

**CANBY CITY COUNCIL & PLANNING COMMISSION**  
**JOINT WORK SESSION**  
**November 3, 2021**

**PRESIDING:** Mayor Brian Hodson

**COUNCIL PRESENT:** Christopher Bangs, David Bajorin, Traci Hensley, Sarah Spoon, Greg Parker, and Shawn Varwig.

**PLANNING COMMISSIONERS PRESENT:** Chair John Savory, Jeff Mills, James Hieb, and Michael Hutchinson.

**STAFF PRESENT:** Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; Melissa Bisset, HR Director/ City Recorder; Don Hardy, Planning Director; Brianna Addotta, Associate Planner; Jamie Stickel, Economic Development Director.

**CALL TO ORDER:** Council President Hensley called the Work Session to order at 6:01 pm.

**DISCUSSION REGARDING FOOD CARTS:**

Jamie Stickel, Economic Development Director, gave a background on the work that had been done regarding food carts/pods in the City, what businesses had said regarding food carts/pods, how Stanton Furniture was interested in providing a food truck or “mobile food kitchen” for their employees, the rise of food truck culture and its effect on food tourism, and Canby’s population by age group and the groups that might use food carts.

Brianna Addotta, Associate Planner, discussed the code and how currently individual food cart vendors were allowed through a temporary use permit, which was not ideal for mobile food vending. Food cart pods were currently missing from the code. She reviewed considerations specific to food vendors and what holes in the regulations created, takeaways from past work sessions, zoning districts for mobile food vendors, regulations for mobile food vendors, mobile food vendor application, zoning districts for food cart pods, parking requirements, and design standards for food cart pods including flexibility, sense of permanence, and site enclosure/delineation. Based on the desired options, staff requested recommendations from the Council and Planning Commission for ordinance text regulating individual food carts and food cart pods.

There was discussion regarding setting significant standards initially, reviewing the program after a year with a staff report and recommendations, allowing the permitting to be done online, addressing noise from generators, making these a temporary permit with a limit on renewals, making them permanent after a certain amount of time if it was working, expanding the no parking requirement in the C-1 zone downtown, not allowing temporary tents for permanent structures, individual food carts vs. food pods, addressing smells and sanitation issues, paved surfaces vs. gravel, picnic tables/seating, allowing temporary tents for a year before permanent structures were required, restroom/hand washing facilities at a food cart pod, power cords should be covered and not in walking spaces, framed structures as shelters in a pod, keeping expenses competitive, and food trucks for events vs. food carts with their own permanent space.

Staff would draft code language and bring it back to another meeting for further discussion.

Mayor Hodson adjourned the meeting at 7:26 pm.

**CANBY CITY COUNCIL  
REGULAR MEETING  
November 3, 2021**

**PRESIDING:** Mayor Brian Hodson

**COUNCIL PRESENT:** Christopher Bangs, David Bajorin, Traci Hensley, Sarah Spoon, Greg Parker, and Shawn Varwig.

**STAFF PRESENT:** Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; Melissa Bisset, HR Director/ City Recorder; Erik Forsell, Associate Planner; Ryan Potter, Senior Planner; Brianna Addotta, Associate Planner.

**CALL TO ORDER:** Mayor Hodson called the Regular Meeting to order at 7:30 pm.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** None

**PUBLIC HEARINGS:** Noise Variance Request from the Oregon Department of Transportation (ODOT) for 12 Work Days between March 1, 2022 and September 1, 2022 –

Noise Variance Request from the Oregon Department of Transportation (ODOT) for up to 24 Weeks of Night Work Between September 2022 and September 2023 –

Mayor Hodson opened the public hearing and read the hearing statement.

Robert DeVassie, ODOT, gave a presentation on the OR 99E paving and improvement project. ODOT would repave and reconstruct sections of OR 99E between the railroad crossings and SW Berg Parkway plus do safety improvements. He explained the community involvement, schedule and construction impacts, and anticipated noise of construction.

Mayor Hodson asked about outreach to businesses and business interruption. Katelyn Jackson, ODOT, discussed the communication that would be done directly with businesses. Dustin Cooley, ODOT, explained how they would be mitigating impacts to business access.

Councilor Varwig asked if they could add planter strips and if any business would lose access. Mr. DeVassie said they were working with City staff on estimates for planter strips. Mr. Cooley said one business would lose one driveway, but they would still have two other accesses. During the full closure, there would be a ten foot wide thru access maintained at all times for emergency vehicles.

