

AGENDA
August 4, 2021

**JOINT WORK SESSION OF THE
CANBY CITY COUNCIL & PLANNING COMMISSION– 6:00 PM
COUNCIL CHAMBERS**

**CANBY CITY COUNCIL REGULAR MEETING – 7:30 PM
COUNCIL CHAMBERS**

Register here to attend the meetings virtually:

https://us06web.zoom.us/webinar/register/WN_sMCZe1CfThSRCpKePrToJQ

The City Council Regular meeting can be viewed on CTV Channel 5 and YouTube:
<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>

222 NE 2nd Avenue, 1st Floor

Mayor Brian Hodson

**Councilor Christopher Bangs
Council President Traci Hensley
Councilor Sarah Spoon**

**Councilor Jordan Tibbals
Councilor Greg Parker
Councilor Shawn Varwig**

**JOINT WORK SESSION OF THE
CANBY CITY COUNCIL & PLANNING COMMISSION– 6:00 PM
COUNCIL CHAMBERS**

- 1. CALL TO ORDER**
- 2. PRESENTATION AND DISCUSSION RELATED TO AMENDING THE CANBY CITY CODE TO INCLUDE FOOD CARTS.**
- 3. ADJOURN**

Pg. 1

Regular Meeting – 7:30 PM

- 1. CALL TO ORDER**
 - a. Invocation
 - b. Pledge of Allegiance
- 2. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** This is an opportunity for audience members to address the City Council on items not on the agenda. Each person will be given 3 minutes to speak. Please complete a testimony/comment card prior to speaking and hand it to the City Recorder. Staff and the City Council will make every effort to respond to questions raised during citizens

input before the meeting ends or as quickly as possible thereafter. For Agenda items, please fill out a testimony/comment card and give to the City Recorder noting which item you wish to address. If you wish to speak virtually, please contact the City Recorder prior to the start of the meeting at bissetm@canbyoregon.gov or 503-266-0733.

3. **CONSENT AGENDA:** This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.
 - a. Approval of Minutes of the June 16th Regular City Council meeting. Pg. 7
 - b. Approval of OLCC Liquor License Application for Dede's Deli located at 1477 SE 1st Avenue Suite 112. Pg. 13
4. **ORDINANCES**
 - a. **Ordinance No. 1559:** An Ordinance authorizing the City Administrator to execute a contract with R. L. Reimers Company for the Maple Street Park Pickleball Court & Gazebo Improvement Project. *(Second Reading)* Pg. 18
5. **UNFINISHED BUSINESS**
 - a. Findings, Conclusion and Final Order (CPA/ZC 21-02) Pg. 26
6. **MAYOR'S BUSINESS**
7. **COUNCILOR COMMENTS & LIAISON REPORTS**
8. **CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**
9. **CITIZEN INPUT**
10. **ACTION REVIEW**
11. **ADJOURN**

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Melissa Bisset at 503.266.0733. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov. **City Council and Planning Commission Meetings are typically broadcast live and can be viewed on CTV Channel 5.** For a schedule of the playback times, please call 503.263.6287.



City of Canby

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City Council & Planning Commission Work Session Staff Report

DATE: July 27, 2021

TO: Honorable Mayor Hodson and City Council, Chair Savory and Planning Commissioners

THRU: Scott Archer, City Administrator

FROM: Brianna Addotta, Associate Planner

ITEM: Food Carts in the City of Canby

Summary

The purpose of the August 4th, 2021 joint work session is to discuss food carts and food cart pods in response to increased community interest. Currently, food carts are allowed through a Temporary Vendor permit, food cart pods are not included in the Canby Municipal Code Chapter 16. Staff has reviewed regulations for food cart pods in other jurisdictions and has conducted a tour of pods around the region and presents them here for consideration, in an effort to inform and solicit direction from the Council and Planning Commission on Canby's options for implementing food cart and food cart pod regulations for our City.

Background

Food carts are a way for small and local businesses to reach customers directly, with low overhead and more flexibility than opening a brick and mortar restaurant. They can also add interest, vibrancy and activity to an area, and provide increased and more diverse access in areas underserved by traditional restaurants. Food cart pods have become popular especially over the past decade; a pod is a designated site with rental spaces for individual cart owners, often with shared facilities such as restrooms and handwashing stations, seating and weather protection, and trash and recycling disposal. Balancing regulations and permitting procedures can help ensure mobile food vending opportunities are present without posing a threat to traditional restaurants, interfering with the right-of-way, or creating a nuisance.

Discussion

Temporary Vendor Permit

Temporary vendor permits allow the sale of good or services from a vehicle, truck, tent, or other temporary structure on private property for up to 90 days, with the option of renewing for an additional 90 days. The City has not received a temporary vendor application from a mobile food vendor in over three years, despite frequent inquiries about the process to Planning and Economic Development staff. We have learned the restrictions placed on temporary vendor permits make them largely impractical for food cart operators who, if successful in their location, would like to stay for a longer period of time.

Mobile food vendors have several additional considerations not addressed by the temporary vendor regulations, such as food storage and refrigeration, cooking equipment, trash and recycling generation, providing seating options, lighting and weather protection, provision of utilities, and security. Holes in regulations create applicant confusion and discourage them from bringing their business to our city, as well as allowing sub-par design.

In order to address these issues, staff recommend implementing a new type of temporary vendor permit more specific to mobile food units. This would be an administrative (Type 1) land use application written specifically with mobile food vending in mind. Differences between this permit and the general temporary vendor permit could include: longer approval periods, such as 1 year per cart per site, with an option to renew if no violations have been reported. Design standards such as location and type of seating, weather protection, and storage options can also be regulated through a mobile food unit permit. These permits will give cart owners and property owners clear direction and send the signal we as a City are ready to welcome them to our community.

Other jurisdictions have done similarly. The City of Milwaukie crafted a permitting process specifically for 'Mobile Food Carts on Private Property' in 2019. Attachment A is a three page informational handout created by Milwaukie Planning that includes (1) the application thresholds (2) the approval criteria (3) the application process and (4) the code sections applicable to the application.

Staff is seeking direction from the planning commission and city council on this or other ideas or procedures for individual food cart and permitting options.

Food Cart Pods

Food Cart Pods, or mobile food unit sites, are properties where mobile carts have support facilities which allow them to be parked on a long term basis. These facilities often include restrooms, handwashing stations, seating, lighting, weather protection, and sometimes a permanent building or 'host cart' serving drinks and providing gathering space.

Pods offer property owners an option to develop in a limited capacity in order to see a short term return on their investment, while at the same time, providing space for business incubation, community gathering, and culinary adventure. Pods are largely considered an 'interim use' in that they are not typically the highest and best use for a piece of commercial property and will eventually be redeveloped when the market allows. Remnant parcels are sometimes creatively developed into Pods as well, creating a pocket of interest and activity in developed commercial areas.

Pods are also a great way to reflect community values and interests; individual carts are tenants of the pod, and the patrons essentially will decide which carts they value by voting with their purchases. They provide opportunity for creativity- local artists can display their work, creative seating and lighting can act as a gathering space. Successful carts often graduate to a brick-and-mortar restaurant in the community where they already have relationships with their patrons, and the City.

In considering potential regulations for Food Cart Pods, two categories are considered, accommodations and design.

Accommodations include the essentials: trash collection, restrooms and hand washing, utilities for the carts, perimeter designation, and parking.

Design includes what makes a Pod attractive: Entryway interest, configuration and number of carts, landscaping, seating, weather protection.

Site Accommodations		TABLE 1
Perimeter	Fencing, security, landscaping, screening, fire access	
Restrooms & handwashing	Temporary or permanent, screening	
Trash and recycling	Location, operations	
Utilities	Under ground, above ground, screening	
Parking	Ratios, location, ADA	
Surfacing	Gravel, aggregate, pavement, asphalt	
Site Design		
Entry	Site demarcation, signage, type of access, landscaping	
Number & Configuration of Carts	Square footage per space, space between carts, individual screening, cart standards, setbacks	
Landscaping	Perimeter, size and type, potted or planted, maintenance, ratio	
Seating	Type and number, configuration, accessibility	
Weather protection	Type, materials, temporary or permanent, maintenance	

Fiscal Impact

No city fiscal impact expected. Work can be done by City staff.

Options

During this work session, staff will present different examples of these accommodations and design elements (see Table 1) and encourage a discussion among Councilors, Commissioners and staff.

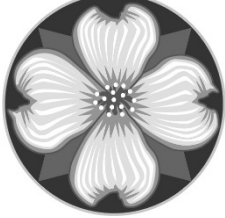
Recommendation

Provide a clear idea of what a Pod should look like in Canby, and a recommendation to staff to pursue crafting code language for Food Carts and Food Cart Pods for adoption into the City of Canby Municipal Code Chapter 16, Planning and Zoning.

Proposed Motion

As this is a work session, no motion is being requested, however staff is requesting direction on proceeding ahead with a draft Food Cart ordinance for planning commission and city council review and adoption.

Attachment A: City of Milwaukie *Mobile Food Carts on Private Property*



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503.786.7630
planning@milwaukieoregon.gov

Mobile Food Carts on Private Property

This information applies to mobile food carts located on private property. For information about locating a food cart in the public right-of-way, contact the Engineering Department at 503-786-7600.

If you are planning a mobile food cart, your first step should be to consider where the cart will be located. The location of the food cart will help determine which sections of the Milwaukie Municipal Code (MMC) apply and what permits may be required.

Mobile food carts meet the definition of “vehicle” per MMC Section 19.201 Definitions if they meet the following criteria:

- The cart will sit on an existing paved parking area on a site that is zoned to allow eating and drinking establishment uses.
- The cart has wheels, and the wheels will not be removed.
- Any canopies, awnings, or any other attachments will be attached to, and supported entirely by, the cart and will not touch the ground.
- The unit is self-contained and will not require any plumbing connections.
-

If your food cart does not meet the above criteria, it will be considered a building and will be subject to the appropriate land use approvals, permits, and design reviews. For more information about building requirements, contact the Planning Department at 503-786-7630.

Mobile food carts may require permits from other agencies and City departments.

APPROVAL CRITERIA

Food carts are permitted in Milwaukie under the following conditions:

- Carts must be totally self-contained.
- Carts must remain mobile and have wheels attached at all times.
- Carts must meet the eating establishment definition and must be located on property that allows eating establishments as a permitted, limited, or accessory use.
- If the cart locates in a required parking space for another existing use, that space will be removed from the parking count and will need to be replaced per MMC Chapter 19.600 Off-Street Parking and Loading (shared or on-site)
- Carts with wheels are considered vehicles, not structures, and are, therefore, not subject to development standards and downtown design review.
- Carts without wheels are considered structures and are subject to development standards, and may be subject to downtown design review.

APPLICATION PROCESS

1. First, identify a site for your cart. The location of the cart will determine which sign and development regulations will apply.

Food cart eating establishments are **allowed outright** in the following zones:

- Downtown Mixed Use (DMU)
- General Mixed Use (GMU)
- Neighborhood Mixed Use (NMU)
- General Commercial (C-G)
- Tacoma Station Area Manufacturing (M-TSA)

Food cart eating establishments are **allowed as limited uses** in the following zones:

- Business Industrial (BI)

Food cart eating establishments are **allowed as accessory uses** in the following zone:

- Manufacturing (M)

Food cart eating establishments are **allowed as conditional uses** in the following zones (this is a Type III process):

- Neighborhood Commercial (C-N)
- Open Space (OS)

Food cart eating establishments are **prohibited** in the following zones:

- All Residential zones (R-10, R-7, R-5, R-3, R-2.5, R-2 and R-1)
- Residential-Office-Commercial (R-1-B)
- Limited Commercial (C-L)
- Community Shopping Commercial (C-CS)

2. Submit appropriate Clackamas County applications and licenses for mobile food units. The information can be found at http://clackamas.us/community_health/eh/restaurants.jsp.
3. Apply for a City of Milwaukie Business Registration. The form can be found at <http://www.milwaukieoregon.gov/finance/business-registration-1>.
4. Apply for any necessary permits. Mobile food carts are commercial businesses and all electrical work in or on the cart must be done by a licensed electrical contractor. Any electrical work in or on the cart will require a permit (including electrical service from a generator). Contact the Building Department at 503-786-7613 for more information.

Vending carts are allowed one daily display sign (A-board) per cart. The sign must comply with MMC Chapter 14.16 Sign Districts. If the sign will be displayed on private property, you will also need a daily display sign owner authorization.

The application for a daily display sign and sign owner authorization can be found at <http://www.milwaukieoregon.gov/planning/daily-display-sign>.

DESIGN

Food carts located on private property in downtown Milwaukie are not subject to design review. However, we encourage the use of high-quality materials, attractive colors and designs, and other means of contributing to the overall vitality and appeal of the downtown area.

APPLICABLE CODE SECTIONS

Food carts must comply with the applicable sections of the Milwaukie Municipal Code. The sections of the Code that apply to food carts are Title 14 and Title 19. Title 14 is the Sign Ordinance, which provides standards for signs in the city; Title 19 is the Zoning Ordinance, which provides guidelines for development standards and uses in the city. The full text of the Code can be found at <http://www.qcode.us/codes/milwaukie/>.

MMC Chapter 14.16 Sign Districts

This section of the Code identifies prohibited signs, exempted signs, and standards for signs; standards vary depending on the sign district where the cart will be located.

MMC Section 19.201 Definitions

“Vehicle” means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

“Eating establishment” means a restaurant or other similar business establishment with the primary function of serving food, prepared to order, to the public, and may serve alcoholic beverages at the dining table. This establishment may or may not have an attached drinking establishment.

MMC Chapter 19.300 Base Zones

This section of the Code identifies which uses are allowed in each zone. Food cart eating establishments are allowed outright in the DMU, GMU, NMU, and C-G Zones. They are allowed as accessory uses in the M Zones; as limited uses in the BI and M-TSA Zones; and as conditional uses in the C-N and OS Zones.

MMC Chapter 19.600 Off-Street Parking and Loading

This section of the Code determines the number of required parking spaces for each use in each zone. If your food cart is located in a required parking space for another business, that parking space will need to be replaced either on- or off-site in accordance with this section.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
June 16, 2021**

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Traci Hensley, Sarah Spoon, Greg Parker, Jordan Tibbals, and Shawn Varwig.

COUNCIL ABSENT: Christopher Bangs

OTHERS PRESENT: Paul Ylvisaker

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney; Melissa Bisset, City Recorder/ HR Manager; Julie Blums, Finance Director, Valerie Kraxberger, Tech Services Coordinator; Taylor Kimble, KinTechnology.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:32 p.m.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:

Paul Ylvisaker, Canby resident, asked why the City was giving a variance to the high school to celebrate touch downs with fireworks and there was not a way for citizens to file a grievance or complaint. He did not think it was acceptable for the neighborhood.

Mayor Hodson said the fireworks were a long-standing tradition. Instead of having the School District come every year for a variance, they were allowed in the code.

Mr. Ylvisaker discussed the original ordinance that had an emergency clause and how they should not fast track this decision. Animals were abused during fireworks and now the fireworks would happen six times per year at the high school. He discussed the definition of equity. A quiet zone project was proposed for the north side of town, but was not considered for the south side regarding the fireworks. It felt like segregation and was not inclusive or equitable. He read the core value statements of the School District and City and how the action to allow the fireworks went against these statements. They had taken away the neighborhood's equity and the fireworks needed to stop. He would support fireworks at graduation, but not at football games.

Mayor Hodson said the train noise happened several times per day, and the fireworks happened six times per year. The fireworks were long-standing events.

CONSENT AGENDA: **Council President Hensley moved to adopt the minutes of the May 19, 2021 City Council Work Session and Regular Meetings. Motion was seconded by Councilor Varwig and passed 5-0.

PUBLIC HEARINGS:

State Revenue Sharing Funds – Mayor Hodson read the hearing statement.

Julie Blums, Finance Director, presented the staff report. Oregon law required cities to pass a resolution stating they wanted to receive state shared revenues. She estimated the City would receive \$212,800 next fiscal year.

Mayor Hodson opened the public hearing.

There was no public testimony.

Mayor Hodson closed the public hearing.

2021-2022 FY budget as Approved by Budget Committee – Mayor Hodson read the hearing statement.

Ms. Blums presented the staff report. Tonight they would be adopting the 2021-22 FY budget. The Budget Committee met twice this year to review and approve the budget. The next step was for Council to approve the budget.

Councilor Spoon asked if a Work Session would be scheduled regarding the cemetery fund.

Councilor Parker said that would be a topic of the first quarterly Budget Committee meeting.

Mayor Hodson opened the public hearing.

There was no public testimony.

Mayor Hodson closed the public hearing.

Mayor Hodson said there had been conversation about the police budget. Ms. Blums explained how much general revenue the police budget used.

Mayor Hodson noted they had been building back the reserves and they were now about 28-29%.

ORDINANCE & RESOLUTIONS: Ordinance 1558 –

Joe Lindsay, City Attorney, explained this resolution would include the fireworks for high school graduation in the noise variance exceptions. It would recognize past practice and not require the School District to apply every year for the exception.

Councilor Spoon stated that she would like to see the fireworks continue at graduation. She asked if they could add that the School District send an annual notice to the neighbors with the dates of the games and graduation.

Mr. Lindsay said it was not included in the language presented by Councilor Bangs, however it could be added.

Councilor Spoon asked if this was a noise sensitive area.

Mr. Lindsay did not think so. School activities had an allowance for noise up to midnight.

Mayor Hodson asked about the ability for citizens to file a grievance or complaint. Mr. Lindsay said citizens could come to Council to complain, but there was no opportunity to file a complaint about a violation and have a day in court to decide whether or not the code was violated. By making the fireworks an exception, it assured the activity would not go to court.

Mayor Hodson asked about the emergency clause in Section 2 of the ordinance. Mr. Lindsay did not think that was required and the Council could pass the first reading of the ordinance as amended.

Councilor Spoon encouraged the School District to find other ways to celebrate touchdowns at football games.

****Councilor Varwig moved to adopt Ordinance 1558, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 9.48.050 (A) REGARDING NOISE VARIANCE EXCEPTIONS as amended by removing the emergency clause to come up for second reading on July 7, 2021. Motion was seconded by Council President Hensley and passed 5-0 on first reading.**

RESOLUTIONS: Resolution 1350 – Ms. Blums explained the transfers for Court, Planning, Cemetery, Non-Allocated, Facilities, and Sewer funds.

****Councilor Spoon moved to approve Resolution 1350, A RESOLUTION ADOPTING BUDGET APPROPRIATION TRANSFERS FOR THE 2020-2021 FISCAL YEAR. Motion was seconded by Councilor Parker and passed 5-0.**

Resolution 1352 – Ms. Blums said staff's estimate was the City would receive \$212,800 in state shared revenues and this was the annual resolution telling the state they wanted to collect that money.

****Councilor Spoon moved to approve Resolution 1352, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2021-2022. Motion was seconded by Councilor Varwig and passed 5-0.**

Resolution 1351 – Ms. Blums said this was the annual resolution to adopt the City's budget beginning July 1, 2021 to June 30, 2022 as well as setting the tax rate and swim center levy.

****Councilor Spoon moved to approve Resolution 1351, A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS AND IMPOSING AND**

CATEGORIZING TAXES FOR THE 2021-2022 FISCAL YEAR. Motion was seconded by Councilor Varwig and passed 5-0.

Resolution 1353 – Ms. Blums said this resolution approved a loan for the library to get them through the first six months of the year because their tax revenue did not come in until January. Once the money was received, the loan would be immediately paid off with interest.

****Council President Hensley moved to approve Resolution 1353, A RESOLUTION AUTHORIZING AN INTERFUND LOAN FROM THE CEMETERY PERPETUAL CARE FUND TO THE LIBRARY FUND IN THE AMOUNT OF \$500,000 AND AUTHORIZING REPAYMENT OF THE INTERFUND LOAN IN FISCAL YEAR 2021-2022. Motion was seconded by Councilor Spoon and passed 5-0.**

Resolution 1354 – Ms. Blums said this resolution would update the master fee schedule. She noted that there were minor changes to the Police Department and Court fees and they had added a returned electronic payments fee and fee for utilities to be charged to tenants instead of landlords. There were increases to the Parks Maintenance Fee by 22 cents, SDCs by 3.66%, and Planning fees.

Mayor Hodson noted the fees were increased but still lower than most cities and did not price developers out. Ms. Blums clarified this was not 100% cost recovery, but they were getting closer.

Discussion ensued regarding a policy for 100% cost recovery for Development Services.

Council President Hensley was opposed to increasing the Parks Maintenance Fee. She thought it should have gone to the voters.

Councilor Tibbals would also be voting against the Parks Maintenance Fee increase because it should have gone to a vote.

****Councilor Spoon moved to approve Resolution 1354, A RESOLUTION SETTING FEES FOR SERVICES AND REPEALING RESOLUTION 1312, AND ALL PREVIOUS RESOLUTIONS ADOPTING A MASTER FEE SCHEDULE. Motion was seconded by Councilor Parker and passed 3-2 with Councilors Hensley and Tibbals opposed.**

Resolution 1355 – Scott Archer, City Administrator, said the City provided workers compensation coverage to all volunteers through CIS. The insurance provider required the City to have a current resolution on file every year.

****Councilor Spoon moved to approve Resolution 1355, A RESOLUTION EXTENDING WORKERS COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF CANBY AND REPEALING RESOLUTION 1338. Motion was seconded by Councilor Varwig and passed 5-0.**

MAYOR'S BUSINESS: Mayor Hodson congratulated the graduating class of 2021 and recognized their challenges due to COVID-19. The Park Master Plan was moving forward. There would be a grand opening of the Splash Pad at Maple Street Park on Friday afternoon. At the last Region 1 Area Commission on Transportation meeting they discussed STIP funding and tolling/congestion pricing. The Clackamas County Coordinating Committee met and also discussed tolling/congestion pricing and a letter was signed regarding the inclusion of I-205 in any potential federal infrastructure package. Typically he did not give more than three minutes for public comment, but Mr. Ylvisaker had come to Council several times about the fireworks and he thought his questions needed to be answered. He did not consider it to be a precedent setting event.

COUNCILOR COMMENTS & LIAISON REPORTS:

Council President Hensley thanked Canby School Board members who made it possible for seven boys to have their moment in the sun.

Councilor Tibbals agreed and thanked them for giving the kids the recognition they deserved.

Councilor Spoon thanked the Mayor for allowing Paul Ylvisaker to speak. She noted it was nice to be back to meeting in person.

Councilor Parker also thanked the Mayor for having Mr. Ylvisaker to speak. He also thanked City staff for their work on the technology for the meetings.

Councilor Varwig thanked Taylor and KinTechnology for their work on the technology. CTV Channel 5 was looking to put a studio at the high school. The Fire Department was working on making sure there was a fire engine on the north side of town when a train was blocking the tracks for a long period of time. He congratulated the class of 2021.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Archer commented on the set up in the Council Chambers and how there would be more permanent solutions to the hybrid model of Council meetings. He thanked the Mayor, Budget Committee members, Finance Director, Finance Department, and the other Department Directors who helped with the budget. Regarding the Park Master Plan, GreenPlay was hired as the consultant. They would be meeting with the Parks and Recreation Advisory Board and there would be an extensive and visible public process. The City would be reopening all of the City facilities on Monday, June 21, with a modified schedule moving toward a full reopening. Municipal Court and Administrative staff would be moved to the Civic Offices and Court would be held in the Council Chambers. Refinancing the Urban Renewal debt triggered a review of the City's bond rating. The rating was increased one step up. That meant when the City went out for credit or loans in the future it would give the City better rates. There was over a \$6 million savings in loan payment interest over the remaining life of the Urban Renewal Agency debt. The bonding agency said that it was extraordinary savings.

CITIZEN INPUT: None

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Passed Ordinance No. 1558 to a second reading on July 7, 2021.
3. Adopted Resolution No. 1350.
4. Adopted Resolution No. 1352.
5. Adopted Resolution No. 1351.
6. Adopted Resolution No. 1353.
7. Adopted Resolution No. 1354.
8. Adopted Resolution No. 1355.

There was no Executive Session.

Mayor Hodson adjourned the Regular Meeting at 9:32 p.m.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood

Memo

To: Mayor Brian Hodson & Members of City Council
From: Jorge Tro, Chief of Police
CC: Melissa Bisset, General Administration
Date: July 22, 2021
Re: Dede's Deli Liquor License Application / Limited On-Premises,
1477 SE 1st Avenue, Suite 112, Canby, Oregon

I have reviewed the attached limited on-premises liquor license application for Dede's Deli (anticipated opening of September 2021) located at 1477 SE 1st Avenue, Suite 112, Canby, Oregon, 97013.

On July 22, 2021, I spoke with the contact for the application, Dan Search (Company Controller), and we discussed the expectations and responsibilities involving the sale of alcoholic beverages.

Mr. Search explained that the company has experience in selling alcoholic beverages and they have 20 locations throughout Oregon. They are well aware that any employee selling alcoholic beverages must know the laws regulating the sale of alcoholic beverages and the consequences for failure to comply with the rules as set forth by Oregon State Law. He further explained the company has a two limit drink per customer.

It is my recommendation the Canby City Council approve this application to the Oregon Liquor Control Commission (OLCC).



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

pg 17/14/21
\$100
vs \$304/25
C.

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	<p>Date application received and/or date stamp:</p> <p>Name of City or County:</p> <p>Recommends this license be:</p> <p><input type="checkbox"/> Granted <input type="checkbox"/> Denied</p> <p>By: _____</p> <p>Date: _____</p>
Brewery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Brewery-Public House (BPH) 1 st location	
BPH Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Distillery	
<input type="checkbox"/> Full On-Premises, Commercial	
<input type="checkbox"/> Full On-Premises, Caterer	
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	<p>OLCC USE ONLY</p> <p>Date application received: <u>6/17/21</u></p> <p>Date application accepted: <u>6/17/21</u></p> <p>License Action(s): <u>N/O</u></p>
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 st location	
GSP Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input checked="" type="checkbox"/> Limited On-Premises	
<input type="checkbox"/> Off-Premises	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	
Winery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/> (4 th) <input type="checkbox"/> (5 th) <input type="checkbox"/>	

2. Identify the applicant(s) applying for the license(s). **ENTITY (example: corporation or LLC) or INDIVIDUAL(S)**¹ applying for the license(s):

CJ Eateries, LLC.

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See)

Dede's Deli

4. Business Address (Number and Street Address of the Location that will have the liquor license)

1477 SE 1st. Ave. Suite 112.

City Canby	County Clackamas	Zip Code 97013
---------------	---------------------	-------------------

¹ **Read the instructions on page 1 carefully.** If an **entity** is applying for the license, list the name of the **entity** as an applicant. If an **individual** is applying as a sole proprietor (no entity), list the individual as an applicant.



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) Dede's Deli			
6. Does the business address currently have an OLCC liquor license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your license certificate, renewal application and other mailings as described in <u>OAR 845-004-0065(1)</u>.) 92 Centennial Loop			
City Eugene	State Oregon	Zip Code 97401	
9. Phone Number of the Business Location 541-914-1495		10. Email Contact for this Application and for the Business dan@cjeateries.com	
11. Contact Person for this Application Dan Search		Phone Number 541-914-1495	
Contact Person's Mailing Address (if different)	City	State	Zip Code

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

ATTESTATION: **READ CAREFULLY AND MAKE SURE YOU UNDERSTAND BEFORE SIGNING THIS FORM**

I understand that marijuana is prohibited on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application are true and complete.

I affirm that I have read OAR 845-005-0311 and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per OAR 845-005-0311(6)) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an unwaivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Applicant(s) Signature

- Each individual (sole proprietor) listed as an applicant must sign the application below.
- If an applicant is an entity, such as a corporation or LLC, at least one **INDIVIDUAL who is authorized to sign for the entity** must sign the application.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign the application. If an individual other than an applicant signs the application, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. **Applicants are still responsible for all information on this form.**

John Charles Hare

6/17/21

App. #1: (PRINTNAME)

App # 1: Signature Date

Atty. Bar Information (if applicable)

App. #2: (PRINTNAME)

App #2: (SIGNATURE)

App #2: Signature Date

Atty. Bar Information (if applicable)

App. #3: (PRINTNAME)

App #3: (SIGNATURE)

App #3: Signature Date

Atty. Bar Information (if applicable)

App. #4: (PRINTNAME)

App #4: (SIGNATURE)

App #4: Signature Date

Atty. Bar Information (if applicable)



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: CJ Eateries, LLC.

Phone: 541-434-2486

Trade Name (dba): Dede's Deli

Business Location Address: 1477 SE 1st Ave. Suite 112.

City: Canby

ZIP Code: 97013

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	7:00 AM	to	11:00 PM
Monday	7:00 AM	to	11:00 PM
Tuesday	7:00 AM	to	11:00 PM
Wednesday	7:00 AM	to	11:00 PM
Thursday	7:00 AM	to	11:00 PM
Friday	7:00 AM	to	11:00 PM
Saturday	7:00 AM	to	11:00 PM

Outdoor Area Hours:

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	_____	to	_____
Saturday	_____	to	_____

The outdoor area is used for:

☐ Food service Hours: _____ to _____
☐ Alcohol service Hours: _____ to _____
☐ Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: ☐ Yes ☒ No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- | | |
|--|--|
| <input type="checkbox"/> Live Music | <input type="checkbox"/> Karaoke |
| <input type="checkbox"/> Recorded Music | <input type="checkbox"/> Coin-operated Games |
| <input type="checkbox"/> DJ Music | <input checked="" type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing | <input type="checkbox"/> Social Gaming |
| <input type="checkbox"/> Nude Entertainers | <input type="checkbox"/> Pool Tables |
| | <input type="checkbox"/> Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	_____	to	_____
Saturday	_____	to	_____

SEATING COUNT

Restaurant: 12

Outdoor: _____

Lounge: _____

Other (explain): _____

Banquet: _____

Total Seating: 12

OLCC USE ONLY

Investigator Verified Seating: ____ (Y) ____ (N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: _____

Date: 6/17/21

1-800-452-OLCC (6522)

www.oregon.gov/olcc

City Council Packet - Page 16 of 28

(rev. 12/07)



City of Canby

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

Phone: 503.266.4021
Fax: 503.266.7961
www.canbyoregon.gov

City of Canby Staff Report

DATE: August 4, 2021
TO: Hon Mayor Hodson & City Council
THRU: Mr. Scott Archer, City Administrator
FROM: Curt J. McLeod, P.E.
CURRAN-McLEOD, INC

**RE: MAPLE STREET PARK PICKLEBALL COURT & GAZEBO IMPROVEMENTS
ORDINANCE No. 1559**

Summary

On June 24, 2021, the City of Canby received four bids for construction of the Maple Street Park Pickleball Court and Gazebo Improvement Project. This staff report is to recommend the City Council approve award of the construction contract to R. L. Reimers Company from Canby, in the amount of \$395,450.

Background

The addition of pickleball courts at the Maple Street Park includes construction of four regulation courts and associated site amenities, including fencing, lighting, additional benches, and a small gazebo. The City of Canby received the following four bids on this project in its formal bid process:

1	R. L. Reimers Co.	\$395,450.00
2	Lee Contractors.	\$458,350.00
3	D & D Concrete & Utilities	\$514,048.00
4	North Santiam Paving	\$584,880.00

R. L. Reimer Company operates out of a newly constructed facility in the Canby Pioneer Industrial Park, and just recently successfully completed the Primary Clarifier improvement project and complete site restoration at the Wastewater Treatment Plant. There are no concerns listed on the Oregon Construction Contractors Board (CCB) records for this firm. Their bid was deemed to be responsive and responsible.

Discussion

This solicitation was advertised and completed in compliance with the public bid statutes in ORS 279C, as a formal bid process. All bids received were responsive and responsible. The bid from R.L. Reimers Company was the lowest responsive and responsible bid.

Fiscal Impact

This project is being funded using \$180,000 budgeted in FY 21-22 with Parks Maintenance Fee revenues, with the remainder of the project cost funded with Parks SDC revenues. The SDC Capital Improvement Plan included a Park Development and Acquisition line item totaling \$16,249,965 in the 2012 Parks and Recreation System Development Charge Study that would be used for this expenditure. This expenditure would meet the requirements of building a capital improvement to an existing park that increases capacity for future users.

Options

1. Approve the contract as presented.
2. Deny the contract as presented and give further/alternative direction to staff.

Recommendation

That the City of Canby approve Ordinance 1559 authorizing the City Administrator to execute a contract with R.L. Reimers Co. in the amount of \$395,450 for construction of the Maple Street Park Pickleball Court & Gazebo Improvements.

Proposed Motion

I move to adopt Ordinance 1559 authorizing the City Administrator to execute a contract with R. L. Reimers Co. in the amount of \$395,450 for construction of the Maple Street Park Pickleball Court and Gazebo Improvements.

Attachments

1. Ordinance 1559
2. Contract for Construction

ORDINANCE NO. 1559

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH R. L. REIMERS COMPANY FOR THE MAPLE STREET PARK PICKLEBALL COURT & GAZEBO IMPROVEMENT PROJECT

WHEREAS, the City of Canby has heretofore advertised and received bids for the 2021 Maple Street Park Pickleball Court & Gazebo Improvement Project; and

WHEREAS, the notice of call for bids was duly and regularly published in the Oregon Daily Journal of Commerce on May 31, 2021; and

WHEREAS, four bids were received at 2:00 PM on June 24th, which included the following bids:

1	R.L. Reimers Co.	\$395,450.00
2	Lee Contractors.	\$458,350.00
3	D & D Concrete & Utilities	\$514,048.00
4	North Santiam Paving	\$584,880.00

WHEREAS, the Canby City Council, acting as the City's Contract Review Board, met on Wednesday, July 21, 2021, and considered the bids and reports and recommendations of the City staff, including the staff recommendation that the low responsive and responsible bid be selected; and

WHEREAS, the Notice of Intent to Award, as required by ORS 279C.375, was issued on July 12, 2021, and requires seven days notice before the contract award will be effective, and

WHEREAS, the Canby City Council determined that the low responsive bid was that of R.L. Reimers Company;

NOW THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. In the absence of an appeal to the award within the statutory seven day period, the City Administrator is hereby authorized and directed to make, execute, and declare in the name of the City of Canby and on its behalf, an appropriate contract with R.L. Reimers Company for the 2021 Maple Street Park Pickleball Court and Gazebo Improvement Project, for the bid amount of \$395,450. A copy of the contract form with R.L. Reimers Company is attached herein.

Section 2. This ordinance shall take effect 30 days after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, July 21, 2021 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, August 4th, 2021, commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 222 NE 2nd Avenue, Canby, Oregon.

____s/Melissa Bisset
Melissa Bisset, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 4th day of August, 2021 by the following vote:

YEAS _____

NAYS _____

Brian Hodson, Mayor

ATTEST:

Melissa Bisset, CMC
City Recorder

CONTRACT FOR CONSTRUCTION

THIS AGREEMENT is dated as of the ____ day of _____ in the year 2021, by and between the:

CITY OF CANBY

(Hereinafter called OWNER) and

R. L. REIMERS COMPANY

(Hereinafter called CONTRACTOR)

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1 - WORK

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents:

**City of Canby
MAPLE STREET PARK PICKLEBALL COURTS
& GAZABO IMPROVEMENTS**

The scope of work consists of construction of one structure of four pickleball courts, including site preparation, concrete border and fence construction, asphalt playing surfaces, coating systems, and area lighting. Additionally, a 15-foot hexagonal gazebo shall be constructed adjacent to the courts.

ARTICLE 2 - ENGINEER

The Project has been designed by CURRAN-McLEOD, INC., Consulting Engineers, who are hereinafter called ENGINEER and who will assume all duties and responsibilities and will have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3 - CONTRACT TIME

3.1 The successful bidder agrees to be substantially complete with all work within 90 calendar days after issuance of the Notice to Proceed, and to achieve final completion within 30 days of issuance of Substantial Completion.

3.2 Liquidated Damages: OWNER and CONTRACTOR recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not substantially complete within the time specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense and difficulties involved in proving in a legal proceeding the actual loss suffered by OWNER if the Work is not substantially complete on time.

Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER

or the OWNER may withhold from amounts due the CONTRACTOR Two Hundred Fifty Dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1. for Substantial Completion until the Work is substantially complete AND/OR for each day of delay beyond the deadline for Final Completion.

ARTICLE 4 - CONTRACT PRICE

4.1 OWNER shall pay CONTRACTOR for performance of the Work in accordance with the Contract Documents in current funds by check, an amount totaling

Three Hundred Ninety Five Thousand, Four Hundred Fifty Dollars (\$395,450.00), as shown in the Bid Proposal.

ARTICLE 5 - PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

5.1 Progress Payments: OWNER shall make progress payments on account of the Contract Price on the basis of CONTRACTOR'S Applications for Payment as recommended by ENGINEER, on or about the 25th day of each month during construction as provided below. All progress payments will be on the basis of the progress of the Work measured by the schedule of values provided for in paragraph 2.03 of the General Conditions.

5.1.1 Prior to Substantial Completion progress payments will be in an amount equal to:

- (a) 95 % of the Work completed; and
- (b) 95 % of materials and equipment not incorporated in the Work but delivered and suitably stored, less in each case the aggregate of payments previously made.

5.1.2 Upon Substantial Completion, OWNER shall pay an amount sufficient to increase total payments to CONTRACTOR to 95% of the value of the Contract Work completed, less such amounts as ENGINEER shall determine in accordance with paragraph 15.01 of the General Conditions.

5.2 Final Payment: Upon final completion and acceptance of the Work in accordance with paragraph 15.06 of the General Conditions, OWNER shall pay the remainder of the value of the Contract Work completed, as recommended by ENGINEER as provided in said paragraph 15.06.

ARTICLE 6 - INTEREST

All monies not paid when due hereunder shall bear interest at the maximum rate allowed by law at the place of the Project, when requested in accordance with ORS 279C.570

ARTICLE 7 - CONTRACTOR'S REPRESENTATIONS

In order to induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

- 7.1 CONTRACTOR has familiarized himself with the nature and extent of the Contract Documents, Work, locality, and with all local conditions and federal, state, and local laws, ordinances, rules, and regulations that in any manner may affect cost, progress, or performance of the Work.
- 7.2 CONTRACTOR has studied carefully all reports of investigations and tests of subsurface and latent physical conditions at the site or otherwise affecting cost, progress or performance of the Work which were relied upon by ENGINEER in the preparation of the Drawings and Specifications and which have been identified in the Supplementary Conditions.
- 7.3 CONTRACTOR has made or caused to be made examinations, investigations and tests and studies of such reports and related data in addition to those referred to in paragraph 7.2 as deemed necessary for the performance of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports, or similar data are or will be required by CONTRACTOR for such purposes.
- 7.4 CONTRACTOR has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents.
- 7.5 CONTRACTOR has given ENGINEER written notice of all conflicts, errors, or discrepancies that he has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

ARTICLE 8 - CONTRACT DOCUMENTS

- 8.1 This Agreement
- 8.2 Exhibits to this Agreement.
- 8.3 Performance and other Bonds
- 8.4 Notice of Award.

- 8.5 General Conditions of the Construction Contract
- 8.6 Supplementary Conditions
- 8.7 Technical Specifications as listed in the Table of Contents.
- 8.8 Specifications bearing the following general title:

**City of Canby
MAPLE STREET PARK PICKLEBALL COURTS
& GAZEBO IMPROVEMENTS**

- 8.9 Addenda number(s) 1 through 2.
- 8.10 CONTRACTOR'S Bid
- 8.11 Any Modification, including Change Orders, duly delivered after execution of Agreement.

There are no Contract Documents other than those listed above in this ARTICLE 8. The Contract Documents may only be altered, amended, or repealed by a Modification (as defined in Article 1 of the General Conditions).

ARTICLE 9 - MISCELLANEOUS

- 9.1 Terms used in this Agreement which are defined in Article 1 of the General Conditions shall have the meanings indicated in the General Conditions.
- 9.2 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically by without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.
- 9.3 OWNER and CONTRACTOR each binds himself, his partners, successors, assigns and legal representatives to the other party hereto, his partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.
- 9.4 In the event a suit, arbitration or other legal action is required by either the OWNER or the CONTRACTOR to enforce any provisions of this Agreement, the prevailing parties shall be entitled to all reasonable costs and reasonable attorney's fees upon trial or subsequent appeal.

IN WITNESS WHEREOF, the parties hereto have signed three counterparts of this Agreement.

This Agreement will be effective on _____.

OWNER:

**CITY OF CANBY
222 NE 2nd Ave
P.O. Box 930
Canby, OR 97013**

CONTRACTOR:

**R. L. REIMERS CO.
3939 Old Salem Rd, Ste. 200
Albany, OR 97321**

Signed: _____

Signed: _____

Name: _____

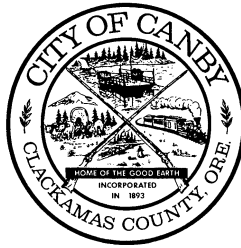
Name: _____

Title: _____

Title: _____

Attest: _____

Address for giving notices:



BEFORE THE CITY COUNCIL OF THE CITY OF CANBY

A REQUEST FOR COMPREHENSIVE
PLAN AND CONCURRENT ZONE
CHANGE AMENDMENT;

)

FINDINGS, CONCLUSION & FINAL ORDER

)

)

)

CPA/ZC 21-01
HEMMERLING

NATURE OF THE APPLICATION

The subject property is generally located at 102 NE Territorial Road, Canby OR 97013. The property is relatively flat and historically was in direct or supporting agricultural uses. The property has frontage along NE Territorial to the South and N Locust Street to the East. The property is approximately 3.17 acres in size and contains two existing structures on the southern portion of the property.

The applicant requests Planning Commission approval of a Comprehensive Plan amendment (CPA 21-01) and a concurrent Zone Change (ZC 21-01). The applicant proposes to amend the City of Canby's Comprehensive Plan Map for the subject property from Low-Density Residential (LDR) to Medium-Density Residential (MDR). As part of the request, the applicant is also proposing a concurrent zone change consistent with the Comprehensive Plan Map amendment from Low Density Residential (R-1) to Medium Density Residential (R-1.5).

HEARINGS

The Planning Commission considered applications **CPA/ZC 21-01** after the duly noticed hearing on May 10, 2021 during which the Planning Commission moved to pass on a recommendation of denial to the City Council by a 4/1 vote for **Hemmerling (City File No. CPA/ZC 21-01)**. These Findings are entered to document the approval.

The City Council considered applications CPA/ZC 21-01 after the duly noticed hearing on July 28, 2021, during which the Council moved to accept Planning Commission's recommendation of denial by a 5/0 vote to deny **Hemmerling (City File No. CPA/ZC 21-01)**. These Findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not the aforementioned application shall be approved, the City Council determines whether criteria from the City of Canby Comprehensive Plan and Land

Development and Planning Ordinance are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated July 18, 2021 and presented at the July 28, 2021 hearing of the City Council.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Comprehensive Plan amendment and Zone Change. Staff recommended Conditions of Approval in order to ensure that the proposed project will meet all required City of Canby Land Development and Planning Ordinance approval criteria. Should these applications gain approval at a later date through subsequent proceedings the Conditions of Approval are required.

During the public hearing the City Council indicated the following issues as findings and reasoning for denying the applications:

- The approved N. Holly Development Concept Plan zoning of R-1 is inconsistent with the proposed zoning of R-1.5,
- That the proposed R1.5 zoning amendment is not consistent with the R1 comprehensive plan designation.
- That the proposed lots created through this process would not have the same character as the properties to the north south and west.

CONCLUSION

In summary, the City Council reviewed the staff report and public hearing testimony and made a motion to deny the Comprehensive Plan Map Amendment and Zone Change (CPA/ZC 21-01).

ORDER

The City Council concludes that, with the following conditions, the applications do not meet the approval criteria. Therefore, IT IS ORDERED BY THE CITY COUNCIL of the City of Canby that **Hemmerling (CPA/ZC 21-02)** are denied.

I CERTIFY THAT THIS ORDER denying **CPA/ZC 21-01**, the application to change the Low Density Residential Comprehensive Plan Designation and Low Density Residential Zoning District of one parcel to a Medium Density Residential Comprehensive Plan Amendment and Zoning District, was presented to and **DENIED** by the City Council of the City of Canby.

DATED _____

Council President Traci Hensley

Don Hardy
Planning Director

Melissa Bisset
Recording Secretary

ORAL DECISION: July 28, 2021

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Traci Hensley</i>		<i>X</i>		
<i>Sarah Spoon</i>		<i>X</i>		
<i>Jordan Tibbals</i>		<i>X</i>		
<i>Greg Parker</i>		<i>X</i>		
<i>Shawn Varwig</i>		<i>X</i>		
<i>Christopher Bangs</i>				<i>x</i>

WRITTEN DECISION: _____, 2021

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Traci Hensley</i>				
<i>Sarah Spoon</i>				
<i>Jordan Tibbals</i>				
<i>Greg Parker</i>				
<i>Shawn Varwig</i>				
<i>Christopher Bangs</i>				