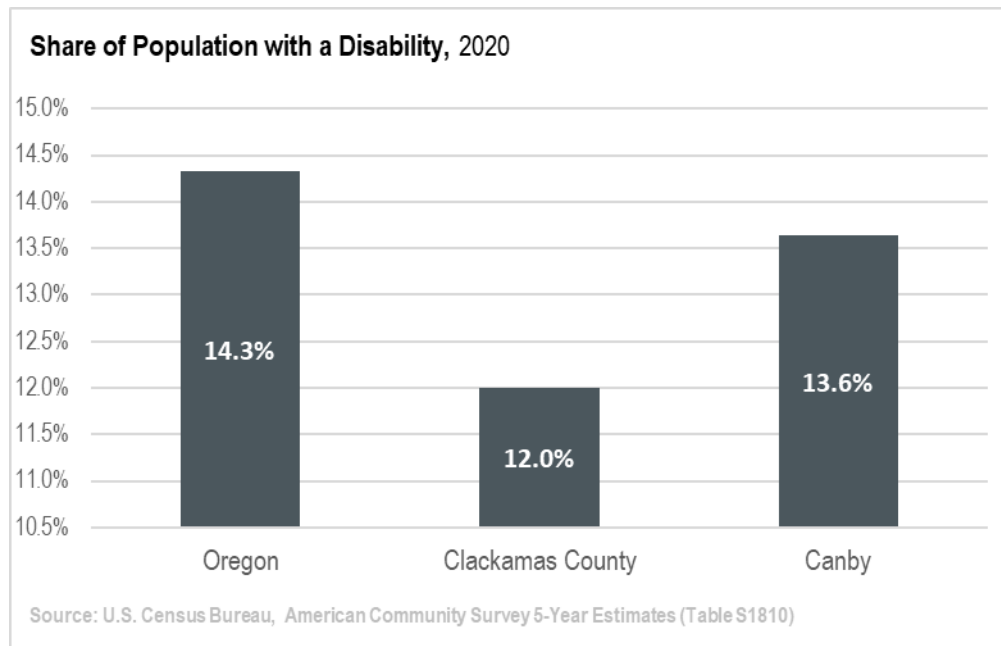
- Housing for homeless residents will include traditional housing units such as subsidized apartment or single-family detached housing units in addition to shelter options ranging from permanent supportive housing (housing which also includes health care and supportive services provided on-site) to emergency shelters providing short-term housing support.

## Disabled Residents

### Why are disabled residents a key demographic?

- Housing for disabled residents requires more specialization, from accessibility for those with ambulatory difficulty to the requirement for in-home care.
- Accommodations for the disabled are more expensive which means that for-profit developers are unlikely to voluntarily develop housing built to suit their needs.
- According to data from the U.S. Census Bureau, 13.6% of the population in Canby (2,423 residents) are disabled. That share is lower than the statewide average and higher than the Clackamas County average (**Exhibit 7**).

Exhibit 7: Share of Population with a Disability



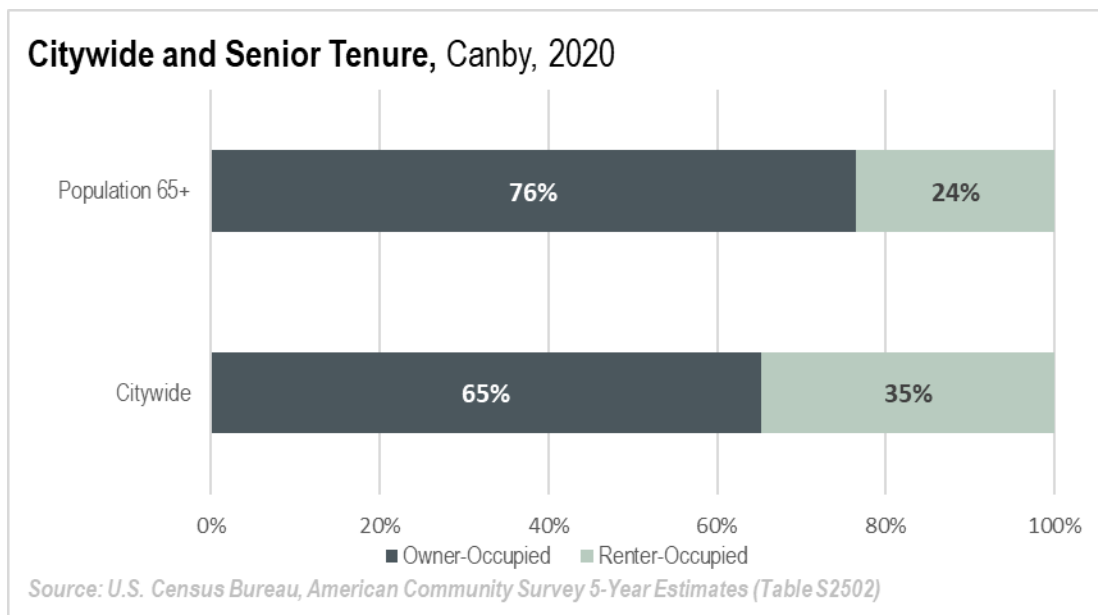
- Disabled residents of Clackamas County are much more likely to be out of the labor force than residents without a disability (71% compared with 29%) making disabled residents far more likely to face housing insecurity due to cost burden.
- Median earnings for Clackamas County residents with a disability were also lower than those without a disability (\$29,479 compared with \$40,571)
- While housing cost burden data was not available for residents with a disability, lower incomes and lower labor force participation suggest that housing costs are a more significant burden to disabled residents.

## Seniors

### Why are seniors a key demographic?

- 18% of Canby residents 65 and over struggle with ambulatory difficulty which means that their housing needs will include enhanced accessibility features.
- Many seniors consider “downsizing” as they age, opting for a smaller and more centrally located dwelling.
- Seniors often rely on a fixed income which leaves them vulnerable to housing cost fluctuations.
- Seniors in Canby are more likely to own their homes (**Exhibit 8**).

Exhibit 8: Citywide and Senior Tenure



### Housing Considerations for Seniors Residents

- “Downsizing” seniors often prefer locations adjacent to services such as downtown mixed-use developments.

## OBSERVATIONS ON THE DEVELOPMENT OF NEEDED HOUSING

As detailed throughout the Canby HNA process, current observations regarding the development of needed housing have been identified during the community outreach process. They are as follows:

### Regulatory Observations

- **There is a perceived lack of incentives and guidance for development of affordable housing**  
Incentives are needed for developers to produce smaller homes and/or income-restricted rental housing.
- **Overarching regulatory requirements create a barrier** – Items such as future roadway right-of-way and design standards, SDC fees, and minimum lot width regulations were cited as issues that increase developments costs in Canby.
- **Existing Zoning Code, specifically Zone R-2, offers helpful flexibility** – The R-2 Zone is considered more marketable since it has fewer restrictions than R-1 in terms of lot size and locational variability.
- **Additional housing is desired in the Downtown area**– Positive feedback was received over the design and density of the Dahlia Building. Downtown redevelopment is desired to address a mix of demand for senior housing and market rate rental housing.

## Market Observations

- **More diverse housing types are desired** – There is support for a mix of single family detached, townhomes and multifamily apartments and condos. Additionally, new housing should incorporate minimal maintenance, accessibility, and pedestrian connectivity.
- **Intergenerational housing, home equity, and senior housing are at the forefront of Canby residents' desires** – Many who live in Canby would like housing that appeals to all age groups, from young residents (renters and first-time homebuyers), as well as middle-aged households (detached for sale housing) and seniors who require affordable senior housing options.
- **There is significant market demand for attainably-priced rental housing**– There is a very limited existing supply of rental housing in Canby. This has resulted in many renters paying 40%+ of their income on housing. Hence, local service workers with \$40,000 in annual income struggle to make rents in the \$1,200 to \$1,400 range, and most rents are closer to \$1,600 per month.
- **The City should take actionable steps to incentivize private and non-profit developer investment in affordable housing** – Ideally through the purchase of land for public/private developments, development code revisions (such as bonus densities for provision of affordable housing), and SDCs that are scaled based on home size.

# APPENDIX B. DRAFT STRATEGIES AND ACTIONS

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## Memorandum

**To:** Don Hardy, City of Canby  
**From:** Todd Chase and Tim Wood; FCS GROUP  
**CC:** Steve Faust; 3J Consulting  
**Date:** October 20, 2022 (Revised)  
**RE** Draft Canby Housing Needs and Production Strategy Considerations

The City of Canby is in the process of updating its Housing Needs Analysis (HNA) that identifies the long-range land needs for accommodating 20-years of population growth. In addition to adopting the HNA in 2023, the City will be preparing a **Housing Production Strategy** once the HNA is completed.

**This Memorandum is intended to set the stage for a community discussion of near-term land use and development policies that the City should consider for guide future development.**

## Community Input

As part of the HNA process, the consultant team conducted interviews with a cross-section of local “stakeholders” including developers, residents, and representatives from non-profits. This input was mainly focused on discussion of regulatory and market barriers, buildable land inventory, and housing affordability. Input from these interviews will be combined with broad-based community wide survey input to understand key issues that the City should address through new policies and techniques to foster desired housing creation.

**A summary of public input that has been received to date includes:**

## Regulatory Observations

- **There is a lack of incentives and guidance for development of affordable housing** – Incentives are needed for developers to produce smaller homes and/or income-restricted rental housing.
- **Overarching regulatory requirements create a barrier** – Items such as future roadway right-of-way and design standards, SDC fees, and minimum lot width regulations were cited as issues that increase developments costs in Canby.
- **Existing Zoning Code, specifically Zone R-2, offers helpful flexibility** – The R-2 Zone is considered more marketable since it has fewer restrictions than R-1 in terms of lot size and locational variability.

- **Additional housing is desired in the Downtown area**– Positive feedback was received over the design and density of the Dahlia Building. Downtown redevelopment is desired to address a mix of demand for senior housing and market rate rental housing.
- **Canby has recently adopted new regulations to abide by HB 2001.** Housing unit growth estimates have been adjusted for allowance for middle housing development due to HB 2001 requirement. The Canby HNA analysis assumes that 3% of the future housing need for townhomes, plexes & cottage homes is addressed through recently approved Canby regulations that allow middle housing in low density zones. This assumption results in 14 additional middle housing dwelling units on land that is classified by the Canby Buildable Land Inventory (2022) as “developed” within the Canby UGB.

## Market Observations

- **More diverse housing types are desired** – There is support for a mix of single family detached, townhomes and multifamily apartments and condos. Additionally, new housing should incorporate minimal maintenance, accessibility, and pedestrian connectivity.
- **Intergenerational housing, home equity, and senior housing are at the forefront of Canby residents’ desires** – Many who live in Canby would like housing that appeals to all age groups, from young residents (renters and first-time homebuyers), as well as middle-aged households (detached for sale housing) and seniors who require affordable senior housing options.
- **There is significant market demand for attainably-priced rental housing**– There is a very limited existing supply of rental housing in Canby. This has resulted in many renters paying 40%+ of their income on housing. Hence, local service workers with \$40,000 in annual income struggle to make rents in the \$1,200 to \$1,400 range, and most rents are closer to \$1,600 per month.
- **The City should take actionable steps to incentivize private and non-profit developer investment in affordable housing** – Ideally through the purchase of land for public/private developments, development code revisions (such as bonus densities for provision of affordable housing), and SDCs that are scaled based on home size.

## Housing Needs Analysis Findings

Key findings contained in the draft 2022 Canby Housing Needs Analysis include:

- Over the next 20 years, the Canby UGB is projected to require 2,286 net new housing units to keep pace with population growth. The projected housing demand mix that will require vacant or part-vacant land includes 1,416 single-family detached units, 317 townhomes/plexes (with 2 to 4 units per structure), 375 multifamily units (with 5 or more units per structure) and 158 manufactured homes or cottages.
- After accounting for additional middle housing infill that is allowed due to HB 2001 and related local code changes (as mentioned above), the adjusted housing demand assumes 21 middle housing units (duplexes with 2-4 units per structure) as infill and redevelopment over 20 years.
- This housing forecast takes into account demographic shifts such as the changing needs of an aging population, as well as affordability issues observed in Canby.
- Based on current zoning and remaining buildable land area within the existing UGB, the HNA findings indicate that there is a residential land need of 530 gross buildable acres in the Canby



UGB. The current land shortfall is particularly acute within lower density residential zones (152 acres) as well as the higher-density zones which has a projected shortfall of 49 acres.

- Before considering a UGB expansion, the City will need to consider and adopt policy measures that increase the capacity of remaining vacant buildable land within the current UGB boundary.

**Exhibit 1: Canby Land Needs**

Projected 20-year Land Need for Housing, City of Canby UGB: Safe Harbor Scenario									
Dwelling Unit Type	Adjusted 20-Year Housing Need <sup>1</sup>	Applicable Plan Designation	Applicable Local Zones	Allowable Density (gross DU per Ac)	Avg. Development Density (net DU per Ac)	Net Buildable Land Requirement (net acres) <sup>4</sup>	Gross Buildable Land Need (acres) <sup>5</sup>	%	
Single Family Detached	1,416	LDR	R-1, RRF-5	3 to 6.2	4.0	354	443	63%	
Mfd. Homes & Cottages	158		<sup>3</sup>	3 to 10	9.0	18	22	7%	
Townhomes / Plexes	317	MDR	R-1.5	6 to 12	10.0	32	40	14%	
Multifamily (5+ units) <sup>2</sup>	375	HDR, RC	R-2, DC	14 to 36	18.0	21	26	17%	
<b>Total</b>	<b>2,266</b>					<b>424</b>	<b>530</b>	<b>100%</b>	

Source: derived from Canby Housing Needs Forecast Memorandum; and interpretation of current zoning code and housing development/market conditions.

<sup>1</sup> Analysis assumes HB 2001 safe harbor assumption that 3% of middle housing demand (cottages, townhomes and plexes) is addressed through infill and redevelopment in existing developed (R-1) zones.

<sup>2</sup> Category also includes group quarters housing demand @1.5 persons per dwelling unit.

<sup>3</sup> Manufactured housing is allowed in all residential zones.

<sup>4</sup> Land inventory assumes that all developments in the planning pipeline will have building permits issued prior to adoption.

<sup>5</sup> Assumes 25% of site area required for future public facilities, roads, easements, etc.

Projected 20-year Land Sufficiency for Housing, Canby UGB: Safe Harbor Scenario				
Dwelling Unit Type	Applicable Plan Designation	Gross Buildable Land Requirement (gross acres)	Buildable Land Inventory (gross acres) <sup>3</sup>	Net Buildable Land Surplus or Deficit (acres)
Single Family Detached	LDR	443	312	(152)
Mfd. Homes & Cottages	<sup>1</sup>	22	-	(16)
Townhomes/Plexes (2-4 units)	MDR	40	7	(33)
Multifamily (5+ units) <sup>2</sup>	HDR, RC	26	10	(16)
<b>Total</b>		<b>530</b>	<b>329</b>	<b>(201)</b>

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

<sup>1</sup> Manufactured housing is allowed in all residential zones.

<sup>2</sup> Category also includes group quarters housing demand.

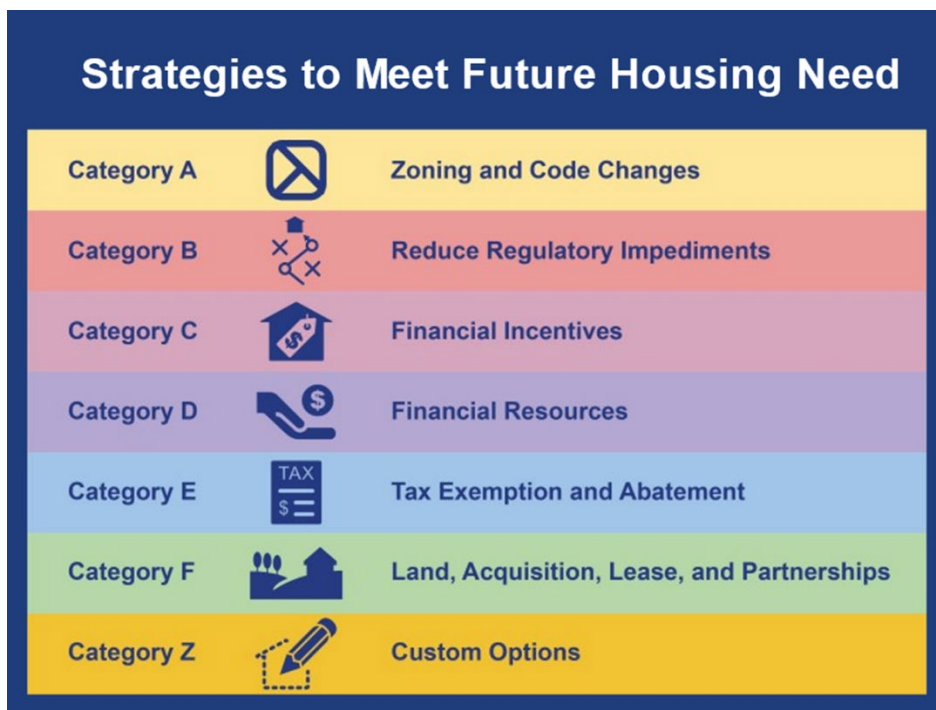
<sup>3</sup> Land inventory assumes that all developments in the planning pipeline will have building permits issued prior to adoption.

## Policy Strategies to Increase Housing types within the existing UGB

To help increase the overall housing supply within the Canby UGB and to address the capacity shortfall for higher-density housing, the consultant team has identified a list of potential strategies or actions the City might consider.

Generally, the policy strategies can be separated into seven categories:

- A. Zoning and Code Changes
- B. Reduce Regulatory Impediments
- C. Financial Incentives
- D. Financial Resources
- E. Tax Exemption and Abatement
- F. Land Acquisition, Lease, and Partnerships
- Z. Custom Options



**Exhibit 2** identifies and describes various housing policy strategies that have been utilized in cities throughout Oregon. **Preliminary consultant/staff recommendations are identified with an asterisk.** It is recommended that the Canby HNA and HPS planning efforts continue to obtain community input as the City evaluates which of these policies it should implement.

*Policy actions that have generally been implemented by the City or identified by the Canby Housing Advisory Committee for additional consideration are denoted with an \* asterisk.*

**Exhibit 2: Canby Housing Policy Considerations**

Action Number	Description	Category	Notes & Sources
<b>A-1: Develop Criteria &amp; Process for Identifying Land to Up-zone*</b>	Develop criteria and a process for identifying land to up-zone (or rezone) to meet the deficit of land for multifamily development. The criteria may include considerations of location, transportation access, access to and capacity of infrastructure, site size, development constraints, and other relevant criteria.	Category A: Zoning and Code Changes	
<b>A-2: Revise Development Code to Allow Duplexes*</b>	Revise Development Code to allow duplexes where single-family dwellings are allowed	Category A: Zoning and Code Changes	HB 2001 requirement for cities with population between 10,000 and 25,000
<b>A-3: Allow Cottage Clusters*</b>	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-5, RM-10, and RM-20 zones.	Category A: Zoning and Code Changes	City of the Dalles Housing Strategy Report, April 2017
<b>A-4 Allow Tri/Quad Plexes in Single Family Zones</b>	Allow triplexes and quadplexes in single-family zones, possibly using a form-based code approach to regulate the development of these units.	Category A: Zoning and Code Changes	HB 2001 requirement for cities with population greater than 25,000
<b>A-5: Develop a Form-Based Code</b>	Adopt a form-based code approach to regulate the development of small apartments, cottages, tiny houses, and desired multifamily housing types in more zones.	Category A: Zoning and Code Changes	Downtown Bend

Action Number	Description	Category	Notes & Sources
<b>A-6: Allow Courtyard Apartments (all zones)</b>	Allow courtyard apartments in single family and/or medium density zones.	Category A: Zoning and Code Changes	
<b>A-7: Multifamily Residential Buildings in Downtown*</b>	Create development standards that allow development of multifamily residential buildings in downtown. These buildings could be exclusively residential, or they may include a small amount of commercial space.	Category A: Zoning and Code Changes	
<b>A-8: Expand Mixed-Use Zoning*</b>	Identify opportunities to rezone commercial land to commercial mixed-use to support multifamily housing development, if the City has more commercial land than needed to accommodate growth over the next 20-years.	Category A: Zoning and Code Changes	City of Forest Grove
<b>A-9: Limit Single Family Detached Development in Higher-Density Zones</b>	Limit amount of single family detached homes in medium and high density zones. Limitation can be established as a percentage of the total land area or in total dwelling units.	Category A: Zoning and Code Changes	Morrow County HNA, 2017
<b>A-10: Create a Minimum Density Standard</b>	Create a minimum density standard in all residential zones. Example: minimum density standard of at least 70% of maximum density permitted in any residential zone.	Category A: Zoning and Code Changes	Morrow County HNA, 2017
<b>A-11: Limits on Short Term Rentals (STRs)</b>	Require permits for STRs, and consider enforcing a minimum length of stay for at least 30 days.	Category A: Zoning and Code Changes	City of Newport, City of Dundee
<b>A-12: Designs to Promote Aging in Place</b>	Ensure that design standards allow for developments appropriate for seniors to live in. Examples include properties without yards or single story developments.	Category A: Zoning and Code Changes	

Action Number	Description	Category	Notes & Sources
<b>B-1: Reduce Minimum Lot Size (all zones)</b>	Amend lot characteristic standards, such as setback requirements, lot size averaging, etc. to remove barriers to the development of a wider range of housing.	Category B: Reduce Regulatory Impediments	
<b>B-2: Reduce Minimum Lot Sizes in Single Family Zones*</b>	Evaluate reducing the minimum lot size in the Single-Family Residential zones.	Category B: Reduce Regulatory Impediments	
<b>B-3: ADU Development Standards</b>	Evaluate changing development standards for accessory dwelling units, including changing the size limit from 40% to 60% of the primary structure, but retaining the 800 square foot maximum size limit.	Category B: Reduce Regulatory Impediments	City of the Dalles Housing Strategy Report (2017)
<b>B-4: Identify Opportunities to Streamline PUDs*</b>	Identify opportunities to streamline the process and standards for designing and approving planned developments	Category B: Reduce Regulatory Impediments	Local Housing Solutions
<b>B-5: Transferable Development Density on a Parcel with Constraints</b>	Allow housing clusters on a parcel with constraints that prohibit or limit development, such as floodplains or wetlands. This would allow the transfer of density to unconstrained portion of the parcel to be developed at a higher density than the underlying zone, leaving the constrained portion of the parcel undeveloped.	Category B: Reduce Regulatory Impediments	
<b>B-6: Remove Maximum Density Standards</b>	Evaluate removing maximum density standards and allowing building height limitation, lot coverage standard, and parking requirement to limit density.	Category B: Reduce Regulatory Impediments	
<b>B-7: Lower Off-street Parking Requirements*</b>	Evaluate reductions to off-street parking requirements for multifamily housing, including housing serving seniors and other populations that may have lower car ownership.	Category B: Reduce Regulatory Impediments	City of Tigard, Statewide Climate Friendly Community requirements

Action Number	Description	Category	Notes & Sources
<b>B-8: Allow Single-Room Occupancies</b>	Allow single-room occupancies (SROs) for the development or conversion of structures with multiple bedrooms and shared common spaces (i.e., shared kitchens and bathrooms), with the intention of allowing more than six unrelated persons to live in the same unit.	Category B: Reduce Regulatory Impediments	
<b>B-9: Allow Live/Work Housing</b>	Evaluate developing a policy and development standards to allow live/work housing (buildings that include both housing and areas for work) in limited circumstances in commercial and light industrial areas.	Category B: Reduce Regulatory Impediments	
<b>B-10: Streamline Infrastructure Funding Process</b>	Evaluate land use processing & infrastructure funding requirements. Land use permit process streamlining would cut down on developer time and cost. Clarity should be provided on infrastructure cost reimbursement. These would be incentives for developers to more quickly get through the land use review process with assurance of reimbursement for off-site public improvements with broader public benefit.	Category B: Reduce Regulatory Impediments	
<b>B-11: Provide Pre-Approved Middle Housing Designs</b>	Providing a pre-approved set of plans for middle housing typologies (ex. Cottage clusters, townhomes, and ADUs). The plans would be highly efficient, designed for constrained lots and low-cost solutions, and would allow for streamlined permitting.	Category B: Reduce Regulatory Impediments	
<b>C-1: Incentives to Encourage Developers to Build PUDs*</b>	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 TIF for funding off-site infrastructure, bonus density allowances, SDC discounts, etc.	Category C: Financial Incentives	

Action Number	Description	Category	Notes & Sources
<b>C-2: Identify High-Priority Infrastructure Projects*</b>	Identify areas of high priority for improving infrastructure to support new residential development, focusing on opportunities for new development in higher density zones.	Category C: Financial Incentives	
<b>C-3: Provide Density Bonuses for Affordable Housing*</b>	Density bonuses for development of deed-restricted affordable housing.	Category C: Financial Incentives	
<b>C-4: Modify SDC Fee Schedules*</b>	Create SDC fee schedule that is tied to dwelling unit size. Consider per square foot fees rather than per dwelling.	Category C: Financial Incentives	City of Newport
<b>D-1: Ensure CIP Includes Funding Sources</b>	Ensure that the City's Capital Improvement Plan includes funding for infrastructure improvements and maintenance necessary to support residential development.	Category D: Financial Resources	
<b>D-2: General Obligation Bonds for Affordable Housing Development</b>	Following the passage of Measure 102 Oregon local governments, including cities and counties, can now issue voter approved general obligation bonds to provide direct funding for construction and other capital costs associated with the development and construction of affordable housing.	Category D: Financial Resources	City of Portland
<b>D-3: Create an Affordable Housing Fund</b>	Create affordable housing fund, by considering a construction excise tax/dedication of city bed tax.	Category D: Financial Resources	City of Newport, Hood River, Bend
<b>D-4: Tax Increment Financing (TIF) Set Aside</b>	Create a TIF set-aside for affordable housing development programs within designated Urban Renewal Areas (URAs). Target could be to begin setting aside funds for affordable housing projects as a medium-term action,	Category D: Financial Resources	City of Portland

Action Number	Description	Category	Notes & Sources
<b>E-1: Property Tax Exemptions</b>	Property tax options. Provide limited property tax exemption for low-income housing developments and single unit housing in distressed areas.	Category E: Tax Exemption and Abatement	
<b>E-2: Multifamily Tax Exemptions</b>	Provide limited multifamily tax exemptions to incentivize the development of higher density housing	Category E: Tax Exemption and Abatement	
<b>E-3: Multiple Unit Property Tax Exemption (MUPTe)</b>	This strategy can be used to incentivize production of multifamily housing with particular features or at particular price points by offering qualifying developments a partial property tax exemption over the course of several years.	Category E: Tax Exemption and Abatement	See Oregon Revised Statute, Chapter 307.600
<b>E-4: Nonprofit Low-Income Rental Housing Exemption*</b>	This tool can provide a simplified way for affordable housing owned and operated by a nonprofit or Community Land Trusts to qualify for a property tax exemption.	Category E: Tax Exemption and Abatement	See Oregon Revised Statute, Chapter 307.540
<b>F-1: Monitor Residential Land Supply &amp; Housing Inventory*</b>	Develop and implement a system to monitor the supply of residential land every two years. This includes monitoring residential development (through permits) as well as land consumption (e.g., development on vacant or redevelopable lands).	Category F: Land Acquisition, Lease, and Partnerships	
<b>F-2: Develop Partnerships with Nonprofits*</b>	Partnering with housing non-profits. A partnership with a housing nonprofit can be established to acquire naturally occurring affordable housing such as foreclosures and expansion of the City's vacant property registration program for housing rehabilitation or purchase.	Category F: Land Acquisition, Lease, and Partnerships	



Action Number	Description	Category	Notes & Sources
<b>F-4: Preserve Existing Affordable Housing</b>	Preventing displacement and preserving "naturally occurring" affordable housing (such as mobile home parks) through acquisition by non-profits, low-interest loans/revolving loan fund for preservation, and/or code enforcement.	Category F: Land Acquisition, Lease, and Partnerships	OHCS Mfd Dwelling Parks Program
<b>F-5: Public/Private Partnerships (P3)</b>	Partnerships between government and private developers and/or nonprofits have the potential to leverage financial resources with limited public investment in infrastructure or conveyance of land or development rights.	Category F: Land Acquisition, Lease, and Partnerships	
<b>F-6: Housing on City/County Surplus Land</b>	Local agencies may designate surplus property for housing and mixed use development that includes an affordable element.	Category F: Land Acquisition, Lease, and Partnerships	City of Bend
<b>Z-1: Community Outreach</b>	Conduct public meetings and develop materials to provide information to the community about local housing needs and various policies that encourage new development.	Category Z: Custom Options	
<b>Z-2: Update Housing Needs Periodically*</b>	Reevaluate housing needs and land sufficiency every eight years as required by House Bill 2003, or sooner.	Category Z: Custom Options	
<b>Z-3: Conduct Fair Housing Audit</b>	Conduct a Fair Housing audit of the City's development processes and Development Code. An audit would look at existing definitions, restrictions, standards that trigger conditional use permits, and disparate impacts of policies on protected classes.	Category Z: Custom Options	
<b>Z-4: Conduct Development Barriers Audit*</b>	Conduct a broader audit of local zoning code and development processes to identify barriers to residential development and identify alternatives for lowering or eliminating the barriers.	Category Z: Custom Options	

Action Number	Description	Category	Notes & Sources
<b>Z-5: Education for Property Owners/ Developers*</b>	Provide information and FAQs to local developers and property owners to help them understand how to navigate the land use permitting process.	Category Z: Custom Options	
<b>Z-6: Explore Community Land Trusts</b>	Consider the formation of a community land trust (A non profit corporation) which will act as a steward for land intended for the development of affordable housing	Category Z: Custom Options	
<b>Z-7: Amend Commercial zoning to allow mixed use development*</b>	Provides more flexibility by allowing mixed-use buildings with residential flats above ground floor commercial.	Category Z: Custom Options	

*\*Denotes preliminary consultant/staff recommendation to be refined during Housing Production Strategy and Comprehensive Plan update pending additional community input*

## APPENDIX C. ENGAGEMENT SUMMARIES

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### Stakeholder Perspectives

#### Housing Producers

- Developers
- North Willamette Habitat for Humanity
- Land use attorney
- Apartment complex manager

#### Local Perspectives

- Community At Large (surveys / open houses)
- HNA/EOA Advisory Committees

#### Employers & Businesses

- Local Businesses
- School District
- Chamber of Commerce
- Clackamas County
- Workforce Development

### Community Outreach Summary

# Stakeholder Interviews Summary

## Housing Producers

**Lack of incentives and guidance for affordable housing**– Incentives are needed for developers to produce smaller homes.

**Overarching regulatory requirements create a barrier**– The amount of roadway required, parking, SDC fees, design standards, and minimum lot width limit cost reducing options.

**Existing Zoning Code, specifically Zone R2, offers helpful flexibility**– It is less limiting than R-1 in terms of lot size and locational variability.

**Higher density housing centralized in the Downtown area**– Look to the Dahlia Building and consider the lack of senior housing, and surplus of large rental units.

## Community Outreach Summary

# Stakeholder Interviews Summary

## Housing Consumers

- Hope Village (staff)
- Canby Center (staff)
- Canby Adult Center (staff)
- Canby Adult Center Focus Group
- Bridging Cultures

## Community Outreach Summary

# Stakeholder Interviews Summary

## Housing Consumers

**Community members live in a variety of housing types and more housing in each category is desired** – Housing should incorporate minimal maintenance, multi-modal accessibility, and connectivity.

**Intergenerational housing, home equity, and senior housing are at the forefront of Canby residents' desires** – Many live in Canby for the proximity to family, want to be able to own housing, and see a large need for affordable senior housing.

**Rental housing rates are too high** – People with \$40,000 annual income struggle to make rents in the \$1,200 to \$1,400 range, and most rents are closer to \$1,600.

**The City should take actionable steps to aid in creating and attracting affordable housing** – Ideally through the purchase of land, rent control measures, and development code revisions.

## Community Outreach Summary

## Public Meeting Comments

- Mixed support for UGB expansion— concerns about density and preserving prime farmland; desire for the city to remain small and rural.
- Concern that income growth is not keeping up with the cost of housing.
- Additional public outreach is necessary to ensure a wide range of views regarding potential upzoning and UGB expansion.
- Pursue less development in downtown since traffic is already bad there.
- Design standards in Canby need work. Especially on multifamily and fencing.

## Community Outreach Summary

## Public Meeting Comments

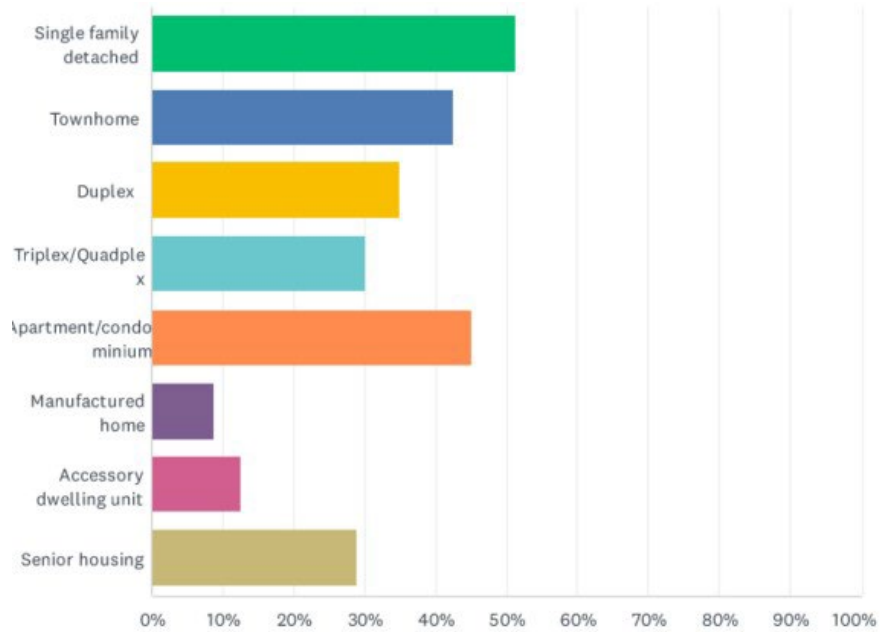
- Concern that the city might rezone R1 property to a higher density.
- Concern about outof-area investors buying up single family detached homes in Canby.
- Desire for the City to allow cottage clusters.
- Consider using tax increment financing could be used to pay down SDCs for affordable housing.

## Community Outreach Summary



# Online Survey Results (80 respondents)

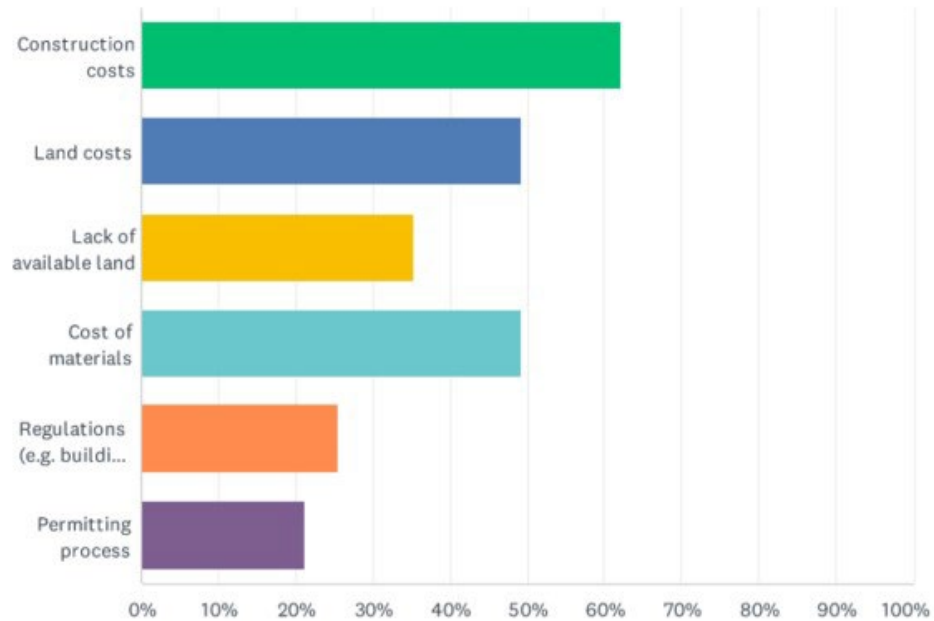
What housing types does Canby need most?



## Community Outreach Summary

## Online Survey Results (80 respondents)

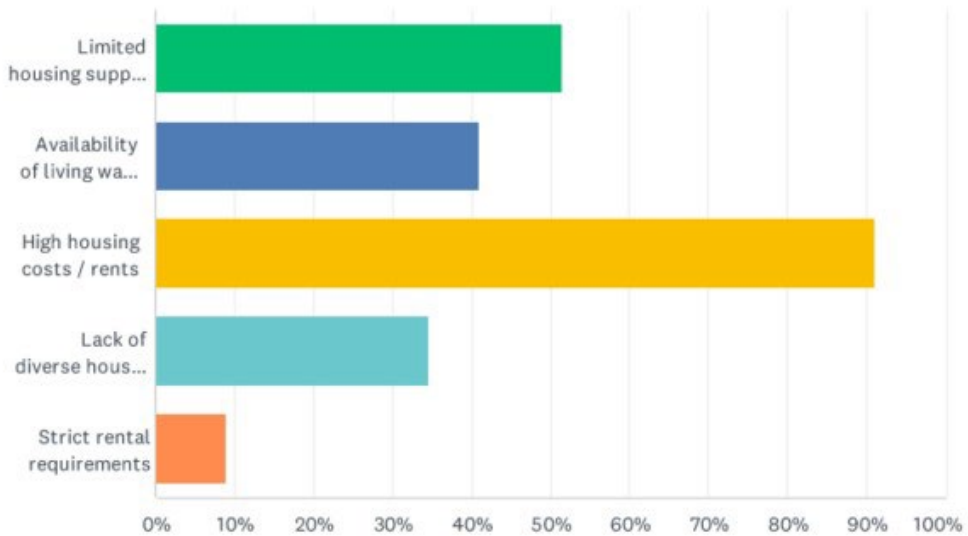
What are the top three barriers to housing development in Canby?



Community Outreach Summary

## Online Survey Results (80 respondents)

What are the top three barriers to owning a home in Canby?



Community Outreach Summary

## Residents are concerned about...

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

## Community Outreach Summary

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## **NOTICE OF PUBLIC HEARING**

### **CITY OF CANBY**

This Public Hearing Notice is to inform you of the opportunity to comment on the Housing Efficiency Measures Code Amendments (TA 24-02) at the City Council Public Hearing on **Wednesday, November 6, at 7 pm** in the Council Chambers, 222 NE 2nd Ave, Canby, OR 97013. The Council will deliberate the recommendation from the Planning Commission.

The public can register to attend the meeting virtually by contacting the Deputy City Recorder at [ridgleyt@canbyoregon.gov](mailto:ridgleyt@canbyoregon.gov) or call 503-266-0637. Please email your comments to [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov) no later than **3 pm on Wednesday, November 6, 2024**.

A staff report and more information are available on the City Council webpage: <https://www.canbyoregon.gov/citycouncil>

**Canby Planning Department**  
**222 NE 2<sup>nd</sup> Avenue - 503-266-7001**

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Please publish in the Canby Herald on Wednesday, October 30, 2024  
Sent to the Canby Herald on Wednesday, October 23, 2024.

Email Public Notices to: [mcaplan@pamplinmedia.com](mailto:mcaplan@pamplinmedia.com)

Please send proof and charge to Account 100-103-419-6100.

*If you have questions, please contact Laney Fouse Lawrence at 503-266-0685 or by email [fousel@canbyoregon.gov](mailto:fousel@canbyoregon.gov).*



## CITY COUNCIL Agenda

222 NE 2<sup>nd</sup> Avenue, Canby, OR, 97013 | Ph: (503) 266-4021 | [www.canbyoregon.gov](http://www.canbyoregon.gov)

**NOVEMBER 6, 2024**

The City Council meeting may be attended in person in the Council Chambers at  
222 NE 2<sup>nd</sup> 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](mailto:ridgleyt@canbyoregon.gov) or call 503-266-0637.

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

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### REGULAR MEETING – 7:00 PM

#### 1. CALL TO ORDER

- a. Invocation
- b. Pledge of Allegiance

#### 2. NEW EMPLOYEE INTRODUCTIONS

- 3. 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 November 6, 2024, with your name, the topic you'd like to speak on and contact information: [ridgleyt@canbyoregon.gov](mailto:ridgleyt@canbyoregon.gov) or call 503-266-0637.

#### 4. CONSENT AGENDA

- a. Appointment of Teen Liaison Linnea Stormo to the Library Advisory Board with a term ending at the end of the 2025 school year.

#### 5. PUBLIC HEARING

**You are welcome to speak in person. \*\*\*If you would like to speak virtually please email or call the Deputy City Recorder by 4:30 pm on November 6, 2024, with your name and contact information: [ridgleyt@canbyoregon.gov](mailto:ridgleyt@canbyoregon.gov) or call 503-266-0637. Once your information is received, you will be sent instructions to speak.**

- a. Public Hearing Regarding the Adoption of Housing Efficiency Measures.  
Consider **Ordinance 1634**: An Ordinance Adopting the Housing Efficiency Measures: Cottage Cluster Development and Design Standards 16.21, Planned Unit Development Code Updates Chapter 16.74 and 16.76, Low Density Residential Chapter 16.16, and Medium Density Residential Chapter 16.18, As part of the City of Canby Code (TA 24-02). (*First Reading*)

**6. ORDINANCES & RESOLUTIONS**

- a. Consider **Ordinance 1633**: An Ordinance Authorizing the City Administrator to Extend a one (1) to two (2) year contract with MSNW Group LLC, in the amount of \$144,960.00 per year for custodial services for the City of Canby. (*Second Reading*)
- b. Consider **Ordinance 1635**: An Ordinance Authorizing the City Administrator to enter into a Contract between the City of Canby and Beery, Elsner and Hammond, LLP for City Attorney Services. (*First Reading*)

**7. OLD BUSINESS**

**8. NEW BUSINESS**

**9. MAYOR’S BUSINESS**

**10. COUNCILOR COMMENTS & LIAISON REPORTS**

**11. CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS**

**12. CITIZEN INPUT**

**13. ACTION REVIEW**

**14. ADJOURN**

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**EXECUTIVE SESSION – 7:45 PM**  
**(Will begin at 7:45pm or after the Regular Meeting ends)**

**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**
- 
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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 Teresa Ridgley at 503-266-0637. A copy of this Agenda can be found on the City's web page at [www.canbyoregon.gov](http://www.canbyoregon.gov).



**City of Canby**  
**Planning & Development Services**  
222 NE 2nd Ave / PO Box 930 / Canby, OR 97013  
Phone: 503.266.7001  
[www.canbyoregon.gov](http://www.canbyoregon.gov)

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**TA 24-02**

**Housing Efficiency Measures Code Amendments**  
**Staff Report for 11/6/2024 City Council Hearing**

**Applicant:** City of Canby

**Application Type:** Text Amendment (Type IV)

**City File No.:** TA 24-01

**REQUEST**

The City proposes code updates to the Canby Planning and Zoning Code to improve residential development standards to promote a mix of housing types. The proposed code amendments, referred to Housing Efficiency Measures (HEM) or efficiency measures, are the initial implementation of selected strategies in the draft Housing Production Strategy (HPS). These are required by the Department of Land Conservation and Development (DLCD) in order to approve the Canby urban growth boundary, and the efficiency measures are intended to lessen the need for urban growth boundary expansion. We received efficiency measure review comments from DLCD on September 27, 2024, and these are also incorporated in this staff report. Below are the findings to incorporate the proposed HEM code amendments into the Canby Municipal Code (CMC), Title 16, Planning and Zoning.

**OVERVIEW**

This report includes findings regarding each applicable existing Canby Comprehensive Plan and Zoning Code criterion for the housing efficiency measures. The proposal is consistent with the Comprehensive Plan and Zoning Code criteria for a Zoning Code Text Amendment found in CMC 16.88.170. Context is also provided on the housing production strategies; however, they are subject to a separate Planning Commission and City Council review.

**BACKGROUND**

The Canby Housing Needs Analysis (HNA) was recently adopted in July 2024. The HNA included a buildable land inventory for the Canby Urban Growth Boundary (UGB) and evaluated the housing need for Canby over the 20-year planning horizon. A 73-acre deficit in residential land for the 20-year forecasted growth, across all residential designations (low, medium, and high density) was identified. See Figure 1 below. The HNA findings also displayed Canby's significant challenge with providing affordable housing for both fee-owned housing and rental housing currently and over the next 20-years.

Figure 1. Reconciliation of Residential Land Needs, Canby UGB (Source: Canby HNA, Exhibit 27)

Dwelling Unit Type	Most Typical Plan Designation <sup>1</sup>	Buildable Land Requirement <sup>3</sup>	Current Buildable Land Inventory <sup>3</sup>	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 <sup>2</sup>	HDR /varies	18.24	9.82	(8.42)	<i>inadequate land supply</i>
<b>Total (gross buildable acres)</b>		<b>293.87</b>	<b>220.80</b>	<b>(73.07)</b>	<i>inadequate land supply</i>

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

<sup>1</sup> Manufactured housing is allowed in all residential land use classifications.

<sup>2</sup> Category also includes group quarters housing demand.

<sup>3</sup> Derived from previous Exhibits.

State legislation adopted in 2019 requires Oregon cities with a population over 10,000 people to adopt a HPS to promote the development of needed housing. The Canby draft HPS is intended to expand on the work of the HNA by examining how a city can impact housing affordability, access and choice issues, displacement and housing stability. The HPS process included a review of the city’s policies, past actions, future housing needs, and an analysis of who is at risk of being left behind in the existing housing environment. Community input was obtained to identify and evaluate recommended policy changes that can be implemented to increase production of needed subsidized and market-rate housing. At its core, the HPS identifies which tools, actions, or policies the city can implement to promote housing production, affordability, and choice, especially as it relates to the needs identified in the adopted HNA. The draft HPS proposes twelve (12) housing production strategies to be addressed over the next five (5) years. The strategies and their proposed adoption date are included in Table 1 below. The draft HPS is anticipated to be reviewed in work session in early 2025.

Table 1. HPS Strategies from September 2024 Final Draft HPS

HPS Strategy	Adoption Year
A. Develop Process for Identifying Land to Up-zone	2028
B. Allow Cottage Clusters in Residential Zones	2025
C. Identify Opportunities to Streamline PUDs	2028
D. Incentives to Encourage Diverse Housing Development in PUDs	2028
E. Modify SDC Fee Schedules with Scaled Based Charges (based on home size)	2026
F. Land Use Permitting Education for Property Owners/Developers	2028
G. Reduce Minimum Lot Size	2028
H. Increase Building Heights	2028
I. Update Residential Zones	2026
J. Update Design Standards	2029
K. Inventory and Encourage Preservation of Naturally Occurring Affordable Housing	2029
L. Partner with Clackamas County and Seek Public/Private Partnerships	2029

The proposed HEM code amendments are the first phase of implementing HPS strategies. The HEM code amendments are to implement three HPS strategies:

1. Strategy B. Allow Cottage Clusters in Residential Zones,
2. Strategy C. Identify Opportunities to Streamline PUDs (PUD code update), and
3. Strategy G. Reduce Minimum Lot Size (for townhouses).

The remaining HPS strategies will be implemented over the course of the next four years. Additionally, the next phase of HPS strategies implementation will be incorporated into the comprehensive Canby Planning and Zoning Code update that is anticipated to begin in the 2025-2026 fiscal year. An anticipated 2 to 3 year process will include a detailed code analysis of barriers to housing as well as changes earmarked in the HPS. The strategies to be addressed through the comprehensive code update process include the following.

1. Strategy H. Increase Building Heights
2. Strategy I. Update Residential Zones
3. Strategy J. Update Design Standards

The City is also in the process of updating the Comprehensive Plan. The HPS will be used to create and guide new housing policies in the Comprehensive Plan.

In addition to the proposed HEM efficiency measures, the City already has several efficiency measures or standards in place that support an effective use of land and a mix of housing types. They include the following.

- The City has a provision in the Zoning Code (Chapter 16.82) that allows deviations of development standards for "Special Housing Projects for the Elderly or Handicapped."
- Housing in a portion of the Downtown Core area of the C-1 Zone doesn't have to provide any parking if the development provides both housing and commercial uses.
- The City's R-2 (High Density) Residential Zone has been amended to require a minimum density of 14 dwelling units per acre, preventing lower density development.
- The City has amended its Zoning Code to allow duplexes in all low density residential zones to fully comply with HB 2001.
- A minimum density of 6 dwelling units per acre for triplexes and fourplexes in the R-1.5 zone is required.
- Established a minimum and maximum lot sizes in the R-1 and R-1.5 zones that create parameters for density. In the R-1 zone the minimum lot size permitted is 7,000 sf and 10,000 sf maximum. A 6 dwelling unit per acres maximum in the R-1 zone is proposed, and by maximum lot size the minimum R-1 density is four dwelling units per acre. In the R-1.5 zone the minimum lot size is 5,000 sf and the maximum lot size is 6,500 square feet.
- The City has a maximum building height of 35 feet across the R-1, R-1.5, and R-2 zones. Note, HPS Strategy H will revisit maximum building heights in the R-2 zone.

## **PROPOSAL**

The City proposes a series of HEM code amendments as the preliminary implementation of select strategies from the draft HPS; they are Strategy B. Allow Cottage Clusters in Residential Zones, Strategy C. Identify Opportunities to Streamline PUDs (PUD code update is portion of this strategy), and Strategy G. Reduce Minimum Lot Size (for townhouses).

The efficiency measures are primarily aimed at reducing barriers to certain middle housing types (i.e., cottage clusters, townhouses, and fourplexes) to promote a mix of housing developments. Middle

housing, also often referred to as “missing middle housing,” are housing types in between single family houses and large apartment buildings; it generally includes duplexes, triplexes, fourplexes, townhouses and cottage clusters. Improving PUD standards to promote a more beneficial, streamlined process are also proposed. A brief list of the proposed amendments is summarized below. A complete summary and the proposed amendments are attached to this Staff Report.

- Add cottage clusters as a newly permitted use in the R-1, Low Density Residential, and R-1.5, Medium Density Residential zones. Create siting and design standards specifically for cottage clusters.
- Amend townhouses from a conditional use to a permitted use in PUDs only in the R-1 zone.
- Reduce townhouses minimum lot size from 3,000 to 1,800 sf for townhouses in PUDs.
- Change fourplexes from a conditional to a permitted use in the R-1.5 zone.
- Amend allowed use provisions to PUDs add detailed provisions to help streamline PUD processes. Also amend density bonus incentives for PUDs to promote better design.

The intent of efficiency measures is to support the development of a greater diversity or mix of housing types to address land needs and housing affordability in Canby. These issues that were identified in the HNA. Additionally, the City is currently in the process of conducting the series of studies for the Urban Growth Boundary (UGB), including the HNA, HPS, Comprehensive Plan update, and more. Pursuant to state law, a requirement of the UGB expansion process is demonstrating actions towards using existing UGB land more efficiently to reduce the need for additional land. Per guidance from the state Department of Land Conservation and Development (DLCD), implementation of some efficiency measures is needed in order to support a UGB expansion.

### **COMPLIANCE WITH CITY OF CANBY MUNICIPAL CODE FOR HOUSING EFFICIENCY MEASURES**

The Canby Municipal Code defines the requirements for code amendments as follows:

#### **CMC 16.88.170 Amendments to Text of Title**

D. Standards and Criteria. In judging whether or not this title should be amended or changed, the Planning Commission and City Council shall consider:

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;

***Finding:** As a part of the next steps, the City will be updating the Comprehensive Plan. The HNA findings and draft HPS will inform updated housing policies in the Comprehensive Plan.*

*The proposed efficiency measure amendments are also consistent with exiting Comprehensive Plan policies. Compliance with applicable Comprehensive Plan goals and policies are addressed below.*

#### ***Urban Growth Element***

##### **Goals:**

- 1) To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.
- 2) To provide adequate urbanizable area for the growth of the city, within the framework of an efficient system for the transition from rural to urban land use.

### **Land Use Element**

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

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

### **Housing Element**

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

- Policy 2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.

*The proposed efficiency measure amendments support middle housing. The middle housing types are a gradual increase in the current densities found in the City's low and medium density zones. Middle housing is a denser and more-efficient use of land when compared to single-family detached homes. Therefore, the efficiency measures can improve the utilization of land within the City's UGB. This minimizes sprawl which helps preserve agricultural and forest lands surrounding the city consistent with statewide goals. Additionally, middle housing is typically a more affordable option than a single-family detached home. The proposed code amendments were developed with neighborhood consistency in mind, keeping similar setback requirements to the existing requirements and equivalent design standards to single family homes.*

*Additionally, the HPS and efficiency measures have been sent to DLCD for review. Staff finds the criterion is met.*

2. A public need for the change;

**Finding:** *The HNA findings demonstrated that in 2022, 29% of Canby residents are severely rent burdened. Canby's rate is slightly greater than the Clackamas County (27%) and statewide percentages (24%). In the 20-year planning horizon, the HNA identified a need for additional units across all housing types: single family detached, townhouses and 'plexes, multifamily housing or apartments. However, the HNA emphasized the need for affordable housing for fee-owned housing and rental housing both currently and over the course of the next 20 years. Sixty-two percent of the needed housing units are within the fee owned category.*

*Per HNA findings, a public need for changes to housing within the Canby community exists today. The draft HPS and proposed HEM code amendments provide the opportunity for more housing opportunities by reducing barriers middle housing types, primarily townhouses and cottage clusters. Middle housing is typically more affordable than a detached single-family home. Additionally, the efficiency measures improve options for a PUD development, supporting additional pathway to developing a mix of housing types. The proposed HEM code amendments support the public need for a mix of housing types and improved housing affordability in Canby with the intent to promote broader, more affordable housing options. Staff finds the criterion is met.*

3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;

***Finding:*** *The proposed efficiency measures and HPS strategies were developed through an extensive public process and discussion with decision-makers. The 12 HPS strategies proposed in the draft HPS were chosen from a list of over 100 strategies vetted through public involvement via stakeholder interviews, a citizen advisory committee, and a community open house. The HEM code amendments were presented at numerous work sessions with Planning Commission and City Council.*

*With the extensive public involvement process for the HPS and proposed HEM code amendments, the proposed HPS strategies and efficiency measures were tailored to the local context and determined to be the best approach for Canby. The tailored approach developed through the public involvement process best serves the needs of the Canby community. Therefore, Staff finds the criterion is met.*

4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;

***Finding:*** *The proposed efficiency measures have been developed with the consideration for health, safety, and general welfare of the residents of the community. Housing is an essential need for all. By improving housing opportunities for the future, the efficiency measures support community health, safety, and general welfare. Additionally, encouraging wider diversity of housing type supports housing choices for various stages of life and a variety of income levels. The efficiency measures propose an incentive for 1-story housing within PUDs to support aging in place in Chapter 16.76. Staff finds the criterion is met.*

5. Statewide planning goals.

***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. Staff finds the proposed amendments are consistent with applicable statewide planning goals.*

**Goal 1 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 proposed HPS strategies and efficiency measures went through an extensive public process. The HPS included stakeholder interviews, as well as a public advisory committee, and community open house with an online public survey. The HEM code amendments, born from HPS strategies, were presented at 3 Planning Commission work sessions and 2 City Council Work Sessions.*

**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 the HPS and associated HEM code amendments. Alternative strategies and efficiency measures were considered and publicly vetted and have been considered. The proposed changes are consistent with and adequate to carry out the Comprehensive Plan.*

**Goal 3 Agricultural Lands and Goal 4 Forest Lands**

*These goals do not apply because the City does not include areas designated for agricultural or 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**

*There are no proposed changes to text regarding non-residential development or economic development. Therefore, the intent of the goals remains satisfied by the policies of the Comprehensive Plan and Economic Opportunities Analysis and the implementation of the Zoning Ordinance.*

**Goal 10 Housing**

*The proposed HEM code amendments support a diversity of housing types by reducing barriers to certain middle housing types. Goal 10 supports a mix of housing types to address needed housing today and well as needed housing in the 20-year planning horizon. Therefore, the intent of this goal is met.*

**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 code amendments will not significantly affect existing or planned transportation facilities. In addition to the required traffic review for development, the City's traffic consultant manages an update to date model of all new development in Canby. Therefore, the evaluations of the transportation function, capacity and performance*



are maintained through the required traffic studies and active management of current conditions.

**Goal 13 Energy Conservation**

*The proposed code amendments reduce barriers to certain middle housing types, specifically cottage cluster development and townhouse development. Generally, the footprint of these middle housing types is smaller than a single-family detached home. Therefore, the proposed amendments could support better energy efficiency.*

**Goal 14 Urbanization**

*The HPS and associated HEM code amendments are a part of the City current efforts for expansion of the Urban Growth Boundary (UGB), through the sequential UGB process pursuant to OAR 660-038. The adoption of the proposed HEM code 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, and Goal 19 Ocean Resources**

*The City does not have any estuarine resources, and is not on the Oregon Coast, so goals 16 through 19 are not applicable.*

**CMC 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.

***Finding:*** *The proposed code amendments do not significantly change the characteristics of the city's low and medium density zones (R-1 and R-1.5). Rather, the efficiency measures encourage certain middle housing types by reducing barriers by shifting the uses from a conditional to a permitted use. Cottage clusters are proposed as a new use in the R-1 and R-1.5 chapters. Cottage cluster and PUD projects would be addressed through the required traffic analyses to determine and mitigate for impacts to the transportation system.*

*The City's traffic consultant manages an up-to-date active model of the current transportation system that has every new development incorporated. This ensures that proposed development is considered within the current function, capacity, and performance standards for the City's transportation facilities.*

*The proposed code amendments will not significantly impact the transportation system. Staff finds the standards are met.*

### **CONDITIONS**

Planning Commissions shall review the recommended code amendments and make a recommendation to City Council. The final 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 review, Staff recommends that the City Council **approve the Housing Efficiency Measures code amendments (TA 24-02).**



## CITY COUNCIL Staff Report

Meeting Date: 11/6/2024

To: The Honorable Mayor Hodson & City Council  
Thru: Eileen Stein, City Administrator  
From: Don Hardy, Planning Director  
Agenda Item: Consider Ordinance 1634: An Ordinance Adopting Housing Efficiency Measures: Cluster Development and Design Standards 16.21, Planned Unit Development Code Updates Chapter 16.74 and 16.76, Low Density Residential Chapter 16.16, and Medium Density Residential Chapter 16.18, As part of the City of Canby Code (TA 24 -02). (*First Reading*)  
Goal: Align Resources to Address Future Community Growth  
Objective: Complete the City's Development Code Update

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### **Summary**

The City proposes code updates to the Canby Planning and Zoning Code to improve residential development standards to promote a mix of housing types. The proposed code amendments, referred to as Housing Efficiency Measures (HEM) are the initial implementation of selected strategies in the draft Housing Production Strategy (HPS). The efficiency measures include new cottage cluster development standards, updates to the planned unit development standards, and revisions to the Low Density Residential and Medium Density Residential zones. These are required by the Department of Land Conservation and Development (DLCD) in order to approve the Canby urban growth boundary, as the efficiency measures are intended to lessen the need for urban growth boundary expansion. We received an efficiency measure letter of support from DLCD dated October 11, 2024, which is included with these materials. Prior to adoption of the ordinance, the City Council must have a public hearing and consider testimony received.

### **Background**

Housing efficiency measures are necessary to limit the need for residential urban growth boundary expansion but even with the proposed housing efficiency measures, an urban growth boundary expansion is needed. There are still roughly 73 acres of residential urban growth boundary expansion need even with the proposed housing efficiency measures. These housing efficiency measures will also address some the Canby 20-year housing needs, and the need for forecasted single family residential, small lot/cottage cluster and townhomes in the city. These housing types represent the majority of needed housing over the next 20-years.

### **Discussion**

The draft HEM was the subject of a public hearing before the Planning Commission on October 14, 2024, with a unanimous 6 to 0 vote, with one absent, recommendation of approval for adoption by the City Council. The Planning Commission also reviewed edits to the Chapter 16.21.080 Cottage Cluster Development and Design Standards and reconfirmed their recommendation of approval by a 4 to 1 vote with one opposed and one absent during the October 28, 2024, hearing. The Planning Commission requested that City Council review and make the final decision on three sections of Chapter 16.21.080 addressing parking, courtyard area and pathways, and fencing. These are identified in track change comments in the draft Chapter 16.21.080 text included in the Council packet. The remainder of the housing efficiency measure recommended for approval during the

October 14, 2024, hearing remained unchanged by the Planning Commission. The November 6, 2024, City Council staff report is included in the packet including findings to incorporate the proposed HEM code amendments into the Canby Municipal Code (CMC), Title 16, Planning and Zoning.

### **Attachments**

- Draft Housing Efficiency Measure Proposed Code Updates
- November 6, 2024, Housing Efficiency Measures Code Amendment Staff Report
- Draft City Council Ordinance 1634
- Confirmation of Post Acknowledgment Plan Amendment (PAPA) Online Submittal to DLCD
- October 11, 2024, Letter: DLCD Proposed Efficiency Measures Code Amendment

### **Fiscal Impact**

None

### **Options**

1. Adoption of Ordinance 1634
2. Adoption of Ordinance 1634 with Modifications
3. Continue Discussing Housing Efficiency Measures

### **Recommended Action**

Staff recommends the City Council adopt Ordinance 1634.

### **Proposed Motion**

"I move to approve Ordinance 1634, an Ordinance Adopting the Housing Efficiency Measures: Cottage Cluster Development and Design Standards 16.21, Planning Unit Development Code Updates Chapter 16.74 and 16.76, Low Density Residential Chapter 16.16, and Medium Density Residential Chapter 16.18, As Part of the Canby Municipal Code (TA 24-02) to a second reading on November 20, 2024."



## CITY COUNCIL Staff Report

Meeting Date: 11/20/2024

To: The Honorable Mayor Hodson & City Council  
Thru: Eileen Stein, City Administrator  
From: Don Hardy, Planning Director  
Agenda Item: Consider Ordinance 1634: An Ordinance Adopting Housing Efficiency Measures: Cottage Cluster Development and Design Standards 16.21, Planned Unit Development Code Updates Chapter 16.74 and 16.76, Low Density Residential Chapter 16.16, and Medium Density Residential Chapter 16.18, As part of the City of Canby Code (TA 24-02). (*Second Reading*)  
Goal: Align Resources to Address Future Community Growth  
Objective: Complete the City's Development Code Update

---

### **Summary**

The City proposes code updates to the Canby Planning and Zoning Code to improve residential development standards to promote a mix of housing types. The proposed code amendments, referred to as Housing Efficiency Measures (HEM) are the initial implementation of selected strategies in the draft Housing Production Strategy (HPS). The efficiency measures include new cottage cluster development standards, updates to the planned unit development standards, and revisions to the Low Density Residential and Medium Density Residential zones. These are required by the Department of Land Conservation and Development (DLCD) in order to approve the Canby urban growth boundary, as the efficiency measures are intended to lessen the need for urban growth boundary expansion. We received an efficiency measure letter of support from DLCD dated October 11, 2024, which is included with these materials. Prior to adoption of the ordinance, the City Council must have a public hearing and consider testimony received.

### **Background**

Housing efficiency measures are necessary to limit the need for residential urban growth boundary expansion but even with the proposed housing efficiency measures, an urban growth boundary expansion is needed. There are still roughly 73 acres of residential urban growth boundary expansion need even with the proposed housing efficiency measures. These housing efficiency measures will also address some the Canby 20-year housing needs, and the need for forecasted single family residential, small lot/cottage cluster and townhomes in the city. These housing types represent the majority of needed housing over the next 20-years.

### **Discussion**

The draft HEM was the subject of a public hearing before the Planning Commission on October 14, 2024, with a unanimous 6 to 0 vote, with one absent, recommendation of approval for adoption by the City Council. The Planning Commission also reviewed edits to the Chapter 16.21.080 Cottage Cluster Development and Design Standards and reconfirmed their recommendation of approval by a 4 to 1 vote with one opposed and one absent during the October 28, 2024, hearing. The Planning Commission requested that City Council review and make the final decision on three sections of

Chapter 16.21.080 addressing parking, courtyard area and pathways, and fencing. These are identified in track change comments in the draft Chapter 16.21.080 text included in the Council packet. The remainder of the housing efficiency measure recommended for approval during the

October 14, 2024, hearing remained unchanged by the Planning Commission. The November 6, 2024, City Council staff report is included in the packet including findings to incorporate the proposed HEM code amendments into the Canby Municipal Code (CMC), Title 16, Planning and Zoning.

### **Attachments**

- City Council Ordinance 1634
- Canby Housing Efficiency Measures
- November 6, 2024, Housing Efficiency Measures Code Amendment Staff Report
- Confirmation of Post Acknowledgment Plan Amendment (PAPA) Online Submittal to DLCD
- October 11, 2024, Letter: DLCD Proposed Efficiency Measures Code Amendment

### **Fiscal Impact**

None

### **Options**

1. Adoption of Ordinance 1634
2. Adoption of Ordinance 1634 with Modifications
3. Continue Discussing Housing Efficiency Measures

### **Recommended Action**

Staff recommends the City Council adopt Ordinance 1634.

### **Proposed Motion**

"I move to adopt Ordinance 1634, an Ordinance Adopting the Housing Efficiency Measures: Cottage Cluster Development and Design Standards 16.21, Planning Unit Development Code Updates Chapter 16.74 and 16.76, Low Density Residential Chapter 16.16, and Medium Density Residential Chapter 16.18, As Part of the Canby Municipal Code (TA 24-02)."

**ORDINANCE NO. 1634**

**AN ORDINANCE ADOPTING THE HOUSING EFFICIENCY MEASURES: COTTAGE CLUSTER DEVELOPMENT AND DESIGN STANDARDS 16.21, PLANNED UNIT DEVELOPMENT CODE UPDATES CHAPTER 16.74 AND 16.76, LOW DENSITY RESIDENTIAL CHAPTER 16.16, AND MEDIUM DENSITY RESIDENTIAL CHAPTER 16.18, AS PART OF THE CITY OF CANBY CODE (TA 24-02)**

**WHEREAS**, the City Council accepted the Housing Efficiency Measures on November 6, 2024, including new Canby code and revised Canby code;

**WHEREAS**, there is a state requirement that Housing Efficiency Measures be adopted in order to permit residential urban growth boundary expansion;

**WHEREAS**, the adopted Canby Housing Needs Analysis identifies a 73-acre urban growth boundary need after factoring the proposed Housing Efficiency Measure code changes;

**WHEREAS**, Oregon State Department of Land Conversation and Development provided an October 11, 2024, letter of support for the Housing Efficiency Measures;

**WHEREAS**, the planning commission recommended unanimous approval of the Housing Efficiency Measures on October 14, 2024; and

**WHEREAS**, a staff report with appropriate findings has been prepared showing consistency of the Housing Efficiency Measures with the Canby Comprehensive Plan, Canby 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 Housing Efficiency Measures and amends the Canby Municipal Code as described in Exhibit A, which is attached to this ordinance and is incorporated by reference.

**Section 2.** The effective date of this Ordinance shall be December 20, 2024.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, November 6, 2024, ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, November 20, 2024, commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor, Canby, Oregon.

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Maya Benham, CMC  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 20<sup>th</sup> day of November, 2024, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

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

ATTEST:

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



**Confirmation of PAPA Online submittal to DLCD**

DLCD Plan Amendments

To: Laney Fouse Lawrence

Sent: 9/4/2024 12:53 PM

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**Canby**

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

Local File #: TA 24-02 Housing Efficiency Measures

DLCD File #: [002-24](#)

Proposal Received: 9/4/2024

First Evidentiary Hearing: 10/14/2024

Final Hearing Date: 11/6/2024

Submitted by: fousel

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



# Oregon

Tina Kotek, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)

October 11, 2024



Don Hardy, Planning Director  
City of Canby  
PO Box 930  
Canby, Oregon 97013

By email: [hardyd@canbyoregon.gov](mailto:hardyd@canbyoregon.gov)

**RE:** Proposed Efficiency Measures code amendments

Dear Mr. Hardy,

Thank you for the opportunity to review your draft proposed code amendments to complete the City's Sequential UGB Work Program Task 2: Identify and Adopt Land Efficiency Measures. The Work Program indicates the following under Task 2:

*“Land efficiency measures are changes the city makes to its zoning map and development code to increase land efficiency within the existing UGB in order to reduce the overall UGB expansion needs.*

*The land efficiency measures can include zone changes to zone more land for residential development, to up-zone or increase densities in some areas, or other changes to standards that would provide more capacity. These measures may partially overlap with strategies identified in the Housing Production Strategy.”*

Staff at DLCD have reviewed the proposed draft efficiency measures, as well as a draft of the city's Housing Production Strategy. Taken together, we believe the proposals will provide additional housing capacity and will result in more efficient land development.

The proposed cottage cluster amendments closely follow DLCD's model code for cottage clusters. We applaud the addition of this housing type that can provide smaller, more affordable options for current and future Canby residents. We note that when larger floor area and heights for cottage clusters are allowed the resulting housing units may not be priced much lower than typical detached homes, so it is important to calibrate the size allowances carefully.

The actions in the Housing Production Strategy that will most effectively move the needle further on land efficiency are strategy A: upzoning, strategy G, reducing the minimum lot size for townhomes and H, increasing the heights for high density housing. We support the proposed

timing of these actions to occur within the first half of the 8-year Housing Production Strategy implementation timeline. We will be monitoring the final adopted Housing Production Strategy to ensure the timeline continues to be front-loaded for these actions. Including these actions to be adopted by 2028 allows for evaluation during the mid-point review and provides time for the city to change course if it has not been successful in adopting these actions.

Thank you for your diligent work and we look forward to working with you.

Please contact your regional representative, Kelly Reid, at (971) 345-1987 or [kelly.reid@dlcd.oregon.gov](mailto:kelly.reid@dlcd.oregon.gov) if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Gordon W. Howard". The signature is written in a cursive style.

Gordon Howard  
Community Services Division Manager  
DLCD

Attachments:

- A. City of Canby Approved Sequential UGB Work Program

cc: Kevin Young, DLCD Urban Planner  
Jena Hughes, DLCD Housing and Growth Management Analyst  
Kelly Reid, DLCD Regional Representative

**16.21.080 Cottage Cluster Development and Design Standards.**

- A. Purpose.** The purpose of these standards is to promote more affordable fee in common or fee ownership housing options within Canby. Additionally, they are designed to promote quality development, a sense of openness and community, and enhance livability and walkability.. These standards are also intended to encourage cottage cluster developments that are compatible with existing and future residential development within the R-1 and R-1.5 zones.
- B. Applicability.** These standards apply to all new cottage cluster developments as defined by section 16.04.

**NOTE:** DOWL suggests that the City create a new sub-chapter to the City’s residential design standards chapter (Chapter 16.21.080) for the new cottage cluster development and design standards. In addition to the code provisions that would be added here, a definition for “cottage cluster development” and “common courtyard” will need to be added to [Chapter 16.04, Definitions](#). The following definitions are provided, both of which are consistent with the definitions provided by [OAR 660-046-0020](#) but modified slightly based on this draft code:

*Cottage Cluster: A grouping of at least four (4) detached dwelling units (cottages), where each cottage has a floor area square footage no less than 600 square feet and no greater than 1,200 square feet and are generally clustered around a common courtyard. For every 12 cottages there must be one (1) common courtyard. Cottage clusters are considered a type of middle housing and are not considered multiple dwelling units or single-dwelling unit detached dwellings. Cottage clusters typically have multiple cottages sharing a single lot; however, cottage clusters can also be divided so that cottages are on individual lots.*

*Common Courtyard: A single, contiguous common area for use by residents of a cottage cluster pursuant to the standards of Chapter 16.21.080(F)(2).*

- C. Permitted Use.** Cottage Cluster developments are permitted outright within the R1 and R1.5 zones. Cottage Cluster developments may be permitted as a standalone development or as part of a Planned Unit Development in accordance with 16.72, PUD applications.
- D. Approval Process.** Cottage cluster developments are a Type 3 Site and Design Review application, approved in accordance with Chapter 16.49, Site and Design Review. Cottage cluster developments within a PUD are subject to Chapter 16.72, PUD Applications. Cottage cluster developments proposed to be subdivided may be approved in accordance with [Chapter 16.62, Subdivisions](#) as a Type 3 process.
1. Cottage cluster developments are exempt from the following sections of Chapter 16.49, Site and Design Review:
    - a. Section 16.49.040.B.5, Site Design Review Menu;

- b. Section 16.49.080.C, minimum landscaping standards; and
  - c. Section 16.49.120, parking lot landscaping standards.
2. Covenants, easements or other recorded documents shall be provided to the City prior to certificate of occupancy of the first unit, or prior to the final plat if the cottage cluster is proposed to be subdivided, addressing access and maintenance of all shared common areas or common facilities including, but not limited to, storm sewers and stormwater facilities, drainage ways, open space, landscaping, and shared parking facilities.

**NOTE:** The City’s legal counsel will provide input on the permitting process during the November 27<sup>th</sup> work session with the Planning Commission. Chapters 16.48 may need to be amended to exempt cottage clusters from certain design standards within those sections. This is noted below as well.

**E. Development Standards.** The following development standards apply to all cottage cluster developments and supersede the development standards of the underlying zone unless stated otherwise.

1. *Density.* The minimum density of any cottage cluster development is 6 units per acre. There is no maximum density standard, provided the cottage cluster development is designed to conform with the requirements of this section.
2. *Lot Area.* There is no minimum or maximum lot area standard, provided the cottage cluster development is designed to conform with the requirements of this section.

**NOTE:** In order to provide design flexibility, the minimum density is set at 6 units per acre, which is the R-1.5 zone’s minimum density for duplex/triplex/fourplexes, and there is no maximum density or minimum/maximum lot area standard. However, both of these standards will be effectively regulated and controlled by compliance with the development and design standards of this section.

3. *Minimum Perimeter Yard Setback Requirements for Structures.*

- a. Street yard: The minimum setback requirement of the underlying zone applies.

**NOTE:** During work sessions, the Planning Commission seemed especially concerned with providing a similar streetscape experience to existing single-family development patterns. This ensures that cottage cluster developments will be setback from the street a similar minimum distance as existing and future single-family residential units.

- b. Rear yard: 10 feet
- c. Side yard 5 feet

**NOTE:** These rear and side yard setback standards are consistent with the DLCD cottage cluster model code. These setback distances represent minor reductions to the setback standards of the R-1 and R-1.5 zones, but provide additional flexibility in the design and layout of a cottage cluster development.

4. *Number of Cottages.* Cottage housing units shall be developed in clusters of a minimum of four (4) units per cluster. There is no maximum, provided one (1) common courtyard, consistent with the standards of section 16.21.080(F)(3), is provided for every 12 cottages.

**NOTE:** This is a typical standard provided in most cottage cluster development standards throughout the state.

5. *Building Separation.* Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be three (3) feet.

**NOTE:** This is a typical standard provided in most cottage cluster development standards throughout the state as well as in the DLCD cottage cluster model code.

6. *Building Height.* The maximum building height for all structures is 28 feet.

**NOTE:** This is the same maximum building height standard as the R-1 and R-1.5 zone, creating consistency with adjacent single-family development. By stating “all structures”, this accounts for any accessory structures provided such as garages, carports, and community/common buildings.

7. *Unit Size.* Each cottage’s total floor area shall be a minimum of 600 square feet and shall not exceed a maximum of 1,200 square feet. Per section 16.21.080(F)(6)(e)(ii) of this chapter, individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage’s maximum total floor area.

**NOTE:** There is considerable variation in the size requirements for cottages. This is the requirement provided by Turner’s cottage cluster design standards. Redmond and Albany, for example, have no minimum unit size and allow cottages to be as large as 1,400 square feet. Albany further requires that the average floor area per unit not exceed 1,000 square feet. The DLCD cottage cluster model code simply requires the average unit size not to exceed 1,400 square feet, but that a cottage’s footprint cannot be greater than 900 square feet.

8. *Maximum Impervious Surface.* The maximum impervious surface standard of the underlying zone applies.
9. *Off-Street Parking.* At least one (1) off-street parking space shall be provided per cottage dwelling unit. Off-street parking shall be designed in

accordance with [section 16.10.070, Parking Lots and Access](#), and section 16.21.080(F)(5).

- a. If a cottage cluster development fronts on a street that does not allow on-street parking, at least two (2) guest parking spaces shall be provided on site for every four (4) cottage dwelling units.
- b. If a cottage cluster development fronts on a street that allows on-street parking, there is no guest parking requirement.

**NOTE:** The requirement of one space per unit is typical for cottage cluster standards across the state, including City of Turner. Visitor parking requirements are more varied, but the requirement of one space for every 4 units is taken from Silverton’s cottage code, with an added caveat that visitor parking is not required if the adjacent street allows on-street parking. There is no maximum parking standard. Parking seemed to be a major concern for the Planning Commission, so we should plan to discuss this especially.

10. *Access Requirements.* Cottage cluster developments are permitted to have more than one driveway access provided applicable access spacing standards are met.

**F. Design Standards.** The following design standards apply to all cottage cluster developments. No other design standards shall apply to cottage clusters unless noted in this section. Where there is a conflict between these standards and the standards of other sections of this code, the standards of this section shall control.

1. *Cottage Design Standards.* All cottages and community buildings shall incorporate four (4) of the following design features:

- a. Dormers.
- b. Gables, hip roof, or gambrel roof form.
- c. Recessed entries (minimum 2 foot recess).
- d. Covered porch entries (minimum 48 square feet, minimum 4 foot depth).
- e. Bay windows.
- f. Any eaves of 12-inches or greater.
- g. Off-set of 16-inches or greater on building face or roof.
- h. Windows and main entrance doors occupy a minimum of 15 percent of the façade, not including the roof.
- i. Window trim (minimum 4-inch) or shutters (minimum 8-inch)
- j. Balconies or porch rail.



- k. Shakes, shingles, brick or other similar decorative materials occupying at least 60 square feet of the street-facing and courtyard-facing façade.

**NOTE:** This section requires minimum design elements for all cottages and community buildings included as a part of a cottage cluster development. This options menu is taken from the minimum design standards for single-family and two-family dwellings per CMC 16.21.030. All cottages and community buildings must incorporate at least four of these elements in their design, which will help to ensure compatibility with adjacent single-family development.

2. *Cottage Orientation.* Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 1 and Figure 2):
  - a. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and meet the following standards:
    - i. Have a main entrance facing the common courtyard;
    - ii. Be within 10 feet of the common courtyard measured from the façade of the cottage to the nearest edge of the common courtyard; and
    - iii. Be connected to the common courtyard by a pedestrian path.
  - b. Cottages within 20 feet of a street property line may have their entrances facing the street, provided 50 percent of all cottage units within the cluster face the common courtyard.
  - c. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that provides a continuous and reasonably direct connection to the common courtyard.
3. *Common Courtyard Design Standards.* Each cottage cluster development must share a common courtyard in order to provide a minimum open space area for the cottage cluster development. One (1) common courtyard shall be provided for every 12 cottage units (see Figure 1 and Figure 2).
  - a. The common courtyard must be a single, contiguous area.
  - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
  - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.



- d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
- e. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard.
- f. Pedestrian paths qualify as part of a common courtyard. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

**NOTE:** The requirement for a common courtyard is a typical requirement for cottage clusters around the state and is an integral part of a cottage cluster development's design. It provides usable open space for residents while offering a similar "back yard" experience as single-family units. These requirements are taken from the DLCD cottage cluster model code. This language is extremely similar to that provided in other city's cottage cluster codes, such as Turner, Albany, and Redmond. Silverton requires a "common green", but is much less restrictive to how cottages are oriented to or clustered around the open space area. However, Silverton does require 400 square feet of common area per cottage, which is significantly higher than the model code.

4. *Community Buildings.* Cottage cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards and may not be used as dwelling units:
  - a. Each cottage cluster is permitted one community building.
  - b. A community building shall not exceed 1,400 square feet of total floor area.
  - c. Community buildings may count towards a cottage cluster's common courtyard requirement provided the standards of section 16.21.080(F)(1) are met. Only the footprint area of the community building may count towards the common courtyard minimum area requirement.
  - d. A community building cannot count for more than 75% of the common courtyard.

**NOTE:** This language is largely taken from the DLCD cottage cluster model code but simplified slightly and similar to the language in Turner's code. The model code requires

all buildings within a site (including cottages and community buildings) to not exceed an average maximum building area of 900 square feet. We are not applying a maximum average building area, but rather have specific limitations for cottages and the community building. Turner also applied a 1,400 square foot maximum for community buildings. An additional provision has been added to clarify that any community buildings proposed may count towards the “common courtyard” area requirement.

5. *Pedestrian Access.*

- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following (see Figure 1 and Figure 2):
  - i. The common courtyard;
  - ii. Shared parking areas;
  - iii. Community buildings, if provided; and
  - iv. Abutting sidewalks within the public right-of-way, or to the edge of the roadway if sidewalks along the roadway are not provided.
- b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet in width.

**NOTE:** This language is taken from the DLCD cottage cluster model code and has not been modified.

6. *Parking Area Location and Design* (see Figure 1 and Figure 2).

- a. Clustered parking. Off-street parking may be arranged in clusters of not more than five (5) contiguous spaces separated from other clusters by at least four (4) feet of landscaping. Clustered parking areas may be covered.
- b. Off-street parking spaces and vehicle maneuvering areas shall not be located:
  - i. Within 20 feet from any street property line, excluding alleys.
  - ii. Between a street property line, excluding alleys, and cottages abutting the street property line.
- c. Off-street parking spaces shall not be located within 10 feet of any property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of all property lines.

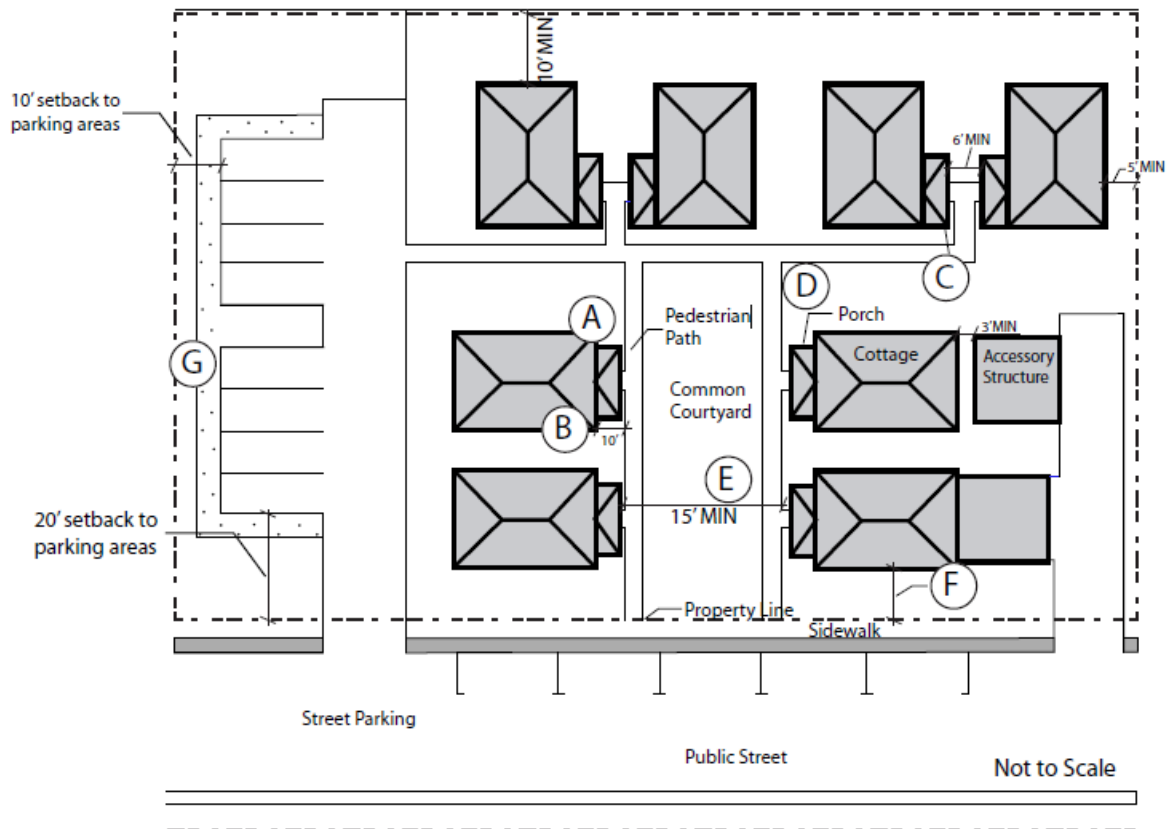
- d. **Screening.** Landscaping, fencing, or walls at least three (3) feet tall shall separate clustered parking areas and parking structures from public streets and residentially zoned properties.
- e. Garages and carports shall meet the following standards:
  - i. Garages and carports (whether shared or individual) must not abut common courtyards.
  - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage's maximum total floor area per section 16.21.080(E)(7) of this chapter.
  - iii. Individual detached garages must not exceed 400 square feet in floor area.
  - iv. Garage doors for individual garages must not exceed 12 feet in width.

**NOTE:** This language is largely taken from the DLCD model code, but includes additional requirements for screening parking areas from adjacent residential properties. Additional buffer distances could be provided between parking and maneuvering areas and adjacent residential properties if desired.

- 7. *Existing Structures.* On a lot or parcel to be used for a cottage cluster development, a pre-existing detached single-family dwelling may remain within the cottage cluster development area and does not need to comply with the requirements of this section except for minimum separation distance requirements per section 16.21.080(E)(4) above.

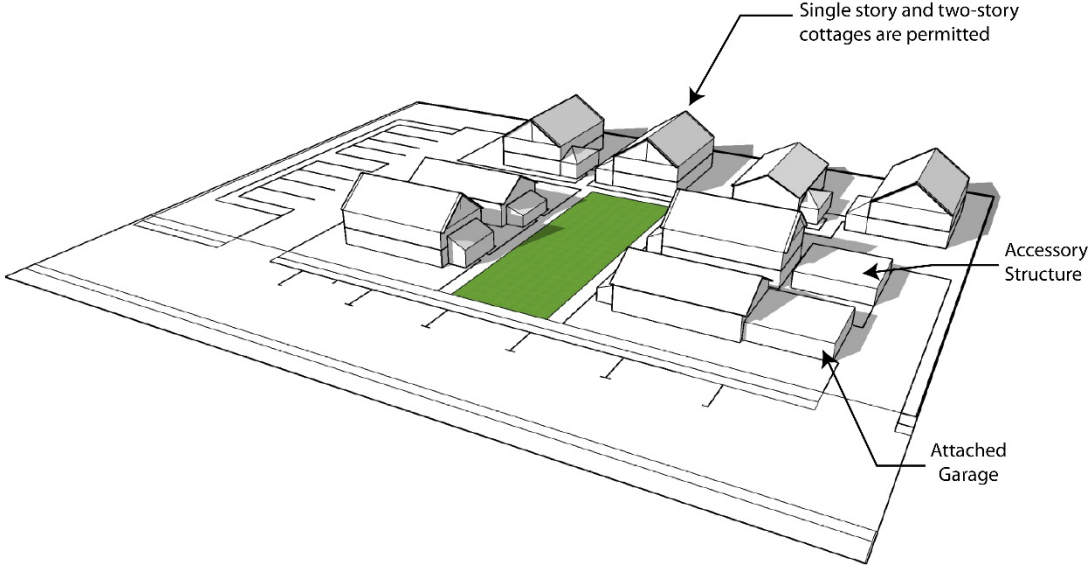
**NOTE:** The DLCD cottage cluster model code includes a carveout for existing dwellings within a new cottage cluster development. The model code language has been simplified somewhat, removing restrictions on how existing dwellings can be modified.

**Figure 1.** Cottage Cluster & Common Courtyard Design Standards



- (A) A minimum of 50% of cottages must be oriented to the common courtyard.
- (B) Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C) Cottages must be connected to the common courtyard by a pedestrian path.
- (D) Cottages must abut the courtyard on at least two sides of the courtyard.
- (E) The common courtyard must be at least 15 feet wide at its narrowest width.
- (F) Front yard setback to match the minimum setback of the underlying zone.
- (G) Parking facilities should be screened from public streets and residentially zoned properties with 3 foot tall landscaping, fencing or walls.

*Figure 2. Cottage Cluster Development Concept*



DRAFT

# Canby Housing Efficiency Measures

## Canby Municipal Code (CMC) Text Amendments

### Proposed Text Amendments Tracker

Existing CMC Section	New CMC Section	Description of Change
<b>16.16 R-1 Low Density Residential Zone</b>		
16.16.010 Uses Permitted outright.		<ul style="list-style-type: none"> <li>• Amended to allow cottage cluster developments as an outright permitted use.</li> <li>• Amended to allow townhouses as an outright permitted use if approved as a part of a PUD.</li> <li>• Amended to allow duplexes as an outright permitted use to memorialize previously approved HB 2001 code amendments adopted via Ord #1574.</li> <li>• Amended to strike duplexes as a conditional use.</li> </ul>
16.16.030 Development Standards.		<ul style="list-style-type: none"> <li>• Amended to identify that cottage clusters are subject to separate development standards and are not subject to the standards of this section.</li> <li>• Amended to add minimum lot size and modified lot dimensions for townhouses.</li> <li>• Amended to establish a maximum residential density standard of six (6) units per acre.</li> <li>• Amended to require that townhouse development shall not exceed six (6) consecutive attached dwellings, with each grouping of townhouses being separated by at least 10 feet. Language added encouraging that townhouses be alley loaded.</li> </ul>
<b>16.18 R-1.5 Medium Density Residential Zone</b>		
16.18.010 Uses Permitted outright.		<ul style="list-style-type: none"> <li>• Amended to increase the maximum townhouse grouping from three (3) to six (6) dwelling units.</li> <li>• Amended to allow fourplexes as an outright permitted use.</li> <li>• Amended to strike fourplexes as a conditional use.</li> </ul>

<p>16.18.030 Development standards.</p>		<ul style="list-style-type: none"> <li>• Amended to identify that cottage clusters are subject to separate development standards and are not subject to the standards of this section.</li> <li>• Amended to decrease the minimum townhouse lot size from 3,000 to 1,800 square feet if approved as a part of a PUD.</li> <li>• Amended to require that townhouse development shall not exceed six (6) consecutive attached dwellings in a row and that groupings should be separated by at least 10 feet. Language added encouraging that townhouses be alley loaded.</li> </ul>
<p><b>16.21 Residential Design Standards</b></p>		
	<p>16.21.080 Cottage Cluster Development and Design Standards.</p>	<ul style="list-style-type: none"> <li>• Section added to provide development and design standards for cottage cluster developments. Includes purpose statement, applicability provisions, approval processes and development/design standards for cottage clusters.</li> </ul>
<p><b>16.74 PUD Uses Permitted</b></p>		
<p>16.74.020 Uses permitted in residential zone.</p>		<ul style="list-style-type: none"> <li>• Amended to identify that all uses permitted outright or conditionally may be permitted with a PUD.</li> <li>• Amended to identify that a CUP is required if a conditional use is proposed with a PUD.</li> <li>• Amended to allow uses to be spread across a PUD site, regardless of the underlying base zone.</li> </ul>
<p><b>16.76 PUD Requirements</b></p>		
<p>16.76.010 Minimum Requirements.</p>		<ul style="list-style-type: none"> <li>• Amended to identify that open space provided with a PUD must be “usable”.</li> <li>• Amended to create exception for cottage clusters in PUDs for the purpose of calculating the minimum open space requirement.</li> <li>• Amended to identify that PUDs shall adhere to density provisions of the underlying base zone(s).</li> <li>• Amended to add approval criteria for a density bonus.</li> <li>• Amended to create exception that cottage cluster units do count toward</li> </ul>

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		<p>maximum density allowance within a PUD.</p> <ul style="list-style-type: none"><li>• Amended to allow the total base zone density to be spread throughout the PUD site, regardless of the underlying base zone.</li></ul>
16.76.030 Standards and criteria.		<ul style="list-style-type: none"><li>• Amended to identify that higher intensity uses should be placed within the interior of a PUD where the PUD is adjacent to lower intensity uses.</li></ul>



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Chapter 16.16

R-1 LOW DENSITY RESIDENTIAL ZONE

Sections:

16.16.010 Uses permitted outright.

16.16.020 Conditional uses.

16.16.030 Development standards.

16.16.010 Uses permitted outright.

Uses permitted outright in the R-1 zone shall be as follows:

- A. Single-family dwelling; one single-family dwelling per lot;
- B. Duplex, subject to the standards in Chapter 16.81;
- C. Cottage cluster development, subject to the cottage cluster development and design standards of Chapter 16.21.080;
- D. Vegetable gardens, orchards and crop cultivation for personal use only, including greenhouses. No large-scale commercial sale of produce is permitted unless continued as a non-conforming use that was in place prior to the existing zoning designation. Keeping of animals other than domestic pets requires a special permit from the City Administrator unless a continuation of a non-conforming agriculture use.
- E. Accessory uses and/or accessory structures;
- F. Accessory dwelling, subject to review and approval through a Type 1 procedure (pursuant to Chapter 16.89.030) and must conform to the following standards:
  - 1. Compliance with the Oregon Structural Specialty Code;
  - 2. A maximum of one accessory dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a garage or workshop), or a unit attached or interior to a primary dwelling (e.g. an addition or the conversion of an existing floor).

3. A detached accessory dwelling may not exceed 800 square feet of floor area or 75% of the primary dwelling's floor area, whichever is smaller.
  4. Accessory dwellings that result from the conversion of a level or floor (e.g. basement, attic, or second floor) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 800 square feet.
  5. Accessory dwellings must meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:
    - a. Conversion of an existing legal non-conforming structure to an accessory dwelling is allowed, provided the conversion does not increase the non-conformity; and
    - b. Chapter 16.21, Residential Design Standards do not apply; and
    - c. An additional on-site parking space shall not be required but may be provided.
- G.** Day care facility in a residential home, with twelve (12) or fewer children;
- H.** Manufactured and mobile home subdivisions, where developed as planned unit developments, subject to the requirements of Divisions IV and V;
- I.** Minor public facilities;
- J.** Manufactured home - with the following additional approval criteria:
1. Must be double-wide or wider and must enclose at least 1,000 square feet.
  2. Must be located not more than twelve (12) inches above grade on an excavated and back-filled masonry foundation which is enclosed at the perimeter.
  3. Must have a pitched roof with a minimum slope of at least a nominal three (3) feet in height for each twelve (12) feet in width.
  4. Exterior siding and roofing must be similar in color, material and appearance to that used on surrounding dwellings within three hundred (300) feet of the lot.
  5. The exterior thermal envelope must meet performance standards equivalent to those required for single family dwellings under the State Building Code.
  6. Must not have bare metal siding or roofing.
- K.** Home occupations which meet the strict definition of section 16.04.240.
- L.** Residential Home/Adult Foster Home - for five or fewer individuals. (Per ORS 197.665).

M. Foster Care Home; as defined in Section 16.04

N. Uses permitted outright with a planned unit development. The following uses are permitted outright if approved as a part of a planned unit development in accordance with section 16.76.

1. Single-family townhouse dwellings having common wall construction. The townhouse construction is limited to a maximum grouping of six dwellings. If more than one group of dwellings is developed than a ten foot distance shall be maintained between an adjacent group of dwellings.

**16.16.020 Conditional uses.**

Conditional uses in the R-1 zone shall be as follows:

A. Cemetery;

B. Church;

C. Day care facility, other than a residence or caring for more than twelve (12) children;

D. Hospital;

E. Nursing home

F. School;

G. Major public facilities;

H. Golf courses, public or private, with facilities and structures that are associated with the use;

I. Home occupations which otherwise meet the strict definition of section 16.04.240, but which involve the manufacture of products, nonresidential storage of goods, or any activity which is likely to increase traffic;

J. Accessory use or structure (not a dwelling) located on a lot or lots abutting the lot which houses the principal use of the property;

K. Manufactured and mobile home park or trailer park, subject to the criteria of Chapter 16.44;

~~L. One two family dwelling (duplex) where the lot contains a minimum of twelve thousand square feet. Through the conditional use process, the Planning Commission may require the two dwellings in a duplex to share a common driveway to minimize curb cuts and paving;~~

M. One duplex on a corner lot that contains a minimum of ten thousand square feet, provided that the building is designed such that vehicle access to the different units is taken from different streets;

N. Bed and Breakfast;

O. Residential Facility - for six to fifteen individuals (Per ORS 197.667(4) and 443.400 (8))

P. Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line housing that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and the building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots.

Q. Other developments customarily found within a residential zone, as determined by the Planning Commission.

R. Detached accessory structure (not dwelling) up to twenty-two feet high which is located outside the allowed building footprint area for the principal structure and which does not meet the step-up height standard described in 16.16.030(E)(2)(b). (Ord. 890 section 16, 1993; Ord. 740 section 10.3.18(B), 1984; Ord. 1080, 2001; Ord. 1111 section 7, 2003; Ord 1237, 2007; Ord. 1514, 2019)

### **16.16.030 Development standards.**

The following subsections indicate the required development standards of the R-I zone. Cottage cluster developments are exempt from these standards and are instead subject to the cottage cluster development and design standards outlined in section 16.21.080.

#### **A. Minimum and maximum lot area:**

1. For single family dwellings: seven thousand (7,000) square feet minimum, and ten thousand (10,000) square feet maximum, per single-family dwelling. The maximum lot area standard does not apply to single family dwellings existing at the time of subdivision or partition plan approval; and the Planning Commission may approve smaller or larger lots in conformance with subsection B, below. Preexisting, legally created lots of record shall be considered to be legally buildable and separately saleable, provided they contain at least five thousand (5,000) square feet; and further provided, that any new structures on such lots meet the required setbacks.

2. For townhouse dwelling units having common wall construction and developed as a part of a planned unit development:

a. 1,800 square foot minimum lot size.

3. Density. There is no minimum density. The maximum density for all residential uses is 6 units per acre.

**B. Lot area exceptions:**

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met:

- a. The average area of all lots created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than seven thousand square feet and no greater than ten thousand square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 5,000 square feet.

- b. No lot shall be created that contains less than six thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used;

- c. The lot area standards for two-family dwellings, as provided in Sections 16.16.010 and 16.16.020, shall be met; and

- d. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of oversized lots (e.g., ten thousand square feet and larger), when such re-division would violate the average lot area provision in subsection 16.16.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

2. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.16.030.A.

3. The Planning Commission may modify the maximum lot area requirements in 16.16.030.A if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

**C. Minimum width and frontage: sixty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.**

1. Exception. The minimum width and frontage for single family attached (common wall) townhouse lots is twenty feet.

**D. Minimum yard requirements:**

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only;
2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots, fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;
3. Interior yard: Seven feet, except as otherwise provided for zero-lot line housing.
4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply to such structures. Detached accessory dwellings are not eligible for the three foot reduction. Utility easements may only be reduced with the approval of all utility providers.
5. Infill standards may also apply. See CMC 16.21.050.

**E. Maximum building height:**

1. Principal building: thirty-five feet.
2. Detached accessory structure:
  - a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
  - b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
  - c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.

d. Detached accessory structures over twenty-two feet tall are not permitted.

3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

F. The maximum amount of impervious surface allowed the R-1 zone shall be 60 percent of the lot area.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surfaces include, but are not limited to, buildings, paved parking areas and driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.

2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review by the City Public Works Department for compliance with applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.

2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.

3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and covered patios if patio posts still comply with required five foot setbacks.

4. Accessory buildings shall not have a larger footprint than the primary building, unless lot area exceeds twelve thousand square feet.

5. Townhouse (common wall) development shall not exceed six attached dwellings if developed as a part of a planned unit development. If more than one group of

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six dwellings are constructed, then the groups shall be separated by not less than ten (10) feet. Townhouse units are encouraged to be alley loaded when possible.



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**Chapter 16.18**

**R-1.5 MEDIUM DENSITY RESIDENTIAL ZONE**

**Sections:**

- 16.18.010** Uses permitted outright.
- 16.18.020** Conditional uses.
- 16.18.030** Development standards.

**16.18.010** Uses permitted outright.

Uses permitted outright in the R-1.5 zone shall be as follows:

- A.** Uses permitted outright in the R-1 zone;
- B.** Two-family or three-family dwellings. One duplex or triplex on each lot. (Ord. 740 sect. 10.3.20 (A), 1984)
- C.** Single-family townhouse dwellings having common wall construction. The townhouse construction is limited to a maximum grouping of ~~three~~ six dwelling units. If more than one group of dwellings is developed then a ten foot distance shall be maintained between an adjacent group of dwelling units. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)
- D.** Four-family dwellings, one fourplex on each lot.

**16.18.020** Conditional uses.

Conditional uses in the R-1.5 zone shall be as follows:

- A.** Uses listed as conditional in the R-1 zone; except as modified by Section 16.18.010, above;
- B.** ~~Four family dwellings. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)~~

**16.18.030** Development standards.

The following subsections indicate the required development standards of the R-1.5 zone.

Cottage cluster developments are exempt from these standards and are instead subject to the cottage cluster development and design standards outlined in Section 16.21.080.

**A. Minimum and maximum lot area:**

1. For single family dwellings: five thousand (5,000) square feet minimum and six thousand five hundred (6,500) square feet maximum.
2. For townhouse dwelling units having common wall construction: ~~three thousand (3000) square foot minimum lot size.~~
  - a. 3,000 square foot minimum lot size.
  - b. 1,800 square foot minimum lot size if approved as a part of a planned unit development in accordance with section 16.76.
3. Minimum residential density: For two, three, and four family dwellings: new development shall achieve a minimum density of 6 units per acre and a maximum of 13 units per acre. Minimum density for a property is calculated by multiplying its area in acres (minus area required for street right-of-way and public park/open space areas) by the density standard. For example, 0.32 acres x 6 units/acre = minimum of 1.92 units. Decimals are rounded to the nearest whole number (e.g., a minimum of 1.92 units becomes a minimum of 2 units per acre). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.
4. The Planning Commission may approve smaller or larger lots in accordance with subsection B, below.

**B. Lot area exceptions:**

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.18.030.A as part of a subdivision or partition application when all of the following standards are met:
  - a. The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than five thousand square feet and no greater than six thousand five hundred square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 4,000 square feet;

b. No lot shall be created that contains less than four thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used; and

2. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of over-sized lots (six thousand five hundred square feet and larger), when such re-division would violate the average lot size provision in subsection 16.18.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

3. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.18.030.B.1.a.

4. The Planning Commission may modify the maximum lot area requirements in subsection 16.18.030.B if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

5. The maximum lot area standard does not apply to dwellings existing prior to subdivision or partition plan approval or to lots designated for open space.

C. Minimum width and frontage: forty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access. Twenty feet is permitted for single family attached (common wall) housing ~~on~~ interior lots.

D. Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only.

2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots: fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;

3. Interior yard: seven feet, except as otherwise provided for zero-lot line housing.

4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures, except accessory dwellings, erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply. Utility easements may only be reduced with the approval of all utility providers.

5. Infill standards may also apply. See CMC 16.21.050.

E. Maximum building height:

1. Principal building: thirty-five feet.
2. Detached accessory structure:
  - a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
  - b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
  - c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.
  - d. Detached accessory structures over twenty-two feet tall are not permitted.
3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

**F.** The maximum amount of impervious surface allowed the R-1.5 zone shall be 70 percent of the lot area.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surface include, but are not limited to, buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.
2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review and approval

by the City Public Works Department for compliance with other applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

**G. Other regulations:**

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.
2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.
3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and patio covers, if the patio posts still comply with required setbacks.
4. Accessory buildings shall not have a larger footprint than the primary building.
5. Townhouse (common wall) development shall not exceed six attached dwellings in a group as defined in Chapter 16.04.195. If more than one group of six dwellings is constructed, then the groups shall be separated by no less than ten feet. Townhouse units are encouraged to be alley loaded when possible.

**[New Section] 16.21.080 Cottage Cluster Development and Design Standards.**

- A. Purpose.** The purpose of these standards is to promote more affordable fee in common or fee ownership housing options within Canby. Additionally, they are designed to promote quality development, a sense of openness and community, and enhance livability and walkability. These standards are also intended to encourage cottage cluster developments that are compatible with existing and future residential development within the R-1 and R-1.5 zones.
- B. Applicability.** These standards apply to all new cottage cluster developments as defined by section 16.04.
- C. Permitted Use.** Cottage Cluster developments are permitted outright within the R1 and R1.5 zones. Cottage Cluster developments may be permitted as a standalone development or as part of a Planned Unit Development in accordance with 16.72, PUD applications.
- D. Approval Process.** Cottage cluster developments are a Type 3 Site and Design Review application, approved in accordance with Chapter 16.49, Site and Design Review. Cottage cluster developments within a PUD are subject to Chapter 16.72, PUD Applications. Cottage cluster developments proposed to be subdivided may be approved in accordance with Chapter 16.62, Subdivisions as a Type 3 process.
1. Cottage cluster developments are exempt from the following sections of Chapter 16.49, Site and Design Review:
    - a. Section 16.49.040.B.5, Site Design Review Menu;
    - b. Section 16.49.080.C, minimum landscaping standards; and
    - c. Section 16.49.120, parking lot landscaping standards.
  2. Covenants, easements or other recorded documents shall be provided to the City prior to certificate of occupancy of the first unit, or prior to the final plat if the cottage cluster is proposed to be subdivided, addressing access and maintenance of all shared common areas or common facilities including, but not limited to, storm sewers and stormwater facilities, drainage ways, open space, landscaping, and shared parking facilities.
- E. Development Standards.** The following development standards apply to all cottage cluster developments and supersede the development standards of the underlying zone unless stated otherwise.
1. *Density.* The minimum density of any cottage cluster development is 6 units per acre. There is no maximum density standard, provided the cottage cluster development is designed to conform with the requirements of this section.

2. *Lot Area.* There is no minimum or maximum lot area standard, provided the cottage cluster development is designed to conform with the requirements of this section.
3. *Minimum Perimeter Yard Setback Requirements for Structures.*
  - a. Street yard: The minimum setback requirement of the underlying zone applies.
  - b. Rear yard: 10 feet
  - c. Side yard 5 feet
4. *Number of Cottages.* Cottage housing units shall be developed in clusters of a minimum of four (4) units per cluster. There is no maximum, provided one (1) common courtyard, consistent with the standards of section 16.21.080(F)(3), is provided for every 12 cottages.
5. *Building Separation.* Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be three (3) feet.
6. *Building Height.* The maximum building height for all structures is 28 feet.
7. *Unit Size.* Each cottage's total floor area shall be a minimum of 600 square feet and shall not exceed a maximum of 1,200 square feet. Per section 16.21.080(F)(6)(e)(ii) of this chapter, individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage's maximum total floor area.
8. *Maximum Impervious Surface.* The maximum impervious surface standard of the underlying zone applies.
9. *Off-Street Parking.* At least two (2) off-street parking space shall be provided per cottage dwelling unit. Off-street parking shall be designed in accordance with section 16.10.070, Parking Lots and Access, and section 16.21.080(F)(5).
  - a. If a cottage cluster development fronts on a street that does not allow on-street parking, at least two (2) guest parking spaces shall be provided on site for every four (4) cottage dwelling units.
  - b. If a cottage cluster development fronts on a street that allows on-street parking, there is no guest parking requirement.
10. *Access Requirements.* Cottage cluster developments are permitted to have more than one driveway access provided applicable access spacing standards are met.

**F. Design Standards.** The following design standards apply to all cottage cluster developments. No other design standards shall apply to cottage clusters unless noted in this section. Where there is a conflict between these standards and the standards of other sections of this code, the standards of this section shall control.

1. *Cottage Design Standards.* All cottages and community buildings shall incorporate four (4) of the following design features:

- a. Dormers.
- b. Gables, hip roof, or gambrel roof form.
- c. Recessed entries (minimum 2 foot recess).
- d. Covered porch entries (minimum 48 square feet, minimum 4 foot depth).
- e. Bay windows.
- f. Any eaves of 12-inches or greater.
- g. Off-set of 16-inches or greater on building face or roof.
- h. Windows and main entrance doors occupy a minimum of 15 percent of the façade, not including the roof.
- i. Window trim (minimum 4-inch) or shutters (minimum 8-inch)
- j. Balconies or porch rail.
- k. Shakes, shingles, brick or other similar decorative materials occupying at least 60 square feet of the street-facing and courtyard-facing façade.

2. *Cottage Orientation.* Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 1 and Figure 2):

- a. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and meet the following standards:
  - i. Have a main entrance facing the common courtyard;
  - ii. Be within 10 feet of the common courtyard measured from the façade of the cottage to the nearest edge of the common courtyard; and
  - iii. Be connected to the common courtyard by a pedestrian path.



- b. Cottages within 20 feet of a street property line may have their entrances facing the street, provided 50 percent of all cottage units within the cluster face the common courtyard.
  - c. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that provides a continuous and reasonably direct connection to the common courtyard.
3. *Common Courtyard Design Standards.* Each cottage cluster development must share a common courtyard in order to provide a minimum open space area for the cottage cluster development. One (1) common courtyard shall be provided for every 12 cottage units (see Figure 1 and Figure 2).
- a. The common courtyard must be a single, contiguous area.
  - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
  - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
  - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
  - e. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard.
  - f. Pedestrian paths, parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
4. *Community Buildings.* Cottage cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards and may not be used as dwelling units:
- a. Each cottage cluster is permitted one community building.
  - b. A community building shall not exceed 1,400 square feet of total floor area.
  - c. Community buildings may count towards a cottage cluster's common courtyard requirement provided the standards of section 16.21.080(F)(1) are met. Only the footprint area of the community

building may count towards the common courtyard minimum area requirement.

- d. A community building cannot count for more than 75% of the common courtyard.

5. *Pedestrian Access.*

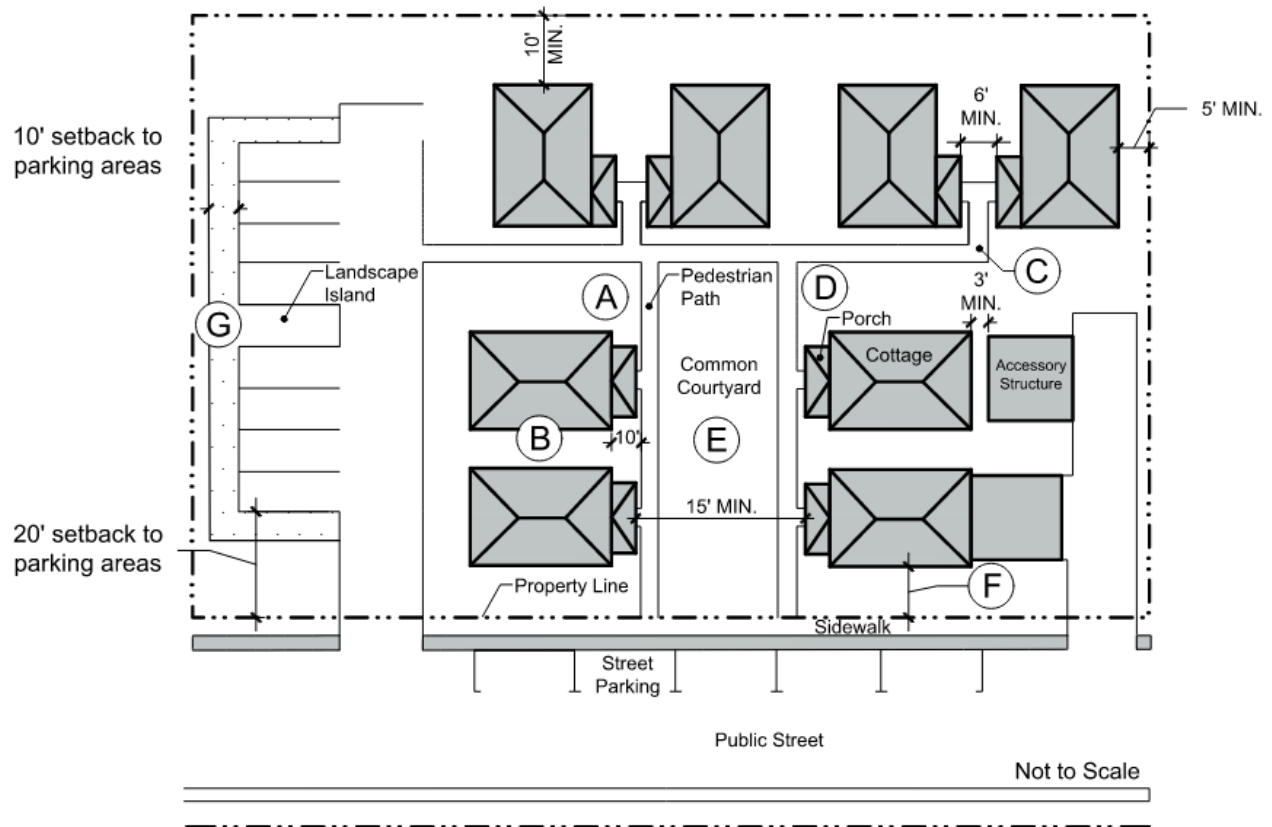
- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following (see Figure 1 and Figure 2):
  - i. The common courtyard;
  - ii. Shared parking areas;
  - iii. Community buildings, if provided; and
  - iv. Abutting sidewalks within the public right-of-way, or to the edge of the roadway if sidewalks along the roadway are not provided.
- b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet in width.

6. *Parking Area Location and Design* (see Figure 1 and Figure 2).

- a. Clustered parking. Off-street parking may be arranged in clusters of not more than five (5) contiguous spaces separated from other clusters by at least four (4) feet of landscaping. Clustered parking areas may be covered.
- b. Off-street parking spaces and vehicle maneuvering areas shall not be located:
  - i. Within 20 feet from any street property line, excluding alleys.
  - ii. Between a street property line, excluding alleys, and cottages abutting the street property line.
- c. Off-street parking spaces shall not be located within 10 feet of any property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of all property lines.
- d. Screening. Landscaping, fencing, or walls shall separate clustered parking areas and parking structures from public streets and residentially zoned properties.
  - i. When adjacent to residentially zoned properties, the landscaping, fencing, or walls must be 6 feet tall.

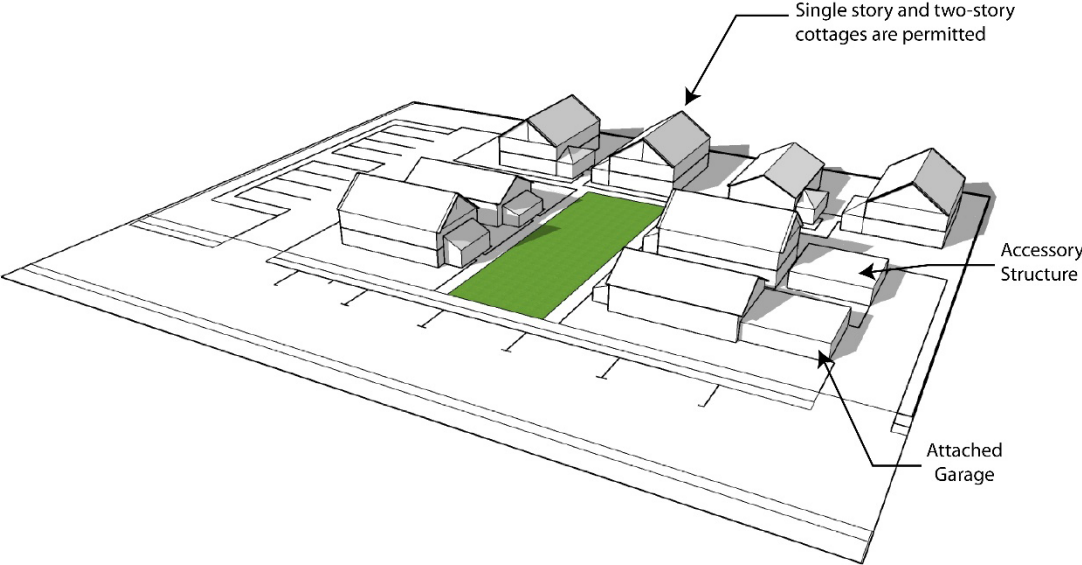
- ii. When adjacent to public streets, the landscaping, fencing, or walls must be at least 3 feet tall.
    - iii. All fencing and walls must be consistent with city fencing standards in CMC 16.08.110.
    - iv. All screening must comply with vision clearance.
  - e. Garages and carports shall meet the following standards:
    - i. Garages and carports (whether shared or individual) must not abut common courtyards.
    - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage's maximum total floor area per section 16.21.080(E)(7) of this chapter.
    - iii. Individual detached garages must not exceed 400 square feet in floor area.
    - iv. Garage doors for individual garages must not exceed 12 feet in width.
- 7. *Existing Structures.* On a lot or parcel to be used for a cottage cluster development, a pre-existing detached single-family dwelling may remain within the cottage cluster development area and does not need to comply with the requirements of this section except for minimum separation distance requirements per section 16.21.080(E)(4) above.

Figure 1. Cottage Cluster & Common Courtyard Design Standards



- (A) A minimum of 50% of cottages must be oriented to the common courtyard.
- (B) Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C) Cottages must be connected to the common courtyard by a pedestrian path.
- (D) Cottages must abut the courtyard on at least two sides of the courtyard.
- (E) The common courtyard must be at least 15 feet wide at its narrowest width.
- (F) Front yard setback to match the minimum setback of the underlying zone.
- (G) Parking facilities shall be screened from public streets and residentially zoned properties by landscaping, fencing or walls at specific heights as noted within this code.

*Figure 2. Cottage Cluster Development Concept*



**KEY**

Proposed New Text = Red Underlined

Proposed Removed Text = ~~Red Underlined and Strikethrough~~

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**Chapter 16.74**

**USES PERMITTED**

**Sections:**

- 16.74.010**    **Generally.**
- 16.74.020**    **Uses permitted in residential zone.**
- 16.74.030**    **Uses permitted in other than residential zone.**

**16.74.010**    **Generally.**

In a planned unit development the uses set out in this chapter are permitted. (Ord. 740 section 10.5.30[part], 1984)

**16.74.020**    **Uses permitted in residential zone.**

In a planned unit development in a residential zone only the following uses are permitted:

- A.** All uses permitted outright or conditionally permitted in the underlying zone. If conditionally permitted uses are proposed within a planned unit development, the standards of Chapter 16.50 shall be met. Residential units, either detached, attached or in multiple type dwellings, but at no greater density than is allowed for the zoning district as set forth in Division III, except as may be modified for a density bonus as provided in section 16.76.010 or Chapter 16.80.
- B.** Accessory and incidental retail and other nonresidential uses may be specifically and selectively authorized as to exact type and size to be integrated into the project by design. Accessory retail uses shall serve primarily as a convenience to the inhabitants of the project.
- C.** Mobile home subdivisions, subject to the standards and criteria of Division IV and Chapter 16.80.
- D.** Recreational facilities, including but not limited to tennis courts, swimming pools, and playgrounds. (Ord. 740 section 10.5.30 (A), 1984)
- E.** All permitted and conditional residential uses allowed in any base zone in which the planned unit development is located are allowed uses throughout the planned unit development.

**REVISED 11/17/2023.**

**16.74.030 Uses permitted in other than residential zone.**

In planned unit developments in areas zoned for other than residential uses, uses shall be limited to those permitted by the zoning districts in which the use is located. (Ord. 740 section 10.5.30(B), 1984)

**KEY**

Proposed New Text = Red Underlined

Proposed Removed Text = Red Underlined and Strikethrough

**Chapter 16.76**

**REQUIREMENTS**

**Sections:**

**16.76.010 Minimum requirements.**

**16.76.020 General requirements.**

**16.76.030 Standards and criteria.**

**16.76.040 Exceptions.**

**16.76.010 Minimum requirements.**

The minimum requirements for a residential planned unit development shall include the following two items:

A. Open Space. A minimum of fifteen (15) percent of the gross area of the development shall be devoted to open space and shall be located in a common area or dedicated to the public, except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.

1. Usable Open Space. Open space areas shall be planned and improved to provide opportunities for active recreation, passive relaxation, or community interaction, and which are accessible to the general public or to residents, employees or customers in common. Examples include plazas, courtyards, private parks, sport fields and courts, and viewpoints overlooking natural resource areas.

a. The following shall not be counted towards a planned unit development's usable open space:

i. Areas of land where the average slope exceeds 20 percent where there is no associated usable amenity provided;

ii. Areas subject to the Wetland Overlay Zone (WO) per section 16.39 or the Hazard Overlay Zone (H) per section 16.40 unless the area can be improved to include usable amenities in conformance with the provisions of these



overlay zones;

- iii. Fenced surface stormwater facilities. Stormwater facilities may only be counted as usable open space if they are not fenced, include associated passive recreational amenities such as benches, viewpoints, or walking paths and are effectively incorporated into the development's overall open space design; and
- iv. Other areas determined by the review authority to be unusable for the purpose of meeting this standard.

2. Exemption. Portions of the planned unit development site used for cottage clusters do not count toward the development site's gross area for the purpose of calculating the minimum usable open space requirement for PUDs per this standard. However, common courtyards provided with cottage cluster developments per section 16.21.080(F)(2) as a part of a PUD may count towards a PUD's usable space requirement.

B. Density. The planned unit development site shall adhere to the minimum and maximum density provisions of the base zone, except where a density bonus is approved as provided in subsection B(1) below. The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located, unless alternative lot layout is used pursuant to 16.64.040(B). The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. The commission may grant a density bonus of not more than fifteen percent to planned unit developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The commission shall clearly state its findings in support of granting or denying a requested density bonus.

1. Density Bonus. The planning commission may grant an increase of up to 20% beyond the maximum density of the underlying base zone if all of the following criteria are met:

- a. Existing and proposed streets within and connecting to the development site will support the proposed density;
- b. Existing and proposed water, sanitary sewer and storm drainage systems within and connecting to the development will support the proposed density;
- c. The development demonstrates innovative site design, outstanding architectural variety, and quality construction which will mitigate the increased density;
- d. The increased density will be mitigated by providing exceptional

quality and increased quantity of usable open space beyond the minimum amount required by section 16.76.010(A), and other amenities, especially active recreational areas.

- e. A minimum of five (5) percent of the planned unit development's dwelling units must be single-story units that have at least one (1) entrance accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space.

2. Exceptions.

- a. Cottage cluster units provided within a planned unit development do not count toward the maximum density standard of the underlying base zone. Cottage cluster developments proposed within a planned unit development must meet the applicable development and design standards for cottage cluster developments per section 16.21.080.

C. The density allowed in each base zone may be spread throughout the planned unit development site.

D. To achieve the goals of low impact development, buildings are encouraged to be clustered within the designated development area of the site. Clustering is intended to preserve open space, reduce total impervious surface area, and minimize development impacts on critical areas and associated buffers. Preservation of open space reduces potential stormwater runoff and associated impacts and provides area for dispersion, filtration and infiltration of stormwater. The arrangement of clustered buildings shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns.

E. The use of LID best management practices in site design and development is required where site and soil conditions make it feasible option. LID practices shall meet the standards set forth in the Canby Public Works design Standards.

F. (Ord. 740 section 10.5.50, 1984; Ord. 890 section 57, 1993; Ord. 1338, 2010; Ord. 1514, 2019)

**16.76.020 General requirements.**

Prior to development, application shall be made to the commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a master plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements and be subject to the standards and criteria of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

- A. Any areas proposed to be dedicated or reserved for public parks, schools,

- playgrounds, or otherwise dedicated or reserved for public purposes;
- B. Other undedicated open space set aside for the use of the residents of the development in common. Access and types of access for the open space area or areas shall be shown;
  - C. A general land use plan for the proposed subdivision indicating the areas to be used for various purposes;
  - D. Types of dwellings and site locations thereof;
  - E. Proposed locations of off-street parking areas with dimensions;
  - F. Pedestrian walks, malls and other trails, both public and private. The commission may require a complete circulation plan if warranted by the size and type of development;
  - G. The stages to be built in progression, if any;
  - H. The location of adjacent utilities intended to serve the development and a layout of the utilities within the development;
  - I. Table showing the density and lot coverage of the overall development;
  - J. Such other pertinent information as the commission may require in order to make necessary findings on the site approval. (Ord. 740 section 10.5.60(A), 1984)
  - K. A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150. (Ord. 1340, 2011)

**16.76.030 Standards and criteria.**

Additional to the standards and criteria listed in Divisions III and IV which are applicable to planned unit development, the following standards and criteria shall apply:

- A. The site approval as acted upon by the commission shall be binding upon the developer, and variations from the plan shall be subject to approval by the commission.
- B. All land within the planned unit development may be subject to contractual agreements with the city and to recorded covenants providing for compliance with the city's requirements.
- C. The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUD's.

- D. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.
- E. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. Where the development is adjacent to lower intensity uses, higher intensity uses should be placed within the interior of the project. The commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.
- F. Each planned unit development shall be a complete development considering all previous requirements. The commission may, in addition, require the inclusion of facilities such as special curbs, sidewalks, streetlights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.
- G. Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
- H. The manner in which any open space or park and recreational area is to be maintained shall be submitted, along with the preliminary copy of the proposed owners' association bylaws and contractual agreements, with the preliminary subdivision. In the case of an individual owner, the commission may impose special requirements to assure long-term maintenance.
- I. The Planning Commission may, and in the case of single story or townhouse structures shall, require the separation of utilities from one unit to the next.
- J. In reviewing an application for the conversion of existing residential units to condominiums, the commission shall utilize the general standards as are applied to the new construction of planned unit developments. A proposed conversion which is not found to meet the standards customarily applied to planned unit developments will not be approved.
- K. In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the city at the time of the application. It is the intent of the city to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.
- L. No fence/wall shall be constructed throughout a planned unit development where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 740 section 10.5.60(B), 1984; Ord. 955 section 30, 1996)

**16.76.040 Exceptions.**

- A.** In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations, requirements and standards to the development. Modification of the lot size, lot width, and yard setback requirements may be approved by the commission at the time of the approval of the tentative subdivision plat or conditional use permit.
- B.** Building height shall conform to the zoning district in which the development is located.
- C.** Off-street parking and off-street loading requirement shall be pursuant to Division III. (Ord. 740 section 10.5.60(C), 1984)

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
November 6, 2024**

**PRESIDING:** Brian Hodson

**COUNCIL PRESENT:** Scott Sasse, Daniel Stearns, James Davis, Traci Hensley, Herman Maldonado, and Jason Padden.

**STAFF PRESENT:** Eileen Stein, City Administrator; Maya Benham, Administrative Director/City Recorder; Jorge Tro, Police Chief; Don Hardy, Planning Director; and Emily Matasar, Interim City Attorney (attended virtually).

**CALL TO ORDER:** Mayor Hodson called the meeting to order at 7:02 p.m.

**NEW EMPLOYEE INTRODUCTIONS:** None.

**CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS:** Bryan Dinteman, Canby Historical Society, reported on the rebranding of the Depot Museum. He wanted to know who to contact about road projects so they could coordinate future projects. Eileen Stein, City Administrator, would follow up with him.

**CONSENT AGENDA:** **\*\*Council President Hensley moved to approve the appointment of Linnea Stormo as the Teen Liaison to the Library Advisory Board with a term ending at the end of the 2025 school year. Motion was seconded by Councilor Padden and passed 6-0.**

**PUBLIC HEARINGS:**

Adopting of Housing Efficiency Measures –

Mayor Hodson read the hearing statement.

Don Hardy, Planning Director, presented the Housing Efficiency Measures code. He gave a background on previous housing processes including the Housing Needs Analysis, Housing Production Strategies, and Housing Efficiency Measures with the context of focusing on housing measures for cottage clusters and revisions to Planned Unit Development standards in R-1 and R-1.5 zones. He summarized the Housing Efficiency Measures draft code and Planning Commission recommendations. The Planning Commission did not have plurality on the cottage cluster provisions and requested Council's input. Questions for Council included: should there be a minimum of one or two on-site parking spaces per cottage unit, should pathways be excluded from common courtyard requirements, and should adjacent residential areas be separated by a three-foot or six-foot hedge or fence. Staff recommendations were a minimum of one on-site parking space per cottage, pathways to be excluded from courtyard requirements, and six-foot tall fencing be required when cottage cluster development abutted adjacent residential development factoring in sight distance requirements. He then summarized the cottage cluster development code and development and design standards as well as the R-1 and R-1.5 zoning code updates.

There was discussion regarding lot sizes for cottage cluster developments, interest in these types of developments, if they would be owned or rental units, how they held up over time, the purpose

of these for diversity of housing types in the City, what other communities had done, how there were a variety of design options, and intent of the code.

Mr. Hardy shared a cottage cluster design concept as one option.

There was further discussion regarding omitting sidewalks from the calculation for more greenspace and active space, fencing requirements of six feet on the sides and in the back against residential housing and three feet along the street and parking, how that would be consistent with the fence code update, there would be a step down from six feet to three feet for site visibility, whether they should require 1.5 or 2 parking spaces per unit, how this should remain a Type III review, single vs. two story units, covenants, easements, or recorded documents addressing access and maintenance, garages for parking, street design and parking, and prices for the units.

Mr. Hardy concluded his presentation by summarizing the Planned Unit Development (PUD) code updates.

Mayor Hodson opened the public hearing at 8:09 p.m.

There was no public testimony.

Mayor Hodson closed the public hearing at 8:09 p.m.

There was consensus to require two parking spaces per unit, to exclude sidewalks from common courtyard requirements, and six-foot fencing.

**\*\*Council President Hensley moved to approve Ordinance 1634, AN ORDINANCE ADOPTING THE HOUSING EFFICIENCY MEASURES: COTTAGE CLUSTER DEVELOPMENT AND DESIGN STANDARDS 16.21 TO INCLUDE TWO PARKING SPACES PER UNIT MINIMUM, EXCLUDE THE PATHWAYS FROM THE COURTYARD REQUIREMENTS, AND INCLUDE SIX-FOOT FENCING REQUIREMENTS, PLANNED UNIT DEVELOPMENT CODE UPDATES CHAPTER 16.74 AND 16.76, LOW DENSITY RESIDENTIAL CHAPTER 16.16, AND MEDIUM DENSITY RESIDENTIAL CHAPTER 16.18, AS PART OF THE CITY OF CANBY CODE (TA 24-02) to come up for second reading on November 20, 2024. Motion was seconded by Councilor Maldonado and passed 6-0 on first reading.**

#### **ORDINANCES AND RESOLUTIONS:**

Ordinance 1633 – Ms. Stein clarified the extension of the contract would be for one year, which would require the City to do either an RFP or bring it in house next year.

**\*\*Councilor Padden moved to approve Ordinance 1633, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXTEND A ONE TO TWO YEAR CONTRACT WITH MSNW GROUP LLC IN THE AMOUNT OF \$144,960 PER YEAR FOR CUSTODIAL SERVICES FOR THE CITY OF CANBY. Motion was seconded by Councilor Maldonado and passed 6-0 by roll call vote.**

Ordinance 1635 and Ordinance 1636 – Ms. Stein said Ordinance 1635 would approve the permanent City Attorney services. The second ordinance, Ordinance 1636, which is new

business not on the agenda, would increase the amount initially approved from Ordinance 1606 until Ordinance 1635 went into effect on December 20, 2024, to cover payments for City Attorney services.

**\*\*Councilor Padden moved to approve Ordinance 1636: AN ORDINANCE AMENDING ORDINANCE 1606 TO DELETE THE NOT TO EXCEED AMOUNT IN THE CONTRACT BETWEEN THE CITY OF CANBY AND BEERY, ELSNER & HAMMOND, LLP FOR INTERIM CITY ATTORNEY SERVICES to come up for second reading on November 20, 2024. Motion was seconded by Councilor Davis and passed 6-0 on first reading.**

**Council President Hensley moved to approve Ordinance 1635: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER IN TO A CONTRACT BETWEEN THE CITY OF CANBY AND BEERY, ELSNER & HAMMOND, LLP FOR CITY ATTORNEY SERVICES to come up for second reading on November 20, 2024. Motion was seconded by Councilor Maldonado and passed 6-0 on first reading.**

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**MAYOR'S BUSINESS:** Mayor Hodson thanked the business community and staff for the Downtown Spooktacular Village and thanked those who voted in the November election. Tomorrow was First Thursday and at 4:00 p.m., there would be a grand reopening and ribbon cutting for the completion of Highway 99E.

#### **COUNCILOR COMMENTS & LIAISON REPORTS:**

Councilor Padden planned to attend the reopening of 99E and First Thursday, He attended the Chamber Luncheon, thanked Canby Pride for putting on two open candidate forums, and noted North Redwood was finished and was much improved.

Council President Hensley attended Spooktacular Village.

Councilor Davis thanked Public Works for trimming trees along the path at Maple Street Park. The Auburn Farms Neighborhood Association president attended the Parks and Recreation Advisory Board meeting to stay informed about the parks at Dodds Farm and Auburn Farms. He attended the ribbon cutting at Community Park for the native plant sanctuary. Trees were planted on 99E also. The Fire Department would be holding an open house on December 14<sup>th</sup> to say goodbye to Fire Chief Davis and possibly swearing in of the new Fire Chief, Matt Dale.

Councilor Stearns thought it would be a good idea to have a Work Session explaining property tax bills for the public. He had heard from developers that working with Canby could be frustrating. He thought they should address the issue to smooth out the process. Ms. Stein would look into the issue.

Councilor Sasse reported on the Heritage and Landmark Commission meeting. They still needed three to four members as it was hard to accomplish anything without a full board. They would be



cleaning gravestones at Zion Cemetery in April/May. The basement portion of City Hall was getting new wood windows.

Regarding quorums, Mayor Hodson mentioned language in some of the committee bylaws stating a quorum could be based on the number of active members.

**CITY ADMINISTRATOR'S BUSINESS:** Ms. Stein announced an Open House at Willamette Falls Studios on November 20, from 4:00-7:00 p.m. They were willing to do a special orientation at 3:00 p.m. so Council could attend. Most of her time lately had been getting caught up and working on the City Attorney matter.

Mayor Hodson asked for an update on the Maple Street Park lighting project. He also asked about the Council calendar. The first meeting in January was on January 1, 2025, and he suggested moving it to January 7. Tentative dates for the Goal Setting session were January 31 and February 1, 2025.

**CITIZEN INPUT:** None.

**ACTION REVIEW:**


1. Approved the Consent Agenda.
2. Approved Ordinance 1634 to include two parking places per unit, excluding pathways from common courtyard requirements, and six-foot fencing.
3. Approved Ordinance 1635 and 1636 to a second reading on November 20, 2024.
4. Adopted Ordinance 1633.

Councilor Padden asked that Council candidates be notified of the dates of the Goal Setting meetings.

**\*\*The Council went into Executive Session pursuant to ORS 192.660(2)(i) Performance Evaluation.**

**Mayor Hodson recessed the Regular Meeting at 8:55 p.m.**

**Mayor Hodson reconvened the Regular Meeting at 10:55 p.m. and immediately adjourned.**



Maya Benham, CMC  
City Recorder



Brian Hodson  
Mayor

Assisted with Preparation of Minutes – Susan Wood



## CITY COUNCIL Agenda – Amended 11-19-2024

222 NE 2<sup>nd</sup> Avenue, Canby, OR, 97013 | Ph: (503) 266-4021 | [www.canbyoregon.gov](http://www.canbyoregon.gov)

### NOVEMBER 20, 2024

The City Council meeting may be attended in person in the Council Chambers at  
222 NE 2<sup>nd</sup> 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](mailto:ridgleyt@canbyoregon.gov) or call 503-266-0637.

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

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### WORK SESSION – 6:00 PM

1. CALL TO ORDER
2. HOUSING AND COMPREHENSIVE PLAN UPDATE AND SPECIAL AREA J
3. ADJOURN

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### REGULAR MEETING – 7:00 PM

1. CALL TO ORDER
  - a. Invocation
  - b. Pledge of Allegiance
2. NEW EMPLOYEE INTRODUCTIONS
  - a. Swearing-in of Police Officers
3. SHOP LOCAL CANBY PROGRAM/2024 SMALL BUSINESS SATURDAY PROCLAMATION
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 November 20, 2024, with your name, the topic you'd like to speak on and contact information: [ridgleyt@canbyoregon.gov](mailto:ridgleyt@canbyoregon.gov) or call 503-266-0637.

## 5. CONSENT AGENDA

- a. Approval of the October 23, 2024, City Council Work Session and Regular Meeting Minutes.
- b. Approval of the November 6, 2024, City Council Regular Meeting Minutes.
- c. Reappointment of Commissioners Hannah Ellison, Judi Jarosh, and Craig Lewelling to the Planning Commission for a term that will expire on December 31, 2027.

## 6. ORDINANCES & RESOLUTIONS

- a. Consider **Ordinance 1634**: An Ordinance Adopting the Housing Efficiency Measures: Cottage Cluster Development and Design Standards 16.21, Planned Unit Development Code Updates Chapter 16.74 and 16.76, Low Density Residential Chapter 16.16, and Medium Density Residential Chapter 16.18, As part of the City of Canby Code (TA 24-02). (*Second Reading*)
- b. Consider **Ordinance 1635**: An Ordinance Authorizing the City Administrator to enter into a Contract between the City of Canby and Beery, Elsner and Hammond, LLP for City Attorney Services. (*Second Reading*)
- c. Consider **Ordinance 1636**: An Ordinance Amending Ordinance No. 1606 to Delete the Not to Exceed Amount in the Contract Between the City of Canby and Beery, Elsner and Hammond, LLP for Interim City Attorney Services. (*Second Reading*)
- d. Consider **Resolution 1421**: A Resolution Adopting the 2024 Transit Master Plan for Canby Area Transit.

## 7. OLD BUSINESS

- a. Canby Adult Center Funding Conditions

## 8. NEW BUSINESS

- a. January 2025 Meeting Schedule

## 9. MAYOR'S BUSINESS

## 10. COUNCILOR COMMENTS & LIAISON REPORTS

## 11. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

- a. Bi-Monthly Reports

## 12. CITIZEN INPUT

## 13. ACTION REVIEW

## 14. ADJOURN

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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 Teresa Ridgley at 503-266-0637. A copy of this Agenda can be found on the City's web page at [www.canbyoregon.gov](http://www.canbyoregon.gov).