Councilor Spoon asked if they had looked at the 99E Beautification Plan. Mr. Cooley explained the items in the plan that had been included in the project. Mr. DeVassie said they were working with the City to include what would fit in the schedule and right-of-way.

Councilor Hensley asked for the 12 days, what would be the location of the work. Robert Schiavone, ODOT, said there would be four areas where the work would occur. The nearest residence to any of the areas was 255 feet and at that distance there would be approximately 61 dba. Residents would be notified of the work in advance.

Councilor Bangs thought pedestrian crossings on Ivy, Grant, and Elm were needed.

Mayor Hodson closed the public hearing.

**\*\*Councilor Varwig moved to approve the noise variance request for 12 work days between March 1, 2022 and September 1, 2022. Motion was seconded by Councilor Spoon.**

**\*\*Councilor Bangs moved to amend the motion to add new reflective lighting on Elm Street as part of the work. Motion was seconded by Councilor Spoon.**

**\*\*Councilor Varwig moved to amend the motion to also approve the noise variance request for up to 24 weeks of night work between September 2022 and September 2023. Motion was seconded by Councilor Spoon and passed 6-0.**

**UPDATE ON OPEN SPACE IN IVY RIDGE SUBDIVISION:** Ryan Potter, Senior Planner, gave a presentation on park dedications and collection of SDCs. When new residential subdivisions were proposed, land was either dedicated for park space or system development charges (SDCs) were collected. Smaller subdivisions almost always paid SDCs and larger subdivisions required more discretion. Questions had been raised about Ivy Ridge Estates which was approved in August 2018. Three tracts of park land had been dedicated. He explained the regulatory context that was considered in the decision for park land dedication as well as the criteria in the code for park land dedication. He discussed the Emerald Necklace trail concept and progress that had been made towards creating the trail. Staff had received direction to more comprehensively vet dedications that qualified for SDC credit and to include the Parks and Recreation Advisory Board. The updates to the Park Master Plan and Comprehensive Plan would present opportunities for refining guidance.

There was discussion regarding priorities in acquiring park land, access to pocket parks and need for parking so they could be used by all, increasing community input, SDCs, Parks Committee deciding where the parks should be located rather than the developers, park maintenance, and preference for a fee in lieu rather than getting undesirable park land.

## **ORDINANCES:**

Ordinance 1563 – **\*\*Council President Hensley moved to approve Ordinance 1563, AN ORDINANCE PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 1.31 ACRES OF REAL PROPERTY DESCRIBED AS LAND SITUATED SOUTHWEST ¼ OF SECTION 4, T.4S, R.1E, W.M. (TAX MAP 41E04CA); AND APPROXIMATELY 0.06 ACRES OF ADJACENT SOUTH FIR STREET RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM EXCLUSIVE FARM USE (EFU) TO CITY MEDIUM DENSITY RESIDENTIAL (R-1.5) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE**

**INCLUDED WITHIN THE CANBY CITY LIMITS. Motion was seconded by Councilor Spoon and passed 5-0-1 by roll call vote with Councilor Varwig abstaining.**

Ordinance 1562 – Scott Archer, City Administrator, showed a picture of the new camera they would like to buy as well as a picture of the current camera to be replaced.

**\*\*Councilor Spoon moved to approve Ordinance 1562, AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A PURCHASE AGREEMENT WITH WESTERN SYSTEMS TO BUY A SEWER PIPE CRAWLER CAMERA. Motion was seconded by Councilor Bangs and passed 5-0-1 by roll call vote with Councilor Varwig abstaining.**

Ordinance 1564 – Mr. Archer said this ordinance would allow the purchase and installation of a new gazebo at Locust Street Park. The purchase was in the budget and identified as a priority project.

There was discussion regarding the funding and support for the project.

**\*\*Councilor Bangs moved to approve Ordinance 1564, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH LANDSCAPE STRUCTURES INC. TO PURCHASE A PICNIC SHELTER FOR LOCUST STREET PARK to come up for second reading on November 17, 2021. Motion was seconded by Councilor Varwig and passed 6-0 on first reading.**

Ordinance 1565 – Mr. Archer said this ordinance would acquire the necessary right-of-way for the Walnut Street extension project. He explained the process that was used to secure the right-of-way. The agreement also stated the City would not charge these property owners any of the costs for the development and the City would compensate the Lyons for the replacement of a utility building and gravel driveway. The project would be completed in 2023.