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**EXECUTIVE SESSION – 8:30 PM – Added 11-19-2024**  
*(Will begin after the Regular Meeting but not before 8:30pm)*

**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. CONVENE EXECUTIVE SESSION:** Pursuant to 192.660(2)(b) to consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing and 192.660(2)(i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
  - 3. RETURN TO OPEN SESSION:** Council may not take any final action or make any final decision. Council will return to open session and take any final action or make any final decision then, if needed.
  - 4. ADJOURN**
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**ORDINANCE NO. 1634**

**AN ORDINANCE ADOPTING THE HOUSING EFFICIENCY MEASURES: COTTAGE CLUSTER DEVELOPMENT AND DESIGN STANDARDS 16.21, PLANNED UNIT DEVELOPMENT CODE UPDATES CHAPTER 16.74 AND 16.76, LOW DENSITY RESIDENTIAL CHAPTER 16.16, AND MEDIUM DENSITY RESIDENTIAL CHAPTER 16.18, AS PART OF THE CITY OF CANBY CODE (TA 24-02)**

**WHEREAS**, the City Council accepted the Housing Efficiency Measures on November 6, 2024, including new Canby code and revised Canby code;

**WHEREAS**, there is a state requirement that Housing Efficiency Measures be adopted in order to permit residential urban growth boundary expansion;

**WHEREAS**, the adopted Canby Housing Needs Analysis identifies a 73-acre urban growth boundary need after factoring the proposed Housing Efficiency Measure code changes;

**WHEREAS**, Oregon State Department of Land Conversation and Development provided an October 11, 2024 letter of support for the Housing Efficiency Measures; and


**WHEREAS**, the planning commission recommended unanimous approval of the Housing Efficiency Measures on October 14, 2024; and

**WHEREAS**, a staff report with appropriate findings has been prepared showing consistency of the Housing Efficiency Measures with the Canby Comprehensive Plan, Canby Municipal Code and statewide planning goals.

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

**Section 1.** The City of Canby City Council hereby adopts the Housing Efficiency Measures and amends the Canby Municipal Code as described in Exhibit A, which is attached to this ordinance and is incorporated by reference.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, November 6, 2024 ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, November 20, 2024 commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor Canby, Oregon.

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

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

YEAS 6

NAYS 0



Brian Hodson  
Mayor

ATTEST:



Maya Benham, CMC  
City Recorder

KEY

Proposed New Text = Red Underlined

Proposed Removed Text = ~~Red Underlined and Strikethrough~~

Chapter 16.16

R-1 LOW DENSITY RESIDENTIAL ZONE

Sections:

16.16.010 Uses permitted outright.

16.16.020 Conditional uses.

16.16.030 Development standards.

16.16.010 Uses permitted outright.

Uses permitted outright in the R-1 zone shall be as follows:

- A. Single-family dwelling; one single-family dwelling per lot;
- B. Duplex, subject to the standards in Chapter 16.81;
- C. Cottage cluster development, subject to the cottage cluster development and design standards of Chapter 16.21.080;
- D. Vegetable gardens, orchards and crop cultivation for personal use only, including greenhouses. No large-scale commercial sale of produce is permitted unless continued as a non-conforming use that was in place prior to the existing zoning designation. Keeping of animals other than domestic pets requires a special permit from the City Administrator unless a continuation of a non-conforming agriculture use.
- E. Accessory uses and/or accessory structures;
- F. Accessory dwelling, subject to review and approval through a Type 1 procedure (pursuant to Chapter 16.89.030) and must conform to the following standards:
  - 1. Compliance with the Oregon Structural Specialty Code;
  - 2. A maximum of one accessory dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a garage or workshop), or a unit attached or interior to a primary dwelling (e.g. an addition or the conversion of an existing floor).



3. A detached accessory dwelling may not exceed 800 square feet of floor area or 75% of the primary dwelling's floor area, whichever is smaller.
  4. Accessory dwellings that result from the conversion of a level or floor (e.g. basement, attic, or second floor) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 800 square feet.
  5. Accessory dwellings must meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:
    - a. Conversion of an existing legal non-conforming structure to an accessory dwelling is allowed, provided the conversion does not increase the non-conformity; and
    - b. Chapter 16.21, Residential Design Standards do not apply; and
    - c. An additional on-site parking space shall not be required but may be provided.
- G.** Day care facility in a residential home, with twelve (12) or fewer children;
- H.** Manufactured and mobile home subdivisions, where developed as planned unit developments, subject to the requirements of Divisions IV and V;
- I.** Minor public facilities;
- J.** Manufactured home - with the following additional approval criteria:
1. Must be double-wide or wider and must enclose at least 1,000 square feet.
  2. Must be located not more than twelve (12) inches above grade on an excavated and back-filled masonry foundation which is enclosed at the perimeter.
  3. Must have a pitched roof with a minimum slope of at least a nominal three (3) feet in height for each twelve (12) feet in width.
  4. Exterior siding and roofing must be similar in color, material and appearance to that used on surrounding dwellings within three hundred (300) feet of the lot.
  5. The exterior thermal envelope must meet performance standards equivalent to those required for single family dwellings under the State Building Code.
  6. Must not have bare metal siding or roofing.
- K.** Home occupations which meet the strict definition of section 16.04.240.
- L.** Residential Home/Adult Foster Home - for five or fewer individuals. (Per ORS 197.665).



M. Foster Care Home; as defined in Section 16.04

N. Uses permitted outright with a planned unit development. The following uses are permitted outright if approved as a part of a planned unit development in accordance with section 16.76.

1. Single-family townhouse dwellings having common wall construction. The townhouse construction is limited to a maximum grouping of six dwellings. If more than one group of dwellings is developed than a ten foot distance shall be maintained between an adjacent group of dwellings.

**16.16.020 Conditional uses.**

Conditional uses in the R-1 zone shall be as follows:

A. Cemetery;

B. Church;

C. Day care facility, other than a residence or caring for more than twelve (12) children;

D. Hospital;

E. Nursing home

F. School;

G. Major public facilities;

H. Golf courses, public or private, with facilities and structures that are associated with the use;

I. Home occupations which otherwise meet the strict definition of section 16.04.240, but which involve the manufacture of products, nonresidential storage of goods, or any activity which is likely to increase traffic;

J. Accessory use or structure (not a dwelling) located on a lot or lots abutting the lot which houses the principal use of the property;

K. Manufactured and mobile home park or trailer park, subject to the criteria of Chapter 16.44;

~~L. One two family dwelling (duplex) where the lot contains a minimum of twelve thousand square feet. Through the conditional use process, the Planning Commission may require the two dwellings in a duplex to share a common driveway to minimize curb cuts and paving;~~

M. One duplex on a corner lot that contains a minimum of ten thousand square feet, provided that the building is designed such that vehicle access to the different units is taken from different streets;

N. Bed and Breakfast;

O. Residential Facility - for six to fifteen individuals (Per ORS 197.667(4) and 443.400 (8))

P. Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line housing that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and the building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots.

Q. Other developments customarily found within a residential zone, as determined by the Planning Commission.

R. Detached accessory structure (not dwelling) up to twenty-two feet high which is located outside the allowed building footprint area for the principal structure and which does not meet the step-up height standard described in 16.16.030(E)(2)(b). (Ord. 890 section 16, 1993; Ord. 740 section 10.3.18(B), 1984; Ord. 1080, 2001; Ord. 1111 section 7, 2003; Ord 1237, 2007; Ord. 1514, 2019)

### **16.16.030 Development standards.**

The following subsections indicate the required development standards of the R-I zone. Cottage cluster developments are exempt from these standards and are instead subject to the cottage cluster development and design standards outlined in section 16.21.080.

#### **A. Minimum and maximum lot area:**

1. For single family dwellings: seven thousand (7,000) square feet minimum, and ten thousand (10,000) square feet maximum, per single-family dwelling. The maximum lot area standard does not apply to single family dwellings existing at the time of subdivision or partition plan approval; and the Planning Commission may approve smaller or larger lots in conformance with subsection B, below. Preexisting, legally created lots of record shall be considered to be legally buildable and separately saleable, provided they contain at least five thousand (5,000) square feet; and further provided, that any new structures on such lots meet the required setbacks.
2. For townhouse dwelling units having common wall construction and developed as a part of a planned unit development:

- a. 1,800 square foot minimum lot size.

3. Density. There is no minimum density. The maximum density for all residential uses is 6 units per acre.

**B. Lot area exceptions:**

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met:

- a. The average area of all lots created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than seven thousand square feet and no greater than ten thousand square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 5,000 square feet.

- b. No lot shall be created that contains less than six thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used;

- c. The lot area standards for two-family dwellings, as provided in Sections 16.16.010 and 16.16.020, shall be met; and

- d. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of oversized lots (e.g., ten thousand square feet and larger), when such re-division would violate the average lot area provision in subsection 16.16.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

2. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.16.030.A.

3. The Planning Commission may modify the maximum lot area requirements in 16.16.030.A if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

**C. Minimum width and frontage: sixty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.**

1. Exception. The minimum width and frontage for single family attached (common wall) townhouse lots is twenty feet.

**D. Minimum yard requirements:**

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only;
2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots, fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;
3. Interior yard: Seven feet, except as otherwise provided for zero-lot line housing.
4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply to such structures. Detached accessory dwellings are not eligible for the three foot reduction. Utility easements may only be reduced with the approval of all utility providers.
5. Infill standards may also apply. See CMC 16.21.050.

**E. Maximum building height:**

1. Principal building: thirty-five feet.
2. Detached accessory structure:
  - a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
  - b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
  - c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.

d. Detached accessory structures over twenty-two feet tall are not permitted.

3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

F. The maximum amount of impervious surface allowed the R-1 zone shall be 60 percent of the lot area.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surfaces include, but are not limited to, buildings, paved parking areas and driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.

2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review by the City Public Works Department for compliance with applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.

2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.

3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and covered patios if patio posts still comply with required five foot setbacks.

4. Accessory buildings shall not have a larger footprint than the primary building, unless lot area exceeds twelve thousand square feet.

5. Townhouse (common wall) development shall not exceed six attached dwellings if developed as a part of a planned unit development. If more than one group of

REVISED 9/03/2024.

six dwellings are constructed, then the groups shall be separated by not less than ten (10) feet. Townhouse units are encouraged to be alley loaded when possible.

**KEY**

Proposed New Text = Red Underlined

Proposed Removed Text = ~~Red Underlined and Strikethrough~~

**Chapter 16.18**

**R-1.5 MEDIUM DENSITY RESIDENTIAL ZONE**

**Sections:**

- 16.18.010** Uses permitted outright.
- 16.18.020** Conditional uses.
- 16.18.030** Development standards.

**16.18.010** Uses permitted outright.

Uses permitted outright in the R-1.5 zone shall be as follows:

- A.** Uses permitted outright in the R-1 zone;
- B.** Two-family or three-family dwellings. One duplex or triplex on each lot. (Ord. 740 sect. 10.3.20 (A), 1984)
- C.** Single-family townhouse dwellings having common wall construction. The townhouse construction is limited to a maximum grouping of ~~three~~ six dwelling units. If more than one group of dwellings is developed then a ten foot distance shall be maintained between an adjacent group of dwelling units. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)
- D.** Four-family dwellings, one fourplex on each lot.

**16.18.020** Conditional uses.

Conditional uses in the R-1.5 zone shall be as follows:

- A.** Uses listed as conditional in the R-1 zone; except as modified by Section 16.18.010, above;
- B.** ~~Four family dwellings. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)~~

**16.18.030** Development standards.

The following subsections indicate the required development standards of the R-1.5 zone.

Cottage cluster developments are exempt from these standards and are instead subject to the cottage cluster development and design standards outlined in Section 16.21.080.

**A. Minimum and maximum lot area:**

1. For single family dwellings: five thousand (5,000) square feet minimum and six thousand five hundred (6,500) square feet maximum.
2. For townhouse dwelling units having common wall construction: ~~three thousand (3000) square foot minimum lot size.~~
  - a. 3,000 square foot minimum lot size.
  - b. 1,800 square foot minimum lot size if approved as a part of a planned unit development in accordance with section 16.76.
3. Minimum residential density: For two, three, and four family dwellings: new development shall achieve a minimum density of 6 units per acre and a maximum of 13 units per acre. Minimum density for a property is calculated by multiplying its area in acres (minus area required for street right-of-way and public park/open space areas) by the density standard. For example, 0.32 acres x 6 units/acre = minimum of 1.92 units. Decimals are rounded to the nearest whole number (e.g., a minimum of 1.92 units becomes a minimum of 2 units per acre). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.
4. The Planning Commission may approve smaller or larger lots in accordance with subsection B, below.

**B. Lot area exceptions:**

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.18.030.A as part of a subdivision or partition application when all of the following standards are met:
  - a. The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than five thousand square feet and no greater than six thousand five hundred square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 4,000 square feet;



b. No lot shall be created that contains less than four thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used; and

2. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of over-sized lots (six thousand five hundred square feet and larger), when such re-division would violate the average lot size provision in subsection 16.18.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

3. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.18.030.B.1.a.

4. The Planning Commission may modify the maximum lot area requirements in subsection 16.18.030.B if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

5. The maximum lot area standard does not apply to dwellings existing prior to subdivision or partition plan approval or to lots designated for open space.

C. Minimum width and frontage: forty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access. Twenty feet is permitted for single family attached (common wall) housing ~~on~~ interior lots.

D. Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only.

2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots: fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;

3. Interior yard: seven feet, except as otherwise provided for zero-lot line housing.

4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures, except accessory dwellings, erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply. Utility easements may only be reduced with the approval of all utility providers.

5. Infill standards may also apply. See CMC 16.21.050.

E. Maximum building height:

1. Principal building: thirty-five feet.
2. Detached accessory structure:
  - a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
  - b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
  - c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.
  - d. Detached accessory structures over twenty-two feet tall are not permitted.
3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

**F.** The maximum amount of impervious surface allowed the R-1.5 zone shall be 70 percent of the lot area.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surface include, but are not limited to, buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.
2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review and approval

by the City Public Works Department for compliance with other applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

**G. Other regulations:**

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.
2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.
3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and patio covers, if the patio posts still comply with required setbacks.
4. Accessory buildings shall not have a larger footprint than the primary building.
5. Townhouse (common wall) development shall not exceed six attached dwellings in a group as defined in Chapter 16.04.195. If more than one group of six dwellings is constructed, then the groups shall be separated by no less than ten feet. Townhouse units are encouraged to be alley loaded when possible.

**[New Section] 16.21.080 Cottage Cluster Development and Design Standards.**

- A. Purpose.** The purpose of these standards is to promote more affordable fee in common or fee ownership housing options within Canby. Additionally, they are designed to promote quality development, a sense of openness and community, and enhance livability and walkability. These standards are also intended to encourage cottage cluster developments that are compatible with existing and future residential development within the R-1 and R-1.5 zones.
- B. Applicability.** These standards apply to all new cottage cluster developments as defined by section 16.04.
- C. Permitted Use.** Cottage Cluster developments are permitted outright within the R1 and R1.5 zones. Cottage Cluster developments may be permitted as a standalone development or as part of a Planned Unit Development in accordance with 16.72, PUD applications.
- D. Approval Process.** Cottage cluster developments are a Type 3 Site and Design Review application, approved in accordance with Chapter 16.49, Site and Design Review. Cottage cluster developments within a PUD are subject to Chapter 16.72, PUD Applications. Cottage cluster developments proposed to be subdivided may be approved in accordance with Chapter 16.62, Subdivisions as a Type 3 process.
1. Cottage cluster developments are exempt from the following sections of Chapter 16.49, Site and Design Review:
    - a. Section 16.49.040.B.5, Site Design Review Menu;
    - b. Section 16.49.080.C, minimum landscaping standards; and
    - c. Section 16.49.120, parking lot landscaping standards.
  2. Covenants, easements or other recorded documents shall be provided to the City prior to certificate of occupancy of the first unit, or prior to the final plat if the cottage cluster is proposed to be subdivided, addressing access and maintenance of all shared common areas or common facilities including, but not limited to, storm sewers and stormwater facilities, drainage ways, open space, landscaping, and shared parking facilities.
- E. Development Standards.** The following development standards apply to all cottage cluster developments and supersede the development standards of the underlying zone unless stated otherwise.
1. *Density.* The minimum density of any cottage cluster development is 6 units per acre. There is no maximum density standard, provided the cottage cluster development is designed to conform with the requirements of this section.

2. *Lot Area.* There is no minimum or maximum lot area standard, provided the cottage cluster development is designed to conform with the requirements of this section.
3. *Minimum Perimeter Yard Setback Requirements for Structures.*
  - a. Street yard: The minimum setback requirement of the underlying zone applies.
  - b. Rear yard: 10 feet
  - c. Side yard 5 feet
4. *Number of Cottages.* Cottage housing units shall be developed in clusters of a minimum of four (4) units per cluster. There is no maximum, provided one (1) common courtyard, consistent with the standards of section 16.21.080(F)(3), is provided for every 12 cottages.
5. *Building Separation.* Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be three (3) feet.
6. *Building Height.* The maximum building height for all structures is 28 feet.
7. *Unit Size.* Each cottage's total floor area shall be a minimum of 600 square feet and shall not exceed a maximum of 1,200 square feet. Per section 16.21.080(F)(6)(e)(ii) of this chapter, individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage's maximum total floor area.
8. *Maximum Impervious Surface.* The maximum impervious surface standard of the underlying zone applies.
9. *Off-Street Parking.* At least two (2) off-street parking space shall be provided per cottage dwelling unit. Off-street parking shall be designed in accordance with section 16.10.070, Parking Lots and Access, and section 16.21.080(F)(5).
  - a. If a cottage cluster development fronts on a street that does not allow on-street parking, at least two (2) guest parking spaces shall be provided on site for every four (4) cottage dwelling units.
  - b. If a cottage cluster development fronts on a street that allows on-street parking, there is no guest parking requirement.
10. *Access Requirements.* Cottage cluster developments are permitted to have more than one driveway access provided applicable access spacing standards are met.

**F. Design Standards.** The following design standards apply to all cottage cluster developments. No other design standards shall apply to cottage clusters unless noted in this section. Where there is a conflict between these standards and the standards of other sections of this code, the standards of this section shall control.

1. *Cottage Design Standards.* All cottages and community buildings shall incorporate four (4) of the following design features:

- a. Dormers.
- b. Gables, hip roof, or gambrel roof form.
- c. Recessed entries (minimum 2 foot recess).
- d. Covered porch entries (minimum 48 square feet, minimum 4 foot depth).
- e. Bay windows.
- f. Any eaves of 12-inches or greater.
- g. Off-set of 16-inches or greater on building face or roof.
- h. Windows and main entrance doors occupy a minimum of 15 percent of the façade, not including the roof.
- i. Window trim (minimum 4-inch) or shutters (minimum 8-inch)
- j. Balconies or porch rail.
- k. Shakes, shingles, brick or other similar decorative materials occupying at least 60 square feet of the street-facing and courtyard-facing façade.

2. *Cottage Orientation.* Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 1 and Figure 2):

- a. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and meet the following standards:
  - i. Have a main entrance facing the common courtyard;
  - ii. Be within 10 feet of the common courtyard measured from the façade of the cottage to the nearest edge of the common courtyard; and
  - iii. Be connected to the common courtyard by a pedestrian path.

- b. Cottages within 20 feet of a street property line may have their entrances facing the street, provided 50 percent of all cottage units within the cluster face the common courtyard.
  - c. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that provides a continuous and reasonably direct connection to the common courtyard.
3. *Common Courtyard Design Standards.* Each cottage cluster development must share a common courtyard in order to provide a minimum open space area for the cottage cluster development. One (1) common courtyard shall be provided for every 12 cottage units (see Figure 1 and Figure 2).
- a. The common courtyard must be a single, contiguous area.
  - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
  - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
  - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
  - e. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard.
  - f. Pedestrian paths, parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
4. *Community Buildings.* Cottage cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards and may not be used as dwelling units:
- a. Each cottage cluster is permitted one community building.
  - b. A community building shall not exceed 1,400 square feet of total floor area.
  - c. Community buildings may count towards a cottage cluster's common courtyard requirement provided the standards of section 16.21.080(F)(1) are met. Only the footprint area of the community

building may count towards the common courtyard minimum area requirement.

- d. A community building cannot count for more than 75% of the common courtyard.

5. *Pedestrian Access.*

- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following (see Figure 1 and Figure 2):
  - i. The common courtyard;
  - ii. Shared parking areas;
  - iii. Community buildings, if provided; and
  - iv. Abutting sidewalks within the public right-of-way, or to the edge of the roadway if sidewalks along the roadway are not provided.
- b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet in width.

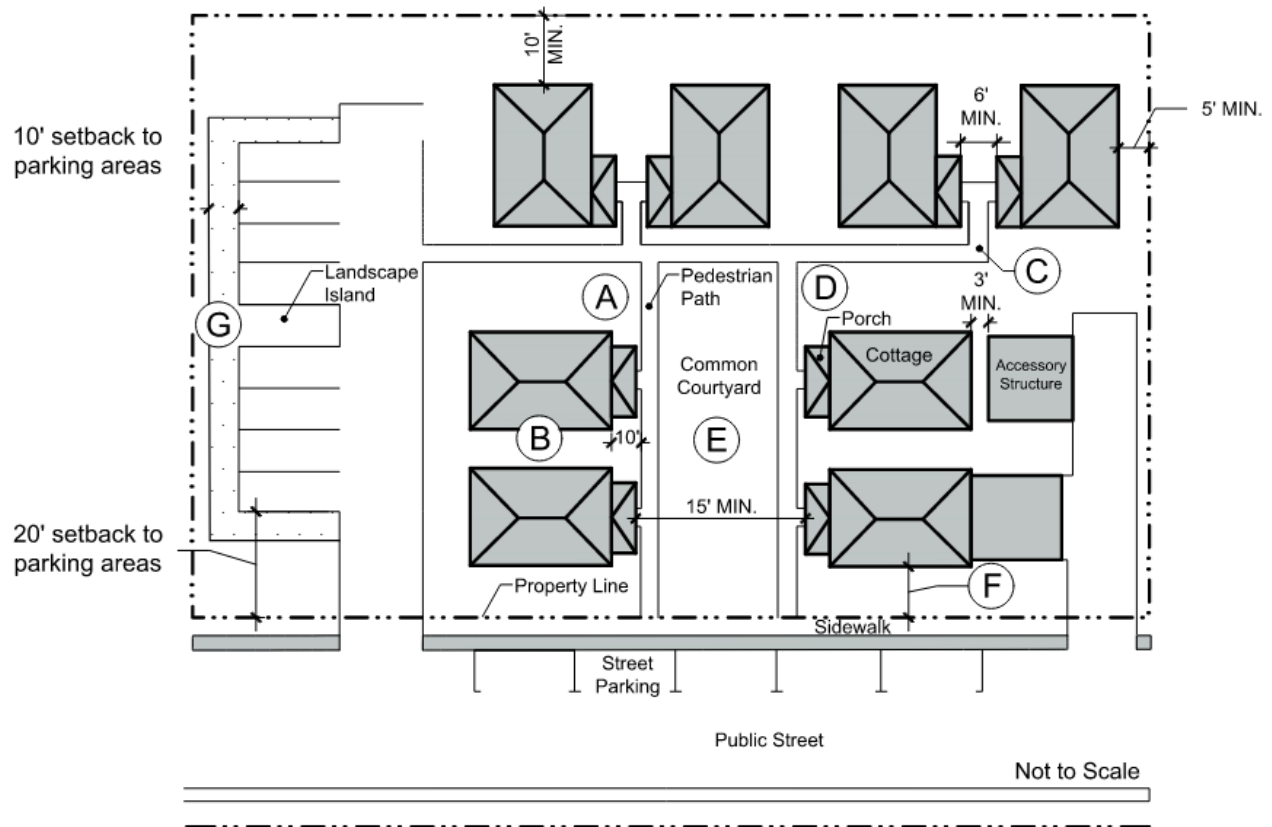
6. *Parking Area Location and Design* (see Figure 1 and Figure 2).

- a. Clustered parking. Off-street parking may be arranged in clusters of not more than five (5) contiguous spaces separated from other clusters by at least four (4) feet of landscaping. Clustered parking areas may be covered.
- b. Off-street parking spaces and vehicle maneuvering areas shall not be located:
  - i. Within 20 feet from any street property line, excluding alleys.
  - ii. Between a street property line, excluding alleys, and cottages abutting the street property line.
- c. Off-street parking spaces shall not be located within 10 feet of any property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of all property lines.
- d. Screening. Landscaping, fencing, or walls shall separate clustered parking areas and parking structures from public streets and residentially zoned properties.
  - i. When adjacent to residentially zoned properties, the landscaping, fencing, or walls must be 6 feet tall.



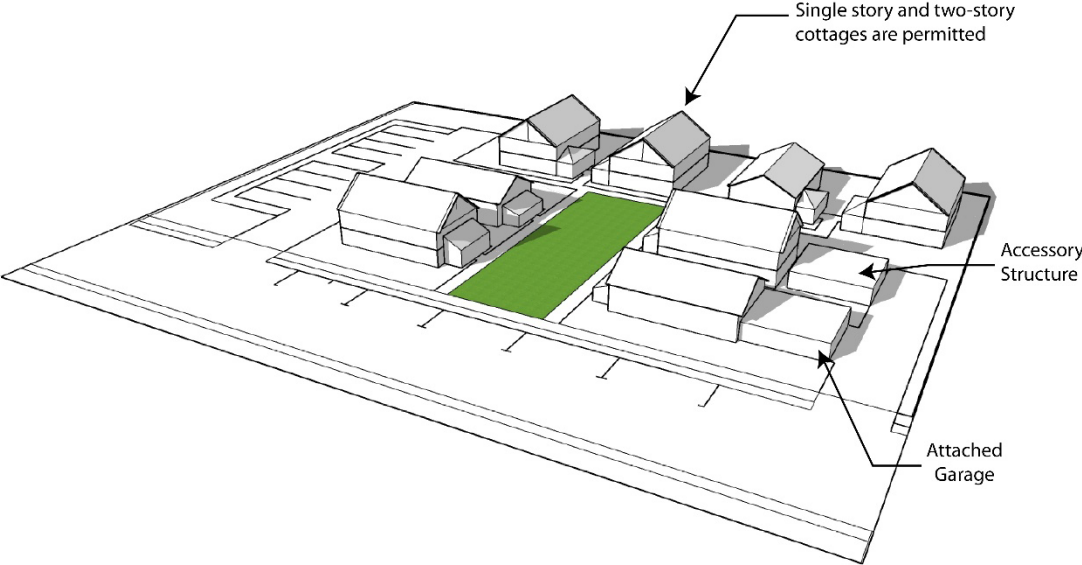
- ii. When adjacent to public streets, the landscaping, fencing, or walls must be at least 3 feet tall.
    - iii. All fencing and walls must be consistent with city fencing standards in CMC 16.08.110.
    - iv. All screening must comply with vision clearance.
  - e. Garages and carports shall meet the following standards:
    - i. Garages and carports (whether shared or individual) must not abut common courtyards.
    - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage's maximum total floor area per section 16.21.080(E)(7) of this chapter.
    - iii. Individual detached garages must not exceed 400 square feet in floor area.
    - iv. Garage doors for individual garages must not exceed 12 feet in width.
- 7. *Existing Structures.* On a lot or parcel to be used for a cottage cluster development, a pre-existing detached single-family dwelling may remain within the cottage cluster development area and does not need to comply with the requirements of this section except for minimum separation distance requirements per section 16.21.080(E)(4) above.

Figure 1. Cottage Cluster & Common Courtyard Design Standards



- (A) A minimum of 50% of cottages must be oriented to the common courtyard.
- (B) Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C) Cottages must be connected to the common courtyard by a pedestrian path.
- (D) Cottages must abut the courtyard on at least two sides of the courtyard.
- (E) The common courtyard must be at least 15 feet wide at its narrowest width.
- (F) Front yard setback to match the minimum setback of the underlying zone.
- (G) Parking facilities shall be screened from public streets and residentially zoned properties by landscaping, fencing or walls at specific heights as noted within this code.

*Figure 2. Cottage Cluster Development Concept*



**KEY**

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Proposed Removed Text = ~~Red Underlined and Strikethrough~~

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**Chapter 16.74**

**USES PERMITTED**

**Sections:**

**16.74.010** Generally.

**16.74.020** Uses permitted in residential zone.

**16.74.030** Uses permitted in other than residential zone.

**16.74.010** Generally.

In a planned unit development the uses set out in this chapter are permitted. (Ord. 740 section 10.5.30[part], 1984)

**16.74.020** Uses permitted in residential zone.

In a planned unit development in a residential zone only the following uses are permitted:

A. All uses permitted outright or conditionally permitted in the underlying zone. If conditionally permitted uses are proposed within a planned unit development, the standards of Chapter 16.50 shall be met. Residential units, either detached, attached or in multiple type dwellings, but at no greater density than is allowed for the zoning district as set forth in Division III, except as may be modified for a density bonus as provided in section 16.76.010 or Chapter 16.80.

B. Accessory and incidental retail and other nonresidential uses may be specifically and selectively authorized as to exact type and size to be integrated into the project by design. Accessory retail uses shall serve primarily as a convenience to the inhabitants of the project.

C. Mobile home subdivisions, subject to the standards and criteria of Division IV and Chapter 16.80.

D. Recreational facilities, including but not limited to tennis courts, swimming pools, and playgrounds. (Ord. 740 section 10.5.30 (A), 1984)

E. All permitted and conditional residential uses allowed in any base zone in which the planned unit development is located are allowed uses throughout the planned unit development.

**REVISED 11/17/2023.**

**16.74.030 Uses permitted in other than residential zone.**

In planned unit developments in areas zoned for other than residential uses, uses shall be limited to those permitted by the zoning districts in which the use is located. (Ord. 740 section 10.5.30(B), 1984)

**KEY**

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Proposed Removed Text = Red Underlined and Strikethrough

**Chapter 16.76**

**REQUIREMENTS**

**Sections:**

**16.76.010 Minimum requirements.**

**16.76.020 General requirements.**

**16.76.030 Standards and criteria.**

**16.76.040 Exceptions.**

**16.76.010 Minimum requirements.**

The minimum requirements for a residential planned unit development shall include the following two items:

A. Open Space. A minimum of fifteen (15) percent of the gross area of the development shall be devoted to open space and shall be located in a common area or dedicated to the public, except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.

1. Usable Open Space. Open space areas shall be planned and improved to provide opportunities for active recreation, passive relaxation, or community interaction, and which are accessible to the general public or to residents, employees or customers in common. Examples include plazas, courtyards, private parks, sport fields and courts, and viewpoints overlooking natural resource areas.

a. The following shall not be counted towards a planned unit development's usable open space:

i. Areas of land where the average slope exceeds 20 percent where there is no associated usable amenity provided;

ii. Areas subject to the Wetland Overlay Zone (WO) per section 16.39 or the Hazard Overlay Zone (H) per section 16.40 unless the area can be improved to include usable amenities in conformance with the provisions of these

overlay zones;

- iii. Fenced surface stormwater facilities. Stormwater facilities may only be counted as usable open space if they are not fenced, include associated passive recreational amenities such as benches, viewpoints, or walking paths and are effectively incorporated into the development's overall open space design; and
- iv. Other areas determined by the review authority to be unusable for the purpose of meeting this standard.

2. Exemption. Portions of the planned unit development site used for cottage clusters do not count toward the development site's gross area for the purpose of calculating the minimum usable open space requirement for PUDs per this standard. However, common courtyards provided with cottage cluster developments per section 16.21.080(F)(2) as a part of a PUD may count towards a PUD's usable space requirement.

**B.** Density. The planned unit development site shall adhere to the minimum and maximum density provisions of the base zone, except where a density bonus is approved as provided in subsection B(1) below. The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located, unless alternative lot layout is used pursuant to 16.64.040(B). The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. The commission may grant a density bonus of not more than fifteen percent to planned unit developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The commission shall clearly state its findings in support of granting or denying a requested density bonus.

1. Density Bonus. The planning commission may grant an increase of up to 20% beyond the maximum density of the underlying base zone if all of the following criteria are met:

- a. Existing and proposed streets within and connecting to the development site will support the proposed density;
- b. Existing and proposed water, sanitary sewer and storm drainage systems within and connecting to the development will support the proposed density;
- c. The development demonstrates innovative site design, outstanding architectural variety, and quality construction which will mitigate the increased density;
- d. The increased density will be mitigated by providing exceptional

quality and increased quantity of usable open space beyond the minimum amount required by section 16.76.010(A), and other amenities, especially active recreational areas.

- e. A minimum of five (5) percent of the planned unit development's dwelling units must be single-story units that have at least one (1) entrance accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space.

## 2. Exceptions.

- a. Cottage cluster units provided within a planned unit development do not count toward the maximum density standard of the underlying base zone. Cottage cluster developments proposed within a planned unit development must meet the applicable development and design standards for cottage cluster developments per section 16.21.080.
- C. The density allowed in each base zone may be spread throughout the planned unit development site.
- D. To achieve the goals of low impact development, buildings are encouraged to be clustered within the designated development area of the site. Clustering is intended to preserve open space, reduce total impervious surface area, and minimize development impacts on critical areas and associated buffers. Preservation of open space reduces potential stormwater runoff and associated impacts and provides area for dispersion, filtration and infiltration of stormwater. The arrangement of clustered buildings shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns.
- E. The use of LID best management practices in site design and development is required where site and soil conditions make it feasible option. LID practices shall meet the standards set forth in the Canby Public Works design Standards.
- F. (Ord. 740 section 10.5.50, 1984; Ord. 890 section 57, 1993; Ord. 1338, 2010; Ord. 1514, 2019)

### **16.76.020 General requirements.**

Prior to development, application shall be made to the commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a master plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements and be subject to the standards and criteria of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

- A. Any areas proposed to be dedicated or reserved for public parks, schools,



- playgrounds, or otherwise dedicated or reserved for public purposes;
- B. Other undedicated open space set aside for the use of the residents of the development in common. Access and types of access for the open space area or areas shall be shown;
  - C. A general land use plan for the proposed subdivision indicating the areas to be used for various purposes;
  - D. Types of dwellings and site locations thereof;
  - E. Proposed locations of off-street parking areas with dimensions;
  - F. Pedestrian walks, malls and other trails, both public and private. The commission may require a complete circulation plan if warranted by the size and type of development;
  - G. The stages to be built in progression, if any;
  - H. The location of adjacent utilities intended to serve the development and a layout of the utilities within the development;
  - I. Table showing the density and lot coverage of the overall development;
  - J. Such other pertinent information as the commission may require in order to make necessary findings on the site approval. (Ord. 740 section 10.5.60(A), 1984)
  - K. A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150. (Ord. 1340, 2011)

**16.76.030 Standards and criteria.**

Additional to the standards and criteria listed in Divisions III and IV which are applicable to planned unit development, the following standards and criteria shall apply:

- A. The site approval as acted upon by the commission shall be binding upon the developer, and variations from the plan shall be subject to approval by the commission.
- B. All land within the planned unit development may be subject to contractual agreements with the city and to recorded covenants providing for compliance with the city's requirements.
- C. The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUD's.

- D. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.
- E. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. Where the development is adjacent to lower intensity uses, higher intensity uses should be placed within the interior of the project. The commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.
- F. Each planned unit development shall be a complete development considering all previous requirements. The commission may, in addition, require the inclusion of facilities such as special curbs, sidewalks, streetlights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.
- G. Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
- H. The manner in which any open space or park and recreational area is to be maintained shall be submitted, along with the preliminary copy of the proposed owners' association bylaws and contractual agreements, with the preliminary subdivision. In the case of an individual owner, the commission may impose special requirements to assure long-term maintenance.
- I. The Planning Commission may, and in the case of single story or townhouse structures shall, require the separation of utilities from one unit to the next.
- J. In reviewing an application for the conversion of existing residential units to condominiums, the commission shall utilize the general standards as are applied to the new construction of planned unit developments. A proposed conversion which is not found to meet the standards customarily applied to planned unit developments will not be approved.
- K. In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the city at the time of the application. It is the intent of the city to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.
- L. No fence/wall shall be constructed throughout a planned unit development where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 740 section 10.5.60(B), 1984; Ord. 955 section 30, 1996)

**16.76.040 Exceptions.**

- A.** In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations, requirements and standards to the development. Modification of the lot size, lot width, and yard setback requirements may be approved by the commission at the time of the approval of the tentative subdivision plat or conditional use permit.
- B.** Building height shall conform to the zoning district in which the development is located.
- C.** Off-street parking and off-street loading requirement shall be pursuant to Division III. (Ord. 740 section 10.5.60(C), 1984)

**CANBY CITY COUNCIL  
WORK SESSION MINUTES  
November 20, 2024**

**PRESIDING:** Brian Hodson

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

**COUNCIL ABSENT:** James Davis and Herman Maldonado.

**STAFF PRESENT:** Eileen Stein, City Administrator; Teresa Ridgley, Deputy City Recorder; Don Hardy, Planning Director; Jamie Stickel, Economic Development Director/Communications Specialist; and Tyler Nizer, Economic Development & Tourism Coordinator.

**CALL TO ORDER:** Mayor Hodson called the Work Session to order at 6:03 p.m.

**HOUSING AND COMPREHENSIVE PLAN UPDATE AND SPECIAL AREA J:** Don Hardy, Planning Director, presented. Staff was requesting Council direction on two options: 1) incorporate Comprehensive Plan map changes for Special Area J or 2) create specific Comprehensive Plan policies as part of the Comprehensive Plan update. He gave a background on the Housing Needs Analysis and Economic Opportunities Analysis findings, Comprehensive Plan update and UGB process, Special Area J Comprehensive Plan designations, Area J analysis and scenarios, findings and staff's recommendation for Scenario 1, community summit input, Scenario 1 net impact on the UGB deficit, Scenario 1 findings related to the Canby HNA and EOA, DLCD input and support for Scenario 1, Council options, and pros and cons of the options.

There was discussion regarding increasing density in the future, highway commercial zoning, and conversations with property owners.

The Council gave direction for staff to move forward with Option 1.

Mayor Hodson adjourned the Work Session at 6:44 p.m.

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
November 20, 2024**

**PRESIDING:** Brian Hodson

**COUNCIL PRESENT:** Scott Sasse, Daniel Stearns (attending virtually), James Davis (arrived at 7:38 p.m.), Traci Hensley, Herman Maldonado, and Jason Padden (attended virtually).

**COUNCIL ABSENT:** None.

**STAFF PRESENT:** Eileen Stein, City Administrator; Teresa Ridgley, Deputy City Recorder; Emily Guimont, City Attorney; Jorge Tro, Police Chief; Jose Gonzalez, Police Captain; Don Hardy, Planning Director; Jamie Stickel, Economic Development Director/Communications Specialist; Tyler Nizer, Economic Development & Tourism Coordinator; Todd Wood, Fleet/Transit/IT Director; and Heidi Muller, Transit Operations Manager.

**CALL TO ORDER:** Mayor Hodson called the meeting to order at 7:02 p.m.

**NEW EMPLOYEE INTRODUCTIONS:** Mayor Hodson recognized Emily Guimont, the new City Attorney from Beery, Elsner, and Hammond LLP.

- a. Swearing-in Ceremony: Jorge Tro, Police Chief, introduced two police officers, Officer Wyatt Parker (who finished academy) and Officer Kyler Boyd (who moved laterally from the City of Salem), who were sworn in by Judge Rodney Grafe.

**SHOP LOCAL CANBY PROGRAM/2024 SMALL BUSINESS SATURDAY**

**PROCLAMATION:** Mayor Hodson read the proclamation declaring November 30, 2024, as Small Business Saturday. He also read a statement from Belinda Goody, Executive Director of the Canby Area Chamber of Commerce, on why small businesses mattered.

Tyler Nizer, Economic Development & Tourism Coordinator, presented the Shop Local Canby Program going on November 30 to January 2. He explained the program and banners that had been created.

**CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS:**

Kristi Smith, Canby resident, read a proclamation declaring November 20, 2024, as Transgender Day of Remembrance.

Ron Yarbrough, Canby resident, proposed adopting the pink Dogwood tree as the City's tree and planting them around town to beautify the City and bring in tourism. Mayor Hodson said he would talk to staff about next steps.

**CONSENT AGENDA: \*\*Council President Hensley moved to approve the October 23, 2024, City Council Work Session and Regular Meeting minutes; the November 6, 2024, City Council Regular Meeting minutes; and the reappointment of Hannah Ellison, Judi Jarosh, and Craig Lewelling to the Planning Commission with terms to expire on December 31, 2027. Motion was seconded by Councilor Maldonado and passed 6-0.**

## **ORDINANCES AND RESOLUTIONS:**

Ordinance 1634 – **\*\*Council President Hensley moved to adopt Ordinance 1634, AN ORDINANCE ADOPTING THE HOUSING EFFICIENCY MEASURES: COTTAGE CLUSTER DEVELOPMENT AND DESIGN STANDARDS 16.21, PLANNED UNIT DEVELOPMENT CODE UPDATES CHAPTER 16.74 AND 16.76, LOW DENSITY RESIDENTIAL CHAPTER 16.16, AND MEDIUM DENSITY RESIDENTIAL CHAPTER 16.18, AS PART OF THE CITY OF CANBY CODE (TA 24-02). Motion was seconded by Councilor Maldonado and passed 6-0 by roll call vote.**

Ordinance 1635 – Ms. Stein explained there was an administrative change to the contract to indemnify the City for non-legal services and activities that were covered by Beery, Elsner, and Hammond LLP's general liability and automobile insurance coverage, making the agreement consistent with CIS's position on this issue.

There was discussion regarding a potential conflict of interest since the contract was written by the same firm that they were hiring and in the future getting a third party to review the contract.

**Council President Hensley moved to adopt Ordinance 1635, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT BETWEEN THE CITY OF CANBY AND BEERY, ELSNER & HAMMOND, LLP FOR CITY ATTORNEY SERVICES AS AMENDED. Motion was seconded by Councilor Maldonado and passed 6-0 by roll call vote.**

Ordinance 1636 – Ms. Stein said this took away the cap on Ordinance 1606 so they could continue to pay for services on the contract with Beery, Elsner, and Hammond LLP for interim City Attorney services through the end of the year.

**\*\*Councilor Sasse moved to adopt Ordinance 1636, AN ORDINANCE AMENDING ORDINANCE 1606 TO DELETE THE NOT TO EXCEED AMOUNT IN THE CONTRACT BETWEEN THE CITY OF CANBY AND BEERY, ELSNER & HAMMOND, LLP FOR INTERIM CITY ATTORNEY SERVICES. Motion was seconded by Councilor Davis and passed 6-0 by roll call vote.**

Resolution 1421 – Ms. Stein stated the Council heard the presentation on the Transit Master Plan on October 2, and this resolution would adopt the Plan.

Todd Wood, Fleet/Transit/IT Director, said he had approached Cherriots (the qualified entity for STIF in Marion County) for funding for the extension to Woodburn (to Woodburn's downtown transit center) and was denied. He gave the top three highlights of the Plan.

**\*\*Councilor Sasse moved to adopt Resolution 1421, A RESOLUTION ADOPTING THE 2024 TRANSIT MASTER PLAN FOR CANBY AREA TRANSIT. Motion was seconded by Council President Hensley and passed 6-0.**

**OLD BUSINESS:** Canby Adult Center Funding Conditions – Ms. Stein reported the City had found a way to report its ARPA expenditures that the funds could be considered unallocated reserves now.

Emily Guimont, City Attorney, presented the results of her research on what was needed to ensure the funds given to Canby Adult Center met the conditions in the agreements. She gave a background on the CDBG funds that the City had received for the current Adult Center location and any penalties in the agreements if that location was no longer used for that purpose. She recommended a Memorandum of Agreement between the County and City that stated the current building had reached the end of its useful life. This would ensure the City would not need to repay any CDBG funds. She then discussed the funding agreement with the Adult Center and asked for guidance on the purpose for the funds.

There was discussion regarding putting restrictions on the funds, the deadline that the funds needed to be expended, and conditions in which the funds would be returned.

Keith Galitz, Adult Center Board Treasurer, said the money from the City would be used for the downpayment with the condition that the building be converted to the Adult Center.

There was consensus for a broader grant with the restriction that the money be used for the transition to the new property including a downpayment or improvements. However, in the event the Adult Center sold or ceased to use the new property within a certain amount of time, the funds would be reimbursed to the City. There would also be a deadline to expend the funds in 8 years or it would be returned. Disbursement would be authorized at the execution of the agreement. The agreement would be brought back to the next meeting.

**NEW BUSINESS:** January 2025 Meeting Schedule – There was consensus to hold Council meetings on January 8 and 22, 2025.

**MAYOR’S BUSINESS:** Mayor Hodson congratulated Councilors who were reelected. He reported on Canby Builders Supply 75<sup>th</sup> anniversary, ODOT approval of the Walnut Street extension, signal on 99E and Pine, and how he had been appointed as chair of the Housing and Livability Committee with the Metro Mayors Consortium. The Light the Night event would be held on December 6.

### **COUNCILOR COMMENTS & LIAISON REPORTS:**

Councilor Sasse asked for an update on the house. Chief Tro said the owners of the house were working with a realtor to sell the house.

Councilor Davis said there would be an Open House with the new Fire Chief on December 14. He reported on the Parks and Recreation Advisory Board meeting where the Auburn Farms design and Maple Street Park lighting and trail were discussed. He also discussed the Adult Center Board elections and Thanksgiving lunch.

Council President Hensley reported on the Traffic Safety Commission where they discussed issues on NE 10<sup>th</sup>, SE 2<sup>nd</sup> and 3<sup>rd</sup>, and traffic cameras. She also attended the Canby Builders Supply celebration, First Thursday, and 99E reopening. She called out disparaging comments made at the City’s booth at First Thursday, and she requested in the future that Councilors participated in a separate booth from City staff.

Councilor Padden said the conversations were not at the City's booth, but in the parking lot. He apologized for his actions, but he was also made uncomfortable with questions about a recent Executive Session.

Mayor Hodson said this issue had already been addressed and should not have been brought up at the meeting.

**CITY ADMINISTRATOR'S BUSINESS:** Ms. Stein gave some highlights from the bi-monthly reports. The Council had received an email from the goal setting consultant to kick off the process.

Councilor Davis thought next time they should go out for an RFP for a new goal-setting consultant.

There was discussion regarding doing the goal setting in one day or breaking it up into two half days.

Ms. Stein explained how citizens could apply to the upcoming Citizens Engagement Academy.

**CITIZEN INPUT:** None.

**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Adopted Ordinances 1634, 1635 as amended, and 1636, as well as Resolution 1421.
3. Approved changing the January 2025 Council Meetings from the first and third Wednesdays, to January 8 and January 22.

**\*\*Council President Hensley moved to go into Executive Session pursuant to ORS 192.660(2)(b) Charges or Complaints against a Public Officer and ORS 192.660(2)(i) Performance Evaluation. Motion was seconded by Councilor Maldonado and passed 6-0.**

Councilor Davis asked if the Executive Session was noticed within 24 hours. Mayor Hodson responded it was, and the City Administrator was asked if she wanted it in an open session or executive session.

Mayor Hodson read the Executive Session statement and recessed the Regular Meeting at 9:00 p.m. Mayor Hodson reconvened the Regular Meeting at 10:47 p.m. and immediately adjourned.



Maya Benham, CMC  
City Recorder



Brian Hodson  
Mayor

Assisted with Preparation of Minutes – Susan Wood