**\*\*Councilor Spoon moved to approve Ordinance 1565, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AGREEMENTS FOR THE PURCHASE OF RIGHT OF WAY FROM PAR 3 INVESTMENTS, LLC, PROUDEST MONKEY DEVELOPMENT, LLC, AND JAMES AND KAREN LYONS FOR THE FUTURE WALNUT STREET EXPANSION to come up for second reading on November 17, 2021. Motion was seconded by Councilor Varwig and passed 6-0 on first reading.**

**CONSENT AGENDA:** Councilor Varwig noted in the minutes under Public Hearing, that he recused himself from the hearing because he did business with the principal of the company representing the applicant.

**\*\*Council President Hensley moved to approve the minutes of the September 15, 2021 Regular City Council Meeting as amended and OLCC Request from Wine Warfare for a Wholesale Malt Beverage & Wine License located at 138 SE Hazel Dell Way #105. Motion was seconded by Councilor Varwig and passed 6-0.**

**NEW BUSINESS:** Council Discussion Regarding Development of a Dog Park – Councilor Spoon shared the history of the dog park project from 2009 to present day including potential locations and funding.

Mayor Hodson noted the citizen comments that had been submitted on this topic.

Barry Johnson, Parks and Recreation Advisory Board Chair, discussed the Park Master Plan update and how future projects needed to wait until the master plan recommendations had been completed. He discussed the difficulties of adding more parks in the past due to maintenance and financing issues. They were not against the dog park but wanted to adhere to the process.

Andrew Hale, Canby resident, said the Board was not against the dog park, but there had been push back on the project in the past. He liked the idea of a dog park, but there was a long term planning process taking place that should be followed and allowed to run its course.

There was discussion regarding waiting for the master plan or moving forward now, deferred maintenance, number of park employees, volunteers, funding, and timing of the Park Master Plan to be completed.

There was consensus to direct staff to bring back information on staffing levels, funding sources, design, timeline, and deferred maintenance. This would be brought back in December.

**MAYOR'S BUSINESS:** Mayor Hodson thanked the community for approving the Swim Center levy. He congratulated the Canby High School Cross Country Team who was going to state and the Football Team who was heading to playoffs. The Region 1 Area Commission on Transportation discussed tolling recently. He announced upcoming workshops on tolling. He congratulated Siren Song on their grand opening.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Parker reported on the need for sidewalk repair at the Adult Center. The Historic Landmarks Commission had secured a grant to look at the historic buildings at the Fairgrounds. The Bicycle and Pedestrian Committee wanted to review development plans as in the past. He thanked the organizers of the leadership forum held at the Country Club. He attended the Chamber Luncheon and Siren Song grand opening. He thanked the downtown businesses for participating in the scarecrow competition.

Councilor Varwig thanked the organizers of the Canby community visioning night and thanked those who participated in the trick or treating event. CTV was broadcasting on You Tube. He had attended the ribbon cutting for the new Northside Fire Station.

Councilor Bangs asked that people properly dispose of fallen leaves. He also asked people to be kinder to school administrators and board members. Mr. Archer discussed the free leaf drop off day on November 20.

Councilor Spoon thanked those involved in the visioning night. She gave an update on how the new local circulator was working.

Councilor Bajorin thanked those involved in the leadership forum. He attended the Siren Song ribbon cutting and trick or treating event.

Council President Hensley attended the community visioning night, Fire Station ribbon cutting, and Siren Song ribbon cutting. The Suicide Prevention Task Force was rebranding to Canby Hope.

**CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** Mr. Archer reported on the Pickle Ball Courts project at Maple Street Park and Downtown Quiet Zone and Arch project. He announced upcoming road closures for the quiet zone and arch project.

**CITIZEN INPUT:** None

**ACTION REVIEW:**

1. Approved the noise variance requests from ODOT.
2. Approved the Consent Agenda.
3. Approved Ordinance 1564 and 1565 to come up for second reading on November 17, 2021.
4. Adopted Ordinances 1562 and 1563.

Mayor Hodson adjourned the meeting at 10:30 p.m.

Melissa Bisset  
City Recorder

Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood