



AGENDA – **AMENDED 5-17-22**
CANBY CITY COUNCIL
REGULAR MEETING - 7:30 PM

May 18, 2022

Hybrid/Virtual Meeting/Council Chambers
Council Chambers - 222 NE 2nd Avenue, 1st Floor

Register here to attend the meetings virtually:
https://us06web.zoom.us/webinar/register/WN_dBt7hszHRtaSPNE03Lq0FQ

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

Mayor Brian Hodson

Councilor Christopher Bangs
Council President Traci Hensley
Councilor Art Marine

Councilor Greg Parker
Councilor Sarah Spoon
Councilor Shawn Varwig

REGULAR MEETING – 7:30 PM

1. CALL TO ORDER

- a. Invocation
- b. Pledge of Allegiance

2. HIGH SCHOOL SENIOR WEEK PROCLAMATION

Pg. 1

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. Each person will be given 3 minutes to speak. 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. *****If you would like to speak virtually please email or call the Deputy City Recorder by 4:30 pm on May 18, 2022 with your name, the topic you'd like to speak on and contact information: benhamm@canbyoregon.gov or call 503-266-0720. Once your information is received, you will be sent instructions to speak.**

4. **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 the Minutes of the April 6, 2022 City Council Regular Meeting.
- b. Appointment of Member Aimee Noss to the Library Advisory Board with a term ending June 30, 2024.

Pg. 2

Pg. 5

5. ORDINANCES & RESOLUTION

- a. Consider **Ordinance No. 1571**: An Ordinance Authorizing the City Administrator to enter into a Collective Bargaining Agreement (CBA) between the City of Canby, Oregon, and the Canby Police Association. *(Second Reading)* Pg. 13
- b. Consider **Ordinance No. 1572**: An Ordinance Authorizing the Mayor and City Administrator to Execute a Contract with Eagle-Elsner, Inc. in the amount of \$888,888.88 for Construction of the 2022 Street Maintenance Project. *(Second Reading)* Pg. 43
- c. Consider **Ordinance No. 1573**: An Ordinance authorizing the City Administrator to execute a contract with Curran-Mcleod, Inc. Consulting Engineers for design and construction phase engineering services for the extension of Walnut Street to Highway 99 E. *(First Reading)* Pg. 52
- d. Consider **Ordinance No. 1574**: An Ordinance amending Canby's Title 16 of the Canby Municipal Code adding newly created Code Chapter 16.81 Middle Housing Model Ordinance and Modifying Existing Chapters 16.04 Definitions, 16.58 Lot Line Adjustment, 16.60 Partitions, 16.68 Subdivisions Final Procedures and Recordation, and 16.89 Application and Review Procedures. *(First Reading)* Pg. 66
- e. Consider **Resolution No. 1365**: Declaring acquisition of rights of way, easements, fee property for South Ivy Intersection. Pg. 137

6. NEW BUSINESS

- a. Appointment of Elizabeth Chapin to the Budget Committee with a term ending June 30, 2024. *(Moved from Consent Agenda to New Business on revised agenda – 5/17/22)* Pg. 147
- b. Appointment of Herman Maldonado to the Budget Committee with a term ending June 30, 2022. *(New Item added 5/17/2022)* Pg. 152
- c. Discussion regarding Boards, Commission and Committee Member reappointments. Pg. 160

7. MAYOR'S BUSINESS

8. COUNCILOR COMMENTS & LIAISON REPORTS

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

- a. Update on temporary Open Air Canby program and creation of permanent program.
- b. Bi-Monthly Reports

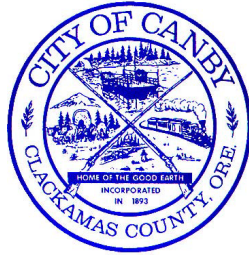
Pg. 161

10. CITIZEN INPUT

11. ACTION REVIEW

12. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Maya Benham at 503-266-0720. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov.



PROCLAMATION

Proclamation Declaring the Week of May 30, 2022 as “Honoring the High School Class of 2022 Week”

WHEREAS, June 3rd, 2022 marks the graduation for Canby High School Seniors;

WHEREAS, Graduation is typically a time to gather and celebrate this important milestone together;

WHEREAS, It is important to acknowledge the challenging situations being presented to graduating seniors and honor their hard work; and

WHEREAS, We encourage families, friends and neighbors to take some time to congratulate those graduates in our community, recognize their achievements and honor them and their journey of education.

NOW, THEREFORE, I, Brian Hodson, Mayor of the City of Canby, encourage all citizens to join with our neighbors, and the Canby School District Board of Directors to celebrate with me in declaring the week of May 30, 2022, as “Honoring the High School Senior Class of 2022 Week.”

Congratulations Class of 2022, we applaud you.

Given unto my hand this 18th day of May, 2022 in the City of Canby, Oregon.

Brian Hodson
Mayor

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
April 6, 2022**

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Traci Hensley, Christopher Bangs, Shawn Varwig, and Greg Parker.

ABSENT: Sarah Spoon

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; and Melissa Bisset, HR Director/City Recorder.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:30 p.m. in the Council Chambers followed by opening ceremonies.

SWEARING IN CEREMONY OF NEW POLICE OFFICER:

Jorge Tro, Police Chief, introduced Officer Claire Davis.

Judge Graf swore in Officer Davis.

PROMOTION OF STEPHANIE ANDERSON TO SERGEANT:

Chief Tro introduced Officer Anderson who was being promoted to Sergeant.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:

Kevin Starrett, Canby resident, was in favor of having a Police Officer at Council meetings.

Jason Padden, Canby resident, spoke about the interview processes for the Budget Committee and Planning Commission appointments. All interviews were done according to the City Charter and the selection was unanimous among the interviewers.

**PRESENTATION FROM CLACKAMAS COUNTY DEPARTMENT OF
TRANSPORTATION AND DEVELOPMENT REGARDING CANBY FERRY:**

Mike Bezner, Clackamas County Department of Transportation and Development, gave an update on the status of the Canby Ferry. The hours of operation had been reduced, however they were still open seven days a week from 9 a.m. to 6 p.m. They reached out to ODOT, but ODOT declined to take the Ferry over. They were asking for an annual financial contribution from Canby of \$25,000. They were going to use federal funds for an intelligent transportation systems project to improve Ferry services. The Ferry would be closed for a month for inspection and maintenance.

There was discussion regarding the long range plan for the Ferry, improvements to the Ferry, contributions from other cities, marketing campaign, and funding.

There was consensus not to put a contribution to the Ferry in this year's budget. The Council would be open to future conversations if they pursued credit card capability and asking other neighboring cities for contributions.

CONSENT AGENDA: **Council President Hensley moved to approve the minutes of the February 2, 2022 City Council Regular Meeting, the reappointment of Paul Waterman to the Transit Advisory Committee with a term ending March 31, 2025, the appointment of Eric Arndt to the Budget Committee for a term ending on June 30, 2024, and the appointment of Matt Ellison to the Planning Commission for a term ending on December 31, 2023. Motion was seconded by Councilor Varwig and passed 4-0.

RESOLUTION: Resolution 1364 – Scott Archer, City Administrator, said the Council held two goal setting sessions and developed a list of goals and objectives. He reviewed the list which would be adopted by the resolution.

Councilor Parker thought the list should be shared with staff.

Mayor Hodson agreed it needed to be implemented and Council would like reports back from staff on how their work tied into the goals.

Mr. Archer explained how staff planned to implement the goals and update the Council.

Councilor Bangs suggested goal setting sessions be scheduled in February rather than January.

****Councilor President Hensley moved to adopt Resolution 1364, A RESOLUTION ADOPTING THE UPDATED CITY COUNCIL GOALS. Motion was seconded by Councilor Varwig and passed 4-0.**

NEW BUSINESS: Discussion regarding Sergeant at Arms presence at Council meetings – This item was postponed to the April 20, 2022 meeting.

MAYOR'S BUSINESS: Mayor Hodson announced Councilor Bajorin had resigned from the Council.

There was discussion regarding the Council candidate application deadline. There was consensus for the deadline to be April 20 and interviews to be held on April 27.

Mayor Hodson said the Housing Needs Analysis and Economic Opportunities Analysis work had been kicked off. The Region 1 Area Commission on Transportation met to discuss the river bridge replacement and transportation bills in the legislature.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Parker said the Heritage and Landmark Commission would receive additional grants for work on Zion Cemetery and to do historic surveys. They were also working on putting in a historic interpretive sign on the Logging Road Bridge. He attended the grand opening of the Tin and Paisley Boutique.

Councilor Varwig also attended the grand opening. The City was working on food cart regulations. The Fire Chief had changed the County's mind on a fireworks ban. The north side Fire Station was up.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Archer gave an update on the Quiet Zone. There would be a stakeholder meeting on April 12 regarding the Traverso property.

Joe Lindsay, City Attorney, reported on the Fourth of July event kick-off meeting.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Approved Resolution 1364.

****Council President Hensley moved to go into Executive Session pursuant to ORS 192.660(2)(i) Performance Evaluation. Motion was seconded by Councilor Varwig and passed 4-0.**

Mayor Hodson read the Executive Session announcement.

Mayor Hodson recessed the Regular Meeting at 8:53 p.m. Mayor Hodson reconvened the Regular Meeting at 10:02 p.m. and immediately adjourned.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood



City Council Staff Report

DATE: May 18, 2022
TO: Honorable Mayor Hodson and City Council
THRU: Scott Archer, City Administrator
FROM: Library Advisory Board Appointment

Summary

There was one vacancy on the Library Advisory Board. Judi Jarosh resigned from the [Library Board](#) on January 7, 2022. The position was advertised and two applications were received.

Background

The Canby Library Board was established through Ordinance. The Canby Library Board has several powers and duties outlined in [the Canby Municipal Code § 2.20.060](#) including developing long-range plans for library service and facilities and recommending policies and procedures. The Commission is made up of eight members who serve four year terms and members are limited to two consecutive terms. Members are to be appointed by the City Council upon recommendation of the Board Chairperson and City Council Liaison to the Library Board.

Discussion

Two candidates applied for the one vacancy. City Code requires two outside limit members with the remaining members in city limits. With this requirement, the Board could only have an in city limits member at this time.

The Interview was conducted on May 2, 2022 with the Library Chair Kathleen Myron, Vice Chair Suzie Stutes, and Council Liaison Bangs. After the interview, the interview panel recommended Ms. Aimee Noss for the appointment to the Library Advisory Board with a term ending June 30, 2024.

Attachments

Application of Aimee Noss
Application of AdriAnne Carlson

Fiscal Impact

None.

Options

1. Appoint Aimee Noss to the Canby Library Advisory Board for a four year term.
2. Take no action.

Recommendation

Board Chair Myron, Vice Chair Stutes, and Council Liaison Bangs recommend Aimee Noss be appointed to the Canby Library Advisory Board.

Proposed Motion

This item is under the consent agenda and one motion will be made to approve the consent agenda unless this item is moved off of the consent agenda for discussion.

“I move to approve the appointment of Member Aimee Noss to the Library Advisory Board with a term ending June 30, 2024.”

EMPLOYMENT APPLICATION



City of Canby
222 NE 2nd Ave

Canby, Oregon - 97013
http://www.canbyoregon.gov
(http://www.canbyoregon.gov)

Noss, Aimee, S
Committee, Board, Commission Member

Received: 4/10/22 10:31 PM
For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE:

Committee, Board, Commission Member

Job Number:

VOL - 2022

NAME: (Last, First, Middle)

Noss, Aimee, S

PERSON ID:

██████████

ADDRESS: (Street, City, State, Zip Code)

██████████
Canby, OR 97013

HOME PHONE:

██████████

EMAIL ADDRESS:

██████████

NOTIFICATION PREFERENCE:

Email

PREFERENCES

SHIFTS YOU WILL ACCEPT:

Evening , Weekends

WHAT TYPE OF JOB ARE YOU LOOKING FOR?

Regular , Temporary , Seasonal

TYPES OF WORK YOU WILL ACCEPT:

Part Time

Agency - Wide Questions

Nothing Entered For This Section

Job Specific Supplemental Questions

1. If employed, who is your employer and what is your position?**2. Which Board, Commission, or Committee are you applying to serve on?**

CANBY PUBLIC LIBRARY BOARD

3. What are your community interests (committees, organizations, special activities)?

Canby offers so many wonderful opportunities for people to enjoy our community. I have not served on any committees but have enjoyed many interesting activities. As part of this community, I have enjoyed an active and well-organized youth sports experience with my children. My boys are active CHS football players. My family and I enjoy the farmer's market, County Fair, and various bazaar opportunities. Canby has been a wonderful community to raise a family in, and I am ready to give back and serve on the library board!

4. What are your major interests or concerns in the City's programs?

I already think that our library does a stellar job offering materials, educational opportunities, cultural passes, and children's programs. I would love an opportunity to encourage growth and to support positive changes that reflect our community's needs. I believe that serving on the CPLB would give me just that opportunity.

5. Why are you interested in this volunteer position?

As I look for a place to serve our community, it is clear to me that the library is the perfect place for me. I have enjoyed the benefits of our library throughout the years that I have lived in Canby. The work of the library is an incredibly vital piece of a community. The library has served myself, my children, and my classroom students through field trips, books, media, and in providing a place for community activities. My intention with this application is to attain an opportunity to serve the library that has served me so well.

6. Please share your experience and educational background.

I have mainly taught in private schools and am currently teaching third grade in Tigard. I have a Master of Arts Degree in Elementary Reading and Literacy, and I hold a current Oregon teaching license.

7. Please list any other City or County positions on which you serve or have served.

I have not served in any County or City positions.

8. If you were referred by someone, please list.

N/A

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge.

Additional Information for Employment Applications:

I understand this application does not represent a contract for employment. I understand that an acceptance of an offer for employment does not create a contractual obligation upon the City of Canby to continue to employ me for any period of time in the future. I understand that no representative from the City has any authority to enter into any special agreement with me to promise and/or guarantee my employment for any specific time period or to promise me a promotion or transfer, etc. either prior to commencement of employment or after I have become employed, or to assure me of any benefits or terms and conditions of employment, or to make any agreement contrary to the aforementioned.

I hereby represent that each answer to questions incorporated into this application and all other information otherwise furnished by me shall be true, complete, and correct. I understand that incorrect, incomplete, false or misleading statement/answer/information furnished by me either verbally, or in writing will subject my application to disqualification from further consideration and/or if already employed by the City, when the aforementioned is detected, I will be subject to discipline up to and including discharge, for falsifying a City record/document, regardless of how much time has elapsed since the date I was employed. In the event that I am employed by the City, I agree to comply with all its orders, rules, regulations, safety policies, and performance standards. Upon hire, I will provide proof as required on the US Government, I-9 form that I am legally eligible for employment in the United States. If I cannot provide such proof in accordance with Federal Law, I understand that my employment will be terminated.

I have read and understand all of the provisions of this acknowledgement. By signing this application, I hold the City of Canby harmless for any result of the City questioning the references provided in this application. If I am selected for further consideration, I hereby authorize and release from liability all former employers, landlords, educational institutions, law enforcement agencies, and/or other government agencies to provide/release information regarding my employment, education, criminal conviction record, credit history, driver's license violations and motor vehicle

records, which may be in their possession to the City of Canby and/or its agents. I understand that I will not receive and am not entitled to know the contents of confidential reports received, and I further understand that these reports may be privileged. An offer of employment is conditional upon a background investigation, and if relevant, a pre-employment medical exam and drug screen test (safety sensitive positions).

EQUAL EMPLOYMENT OPPORTUNITY: We are an Equal Opportunity/Affirmative Action Employer. We are dedicated to a policy of nondiscrimination in employment on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, status as a parent, national origin, age, or mental and/or physical disability.

BACKGROUND: Finalists for City jobs must successfully pass a background investigation and may be required to pass a pre-employment medical exam as a final condition of the job offer. Finalists for safety sensitive positions must also successfully pass a pre-employment drug-screening test.

PROBATIONARY PERIOD: New employees or employees changing job positions will be considered Trial service employees for at least six (6) months before attaining regular status.

IMMIGRATION LAW: In accordance with the Immigration Reform and Control Act of 1986 (IRCA), all newly hired employees will be required to complete and sign an Employment Eligibility Verification Form and present documentation verifying identity and employment eligibility. 10/20

This application was submitted by Noss, Aimee, S

Signature_____

Date_____

EMPLOYMENT APPLICATION



City of Canby
222 NE 2nd Ave

Canby, Oregon - 97013
http://www.canbyoregon.gov
(http://www.canbyoregon.gov)

Carlson, AdriAnne
Committee, Board, Commission Member

Received: 4/7/22 2:36 PM
For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE:

Committee, Board, Commission Member

Job Number:

VOL - 2022

NAME: (Last, First, Middle)

Carlson, AdriAnne

PERSON ID:

██████████

ADDRESS: (Street, City, State, Zip Code)

██████████
Oregon City, OR 97045

HOME PHONE:

██████████

EMAIL ADDRESS:

████████████████████

NOTIFICATION PREFERENCE:

Email

PREFERENCES

SHIFTS YOU WILL ACCEPT:**WHAT TYPE OF JOB ARE YOU LOOKING FOR?****TYPES OF WORK YOU WILL ACCEPT:****Agency - Wide Questions**

Nothing Entered For This Section

Job Specific Supplemental Questions

1. If employed, who is your employer and what is your position?
2. Which Board, Commission, or Committee are you applying to serve on?
CANBY PUBLIC LIBRARY BOARD

3. What are your community interests (committees, organizations, special activities)?

I enjoy volunteering in different capacities, many in Canby, including The Rackleff Place, the Canby Pregnancy Center, the Canby Dahlia Run, and others.

I was a co-director of the Canby Dahlia Run, and appreciated assisting in organizing the event and giving back to the community.

4. What are your major interests or concerns in the City's programs?

I have such fondness for the Library, as I spent hundreds of hours there growing up, and have always appreciated the friendly and helpful staff. I am very interested in how public funds are utilized in the Library and how books and other materials are distributed and managed. I am also interested in maintaining Canby's charm and welcoming and supportive community.

5. Why are you interested in this volunteer position?

I have always been interested in the functions of the city, and having being raised in Canby, I am excited for the possibility of assisting my town. The Canby library is a place for learning and for developing one's community through outreach and enriching the lives of the citizens, especially the youth community.

6. Please share your experience and educational background.

I graduated from Carlson Academy in 2019 at the age of 16, and completed one year at Canby Bible college before its closure. I am currently enrolled at Liberty University in pursuit of a Bachelor's degree. I work at 4:8 Financial in Canby, and there have developed administrative and problem-solving skills.

7. Please list any other City or County positions on which you serve or have served.

N/A

8. If you were referred by someone, please list.

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge.

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I hereby represent that each answer to questions incorporated into this application and all other information otherwise furnished by me shall be true, complete, and correct. I understand that incorrect, incomplete, false or misleading statement/answer/information furnished by me either verbally, or in writing will subject my application to disqualification from further consideration and/or if already employed by the City, when the aforementioned is detected, I will be subject to discipline up to and including discharge, for falsifying a City record/document, regardless of how much time has elapsed since the date I was employed. In the event that I am employed by the City, I agree to comply with all its orders, rules, regulations, safety policies, and performance standards. Upon hire, I will provide proof as required on the US Government, I-9 form that I am legally eligible for employment in the United States. If I cannot provide such proof in accordance with Federal Law, I understand that my employment will be terminated.

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PROBATIONARY PERIOD: New employees or employees changing job positions will be considered Trial service employees for at least six (6) months before attaining regular status.

IMMIGRATION LAW: In accordance with the Immigration Reform and Control Act of 1986 (IRCA), all newly hired employees will be required to complete and sign an Employment Eligibility Verification Form and present documentation verifying identity and employment eligibility. 10/20

This application was submitted by Carlson, AdriAnne

Signature_____

Date_____



CITY COUNCIL STAFF REPORT

Meeting Date: 5/18/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Joseph Lindsay, City Attorney/ Assistant City Administrator

Agenda Item: Ordinance No. 1571: An Ordinance authorizing the City Administrator to enter into a Collective Bargaining Agreement (CBA) between the City of Canby, Oregon, and the Canby Police Association (*Second Reading*)

Goal: Promote Financial Stability and Align resources to address future community growth

Summary

The current Collective Bargaining Agreement (CBA) with Canby Police Association (CPA) is set to expire June 30, 2022—it currently represents about 23 of Canby’s police employees. The parties reached out earlier this year and demanded to bargain towards a new CBA. The City team consisted of City Attorney/ Assistant City Administrator Joseph Lindsay as lead, HR Director/ City Recorder Melissa Bisset, and Chief Jorge Tro. Canby Police Association was represented by labor attorney Mark Makler as lead, Jefre Johnson, Stephanie Anderson, Nolan Booth, and Maria DeLuna. Many articles were opened and numerous proposals were presented. Both sides diligently worked together since January 2022 to come to many changes and compromises. The parties worked professionally and amicably toward these mutual concessions. The Canby Police Association membership has already ratified these changes, so it will become the new 3-year CBA upon City Council approval.

Changes

- 3-year contract
- COLA index to be applied in 3rd year matches AFSCME CBA
- COLA floor and ceiling (2 to 5 percent) in 3rd year
- Juneteenth holiday
- Max vacation accrual went up by 20 hours each category
- Up to 2 percent deferred compensation match
- Increased intermediate and advanced certificate pay by 1.5 percent
- Specialty Assignment pay for SRO at 5%, FTO up to 10%, PIO at 2%
- PORAC coverage up to \$6 per member per month
- Gender neutral language, Brady policy and changes to just cause and *Janus*
- ORPAT up from \$250 to \$300 and mental wellness check offer of \$150

Attachments

Collective Bargaining Agreement as attachment, EXHIBIT “A”

Fiscal Impact

- The proposed COLA will increase costs by nearly \$100,000 each year for the first two years, but the 3rd year is a 2 to 5 percent ceiling which could run between \$50,000 to \$125,000.
- The increased certificate pay will result in about \$100,000 over the 3-year contract
- The up to 2 percent deferred compensation match would cost \$50,000 annually if all members fully participated.
- The new Juneteenth holiday costs about \$9,000 in the first year (approx. \$30,000 over the 3-year contract due to increases).
- The slightly extended max accrual rates don't technically cost but increase liability if all members were to further max out their vacation accruals.
- PORAC will cost around \$1,656 per year (\$4,968 over the 3-year contract)
- ORPAT costs increase by \$1,150 per year (\$3,450 over 3-year contract) if all participate and pass
- Mental Wellness incentive is \$3450 per year (\$10,350 over 3-year contract) if all participate

Options

Authorize the CBA

Recommendation

Staff recommends the Council authorize the CBA as presented.

Proposed Motion

"I move to approve Ordinance No. **1571**: An Ordinance authorizing the City Administrator to enter into a Collective Bargaining Agreement (CBA) between the City of Canby, Oregon, and the Canby Police Association."

ORDINANCE NO. 1571

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT (CBA) BETWEEN THE CITY OF CANBY, OREGON, AND THE CANBY POLICE ASSOCIATION

WHEREAS, the Canby Police Association is a recognized bargain unit for certain employees of the City of Canby; and

WHEREAS, the City of Canby and Canby Police Association currently have a CBA through June 30, 2022; and

WHEREAS, the City of Canby met and bargained with Canby Police Association this spring to arrive at a new CBA to the satisfaction of both parties; and

WHEREAS, Canby Police Association members have already met and ratified the mutually agreed upon changes to the CBA; and

WHEREAS, the City Council of the City of Canby would like the City of Canby through the City Administrator to enter into this new CBA.

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

Section 1. The City Administrator is hereby authorized on behalf of the City to enter into a Collective Bargaining Agreement between the City of Canby and Canby Police Association; and a copy of the CBA with track changes is attached hereto as Exhibit "A."

Section 2. The effective date of this Ordinance shall be June 18, 2022.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, May 4, 2022 ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, May 18, 2022 commencing at the hour of 7:30 PM in the Council Chambers located at 222 NE 2nd Avenue, 1st Floor Canby, Oregon.

Melissa Bisset, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 18th day of May 2022, by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Melissa Bisset, CMC
City Recorder

Agreement

Between

City of Canby, Oregon

and

Canby Police Association

July 1, 2022 – June 30, 2025

Table of Contents

ARTICLE 1 - RECOGNITION.....	4
ARTICLE 2 - EMPLOYEE RIGHTS	4
ARTICLE 3 - CIVIL RIGHTS	6
ARTICLE 4 - MANAGEMENT RIGHTS.....	6
ARTICLE 5 - SENIORITY	6
ARTICLE 6 - DISCIPLINE AND DISCHARGE.....	7
ARTICLE 7 - HOURS OF WORK/OVERTIME	10
ARTICLE 8 - REPORTING AND CALL BACK.....	11
ARTICLE 9 - COURT TIME	12
ARTICLE 10 – WAGES	12
ARTICLE 11- PER DIEM AND MILEAGE.....	14
ARTICLE 12 - HOLIDAYS.....	14
ARTICLE 13 – VACATIONS.....	15
ARTICLE 14 - SICK LEAVE	16
ARTICLE 15 – FAMILY MEDICAL LEAVE	16
ARTICLE 16 - FUNERAL LEAVE.....	17
ARTICLE 17 - JURY DUTY	17
ARTICLE 18 - EDUCATIONAL LEAVE	17
ARTICLE 19 - LEAVE OF ABSENCE.....	17
ARTICLE 20 - HEALTH & WELFARE/DENTAL/PRESCRIPTION DRUGS	17
ARTICLE 21 - RETIREMENT.....	19
ARTICLE 22 - SAFETY COMMITTEE	19
ARTICLE 23 - GRIEVANCE PROCEDURE	19
ARTICLE 24 - STRIKE/LOCKOUT	21
ARTICLE 25 - PERSONNEL RECORDS.....	21
ARTICLE 26 - ASSOCIATION BUSINESS	21
ARTICLE 27 –LIGHT DUTY ASSIGNMENT.....	22
ARTICLE 28 - TRAUMATIC INCIDENTS.....	22

ARTICLE 29 - INDEMNIFICATION AGAINST LIABILITY	22
ARTICLE 30 - OTHER EMPLOYMENT.....	23
ARTICLE 31 - PROTECTIVE CLOTHING/UNIFORMS.....	23
ARTICLE 32 - PHYSICAL FITNESS INCENTIVE.....	23
ARTICLE 33 – LEGAL FEES.....	24
ARTICLE 34 - SAVINGS CLAUSE	25
ARTICLE 35 - DURATION OF AGREEMENT	25
Salary Schedule A.....	26

AGREEMENT

**By and between City of Canby, Oregon
and
Canby Police Association**

The CITY OF CANBY, OREGON, hereinafter referred to as the "City" and the CANBY POLICE ASSOCIATION, hereinafter referred to as the "Association" hereby enter into this agreement regarding conditions relating to wages, benefits, hours, and working conditions for all employees hereinafter classified and identified in this Agreement.

ARTICLE 1 - RECOGNITION

Section 1. The City does hereby recognize the Association as the sole collective bargaining representative for all regular employees classified and identified in this Agreement, as noted herein and on *Schedule "A"* attached hereto.

Section 2. New classifications may be developed by the City, and assigned a wage scale by the City. The City shall forward to the Association the new classification and wage scale. If it has been agreed or established that the new classification appropriately belongs in the bargaining unit and if the Association provides a written request to the City to bargain the wage rate for the classification, the wage scale for the new classification shall then be subject to negotiations and statutory impasse procedures.

ARTICLE 2 - EMPLOYEE RIGHTS

Section 1. It shall be the right of all employees subject to the terms of this Agreement to elect membership in the Association, or not to elect membership in the Association. Employees shall not be required to join in any organization or association or make payments to the Association as a condition of continued employment with the City.

Section 2. In the event of layoff or new hire, one or more part-time employees performing bargaining unit work shall replace no full-time employee. No part-time employees will be hired or used if previously hired, as long as a full-time employee is on layoff status and is eligible for recall, except when the laid off full-time employee has refused the recall opportunity to full or part-time work.

Section 3. Membership. Membership or non-membership in the Association shall be the guaranteed individual choice of employees in classifications represented by the bargaining unit.

- A. Association membership shall be defined as the tender of periodic dues and the initiation fee uniformly required as a condition of acquiring or retaining membership. Dues deduction commences with the employee's first pay period after opting into the Association.
- B. Each employee in a classification represented by the bargaining unit shall be entitled to withdraw from the active and participatory membership in the Association by giving written notice to the Association and the City.

Section 4. Dues Deduction. The City, when so authorized and notified by the Association, via email with a copy to an involved employee, or by an employee member of the Association, will deduct regular Association dues from wages or member employees of the Association and remit such monthly amounts, in the aggregate to the Association by electronic funds transfer (EFT) as designated by the Association. Any authorization for payroll deductions of dues may be canceled by an employee upon written notice to the City and the Association prior to the 15th day of each month, to be effective on the first day of the following pay period. The City will make proper adjustments for errors as soon as practical. When necessary, in compliance with the PECBA, the Association will provide the record of dues deductions authorizations made to the Association by

the employee.

Section 5. Employee Choice. In compliance with the *Janus v. AFSCME, Council 31-138 S. Ct. 2448* (2018) Supreme Court decision, any employee who chooses not to be a member of the Association and chooses to remain a nonmember of the Association may still choose to proportionately and fairly share in the cost of the collective bargaining process. The cost per nonmember employee shall be fixed proportionately at the amount of dues uniformly required by each member of the bargaining unit to defray the cost of services rendered in negotiating and administering this Agreement. Such amount as agreed to and authorized by the nonmember employee shall be deducted monthly from the wage of each nonmember, and remitted monthly in the aggregate to the Association by EFT as designated by the Association.

Section 6. Assessment of Fees to Nonmember. The Association, as the exclusive representative of employees covered by this Agreement, may be required to represent a Nonmember of the Association and to incur costs and expend Association resources in so doing. Therefore, the parties recognize that the Association may assess and charge fees for such representation to any Nonmember. In accordance with applicable law, if a Nonmember fails to pay the Association costs/ fees assessed to the Nonmember by the Association in connection with Association representation, the Association may use the statutory or legal process to assert its claims and collect amounts due to the Association by the Nonmember. If a Nonmember and the Association enter into an agreement and written payroll withholding arrangement signed by the Association and the Nonmember which is intended to avoid collection litigation and garnishment of wages, the City will honor the Agreement and the payroll deductions thereby designated in writing unless the employee has notified the Association and City in writing, that the amount owed to the Association is in dispute.

Section 7. New Hires. The City will notify the President of the Association, in writing, of all newly hired employees for positions represented by the Association within forty-eight (48) hours of the first working day of the new employee. Such notification shall include the name, mailing address, salary step, phone number (s), email address and position and rate of pay of the new employee.

Within the first ten (10) calendar days of hire of a new employee represented by the Association, the Association shall have access to all newly hired employees for a period of at least sixty (60) minutes for Association orientation.

Section 8. Association Access. Association representatives shall be allowed access to the employee work areas for the purposes of processing grievances or contacting members of the Association. Access shall not be unreasonably withheld. Access shall not interfere with normal operations of the Office or with established safety or security requirements, and Association representatives will endeavor, to the extent reasonably possible, to conduct Association business at times and places with do not interrupt work.

Section 9. Association Representatives. Association officers selected to serve as authorized representatives shall be certified in writing to the City. Association representatives shall be granted time off without loss of regular pay for the purpose of meeting with the City within the scope of representation. The Association shall endeavor to give the City at least twenty-four (24) hours written notice in advance when an authorized representative seeks time off with or without pay to conduct Association business.

Section 10. Special Conferences. Special conferences for important matters may be arranged between the Association President and the City upon agreement of the parties. Such meetings shall be arranged in advance, and an agenda of the matters to be discussed at the meeting shall be presented at the time the

agreement to meet is made. Association members shall not lose time or pay for time spent in such conferences.

Section 11. Manual of Rules and Procedures and Collective Bargaining Agreement. The City agrees to make the City Personnel Policies Manual, the Police Department Manual and this Agreement electronically available to all employees represented by the Association and to Association representatives. Additionally, any revisions to these manuals and/ or this Agreement will be made available and employees represented by the Association and Association representatives will receive email from the City notifying them of any revisions and will be responsible for reading all such revision emails. A history of such notices from the City to the Association shall be maintained by the City in an electronic file accessible to both the City and the Association.

ARTICLE 3 - CIVIL RIGHTS

Section 1. No employee shall be discriminated against or discharged because of the employee's membership or non-membership in the Association, because of the employee's decision to make payments or not to make payments to the Association, or because of activities the employee may engage in on behalf of the Association, provided, that such activities are lawful, are compliant with City Policy and Departmental work rules, and do not interfere with the employee's performance of work assignments or the operation of the Department.

Section 2. There shall be no discrimination with regard to the hiring or tenure of the employees by reason of their race, color, creed, national origin, physical handicap, gender, gender identity, gender expression, religion, sexual orientation, or age, physical or mental disability which can be reasonably accommodated, union affiliation or political affiliation or other protected status or activity in accordance with applicable state and/ or federal law.

All references to employees in this agreement shall designate both genders, and wherever **any** gender is used, it shall be construed to include **all** employees.

ARTICLE 4 - MANAGEMENT RIGHTS

Section 1. The City Administrator and department heads exercise responsibility under the authority of the City Council, for management of the City and the direction of its workforce. To fulfill this responsibility, the rights of the City shall include, but are not limited to; establishing and directing activities of the City's departments and its employees; determining standards of service and methods of operation, including subcontracting and the introduction of new equipment; establishing procedures and standards for employment, promotion, layoff and transfer; to discipline or discharge for just cause; determine job descriptions, work schedules, and assign work; and any other rights except as expressly limited by the terms of this Agreement.

ARTICLE 5 - SENIORITY

Section 1. The principle of seniority shall be observed with regard to all layoffs and recalls of regular employees, provided that employees to be recalled are competent to perform the work required. The Association recognizes the City's right to retain "special skill" employees without regard to seniority when layoffs are necessary (examples: canine officer, bilingual, etc.).

Section 2. Lateral hire employees shall be deemed "Regular Employees" for purposes of this Article upon satisfactory completion of a twelve (12) month probationary period following their last date of hire. New recruits shall be required to complete an eighteen (18) month probationary period. During said probationary period, employees shall have no recourse to the grievance procedure of this Agreement concerning disputes regarding discipline and discharge. Management has the right to extend probation when deemed necessary or for unforeseen circumstances. Written notice of any planned extension or probation will be provided to Association represented employee to be extended to allow for Association – Management dialog about the basis for the probation extension.

Section 3.

(A) Seniority under this Agreement shall come under two categories as follows:

1. Police Department seniority shall mean the length of continuous police service since last date of hire.
2. Classification seniority shall mean the length of continuous service with the City of Canby in the Police Officers' classifications (Police Sergeants and Police Officers).

(B) In the event of layoff and rehire within a classification, as per this Article, classification seniority shall prevail, consistent with Section 1 of Article 5, above. An employee with classification seniority in more than one of the classifications listed in Section 2 of this Article above shall have the right to use classification seniority for bumping privileges into the other classifications.

(C) As applies to vacation credits, vacation scheduling, and days off, Department seniority in rank shall prevail, provided said scheduling is compatible with the operating needs of the Department. Senior officer cannot bump less senior officer once vacation/ days off are approved and on the schedule for two (2) weeks.

Section 4. The City agrees to notify the Association and the employees simultaneously, not less than two (2) weeks prior to any layoff by forwarding the name and classifications of the employees to be laid off.

Section 5. Employees off work for eighteen (18) months or more, those discharged for cause, and those who voluntarily quit, shall be considered off the seniority list with the exception of those off on military leave, off due to industrial accident, or off on other leave protected by law.

Section 6. No new employee shall be hired until all laid off employees in that classification have had an opportunity to return to work. The City agrees to notify laid off employees of their right to return to work by certified mail to the employee's last address known to the City. The employee must respond within seven (7) calendar days from the date of receipt (regardless of who signed the receipt) to be considered for recall.

ARTICLE 6 - DISCIPLINE AND DISCHARGE

Section 1.

(A) If the City has reason to reprimand an employee, it shall be done in a manner that is least likely to embarrass the employee before other employees or the public.

(B) For law enforcement officers (as defined by ORS 131.930), "just cause" for discipline shall be

determined in accordance with ORS 243.809 and ORS 236.350 – 370.

(C) For all grievances except disciplinary grievances involving law enforcement officers, the City and Association will attempt to jointly agree to an arbitrator. For disciplinary grievances involving law enforcement officers, arbitrator selection shall be in accordance with ORS 243.809 and as set forth in Article 17.

Section 2.

(A) When there is evidence of unsatisfactory conduct, the City agrees to verbally discuss the problems with the employee, thus affording the employee an opportunity to correct the situation, except when the situation warrants immediate appropriate action, which may include written reprimand, suspension or discharge. Following verbal reprimand and an opportunity for the employee to correct the situation, the City may issue a written reprimand, or if the situation warrants, the City may institute appropriate action as stated above.

(B) When the City intends to take disciplinary action, with the exception of verbal reprimands, the City shall notify the non-probationary employee and the Association in writing of the charges against the employee, and shall provide the employee with the opportunity to respond to the charges at a pre-disciplinary hearing.

(C) The Association and/or the non-probationary employee, whose discipline is being considered with the exception of verbal reprimands, shall be granted a minimum of two (2) calendar days, or more at the discretion of the City, to prepare for the pre-disciplinary hearing.

The employee shall be entitled to have an available representative at the pre-disciplinary hearing.

The City agrees to furnish the Association and the employee a complete statement in writing at the time of the written reprimand, suspension, demotion, or discharge, outlining the specific reasons for such action. If at the time of written reprimand, suspension, demotion, or discharge, it is not feasible to furnish the Association and the employee with a complete statement, said statement must be presented to the Association and the employee within two (2) calendar days. At the same time the Association and the employee is presented with the statement, the Association shall be sent an identical copy of the written notice of reprimand, suspension, demotion, or discharge which has been given to the employee.

Section 3. Any imposed discipline shall be for just cause.

Section 4. The Association and any employee who is the subject of an investigation shall be notified in writing within ten (10) calendar days from the completion of the investigation as to findings of the investigation except in instances where confidentiality is required. If the City believes that confidentiality is required the City will mutually agree on a confidentiality agreement with the Association in order for the City to be able to provide the complete investigation to the Association.

Section 5. Evaluations shall not be used as substitutes for steps in the disciplinary process. Evaluations may be used in the progressive discipline process as establishing a pattern of behavior or performance.

Section 6. In the event an employee is interviewed concerning an action which would likely result in disciplinary action other than an oral warning, the following process shall be followed to the extent circumstances permit. In no event will the discipline processes applied to employees represented by the

Association be less than those set forth in ORS 236.350 - 370:

- (A) Prior to the interview, the employee will be informed of the nature of the allegations and the nature of the investigation, and will be provided a minimum of two (2) calendar days prior to the interview, unless time provided is waived by the employee. The employee will also be notified that he or she has a right to consult with an Association representative and to have that or another representative present at the interview.
- (B) Interviews covered under this Section shall, to the extent practical, take place at the City's facilities, or at a location mutually agreed upon by the Chief and Association member.
- (C) Either party may audio record the interview and, if either party exercises this right, they will provide a copy of the tape or transcript to the other party upon request.
- (D) In any investigation, the employee may be required to answer any questions reasonably related to the subject matter under investigation. The employee may be disciplined for refusing to answer such questions.
- (E) In situations involving the use of force, the employee shall have the right to consult with an Association representative or attorney prior to being required to give an oral or written statement about the use of force.

Section 7.

- (A) The parties recognize that United States supreme court has consistently found that prosecutors have the duty to disclose potentially exculpatory evidence to defense attorneys prior to trial. Some of the information that is being disclosed about government witnesses, often law enforcement officers, has not been substantiated or proven to any degree.
- (B) This Section of the Agreement prohibits the City from taking punitive action against an employee represented by the Association solely because the employee's name was placed on a potential impeachment list – in the Clackamas County District Attorney's (CCDA) office, this is commonly referred to as an "Additional Discovery/ Disclosure Witness" (ADW). ADW is distinguishable from an employee who the CCDA has determined is not a credible witness (NCW), which means that the CCDA has decided that a NCW will not be relied upon or used or called by the CCDA as a witness for the CCDA. A NCW placement means that CCDA specifically believes the person is not credible.
- (C) A disciplinary action or any other adverse personnel action may not be undertaken by the City against an employee represented by the Association solely because that employee's name has been placed on a list maintained by a prosecuting attorney's office of recurring witnesses for whom there is known potential impeachment information, or that the employee's name may otherwise be subject to disclosure pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963). This Section does not prohibit the City from taking disciplinary action or any other adverse personnel action, including layoff for inability to perform an essential function of the job (testifying or writing credible reports) against an employee represented by the Association based on the underlying acts or omissions for which that employee's name was placed on a prosecutor-maintained list (NCW or ADW), or may otherwise be subject to disclosure pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), if the actions taken by the City otherwise conform to the rules and procedures related to discipline and discharge as set forth in this Agreement (Discipline Article).

- (D) The City will contemporaneously provide written notice to the Association and copies of all materials provided to the CCDA whenever the City refers a matter to the CCDA for a Brady list review, or whenever the City is asked to provide materials to the CCDA for the purposes of Brady list review by the CCDA.
- (E) An employee who is an ADW continues to be able to testify and write reports and can still perform the essential functions of their position and will not be laid off or removed from any collateral duties or assignments or their positions solely as a result of their ADW designation by the CCDA's Office.

ARTICLE 7 - HOURS OF WORK/OVERTIME

Section 1. The workday shall consist of eight (8) hours per day on the basis of a five (5) day workweek, or ten (10) hours per day on the basis of a four (4) day workweek. For patrol, both parties prefer the "4-10" shift. The City retains the right to change to the "5-8" shift if circumstances dictate. The workweek shall consist of a forty (40) hour shift schedule, which shall take place during a seven (7) calendar day period, commencing at midnight Sunday AM and ending at midnight the following Saturday PM. Detectives and Patrol are all eligible to work a 4-10 shift at the discretion of the Chief.

Section 2. Each employee shall be entitled to two (2) fifteen (15) minute rest breaks and one (1) thirty (30) minute meal break for each work shift up to ten (10) hours in accordance with Oregon BOLI regulations.

Section 3. All hours worked in excess of eight (8) or ten (10) hours in one (1) day, depending on the employee's regular shift schedule, or all hours worked in excess of forty (40) hours per week, shall be paid for at the overtime rate of one and one-half (1-1/2) times the employee's regular straight-time hourly rate of pay, except as may be provided differently in this Agreement. Overtime shall be computed to the nearest fifteen (15) minutes.

Section 4. Employees may elect to be compensated for overtime in cash or compensatory time off. Compensatory time off may be accrued at the rate of one (1) and one-half (1-1/2) times the number of overtime hours worked up to a maximum accrual of eighty (80) hours, with all other overtime paid in cash. Compensatory time off shall be scheduled at the mutual convenience of the City and the employee. Employees have the option to cash out up to forty (40) hours of accrued unused compensatory time once (1) per fiscal year.

Section 5. A reasonable clean-up time will be granted just prior to the end of the shift for employees who, in the judgment of the Police Chief or their designee, need such, due to the nature and conditions of their work assignment.

Section 6. The City will offer a minimum forty (40) hour workweek to all regular full-time employees, except by mutual agreement between the City and the Association.

Section 7. An employee who involuntarily works more than five (5) work shifts in five (5) consecutive calendar days shall then be compensated at the overtime rate until that employee is provided two (2) consecutive calendar days off.

Section 8. The parties agree that the workweek will remain the same for all employees per Section 1 of Article 7 above. The parties further agree that if a shift rotation results in an employee working less than forty (40) hours in a workweek, the employee may make up the additional hours needed to reach forty (40) in the workweek from accrued vacation or compensatory time off, or by working the additional hours if shifts are

available. The parties agree that in a shift rotation, all employees will get at least two (2) days off between the old shift and the new shift. If an employee does not get at least two (2) days off in such circumstances, the employee will be paid for time and a half for any work performed on those two (2) days.

Section 9. An employee will be given advance notice of any temporary shift change in their regularly assigned work shift. Any temporary shift change without prior notice that results in an employee being required to return to work at a time earlier or later than his/her normal schedule, shall make the employee eligible for overtime for all hours worked outside their normal shift, if that employee was not notified of such change forty eight (48) hours prior to the change of shift, except in cases of an emergency. This section 9 does not apply to voluntary shift trades. An employee called into work for an emergency shall be paid for such shift and given up to two (2) hours of overtime at time and one-half (1 1/2) as compensation for changing shifts (refer to Article 8 Section 1 of this Agreement for non-emergency call back).

Section 10. Overtime shall be offered to employees on a seniority basis, except in cases of emergency. However, an "emergency" does not include budgeting considerations or situations created by the City. In addition to actual emergencies the City and the Association recognize that less than twenty-four (24) hours of notice of an opening will be deemed emergent and can be filled as necessary. Allocation of holdovers or early starts will still be sought on a seniority basis of those scheduled or currently working that shift.

Section 11. An employee who is required by the City to work sixteen (16) or more hours in any twenty-four (24) hour work day and who is scheduled to work a shift in the next twenty-four (24) hour work day shall be allowed to be off work by the employees request for at least eight (8) hours before returning to active duty status.

The affected member will be compensated for any on-duty time lost by using their accrued time-off benefits, including sick leave. The affected member may opt to flex their schedule by mutual agreement with the City to accommodate the eight (8) hours off. Any member working at least fifteen (15) hours will notify both the Police and the Association Executive Board of their current work hour status and of any potential to exceed the 16 hours limit. The Police Chief retains the authority to suspend this provision upon declaring a public safety emergency.

Section 12. Flexible schedules. Employees may work a flexible schedule if mutually agreed between the employee and the City, under the following parameters:

- (A) There will be no daily overtime for an employee working a flexible schedule and the adjustment may not result in additional labor costs or overtime;
- (B) Employee requests should be 72 hours in advance, where feasible;
- (C) Flexing must occur in the same workweek; and
- (D) The schedule may not impede customer service or normal work process.

ARTICLE 8 - REPORTING AND CALL BACK

Section 1. Employees required to report for work shall be entitled to two (2) hours of call time pay unless they are notified prior to the start of their shift that they are not to report. All employees shall have a posted telephone number where they may be reached in order to qualify for the above pay provisions.

Employees called off duty for any work-related concerns by a supervisor, but not called back to work, shall be paid for all time spent on the telephone at the rate of time and one-half (1-1/2) with a minimum of thirty (30)

minutes to be paid for each call. This minimum shall also apply to language translations given by employees who are required to participate in duty related telephone calls off duty.

Section 2. Employees who are on the premises of the police department and are called back to work thirty (30) minutes or more after the end of their regular shift shall be entitled to a minimum of one (1) hour work or pay therefore at the overtime rate of two (2) times the employee's regular rate of pay, except as provided differently in this Agreement.

Section 3. Employees required to attend training classes, training shoots, department staff meetings or similar functions outside their regular shift, will be entitled to one and one-half (1-1/2) time their regular rate of pay for a minimum of two (2) hours.

Section 4. Employees involuntarily called back from paid leave shall be paid at the rate of time and one-half (1-1/2) for all hours worked with a minimum of three (3) hours, shall receive straight time for the balance of their normal shift (eight (8) or ten (10) hours) not worked, and shall have their paid leave account credited for a full shift (eight (8) or ten (10) hours).

ARTICLE 9 - COURT TIME

Section 1.

- (A) Employees of the Police Department who are called to work either one (1) hour or less before or after their scheduled shift, to appear in any court, shall be entitled to a minimum of one (1) hour at one (1) and one-half (1-1/2) times the employee's regular rate of pay, if such appearance was necessitated through actions of such officer while employed by the City.
- (B) Employees of the Police Department who are called to work in excess of one (1) hour either before or after their scheduled shift, to appear in any court, shall be entitled to receive time and one-half (1-1/2) times their regular hourly rate of pay for a minimum of four (4) hours, if such appearance was necessitated through actions of such officer while employed by the City.

Section 2. Employees of the Police Department who are called to work on one (1) of their scheduled days off, to appear in any court, shall be entitled to receive a minimum of four (4) hours pay at the overtime rate of time and one-half (1-1/2) times their regular hourly rate of pay, if such appearance was necessitated through the actions of such officers while employed by the City. All court time is to be utilized for that purpose only. An employee shall not appear in court and be required to work on any other assignment.

Section 3. Employees who are called to work on one of their scheduled vacation days off (that were approved prior to accepting a subpoena), to appear in any court, shall be compensated as provided in Article 8, Section 4, if such appearance was necessitated through the actions of such employee while employed for the City.

ARTICLE 10 – WAGES

Section 1. The job classifications and their corresponding wage scales are noted on *Schedule "A"*, which is attached hereto and made a part of this Agreement by reference thereto. Paydays shall be bi-weekly. Sergeant pay starts at Step 3 below on the wage scale.

The City will make the following wage increases during the term of this agreement:

- (A) Effective July 1, 2022, increase the wage scale across the board by three percent (3%)
- (B) Effective January 1, 2023, increase the wage scale across the board by two and one-half percent (2.5%).
- (C) Effective July 1, 2023, increase the wage scale across the board by two and one-half percent (2.5%).
- (D) Effective January 1, 2024, increase the wage scale across the board by two and one-half percent (2.5%).
- (E) Effective July 1, 2024, increase the wage scale across the board by the percentage equal to the CPI-W, West Region for the twelve (12) months ending December 31, 2023 (minimum two percent (2%) - maximum five percent (5%).

Section 2. Employees who obtain their intermediate and advanced certificates from the Department of Public Safety Standards and Training (DPSST) will receive additional compensation in the amount of:

- (A) Intermediate Certificate: Five percent (5%) of base pay per month.
- (B) Advanced Certificate: Eight percent (8%) of base pay per month (five percent (5%)) intermediate plus three percent (3%) additional).

Section 3. Officers assigned to Traffic Unit, Detectives, SRO shall receive five percent (5%) per month premium to be added to their regular rate of pay. This premium is full and complete compensation for the possibility that an officer may be called out during off-duty hours. Normal reporting and call back pay provided for in Article 8 of this Agreement apply.

Section 4. Any employee serving as a Canine Officer, and who maintains certification as a Canine Officer, shall receive, in addition to their regular pay, a five percent (5%) premium. This premium is full and complete compensation for the care of the police canine during off-duty hours to include all compensable time and activities.

Section 5. Any employee demonstrating written and oral proficiency in the Spanish language, or any other language if spoken by over ten percent (10%) of the total Canby population, shall receive, in addition to their regular pay, a five percent (5%) premium. The City is to determine a reasonable level of proficiency and the manner of testing that proficiency. An officer can receive this premium, as well as an assignment premium, at the same time.

Section 6. Officers assigned as Field Training Officers (FTO) shall receive ten percent (10%) premium pay added to their regular rate of pay for all hours worked when assigned to an officer in a field training evaluation program.

Section 7. Officers who serve as Officers-in-Charge (OIC) of a shift shall receive one (1) additional hour of overtime pay per shift. In order to qualify, the assignment as OIC shall be made by the supervisor.

Section 8. Employees may become eligible for longevity pay in the amount of one and a half percent (1.5%) of the base salary after completing ten (10) years of continuous employment with the City of Canby.

Employees may become eligible for longevity pay in the amount of two percent (2%) of their base salary after completing 20 years of continuous employment with the City.

Section 9. On the first full (1st) pay period following July 1, 2022, the City will make a matching contribution up to two percent (2%) of the employee's pay on a pre-tax basis to the employee's City sponsored 457(b) deferred compensation plan account. On or before July 1, 2022, the City will assist each employee to open a City-Sponsored deferred compensation account in order to receive the recurring matching pay period contribution described in this Section. In addition, for each newly hired employee, the City will assist each newly hired employee to open a City-sponsored deferred compensation account in order to receive the recurring pay period contributions described in this Section 9. For purposes of this Section 9, "wages" shall mean wages or compensation as defined under the City-sponsored 457(b) deferred compensation plan that is used to determine employer contributions. Employees must be employed at the time the contributions described in this Section 9 are made in order to receive the contributions, except that employees who retire during a pay period will be entitled to receive the contributions for the pay period in which the employee retires.

ARTICLE 11 - PER DIEM AND MILEAGE

Section 1. Employees shall be paid a per diem allowance for meals and incidental expenses for approved travel and/or training as follows:

- (A) For travel and/or training within the continental United States (CONUS) the per diem rate, rules and policies listed at www.gsa.gov and in effect at the time of the travel; and
- (B) For travel and/or training outside of the continental United States (OCNUS), the per diem rate, rules and policies listed at www.dtic.mil/perdiem/pdrates.html and in effect at the time of the travel and/or training.

Section 2. Meals provided as part of a program shall be deducted from the above per diem reimbursement in an amount equal to that set forth in the Meals and Incidental Breakdown listed at www.gsa.com and in effect at the time of the travel and/or training.

Section 3. Employees shall be reimbursed actual expenses for hotel accommodations for approved travel and/or training.

Section 4. An employee required by the Chief or the Chief's designated agent to use a personally owned vehicle for City business shall be compensated at the rate listed at www.gsa.gov/mileage and in effect at the time of the travel. Mileage reimbursement is paid monthly.

ARTICLE 12 - HOLIDAYS

Section 1. The following days shall be recognized as paid holidays, regardless of the day of the week on which they occur:

New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January

President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25
One Personal Holiday	

One (1) personal holiday shall accrue on the first (1st) day of each fiscal year.

Section 2. Personal and/ or banked holiday use must be scheduled by mutual agreement between the employee and the Chief (or designee). Employees may carry over up to ten (10) hours of accrued, unused Personal holiday hours earned in one (1) fiscal year for use in subsequent fiscal years. All accrued, unused personal holiday hours above the carryover amount will be forfeited without pay at the end of the fiscal year unless agreed to by the parties.

Section 3.

- (A) To qualify for a paid holiday, the employee shall have been available for work or on paid leave on his/her last scheduled workday proceeding the holiday and their first (1st) scheduled workday following the holiday.
- (B) If a holiday falls on the employee's day off, the employee will accrue one personal holiday, to be scheduled by mutual agreement between the employee and the Chief (or designee) at a later date within the same fiscal year subject to Section 2 of Article 12 above. The personal holiday bank shall be maintained by the City and reported on the employee's biweekly pay record.
- (C) Employees required to work on recognized City holidays shall be compensated at the rate of time and one-half (1-1/2) times their regular hourly rate of pay to a maximum of ten (10) hours worked (fifteen (15) hours pay), in addition to a day's pay for the holiday. By mutual agreement between the employee and the City, such compensation may be taken in the form of compensatory time off.

Section 4. For employees who normally work a Monday through Friday shift, holidays falling on Saturday shall be observed the preceding Friday, and the holidays falling on Sunday shall be observed the following Monday.

Section 5. Whenever one of the recognized holidays fall during an employee's paid leave, the holiday will not be counted against the employee's paid leave bank.

ARTICLE 13 – VACATIONS

Section 1. All regular employees who have been in the employ of the City for at least one (1) full year shall be entitled to vacation benefits. The following annual vacation allowance shall be observed:

<u>Year of Services</u>	<u>Annual Accrual Rate</u>	<u>Max Accrual</u>
-------------------------	----------------------------	--------------------

1 to 4 years	80 hours	180 hours
5 to 9 years	120 hours	260 hours
10 to 13 years	160 hours	300 hours
14 years and over	200 hours	380 hours

Vacation shall accrue each pay period in amount equal to the annual accrual rate divided by the total number of pay periods.

Section 2. Employees who leave the employ of the City after having been employed for one (1) or more years shall be paid in one (1) lump sum for any accrued but unused vacation benefits upon separation.

Section 3. All time off for vacation shall be by mutual agreement between the supervisor and the employee. In the event of a conflict between the employees regarding time of their vacations, then the principle of seniority shall prevail (unless vacation/ days off were approved and on the schedule for two (2) weeks). Employees may use accrued vacation hours with advanced approval on an hourly basis. Vacation hours used shall be paid at the regular hourly rate of pay.

Section 4. Employees may not use accrued vacation hours for sick leave purposes unless the employee obtains prior written approval from the City Administrator or designee, the absence is for a qualifying OFLA/FMLA absence and the employee has exhausted all accrued sick leave.

ARTICLE 14 - SICK LEAVE

Section 1. The City provides eligible employees with sick leave in accordance with the Oregon Paid Sick Time Law, BOLI administrative regulations, and the City policy. Full-time employees accrue ninety six (96) hours of sick leave per year.

Section 2. Upon employee separation of employment from the City, the City or its designee will report to PERS any remaining sick leave hours, minus the sick leave hours cashed out pursuant to Article 14, Section 3 of this Agreement. PERS will determine eligibility (OPSRP members are not eligible) in the Unused Sick Leave Program and will calculate accordingly towards the employee's retirement benefits.

Section 3. Upon retirement under the City's retirement plan, an employee shall be compensated for fifty percent (50%) of their accumulated but unused sick leave. The number of hours of sick leave for which compensation is provided under this Section 3 of Article 14 of this Agreement shall not exceed five hundred (500).

Section 4. An employee off work due to an on-the-job injury shall be allowed to use accumulated sick leave to supplement the difference between their net pay and workers' compensation payments for forty-five (45) days from the date of the injury. The City will supplement the difference thereafter for a period of up to forty-five (45) calendar days. The City's supplement may be extended at the discretion of the City Council.

ARTICLE 15 – FAMILY MEDICAL LEAVE

Section 1. The City will allow employees to take parental or family and medical leave in accordance with State and Federal law and City policy. An employee on family medical leave must use all accrued paid leave in excess of sixty (60) hours prior to taking unpaid leave. An employee on family medical leave who has used all accrued paid leave in excess of sixty (60) hours has the option of using accrued paid leave or taking unpaid

leave.

Section 2. Unless otherwise required by law, and subject to Section 1 of Article 15 above, the order of leave an employee must use for qualifying OFLA/FMLA absences is (1) accrued sick leave until exhausted; (2) accrued vacation leave, compensatory time and/or personal holiday time until exhausted; and (3) unpaid leave.

ARTICLE 16 - FUNERAL LEAVE

Section 1. In the event of a death in the employee's immediate family, said employee shall be entitled to a leave of absence with pay up to three (3) working days to make arrangements for and/or attend the funeral. Additional time may be granted by the City Administrator. The Employee's immediate family shall include; spouse, ex-spouse, domestic partner, children, step-children, grandchildren, parents, brothers, step-brothers, sisters, step-sisters, grandparents, mothers-in-law, fathers-in-law, brothers-in-law and sisters-in-law, aunts and uncles, or is in a relationship of in loco parentis. The City of Canby recognizes Oregon Family Leave as outlined in ORS.

ARTICLE 17 - JURY DUTY

Section 1. Employees shall be granted leave with full pay any time they are required to report for jury duty or jury service, provided, that the employee endorses all checks received from the court for those services over to the City. If an employee serving jury duty is excused, dismissed or not selected, then the employee shall report for their regular work assignment as soon as possible.

ARTICLE 18 - EDUCATIONAL LEAVE

Section 1. Educational leave will be at the discretion of the City Administrator.

ARTICLE 19 - LEAVE OF ABSENCE

Section 1. All regular employees may be granted a leave of absence without pay for a period of time, up to twelve (12) months, if in the judgment of the City Administrator; such leave would not seriously handicap the employee's department. All requests for such leave must be submitted to the City Administrator in written form as soon as possible prior to the time of the requested leave and must include a complete justification for the leave, except in the case of an off-the-job accident, in which case the leave may start immediately.

While on such leave, the employee shall not be entitled to accrual of any benefits such as vacation, sick leave, retirement contributions, etc., but shall not lose seniority accrued previous to beginning the leave. Employees on such leave shall be eligible for health and welfare insurance coverage at the employee's own expense for the maximum period of time allowed by the insurance carrier.

The City will pay the Health & Welfare insurance premium for employees on approved leave of absence due to the serious illness of the employee or a family member in accordance with Federal and State law.

ARTICLE 20 - HEALTH & WELFARE/DENTAL/PRESCRIPTION DRUGS

Section 1. The City will provide group medical/drug, vision, and dental/orthodontics insurance coverage for full time employees and their dependents.

- (A) Effective January 1, 2022, the City will pay ninety percent (90%) of the premium costs of the plan in each tier of coverage. Any premium costs not covered by the City during the life of this agreement shall be paid by the enrolled employee through automatic payroll deduction.

The group insurance coverage provided above will be subject to annual review and recommendations by an insurance Benefits Advisory Committee consisting of an equal number of represented Canby Police Association members, AFSCME members, and management committee members.

Section 2. During the term of this Agreement, the City will provide one and one-half (1 1/2) times an employee's annual salary as life insurance and death benefits for all bargaining unit members.

Section 3. The City shall provide a program of long term disability insurance for all employees.

Section 4. Effective January 1, 2021, In the event that the City's premium contribution increases by more than six percent (6%) from the previous year, any increase over six percent (6%) will be shared fifty percent (50%) by the employee and fifty percent (50%) by the City.

In the event that the City's premium contribution increases by more than ten percent (10%) in any given year, the parties agree to reopen this Article 20 and Article 10 (Wages) of this Agreement. The City and its agent will make good faith efforts in negotiating premium rates after initial quotes are offered.

Section 5. In the interest of promoting mental wellness and the overall wellbeing of employees, the Canby Police Department and the Canby Police Association have entered into an agreement to provide voluntary mental health wellness checks and training for all bargaining unit members.

The purpose of this check-up is to help the employee identify any potential issues and give them training tools with which they can nurture their own mental health. The Department will work with a qualified mental health provider who works exclusively, with law enforcement personnel and it affiliated with Responder Life; our Peer Support liaison.

The information shared during these visits is between the employee and the care provider only and the protections of doctor/ patient confidentiality will apply. The only information the City will receive is the bill form the visit, no employee information will be provided to the City to protect employee privacy. Any follow-up regarding the consultation or recommendations made by the provider for further care or treatment will be the employee's responsibility. The Department will only pay for the one (1) check-up per fiscal year.

Complying with any recommendations made by the provider is completely voluntary on behalf of the employee. The Department will not seek to obtain information regarding the results of the consultation or any recommendations unless the employee relies on the consultation or recommendations to request accommodation or obtain an employment right or benefit directly related to the consultation or recommendation (except for the use of leave from a member's accrued leave banks).

The wellness checks are voluntary and there will be no adverse effect on the employment status or employment opportunities if an employee chooses not to participate.

Employees will attend the appointment while on duty (with arrangements with a Sergeant). Employees that attend the appointment will be compensated \$150 (once per fiscal year).

Section 6. Attached to this Agreement are the summaries of the health and welfare policies and benefits as currently in effect for employees represented by the Association.

ARTICLE 21 - RETIREMENT

Section 1. The City agrees to continue its participation in the Oregon State Public Employees Retirement System, and the Oregon Public Service Retirement Plan, and, further, the City agrees to pay the six percent (6%) employee contribution.

ARTICLE 22 - SAFETY COMMITTEE

Section 1. The City shall have a Safety Committee and will hold periodic safety meetings with the employees. One employee selected by the Association shall be on the safety committee without loss of pay for participating in official safety committee business. This voluntary representation during off-duty hours shall not be considered hours worked for compensation purposes.

ARTICLE 23 - GRIEVANCE PROCEDURE

Section 1. Any grievance or dispute which may arise between the parties with regard to the application, meaning or interpretation of this Agreement shall be settled in the following manner:

- (A) The employee, with or without his Association representative, shall present the matter in writing to the Chief within fourteen (14) calendar days, from the date the grieving party first became aware of the problem giving rise to the grievance. Within seven (7) calendar days after receipt of the report, the Chief shall attempt to resolve the matter and submit their answer in writing to the employee and association representative;
- (B) If the grievance still remains unsettled, the Association may within fourteen (14) calendar days after the reply of the Chief is received or the date that such reply is due, submit the grievance in writing to the City Administrator. The City Administrator shall respond in writing to the employee and Association representative within seven (7) calendar days; and
- (C) If the grievance still remains unresolved, the Association may submit the matter to binding arbitration within fourteen (14) calendar days of the date reply is received from the City Administrator or the date that such reply is due.
- (D) For all grievances except disciplinary grievances involving law enforcement officers, the City and Association will attempt to jointly agree to an Arbitrator. For disciplinary grievances involving law enforcement officers (as defined by ORS 131.930), arbitrator selection shall be in accordance with ORS 243.808.

Section 2.

(A) This arbitration proceeding shall be conducted by an arbitrator to be selected by the City and the Association within seven (7) calendar days after notice has been given. If the parties fail to select an arbitrator, the State Employment Relations Board shall be requested by either or both parties to provide a panel of seven (7) Oregon or Washington arbitrators. Both the City and the Association shall have the right to strike three (3) names from the panel. A coin toss shall determine the first strike. Following the first (1st) strike

the other party shall then strike one (1) name. The process will be repeated twice and the remaining person shall be the arbitrator.

(B) The arbitrator shall render a decision no later than thirty (30) calendar days after the conclusion of the final hearing or as agreed by the parties. The power of the arbitrator shall be limited to interpreting this Agreement and determining if it has been violated and to resolve the grievance within the terms of this Agreement.

(C) The decision of the arbitrator shall be binding both parties. The costs of the arbitrator shall be borne by the losing party as determined by the arbitrator, however, if the arbitration is conducted in accordance with ORS 243.808, the costs of the arbitrator shall be equally split between the parties. Each party shall be responsible for the cost of presenting its own case to arbitration. Any or all time limits specified in the grievance procedures may be waived by mutual consent of the parties.

(D) The arbitrator shall have no power to modify, add to or subtract from the terms of this Agreement and shall be confined to the interpretation and enforcement of this Agreement. The arbitrator's decision shall be in writing and shall be submitted to the parties within thirty (30) calendar days following the close of the hearing or, in the event the parties submit post-hearing briefs, within thirty (30) calendar days of the submission of the post-hearing briefs, unless mutually extended by the parties and the arbitrator. The arbitrator's decision shall be final and binding on the affected employee(s), the Association and the City.

(E) Either party may request the arbitrator to issue subpoenas. If subpoenaed to arbitration, City employees/Association members shall not receive fees and mileage associated with an enforceable subpoena.

(F) If either party desires a verbatim recording of the proceedings, it may cause such a record to be made, provided it pays for the appearance fee, record, and makes a copy available without charge to the arbitrator. If the other party desires a copy, both parties shall jointly share in all costs of producing three (3) copies of the transcript.

(G) At the end of the evidentiary portion of the arbitration, the City and Association may agree to oral arguments in lieu of written closing briefs. The City and Association may also agree to have the arbitrator issue an oral bench decision. The bench decision shall be issued within a reasonable time after the conclusion of the hearing, not to exceed seven (7) calendar days, and shall be confirmed by the arbitrator in writing. The arbitrator's bench decision shall be electronically recorded as the formal record and decision associated with the arbitration.

(H) Section D above will not apply when the grievance is for the purposes of an arbitration proceeding concerning alleged misconduct by a law enforcement officer. [ORS 131.930]. Selection of an Arbitrator for an arbitration proceeding concerning alleged misconduct by a law enforcement officer shall comply with the terms as set forth in ORS 243.808. Costs and fees of an Arbitrator pursuant to HB 2930 will be split equally be the parties.

(I) Sections E and F above will apply to an arbitration conducted pursuant to HB 2930. All other expenses in an ORS 243.808 arbitration shall be borne exclusively by the party requiring the service or item for which payment is to be made.

Section 3. Time Limits.

All parties subject to these procedures shall be bound by the time limits outlined in this Article. If the grievant or Association fails to respond in a timely fashion, the grievance shall be deemed waived. If the City, at any step, fails to respond in a timely fashion, the grievance shall advance to the next step. Upon mutual agreement, in writing, the parties may waive or adjust the time limits outlined in this Article.

ARTICLE 24 - STRIKE/LOCKOUT

Section 1. The Association agrees that during the term of this Agreement, its membership will not engage in any strike, work stoppage, slowdown, or interruption of City services as per Oregon Law and the City agrees not to engage in any lockout.

ARTICLE 25 - PERSONNEL RECORDS

Section 1. No material in any form which can be construed, interpreted, or acknowledged to be derogatory shall be placed in an employee's personnel file, unless such employee has first been allowed to read such material. Any employee may, upon request, have access to their personnel file. Any employee may also have the right of reproduction of their personnel file in full or in part at no charge if the materials are needed to aid in the defense against a disciplinary action. No portion of any employee's file shall be transmitted without the explicit consent and request of the employee other than those transmissions authorized by the City, by order of a court of competent jurisdiction, or as required by law.

Section 2. The City shall maintain only one personnel file. An employee's supervisor may keep a "working file" for purposes of personnel evaluations.

Section 3. Records of discipline that involve measures up to and including written reprimands shall, upon request of the employee, be removed from the employee's personnel files after three (3) years and given to the employee. Records of suspensions shall be removed from the employee's personnel files after seven (7) years, upon request of the employee, and given to the employee. If a subsequent disciplinary action(s) is imposed prior to removal of a record of discipline or suspension under this section, the time for removal shall be computed from the subsequent disciplinary action.

ARTICLE 26 - ASSOCIATION BUSINESS

Section 1. The City shall provide a bulletin board for the Association to post bulletins and other material pertaining to its members.

Section 2. Members of the Association, who are officially designated as representatives of the Association, shall be permitted to attend negotiating meetings and/or contract administration sessions, as the need may arise. These employee representatives shall not forfeit pay if such meetings are held during their working hours, provided they are for legitimate reasons. An employee abusing this privilege to handle Association business on City time could result in the employee forfeiting all or part of their pay for such time. At no time shall the City be obligated to pay more than two (2) representatives of the Association at any one time for such Association business.

Section 3. The City agrees to deduct monthly membership dues from the pay of employees covered by this Agreement upon the submission of a signed request by the employee on a form provided by the City for that purpose. The City will not be held liable for deduction errors but will make proper adjustments with the Association for errors as soon as is practicable. Membership or non-membership in the Association, as well as the decision of whether to make payments or not to make payments to the Association, shall be the individual choice of employees covered by this Agreement.

ARTICLE 27 – LIGHT DUTY ASSIGNMENT

Section 1. An employee injured on the job may be required to perform light duty assignments. An employee injured off of the job may request light duty assignments. In each case the City may require an independent medical examination to determine whether the employee is fit for light duty assignments, and, if so, the types or nature of activity that the employee may or may not perform. If the examination is not covered by the employee's health insurance coverage, it shall be paid for by the City. The City will provide the employee with a form of physician's release to be completed by the examining doctor.

An employee assigned to light duty will be assigned to an administrative schedule that is typically Monday through Friday from 0800 to 1600, although the schedule may be adjusted based on the operational needs of the City. A light duty assignment is a temporary accommodation.

ARTICLE 28 - TRAUMATIC INCIDENTS

Section 1. An employee directly involved in a traumatic incident while in the performance of their duty shall have the opportunity to undergo a traumatic incident debriefing with a medical doctor or psychologist jointly designated by the Association and the City. The City may require an employee involved in a traumatic incident to undergo such debriefing. The debriefing shall be for the purpose of allowing the employee to deal with the moral/ethical and/or psychological effects of the incident. The debriefing shall be confidential and shall not be divulged to the Department for any reason, except as provided below. If the debriefing is not covered by the employee's health insurance coverage, it shall be paid for by the City.

An employee may be placed on administrative leave with pay if warranted. The decision to place the employee on administrative leave and the length of the leave shall be made by the City after consultation with the person conducting the debriefing, whose recommendation shall be limited to the need for and length of the recommended leave.

Section 2. Critical Incident Leave. For the wellness and health of an employee involved (as defined by ORS 181 A.790) in a critical incident, each involved employee shall be placed on City-paid Critical Incident Leave until the Clackamas County District Attorney's Office or another designated prosecutor's office has officially determined that the employee's involvement in the critical incident does not subject the employee to any criminal exposure.

ARTICLE 29 - INDEMNIFICATION AGAINST LIABILITY

Section 1. The City shall defend, save harmless, and indemnify any employee against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty except in case of malfeasance or willful or wanton neglect of duty.

ARTICLE 30 - OTHER EMPLOYMENT

Section 1. No employee may engage in employment with another employer while in the employ of the City, unless the employee has first received written approval from their department head and the City Administrator.

ARTICLE 31 - PROTECTIVE CLOTHING/UNIFORMS

Section 1. The City shall provide employees with protective clothing and uniforms when they are required as a condition of employment. Such items shall be considered as the property of the City and shall be returned to the City upon termination of employment, prior to the employee's final payment of wages. The care and cleaning of such clothing shall be the responsibility of the employee. The City shall pay all bargaining unit employees a cleaning allowance of fifty dollars (\$50.00) per month.

Section 2. The City shall provide a plain clothes clothing allowance of fifty dollars (\$50.00) per month to employees assigned to detective duties.

Section 3. The City will reimburse employees for the damage, destruction, theft or loss of personal property used in the performance of the employee's duties in accordance with this Section. Employees must request reimbursement in writing within seven (7) calendar days of the damage, destruction, theft or loss. Employees must prove the loss occurred and present proof of replacement cost or repair cost, whichever is less. The City will reimburse all personal property lost that is valued at one hundred dollars (\$100.00) or less provided the clearance and reporting requirements are met. Personal property items valued over one hundred dollars (\$100) will be reimbursed only if employees have the item pre-approved in writing for on-duty use by the Chief or designee prior to any request for reimbursement. In all cases, such reimbursement will not be required where the property was adversely affected due to an intentional act by the employee or as a result of the employee's gross negligence.

Section 4. The City will reimburse employees annually in the amount of two hundred and fifty dollars (\$250.00) for the purchase of footwear to be used in carrying out their police responsibilities on behalf of the City.

ARTICLE 32 - PHYSICAL FITNESS INCENTIVE

Section 1. Recognizing that physical fitness is beneficial to the health and well-being of employees, in addition to lowering the potential costs of healthcare and work related injuries, a physical fitness incentive has been established

Once per fiscal year, employees will be provided the opportunity to participate in the DPSST certified ORPAT course as a component of the department's mandatory scheduled training. Scheduling of this testing shall be determined by the Chief of Police. Participation in the timed ORPAT test for the physical fitness incentive is voluntary. Any voluntary participation in the ORPAT testing during the initial scheduled training will be done "on duty time".

Employees who are unable to participate in the scheduled ORPAT test due to a reasonable conflict must submit a written request to the Chief of Police prior to the training date requesting authorization for an excused absence. The Chief of Police will schedule a second test date within sixty (60) calendar days for authorized employees to participate in the ORPAT course on their own personal time. The date and location of the second scheduled ORPAT test will be at the discretion of the Chief of Police.

For purposes of this Agreement, the minimum standard for passing will be the time established as passing by DPSST for an Entry Level Police Officer. Recognizing that passing standards for ORPAT may change at the discretion of DPSST, it is hereby established that the standard used by the City of Canby as passing, will be the standard used by DPSST and in effect at the time of the testing.

Those employees, who successfully complete the ORPAT course in a time that is considered passing, will receive an incentive bonus of three hundred dollars (\$300.00). The incentive will be paid in one (1) lump sum through payroll and the parties recognize that the City will reflect any and all amounts paid as allowances, bonuses, and/or incentives as subject to the IRS and Oregon payroll tax deduction. Employees must be off probation to be eligible for the incentive.

Employees who do not successfully complete the ORPAT course will not be eligible for the incentive.

Employees, who voluntarily seek this incentive, but do not meet the minimum ORPAT passing standard as defined in this Agreement, and will not be deemed "physically unfit for duty." In addition, an employee will not be negatively treated by the City of Canby, or its supervisors, due to not passing the ORPAT standard as defined in this agreement. Recognizing that participation in this incentive program is purely voluntary, those employees who opt not to participate, will not receive discipline, or be negatively treated by the City of Canby, or its supervisors, for this choice.

ARTICLE 33 – LEGAL FEES

The Association will purchase and make available the Legal Defense Fund of the Peace Officers Research Association of California (PORAC) Plan II. The Association will ensure that all represented employees of the bargaining unit who are eligible for PORAC Plan II are enrolled as participants in PORAC Plan II, and make available the plan to command staff.

By PORAC rule, employees in bargaining unit positions who choose not to be a member of the Association are NOT eligible to be enrolled in PORAC coverage.

During the first calendar week of December, March, June and September of each year, the City and Association shall ascertain the amount due to PORAC for enrolling all eligible bargaining unit represented employees in coverage under PORAC Plan II for each subsequent calendar quarter. Said calendar quarter amounts shall be equal to the number of eligible bargaining unit represented employees employed by the City on December 1, March 1, June 1, and September 1, times the actual current amount of PORAC Plan II coverage (currently less than six dollars (\$6.00) per covered employee per month for individual PORAC Plan II coverage, notwithstanding changes in staffing levels during individual calendar quarters. In the event the premiums for PORAC Plan II coverage increase during the term of this Agreement, the City agrees to pay the increased premium commencing on the subsequent December 1, March 1, June 1, or September 1 to a maximum of eight dollars (\$8.00) per represented employee per month.

The City shall pay to the Association the amount of calendar quarter premium costs for coverage in PORAC Plan II during the first half of each of the months referenced above in order to enable the Association to remit payment to PORAC by the end of the month.

The Association will be responsible for making payments on behalf of eligible participants. The City's obligation under this Article is limited to making payments as set forth above. The City bears no responsibility for ensuring that eligible bargaining unit represented employees are properly enrolled in or covered by PORAC Plan II.

ARTICLE 34 - SAVINGS CLAUSE

Section 1. Should any provision of this Agreement be found to be in conflict with any federal or state law, or final decision of any court of competent jurisdiction, or ruling or decision of any administrative agency, said provision shall be modified to comply with said law or decision and all other provisions of this Agreement shall remain in full force and effect.

ARTICLE 35 - DURATION OF AGREEMENT

Section 1. This Agreement shall become effective and retroactive, as applicable, upon signing, with wages, insurance, and all economic benefits retroactive to July 1, 2022. This Agreement shall remain in full force and effect through June 30, 2025.

This Agreement shall remain in full force and effect from year to year thereafter, unless either the City or the Association or both shall serve notice in writing on the other party at least sixty (60) calendar days prior to the expiration of this Agreement or any subsequent anniversary date of this Agreement, requesting that this Agreement be opened for changes and/or termination. In that case, this Agreement shall remain in full force and effect until a new agreement is signed by both parties.

FOR: CITY OF CANBY

FOR: CANBY POLICE ASSOCIATION

By: _____
Mayor

By: _____
President

By: _____
City Administrator

By: _____
Secretary

Date: _____

Date: _____

Salary Schedule A

**Canby Police Association
Salary Schedule A
Effective July 1, 2022**

			5% steps			3.5% step
Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Police Patrol	\$6,041	\$6,343	\$6,660	\$6,993	\$7,343	\$7,600
Sergeant	*	*	\$8,067	\$8,470	\$8,894	\$9,205

The base rate per pay period shall be the monthly rate multiplied by twelve (12) months and divided by the total number of pay periods.

*Sergeant pay starts at Step 3.



CITY COUNCIL STAFF REPORT

Meeting Date: 5/18/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Jerry Nelzen, Public Works Director

Agenda Item: Ordinance No. 1572: An Ordinance Authorizing the Mayor and City Administrator to Execute a Contract with Eagle-Elsner, Inc. in the amount of \$888,888.88 for Construction of the 2022 Street Maintenance Project. *(Second Reading)*

Goal: Plan a Transportation System that eases the impacts of growth

Objective: N/A

Summary

On April 19, 2022, the City of Canby received three bids for the 2022 Street Maintenance Project. This staff report is to recommend the City Council approve award of the construction contract to Eagle-Elsner Company from Canby, in the amount of \$888,888.88.

Background

In March, the City of Canby authorized CURRAN-McLEOD to prepare plans and specifications for the annual street maintenance program. This project is part of the Street Maintenance Program funded through the street maintenance fee. It is a continuation of the annual street maintenance program based on the Pavement Condition Index survey. The funding source is limited to maintenance of the existing street network.

The three bids for the 2022 Street Maintenance project.

1	Eagle-Elsner, INC.	\$888,888.88
2	S-2 Contractors, INC.	\$920,140.00
3	North Santiam Paving	\$1,001,912.50

Eagle-Elsner's bid was deemed to be responsive and responsible. There are no concerns listed on the Oregon Construction Contractors Board (CCB) records for this company, therefore, CURRAN-McLEOD recommends the contract be awarded to Eagle-Elsner.

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 Eagle-Elsner, INC. was the lowest responsive and responsible bid.

Attachments

1. Ordinance 1572
2. Contract for Construction

Fiscal Impact

This project is being funded using \$116,000 budgeted in the FY 22-23 general fund for slurry improvements at the Police and Public Works Departments, \$360,000 transferred to the City by Clackamas County for improvements to North Redwood Street, with the remaining balance being taken from the annual street maintenance funds.

Options

1. Approve the contract as presented.
2. Reject the contract as presented.

Recommendation

That the City of Canby approve Ordinance 1572 authorizing the City Administrator to execute a contract with Eagle-Elsner, INC. in the amount of \$888,888.88 for the 2022 Street Maintenance project.

Proposed Motion

"I move to approve Ordinance 1572 authorizing the City Administrator to execute a contract with Eagle-Elsner, INC. in the amount of \$888,888.88 for the 2022 Street Maintenance project."

ORDINANCE NO. 1572

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE- ELSNER, INC. IN THE AMOUNT OF \$888,888.88 FOR CONSTRUCTION OF THE 2022 STREET MAINTENANCE PROJECT.

WHEREAS, the City of Canby has heretofore advertised and received three (3) bids for the 2022 Street Maintenance;

WHEREAS, the notice of call for bids was duly and regularly published in the Oregon Daily Journal of Commerce on March 28, 2022;

WHEREAS, bids were received and opened on April 19, 2022, at 2:00 pm via zoom meeting and the bids were read aloud;

WHEREAS, the bidders are as listed below and a detailed tabulation of all items is attached herein and summarized as follows:

The summary of cost for each of the three (3) bidders is listed below:

1.	Eagle-Elsner, Inc.	\$888,888.88
2.	S-2 Contractors, Inc.	\$920,140.00
3.	North Santiam Paving	\$1,001,912.50

WHEREAS, the Canby City Council, acting as the City's Contract Review Board, met on Wednesday, May 4, 2022, and considered the bids and reports and recommendations of the City staff, including the staff recommendation that the low responsive bid be selected; and

WHEREAS, the Canby City Council determined that the low responsive bid was that of Eagle-Elsner, Inc.

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

Section 1. 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 Eagle-Elsner, Inc. for the 2022 Street Maintenance in the amount of \$888,888.88. A copy of the contract with Eagle-Elsner, Inc. is attached hereto and incorporated herein.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, May 4, 2022; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, May 18, 2022, after the hour of 7:30 pm at the Council Meeting Chambers located at 222 NE 2nd Avenue, Canby, Oregon.

Melissa Bisset, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 18th day of May 2022, 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 2022 by and between

City of Canby
(hereinafter called OWNER) and

Eagle-Elsner, INC.
(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 2022 Street Maintenance Project

The City reserves the right to adjust the basic bid quantities if the submitted low responsive bid exceeds the available budget. All adjusted quantities will be paid based on the bid unit prices.

The scope of work generally consists of the following:

- Approximately 3,600 tons of asphaltic concrete pavement at 2" and 4" thickness.
- Approximately 2,400 lineal feet of 6-foot-wide panel grinding at 0"-2" depth, approximately 6,600 lineal feet of 7-foot-wide panel grinding at 0"-2" depth and approximately 3,800 SY area at 2"-4" depth.
- Retrofit an estimated 21 ADA ramps, including curbs and sidewalks
- Restore approximately 30,000 lineal feet of 4" and 8" wide stripes, including legends such as arrows, continental crosswalks, stop bars, bike stencils, etc.
- Fully reconstruct approximately 3,800 square yards of pavement.
- Approximately 22,000 SY of type II micro-surface slurry seal for Public Works and Police Department parking lots, with 3,000 LF of crack sealing at the Police Department.

ARTICLE 2 - ENGINEER

The Project has been designed by CURRAN-McLEOD, INC., Consulting Engineers, who is 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 Work will be substantially completed within 75 calendar days after the date when the Contract Time commences to run as provided in paragraph 4.01 of the General Conditions and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within 30 days after the date when the issuance of the Certificate of Substantial Completion including punch list items.
- 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 Article 12 of 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 Four Hundred Dollars (\$400.00) 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

Eight Hundred Eighty-Eight Thousand Eight Hundred Eighty-Eight and 88/100 Dollars

(\$888,888.88) as shown in the attached 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 he deems 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 Drawings & Specifications bearing the following general title:
- City of Canby
2022 Street Maintenance
- 8.9 Addenda numbers 1.
- 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 bind 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 _____, 2022.

OWNER:

**City of Canby
P.O. Box 930
Canby, OR 97013**

CONTRACTOR:

**Eagle-Elsner, Inc.
17400 SW Hillsboro Hwy
Sherwood, OR 97140**

By: _____

By: _____

Name/Title: _____

Name/Title: _____

Name/Title: _____

Attest: _____

Address for giving notices:



CITY COUNCIL STAFF REPORT

Meeting Date: 5/18/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Jerry Nelzen, Public Works Director

Agenda Item: Consider Ordinance No. 1573, authorizing the City Administrator to execute a contract with Curran-Mcleod, Inc. Consulting Engineers for design and construction phase engineering services for the extension of Walnut Street to Highway 99E.

Goal: Plan a Transportation System that eases the impacts of growth

Objective: N/A

Summary

This Ordinance No. 1573 is to approve the engineering contract with Curran-McLeod, Inc. in the amount of \$601,000 for design and construction phase engineering of the Walnut Street extension to Highway 99E, including a new three-way signalized intersection at Highway 99E.

Background

The 2010 Transportation System Plan identified a new signalized intersection was needed to connect Highway 99E to the Pioneer Industrial Park, to relieve projected traffic restrictions. The original alignment of this new connection was an extension of Mulino Road to the existing Otto Road intersection.

Subsequently, in 2020, the Council adopted an amendment to the TSP that relocated the new connection approximately 600 feet north of Otto Road to better comply with ODOT requirements. Additionally, the new industrial collector alignment was an extension of Walnut Street, as opposed to Mulino Road.

The City has coordinated with all impacted property owners and in 2021 purchased the rights-of-way needed for this roadway improvement. The Transportation System Development Charge adopted in 2013 lists this industrial roadway connection in the SDC eligible Capital Improvement Plan, making the entire project eligible for SDC Improvement Fee funding.

The City published a formal request for Engineering proposals in February 2022, and selected the firm of Curran-McLeod, Inc., to provide the needed engineering services. Curran-McLeod, Inc. has been involved in all roadway improvements in the industrial park since 2000, with the most recent being completion of the signalized improvements at Sequoia and Hazell Dell.

Discussion

The 2020 TSP Amendment indicated this roadway connection would be needed by the year 2035, based on linear expansion of the industrial park over the 20-year planning window. Instead, the City has experienced accelerated growth which moves the need for this project to the near future.

Curran-McLeod, Inc. has been completing preliminary work for this project for more than two years, working to secure ODOT approval, the approval of impacted property owners and to determine the utility alignments required to serve the properties. A construction project to bring a sanitary sewer line to serve this new roadway from the north side of the railroad is scheduled to be advertised by Curran-McLeod, Inc. for bids later this month.

Attachments

Ordinance No. 1573

Personal Services Contract with Curran-McLeod, Inc.

Fiscal Impact

This project is funded by Transportation System Development Charge improvement fees and is included in the current budget and will be budgeted over the next three years to complete the \$6 to \$8 million project. In 2022, Oregon legislature awarded additional ARPA funds to the Walnut Street project in the amount of \$2.96 million dollars as well.

Options

1. Add an emergency clause to the ordinance to accelerate performance

Recommendation

That the City of Canby approve Ordinance 1573 authorizing the City Administrator to execute a contract with Curran-McLeod, Inc., in the amount of \$601,000 for design and construction phase engineering services for the extension of S Walnut Street to Highway 99E.

Proposed Motion

"I move to approve Ordinance 1573 authorizing the City Administrator to execute a contract with Curran-McLeod, Inc. in the amount of \$601,000 for design and construction phase engineering services for the extension of S Walnut Street to Highway 99E to come up for a second reading on June 1, 2022."

ORDINANCE NO. 1573

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CURRAN-MCLEOD, INC. CONSULTING ENGINEERS FOR DESIGN AND CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE EXTENSION OF WALNUT STREET TO HIGHWAY 99E

WHEREAS, The City of Canby on February 10, 2022 published a formal Request for Qualifications (RFQ) for professional services to complete the S Walnut Street Extension to Highway 99E;

WHEREAS, a City review committee reviewed the qualifications submitted and recommended award of the engineering contract to Curran-McLeod, Inc., Consulting Engineers;

WHEREAS, Curran-McLeod, Inc. and their subconsultant for this project, DKS Associates Transportation Engineers, have provided the preliminary planning efforts including identifying the roadway alignment and facilitating acquisition of the right of way needed for the project;

WHEREAS, the City of Canby has adopted the 2010 Canby Transportation System Plan and 2020 amendments which identify this project in the Capital Improvement Plan;

WHEREAS, the City of Canby has adopted the Transportation System Development Charge that identifies this project in the Improvement Fee Capital Improvement Plan; and

WHEREAS, the City of Canby has budgeted expenditures for this work in FY 2021-2022.

NOW THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. 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 CURRAN-MCLEOD, INC., for engineering services in an amount not to exceed \$601,000 for design and construction phase services for the extension of S Walnut Street to Highway 99E.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, May 18, 2022; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, June 1, 2022, after the hour of 7:30 pm at the Council Chambers at the Canby City Hall, 222 NE 2nd Avenue, Canby, Oregon.

Melissa Bisset, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 1st day of June 2022 by the following vote:

YEAS _____ NAYS _____

Brian Hodson, Mayor

ATTEST:

Melissa Bisset, CMC
City Recorder

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between the CITY OF CANBY (City) and CURRAN-McLEOD, INC. (Contractor).

- A. City requires services which Contractor is capable of providing, under terms and conditions hereinafter described.
- B. Contractor is able and prepared to provide such services as City requires, under those terms and conditions set forth.

The Parties Agree as Follows:

- 1. Scope of Services. Contractor's services under this Agreement are set forth in Exhibit "A", attached hereto.
- 2. Contractor Identification. Contractor shall furnish to City its employer identification number as designated by the Internal Revenue Service, or Contractor's Social Security Number, as City deems applicable. **Contractor understands it is required to obtain a City of Canby Business License for conducting business in the City. Contractor agrees to obtain a Canby Business License prior to commencing work under this contract.**
- 3. Compensation:
 - A. City agrees to pay Contractor according to the proposed fees submitted with the Contractor's Scope of Services. See Exhibit "A" attached hereto. Contractor agrees that \$601,000 is the not to exceed price of this contract, without prior written approval from the City.
 - B. City agrees to pay Contractor within 30 days after receipt of Contractor's itemized statement reporting completed work. Amounts disputed by the City may be withheld pending settlement.
 - C. City certifies that sufficient funds are available and authorized for expenditure to finance costs of the Agreement.
- 4. Contractor is Independent Contractor.
 - A. Contractor's services shall be provided under the general supervision of the City Administrator. Contractor shall be an independent contractor for all purposes and shall be entitled to no compensation other than the compensation provided for under Paragraph #3 of this Agreement.
 - B. Contractor certifies that it is either a carrier-insured employer or a self-insured employer as provided in Chapter 656 of the Oregon Revised Statutes.

- C. Contractor hereby represents that no employee of the City, or any partnership or corporation in which a City Employee has an interest, will or has received any remuneration of any description from Contractor, either directly or indirectly, in connection with the letting or performance of this contract, except as specifically declared in writing.
5. **Subcontractors and Assignment.** Contractor shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from City. City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to Contractor. Any subcontract between Contractor and subcontractor shall require the subcontractor to comply with all terms and conditions this agreement as well as applicable OSHA regulations and requirements.
6. Work is Property of City. All work performed by Contractor under this Agreement shall be the property of the City. City agrees that the Contractor may use its work in other assignments if all City of Canby data and references are removed.
7. Term.
- A. This Agreement may be terminated by:
1. Mutual written consent of the parties.
 2. Either party, upon thirty (30) days written notice to the other, delivered by certified mail or in person.
 3. City, effective upon delivery of written notice to Contractor by certified mail, or in person, under any of the following:
 - a. If Contractor fails to provide services called for by this Agreement within the time specified or any extension thereof.
 - b. If Contractor fails to abide by the terms of this Agreement.
 - c. If services are no longer required.
8. Professional Standards. Contractor shall be responsible to the level of competency presently maintained by others practicing the same type of work in City's community, for the professional and technical soundness, accuracy and adequacy of all work and materials furnished under this authorization.

By entering into this agreement, contractor represents and warranties that they have complied with the tax laws of the State of Oregon and the City of Canby. Further, for the duration of this contract, Contractor promises to continue to comply with said State and local tax laws. Any failure to comply with tax laws

will be considered a default of this contract and could result in the immediate termination of this agreement and/or other sought damages or other such relief under applicable law.

9. Insurance. Insurance shall be maintained by the Contractor with the following limits:

A. For Comprehensive General Liability Insurance, Contractor shall provide a Certificate of Insurance naming the City of Canby as an additional named insured showing policy limits of not less than \$2,000,000 Combined Single Limit for Bodily Injury/Property Damage on an occurrence basis.

B. For Automobile Insurance, Contractor shall provide a Certificate of Insurance naming the City of Canby as an additional named insured showing policy limits of not less than \$2,000,000 Combined Single Limit for Bodily Injury/Property Damage on an occurrence basis for any vehicle used for City business or use otherwise related to this contract.

C. For Professional Liability—errors and omissions—a \$2,000,000 Combined Single Limit for Bodily Injury/Property Damage limit. **(Required for Architects, Appraisers, Attorneys, Consultants, Engineers, Planners, Programmers, etc.).** For purposes of professional liability, Contractor shall provide proof of a Certificate of Insurance naming the City of Canby as a Certificate Holder.

D. For Worker's Compensation, Contractor shall provide a Certificate of Insurance naming the City of Canby as a Certificate Holder showing Worker's Compensation Insurance with statutory limits of coverage.

Procuring of such required insurance at the above-stated levels shall not be construed to limit the Contractor's liability hereunder. Notwithstanding said insurance, Contractor shall be obligated for the total amount of any damage, injury, loss, or related costs caused by or related to Contractor's negligence or neglect connected with this Agreement.

10. Legal Expense. In the event legal action is brought by City or Contractor against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney's fees, costs, and expenses as may be set by the court both at trial and all appeals there from.
11. Modifications. Any modification of the provisions of this Agreement shall be in writing and signed by the parties.
12. Notices. Any notice, bills, invoices, reports, or other documents required by this Agreement shall be sent by the parties by United States mail, postage paid, electronically,

faxed, or personally delivered to the address below. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing unless sooner received.

13. Entire Agreement. This Agreement contains the entire understanding of the parties regarding the subject matter of this Agreement and supersedes all prior and contemporaneous negotiations and agreements, whether written or oral, between the parties with respect to the subject matter of this Agreement.
14. Savings Clause. Should any provision of this Agreement be found to be in conflict with any federal or Oregon state law, or final controlling decision of any Court of competent jurisdiction, or ruling or decision of any controlling administrative agency, all other provisions of this Agreement shall remain in full force and effect.

CITY: Scott Archer, City Administrator
City of Canby
PO Box 930
Canby, OR 97013

CONTRACTOR: Curt McLeod, President
CURRAN-McLEOD, INC.
6655 SW Hampton Street, Suite 210
Portland, OR 97223

Please submit invoices to: Attn: Accounts Payable
City of Canby
PO Box 930
Canby, OR 97013
ap@canbyoregon.gov

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers.

CONTRACTOR: CURRAN-McLEOD, INC.

CITY OF CANBY

By: 
CURT MCLEOD, PRES

By:

Date: MAY 6, 2022

Date:

Subcontractors will be used ☒ Yes ☐ No (If Yes, please complete List of Subcontractors attached to this Agreement)

Approved as to Form:

Joseph Lindsay, City Attorney

11/6/15

LIST OF SUBCONTRACTORS

As per Section 5 of the Personal Services Agreement, the following businesses will be subcontractors. Subcontractors are required to have a City of Canby Business License prior to commencing work under this contract.

[illegible]

The City hereby approves the above listed subcontractors.

City of Canby

Date

May 6, 2022

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

Mr. Jerry Nelzen,
Public Works Director
City of Canby
222 NE 2nd Avenue
Canby, OR 97013

**RE: CITY OF CANBY
WALNUT STREET EXTENSION AND
HIGHWAY 99E SIGNALIZATION**

Dear Jerry:

We appreciate the opportunity to complete the Walnut Street extension from SE 1st Avenue to Highway 99E, and the creation of a new signalized intersection at the highway. As you well know, our firm and the team compiled to complete that project are very familiar with this project - having completed all of the preliminary work, coordinated acquisition of the needed right-of-way, and are well experienced in providing a successful project.

Our office has met several times with each of the property owners and understand the commitments made to each in exchange for the right-of-way. Additionally, our team has been working with ODOT for several years to provide the information they need to approve creation of the new intersection. We are currently continuing that ODOT approval effort with earlier budgets provided by the City.

This roadway connection was originally identified as the Otto Road extension in the 2013 Transportation System Development Charge, Capital Improvement Plan. That project had an eligible cost estimated at \$8.915 million in 2013. Subsequent to adoption of the SDC, the City modified the Transportation System Plan to relocate the Otto Road connection approximately 600 feet further north, although the scope of work remained unchanged.

The current CIP in the inflation-adjusted SDC, has an eligible cost of \$10.77 million available in the Transportation SDC for construction of this project. The water, sanitary sewer, and stormwater SDCs do not have an entry specific to Walnut Street but could easily be updated to incorporate this work.

This proposed section of Walnut Street crosses the area of special interest identified in the Comprehensive Plan as Area J. We anticipate portions of Area J will be included in an application to annex and rezone the property in the near future. The Planning Department should keep the Public Works department apprised on the annexation status to ensure Walnut Street is included. If Area J delays application, then the City should initiate an annexation application of just the roadway for the City to secure jurisdiction.

Mr. Jerry Nelzen
May 6, 2022
Page 2

As we have discussed previously, there are two design paths currently underway for Walnut Street. First, is securing the ODOT intersection approval. DKS engineers have been working with ODOT to secure approval of the location and have additional documents to prepare before we will have approval. ODOT has asked for a new traffic analysis which is currently underway for the Grant of Access application. This new traffic analysis needs to generate projected traffic loading for year one and 20 years after opening the intersection.

Concurrently, the second design path is the street and utility design. The improvements will include a 50-foot industrial roadway section with curb & gutter, 12" water line, 8" sanitary sewer, power, communications, cable, gas, and street lighting. The roadway will have two 6-foot bike lanes, two 12-foot travel lanes and a 14-foot median/dedicated turn lane, but no sidewalks at this time. Although it has been discussed many times, we do not plan to install a traffic circle at the intersection of SE 1st Avenue and Walnut Street.

We are currently nearing completion of the sanitary sewer design from Teakwood to cross the railroad and highway. We have secured the Union Pacific Railroad and ODOT permits for the crossing and anticipate advertising for bids this month. This utility project is being combined with the Safeway Pump Station decommissioning project, which also has a bored highway crossing.

Our Project Team includes DKS & Associates, who are continuing their earlier coordination work with ODOT to secure the approvals needed for the project. Steve Boice, PE, and Kevin Chewuk, PTP, will be the principal contacts and continue their current efforts in support of the City of Canby.

GeoPacific Engineering will provide needed geotechnical support for design of the street foundations and provide the structural calculations ODOT will require for the new mast-arm signal poles. Mr. Ben Anderson, PE, is the geotechnical project manager from GeoPacific Engineering.

WORK SCOPE

Street & Utility Improvements:

The infrastructure design will be based on City of Canby Standards, as opposed to Clackamas County, anticipating the right-of-way has been annexed or the County has deferred jurisdiction to the City. The design phase work for the street and utilities covers 2,610 feet of industrial roadway including all surveys, mapping, preparation of all construction plans, and securing ODOT, City, regulatory agency, and stakeholders' approvals.

We have had some informal discussions with Canby Utility regarding the scope of waterline improvements, with the concern being to avoid dead end systems. We anticipate with the annexation of Area J that a development proposal would be submitted soon. As a result, we have

been promoting to CU that a waterline connection to Territorial Road to complete the loop would be better as a component of the Area J development. This would be more beneficial than a pipeline along Highway 99E to Territorial Road as a component of our project. The work scope presented below includes a 12" waterline in Walnut Street only and does not include a loop to Territorial Road.

Transportation & Signal Design:

The transportation engineering preliminary scope includes continuing the engineering tasks to secure ODOT approval. This includes completion of the traffic analysis of six impacted intersections, submitting the Traffic Signal Installation Request, which is required to comply with the requirements in OAR 734-020-0400 through 0500, and preparation of the Access Management Strategy documentation with associated approach modification and closure letters.

The transportation engineering scope will include design of the signal, preparation of signing and striping plans, lighting plans, communications with ODOT systems, Traffic Control Plans (TCP), and temporary pedestrian access routes (TPAR). DKS Associates will provide the community outreach efforts for the project including providing graphic exhibits and other necessary material for an open house for stakeholders and interested parties.

ENGINEERING COST ESTIMATE

Our design team includes DKS Associates, GeoPacific Engineering and ZTec Engineers. We do not anticipate the need to delineate any wetland areas and have not included an environmental firm to assist in the design. If needed, we will want to negotiate an amendment to our contract for this additional effort.

The engineering tasks as separated into three phases:

Preliminary Engineering:

Project Coordination & Management	\$ 20,000
Geotechnical & Structural, GeoPacific	28,000
ODOT Traffic Analysis, DKS	16,000
Traffic Signal Installation Request, DKS	5,800
Access Management Strategy, DKS	24,000
Public Involvement, DKS/CMI	<u>6,200</u>
Subtotal	\$ 100,000

Design Phase Engineering:

Topography & Cross Section Surveys, ZTec	\$ 22,000
Roadway & Intersection Design (8 Sheets)	32,000
Stormwater Collection & Disposal (Combined)	12,000
Water System Design (5 Sheets)	15,000
Private Utilities (4 Sheets)	26,000
Erosion & Sediment Control Plan (2 sheets)	5,000
Signal Installation Plans (6 Sheets)	36,600
Signage & Striping Plan (13 Sheets)	32,000
Lighting Plan (6 Sheets)	24,700
TPDT, TPAR Plans (9 Sheets)	33,600
ODOT Communications (5 Sheets)	13,100
CAD Graphics & Specifications	18,000
Project Management & Administration	30,000
Estimates, Reviews, Permit & Approvals	<u>26,000</u>

Design Phase Engineering \$326,000

Construction Phase Engineering

Construction Staking, ZTec	\$ 40,000
Field Inspections, 42 weeks	85,000
Submittal Review/Shop Drawings	6,000
Project Management & Administration	25,000
Monumentation & Recording, ZTec	13,000
Record Drawings	<u>6,000</u>

Construction Phase Total \$175,000

Excluded from our design budget are the costs of plan review fees from DEQ and OHA, BOLI Fees and advertising fees, which will be billed directly to the City. Preliminary and Design Phase engineering will be invoiced based on a percent complete basis. Construction Phase engineering will be based on time and materials at standard hourly rates.

Mr. Jerry Nelzen
May 6, 2022
Page 5

PROJECT SCHEDULING:

In total, the preliminary and design phase engineering should be completed within 32 weeks with the intention of soliciting bids at the first of the year. Construction can be completed in 2023.

We have attached a contract for your review and approval. Please let us know if you need anything additional or have questions.

Very truly yours,

CURRAN-McLEOD, INC.



Curt J. McLeod, P.E

CC: Ms. Melissa Bissett, City of Canby

Enclosure: Canby Personal Services Agreement w/Exhibit A



CITY COUNCIL STAFF REPORT

Meeting Date: 5/18/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Don Hardy, Planning Director

Agenda Item: Consider Ordinance No. 1574, Amending Canby's Title 16 of the Canby Municipal Code Adding Newly Created Chapter 16.81 Middle Housing Model Ordinance and Modifying Existing Chapters 16.04. Definitions 16.58 Lot Line Adjustment, 16.60 Partitions, 16.68 Subdivision and Final Procedures and Recordation, and 16.89 Application and Review Procedures. *(First Reading)*

Goal: Promote Financial Stability

Objective: Evaluate the City's fee structure including the park maintenance fee & street maintenance fee to address cost recovery on all fees

Summary

A number of proposed zoning code updates are proposed including procedural updates for best practices along with updates to be consistent with state law.

Background

Staff has been working to address some low-hanging fruit code changes that will improve our permitting process, provide greater clarity for applicant expectations and will be consistent with state law. The middle housing model ordinance code chapter will provide guidance to applicants on this state adopted law for duplex development. The planning commission has reviewed and supports all the proposed code changes. All the proposed code changes are included in Text Amendment (TA) 22-02. The Planning Commission found that the standards and criteria of Section 16.88.170 of the Land Development and Planning Ordinance concerning Text Amendments were met, and forwarded a recommendation of approval to the City Council with a unanimous vote, at their May 9, 2022 hearing. The planning commission added recommended text to Chapter 16.89, and as part of their recommendation for approval to council stating, "Recommend approval to City Council Code amendments as presented by staff including addition of Section 16.89.050I(3.d), stating "The Commission did not receive correct or complete information in the original application". The planning commission request that this additional criteria be added at as finding "d'.

Discussion

Staff will continue bringing forward more low hanging fruit code changes to improve the overall code. Longer term code changes will also occur reflecting housing and economic opportunity assessment work and comprehensive plan updates.

Attachments

- A. Ordinance 1574
- B. Text Amendment Application
- C. Code Update Staff Report
- D. Proposed Code Chapters
- E. Combined 16.81 Middle Housing Model Ordinance with State Adopted Model Ordinance

Fiscal Impact

None

Options

Keeping the code as is will not serve the community or the city.

Recommendation

City council adoption of the propose code changes. The proposed changes are consistent with text amendment approval criteria:

1. The Comprehensive Plan of the City and the plans and policies of the County, State, and local districts, in order to preserve functions and local aspects of land conservation and development;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
5. Statewide planning goals

The proposed changes permit adoption of consistent standards with state law and provide process clarifications which will improve the permitting process for the city and applicants as well as greater clarify for citizens. The changes are also consistent with statewide planning goals. Pursuant to Chapter 16.88.170, the code updates have gone through the planning commission for review, including two public hearings.

Proposed Motion

"I move to adopt Ordinance 1574; An Ordinance Amending Canby's Title 16 of the Canby Municipal Code Adding Newly Created Chapter 16.81 Middle Housing Model Ordinance and Modifying Existing Chapters 16.04.Definitions 16.58 Lot Line Adjustment, 16.60 Partitions, 16.68 Subdivision and Final Procedures and Recordation, and 16.89 Application and Review Procedures in the Title to come up for a second reading on June 1, 2022."

ORDINANCE NO. 1574

AN ORDINANCE AMENDING CANBY'S TITLE 16 OF THE CANBY MUNICIPAL CODE ADDING NEWLY CREATED CODE CHAPTER 16.81 MIDDLE HOUSING MODEL ORDINANCE AND MODIFYING EXISTING CHAPTERS 16.04 DEFINITIONS, 16.58 LOT LINE ADJUSTMENT, 16.60 PARTITIONS, 16.68 SUBDIVISIONS FINAL PROCEDURES AND RECORDATION, AND 16.89 APPLICATION AND REVIEW PROCEDURES.

WHEREAS, City staff propose a legislative text amendment adding a new chapter 16.81 Middle Housing Model Ordinance to the Canby Land Development and Planning Ordinance; Title 16 of the Canby Municipal Code (CMC); and modifying existing Chapter 16.04, 16.58, 16.60, 16.68 and 16.89 providing consistency with state law and greater clarity for the city, applicants and the public;

WHEREAS, City staff propose legislative text amendments, creating Chapter 16.81 and modifying Chapter 16.04 Definitions; Chapter 16.58 Lot Line Adjustments; Chapter 16.60 Partitions; Chapter 16.68 Subdivision Final Procedures and Recordation; Chapter 16.89 Application and Review Procedures;

WHEREAS, the Planning Commission found that the standards and criteria of Section 16.88.170 of the Land Development and Planning Ordinance concerning Text Amendments were met, and forwarded a recommendation of approval to the City Council on a 7-0 vote as specified in their Findings and Final Order; and

WHEREAS, the City Council, after reviewing the record of the Canby Planning Commission regarding the subject amendments, concluded that the Planning Commission's recommendation is appropriate as recommended.

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

- (1) TA 22-02 is hereby approved and the Canby Municipal Code hereby amended as detailed in Exhibits C and D for the Land Development and Planning Ordinance (as directed by the City Council findings and final order);

SUBMITTED to the Council and read the first time at a regular meeting thereof on May 18, 2022, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days, as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on June 1, 2022 commencing after the hour of 7:30 p.m., in the Council Chambers located at 220 NE 2nd Avenue, Canby, Oregon.

Melissa Bisset, City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on June 1, 2022 by the following vote:

YEAS _____ NAYS _____

Brian Hodson, Mayor

ATTEST:

Melissa Bisset, City Recorder



City of Canby
Planning Department
222 NE 2nd Avenue
PO Box 930
Canby, OR 97013
(503) 266-7001

LAND USE APPLICATION

TEXT AMENDMENT APPLICATION

Process Type IV

APPLICANT INFORMATION: (Check ONE box below for designated contact person regarding this application)

☐ Applicant Name: _____ Phone: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

☐ Representative Name: _____ Phone: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

☐ Property Owner Name: _____ Phone: _____
Signature: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

☐ Property Owner Name: _____ Phone: _____
Signature: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

① All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.

② All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations.

③ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

PROPERTY& PROJECT INFORMATION:

Street Address or Location of Subject Property _____ Total Size of Property _____ Assessor Tax Lot Numbers _____

Existing Use, Structures, Other Improvements on Site _____ Zoning _____ Comp Plan Designation _____

Describe the Proposed Development or Use of Subject Property _____

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE



City of Canby
Planning Department
222 NE 2nd Avenue
P.O. Box 930
Canby, OR 97013
Ph: 503-266-7001
Fax: 503-266-1574

CHECKLIST

TEXT AMENDMENT APPLICATION PROCESS TYPE IV

Instructions to Applicant

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email to: PlanningApps@ci.canby.or.us.

1. The applicant will be required to hold a neighborhood meeting with adjacent property owners and neighborhood representatives prior to submitting their application, unless this requirement is waived by the City.
2. Afterwards, the applicant files a complete application with the City, which includes following information:

Applicant Check	City Check
--------------------	---------------

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | A. An application for amendment by a property owner or his authorized agent shall be filed with the City Planner on forms prescribed for the purpose, in written format. |
| <input type="checkbox"/> | <input type="checkbox"/> | B. The application shall be accompanied by a written statement explaining the conditions surrounding the proposal and addressing the required criteria of Section 16.88.160 (D). |
| <input type="checkbox"/> | <input type="checkbox"/> | C. One (1) copy in written format of the minutes of the neighborhood meeting. The minutes to include the date of the meeting and a list of attendees. |
| <input type="checkbox"/> | <input type="checkbox"/> | D. One (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT for all property owners and all residents within 500 feet of the subject property. If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to "Occupant." A list of property owners may be obtained from a title insurance company or from the County Assessor's office. |

3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
4. Staff investigates the request, writes a staff report, places a public notice in the newspaper, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
5. The staff report will be available seven (7) days prior to the hearing.

6. The Planning Commission holds a public hearing approximately thirty (30) days after the complete application is submitted. The staff report is presented. Testimony is presented by the proponents and the opposition, followed by rebuttal from the proponents.
7. The commission then issues findings of fact which support approval, modification or denial of the application and passes such recommendation on to City Council for final action within forty (40) days after the close of the hearing.

STANDARDS AND CRITERIA FOR TEXT AMENDMENT

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;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
5. Statewide planning goals.



City of Canby

Staff Report City Code Proposed Changes Text Amendment TA 22-02

APPLICANT: City of Canby

APPLICATION TYPE: Text Amendment (Type IV)

CITY FILE NUMBER: TA 22-02

Staff has prepared this summary of the proposed code changes addressed below and in the track change city code version that are attached.

16.04.514 Pre-application conference.

Pre-application conference reports are a required submittal items for Type III applications. They currently don't have an expiration date which is problematic if code and procedural issues change. In order to address this, the definition of pre-application conference is proposed to be changed in the city code.

Pre-application conference means a meeting of the representatives of the city departments and other affected agencies, as determined by the City, to review and provide initial input on land use applications or other proposals. Pre-application conference applications may be required for Type II, III and IV applications. Pre-application conference meeting reports prepared by the city shall expire one-year after the pre-application conference meeting. (Ord. 1237, 2007)

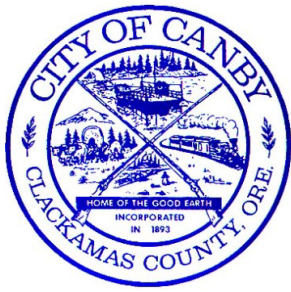
Chapter 16.58 ~~Lot~~ Property Line Adjustments

Lot line adjustments is proposed for change to property line adjustment to be consistent with ORS 92 which is the governing state law on land divisions, property line adjustments and platting procedures. As part of those proposed changes, ambiguous language using 'lot' rather than 'property' was removed and replaced. Some language was added to provide a better linkage to the proposed review procedure change from a Type II review down to a Type I review process. This is discussed further below in the Chapter 16.89 subheading.

Chapter 16.60 Partitions

Chapter 16.60.060 D, Final procedures and recordation

State law permits up to 10-years for an approved plat to be recorded from initial Planning Commission approval. Currently Canby code permits a one-year extension to the two year period from Planning Commission approval. This would be extended to 4-years plus a one year extension for single phase



City of Canby

partition (up to three lots) or subdivision (more than four or more lots) and 6-years for multiple phase subdivisions, plus a one year extension.

ORS 92.040 Application for approval of subdivision or partition; tentative plan; applicability of local government laws:

(1) Before a plat of any subdivision or partition subject to review under ORS 92.044 may be made and recorded, the person proposing the subdivision or partition or authorized agent or representative of the person shall make an application in writing to the county or city having jurisdiction under ORS 92.042 for approval of the proposed subdivision or partition in accordance with procedures established by the applicable ordinance or regulation adopted under ORS 92.044. Each such application shall be accompanied by a tentative plan showing the general design of the proposed subdivision or partition. No plat for any proposed subdivision or partition may be considered for approval by a city or county until the tentative plan for the proposed subdivision or partition has been approved by the city or county. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or partition for recording. However, approval by a city or county of such tentative plan shall be binding upon the city or county for the purposes of the preparation of the subdivision or partition plat, and the city or county may require only such changes in the subdivision or partition plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or partition.

(2) After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.

(3) A local government may establish a time period during which decisions on land use applications under subsection (2) of this section apply. However, in no event shall the time period exceed 10 years, whether or not a time period is established by the local government. [Amended by 1955 c.756 §7; 1973 c.696 §7; 1983 c.826 §8; 1989 c.772 §5; 1995 c.812 §9; 2005 c.22 §71]

Chapter 16.68 Subdivisions and Final Procedures

Chapter 16.68.020 Submittal of subdivision plat

As cited in 16.60 above, state law permits up to 10-years for an approved plat to be recorded from initial Planning Commission approval. Currently Canby code permits a one-year extension to the two-year period from Planning Commission approval. This would be extended to 4-years plus a one year extension for single phase partition (up to three lots) or subdivision (more than four or more lots) and 6-years, plus a one-year extension for multiple phase subdivisions. Changes to this chapter would be consistent with Chapter 16.60 above.



City of Canby

Chapter 16.89 Application and Review Procedures

Chapter 16.89.020 Description and Summary of Processes (Table 16.89.020)

Lot line (property line) adjustments currently require a Type II Administrative process with notice for neighboring property within 100 feet. As lot line adjustments have clear and objective standards and do not authorize development, staff believes that these should require only a Type I approval process with no notice. Adjusting boundary lines results in no impacts to adjacent properties, therefore it should follow the least restrictive Type I permitting process. Lot line adjustments are being changed to "Property Line Adjustments" as note above.

Chapter 16.89.050 Type III Decisions

Chapter 16.89.050 E Conduct of Public Hearing

As discussed during the March 14, 2022 Planning Commission work session, restructuring the order of the hearing to require the applicant to provide proposed project detail and to justify why the project meets city code requirements is important as the burden of proof is on the applicant. Having staff make brief introductory remarks providing the project description and recommendation and responding to questions of the Planning Commission is an appropriate role for staff. Applicants should feel that they have the burden of proof in their presentation. There are currently some perceptions that staff are the project proponents and acting in the role of applicant. Most Oregon jurisdictions require applicants to provide the lead role in explaining why their project meets city code and should be approved.

Staff also believe that by better defining the hearing presentation order that the hearing process will also be shorter and more efficient.

Staff have also included an update to the appeal period for Type II (16.89.040) and III decisions, state law requires a 12-day appeal and city code identifies a 10 day appeal. Staff have noted a 12-day appeal period in the attached track change code.

Chapter 16.89.050 I(3.d)) Appeals

The planning commission added recommended text to Chapter 16.89, and as part of their recommendation for approval to council stating, "Recommend approval to City Council Code amendments as presented by staff including addition of Section 16.89(I)3.d, stating "The Commission did not receive correct or complete information in the original application". The planning commission request that this additional criteria be added at as finding "d".



City of Canby

Chapter 16.89.050 I(4) Appeal

It is important for the city code to be clear on empowering the City Council to remand items under appeal from Planning Commission decisions back to the Planning Commission if new information not previously part of the record is included as the basis of the appeal. The code as it is currently written is not fully clear on this and this code change would correct this.

Model Ordinance for Medium Cities

A new chapter of the zoning code is proposed-- Chapter 16.81 Middle Housing Model Ordinance. The state model ordinance will be incorporated by reference to Chapter 16.81.

This will memorialize the adopted state model ordinance for medium cities and summarize the overall details of the resultant changes to the underlying Low Density Residential (R-1), Medium Density Residential (R-1.5) and Commercial Residential (C-R) zones.

Chapter 16.04

DEFINITIONS

Sections:

- 16.04.010 Grammatical interpretation.
- 16.04.020 Generally.
- 16.04.030 Abutting-adjoining-adjacent.
- 16.04.035 Acceptable site.
- 16.04.036 Access.
- 16.04.037 Access classification.
- 16.04.038 Access connection.
- 16.04.039 Access management.
- 16.04.040 Accessory Dwelling Unit.
- 16.04.043 Accessory structure or use.
- 16.04.045 Accessway.
- 16.04.050 Agriculture.
- 16.04.060 Alley.
- 16.04.061 Antenna.
- 16.04.063 Application.
- 16.04.064 Attached telecommunications facility.
- 16.04.065 Backhaul network.
- 16.04.066 Bed and Breakfast.
- 16.04.068 Bicycle Facilities.
- 16.04.070 Billboard.
- 16.04.080 Boarding, lodging or rooming house.
- 16.04.090 Building.
- 16.04.100 Building line.
- 16.04.105 Cell Coverage Area.
- 16.04.110 Central business district (CBD).
- 16.04.120 City.
- 16.04.125 City Planner.
- 16.04.127 Collocation.
- 16.04.128 Commercial Recreation Uses.
- 16.04.130 Commission.
- 16.04.135 Conditionally suitable site.
- 16.04.137 Corner clearance.
- 16.04.140 Council.
- 16.04.145 Cross access.
- 16.04.150 Curb line.
- 16.04.155 Day care facility.
- 16.04.158 Detached WTS facility.
- 16.04.160 Development plan.
- 16.04.170 Dwelling, duplex-dwelling, two family.
- 16.04.180 Dwelling, multi-family.
- 16.04.190 Dwelling, single-family.
- 16.04.195 Dwelling, townhouse.
- 16.04.200 Dwelling unit.
- 16.04.210 Easement.
- 16.04.212 Eco-roof
- 16.04.215 Equipment shelters.
- 16.04.218 Façade.
- 16.04.220 Family.
- 16.04.221 Floor area ratio.
- 16.04.222 Foster Home,
- 16.04.223 Frontage road.
- 16.04.225 FCC.
- 16.04.228 Grade plane.
- 16.04.230 Height of building.
- 16.04.240 Home occupation.
- 16.04.250 Hotel.
- 16.04.253 Impervious Surface.
- 16.04.255 Infill homes.
- 16.04.275 Infiltration.
- 16.04.260 Intersection.
- 16.04.265 Joint access (or shared access).
- 16.04.270 Kennel.
- 16.04.275 Lattice tower.
- 16.04.280 Loading space.
- 16.04.290 Lot.
- 16.04.300 Lot area.
- 16.04.310 Lot, corner.
- 16.04.315 Lot depth.
- 16.04.318 Lot, flag.
- 16.04.320 Lot front.
- 16.04.321 Lot frontage.
- 16.04.330 Lot, interior.
- 16.04.340 Lot line.
- 16.04.350 Lot line, interior.

16.04.360 Lot line, street.	16.04.590 Structure.
16.04.370 Lot, through.	16.04.595 Stub-out (or stub street)
16.04.380 Lot width.	16.04.600 Subdivide land.
16.04.383 Low impact development.	16.04.610 Subdivision.
16.04.385 Lowest floor.	16.04.615 Traffic impact analysis.
16.04.390 Manufactured home.	16.04.620 Trailer coach.
16.04.400 Manufactured (mobile) home park.	16.04.630 Trailer park.
16.04.410 Manufactured (mobile) home subdivision.	16.04.035 Trip generation study.
16.04.420 Modular home.	16.04.640 Urban Growth Boundary (UGB).
16.04.425 Monopole.	16.04.650 Urbanizable.
16.04.430 Motel.	16.04.660 Use.
16.04.433 Nail Salons	16.04.666 Vicinity.
16.04.435 Neighborhood activity center.	16.04.670 Vision clearance area.
16.04.438 Nonconforming access features.	16.04.671 Walkway.
16.04.440 Nonconforming structure, lot or use	16.04.675 Wireless telecommunications facility.
16.04.445 Nursing Home	16.04.676 Wireless Telecommunications
16.04.450 Parent parcel.	16.04.680 Yard.
16.04.460 Parking space.	16.04.690 Yard, interior.
16.04.470 Partition.	16.04.700 Yard, rear.
16.04.480 Pedestrian way.	16.04.710 Yard, street.
16.04.490 Person.	16.04.715 Zero-lot line development.
16.04.500 Planning Commission.	
16.04.510 Plat.	
16.04.512 Porches, covered.	
16.04.514 Preapplication conference	
16.04.515 Preferred site.	
16.04.516 Public facility, major	
16.04.517 Public facility, minor	
16.04.519 Reasonably direct.	
16.04.520 Recommendation.	
16.04.525 Residential Facility	
16.04.527 Residential Home	
16.04.530 Right-of-way.	
16.04.540 Roadway.	
16.04.545 Safe and convenient bicycle and pedestrian routes.	
16.04.547 Self-Storage/Mini-Storage Warehouse	
16.04.550 Setbacks.	
16.04.560 Sidewalk.	
16.04.565 Stealth design.	
16.04.567 Story above grade plane.	
16.04.570 Street.	
16.04.580 Structural alteration.	

16.04.010 Grammatical interpretation.

As used in this title, the masculine includes the feminine and the neuter, and the singular includes the plural with no preference or prejudice intended or implied. (Ord. 740 section 10.1.20 (A), 1984)

16.04.020 Generally.

Unless the context requires otherwise, the words and phrases set out in this chapter shall mean as follows. (Ord. 740 section 10.1 .20(B)[part], 1984)

16.04.030 Abutting-adjoining-adjacent.

Abutting, adjoining or adjacent means physically touching, having at least one common point or lots separated only by a public street, public right-of-way, or railroad right-of-way. (Ord. 890 section 3, 1993; Ord. 740 section 10.1.20(B)[part], 1984)

16.04.035 Acceptable site.

For purposes of siting macro wireless telecommunications systems facilities, any land planned and zoned Highway commercial or Commercial-Manufacturing. (Ord. 981 section 17, 1997, Ord. 1539, 2020)

16.04.036 Access.

Access means a way or means of approach to provide pedestrian, bicycle, or motor vehicle entrance or exit to a property. (Ord. 1043 section 3, 2000).

16.04.037 Access classification.

Access classification means a ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control. (Ord. 1043 section 3, 2000)

16.04.038 Access connection.

Access connection means any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system. (Ord. 1043 section 3, 2000)

16.04.039 Access management.

Access management means the process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed. (Ord. 1043 section 3, 2000)

16.04.040 Accessory Dwelling.

Accessory dwelling is an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling. (Ord. 1514, 2019)

16.04043 Accessory structure or use.

Accessory structure or use means a detached structure or use not intended for human habitation, incidental and subordinate to the main use of the property and which is located on the same lot with the main use such as, but not limited to, garage, carport, tool shed, private greenhouse or utility building. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.045 Accessway.

Accessway means a walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians. (Ord. 1043 section 3, 2000)

16.04.050 Agriculture.

Agriculture means the tilling of the soil, the raising of crops, silviculture and horticulture. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.060 Alley.

Alley means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting another street. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.061 Antenna.

Antenna. Defined in 47 C.F.R. § 1.6002(b). The term includes an apparatus designed for the purpose of emitting radio frequencies (RF) to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 C.F.R. Part 15. (Ord. 1539, 2020)

16.04.063 Application.

Application for a land use permit (site and design review, conditional use permit, annexation, zone change, subdivision, etc.) means a package of information that includes:

- A. The application form filled out and signed by the owner;
- B. Site plan and/or narrative describing the proposal;
- C. List of property owners on mailing labels (1" x 2 5/8"); and

D. The application fee. (Ord. 981 section 1, 1997)

16.04.064 Attached telecommunications facility.

An existing pole, tower or other structure capable of accommodating a WTS facility antenna, whether originally intended for such use or not. (Ord. 981 section 17, 1997, Ord. 1539, 2020)

16.04.065 Backhaul network.

The land lines that connect a telecommunications provider's radio signals to one or more cellular telephone switching offices and/or local or long distance providers, or the public switched telephone network. (Ord. 981 section 17, 1997, Ord. 1539, 2020)

16.04.066 Bed and Breakfast.

Bed and Breakfast means any single-family residential dwelling having rooms for rent to travelers or transients for a charge or fee paid, for rental or use for a period of less than thirty (30) days. Additionally, such establishment serving only one meal per day prior to the noon hour. (Ord. 890 section 4, 1993; renumbered due to Ord. 981 amendments)

16.04.068 Bicycle facilities.

Bicycle facilities is a general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways. (Ord. 1043 section 3, 2000)

16.04.070 Billboard.

Billboard means a sign which has a surface space upon which advertising may be posted, painted, or affixed, and which is generally, although not necessarily, designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists. (Ord. 740 section 10.1.20 (B)[part], 1984)

16.04.080 Boarding, lodging or rooming house.

Boardinghouse, lodging house or rooming-house means a building where lodging with or without meals is provided for compensation for at least four, but not more than ten guests. Board and care, foster care and similar accommodations are considered boardinghouses for the purposes of this title. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.090 Building.

Building means a structure built for the shelter or enclosure of persons, animals, chattels or property of any kind. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.100 Building line.

Building line means a line on a plat indicating the limit beyond which buildings or structures may not be erected. (Ord. 740 section 10.1.20 (B)[part], 1984)

16.04.105 Cell Coverage Area.

A geographic area where a single radio transmission sending/receiving station (per provider) and the equipment necessary to connect these radio calls to land lines or other cells are located. (Ord. 981 section 17, 1997, Ord. 1539, 2020)

16.04.110 Central business district (CBD).

Central business district (CBD) means the downtown area of Canby, defined generally by zoning or designation on the Land Use Map of the Comprehensive Plan for downtown commercial development. (Ord. 740 section 10.1.20 (B)[part], 1984)

16.04.120 City.

City means the City of Canby, Oregon. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.125 City Planner.

City Planner means the person appointed by the city administrator as supervisor of the day-to-day operations of Canby's city planning functions, or another staff person he or she designates for a particular function. Also referred to as "Planning Director." (Ord. 890 section 5, 1993; Ord. 1080, 2001)

16.04.127 Collocation.

Collocation. Defined in 47 C.F.R. § 1.6002(g). Term describes: (1) mounting or installing an antenna facility on a preexisting structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. "Collocate" has a corresponding meaning. A collocation includes supporting ancillary equipment that is required to operate the collocated antennas. (Ord. 1539, 2020)

16.04.128 Commercial Recreation Uses.

Commercial recreation uses means uses intended to provide for gymnastics, tennis, racquetball and other sport-related centers that require oversized indoor space and facilities. (Ord. 960, section 1, 12/18/96)

16.04.130 Commission.

Commission means the Planning Commission of the city. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.135 Conditionally suitable site.

For purposes of siting wireless macro telecommunications systems facilities, any land planned and zoned Residential / Commercial or Downtown Commercial. (Ord. 981 section 17, 1997, Ord. 1539, 2020)

16.04.137 Corner clearance.

Corner clearance means the distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way. (Ord. 1043 section 3, 2000)

16.04.140 Council.

Council means the City Council of Canby, Oregon. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.145 Cross access.

Cross access means a service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system. (Ord. 1043 section 3, 2000)

16.04.150 Curb line.

Curb line means a line along the edge of the curb nearest the street lot line, not necessarily the right-of-way line. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.155 Day care facility.

Day care facility means any facility that provides day care to children, including a day nursery, nursery school group, home of a family day care provider, or similar unit operating under any name, but not including any:

- A. Facility providing care that is primarily educational, unless provided to a preschool child for more than four hours a day.
- B. Facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music or religion.
- C. Facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.
- D. Facility operated by a school district, political subdivision of this state, or a governmental agency.
- E. Residential facility licensed under ORS 443.400 to 443.455.
- F. Babysitters. (Ord. 890 section 6, 1993)

16.04.158 Detached telecommunications facility.

A pole, tower or other structure designed and intended to support telecommunications antennas and other equipment. (Ord. 981 section 17, 1997, Ord. 1539, 2020)

16.04.160 Development plan.

Development plan means any plan adopted by the Planning Commission for the guidance of growth and improvement of the city, including modifications or refinements which may be made from time to time. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.170 Dwelling, duplex-dwelling, two-family.

Duplex dwelling or two-family dwelling means a building containing two dwelling units located on the same lot or parcel. (Ord. 740 section 10.1.20(B)[part], 1984; Ord 1514, 2019)

16.04.180 Dwelling, multi-family.

Multi-family dwelling means a building containing three or more dwelling units located on the same lot or parcel. (Ord. 740 section 10.1.20(B) [part], 1984; Ord. 1514, 2019)

16.04.190 Dwelling, single-family.

Single-family dwelling means a detached building containing one dwelling unit. Manufactured homes shall not be considered to be single-family dwellings for the purposes of this chapter unless found to meet all city building, mechanical, electrical and other construction codes applicable to conventional units built on the site. (Ord. 740 section 10.1.20 (B)([part], 1984; Ord. 1514, 2019)

16.04.195 Dwelling, Townhouse (Common Wall).

Means single-family attached common wall dwellings with each dwelling unit located on a separate lot. There shall be no more than six attached townhouse dwelling units in a row, and the combined single-family units shall not exceed 120 feet in length. (Ord. 1514, 2019)

16.04.200 Dwelling unit.

Dwelling unit means one or more rooms designed for occupancy by one family and not having more than one cooking facility. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.210 Easement.

Easement means a grant of the right to use an area of land for specific purposes. (Ord. 740 section 10.1 20(B)[part], 1984)

16.04.212 Eco-roof

Eco-roof means a vegetated roof constructed for water quality and quantity control. Eco-roofs are vegetated roof covers with growing media and plants taking the place of bare membrane, gravel ballast, shingles or tiles. The number of layers and the layer placement vary from system to system and roof type, but all eco-roofs include a single to multi-ply waterproofing layer, drainage, growing media and the plants, covering at least 50% of the roof deck surface. (Ord. 1338, 2010)

16.04.215 Equipment shelters.

For purposes of siting wireless telecommunications systems facilities, the buildings, structures, cabinets or vaults used to house and protect the equipment necessary to connect/relay radio signals from cell site to cell site and to land line systems. Associated equipment such as air conditioning or emergency generators shall be included in this definition of equipment shelters. (Ord. 981 section 17, 1997)

16.04.218 Façade.

Façade means an exterior face of a building. (Ord 1296, 2008)

16.04.220 Family.

Family means an individual or two or more individuals related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit in which meals or lodging may also be provided for not more than two additional individuals excluding servants; or a group of not more than five individuals, excluding servants, who need not be related by blood, marriage, adoption or legal guardianship living together in a dwelling unit. Five or fewer handicapped persons, along with those individuals charged with caring for such persons and sharing a common dwelling unit, shall be considered to be a family for purposes of this title. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.221 Floor area ratio.

Floor area ratio means a method of calculating structural massing on a lot. Floor Area Ratio is expressed as a ratio of x divided by y, where x is equal to the sum of the gross floor area of all stories above grade plane, as measured to the outside surface of exterior walls, and y is equal to the lot area net of any publicly dedicated right-of-way or land. Detached accessory structures and detached or attached parking structures above grade plane are not included in the gross floor area calculation. (Ord 1296, 2008)

16.04.222 Foster Home,

"Foster home" means any home maintained by a person who has under the care of the person in the home any child under the age of 21 years unattended by the child's parent or guardian, for the purpose of providing the child with care, food and lodging, but does not include items listed in ORS 418.625 a-f.(Ord. 1514, 2019)

16.04.223 Frontage road.

Frontage road means a public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street (see also service roads). (Ord. 1043 section 3, 2000)

16.04.225 FCC.

The Federal Communications Commission; the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable. (Ord. 981 section 17, 1997)

16.04.228 Grade plane.

Grade plane means the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building. (Ord 1296, 2008)

16.04.230 Height of building.

Height of building means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitch or hip roof. (Ord. 740 section 10.1.20(B) [part], 1984; Ord. 1514, 2019)

16.04.240 Home occupation.

Home occupation means a lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with not more than one non-resident employee being engaged, provided that:

- A. The residential character of the building is maintained;
- B. The activity occupies less than one-quarter of the ground floor area of the building;
- C. The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. Business visitors to the premises shall not exceed eight (8) per day and delivery trucks shall not exceed one (1) per day;
- D. The occupation shall not be carried on in an accessory building of the residence where the building is larger than six hundred (600) square feet;
- E. No signs are permitted, except for a single unilluminated nameplate not to exceed two (2) square feet in area;
- F. All home occupations require a city business license. (Ord. 890 section 7, 1993; Ord. 830 section 1, 1989; Ord. 740 section 10.1.20(B) [part], 1984)

16.04.250 Hotel.

Hotel means a building in which lodging is provided for more than ten guests for compensation and in which no provision is made for cooking in the rooms. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.253 Impervious surface

Impervious surface means a surface area that creates a barrier to or hinders the entry of water into the soil in comparison with natural conditions prior to development, thus causing water to run off the surface in greater quantities or at an increased rate of flow. 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. (Ord. 1338, 2010)

16.04.255 Infill homes.

Infill homes mean existing and new single family dwellings, manufactured homes, two-family dwellings, duplexes and triplexes on lots that are located in an R-1 or R-1.5 zoning district, and that have existing homes on two adjacent sides. Each adjacent home must be within 25 feet of the common lot line with the infill homes and have pre-existed for at least 5 years (dated from the existing homes final building permit approval). (Ord. 1107, 2002; Ord 1237, 2007; Ord 1323, 2010)

16.04.257 Infiltration

Infiltration means the process or rate at which water percolates from the land surface into the ground. Infiltration is also a general category of best management practices (BMP) designed to collect runoff and allow it to flow through the ground for pollutant removal. (Ord. 1338, 2010)

16.04.260 Intersection.

Intersection means the place where two streets meet or cross. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.265 Joint access (or shared access).

Joint access (or shared access) means a driveway connecting two or more contiguous sites to the public street system. (Ord. 1043 section 3, 2000)

16.04.270 Kennel.

Kennel means a place where four or more dogs more than four months of age are kept on one lot or contiguous lots under one ownership. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.275 Lattice tower.

For purposes of siting wireless telecommunications systems facilities, a telecommunications support structure which consists of metal crossed strips or bars and which supports antennas and related equipment for one or more telecommunications provider. (Ord. 981 section 17, 1997, Ord. 1539, 2020)

16.04.280 Loading space.

Loading space means an off-street space for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has access to a street. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.290 Lot.

Lot means a single parcel or tract of land for which a legal description has been filed in the office of the county recorder or the boundaries of which are shown on a recorded subdivision plat. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.300 Lot area.

Lot area means the total horizontal area within the boundary lines of a lot, excluding the access strip servicing a flag lot. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.310 Lot, corner.

Corner lot means a lot abutting two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than one hundred thirty-five degrees. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.315 Lot depth.

Lot depth means the average distance from the front lot line to the rear lot line. (Ord. 1043 section 3, 2000)

16.04.318 Lot, flag.

A flag lot is a lot that does not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way. (Ord. 1043 section 3, 2000)

16.04.320 Lot front.

Lot front means the street lot line on a corner lot which the principal use or structure is facing. If no such use or structure exists, it means the street side having the shorter length. If the sides are of approximately equal length, the City Planner may designate the lot front. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.321 Lot frontage.

Lot frontage means that portion of a lot extending along a street right-of-way line. (Ord. 1043 section 3, 2000)

16.04.330 Lot, interior.

Interior lot means a lot other than a corner lot. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.340 Lot line.

Lot line means the property line bounding a lot. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.350 Lot line, interior.

Lot line, interior means all lot lines which separate one parcel from another, other than street lot lines. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.360 Lot line, street.

Street lot line means a lot line that separates the lot from a street other than an alley. The street lot line is not generally the same as the curb line. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.370 Lot, through.

Through lot means a lot having frontage on two parallel or approximately parallel streets other than alleys. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.380 Lot width.

Lot width means the average width of a lot when measured at the front and rear setback lines for a principal use. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.383 Low impact development

Low impact development (LID) means a stormwater management and land development strategy applied at the parcel, multiple parcel and/or subdivision level that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale controls to more closely mimic predevelopment hydrologic functions. LID tools are designed to reduce environmental impacts of development, such as increased storm water runoff due to impervious areas, poor water quality and inconsistent water quantity in streams and rivers. LID techniques control storm water runoff volume and reduce pollutant loadings to receiving waters. Not all sites are suitable for LID. Considerations such as soil permeability, depth of water table and slope should be considered, in addition to other factors. LID techniques may not completely replace the need for conventional stormwater controls. (Ord 1338, 2010)

16.04.385 Lowest floor.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title found in Chapter 16.40 (Hazard Overlay Zone). (Ord. 804 section 2(A), 1987)

16.04.390 Manufactured home (Mobile Home)

"Manufactured home" means a structure constructed for movement on 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. This definition includes manufactured dwelling, manufactured home, mobile home, and residential trailer as those terms are defined in ORS 446.003. A manufactured home shall be certified to meet the 1976 HUD Standards, as amended. The definition does not include recreational vehicles, travel trailers, park trailers or structures or vehicles which have a state of Oregon or U.S. Government label designating them as a recreational vehicle. It also does not include buildings or structures subject to the Structural Specialty Code adopted pursuant to ORS 455.100 through 455.450. (Ord 1514, 2019)

16.04.400 Manufactured (Mobile) home park.

Manufactured (Mobile) home park means a tax lot or lots where two or more manufactured homes are used for human occupancy and where the space is available for rent or lease. (Ord. 740 section 10.1.20(B) [part], 1984; Ord. 1514, 2019)

16.04.410 Manufactured (Mobile) home subdivision.

Manufactured (Mobile) home subdivision means a subdivision of property where individual lots are available for the placement of manufactured homes. (Ord. 740 section 10.1.20(B) [part], 1984; Ord. 1514, 2019)

16.04.420 Modular home.

Modular home means a residential structure constructed of one or more prefabricated parts which meet all city building, plumbing, mechanical, electrical and other construction codes applicable to conventional units which might be built on the site. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.425 Monopole.

For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of a single tapered steel pole and which supports antennas and related equipment for one or more WTS provider. (Ord. 981 section 17, 1997)

16.04.430 Motel.

Motel means a building or group of buildings on the same lot containing guest units with separate and individual entrances and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.433 Nail Salons.

Establishments primarily engaged in providing nail care services, such as manicures, pedicures, and nail extensions. (Ord. 1514, 2019)

16.04.435 Neighborhood activity center.

Neighborhood activity center means an attractor or destination for residents of surrounding residential areas. Includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops, and employment areas. (Ord. 1043 section 3, 2000)

16.04.438 Nonconforming access features.

Nonconforming access features means features of the property access that existed prior to the date of ordinance adoption and do not conform with the requirements of this ordinance. (Ord. 1043 section 3, 2000)

16.04.440 Nonconforming structure, lot or use.

Nonconforming structure, lot or use means a structure, lot or use which lawfully existed prior to the adoption of zoning requirements for the zone in which it is located and with which it does not comply. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.445 Nursing home

Means any institution or facility defined as a long term care facility for licensing purposes under state statute or the rules of the Department of Human Services, including a long term care facility operated as part of a dual facility. "Dual facility" means a facility that operates both a hospital and a long term care facility on the same campus. (ORS 678.710) (Ord. 1514, 2019)

16.04.450 Parent parcel.

Parent parcel means a lot or parcel of land from which other parcels or lots are divided. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.460 Parking space.

Parking space means a rectangle in the dimensions as set forth in Division III of this title together with maneuvering and access space required for a conventional automobile to park within the rectangle. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.470 Partition.

Partition means to divide an area or tract of land into two or three parcels within the calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partitioned land does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size. (Ord. 1514, 2019)

16.04.480 Pedestrian way.

Pedestrian way means a right-of-way for pedestrian traffic. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.490 Person.

Person means an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.500 Planning Commission.

Planning Commission means the Planning Commission of the City of Canby, Oregon. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.510 Plat.

Plat means the map or drawing on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record. Plat includes preliminary, tentative and final plats. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.512 Porches, covered.

Covered porches must not be enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter. (Ord. 1107, 2002)

16.04.514 Preapplication conference.

Preapplication conference means a meeting of the representatives of the city departments and other affected agencies, as determined by the City, to review and provide initial input on land use applications or other proposals.—. Pre-application conference applications may be required for Type II, III and IV applications. Pre-application conference meeting reports prepared by the city shall expire one-year after the pre-application conference meeting. (Ord. 1237, 2007)

16.04.515 Preferred site.

For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Light Industrial or Heavy Industrial. (Ord. 981 section 17, 1997)

16.04.516 Public facility, major.

A major public facility is any public service improvement or structure, other than transportation projects, developed by or for a public agency that is not defined as a minor public facility. Transportation projects are covered by Section 16.08.130. (Ord. 1237, 2007)

16.04.517 Public facility, minor.

A minor public facility includes the following public service improvements or structures developed by or for a public agency:

- A. Minor utility structures, except substations, but including poles, lines, pipes, telecommunications facilities or other such facilities.
- B. Sewer, storm drainage, or water system structures except treatment plants or reservoirs, but including pump stations, manholes, valves, hydrants or other portions of the collection, treatment and distribution systems located within public property or public easements.
- C. Street improvements within existing developments including sidewalks, curbs, gutters, catch basins, paving, signs and traffic control devices and street lights.
- D. Transit improvements, such as shelters or pedestrian and bicycle safety improvements, located within public right of way or public easements or on public property.
- E. School improvements which will not increase the capacity of the school nor create significant additional traffic or other impacts on the surrounding neighborhood.
- F. Park improvements which will not create significant additional motor or foot traffic impact on the surrounding neighborhood. (Ord. 1237, 2007)

16.04.519 Reasonably direct.

A reasonably direct route does not deviate unnecessarily from a straight line or is a route that does not involve a significant amount of out-of-direction travel for likely users. (Ord. 1043 section 3, 2000; Ord. 1237, 2007)

16.04.520 Recommendation.

Recommendation includes any staff report or report from the Planning Commission to the City Council. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.525 Residential facility

Means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. (ORS 197.660)(1)) Under ORS 197.667(4), the city may require an applicant proposing to site a residential facility to supply the city with a copy of the entire application and supporting documentation for state licensing of the facility except for information that is exempt from public disclosure. (Ord. 1514, 2019)

16.04.527 Residential home

Means a residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. (ORS 197.660(2)) (Ord. 1514, 2019)

16.04.530 Right-of-way.

Right-of-way means the area between the boundary lines of a street or other easement. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.540 Roadway.

Roadway means the portion or portions of a street right-of-way developed for vehicular traffic. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.545 Safe and convenient bicycle and pedestrian routes.

Safe and convenient bicycle and pedestrian routes:

A. Are reasonably free from hazards; and

B. Provide a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists. (Ord. 1043 section 3, 2000)

16.04.547 Self Storage Unit/Ministorage Warehouse (NAICS 531130)

Establishments primarily engaged in renting or leasing space for self-storage. These establishments provide secure space (i.e., rooms, compartments, lockers, containers, or outdoor space) where clients can store and retrieve their goods.

16.04.550 Setback.

Setback means a distance which a structure is required to be set back from a lot line. Where specified in this title, some setbacks are measured from curbs or projected curb lines rather than lot lines. Decks 30 inches or less above grade are exempt from setback standards. (Ord. 830 section 2, 1989; Ord. 740 section 10.1.20(B) [part], 1984; Ord. 955 section 1, 1996; Ord. 1514, 2019)

16.04.560 Sidewalk.

Sidewalk means a pedestrian walkway with permanent surfacing to city standards. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.565 Stealth design.

Stealth design is a variety of techniques used to disguise or mitigate the visual presence of telecommunications support structures, antennas, and other equipment. Including, but not limited to: screening by mature trees (75 percent or more of the pole beneath the tree canopy), mimicking common features of the urban landscape (light poles, church steeples, trees, etc.), painting antennas to match the color of supporting building walls, or roof mounting behind parapets. (Ord. 981 section 17, 1997, Ord. 1539, 2020)

16.04.567 Story above grade plane.

Story above grade plane means any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is either (1) more than 6 feet above grade plane, or (2) more than 12 feet above the finished ground level at any point. (Ord 1296, 2008)

16.04.570 Street.

Street means the entire width between the right-of-way line of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the terms road, highway, lane, place, avenue, alley, or other similar designations.

A. Alley means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

B. Arterial means a street of considerable continuity which is primarily a traffic artery for intercommunication between large areas.

C. Collector means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas used to some extent for through traffic and to some extent for access to abutting properties.

D. Neighborhood connector means a street supplementary to the collector street system providing local access to adjacent properties as well as movement into or out of a neighborhood or between neighborhoods.

E. Cul-de-sac (dead-end street) means a short street having one end open to traffic and being terminated by a vehicle turnaround.

F. Half-street means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

G. Marginal access or frontage street means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

H. Minor street means a street intended exclusively for access to abutting properties. (Ord. 740 section 10.1.20(B) [part], 1984; Ord. 1043 section 3, 2000)

I. Green street means a street that has been designed to integrate a system of stormwater management within its right of way. Green streets are intended to reduce the amount of runoff that is piped directly to the city stormwater system and/or streams and rivers. Green streets make the best use of the street tree canopy and natural filtration and drainage systems for stormwater interception and provide temperature mitigation and air quality improvements. (Ord. 1338, 2010)

16.04.580 Structural alteration.

Structural alteration means any change in the supporting members of a structure, including the supporting parts of foundations, bearing walls or partitions, columns, beams, girders, or the roof. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.590 Structure.

Structure means that which is built or constructed. Structure means an edifice or building of any kind or any piece of work artificially built up or composed of parts joined in some manner and which requires a location on the ground. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.595 Stub-out (or stub street).

Stub-out (or stub street) means a portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future. (Ord. 1043 section 3, 2000)

16.04.600 Subdivide land.

Subdivide land means to divide a parcel of land into four or more lots in a given calendar year for the purpose of transfer of ownership or building development, whether

immediate or future, when such parcel exists as a unit or contiguous units under a single ownership. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.610 Subdivision.

Subdivision means either an act of subdividing land or tract of land subdivided as defined in this chapter. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.615 Traffic Impact Analysis.

Traffic Impact Analysis A comprehensive traffic analysis of a development proposal which includes trip generation, analysis of access/egress, accident analysis, intersection analysis, and traffic flow analysis. (Ord. 1019 section 22, 1999)

16.04.620 Trailer coach.

Trailer coach means a trailer or motor home not certified as meeting the HUD 1976 standards or as may be amended for design and construction of a mobile home. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.630 Trailer park.

Trailer park means a tax lot or lots where space is rented or leased for the location of two or more trailer coaches, or some combination of mobile homes and trailer coaches for human habitation. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.635 Trip generation study.

Trip Generation Study means an analysis of the number of vehicle trips generated by a development proposal. Trip generation for commercial/industrial/residential/ institutional projects are estimated through the Institute of Transportation Engineers' manual. The results of the trip generation study will determine the need for a Traffic Impact Analysis. If the trip generation study determines the use will generate more than 100 vehicle trips per day, the City Traffic Engineer may require a Traffic Impact Analysis. (Ord. 1019 section 23, 1999)

16.04.640 Urban Growth Boundary (UGB)

Urban Growth Boundary (UGB) means the area specifically delineated in the city's comprehensive plan as being already urbanized or available for urban development. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.650 Urbanizable.

Urbanizable is the term applied to property which is within the city's Urban Growth Boundary and which is planned for eventual urban development. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.660 Use.

Use means the purpose for which land or a structure is designed, arranged, or for which it is occupied or maintained. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.666 Vicinity.

Vicinity means nearby; within the same neighborhood. It should be noted that in applying the criteria of this chapter, the term vicinity will be applied to a larger area when warranted by a large project or a project which is expected to have an impact on a large area. (Ord. 805 section 1, 1987)

16.04.670 Vision clearance area.

Vision clearance area means the triangle area at the intersection of two streets, a driveway and a street, or a street and a railroad, two sides of which are measured from the corner intersection of the existing or proposed curb lines to a distance specified in this title. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the curb lines at intersections have rounded corners, the curb lines will be extended in a straight line to their points of intersection. No plantings, structures, or temporary or permanent obstructions shall be located within a vision clearance area, extending from two and one-half to ten feet above the curb or street elevation. Except, however, that one tree trunk not greater than eighteen inches in diameter shall be permitted within a vision clearance area. (Ord. 830 section 3, 1989; Ord. 740 section 10.1.20(B) [part], 1984)

16.04.672 Walkway.

Walkway means a hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways. (Ord. 1043 section 3, 2000)

16.04.675 Wireless telecommunications facilities.

Wireless Telecommunications Facilities means the site, structures, equipment and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment. (Ord. 981 section 17, 1997, Ord. 1539, 2020)

16.04.676 Wireless Telecommunications

Wireless Telecommunications means the system that uses radio frequency, infrared, microwave or other types of electromagnetic or acoustic waves to transmit data, voice and information. (Ord. 1539, 2020)

16.04.680 Yard.

Yard means an open space on a lot which is unobstructed from a point two and one-half feet above the general ground level of the graded lot upward, except as otherwise provided in this title. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.690 Yard, interior.

Interior yard means a yard lying between the nearest point of a building and measured horizontally to an interior lot line. (Ord. 1296; 2008; Ord. 740 section 10.1.20(B) [part], 1984)

16.04.700 Yard, rear.

Rear yard means a yard lying to the rear of the principal building on the lot and generally opposite the lot front. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.710 Yard, street.

Street yard means a yard lying between the nearest point of a building and the street and measured horizontally to the street lot line. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.715 Zero-lot line development.

Zero-lot line development means detached dwellings required to have a side yard setback on only one side. (Ord. 1111 section 4, 2003)

Chapter 16.58

LOT-PROPERTY LINE ADJUSTMENT

Sections:

16.58.010 Definition.

~~16.58.010~~ Designated.

16.58.020 Application and Process.

16.58.030 Review by Planner and Engineer.

~~16.58.040~~040 Approval procedure – City Planner responsibility.

~~16.58.050~~050 Approval procedure – Commission responsibility.

~~16.58.060~~060 City liability - compliance.

16.58.010 Definition.

Per Oregon Revised Statute 92.010(12), "Property line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

~~16.58.010~~ Designated.

~~The relocations of one or more property lines between lots or parcels where no additional lots or parcels will result constitutes a lot line adjustment rather than a partition or subdivision. The procedure to be followed in such cases is as set out in this chapter. (Ord. 740 section 10.4.20 [part], 1984)~~

16.58.020 Application and Process.

Property Line Adjustments are processed as a Type I application and are reviewed as administrative actions with clear and objective standards. Application procedures shall be as described in Chapter 16.89. (Ord. 740 section 10.4.20(A), 1984; Ord. 981 section 8, 1997; Ord. 1080, 2001)

16.58.030 Review by Planner and Engineer.

The City Planner and City Engineer shall review the proposed lot-property line adjustment and shall determine whether the following criteria have been met:

A. Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.

B. No new lots or parcels will be created as a result of the lot-property line adjustment without receiving approval as a partition or subdivision.

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C. If the City Planner or city engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such a survey will be at the applicant's cost.

D. Lot-Property line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result. (Ord. 740 section 10.4.20(B), 1984)

16.58.040040 Approval procedure – City Planner responsibility.

The City Planner is authorized to approve lot-property line adjustments in compliance with the requirements of section 16.58.030030. In any case where the City Planner determines that the requirements of section 16.58.030-030 cannot or may not be met, the application shall be scheduled for the consideration of the commission, with a recommendation from staff. In any case where the City Planner determines that a property line adjustment will significantly alter the design and appropriate development of a subdivision or partition which has previously been approved by the city or other nearby property, the City Planner shall schedule the application for consideration by the commission. (Ord. 740 section 10.4.20(C), 1984)

16.58.050050 Approval procedure – Commission responsibility.

The commission shall review the information submitted and shall make a decision approving, modifying or denying the proposal so as to assure compliance with the requirements of the Land Development and Planning Ordinance. The applicant shall be notified in writing of the decision of the commission and the reasons therefore. One copy of the proposed plan shall be returned to the applicant labeled "approved," "denied," or "modified." An additional copy shall be kept on file for future reference. (Ord. 740 section 10.4.20(D), 1984)

16.58.060060 City liability - compliance.

In acting on an application for lot-property line adjustment, the city assumes no liability for the applicant's actions. Applicants for propertylot line adjustments shall bear full responsibility for compliance with all applicable state and local regulations and for the following:

A. Any public or private easements to be altered as a result of the lot-property line adjustment shall require the prior approval of the agency or individual having right to such easements.

B. The county assessor shall be notified that the lot-property line adjustment is not to result in the creation of an additional legaltax-lot or parcel of record. ~~If a separate tax lot is created as a result, the city shall indicate that it is not considered to be a separately saleable or developable building site and may record a statement to that effect with the county recorder.~~

C. Approval of all lienholders having an interest in properties affected by a lot line adjustment shall be obtained.

D. Approval of the ~~Lot property~~ line adjustment shall be null and void if the new deed descriptions for the properties involved is not recorded with Clackamas County within one (1) year of the final approval.

E. The Planning Director may approve a single one-year extension to the original one-year period. Applicants must file a request for such extension in writing, stating the reasons the request is needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application. (Ord. 740 section 10.4.20(E), 1984; Ord. 955 section 27, 1996; Ord. 1080, 2001)

Chapter 16.60

PARTITIONS

Sections:

- 16.60.010 Filing procedures
- 16.60.020 Standards and criteria
- 16.60.030 Partitions
- 16.60.040 Flag lots
- 16.60.050 Planning Director action
- 16.60.060 Final procedures and recordation
- 16.60.070 Public hearing required for appeal process

16.60.010 Filing procedures.

Application procedures shall be as described in Chapter 16.89. (Ord. 740 section 10.4.30(A), 1984; Ord. 981 section 9, 1997; Ord. 1019 section 17, 1999; Ord. 1080, 2001)

16.60.020 Standards and criteria.

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision, and the same basic design standards shall apply. If the improvements are not constructed or installed prior to the filing of the signed partition plat with the county, they shall be guaranteed in a manner approved by the City Attorney. However, if the Planning Director finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Director shall accept those improvements. In lieu of accepting an improvement, the Planning Director may recommend that the improvement be installed in the area under special assessment financing or other facility extension policies of the city. (Ord. 890 section 51, 1993; Ord. 740 section 10.4.30(B) [part], 1984; Ord. 1514, 2019)

16.60.030 Partitions.

Partition means to divide an area or tract of land into two or three parcels within the calendar year. An Application for a partition shall be evaluated based upon the following standards and criteria:

- A. Conformance with the text and applicable maps of the Comprehensive Plan;
- B. Conformance with all other applicable requirements of the Land Development and Planning Ordinance;

CITY OF CANBY
October 2019
Chapter 16.60 – Page 1

C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;

D. No partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels;

E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division. (Ord. 890 section 52, 1993; Ord. 740 section 10.4.30(B)(2), 1984; Ord. 1514, 2019)

16.60. 040 Flag Lots

Flag Lots or Panhandle-shaped Lots. The commission may allow the creation of flag lots provided that the following standards are met:

A. Not more than one flag lot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site. Every flag lot shall have access to a public street.

B. The access strip is to be a minimum of twenty feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet, for accessing a single flag lot, where the total length of the access strip does not exceed one hundred feet. Access strips not less than ten feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use. For drives accessing more than two flag lots, the access strip shall be a minimum of twenty feet with reciprocal access and maintenance agreements for all lots.

C. For residential flag lots, a minimum building setback of five feet from the access strip shall be maintained where such buildings exist prior to the creation of the flag lot.

D. Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The commission may establish special setback requirements at the time of approving the creation of flag lots.

E. Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.

F. The area of a panhandle shaped or flag lot shall be considered to be the rear or buildable portion of the lot and shall not include the driveway or access strip.

G. For the purposes of defining setbacks, flag lots shall have three side yards and one yard of 20 feet on the garage side of the dwelling. (Ord. 1514, 2019)

16.60. 050 Planning Director action

A. Tentative maps shall be submitted to the Planning Director for review and determination that the proposal will be compatible with the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance. The Planning Director may require such dedication of land easements and may specify such conditions or modifications to the tentative map as are deemed necessary to carry out the Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than would be required if the parcel were subdivided. For residentially zoned land, the Planning Director shall require, for newly created lots adjacent to existing residential development, that homes built on such lots be designated on the plat or included in the deed restrictions as "Infill Homes" as defined by 16.04.255 and therefore subject to any or all of the requirements of 16.21.050 Infill Homes. The Planning Director may modify the minimum lot coverage and/or maximum height standard if the applicant can demonstrate that 50% or more of adjacent lots exceed these standards.

B. Upon action by the Planning Director the applicant shall be notified in writing of the decision reached and the steps which must be taken before the parcels can be transferred or utilized for separate development.

C. One copy of the tentative map, clearly marked approved, denied or modified shall be retained in an appropriate file and one copy of same returned to the applicant. (Ord. 740 section 10.4.30(C), 1984; Ord. 1107, 2002; Ord. 1514, 2019)

16.60. 060 Final procedures and recordation

A. Following the action of the city in approving or conditionally approving a tentative map for a partition, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the city engineer prior to the transfer of title of any of the parcels involved.

B. Recordation of an accurate survey map, prepared by a registered engineer or licensed surveyor, must be completed within two years of the approval of the tentative map. One copy of the recorded survey map shall be filed with the City Planner for appropriate record keeping.

C. The applicant shall bear full responsibility for compliance with applicable state and city regulations regarding the recordation of documents and subsequent transfer of ownership.

- D. ~~The Planning Director may approve a single one-year extension to the original two-year period. Single phase partitions and subdivisions shall be recorded within four years following original approval. Multiple phase subdivisions shall be recorded within six years of the original approval. The Planning Director may approve a single one-year extension to the original approval beyond those stated above for partitions or subdivisions.~~ Applicants must file a request for such extension in writing, stating the reasons the request is needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application. (Ord. 740 section 10.4.30(D), 1984; Ord. 1080, 2001; Ord. 1514, 2019)

16.60. 070 Public hearing required for appeal process

Each properly that filed application for an appeal of a Planning Director's partition application decision shall be considered by the Planning Commission following a public hearing advertised and conducted in the manner prescribed in Division VIII. (Ord. 740 section 10.3.75 (C), 1984; Ord. 1514, 2019)

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Chapter 16.68

SUBDIVISIONS FINAL PROCEDURES AND RECORDATION

Sections:

- 16.68.010 Responsibilities of applicant.
- 16.68.020 Submittal of subdivision plat.
- 16.68.030 Information required on plat.
- 16.68.040 Information to accompany plat.
- 16.68.050 Technical plat review.
- 16.68.060 Planning Commission approval.
- 16.68.070 Filing of final plat.

16.68.010 Responsibilities of applicant.

Following the action of the city in approving or conditionally approving a tentative plat for a subdivision, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the city, prior to transfer of title of any of the lots involved. (Ord. 740 section 10.4.40(C)(9)(a), 1984; Ord 1237, 2007)

16.68.020 Submittal of subdivision plat.

Single phase partitions and subdivisions shall be submitted to the city and recorded within four years following original approval. Multiple phase subdivisions shall be recorded within six years of the original approval. The subdivider shall submit the original drawing, a Mylar copy, and any supplementary information to the city. The Planning Director may approve a single one-year extension to the original approval beyond those stated above for partitions or subdivisions. The subdivider shall provide a formal request for extension in writing, stating the reasons thereof. ~~The subdivider shall submit the original hardboard drawing, a Mylar copy, and any supplementary information to the city. If the subdivider wishes to proceed with the subdivision after the expiration of the two-year period following the approval of the tentative plat, he must formally request an extension of time, in writing, stating the reasons therefore. The City shall review such requests and may grant such requests; upon finding of good cause, allow a time extension of not more than six additional months, provided that the request for the time extension is properly filed before the end of the two-year approval period.~~ (Ord. 740 section 10.4.40(C)(9)(b), 1984; Ord 1237, 2007; Ord. 1514, 2019)

16.68.030 Information required on plat.

In addition to that required for the tentative plat or otherwise specified by law, the following information shall be shown on the plat:

- A. Date, north point and scale of drawing;

- B. Legal description of the tract boundaries;
- C. Name and address of the owner or owners, subdivider, engineer or surveyor, and land planner or landscape architect;
- D. Tract boundary lines, right-of-way lines of streets and lot lines with dimensions, bearings or deflection angles and radii, arcs, points or curvature and tangent bearings. All bearings and angles shall be shown to the nearest one second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in tabulation form: curve radius, central angles, arc length, length and bearing of long chord. All information shown on the face of the plat shall be mathematically accurate;
- E. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement of record is not definitely located, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication;
- F. Name and right-of-way width of each street or other designated rights-of-way;
- G. Any building setback lines, if more restrictive than otherwise required in Division III;
- H. Numbering of blocks consecutively within the subdivision and numbering of lots within each block;
- I. Location and purpose for which sites, other than residential lots, are dedicated or reserved;
- J. Easements and any other areas for public use dedicated without any reservation or restriction whatever;
- K. A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat;
- L. The following certificates which may be combined where appropriate:
1. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat,
 2. A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 3. A certificate with the seal of, and signed by, the engineer or the surveyor responsible for the survey and final plat,

CITY OF CANBY
October 2019
Chapter 16.68 – Page 2

4. Other certifications now or hereafter required by law;

M. Where any portion of the platted area is subject to inundation in the event of a one-hundred-year flood, that area shall be clearly indicated on the final plat. (Ord. 740 section 10.4.40(C)(9)(c), 1984)

16.68.040 Information to accompany plat.

The following data shall accompany the final plat:

A. A narrative describing how each condition of approval from the original entitling action (preliminary partition or subdivision application) has been or will be met by the applicant;

A.B. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;

B.C. Sheets and drawings showing the following:

1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closing, if any,
2. The computation of distances, angles, and courses shown on the plat,
3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing;

C.D. A copy of any deed restrictions applicable to the subdivision;

D.E. A copy of any dedication requiring separate documents;

E.F. A certificate by the city engineer that the subdivider has complied with the requirements for bonding or otherwise assured completion of required improvements; and

F.G. A certificate of the subdivider of the total cost or estimate of the total cost for the development of the subdivision in accordance with the provisions and requirements of this title or any other ordinance or regulation of the city relating to subdivision development. This certificate is to be accompanied by a final bid estimate of the subdivider's contractor, if there is a contractor engaged to perform the work, and the certificate of the total cost estimate must be first approved by the city engineer. (Ord. 740 section 10.4.40(C)(9)(d), 1984; Ord. 1111 section 3, 2003)

16.68.050 Technical plat review.

A. Upon receipt by the city, the plat and other data shall be reviewed to determine that the subdivision, as shown, is substantially the same as it appeared on the

approved tentative plat and that there has been compliance with provisions of the law and of these regulations.

- B. The City may make such checks in the field as are desirable to verify that the plat is sufficiently correct on the ground, and their representatives may enter the property for this purpose.
- C. If the City determines that full conformity has not been made, the City shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions. (Ord. 740 section 10.4.40(C)(9)(e), 1984; Ord 1237, 2007)

16.68.060 Planning Commission approval.

Approval of the plat shall be indicated by the signatures of the Planning Director or their designee. After the plat has been approved by all city and county officials, one reproducible copy of all data (plat face, dedications, certificates, approvals), one copy of all plat data in a "dxf" digital format, and one copy of recorded restrictive and protective covenants shall be returned to the City Planner. (Ord. 899 section 5, 1993; Ord. 740 section 10.4.40(C)(9)(f), 1984; Ord 1237, 2007)

16.68.070 Filing of final plat.

Approval of the plat by the city, as provided by this division, shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the county assessor and the county governing body for signatures, as required by Oregon Revised Statutes Chapter 92. The plat shall be prepared as provided by Oregon Revised Statutes Chapter 92. Approval of the final plat shall be null and void if the plat is not recorded within six months of the date of the signature of the Planning Director. (Ord. 740 section 10.4.40(C)(9)(g), 1984; Ord 1237, 2007)

Chapter 16.89

APPLICATION AND REVIEW PROCEDURES

Sections:

- 16.89.010 Purpose.
- 16.89.020 Description and summary of processes.
- 16.89.030 Type I procedure.
- 16.89.040 Type II procedure.
- 16.89.050 Type III procedure.
- 16.89.060 Type IV procedure.
- 16.89.070 Neighborhood meetings.
- 16.89.080 Application requirements and completeness.
- 16.89.090 Modifications.
- 16.89.100 Administrative Reviews

16.89.010 Purpose.

The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to review applications and participate in the decision-making process in a timely and effective way. (Ord. 1080, 2001)

16.89.020 Description and Summary of Processes.

All land use and development applications shall be decided by using the procedures contained in this Chapter. Specific procedures for each type of permit are contained in Sections 16.89.030 through 16.89.060. The procedure type assigned to each permit governs the decision-making process for that permit. Additional requirements may be found in the individual chapters governing each permit type. The four types of procedure are described below. Table 16.89.020 lists the City's land use and development applications and their required procedures.

- A. Type I Procedure (Ministerial). Type I decisions are made by the Planning Director without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria or provisions and applying those criteria or provisions requires no use of discretion. The appeal of a Type I Planning Director's decision is heard by the Planning Commission.
- B. Type II Procedure (Administrative). Type II decisions are made by the Planning Director with public notice and an opportunity for a public hearing. The appeal of a Type II decision is heard by the Planning Commission.

- C. Type III Procedure (Quasi-Judicial/Legislative). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III procedures generally use discretionary approval criteria.
- D. Type IV procedure (Council Decision). Type IV decisions generally apply to legislative matters, but include certain other applications as well. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council. Annexations and certain quasi-judicial applications are also processed under the Type IV process. (Ord. 1080, 2001; Ord 1237, 2007; Ord. 1514, 2019)

TABLE 16.89.020
Land Use and Development Application Procedures

Application Type	Process Type	Notice Radius (Feet)	Neighborhood Meeting Required
Access permit to public street	I	n/a	No
Administrative Review	I	n/a	No
Administrative Review	II	100	No
Amendments to Zoning Map	IV	500	Yes
Annexation, Minor and Major	IV	500	Yes
Appeals	III	200	No
Building Permit	I	n/a	No
Comprehensive Plan Amendment	IV	500	Yes
Conditional Use Permit	III	500	No
Condominium Construct. (less than 6 units)*	I	n/a	No
Interpretation	See Section 16.05.020		
<u>Property</u> Line Adjustment**	III	n/a 100	No
Modification	See Section 16.89.090		
Non-Conforming Structure/Use	II	100	No
Parking Lot/Paving projects	I	n/a	No
Partition	II	100	No

CITY OF CANBY
October 2019
Chapter 16.89 – Page 2

Application Type	Process Type	Notice Radius (Feet)	Neighborhood Meeting Required
Planned Unit Development	III	200	Yes
Sign Permit (non-SDR)	I	n/a	No
Sign Permit – Discretionary Monument Sign or A-Frame Sign Permit (16.42.040)	II	100	No
Site and Design Review – Type II	II	100	No
Site and Design Review – Type III	III	500	Yes
Site Plan Review	I	n/a	No
Temporary Permit (16.44.090)	See Chapter 16.44		
Temp. Hardship Permit (16.44.100)	II	100	No
Subdivision	III	500	Yes
Text Amendment	IV	500	Yes
Variance, Minor	II	200	No
Variance, Major	III	200	No

NOTES: * See also Chapter 16.78

** See also Chapter 16.58.

16.89.030 Type I procedure.

- A. Application requirements. Type I applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.
- B. Decision requirements. The Planning Director's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at the City.
- C. Final decision. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. (Ord. 1080, 2001)

16.89.040 Type II procedure.

- A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type II applications.
- B. Application requirements. Type II applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

C. Public notice.

1. Before making a Type II decision, the Planning Director shall mail notice meeting the requirements of state law to:
 - i. All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020.
 - ii. Any person who submits a written request to receive notice; and
 - iii. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies, as appropriate, for review of the application.
 - iv. Any application that involves access to OR 99E or that is expected to impact the state highway system must be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management and mobility standards and requirements.
 - v. Any application that is expected to impact a road under the jurisdiction of Clackamas County must be provided to Clackamas County for review and comment regarding county standards.
2. Notice of any proposal that includes a new transportation facility or improvement and where these facilities or improvements included or may impact a collector or arterial street, will be sent to the ODOT and Clackamas County or any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycles and pedestrian interest groups, and interest groups for people with disabilities. Information that should be conveyed with the notice includes the following:
 - a. Project location
 - b. Proposed land use action
 - c. Location of project access point(s)
3. The public notice shall allow a 10-day period for submitting written comments before a decision is made on the permit.
4. The City shall prepare an affidavit of mailing for the public notice and make the affidavit part of the application file.

D. The Planning Director shall make Type II decisions in writing addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action.

E. Notice of Decision.

1. Within five days of making a final decision on a Type II application, a notice of decision shall be sent to:
 - i. All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020;
 - ii. Any person who submits a written request to receive notice; and
 - iii. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.
2. The notice of decision shall include information on the application, the City's decision, and a statement explaining how an appeal of the decision may be filed.

F. Effective Date. A Type II decision is final for purposes of appeal when it is mailed by the City.

G. Appeal. A Type II decision may be appealed to the Planning Commission as follows:

1. The following persons have legal standing to appeal a Type II decision:
 - i. The applicant;
 - ii. Any person who was mailed notice of the decision; and
 - iii. Any other person who participated in the proceeding by submitting written comments.
2. Procedure.
 - a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within ~~10~~12 days of the date the Notice of Decision was mailed.
 - b. The Notice of Appeal shall be accompanied by all required information and fees.

- c. An appeal of a Type II decision shall be made following the Type III public notice procedures, as described in Section 16.89.050.D.
 - d. The appeal shall be limited to the specific issues raised during the written comment period unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of Type II appeals by encouraging persons to submit specific concerns in writing during the comment period. Only in extraordinary circumstances should new issues be considered by the hearings body on appeal of a Type II decision.
3. The decision of the Planning Commission regarding an appeal of a Type II decision is the final decision of the City unless appealed to the City Council. An appeal to the City Council shall follow the same notification and hearing procedures as for the appeal of the staff decision.
- H. Any decision or interpretation of this title made by staff that is not a Type II decision may be appealed to the Planning Commission without fee, provided that such appeal is filed in writing within ten days of the staff decision. Such appeals shall be heard as a new business item. The Planning Commission's decision on such appeals may be appealed to the City Council following the Type III public notice procedures, as described in Section 16.89.050.D. (Ord. 1080, 2001; Ord 1237, 2007; Ord. 1340, 2011)

16.89.050 Type III Decision.

- A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type III applications.
- B. Neighborhood meetings. As directed in Table 16.89.020, the applicant may be required to present their development proposal at a neighborhood meeting before the City accepts the application as complete. See Section 16.89.070.
- C. Application requirements. Type III applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.
- D. Public notice.
 - 1. At least 20 days prior to a public hearing on a Type III decision or a Type II appeal decision, the Planning Director shall mail notice meeting the requirements of state law to:
 - a. All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020;

- b. The appointed chair of any neighborhood association whose boundaries include the subject property;
 - c. Any person who submits a written request to receive notice; and
 - d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.
 - e. For appeals, the appellant and all persons who provided testimony.
2. Notice of any proposal that includes a new transportation facility or improvement, and where these facilities or improvements included or may impact a collector or arterial street, will be sent to the ODOT and Clackamas County or any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycle and pedestrian interest groups, and interest groups for people with disabilities. Information that should be conveyed with the notice includes the following:
- a. Project location
 - b. Proposed land use action
 - c. Location of project access point(s)
3. The City shall prepare an affidavit of mailing for the public notice and make the affidavit part of the application file. Failure of any individual to receive notice as prescribed in this section does not invalidate the proceedings.
4. Written notice shall be published in a newspaper of general circulation in Canby once in either of the two consecutive weeks prior to the hearing.
5. At least ten (10) days before the hearing, written notice shall be posted at City Hall and such other conspicuous locations as the Council may determine to be appropriate.
6. At least ten (10) days before the hearing, the applicant shall post notice of the hearing on the property as directed by the Planning Director.
7. The Planning Director may expand the notice area or take other steps to assure that affected property owners or residents are made aware of the pending public hearing.
8. Any application that involves access to the state highway system must be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management standards and requirements.

E. Conduct of public hearing.

1. In all evidentiary hearings required by this title the following procedures shall be followed:

- a. All interested persons in attendance shall be heard on the matter of hearing, and this fact shall be communicated to those in attendance;
- b. A summary of the application or other matter for hearing shall be given by the presiding officer or their designee;

~~c. The staff report shall be made followed by questions, if any, of the staff by the hearings body;~~

~~d.c.~~ The public hearing shall be opened and testimony shall be received in the following order:

~~i. Staff (brief introduction of the project (no more than 5-minutes suggested);~~

~~i.ii. Applicant (20-minutes suggested);~~

~~ii.iii. ii. Proponents (3-minutes each, no more than 15 minutes total suggested);~~

~~iii-iv. Opponents (3-minutes each, no more than 15 minutes total suggested); and~~

~~v. Rebuttal by proponents or applicant (10-minutes each suggested);~~

~~iv-vi. Questions of staff and applicant;~~

~~e.d.~~ Close public hearing;

~~f.e.~~ Additional questions and discussion limited to the record and testimony heard by the hearing body;

~~g.f.~~ Decision by the hearing body except that further discussions, decision, or reopening of the public hearing may be postponed to another meeting, the time, date, and place of which shall be announced before adjournment.

- 2. All persons who speak at the hearing shall identify themselves by name, address, and interest in the matter. Attorneys or other agents shall be allowed to speak on behalf of all participants.
- 3. Physical evidence in the form of written documents, photographs, or other exhibits may be accepted by the hearing body if deemed to be pertinent.
- 4. A record made at any prior evidentiary hearing may be accepted, considered, and used by the hearing body at any subsequent hearing, and said body, by

majority vote of a quorum present, may deny to accept or hear any repetitious matter.

5. The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested. Upon recessing for these purposes, the hearing body shall announce the time and date when the hearing will be resumed.
6. Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing as follows:
 - a. If the hearings body grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence; or
 - b. If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record as follows:
 - i. When the hearings body re-opens the record to admit new evidence or testimony, any person may raise new issues which relate to that new evidence or testimony.
 - ii. An extension of the hearing or record granted pursuant to this subsection is subject to the limitations of ORS 227.178 (120-day rule), unless the continuance or extension is requested or agreed to by the applicant.
 - iii. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.

F. Decision process.

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

G. Notice of Decision.

1. The written findings shall be sent to:
 - a. Any person who submits a written request to receive notice, provides written comments during the application review period, or provides written or oral testimony in the public hearing;
 - b. The applicant and owner of the subject property;
 - c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.
2. The written findings shall include information on the application, the City's decision, and a statement explaining how an appeal of the decision may be filed.

H. Effective Date. A Type III decision is final for purposes of appeal when it is mailed by the City.

I. Appeal. The Planning Commission's decision on a Type III decision or Type II appeal may be appealed to the City Council as follows:

1. The following have legal standing to appeal:
 - a. The applicant;
 - b. Any person who was mailed notice of the decision;
 - c. Any other person who participated in the proceeding by testifying or submitting written comments; and
 - d. The City Council, on its own motion.

2. Procedure.

- a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 40-12 days of the date the Notice of Decision was mailed.
- b. The Notice of Appeal shall be accompanied by all required information and fees.
- c. The appeal shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal.

3. The City Council shall overturn or remand the decision of the Planning Commission only when one or more of the following findings are made:

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- a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
- b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or
- c. That the Commission did not adequately consider all of the information which was pertinent to the case.

c.d. The Commission did not receive correct or complete information in the original application.

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4. The Council's action on an appeal shall be governed by the same general regulations, standards, and criteria as apply to the Commission in the original consideration of the application. Council may choose to remand decisions to the Planning Commission if new information is presented that was not part of the original Planning Commission record.

J. Any decision of the Planning Commission may be appealed to the City Council unless otherwise specified in this Title. Such appeals will be processed using the Type III procedures unless otherwise specified in this Title.

K. The decision of the City Council regarding a Type IV decision, appeal of a Planning Commission decision, or any other process contained within this title, is the final decision of the City. (Ord. 1080, 2001; Ord. 1111 section 5, 2003; Ord 1237, 2007)

16.89.060 Type IV decision.

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

- A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type IV applications.
- B. Neighborhood meetings. The applicant may be required to present their development proposal at a neighborhood meeting (see Section 16.89.070). Table 16.89.020 sets the minimum guidelines for neighborhood review but the Planning Director may require other applications to go through neighborhood review as well.
- C. Application requirements. Type IV applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.
- D. Public notice and hearings. The public notice and hearings process for the Planning Commission's review of Type IV applications shall follow that for Type III applications, as provided in subsections 16.89.050.D and 16.89.050.E.
- E. Decision process.
 - 1. Approval or denial of a Type IV decision shall be based on the standards and criteria located in the code.
 - 2. The hearings body shall issue a final written order containing findings and conclusions recommending that the City Council approve, approve with conditions, or deny the application.
 - 3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
 - 4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.
- F. City Council proceedings:
 - 1. Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, approve with conditions, or deny the recommendation of the Planning Commission.
 - 2. The City Council may question those individuals who were a party to the public hearing conducted by the Planning Commission if the Commission's record appears to be lacking sufficient information to allow for a decision by the

Council. The Council shall hear arguments based solely on the record of the Commission.

3. The City Council may choose to conduct public hearings on Comprehensive Plan amendments, amendments to the text of this title, zone map amendments, and annexations. If the Council elects to conduct such hearings, it may do so in joint session with the Planning Commission or after receiving the written record of the Commission. (Ord. 1080, 2001)

16.89.070 Neighborhood Meetings.

- A. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input, identify issues, and exchange information about the proposed meeting.
- B. The Planning Commission or Planning Director may require an applicant to hold a meeting in the neighborhood prior to accepting an application as complete. A neighborhood meeting is required for some application types, as shown in Table 16.89.020, unless this requirement is waived by the Planning Director.
- C. At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:
 1. The appointed chair of any neighborhood association in whose boundaries the application lies; and
 2. All of those who would receive notice of the application's public hearing before the Planning Commission.
- D. The meeting shall be held in a fully accessible location approved by the City.
- E. Following a required neighborhood meeting, applicants shall prepare a written summary of pertinent issues raised and shall prepare a detailed response to each issue. This material shall be submitted to the Planning Department in electronic format at least two weeks before the initial public hearing.
- F. Applicants or attendees may make audio or video recordings of the neighborhood meeting if desired. (Ord. 1080, 2001; Ord. 1111 section 5, 2003; Ord 1237, 2007; Ord. 1514, 2019)

16.89.080 Application Requirements and Completeness.

- A. Submittal. Applications for land use and development permits shall be filed on forms provided by the purpose by the Planning Director. The application shall be made with all required information and fees.

- B. Fees. Fees shall be set out by resolution adopted by the City Council. Fees shall differentiate between various processes and applications and no part of the fee shall be refunded unless approved by the Planning Director.
- C. Amendments to forms. Application forms may be amended by the Planning Director. The Planning Commission shall first review and approve all proposed amendments as New Business Items.
- D. Completeness. In reviewing an application for completeness, the following procedure shall be used:
1. When an application is received by the City, the Planning Director shall immediately determine whether the following essential items are present. If they are not, the Planning Director may choose not to accept the application, in which case the application shall be immediately returned to the applicant:
 - a. The required form;
 - b. The required fee; and
 - c. The signature of the applicant on the form, and signed written authorization of the property owner of record if the applicant is not the owner.
 2. Completeness.
 - a. After the application is accepted, the Planning Director shall review the application for completeness. If the application is incomplete, the Planning Director shall notify the applicant in writing exactly what information is missing within thirty (30) days of the application and allow the applicant 180 days to submit the missing information;
 - b. In accordance with the application submittal requirements, the application shall be deemed complete upon the receipt by the Planning Director of all required information. The applicant shall have the option of withdrawing the application or refusing to submit information requested under (a), above. For the refusal to be valid, it shall be made in writing and received by the Planning Director no later than fourteen (14) days after the date on the letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete for the purposes of processing on the 31st day after first acceptance of the application.
- E. The City shall take final action on permit applications which are subject to this chapter, including resolution of all appeals, within 120 days from the date the application is deemed complete. Any exceptions to this rule shall conform to the provisions of ORS 227.178. This 120-day rule does not apply to legislative comprehensive plan and text amendment applications as defined under ORS 227.178.

- F. Standards and criteria. Approval or denial of a complete application shall be based upon the standards and criteria that were applicable at the time the application was first accepted. (Ord. 1080, 2001)

16.89.90 Modifications.

Any proposed modification to previously approved land use applications, including site plans, elevations, or conditions of approval, shall be reviewed by the Planning Director to determine if they are minor, intermediate, or major. Factors to be considered in this determination include the date of the original application, the impact on neighboring properties, and the impact on public service provision. Modifications shall be processed as indicated in subsections A through D below. Modification applications shall be made on forms provided for the purpose by the Planning Director.

- A. Minor Modification. Minor modifications have a negligible impact on an approved site plan, land use decision, or condition of approval. The Planning Director will review all minor modifications under the Type I process.
- B. Intermediate Modification. Intermediate modifications are those that do not fit the definitions in 16.89.090(A) or (C). The Planning Director will review intermediate modifications under the Type II process. If the Planning Director approves an intermediate modification, notice of the decision will be made in accordance with the Type II process. The individuals noticed may obtain a public hearing on the issue by filing a request in writing within ten days of the notice mailing date. Any additional costs of such hearings shall be paid by the modification applicant. Hearing notice shall follow the requirements of the procedure type of the original application.
- C. Major Modification. Any modification that would result in a substantial impact to an approved site plan, land use decision, or condition of approval is a major modification. Major modifications shall be processed using the procedure type of the original application.
- D. Modification criteria. Modification applications shall be evaluated based on the criteria pertaining to the original application being modified. (Ord. 1111, 2003; Ord 1237, 2007)

16.89.100 Administrative Reviews.

Where a determination about a proposed use, structure or the legality of a parcel cannot be made without interpretation or the exercise of factual, policy or legal judgment, the proposed use, structure, or the legality of a lot or parcel may be reviewed as an administrative review subject to submittal of an application as provided in this chapter. The administrative review procedures, as provided below, shall be followed in making these decisions.

- A. The decision shall be made on the basis of the applicable city comprehensive plan and applicable standards and criteria in the City Of Canby land development and planning ordinance. The Planning Director or designee may attach any conditions of approval deemed necessary to ensure conformance of the use, structure, lot or parcel to the standards or criteria. Administrative Review Applications may be

CITY OF CANBY
October 2019
Chapter 16.89 -- Page 15

submitted and shall be signed as required in this chapter. Notwithstanding any other provisions of this title, the Planning Director or designee may forward any land use permit or application to the planning commission for a public hearing and initial decision.

- B. Notice of a decision shall be sent to the applicant, the owner(s) of the subject property, the co-tenants if the subject property is owned by tenants in common, and all property owners within the notification area prescribed by this chapter or as required by state law or administrative rule.
- C. The applicant or any persons aggrieved or affected by the decision may file a request for a hearing to the City Planning Department within 120 days of the date the decision was rendered. The request must follow procedures in Sections 16.89.030 and 040.
- D. The applicant may file a request for reconsideration without a hearing to the Planning Department within 120 days of the date the decision was rendered. The request must be in writing and received in the Planning Department office prior to the decision being final, and should explain wherein the decision is factually or legally incorrect, or state new facts material to the decision that were not available to the Planning Director, or propose modifications that will better conform the proposal to the requirements of this title. The request for reconsideration shall include a signed 30-day waiver of the 120-day time limit in the Oregon Revised Statutes.

Applicants shall be limited to one request for reconsideration per application. The Planning Director shall reconsider the matter and provide notice to the person requesting reconsideration and as required in subsection (B) of this section.

- E. When reconsideration has been requested, the decision is stayed until final action is taken. (Ord. 1514, 2019)

Chapter 16.81 MIDDLE HOUSING MODEL ORDINANCE

Sections:

- 16.81.010 Purpose**
16.81.020 Applicability
16.81.030 Review Procedures
16.81.040 Development Standards

16.81.010 Purpose.

The purpose of the middle housing model ordinance is to implement Oregon House Bill 2001, codified in ORS 197.758 by providing siting and design standards for duplex development on lots or parcels that allow for the development of detached single-family dwellings. Canby has adopted the State's Model Ordinance for a Medium City (see **Figure 1**, attached).

16.81.020 Applicability.

- A.** This chapter provides guidance and identified development standards as a complement to the Model Ordinance. Canby is a medium city as defined by Oregon House Bill 2001 with a population between 10,000 and 25,000 and not within Metro's jurisdiction. Duplexes are allowed on any lot in Canby that permits a single-family home as an outright use. This applies primarily to the Low Density Residential R-1 zone. Other zones including the Medium Density Residential R-1.5 and Commercial Residential C-R also permit single family detached housing and duplexes and are subject to the zoning standards in these zones.

16.81.030 Review Procedure.

Duplex development will be subject to the Type 1 Site Plan Review requirements in Application and Review Procedures 16.89.030.

16.81.040 Development Standards

The development standards included below are requirements from Oregon House Bill 2001 and are the minimum standards required by the Department of Land Conservation and Development.

A. Maximum Density

1. In a Low Density Residential (R-1) zone a maximum of two dwelling units are permitted on each legal lot subject to development and infrastructure requirements. This could result in one duplex or a single family home and an accessory dwelling unit on one legal lot. Residential density is regulated by the

development standards in Medium Density Residential (R-1.5) and Commercial Residential (C-R) zones.

B. Setbacks

Setbacks are regulated by the zoning code for the R-1, R-1.5 and C-R zones with the exception that rear yard setbacks for duplex development is permitted within 15 feet of the property line.

C. Lot Sizes

Minimum lot size for the R-1, R-1.5 and C-R zone apply to C-R creation of lots. Oregon Senate Bill 458 will permit division of a duplex into two lots on a legal lot as of July 1, 2022.

D. Standards

All R-1, R-1.5 and C-R zone design standards apply to duplex development.

E. Building Height

Maximum building height is limited to 35 feet in the R-1, R-1.5 and C-R zones for duplex development.

F. Impervious Surface

Maximum impervious surface permitted in the R-1, R-1.5 and C-R zones apply to duplex development.

G. Parking

Parking is not required for duplex development in the R-1, R-1.5 and C-R zones.

H. Utilities

Clear and objective standards apply to utility requirements, so the same utility standard would apply equally between what is required for single-family detached home and a duplexes.

I. Frontage Improvements

Clear and objective standards apply to frontage improvement requirements, so the same frontage standard would apply equally between what is required for single-family detached home and a duplexes.

FIGURE 1

Medium Cities Middle Housing Model Code

User's Guide:

Oregon House Bill 2001 (2019) (HB 2001) requires that “Medium Cities” (defined as cities with a population of more than 10,000 and less than 25,000 that are not within Metro’s jurisdiction) allow a duplex on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings. Duplexes provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with detached single-family dwellings.

The bill allows local governments to regulate siting and design of duplexes, provided that the regulations do not, individually or cumulatively, discourage duplex development through unreasonable costs or delay. When regulating siting and design of duplexes, Medium Cities should balance concerns about neighborhood compatibility and other factors against the need to address Oregon’s housing shortage by removing barriers to development and should ensure that any siting and design regulations do not, individually or cumulatively, discourage the development of duplexes through unreasonable costs or delay.

Medium Cities may develop their own standards in compliance with the requirements of HB 2001. This model code may provide guidance toward that end. However, if Medium Cities do not wish to prepare their own standards or if Medium Cities do not adopt the required code amendments by June 30, 2021, they must directly apply this model code prepared by the Department of Land and Conservation Development (DCLD) to development in their jurisdictions. The model code is intended to be straightforward and implementable by Medium Cities throughout the state. The model rules are consistent with the requirements and intent of HB 2001 and are intended to ensure that a duplex is no more difficult to develop than a detached single family home. The model code will be adopted by reference into Oregon Administrative Rules.

To the extent they are applicable, the Administrative Rules contained in Chapter 660, Division 46 apply to and may be used to interpret this model code.

Sections:

- A. Purpose**
- B. Definitions**
- C. Applicability**
- D. Relationship to Other Regulations**
- E. Permitted Uses and Approval Process**
- F. Development Standards**
- G. Design Standards**
- H. Duplex Conversions**
- I. Figures**

A. Purpose

The purpose of this model middle housing code (“code”) is to implement HB 2001, codified in ORS 197.758 et seq, by providing siting and design standards for duplexes developed on lots or parcels that allow for the development of detached single family dwellings.

B. Definitions

The following definitions shall apply for the purposes of this code, notwithstanding other definitions in the development code:

1. “Detached single family dwelling” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single family dwellings may be constructed off-site, e.g., manufactured dwellings or modular homes.
2. “Duplex” means two dwelling units on a lot or parcel in any configuration. Figures 1–6 in Section I illustrate examples of possible duplex configurations. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.
3. “Lot or Parcel” means any legally created unit of land.
4. “Zoned for residential use” means a zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation.

C. Applicability

1. Except as specified in subsection (2) of this section (C), the standards in this code allow for the development of duplexes, including those created through conversion of existing detached single family dwellings, on lots or parcels zoned for residential use that allow for the development of detached single family dwellings.
2. The standards in this code do not allow the following, unless otherwise permitted by the development code:

- Creation of duplexes on lots or parcels on lands that are not zoned for residential use. This includes lands zoned primarily for commercial, industrial, agricultural, public, or mixed uses, even if those zones allow for the development of detached single family dwellings.
- Creation of more than two dwelling units on a single lot or parcel.

D. Relationship to Other Regulations

1. Conflicts. In the event of a conflict between this code and other standards applicable to a duplex, the standards of this code control.
2. Public Works Standards. Clear and objective exceptions to public works standards granted to single family dwellings shall also be granted to duplexes.
3. Protective Measures. Duplexes shall comply with protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).

E. Permitted Uses and Approval Process

Duplexes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single family dwellings. Duplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures. Alternatively, an applicant may choose to submit an application for a duplex subject to discretionary standards and criteria adopted in accordance with ORS 197.307, if such a process is available.

F. Development Standards

Except as specified below, duplexes shall meet all clear and objective development standards that apply to detached single family dwellings in the same zone (including, but not limited to, minimum and maximum lot size, minimum and maximum setbacks, and building height), unless those standards conflict with this code.

The following development standards are invalid and do not apply to duplexes being developed on lots or parcels zoned for residential use that allow the development of a detached single family dwelling:

1. Maximum Density. The jurisdiction's pre-existing density maximums and minimum lot sizes for duplexes do not apply.
2. Setbacks. A minimum front setback of greater than 20 feet or a minimum rear setback of greater than 15 feet except for those minimum setbacks applicable to garages and carports.
3. Off-Street Parking. Any off-street parking requirement.

G. Design Standards

New duplexes shall meet all clear and objective design standards (e.g., entry orientation, window coverage, articulation, etc.) that apply to detached single family dwellings in the same zone, unless those standards conflict with this code. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

Any design standards that apply only to duplexes are invalid.

H. Duplex Conversions

Conversion of an existing detached single family dwelling to a duplex is allowed, pursuant to Section C, provided that the conversion does not increase nonconformance with applicable clear and objective standards.

I. Figures

The following figures illustrate examples of possible duplex configurations. Other configurations may also be acceptable, provided the development meets the definition of duplex, pursuant to Section B.

Figure 1. Stacked Duplex

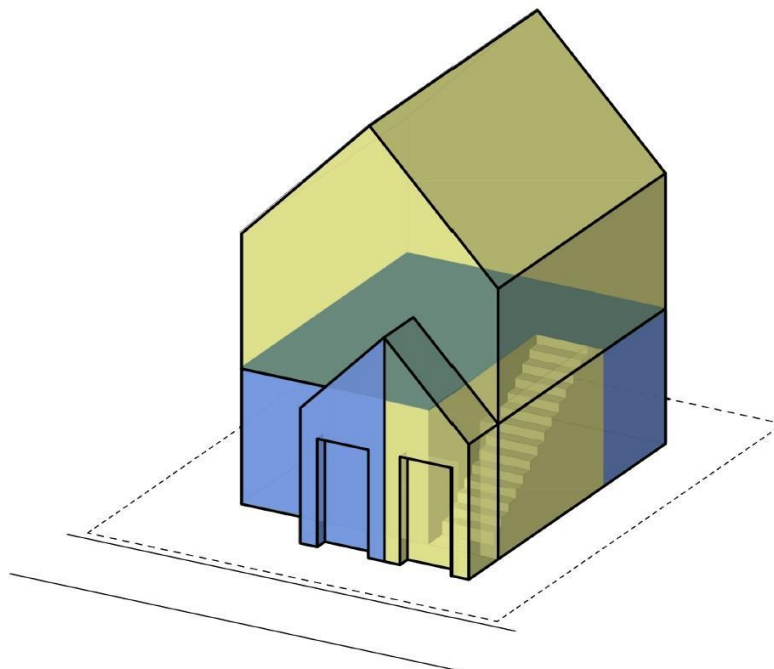


Figure 2. Side-by-Side Duplex

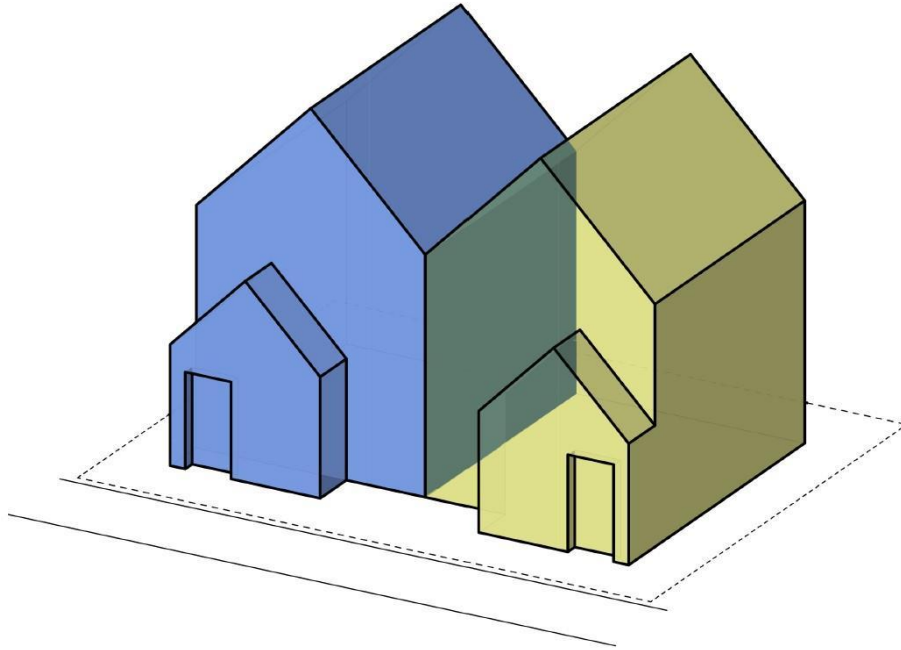


Figure 3. Duplex Attached by Garage Wall

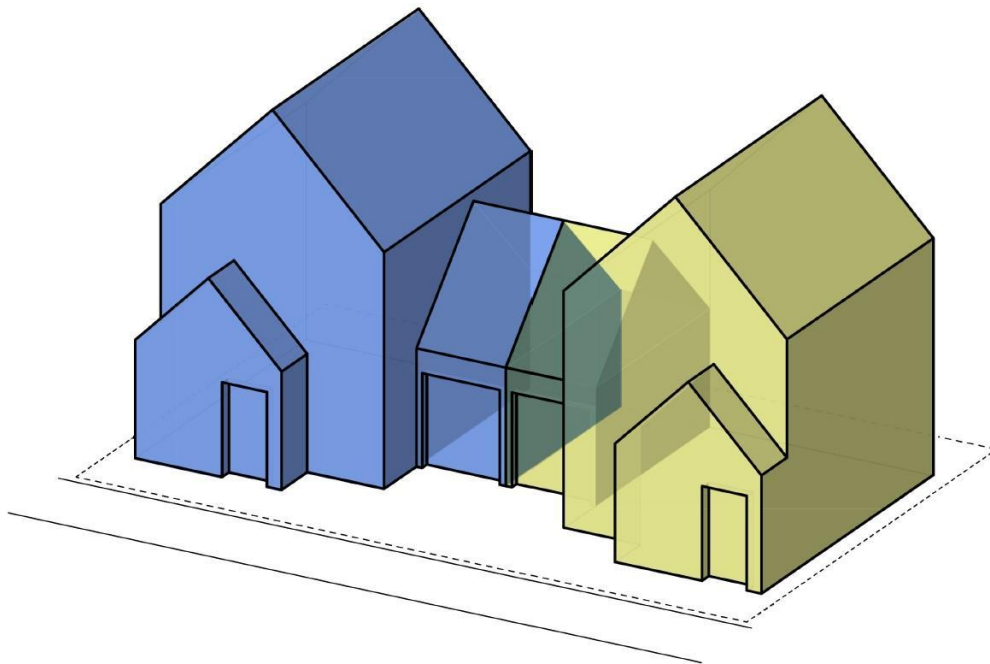


Figure 4. Duplex Attached by Breezeway



Figure 5. Detached Duplex Units Side-by-Side

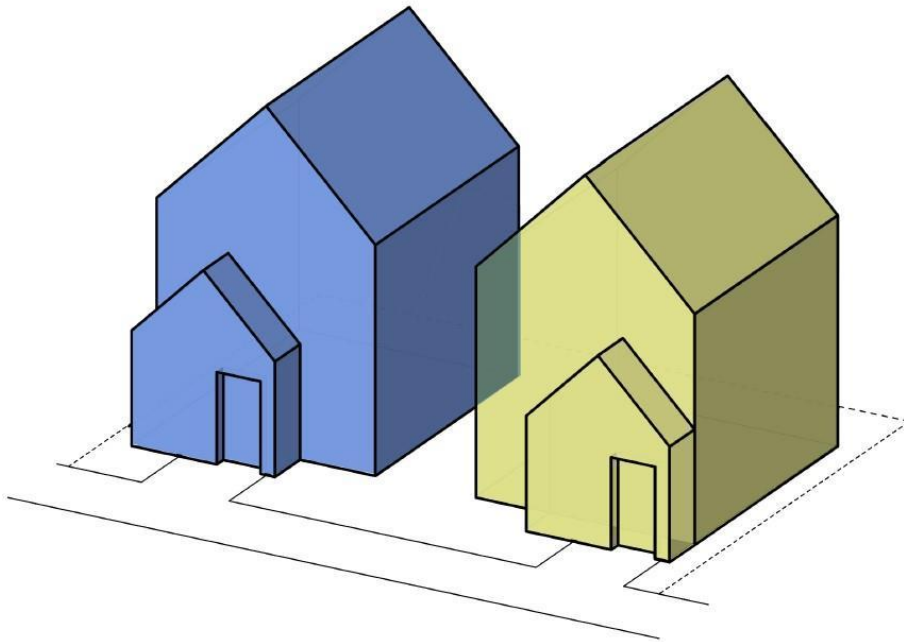
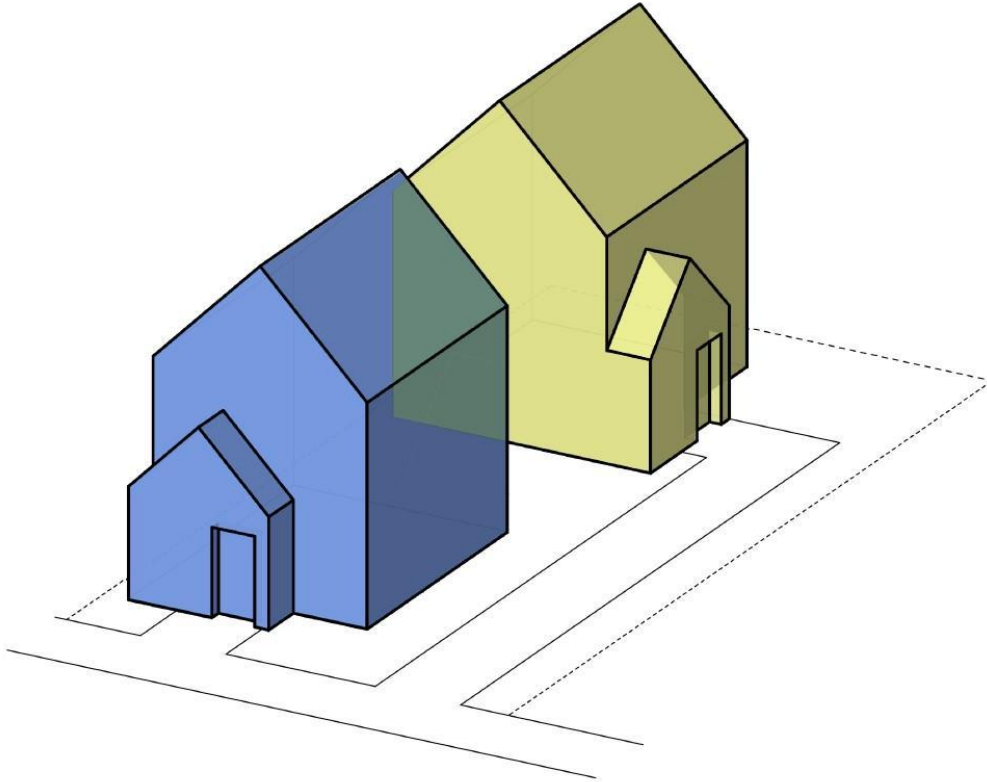


Figure 6. Detached Duplex Units Front and Back





CITY COUNCIL STAFF REPORT

Meeting Date: 5/18/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Jerry Nelzen, Public Works Director

Agenda Item: Consider Resolution No. 1365: Declaring acquisition of rights of way, easements, fee property for South Ivy Intersection and authorizing Good Faith Negotiations and Condemnation Actions by Clackamas County.

Goal: Plan a Transportation System that eases the impacts of growth

Summary

Consider Resolution No. 1365, declaring acquisition of rights of way, easements, fee property for South Ivy Intersection and authorizing Good Faith Negotiations and Condemnation Actions by Clackamas County.

Background

Clackamas County and the City of Canby have entered into an Intergovernmental Agreement (IGA) outlining the responsibilities of each agency for the completion of the Project. Subsequent to the City passing a Resolution of Necessity, Clackamas County also intends to pass a Resolution of Necessity supporting the Project and the County's efforts to acquire the necessary Rights of Way and Easements through good faith negotiations and condemnation.

Discussion

The Project design team has collected and analyzed data sufficient to choose an alternative and advance the design of the Project. The Project has been planned and located in a manner which is most compatible with the greatest public good and which causes the least private injury. The design has progressed through the Department of Transportation and Development (the "Department") project development procedures and the final legal descriptions required for acquisition of the needed rights of way and easements from 57 properties affected by the Project are being developed.

The Department shall negotiate in good faith and accordance with all applicable laws, rules, and regulations in an attempt to reach agreement as to the amount of Just Compensation owed each affected property owner. To fairly determine the amount of Just Compensation, staff will utilize the expertise of authorized real estate appraisers and other such experts.

The resolution directs Department staff to proceed with good faith negotiations for the acquisition of the needed property rights and to utilize the expertise of authorized real estate appraisers and other such experts to assist in the acquisition process. The resolution further requires the Director of the Department to notify the Board if the exercise of the power of eminent domain becomes necessary. Only after this process is completed does it authorize the Office of County Counsel to file a Condemnation Action.

Attachments

Exhibit A: Legal description of necessary properties

Exhibit B: Addresses of the impacted properties

Fiscal Impact

The right of way budget for the project is \$878,371 and is included within the \$6,397,399 total project budget for the complete Ivy Street paving and sidewalk improvements project.

Options

Approve the resolution to allow the County to appraise the properties, negotiate with land owners directly for needed right of way, and purchase the needed ROW.

Deny the resolution and order staff to appraise, negotiate for, and purchase the needed right of way.

Recommendation

Staff respectfully recommends that the Canby City Council approve the Resolution of Necessity and Purpose authorizing Clackamas County the acquisition of necessary rights of way, easements, and fee property by good faith negotiation if possible, or condemnation, if necessary.

Proposed Motion

"I move to approve Resolution 1365, declaring the necessity and purpose for acquisition of rights of way, easements, and fee property, and authorizing good faith negotiations and condemnation actions for the South Ivy Street Intersection improvements project.

RESOLUTION NO. 1365

A RESOLUTION OF THE CANBY CITY COUNCIL DECLARING THE NECESSITY AND PURPOSE FOR ACQUISITION OF RIGHTS OF WAY, EASEMENTS, AND FEE PROPERTY, AND AUTHORIZING GOOD FAITH NEGOTIATIONS AND CONDEMNATION ACTIONS FOR THE SOUTH IVY STREET PEDESTRIAN INTERSECTION IMPROVEMENTS PROJECT

WHEREAS, This matter comes before the City of Canby City Council, Clackamas County, Oregon (the “Council”) at its regularly scheduled meeting on May 18, 2022;

WHEREAS, The City of Canby (“City”), an Oregon municipal corporation, and Clackamas County (County), a corporate body politic have entered into an Intergovernmental Agreement (IGA) outlining the responsibilities of each agency for the completion of the South Ivy Street Pedestrian Intersection Improvements Project (the “Project”);

WHEREAS, It appearing to the Council that the Project will add bicycle lanes and sidewalks; is consistent with the powers and purposes of City government; and is necessary for public use and the continued growth, safety and welfare of the community;

WHEREAS, It further appearing that the Council has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public;

WHEREAS, It further appearing to the Council that the Project has been planned in accordance with appropriate standards for the improvement of transportation infrastructure such that property damage is minimized, transportation promoted, and travel safeguarded;

WHEREAS, It further appearing to the Council that the Project has been planned and located in a manner which is most compatible with the greatest public good and causes the least private injury;

WHEREAS, It further appearing to the Council that rights of way and easements within the boundaries described in the attached Exhibit “A” are a necessary part of the Project;

WHEREAS, It further appearing to the Council that the acquisition of the necessary rights of way and easements are described as follows: the centerline is described in Exhibit “A”; the width of right-of-way will be in accordance with the Clackamas County Comprehensive Plan and Transportation System Plan; ancillary easements including sign, slope, sidewalk, utility, wetland mitigation, storm water treatment, storm water detention, traffic and safety facility, and temporary construction purposes, together with such incidental additional right-of-way at intersections and due to topography, all as may be reasonably necessary to accommodate Project design; and any uneconomic remnants, as determined by appraisal; all being in the public interest in order to commence and complete the Project in a timely manner; and

WHEREAS, It further appearing that the Council has authority under ORS Chapter 203 and under ORS Chapter 35 to acquire rights of way, easements, and fee property by good faith negotiation, agreement, and purchase or by exercise of the power of eminent domain with condemnation proceedings.

NOW, THEREFORE, BE IT IS RESOLVED BY THE CITY OF CANBY CITY COUNCIL,
as follows:

1. The City declares it necessary and in the public interest that the County, in connection with the Project, begin the acquisition process, in accordance with all applicable laws, rules, and regulations governing such process, for the necessary rights of way, easements, and fee property, either through good faith negotiation, agreement, and purchase, or, if necessary, by commencement of condemnation proceedings.
2. The County be authorized to, in good faith, attempt to negotiate agreements of just compensation with owners of affected property identified as necessary within the boundaries of Exhibit "A". In so doing, the County will retain real estate appraisers, negotiators, and other such experts deemed necessary to assist staff with the acquisition process.
3. It is the intention of the Council that the required rights of way, easements, and fee property be obtained through good faith negotiation. The Council acknowledges that the exercise of the power of eminent domain may be necessary. The Clackamas County, Office of County Counsel shall file complaints of condemnation with the circuit court of the County and take such other steps as it determines necessary for the immediate possession of required rights of way, easements, and fee property and the successful litigation of the condemnation action, including the retention of real estate appraisers, experts and other consultants deemed necessary to the successful conclusion of that litigation.

This resolution will take effect on May 18, 2022.

ADOPTED this 18th day of May, by the Canby City Council.

Brian Hodson, Mayor

ATTEST:

Melissa Bisset
City Recorder

EXHIBIT "A"

SOUTH IVY STREET PEDESTRIAN INTERSECTION IMPROVEMENTS
COUNTY PROJECT NO. 22239
MARCH 21, 2022
PAGE 1 OF 4

EXISTING CENTERLINE DESCRIPTION FOR A PORTION OF SOUTH IVY STREET

A ROADWAY COMMONLY KNOWN AS SOUTH IVY STREET, MARKET ROAD NO. 10, COUNTY ROAD NO. 1202, LOCATED IN THE SOUTH ONE-HALF OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 1 EAST, AND THE NE ONE-QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF CANBY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3" BRASS DISC IN A MONUMENT BOX MARKING THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 1 EAST PER USBT 1999-039; THENCE NORTH 69°00'26" WEST, 2900.76 FEET TO THE POINT OF BEGINNING, SAID POINT BEING AT CENTERLINE STATION 13+46.07 OF PACIFIC HIGHWAY, OREGON HIGHWAY 99E PER SN. 2007-377 AND ENGINEER'S CENTERLINE STATION 719+86.43 OF SOUTH IVY STREET; THENCE SOUTH 26°47'31" EAST, 2922.98 FEET TO A POINT OF CURVATURE, ENGINEER'S CENTERLINE STATION 690+63.45; THENCE ALONG THE ARC OF A 318.31 FOOT RADIUS CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 27°11'58" (THE LONG CORD OF WHICH BEARS SOUTH 13°11'32" EAST, 149.69 FEET) 151.11 FEET, ENGINEER'S CENTERLINE STATION 689+12.34; THENCE SOUTH 00°24'27" WEST, 912.34 FEET TO ENGINEER'S CENTERLINE STATION 680+00 AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION.

THE BASIS OF BEARING IS THE OREGON COORDINATE REFERENCE SYSTEM (OCRS), PORTLAND ZONE, LAMBERT CONFORMAL CONIC PROJECTION, NAD 83 (2011) EPOCH 2010.00, INTERNATIONAL FEET UNITS, PER SURVEY NO. 2020-198.

THE SIDELINES IN FEET OF THE STRIPS OF LAND HEREIN DESCRIBED ARE AS FOLLOWS:

<u>STATION TO STATION</u>	<u>WIDTH ON WESTERLY SIDE OFF CENTERLINE</u>	<u>WIDTH ON EASTERLY SIDE OFF CENTERLINE</u>
690+00.00 TO 697+24.68	35.00 FEET	
697+24.63 TO 697+79.68	38.50 FEET	
697+79.68 TO 702+98.60	35.00 FEET	
702+98.56 TO 703+59.96	37.00 FEET	
703+59.96 TO 704+55.90	36.50 FEET	
704+55.89 TO 707+25.95	35.00 FEET	
707+25.95 TO 707+49.08	35.00 FEET IN A STRAIGHT LINE TO 73.22 FEET	
708+17.17 TO 708+22.53	65.74 FEET IN A STRAIGHT LINE TO 68.44 FEET	
708+22.53 TO 708+35.31	68.44 FEET IN A STRAIGHT LINE TO 43.00 FEET	
708+35.31 TO 708+90.00	43.00 FEET	

SOUTH IVY STREET PEDESTRIAN INTERSECTION IMPROVEMENTS
COUNTY PROJECT NO. 22239
MARCH 21, 2022
PAGE 2 OF 4

THE SIDELINES IN FEET OF THE STRIPS OF LAND HEREIN DESCRIBED CONTINUE AS FOLLOWS:

<u>STATION TO STATION</u>	<u>WIDTH ON WESTERLY SIDE OFF CENTERLINE</u>	<u>WIDTH ON EASTERLY SIDE OFF CENTERLINE</u>
708+90.00 TO 710+51.19	40.00 FEET	
710+51.15 TO 711+31.51	37.50 FEET	
711+31.49 TO 712+74.13	36.50 FEET	
712+74.13 TO 712+88.51	36.50 FEET IN A STRAIGHT LINE TO 50.61 FEET	
712+88.51 TO 712+88.83	50.61 FEET IN A STRAIGHT LINE TO 67.58 FEET	
712+88.83 TO 712+91.83	67.58 FEET IN A STRAIGHT LINE TO 67.52 FEET	
712+91.83 TO 713+31.63	67.52 FEET IN A STRAIGHT LINE TO 56.59 FEET	
713+31.63 TO 713+50.80	56.59 FEET IN A STRAIGHT LINE TO 38.00 FEET	
713+50.80 TO 716+66.61	38.00 FEET	
716+66.61 TO 716+87.49	38.00 FEET IN A STRAIGHT LINE TO 56.92 FEET	
716+87.49 TO 717+34.74	56.92 FEET IN A STRAIGHT LINE TO 100.59 FEET	
717+34.74 TO 717+37.88	100.59 FEET IN A STRAIGHT LINE TO 100.57 FEET	
717+37.62 TO 718+34.55	31.50 FEET	
693+39.92 TO 693+42.48		30.00 FEET IN A STRAIGHT LINE TO 35.00 FEET
693+42.48 TO 694+44.21		35.00 FEET
694+44.21 TO 695+36.83		31.50 FEET
695+36.83 TO 697+49.60		32.00 FEET
697+49.91 TO 698+49.60		35.50 FEET
698+49.60 TO 699+06.00		32.50 FEET
699+06.00 TO 699+36.55		43.00 FEET
699+36.55 TO 699+38.51		43.00 FEET IN A STRAIGHT LINE TO 44.97 FEET
699+38.51 TO 699+41.52		74.65 FEET
699+41.52 TO 699+88.44		74.65 IN A STRAIGHT LINE TO 71.85 FEET

SOUTH IVY STREET PEDESTRIAN INTERSECTION IMPROVEMENTS
COUNTY PROJECT NO. 22239
MARCH 21, 2022
PAGE 3 OF 4

THE SIDELINES IN FEET OF THE STRIPS OF LAND HEREIN DESCRIBED CONTINUE AS FOLLOWS:

<u>STATION TO STATION</u>	<u>WIDTH ON WESTERLY SIDE OFF CENTERLINE</u>	<u>WIDTH ON EASTERLY SIDE OFF CENTERLINE</u>
699+88.44 TO 700+30.00		42.00 FEET
700+30.00 TO 700+62.78		32.50 FEET
700+62.78 TO 701+31.83		33.00 FEET
701+31.83 TO 701+43.64		33.00 FEET IN A STRAIGHT LINE TO 44.85 FEET
701+93.58 TO 701+96.69		57.90 FEET
701+96.69 TO 701+96.71		57.90 FEET IN A STRAIGHT LINE TO 42.51 FEET
701+96.71 TO 702+06.21		42.51 FEET IN A STRAIGHT LINE TO 33.00 FEET
702+06.21 TO 702+75.91		33.00 FEET
702+75.91 TO 703+63.00		32.50 FEET
703+63.00 TO 703+91.00		39.00 FEET
704+50.91 TO 705+12.00		35.00 FEET
705+12.00 TO 705+67.00		50.00 FEET
705+67.00 TO 706+03.00		33.00 FEET
706+03.00 TO 706+22.23		42.00 FEET
706+22.23 TO 706+77.24		35.00 FEET
706+95.39 TO 707+00.47		30.00 FEET IN A STRAIGHT LINE TO 31.50 FEET
707+00.47 TO 707+05.76		31.50 FEET
707+05.76 TO 707+10.75		31.50 FEET IN A STRAIGHT LINE TO 30.00 FEET
707+38.23 TO 707+70.24		33.50 FEET
710+90.41 TO 711+95.36		33.50 FEET
711+95.36 TO 712+10.36		32.50 FEET
712+79.77 TO 712+88.92		30.00 FEET IN A STRAIGHT LINE TO 35.38 FEET
712+88.92 TO 712+95.44		35.38 FEET IN A STRAIGHT LINE TO 46.82 FEET
713+35.35 TO 713+41.37		47.79 FEET IN A STRAIGHT LINE TO 35.69 FEET
713+41.37 TO 713+50.99		35.69 FEET IN A STRAIGHT LINE TO 30.00 FEET
715+06.47 TO 715+19.41		30.00 FEET IN A STRAIGHT LINE TO 33.20 FEET

SOUTH IVY STREET PEDESTRIAN INTERSECTION IMPROVEMENTS
COUNTY PROJECT NO. 22239
MARCH 21, 2022
PAGE 4 OF 4

THE SIDELINES IN FEET OF THE STRIPS OF LAND HEREIN DESCRIBED CONTINUE AS FOLLOWS:

<u>STATION TO STATION</u>	<u>WIDTH ON WESTERLY SIDE OFF CENTERLINE</u>	<u>WIDTH ON EASTERLY SIDE OFF CENTERLINE</u>
715+19.41 TO 715+22.53		33.20 FEET IN A STRAIGHT LINE TO 39.47 FEET
715+22.53 TO 715+22.61		39.47 FEET IN A STRAIGHT LINE TO 46.96 FEET
715+22.61 TO 715+30.26		46.96 FEET IN A STRAIGHT LINE TO 46.88 FEET
715+70.24 TO 715+77.03		50.08 FEET IN A STRAIGHT LINE TO 38.00 FEET
715+77.03 TO 717+47.51		38.00 FEET
717+47.51 TO 717+91.18		31.00 FEET
717+91.18 TO 718+33.72		41.00 FEET

EXHIBIT "B"

File No.	Property Address	Tax Lot
1	103 SW 1st Ave. Canby, OR 97013	31E33CD08200
2	181 S Ivy St. Canby, OR 97013	31E33CD08100
3	130 SW 2nd Ave. Canby, OR 97013	31E33CD10000
4	235 S Ivy St. Canby, OR 97013	31E33CD06800
5	275 S Ivy St. Canby, OR 97013	31E33CD06700
6	311 S Ivy St. Canby, OR 97013	31E33CD06200
7	375 S Ivy St. Canby, OR 97013	31E33CD06100
8	387 S Ivy St. Canby, OR 97013	31E33CD06101
9	395 S Ivy St. Canby, OR 97013	31E33CD06000
22	485 S Ivy St. Canby, OR 97013	41E04AB07400
23	507 S Ivy St. Canby, OR 97013	41E04AB07300
24	533 S Ivy St. Canby, OR 97013	41E04AB07200
25	553 S Ivy St. Canby, OR 97013	41E04AB07100
26	583 S Ivy St. Canby, OR 97013	41E04AB06300
27	625 S Ivy St. Canby, OR 97013	41E04AB06200
28	110 SW 6th Pl. Canby, OR 97013	41E04AB04417
29	113 SW 6th Pl. Canby, OR 97013	41E04AB04401
30	695 S Ivy St. Canby, OR 97013	41E04AB04300
31	775 S Ivy St. Canby, OR 97013	41E04AB02300

EXHIBIT "B"

File No.	Property Address	Tax Lot
32	793 S Ivy St. Canby, OR 97013	41E04AB02200
33	797 S Ivy St. Canby, OR 97013	41E04AB02201
34	120 SW 8th Ave. Canby, OR 97013	41E04AB03211
35	115 SW 8th Ave. Canby, OR 97013	41E04AB03218
36	125 SW 8th Ave. Canby, OR 97013	41E04AB03220
51	1130 S Ivy St. Canby, OR 97013	41E04A 01100
52	1110 S Ivy St. Canby, OR 97013	41E04A 00701
53	No Situs Canby, OR 97013	41E04AB02100
54	1000 S Ivy St. Canby, OR 97013	41E04AB02101
55	954 S Ivy St. Canby, OR 97013	41E04AB02000
56	906 S Ivy St. Canby, OR 97013	41E04AB01900
57	896 S Ivy St. Canby, OR 97013	41E04AB01800
58	804 S Ivy St. Canby, OR 97013	41E04AB01500
59	No Situs Canby, OR 97013	41E04AB01801
60	790 S Ivy St. Canby, OR 97013	41E04AB01300
61	780 S Ivy St. Canby, OR 97013	41E04AB01301
62	748 S Ivy St. Canby, OR 97013	41E04AB01100
63	692 S Ivy St. Canby, OR 97013	41E04AB01200
64	680 S Ivy St. Canby, OR 97013	41E0AB401003

EXHIBIT "B"

File No.	Property Address	Tax Lot
65	684 S Ivy St. Canby, OR 97013	41E04AB01002
66	688 S Ivy St. Canby, OR 97013	41E04AB01000
67	664 S Ivy St. Canby, OR 97013	41E04AB00900
68	662 S Ivy St. Canby, OR 97013	41E04AB00902
69	638 S Ivy St. Canby, OR 97013	41E04AB00903
70	630 S Ivy St. Canby, OR 97013	41E04AB00800
71	610 S Ivy St. Canby, OR 97013	41E04AB00700
74	590 S Ivy St. Canby, OR 97013	41E04AB00502
75	580 S Ivy St. Canby, OR 97013	41E04AB00501
76	574 S Ivy St. Canby, OR 97013	41E04AB00500
77	119 SE Township Rd. Canby, OR 97013	41E04AB00400
78	450 S Ivy St. Canby, OR 97013	31E33DC06000
79	372 S Ivy St. Canby, OR 97013	31E33DC06100
80	360 S Ivy St. Canby, OR 97013	31E33DC06200
81	318 S Ivy St. Canby, OR 97013	31E33DC06300
82	276 S Ivy St. Canby, OR 97013	31E33DC06500
83	242 S Ivy St. Canby, OR 97013	31E33DC06700
84	221 SE 2nd Ave. Canby, OR 97013	31E33DC07301
85	144 SE 2nd Ave. Canby, OR 97013	31E33DC01400



City Council Staff Report

Meeting Date: 5/18/2022

To: Honorable Mayor Hodson and City Council

Thru: Scott Archer, City Administrator

From: Maya Benham, Deputy City Recorder

Agenda Item: Appointment of Elizabeth Chapin to the Budget Committee with a term ending June 30, 2024.

Goal: Enhance Engagement & Communications that represents broad perspectives

Summary

There are currently vacancies on the Budget Committee and Urban Renewal Budget Committee. The vacancies have been advertised on the City's website.

Background

Budget Committees are established through [State Statute](#) and exist to provide the public an opportunity to participate in the [budgeting process](#). It reviews and revises the proposed budget prior to the Urban Renewal Agency adopting the budget. The Urban Renewal Budget Committee is made up of six citizens-at-large from the City Budget Committee and one additional citizen-at-large, three year terms. Members must reside within the City limits and be registered voters.

Discussion

One candidate applied for the vacancy. Interviews were conducted on May 10, 2022 with Mayor Hodson, Budget Committee Chair Jason Padden, and Staff Liaison Eric Kytola. After the interview, the interview panel recommend Ms. Elizabeth Chapin for Appointment to the Budget Committee with a term ending June 30, 2024.

Attachments

Application of Elizabeth Chapin

Interview Questions

Fiscal Impact

None.

Proposed Motion

"I move to approve the consent agenda that includes the appointment of Elizabeth Chapin to the Budget Committee with a term ending June 30, 2024."

EMPLOYMENT APPLICATION



City of Canby
222 NE 2nd Ave

Canby, Oregon - 97013
[http //www canbyoregon gov](http://www.canbyoregon.gov)
 (http://www.canbyoregon.gov)
Chapin, Elizabeth, Burrows
Committee, Board, Commission Member

Received: 4/11/22 5:07 PM
For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE:

Committee, Board, Commission Member

Job Number:

VOL - 2022

NAME: (Last, First, Middle)

Chapin, Elizabeth, Burrows

PERSON ID:

██████████

Former Last Name:

Burrows

ADDRESS: (Street, City, State, Zip Code)

██████████

Canby, OR 97013

HOME PHONE:

██████████

EMAIL ADDRESS:

██████████

NOTIFICATION PREFERENCE:

Email

PREFERENCES

SHIFTS YOU WILL ACCEPT:**WHAT TYPE OF JOB ARE YOU LOOKING FOR?****TYPES OF WORK YOU WILL ACCEPT:****Agency - Wide Questions**

Nothing Entered For This Section

Job Specific Supplemental Questions

1. If employed, who is your employer and what is your position?

Assist Services LLC

2. Which Board, Commission, or Committee are you applying to serve on?

BUDGET COMMITTEE

3. What are your community interests (committees, organizations, special activities)?

I was a member of the Ford Family foundation leadership program (the bike racks project) for 2 years.

I was a board member of the Trost and Baker Prairie PTA/PTO for 9 years in a row. I served on the City of Canby Transit Advisory (C.A.T. Committee) board for 8 years until last year. I have been in a Book Club in Canby for 13 years.

4. What are your major interests or concerns in the City's programs?

My husband and I have been married almost 25 years. We have lived here 18 years, and our son is a senior at Canby high school. We are homeowners. We also have an apartment in the Dahlia because my in-laws have lived there for the past 2 and a half years. We moved them there (initially temporarily) when they couldn't live in their house anymore. They liked the Dahlia. Covid happened and other places were no longer an option, so they stayed.

Because of this unique situation, we are not only homeowners in this community, but we are also renters. I see life from the perspective of a homeowner, but also from someone who rents in this community and what they have to face. Canby is a wonderful place to live. There's a sense of community here in Canby that you don't get in other places. I'd like to participate once again in Canby Municipal Government in a more meaningful way.

5. Why are you interested in this volunteer position?

The budget committee seems to be a very good committee to apply to because because I will learn so much about the city and how it works. I think it's a good jumping off point to learn about exactly what the city has and how to allocate the funds. I am quite interested in seeing exactly how that process works. I feel I have a much to offer, and I would like to learn more about our city and how it is funded. This committee sounds interesting to me.

6. Please share your experience and educational background.

I have a Bachelor of Science in Business/Marketing. I was a member of the Ford Family foundation leadership program (the bike racks project) for 2 years.

I was a board member of the Trost and Baker Prairie PTA/PTO for 9 years in a row. I served on the City of Canby Transit Advisory (C.A.T. Committee) board for 8 years until last year. I have been in a Book Club in Canby for 13 years.

7. Please list any other City or County positions on which you serve or have served.

I served on the City of Canby Transit Advisory (C.A.T. Committee) board for 8 years until last year.

8. If you were referred by someone, please list.

Jason Padden

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge.

Additional Information for Employment Applications:

I understand this application does not represent a contract for employment. I understand that an acceptance of an offer for employment does not create a contractual obligation upon the City of Canby to continue to employ me for any period of time in the future. I understand that no representative from the City has any authority to enter into any special agreement with me to promise and/or guarantee my employment for any specific time period or to promise me a promotion or transfer, etc. either prior to commencement of employment or after I have become employed, or to assure me of any benefits or terms and conditions of employment, or to make any agreement contrary to the aforementioned.

I hereby represent that each answer to questions incorporated into this application and all other information otherwise furnished by me shall be true, complete, and correct. I understand that incorrect, incomplete, false or misleading statement/answer/information furnished by me either verbally, or in writing will subject my application to

disqualification from further consideration and/or if already employed by the City, when the aforementioned is detected, I will be subject to discipline up to and including discharge, for falsifying a City record/document, regardless of how much time has elapsed since the date I was employed. In the event that I am employed by the City, I agree to comply with all its orders, rules, regulations, safety policies, and performance standards. Upon hire, I will provide proof as required on the US Government, I-9 form that I am legally eligible for employment in the United States. If I cannot provide such proof in accordance with Federal Law, I understand that my employment will be terminated.

I have read and understand all of the provisions of this acknowledgement. By signing this application, I hold the City of Canby harmless for any result of the City questioning the references provided in this application. If I am selected for further consideration, I hereby authorize and release from liability all former employers, landlords, educational institutions, law enforcement agencies, and/or other government agencies to provide/release information regarding my employment, education, criminal conviction record, credit history, driver's license violations and motor vehicle records, which may be in their possession to the City of Canby and/or its agents. I understand that I will not receive and am not entitled to know the contents of confidential reports received, and I further understand that these reports may be privileged. An offer of employment is conditional upon a background investigation, and if relevant, a pre-employment medical exam and drug screen test (safety sensitive positions).

EQUAL EMPLOYMENT OPPORTUNITY: We are an Equal Opportunity/Affirmative Action Employer. We are dedicated to a policy of nondiscrimination in employment on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, status as a parent, national origin, age, or mental and/or physical disability.

BACKGROUND: Finalists for City jobs must successfully pass a background investigation and may be required to pass a pre-employment medical exam as a final condition of the job offer. Finalists for safety sensitive positions must also successfully pass a pre-employment drug-screening test.

PROBATIONARY PERIOD: New employees or employees changing job positions will be considered Trial service employees for at least six (6) months before attaining regular status.

IMMIGRATION LAW: In accordance with the Immigration Reform and Control Act of 1986 (IRCA), all newly hired employees will be required to complete and sign an Employment Eligibility Verification Form and present documentation verifying identity and employment eligibility. 10/20

This application was submitted by Chapin, Elizabeth, Burrows

Signature_____

Date_____



1. Why do you want to be on the Budget Committee?
2. Do you have experience working with budgets?
3. Please give us a brief overview of what the Budget Committee does.
4. Do you have experience with financial statements?
5. Do you have experience with or have read any of the Oregon Budget Law?
6. Have you read the City of Canby's budget?



City Council Staff Report

Meeting Date: 5/18/2022

To: Honorable Mayor Hodson and City Council

Thru: Scott Archer, City Administrator

From: Maya Benham, Deputy City Recorder

Agenda Item: Appointment of Herman Maldonado to the Budget Committee with a term ending June 30, 2022.

Goal: Enhance Engagement & Communications that represents broad perspectives

Summary

There are currently vacancies on the Budget Committee. The vacancies have been advertised on the City's website.

Background

Budget Committees are established through [State Statute](#) and exist to provide the public an opportunity to participate in the [budgeting process](#). It reviews and revises the proposed budget prior to the Urban Renewal Agency adopting the budget. The Urban Renewal Budget Committee is made up of six citizens-at-large from the City Budget Committee and one additional citizen-at-large, three year terms. Members must reside within the City limits and be registered voters.

Discussion

Two candidates applied for the vacancy. Interviews were conducted on May 16, 2022 with Mayor Hodson, Budget Committee Chair Jason Padden, and Staff Liaison Eric Kytola. After the interview, the interview panel recommends Herman Maldonado for appointment to the Budget Committee with a term ending June 30, 2022.

Attachments

Application of Cara Hawkins

Application of Herman Maldonado

Interview Questions

Fiscal Impact

None.

Proposed Motion

"I move to approve the consent agenda that includes the appointment of Herman Maldonado to the Budget Committee with a term ending June 30, 2022."

EMPLOYMENT APPLICATION



City of Canby
222 NE 2nd Ave

Canby, Oregon - 97013
<http://www.canbyoregon.gov>
Hawkins, Cara, Louise
Committee, Board, Commission Member

Received: 5/9/22 12:14 PM

For Official Use Only:

QUAL: _____

DNQ: _____

- Experience
- Training
- Other: _____

PERSONAL INFORMATION

POSITION TITLE:

Committee, Board, Commission Member

Job Number:

VOL - 2022

NAME: (Last, First, Middle)

Hawkins, Cara, Louise

PERSON ID:

[REDACTED]

Former Last Name:

Collum

ADDRESS: (Street, City, State, Zip Code)

[REDACTED]

Canby, OR 97013

HOME PHONE:

([REDACTED])

ALTERNATE PHONE:

[REDACTED]

EMAIL ADDRESS:

[REDACTED]

NOTIFICATION PREFERENCE:

Email

PREFERENCES

SHIFTS YOU WILL ACCEPT:

Day , Evening , Weekends , On Call (as needed)

WHAT TYPE OF JOB ARE YOU LOOKING FOR?

TYPES OF WORK YOU WILL ACCEPT:

OBJECTIVE:

Budget committee

Agency - Wide Questions

Nothing Entered For This Section

Job Specific Supplemental Questions

1. **If employed, who is your employer and what is your position?**

20+ years to current with Clackamas County District Attorney as a Victim Advocate.

2. Which Board, Commission, or Committee are you applying to serve on?

BUDGET COMMITTEE

What are your community interests (committees, organizations, special activities)?

3. I am a victim advocate professionally. I am the president of our HOA and I manage a group called Friends of Canby Parks.

What are your major interests or concerns in the City's programs?

4. I have loved Canby since I was 12 years old and visiting while showing my dog and pig at the fairgrounds. I love our small town feel, community events and our green spaces.

5. Why are you interested in this volunteer position?

I am nearing retirement and am interested in developing more volunteer opportunities.

Please share your experience and educational background.

6. I graduated from Molalla HS in 1980. I attended CCC for a year until I got married and turned my focus to being a homemaker and mom. I have held many volunteer positions over the years including my children's schools and Willamette Falls Hospital.

7. Please list any other City or County positions on which you serve or have served.

None

8. If you were referred by someone, please list.

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge.

Additional Information for Employment Applications:

I understand this application does not represent a contract for employment. I understand that an acceptance of an offer for employment does not create a contractual obligation upon the City of Canby to continue to employ me for any period of time in the future. I understand that no representative from the City has any authority to enter into any special agreement with me to promise and/or guarantee my employment for any specific time period or to promise me a promotion or transfer, etc. either prior to commencement of employment or after I have become employed, or to assure me of any benefits or terms and conditions of employment, or to make any agreement contrary to the aforementioned.

I hereby represent that each answer to questions incorporated into this application and all other information otherwise furnished by me shall be true, complete, and correct. I understand that incorrect, incomplete, false or misleading statement/answer/information furnished by me either verbally, or in writing will subject my application to disqualification from further consideration and/or if already employed by the City, when the aforementioned is detected, I will be subject to discipline up to and including discharge, for falsifying a City record/document, regardless of how much time has elapsed since the date I was employed. In the event that I am employed by the City, I agree to comply with all its orders, rules, regulations, safety policies, and performance standards. Upon hire, I will provide proof as required on the US Government, I-9 form that I am legally eligible for employment in the United States. If I cannot provide such proof in accordance with Federal Law, I understand that my employment will be terminated.

I have read and understand all of the provisions of this acknowledgement. By signing this application, I hold the City of Canby harmless for any result of the City questioning the references provided in this application. If I am selected for further consideration, I hereby authorize and release from liability all former employers, landlords, educational institutions, law enforcement agencies, and/or other government agencies to provide/release information regarding my employment, education, criminal conviction record, credit history, driver's license violations and motor vehicle records, which may be in their possession to the City of Canby and/or its agents. I understand that I will not receive and am not entitled to know the contents of confidential reports received, and I further understand that these reports may be privileged. An offer of employment is conditional upon a background investigation, and if relevant, a pre-employment medical exam and drug screen test (safety sensitive positions).

EQUAL EMPLOYMENT OPPORTUNITY: We are an Equal Opportunity/Affirmative Action Employer. We are

dedicated to a policy of nondiscrimination in employment on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, status as a parent, national origin, age, or mental and/or physical disability.

BACKGROUND: Finalists for City jobs must successfully pass a background investigation and may be required to pass a pre-employment medical exam as a final condition of the job offer. Finalists for safety sensitive positions must also successfully pass a pre-employment drug-screening test.

PROBATIONARY PERIOD: New employees or employees changing job positions will be considered Trial service employees for at least six (6) months before attaining regular status.

IMMIGRATION LAW: In accordance with the Immigration Reform and Control Act of 1986 (IRCA), all newly hired employees will be required to complete and sign an Employment Eligibility Verification Form and present documentation verifying identity and employment eligibility. 10/20

This application was submitted by Hawkins, Cara, Louise

Signature_____

Date_____

EMPLOYMENT APPLICATION



City of Canby
222 NE 2nd Ave

Canby, Oregon - 97013
<http://www.canbyoregon.gov>
Maldonado, Herman, Pepe'
Committee, Board, Commission Member

Received: 5/9/22 6:19 PM
For Official Use Only:

QUAL: _____
DNQ: _____

- Experience
- Training
- Other: _____

PERSONAL INFORMATION

POSITION TITLE:
Committee, Board, Commission Member
Job Number:
VOL - 2022
NAME: (Last, First, Middle)
Maldonado, Herman, Pepe'
PERSON ID:
[REDACTED]

ADDRESS: (Street, City, State, Zip Code)
[REDACTED]
canby, OR 97013

HOME PHONE:
[REDACTED]

EMAIL ADDRESS:
[REDACTED]

NOTIFICATION PREFERENCE:
Email

PREFERENCES

SHIFTS YOU WILL ACCEPT:
On Call (as needed)
WHAT TYPE OF JOB ARE YOU LOOKING FOR?
Regular
TYPES OF WORK YOU WILL ACCEPT:
Full Time
OBJECTIVE:
To help make our city the best it can be.

Agency - Wide Questions

Nothing Entered For This Section
Job Specific Supplemental Questions

1. If employed, who is your employer and what is your position?

Northwest Venture Group

2. **Which Board, Commission, or Committee are you applying to serve on?**
BUDGET COMMITTEE
3. **What are your community interests (committees, organizations, special activities)?**
Ultimately I want to become a council member however I am willing to make a change where I can
4. **What are your major interests or concerns in the City's programs?**
To help our cultural diversity become stronger and make our community a better place for our youth
5. **Why are you interested in this volunteer position?**
I love Canby and want to help make it a better place to raise our families without changing its values
6. **Please share your experience and educational background.**
Boys and Girls club of America and the big Brothers program.
7. **Please list any other City or County positions on which you serve or have served.**
I unfortunately have not had the opportunity as of yet
8. **If you were referred by someone, please list.**
Traci Hensley

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge.

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BACKGROUND: Finalists for City jobs must successfully pass a background investigation and may be required to pass a pre-employment medical exam as a final condition of the job offer. Finalists for safety sensitive positions must also successfully pass a pre-employment drug-screening test.

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This application was submitted by Maldonado, Herman, Pepe'

Signature_____

Date_____



1. Why do you want to be on the Budget Committee?
2. Do you have experience working with budgets?
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4. Do you have experience with financial statements?
5. Do you have experience with or have read any of the Oregon Budget Law?
6. Have you read the City of Canby's budget?



CITY COUNCIL STAFF REPORT

Meeting Date: 5/18/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Melissa Bisset, HR Director/ City Recorder

Agenda Item: Discussion regarding Boards, Commission and Committee Member reappointments.

Goal: Enhance Engagement & Communications that represents broad perspectives

Objective: N/A

Summary

The City has various Boards, Commissions and Committees. Members are appointed by the City Council and serve terms established through the City Code.

Background

The City has eleven Boards, Commissions and Committees: [Bike and Pedestrian Committee](#), [Budget Committee](#), [Canby Public Library Board](#), [Canby Utility Board](#), [Heritage and Landmark Commission](#), [Parks and Recreation Advisory Board](#), [Planning Commission](#), [Traffic Safety Commission](#), [Transit Advisory Committee](#), [Urban Renewal Agency](#) and [Urban Renewal Budget Committee](#). The method of appointment, charge of each group and the term lengths are detailed in the City's Code.

Currently, when there is a vacancy created by a resignation, the City advertises the position and collects applications. City Staff then schedules the interviews with the proper parties involved as directed by City Code. After interviews are conducted, the interview panel advises the City Recorder's office of their recommendation. This recommendation is captured in a staff report and all applications for the position are included in the City Council meeting material when the appointment appears on the Consent Agenda of a City Council Meeting. There was a recent request by a Councilor that all of the applications received for each position be included in their meeting material and this is now being added to the process. For many years, as far back as City Records show, when there is a current Board, Commission or Committee member whose term is coming to an end, the City Recorder's office will reach out to the member to see if the member wishes to be reappointed. The appropriate Council Liaison and Chair are notified and the reappointment goes onto the City Council Consent Agenda for approval.

Discussion

At the May 4, 2022 City Council Meeting, there was discussion regarding how reappointments take place when a term ends and a suggestion to change the process to include advertising of the vacancy, collection of applications (the incumbent may choose to apply when there are not subject to term limits), and interviews with a recommendation as set forth in the Canby Municipal Code.

Attachments

None

Options

This is an informational item. Council may discuss, and if desired propose changes to the process.

Recommendation

Council provide Staff with direction on desired changes to reappointment process.



City of Canby Bi-Monthly Report
Department: Administration
For Months of March & April 2022

To: The Honorable Mayor Hodson & City Council
 From: Melissa Bisset, City Recorder/ HR Manager
 Prepared by: Erin Burkhard, Office Specialist II
 Through: Scott Archer, City Administrator
 Date: May 18, 2022

Board and Commissions

Board/ Commission/ Committee	Vacancy	Applications Received	Status
Budget Committee	2	2	Appointed on April 6, 2022 and second application in process of scheduling interview
Planning Commission	1	2	Appointed on April 6, 2022
Transit Advisory Committee	2	0	Reappointment at the April 6 Council meeting
Urban Renewal Budget Committee	3	0	Reappointment at the March 16 Council meeting
Library Advisory Board	1	2	Recommended at the May 18 Council meeting
Canby Utility Board	1	1	Appointed on March 2, 2022
Heritage & Landmark Commission	1	0	
Traffic Safety Commission	1	1	Appointed on March 2, 2022

Business Licenses

	Issued	Inactivated	Renewals Mailed	Total Licenses
March & April 2022	21	40	256	675 Canby Addresses 1489 All
March & April 2021	30	50	247	647 Canby Addresses 1547 All

Cemetery

	Property purchases recorded	Internments recorded
March 2022	1	5
April 2022	1	2

Liquor Licenses/ Noise Variance Application

Processed one Noise Variance application.

Public Records Requests

Processed four public records requests.

Special Animal Permits

One Special Animal Permit was issued.



City of Canby Bi-Monthly Report
 Department: Court
 March and April, 2022

To: The Honorable Mayor Hodson and City Council
 Prepared By: Jessica Roberts, Municipal Court Supervisor
 Through: Scott Archer, City Administrator
 Date: May 18, 2022

Canby Municipal Court has jurisdiction over all city and state law offenses committed within city limits other than felonies. These include: violations, traffic crimes, misdemeanors and City code violations. *Note: Statistic category terms outlined on page 2*

Monthly Statistics	March	April
Misdemeanors		
Offenses Filed	28	24
Cases Filed	21	19
Warrants Issued	15	14
Misdemeanor Case Detail		
Diversion/Deferred Sentence	6	5
Offenses Dismissed	5	11
Offenses Sentenced	4	3
Offenses not filed by City Prosecutor	2	1
Traffic & Other Violations		
Offenses Filed	180	140
Cases/Citations Filed	121	104
Parking Citations Filed	14	3
Traffic & Other Violations Case Detail		
Diversion (Good Driver Class/MIP)	18	18
Dismissal (Fix It Tickets)	9	4
Dismissed by City Prosecutor or Judge	7	10
Sentenced by Judge	23	38
Handled by Violations Bureau	66	46
Guilty by Default	33	50
Traffic and Criminal Trials		
Court Trial (Misdemeanor)	0	0
Jury	1	0
Traffic Trial	7	4
Defendant Accounts referred to Collections	\$31,643.75	\$0.00
Fines & Surcharges Collected	\$46,739.65	\$46,543.98

Explanation of terms:

1. Difference between Offenses Filed vs. Cases Filed
 - Multiple offenses (charges) can be filed on any one defendant from a single traffic stop or arrest.
 - Offenses filed reflects this number. Cases filed (also called docket numbers) refers to a single defendant's matter before the court.
2. Offenses not filed by City Prosecutor. Crimes cited by the police department go to the city prosecutor for review. At times those charges are not filed on against the defendant at the determination of the City Prosecutor.
3. Guilty by Default. When a defendant does not appear or contact the court on their scheduled court date a defaulted conviction is entered against them on the following Thursday. A court clerk processes the default convictions.
4. The Violations Bureau applies to traffic violations only.

Under the Judge's authority, court clerks can accept pleas, offer a deferred sentence program (if qualified) and set a payment plan. Where a crime is charged, a court appearance before the judge is mandatory.

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

Current programs and to qualify:

- Good Drivers Program (no prior traffic convictions in the last five years and no further convictions for 60 days)
- 1st Offender - Minor in Possession of Alcohol/Marijuana citation

5. Fix It Citations

The court offers a Fix It program, which allows the defendant to have a citation dismissed if an issue with their vehicle, registration or license is fixed. There is a \$50 dismissal fee owed for each fixed violation.



City of Canby Bi-Monthly Report

Department: Economic Development

For Months of: March & April 2022

To: The Honorable Mayor Hodson & City Council
From: Jamie Stickel, Economic Development Director
Prepared by: Same as above
Through: Scott Archer, City Administrator
Date: 5/18/2022

Economic Development Director Updates

URA Project List: In 2021, the City of Canby refinanced the Urban Renewal debt which saved the city approximately \$6 million. The Urban Renewal Agency spent time in late 2021 identifying which projects from the original Urban Renewal plan could be included before the Urban Renewal District sunsets in 2025-26. Furthermore, the Urban Renewal Agency has asked staff to investigate options should the Urban Renewal Agency choose to use the savings to pay down the debt service. The City of Canby's Economic Development Director and Public Works Director presented a refined project list at the March 16th Urban Renewal Agency meeting. The project list included an overview of the projects which included HWY 99 gateway improvements, Community Park upgrades, pedestrian access from the Logging Trail to HWY 99, and downtown street and alleyway upgrades. All of the projects fit within the goals adopted in the Urban Renewal Plan:

- **Goal One:** To diversify economic base and family wage jobs within the district.
- **Goal Two:** To maintain effective, efficient and safe traffic system for vehicular and pedestrian users.
- **Goal Three:** To improve and retain existing businesses.
- **Goal Four:** To improve attractive visual amenities for customers and community members throughout the district.



Staff presented preliminary cost estimates for the projects. The Urban Renewal Agency reviewed the list and cost estimates and directed staff to move forward gateway improvements, access from the Logging Trail to HWY 99E, and Community Park upgrades. On April 7th, City Staff met with Harper Houf Peterson Righellis, Inc (HHP), an engineering firm on the City's list of qualified engineers, to discuss the Gateway improvement project. HHP will work on providing a full scope of work and cost estimates to city staff moving forward.

SE Walnut Street Extension RFQ: The City of Canby issued an RFQ for the SE Walnut Street Extension from the Canby Pioneer Industrial Park to HWY99E. The RFQ closed on March 11th, 2022 at 4:00p after being advertised in the Daily Journal of Commerce and on the City of Canby's website. This request for qualifications was used to compile a list of interested and qualified firms who were reviewed and ranked in accordance with procedures outlined in the City of Canby's Public Contracting Rules. The project has been identified as an opportunity to provide better access from the south side of Canby to HWY99E, which includes moving traffic – cars and trucks – from the industrial park to the highway. The project was included in the 2019 Transportation Systems Plan amendment and has shown to be important to decision makers, developers, businesses, and Canby residents. The City of Canby reviewed the qualified firms during a March 17th meeting and determined it would move forward with Curran McLeod Consulting Engineers.

National Parks Service Grant for Molalla Forest Road, Traverso Section: The City's Bike and Pedestrian Committee applied and was awarded a National Parks Service grant. The grant focused on future master planning work on the

City-owned (Traverso Section) of Molalla Forest Road, engagement with outside committees and agencies, and outreach with neighboring property owners. The City held a meeting with stakeholders during the Bike and Pedestrian Committee's regularly scheduled committee meeting on Tuesday, April 12th. The Canby City Council, Bike and Pedestrian Committee, City Staff, and neighboring property owners came together in the City Council Chambers. Dan Miller, National Parks Service, and Jamie Stickel, Economic Development Director, served as facilitators and Bike and Pedestrian Chair, Mindy Montecucco, provided history on previous efforts. The meeting served as an opportunity for all parties to come together and discuss opportunities for all the stakeholders to come together. City staff and the National Parks Service will continue to work on outreach to the neighboring property owners and other stakeholders.

Childcare for All: Clackamas Workforce Partnership and Clackamas County met with City Staff to discuss their ongoing efforts called, "Childcare for All". Childcare for All is a growing initiative within Clackamas County to ensure all children have access to quality, affordable childcare that meets the unique needs of children and their families. Childcare is a growing topic as it relates to workforce and labor within Clackamas County, the state of Oregon, and nationwide. The representatives from Clackamas Workforce Partnership and Clackamas County are working on outreach to expand their efforts and bring additional local partners to the table to create a holistic approach to childcare. The City of Canby will be further discussing the opportunities for engagement and participation in the discussions and facilitations county-wide.

Housing Needs Analysis/Housing Production Strategy and Economic Opportunity Analysis: Economic Development staff is working with the Canby Planning Department on their ongoing efforts to update two necessary plans: the Housing Production Strategy and Economic Opportunity Analysis. Staff held kick-off stakeholder meetings on Tuesday, March 29th (housing) and Thursday, March 30th (economic opportunities). The stakeholder groups include local business and property owners, representatives from non-profits, residents, and city staff members. The efforts will take approximately 6 – 9 months and will help to inform the forthcoming Comprehensive Plan Update.

Communications Specialist: On July 1st, the City Administrator expanded the Director of Economic Development's role to include Communications Specialist. As Communications Specialist, a great deal of work will be finding new and creative ways of expanding outreach in the community including residents, businesses, and visitors. The work will include assisting the leadership team in expanding the City's communication by writing and distributing news releases, social media posts, and assisting at events.

News Releases and outreach focused on following topics:

- **FEMA Funds Post-Storm Tree Removal:** City of Canby was awarded \$67,500 for post-storm tree removal in Canby parks
- **City Administrator All Staff Updates:** Provided graphics for the announcement of the all-staff meeting
- **Willow Creek:** Tree planting news release, social media, and working with partners on signage.
- **National Volunteer Week:** highlighting the City of Canby's volunteers and ways to get engaged.

Economic Development and Tourism Coordinator Updates

PROMOTION

Canby Independence Day Celebration – The 2022 Canby Independence Day Celebration planning is well underway, and after 2 years of no events there is lots of enthusiasm for this year's celebration. This year's event will be held on Monday, July 4th in downtown Canby. Registrations are available at www.CanbyIndependenceDay.com for all activities taking place such as the Street Fair (Food, Arts + Crafts, and Non-Profits), Car Show, and Parade. Volunteers are always needed to bring this event to fruition, anyone interested can contact Tyler Nizer, Economic Development and Tourism Coordinator, at NizerT@CanbyOregon.gov.

Canby's Big Weekend – August 26th will kick-off the 2022 Canby's Big Weekend with Canby's Big Night Out Street Dance taking place in downtown Canby. Planning has taken place and there are unique strategies to engage with people outside of Canby to join in on the activities. It is with great enthusiasm that the Cutsforth's Cruise-In will take place on August 27th back in downtown Canby. The Swan Island Dahlia Festival will be held all weekend (Friday-Sunday) and the Dahlia Run will feature part of its race through the Swan Island Dahlia fields on Saturday August

27th. Additional planning and coordination will be underway over the spring and summer.

First Thursday Night Market – At March’s planning meeting it was agreed to change the name from First Thursday to The First Thursday Night Market to let guests know there are fun activities taking place in downtown Canby. The night market has seen an increased interest from both guests and participants. The April event saw 10 new businesses engage from the previous month. There are even greater things to come for the event and the city is excited for how it will activate the downtown businesses.

Through The Looking Glass – City staff met with the newly formed Canby Art’s Association which includes; Shelly Arndt (President), Megan Waterman (Vice President), Eric Arndt (Treasurer), Paul Waterman (Secretary), and Kayla DeShazer (Marketing Director). This group of hard working individuals announced their plans to bring a new event coming to downtown Canby, “Through the Looking Glass Arts Festival”. This unique event will provide authors and artists with a platform to share their talent and gifts to enrich the lives of the community. Mark your calendars for Saturday, July 23rd (11am-7pm) to join in on the festivities.

ORGANIZATION

Bike & Pedestrian Committee – At the March meeting Tyler Nizer, Economic Development and Tourism Coordinator, was introduced to the committee and will be the staff liaison in the future. The Bike and Pedestrian Committee discussed opportunities for sidewalks within the City as future development occurs. Britt Ash announced the 4th Annual Poster Art Contest that Clackamas County was putting on in support for Safe Routes to School. The April 12th meeting was an open house with stakeholders including city staff, Bike and Pedestrian Committee members, and adjacent landowners of the Traverso Property. This was an introduction of how the City of Canby and the neighbors of the property can work together in bringing a viable solution of the Traverso property in the future.

Heritage & Landmark Committee – At the March 7th meeting, Tyler Nizer was introduced as the new Economic Development and Tourism Coordinator and staff liaison to the committee in the future. The committee applied for a Historic Cemetery Grant of \$2,700 for repair, cleaning and burial data update of Canby’s Zion Cemetery. They also completed the final report for another Historic Cemetery Grant for repair, cleaning and burial data update of the Zion Cemetery. Judi Jarosh, Chair of the committee, was able to attend the Oregon Heritage Conference April 27-29, on behalf of the committee.

Canby Chamber – Tyler Nizer, Economic Development and Tourism Coordinator, is on the Canby Area Chamber of Commerce board serving as past president. This commitment consists of monthly board meetings, community and business engagement. The Canby Area Chamber of Commerce welcomed in Laurie Tarter as their new Chief Executive Officer. Laurie comes with past experience from the Wilsonville Area Chamber of Commerce and owning her own consulting business, Laurie Tarter LLC. The Canby Area Chamber of Commerce hosted its annual Shred Day Thursday, April 21st. This was a successful event that involved numerous organizations such as Canby Police, Canby Lions Club, Clackamas County Fairgrounds and Event Center, Kahut Waste Services, Northwest Employment Services, and Webber Consulting.

ECONOMIC VITALITY

Oregon Tourism Leadership Academy – Tyler Nizer, Economic Development and Tourism Coordinator, was selected along with 20 other individuals in the tourism industry to take part in the Oregon Tourism Leadership Academy hosted by the Oregon Restaurant and Lodging Association. There were guest speakers such as Todd Davidson, Chief Executive Officer of Travel Oregon, and Michele Leedom, Owner of Clinton Street Consulting. This session, first of four, was held at the Sunriver Resort and consisted of pertinent information of what is happening now with tourism in Oregon and around the world. One of the discussion topics was about the World Athletics Championships Oregon22 that will take place in Eugene, Oregon from July 15-24. This event returns after being cancelled in 2020 due to Covid-19. There will be over 190 countries and 2,000 athletes participating in the events. This is exciting for

THE CANBY ARTS ASSOCIATION PRESENTS



THROUGH THE
LOOKING
GLASS
ARTS FESTIVAL
CANBY, OR

MARK YOUR CALENDARS • FREE ADMISSION

DATE: **JULY 23, 2022**
LOCATION: **WAIT PARK**
TIME: **11AM-7PM**

CANBYARTSASSOCIATION.COM



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FACEBOOK.COM/THECANBYARTSASSOCIATION
INSTAGRAM@CANBYARTSASSOCIATION



Oregon and cities that surround Eugene or are on the path to Eugene from the airport. There will be 2,000+ athletes and their families traveling past Canby in the coming month that we hope to capture to dine, shop, and play in our



great city.

Downtown Business Recruitment & Outreach – The City of Canby has recently welcomed in two new businesses to its beautiful downtown. Tin and Paisley Boutique adds its second location from Aurora to Holly Mall at 249 2nd Avenue, in downtown Canby. This wonderful boutique offers a wide variety of clothing and accessories, sizes small to XXXL. Another retail store completes the Dahlia building, Little Love Resale. The children’s consignment boutique offers an assortment of clothing, shoes, books, toys, baby gear and more! Check them out at 151 North Ivy Street.

DESIGN

Façade Improvement Program – City Staff met with Ebner’s Custom Meats and Retro Revival to provide information on the Façade Improvement Program. There was a lot of interest from both business owners (Mike Ebner and Suzan Joy) and likely an application to come from those conversations in the future. The new owner of 426/428 NW 1st Avenue has inquired about the Façade Improvement Program and has interest to bring a façade identical to the building like their neighboring business, Canby Clinic. Ace Glass has submitted an application for the Façade Improvement Program to refurbish the building’s exterior appearance with paint, block wall repair, and repair/replace windows. The application will come before the Urban Renewal Agency Board in May.

Canby Blade Sign Program – Representatives of two of the businesses in the Dahlia Building met with City Staff to explore utilizing the Blade Sign Program that is offered by the City of Canby. They plan to have seven blade signs installed to represent the six business locations for improved engagement with guests, specifically those walking, cycling, and driving through downtown.

Fleet Service BI-Monthly Report

By Robert Stricker, Lead Mechanic

Mar-22

Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	0	\$0.00	\$0.00	\$0.00	\$0.00
Adult Center	0	\$0.00	\$0.00	\$245.28	\$245.28
Facilities	0	\$0.00	\$0.00	\$411.22	\$411.22
Wastewater Collections	5	\$423.28	\$90.36	\$1,105.69	\$1,619.33
Wastewater Treatment	1	\$55.30	\$7.43	\$34.87	\$97.60
Parks	10	\$1,035.14	\$3,183.94	\$1,012.98	\$5,232.06
Police	14	\$3,138.98	\$1,888.77	\$7,164.40	\$12,192.15
Streets	6	\$719.12	\$1,663.38	\$2,748.45	\$5,130.95
Fleet Services	2	\$88.48	\$54.16	\$159.62	\$302.26
Canby Area Transit (CAT)	25	\$2,152.97	\$2,058.29	\$14,727.85	\$18,939.11
Total	63				\$44,169.96

Apr-22

Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	0	\$0.00	\$0.00	\$0.00	\$0.00
Adult Center	0	\$0.00	\$0.00	\$155.15	\$155.15
Facilities	0	\$0.00	\$0.00	\$316.30	\$316.30
Wastewater Collections	2	\$2,284.92	\$1,676.70	\$630.65	\$4,592.27
Wastewater Treatment	4	\$674.64	\$1,341.81	\$76.12	\$2,092.57
Parks	8	\$1,497.36	\$1,676.96	\$1,641.55	\$4,815.87
Police	16	\$1,921.00	\$1,601.97	\$6,853.91	\$10,376.88
Streets	13	\$3,982.09	\$4,271.15	\$1,621.10	\$9,874.34
Fleet Services	1	\$0.00	\$1,578.39	\$0.00	\$1,578.39
Canby Area Transit (CAT)	17	\$1,959.18	\$2,242.02	\$14,252.73	\$18,453.93
Total	61				\$52,255.70

Fleet Service Highlights



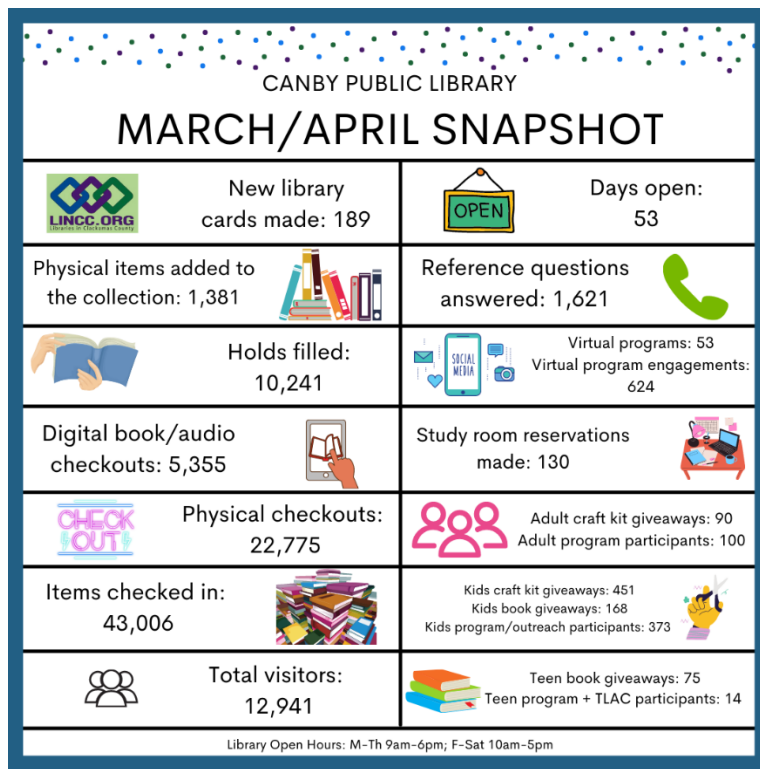
City of Canby Bi-Monthly Report

Department: Library

For Months of: March & April 2022

To: The Honorable Mayor Hodson & City Council
 From: Danny Smith, Library Director
 Prepared by: Same as above
 Through: Scott Archer, City Administrator
 Date: 5/18/2022

Usage Metrics Overview



Staff

No updates for this reporting period.

Spaces

On April 4, 2022 the library expanded hours: Mon-Thu 9:00 – 6:00 & Fri-Sat 10:00 – 5:00 (closed Sundays)

Collections

With fiscal year end right around the corner, staff are working hard to finish ordering. Approximately 7,100 new materials will have been added this year to enhance our robust popular materials collection.

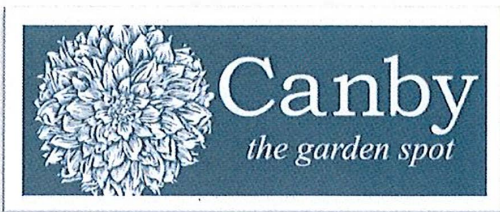
General News

Programs Update

April was our official kickoff program kickoff month and was met with great support and enthusiasm from the community.

- Prior to the pandemic, preschool story times typically served around 30 kids and their families. However, when the doors opened to the Willamette Room on Friday April 1, over 90 kids and their families were eager and waiting for story time to begin. The support and excitement was tangible in the room as the group embarked on an amazing adventure through several dinosaur themed titles and subsequent hands-on learning activities.
- In partnership with the Friends of the Library, a Young Adult/Teen book give-away was held in celebration of Earth Day. Fifty-seven new non-fiction books on the topics of climate change, seed diversity, and wildlife preservation were distributed to Canby area teens.
- Portland-area instructor Daniela Mahoney presented about Ukrainian Easter egg decorating commonly referred to as pysanky. Eggs are decorated using the wax-resist (Batik) method, which includes motifs taken from Slavic folk art and includes colors of yellow, orange, red and black.
- A new nature and gardening theme event was held that focused on Mason and other native bees – which included a free mason bee house for the first fifteen participants





City of Canby Bi-Monthly Report
Department: Parks
For Months of: March & April 2022

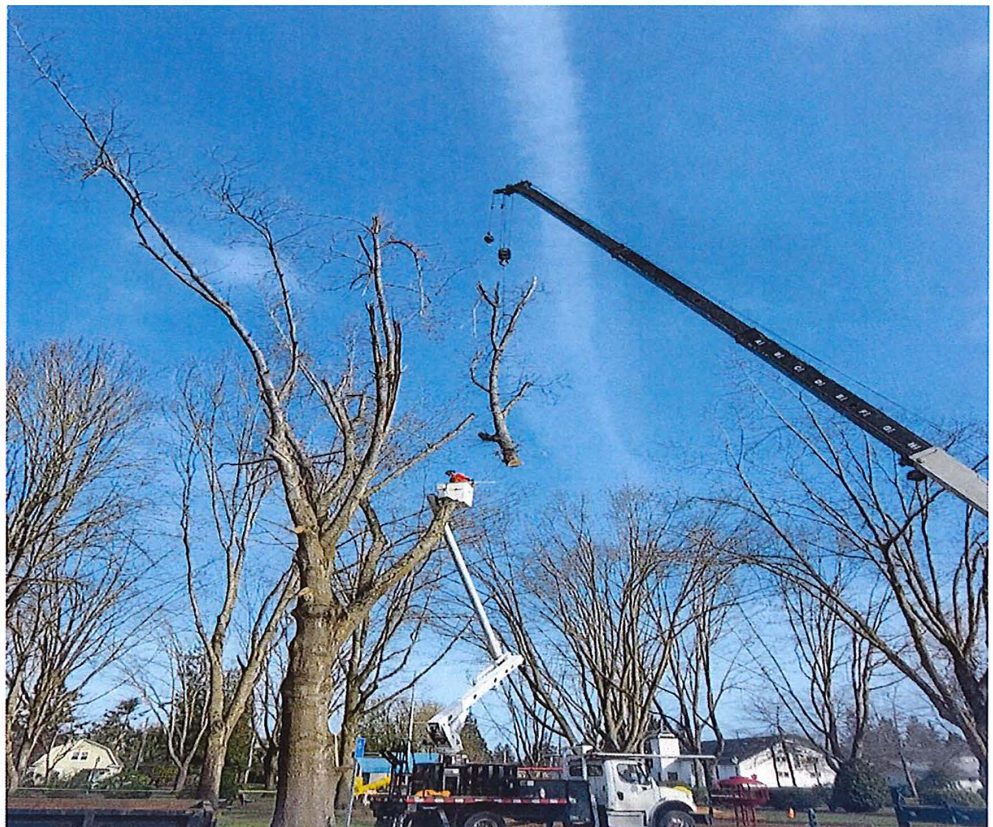
To: The Honorable Mayor Hodson & City Council
From: Jeff Snyder, Parks Maintenance Lead Worker
Prepared by: Same as above
Through: Scott Archer, City Administrator
Date: 5/18/2022

Parks Maintenance

March and April 2022

Park Renovations

Arbor Pro Tree Experts has completed the removal of the 30 storm damaged trees throughout the City. All the stumps have been ground. Staff removed all the grindings and started to repair the irrigation systems in preparation of planting new turf in the disturbed areas.



Park Maintenance

All the drinking fountain have been repaired adjusted and turn on for the season throughout the parks. Playground repairs were addressed as found. We are in the process of topping off the safety surfacing wood fiber under the playground equipment. Staff trimmed all the shrubs on first Ave. and bark dusted the shrub beds. Mowing, edging, weed spraying and fertilizing has been in full swing the last two months. Hazard limb removals, storm debris cleanup and building maintenance were also performed.

The Parks Department spent 16 hrs. addressing graffiti and vandalism over the last two months.

Maintenance was performed at the 34 areas the Parks Department is responsible for, the Adult Center, Arneson Gardens Horticultural Park, Baker Prairie Cemetery, Beck Pond, Community Park (River), CPIP sign, Disc Golf Park, Eco Park natural area, Faist V property, Holly & Territorial welcome sign property, Hulbert's welcome sign property, Klohe Fountain, Knights Bridge right of way, Legacy Park, South Locust Street Park, Logging Road Trail and Fish Eddy/Log Boom property, Maple Street Park, Nineteenth Loop Natural area, Northwood Estates Park, NW 1st Ave., NW 2nd Ave., Police Department landscaping, Simnitt Property, Skate Park, Shop Ground, Swim Center, Timber Park, Territorial Estates Future CLC Park, Transit Bus Stop, Triangle Park, Wait Park, Willow Creek Wetlands (19th Loop), WWTP property and Zion Cemetery.

Meetings attended

I attended the Park and Recreation meetings.

I attended a Utility Providers meeting and a Preconstruction meeting.

I attended multipul fiscal year 22-23 budget meetings.

I met with Ross recreation to obtain quote for playground replacement at Maple St. Park

Zion Cemetery

At the cemetery storm debris cleanup and mowing was performed. Floral decoration cleanup, building maintenance issues and sexton duties were performed as needed.

For your Information

Please see attached park maintenance actual hours for the months of March and April 2022. Hours are based on number of employee's (each day) x 7.5hrs.

Don't miss out on one of Canby's Gems. Arneson Gardens in bloom on 5-4-22



Parks Department	March 2022 Actual Hours																														Total	
Adult Center	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Arneson Gardens											0.5																		0.5		1.5	2.5
Baker Prairie Cem.	0.5		0.5	0.5							1.0			1.5							1.5	26.5	2.5	3.0				2.0			39.5	
Beck Pond				0.5												0.5		1.0					1.0	1.0						1.0	3.5	4.0
Community Park	2.0	1.0	1.0	1.0			2.0		1.0	1.5	9.5			3.0	1.0	1.0	1.0	4.5		4.0	3.5	11.0	3.5	3.5				6.0	9.5	1.0	71.5	
CIP Sign Property																	0.5						1.0								1.5	
Disc Golf Course																								1.5							1.5	
Eco Park	0.5			0.5			0.5																	1.0							2.5	
Faist V (5)																							0.5					1.0			1.5	
Holly-Territorial Sign																															0.0	
Hulberts-sign property											2.0												1.0						1.0		4.0	4.0
Klohe Fountain																1.0												3.0			4.0	
Knights Brdg.							0.5																	0.5							1.0	
Legacy Park	1.0	1.0	1.0	1.0			1.0		1.0	7.0	2.0			3.0	1.0	1.0	1.5			4.0	2.5	1.5	7.0	7.0				5.0	4.5	1.0	9.0	63.0
S. Locust Park	1.0	1.0	1.0	0.5			2.0		2.0		1.0			3.0	1.0	1.0	1.5			0.5	0.5	6.5	4.0	1.0				2.0	0.5	3.0	34.0	
Logging Rd. Path							2.0				2.0			1.5	1.0	20.5	1.5			3.0		1.0	1.0	0.5				0.5		1.0	35.5	
Fish Eddy-Log Boom																												0.5			0.5	
Maple St. Park	5.0	1.0		0.5			2.0		1.0	5.5	4.5			1.5	6.0	1.5	1.0	3.0		2.5	1.5	5.0	5.5	7.0				2.0	9.5	1.0	66.5	
19th Loop																													1.5		1.5	
Northwood Park		0.5		0.5						3.0							1.0			1.5				3.0						3.0	12.5	
Street Landscaping	30.0	30.0	22.5	20.0			28.0	30.0	30.0	5.5	2.0				3.0	15.0	2.0			0.5		4.0						1.5			224.0	
Storm/Collect mow										2.0																		5.0			5.0	
Police Department																													1.5		3.5	
Simmitt Property																															0.0	
Skate Park			0.5											1.5		0.5								0.5				2.5	1.5	2.0	9.0	
Shops/tools-trucks			2.5				4.5	6.5	5.5	2.0				7.5		1.5	2.5				2.0		2.0	0.5			6.5	2.5			46.0	
Swim Center											1.0																	2.0		1.5	4.5	
Territorial-CLC Prop.																															0.0	
Timber Park	0.5	0.5		0.5			1.0		0.5	2.5	1.0			1.5	0.5		0.5	3.0		1.5	0.5		5.5	1.0			1.0		1.5		23.0	
Transit Bus stop	0.5	0.5	0.5	0.5			0.5				1.5			1.5	0.5	0.5	0.5	6.5		1.5	0.5	2.0	0.5	1.0			1.0		0.5		20.5	
Triangle Park																							1.0					4.5		1.5	7.0	
Wait Park	2.0	1.0	1.0	0.5			2.0	3.0	1.0	3.0	4.0			3.0	1.5	1.5		1.5		14.0	5.5	7.5	6.0	4.0			5.0		37.5	104.5		
Veterans Memorial				0.5			0.5							1.5						0.5											3.0	
WWTP property																															0.0	
Zion Cemetery	7.5	8.5	15.0	15.0			7.5	7.5	7.5	7.5	7.5			22.5	17.5	7.5	15.0	7.5		7.5				7.5			7.5	3.0	7.5	7.5	194.0	
Administration	2.0	7.5	7.5	5.0			1.0	7.5	4.0	7.5	3.5			7.5	7.5	7.5	7.5				2.0	2.0	4.0	2.0			2.0	2.0	1.0		90.5	

Parks Department	April 2022 Actual Hours																															Total
Adult Center	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	31.0
Arneson Gardens	1.0			1.0			1	5.0			1.5				0.5			1.0	1.0		0.5				12.5	12.5			0.5			19.5
Baker Prairie Cem.					7.0	1.5											2.0		1.0							6.0		1.0	1.0			11.0
Beck Pond															0.5		2.0															2.5
Community Park	3.0			6.0		6.0	20.5	16.0			3.0		2.0	2.0	1.0		8.0	7.0	1.5	2.5					7.0	24.5		7.0				117.0
CPG Sign Property																																0.0
Disc Golf Course																																0.0
Eco Park			0.5										1.0				0.5		0.5						0.5							3.0
Faist V (5)								0.5																								0.5
Holly-Territorial Sign																								0.5								0.5
Hulberts-sign property								1.0																								1.5
Klohe Fountain																																0.0
Knights Brdg.																																0.0
Legacy Park	1.0		3.0	10.0	5.0	3.0	1.0			3.0		1.0	1.0	1.0	1.0		2.0	3.0	1.0	7.0				2.0		1.0	1.5	6.0				52.5
S. Locust Park			2.0		1.0	1.0	1.0			3.0		1.0	1.0	1.0			2.0	2.0	2.0	2.5				2.0		1.5	30.5	1.0				52.5
Logging Rd. Path	4.0		4.0		1.0												2.0	1.0	3.0	3.0				2.0		2.0		1.0				23.0
Fish Eddy-Log Boom			0.5														0.5	0.5	0.5					0.5				3.0				5.0
Maple St. Park	8.0		3.0	6.5	8.0		1.0			3.0		1.0	1.0	11.0		4.0	2.0	2.0	1.0	8.0				2.0		2.5		6.0				68.0
19th Loop																																0.0
Northwood Park	0.5		1.0		4.0					1.0				1.0			0.5	1.0		3.5				1.0			2.0					15.5
Street Landscaping	4.0		2.0			4.0				2.0							3.0															15.0
Storm/Collect mow			1.0		1.0																							0.5				2.5
Police Department																																0.0
Simmitt Property																											2.0					2.0
Skate Park	1.0		1.0							1.0							0.5	1.0		0.5				1.0		1.0		9.5				16.5
Shops/Tools-trucks	1.0					2.5	3.0			1.0							2.0	4.0	2.0	5.0				6.0	6.0	1.0	1.5					35.0
Swim Center					0.5	1.5																			4.0			1.0				7.0
Territorial-CLC Prop.																										1.0						1.0
Timber Park	1.0		1.0	6.0	1.0	1.5	5.0					1.0	1.0	1.0	1.0		3.0	2.5	15.0	1.0				1.0	1.0	1.0	0.5					43.5
Transit Bus stop	1.0		1.0		1.0		0.5			1.0			0.5	3.0			1.0	2.0		1.0				1.0		0.5		0.5				14.0
Triangle Park				2.0	0.5									1.0						0.5							1.0					5.0
Wait Park	2.0		3.0	6.0	3.0		2.5			18.0	37.5	23.5	20.0	1.5			7.0	27.5	6.0	1.0	2.0			3.0		2.0	3.0					168.5
Veterans Memorial						1.0														0.5								1.0				2.5
WWTP property																																0.0
Zion Cemetery	7.5		7.5	7.5	7.5	7.5	5.0			7.5	15.0	15.0	7.5	15.0			7.5	15.0	15.0					7.5	17.0	7.5	7.5					194.5
Administration			7.5		3.0	2.0	1.0					3.5	3.0				4.0	4.0	1.0	4.0				3.0	4.0	4.0		2.0				46.0



City of Canby Bi-Monthly Report
Department: Police
For Months of: March & April 2022

To: The Honorable Mayor Hodson & City Council
 From: Chief Jorge Tro
 Prepared by: Katie McRobbie, Administrative Supervisor
 Through: Scott Archer, City Administrator
 Date: 5/18/2022

	MARCH	APRIL
Calls for Service - Dispatched 911 and Non-Emergency Calls	904	855
PROPERTY CRIMES REPORTED		
Burglary	1	1
Unauthorized Use of Motor Vehicle / Unlawful Entry into Motor Vehicle	10	4
Robbery	1	0
Theft I, II, & III	16	10
Forgery / Counterfeiting	0	0
Trespass	2	0
Vandalism / Criminal Mischief	5	4
PERSON CRIMES REPORTED		
Assault I, II, IV	3	0
Carrying Concealed Weapons (knife, blade, etc.)	0	1
Disorderly Conduct (includes resisting arrest)	2	1
Endangering Welfare of a Minor / Recklessly endangering	0	0
Felon in possession of firearm / restricted weapon	0	0
Harassment, Intimidation or Threats	2	3
Identity Theft	0	2
Interfering with Peace Officer	0	0
Menacing	0	0
Sex Offenses	0	0
Strangulation	0	0
ARRESTS		
Warrant Arrests (and contempt of court, restraining order, parole violations)	26	26
Adult and Juvenile Custodies (includes juvenile curfew)	38	24

DRUG CRIMES		
Possession Controlled Substance (Cocaine, Heroin, Marijuana, Meth)	0	0
Delivery of a Controlled Substance (Cocaine, Heroin, Marijuana, Meth)	0	0
Manufacture Controlled Substance (Cocaine, Heroin, Marijuana, Meth)	0	0
TRAFFIC CRIMES, ACCIDENTS, CITATIONS		
Attempt to Elude	2	0
Driving Under the Influence of Intoxicants (Alcohol & Controlled Substance)	10	3
Other Traffic Crimes (Hit & Run, Driving While Suspended / Revoked, Reckless Driving, UUMV, Failure to Surrender Suspended License / Use Invalid License)	6	5
Traffic Accidents	9	14
Traffic Citations	327	252

CANBY POLICE DEPARTMENT – TRAFFIC UNIT

SGT. TIM GREEN

OFFICER ALLEN MILLER

OFFICER CHRIS MACOM

MONTHLY TRAFFIC SAFETY REPORT

MARCH 2022

CITATIONS:	327
DUII ARRESTS:	10
TRAFFIC CRIMES:	6
TRAFFIC CRASHES:	Injury (Traffic): 0 Injury (Patrol): 1 Non-Injury (Traffic): 3 Non-Injury (Patrol): 2 Hit & Run (Traffic): 1 Hit & Run (Patrol): 2 TOTAL CRASHES: 9
TRAFFIC COMPLAINTS:	12

CANBY POLICE DEPARTMENT – TRAFFIC UNIT

SGT. TIM GREEN

OFFICER ALLEN MILLER

OFFICER CHRIS MACOM

MONTHLY TRAFFIC SAFETY REPORT

APRIL 2022

CITATIONS:	252
DUII ARRESTS:	3
TRAFFIC CRIMES:	5
TRAFFIC CRASHES:	Injury (Traffic): 2 Injury (Patrol): 1 Non-Injury (Traffic): 5 Non-Injury (Patrol): 3 Hit & Run (Traffic): 1 Hit & Run (Patrol): 2 TOTAL CRASHES: 14
TRAFFIC COMPLAINTS:	21



City of Canby Bi-Monthly Report
Department: Development Services
For Months of: March & April 2022

To: The Honorable Mayor Hodson & City Council
From: Don Hardy, Planning Director
Prepared by: Laney Fouse Lawrence, Planning Office Specialist II
Through: Scott Archer, City Administrator
Date: 5/18/2022

The following report provides a summary of Planning and Development Services activities for the months of March and April 2022. Please feel free to call department staff if you have questions or desire additional information about any of the listed projects or activities. This report identifies ongoing planning activities, a list of pre-application and pre-construction applications, a list of project hearings and the number of projects for which the City has performed site plan review for building permits.

Development Services Activities:

1. **DLCD Housing Needs Analysis (HNA) and Housing Production Strategy (HPS) and Economic Opportunity Analysis (EOA) Grants.** The first project advisory committee meetings occurred on March 29 and 31 and the second are planned for June 7 and 9 with an open house anticipated on June 28. Housing needs projections with acreage needs for 20-years of housing and employment lands will be presented during the June advisory committee meetings.
2. **Parks Master Plan.** BerryDunn (formerly Greenplay) is working to complete the final parks master plan anticipated to be approved this summer.
3. **Food Carts Hearings.** The City Council adopted the Food Cart Ordinance on May 4 and it will be effective on June 4. Planning staff has reached out to those expressing interest in food carts to let them know that applications can be submitted in June.
4. **Comprehensive Plan and Transportation System Plan Costing.** Angelo Planning Group/MIG with DKS Associates has prepared a cost estimate for the comprehensive plan and transportation system plan and this will be used for the FY 22/23 budgeting purposes for Council approval. Upon council budget approval, the anticipated RFP will be issued in July and consultant selection and notice to proceed are anticipated by October/November 2022.

LAND USE APPLICATION ACTIVITY

1. **No Pre-Application Conferences held for the period of March 1st through April 30th.**
2. **Pre-Construction Conferences held March 1 - April 30, 2022:**

1. Faist Addition 9

Create a 6-lot subdivision near SE 10th Place and S Vine St.

- A. Planning Commission Agenda Items Reviewed March 1 - April 30, 2022:** On March 14th, Commissioners approved final findings for a multi-family project on NE Territorial and Mark's Place Subdivision. They

also held a work session to discuss Oregon House Bill 2001 which requires cities with a population of more than 10,000 but less than 25,000 to adopt a model code to accommodate middle housing within single-family neighborhoods. This would allow duplexes on each lot or parcel where a single-family home is allowed and would provide more housing options that are less expensive to address the housing needs in the state; March 28th, Planning Staff requested consideration of a legislative text amendment to add regulations and processes to allow Food Cart Pods and Mobile Food Vendors to the Canby Land Development and Planning Ordinance Title 16 Canby Municipal Code. The text amendment proposal was an effort to allow and regulate an emerging business concept that could increase local business activity and provide more dining options to the community; April 11th, Commissioners met in a Work Session to discuss Quasi-judicial Land Use Type III Processes and Clear and Objective Standards, and on April 25th, Commissioners heard a Remand of Appeal of a previous decision on Conditional Use and Design Review applications for Old Mac Steel Processing Facility on S Sequoia Pkwy and 13th Ave; a summary of proposed code changes, model code ordinance and permit fee updates.

- B. Site Plans Submitted for Zoning Conformance March 1 - April 30, 2022:** 43 site plan review applications were submitted and have been or are being released for building permits.
- C. Signs Submitted for Plan Review March 1 - April 30, 2022:** Approved Advantage Mortgage wall sign, Edward Jones illuminated sign, T-Mobile wall sign, Tin and Paisley retail shop two wall signs, State Farm wall sign.



City of Canby Bi-Monthly Report
Department: Public Works
For Months of: March & April 2022

To: The Honorable Mayor Hodson & City Council
From: Jerry Nelzen, Interim Public Works Director
Prepared by: Same as above
Through: Scott Archer, City Administrator
Date: 5/18/2022

Facilities

Facility Maintenance Department had installed the new air conditioning units on the roof and in the A/V room at City Hall.



Facilities	Total Hours
March	344
April	280

Streets Department

Public Works crew paving utility trench lines at Shop Complex.



March Streets	Total Hours
Street Sweeping	87
Street Maintenance	349
Sidewalks Inspections	5
Driveway Approach Inspections	5
Street Sign Manufacturing	20
Street Sign Installation	5
Street Lights	10
Dump Truck	2
Vactor	13
Mini Trackhoe	55

April Streets	Total Hours
Street Sweeping	66
Street Maintenance	326
Sidewalk Inspections	1
Driveway Approaches	7
Street Manufacturing	37
Street Sign Maintenance	26
Street Sign Installation	5
Street Lights	2
Tree Trimming	3
Dump Truck	7
Vactor Usage	18
Mini Trackhoe	69.5

Sewer Collections

Public Works crew's trench for utilities around our sewer main heading into the Waste Water Treatment Plant.



March Sewer	Total Hours
Sewer Cleaning	97
Sewer Maintenance/Repair	100
Sewer TV'ing	29
Lift Station Maintenance	26
Locating Utilities	36
Sewer Inspections	14
Vactor Usage	27

April Sewer	Total Hours
Sewer Cleaning	72
Sewer TV	29
Sewer Laterals/Maintenance	53
Lift Station Maintenance	2
Locating Utilities	20
Sewer Inspections	8
Vactor Usage	4

Storm Water

New loader for Storm, Sewer and Streets.



March Stormwater	Total Hours
Erosion Control	4
Storm Line Inspection	12
Storm Line Maintenance/Repair	21

April Sewer	Total Hours
Catch Basins	14
Drywell Maintenance	4
Erosion Control Inspections	4
Storm Line Maintenance/Repair	6
Vactor Usage	10
Drying Beds	10



City of Canby Bi-Monthly Report
Department: Canby Swim Center
For Months of: March & April 2022

To: The Honorable Mayor Hodson & City Council
From: Eric Laitnen, Aquatic Program Manager
Prepared by: Same as above
Through: Scott Archer, City Administrator
Date: 5/18/2022

The Swimming pool continues to progress toward a more stable schedule. We are now teaching the second grade swimming lessons. Somehow we managed to get all six schools into 8 weeks with each school getting 2 weeks of swimming lessons. The lessons kind of happened all at once as things opened up and we realized we actually may be able to get it in this year. Next year will be a new challenge as the school schedule is changing and doesn't exactly mesh with the pool schedule. I have started on a plan and I hope it will work for next year. Public lessons continue to be popular and are going well, all things considered. We are not currently offering pool rentals due to staff shortages, but we have been able to offer a party space during Saturday public swims as an alternative. It has been a popular option and will work for now. Planning for summer is in full swing and it will be great to get some college student back to help us out at the pool.

I just got back the cost estimates for the Canby Swim Center renovation project. As expected all costs have gone up a lot in the past year and now we need to take a deep look into it to see what all of our best options are for moving forward. I think the project is very important to make the swim center usable over the next 10 years, but we must consider the whole facility in planning for that time period.

The Canby Gators elite older swimmers will finished up with senior zones in Utah and had a great meet swimming a lot of best times and competed well. As it goes with year round swim clubs. That was the past and now onto the summer season. Practice has already began for the Long Course summer meets. The Canby Gators actually start out the season helping other compete. The Canby Gator Grinder is back and will happen Saturday May 7th. It will be over by the time you read this, but it is great to have it return to the May schedule. 200-300 athletes will compete in a 500 yard swim, 12 mile bike ride and 3 mile run, sprint triathlon.

SUBJECT: March 2022 Attendance Numbers
DATE: 2021-2022

CANBY SWIM CENTER March	ADMIT 2021	ADMIT 2022	PASS 2021	PASS 2022	TOTAL 2021	TOTAL 2022	YTD TOTAL 20-21	YTD TOTAL 21-22
MORNING LAP	154	27	665	312	819	339	3398	2473
ADULT RECREATION SWIM	66	48	285	399	351	447	1278	3341
MORNING WATER EXERCISE	0	30	0	178	0	208	0	1653
PARENT/ CHILD/ Family Swim	0	152	0	0	0	152	0	1798
MORNING PUBLIC LESSONS	0	0	0	0	0	0	0	3000
SCHOOL LESSONS	0	0	0	0	0	0	0	0
NOON LAP	0	90	0	348	0	438	0	2867
TRIATHLON CLASS	0	0	0	0	0	0	0	0
AFTERNOON PUBLIC	0	533	0	63	0	596	0	2876
PENGUIN CLUB	0	0	0	183	0	183	0	1081
CANBY H.S. SWIM TEAM	0	0	0	0	0	0	324	1341
CANBY GATORS	0	0	851	885	851	885	3074	6978
MASTER SWIMMING	0	0	0	12	0	12	0	65
EVENING LESSONS	0	440	0	0	0	440	0	5999
EVENING LAP SWIM	0	31	0	16	0	47	0	552
EVENING PUBLIC SWIM	0	233	0	25	0	258	0	2232
EVENING WATER EXERCISE	0	0	0	0	0	0	0	0
ADULT SWIMMING	0	0	0	0	0	0	0	62
GROUPS AND RENTALS	14	0	0	0	14	0	14	44
OUTREACH SWIMMING	0	0	0	0	0	0	0	0
TOTAL ATTENDANCE	234	1584	1801	2421	2035	4005	8088	36362

SUBJECT: April 2022 Attendance Numbers
DATE: 2021-2022

CANBY SWIM CENTER April	ADMIT 2021	ADMIT 2022	PASS 2021	PASS 2022	TOTAL 2021	TOTAL 2022	YTD TOTAL 20-21	YTD TOTAL 21-22
MORNING LAP	156	44	617	294	773	338	4171	2811
ADULT RECREATION SWIM	66	46	264	373	330	419	1608	3760
MORNING WATER EXERCISE	44	37	137	199	181	236	181	1889
PARENT/ CHILD/ Family Swim	0	288	0	0	0	288	0	2086
MORNING PUBLIC LESSONS	0	0	0	0	0	0	0	3000
SCHOOL LESSONS	0	980	0	0	0	980	0	980
NOON LAP	0	143	0	305	0	448	0	3315
TRIATHLON CLASS	0	0	0	0	0	0	0	0
AFTERNOON PUBLIC	0	334	0	15	0	349	0	3225
PENGUIN CLUB	0	0	0	617	0	617	0	1698
CANBY H.S. SWIM TEAM	0	0	119	0	119	0	443	1341
CANBY GATORS	0	0	721	845	721	845	3795	7823
MASTER SWIMMING	0	0	0	15	0	15	0	80
EVENING LESSONS	0	1128	0	0	0	1128	0	7127
EVENING LAP SWIM	0	20	0	21	0	41	0	593
EVENING PUBLIC SWIM	0	225	0	17	0	242	0	2474
EVENING WATER EXERCISE	0	0	0	0	0	0	0	0
ADULT SWIMMING	0	0	0	0	0	0	0	62
GROUPS AND RENTALS	28	30	0	0	28	30	42	74
OUTREACH SWIMMING	0	0	0	0	0	0	0	0
TOTAL ATTENDANCE	294	3275	1858	2701	2152	5976	10240	42338



**City of Canby Bi-Monthly Report
Department: Tech Services
For Months of: March & April 2022**

To: The Honorable Mayor Hodson & City Council
From: Danny Smith, Library Director
Prepared by: Valerie Kraxberger, IT Office Specialist
Through: Scott Archer, City Administrator
Date: 5/18/2022

The City of Canby Tech Services Department issued:

March 2022

66 Work Orders with 59 being completed

April 2022

78 Work Orders with 69 being completed

Some of the projects we have worked on in March and April are:

- Finance issues with Caselle, TeamViewer and Auditor computers resolved
- PW internet Outage resolved
- Worked on Council Chambers A/V issues
- Deployed WiFi at WWTP
- WWTP UPS replacement
- PD Camera System Errors Resolved
- WatchGuard issues
- Replaced Host Server
- On-boarded 8 new employees, off-boarded 4 employees and moved 3 workstations



City of Canby Bi-Monthly Report
Department: Transit
For Months of: March & April 2022

To: The Honorable Mayor Hodson & City Council
From: Todd Wood, Transit Director
Prepared by: Same as above
Through: Scott Archer, City Administrator
Date: 5/18/2022

1) Grant Funding and Contracts:

The following grant activities have taken place

- Quarterly 5311 & 5310 reports submitted to ODOT
- Quarterly STIF reports submitted to TriMet
- Monthly Elderly and Disabled reports have been submitted to TriMet
- Continued negotiations with TriMet and ODOT for STIF IGA
- 5339 grant for shelters was extended to December 2023 to accommodate ODOT 99E project

2) Ridership:

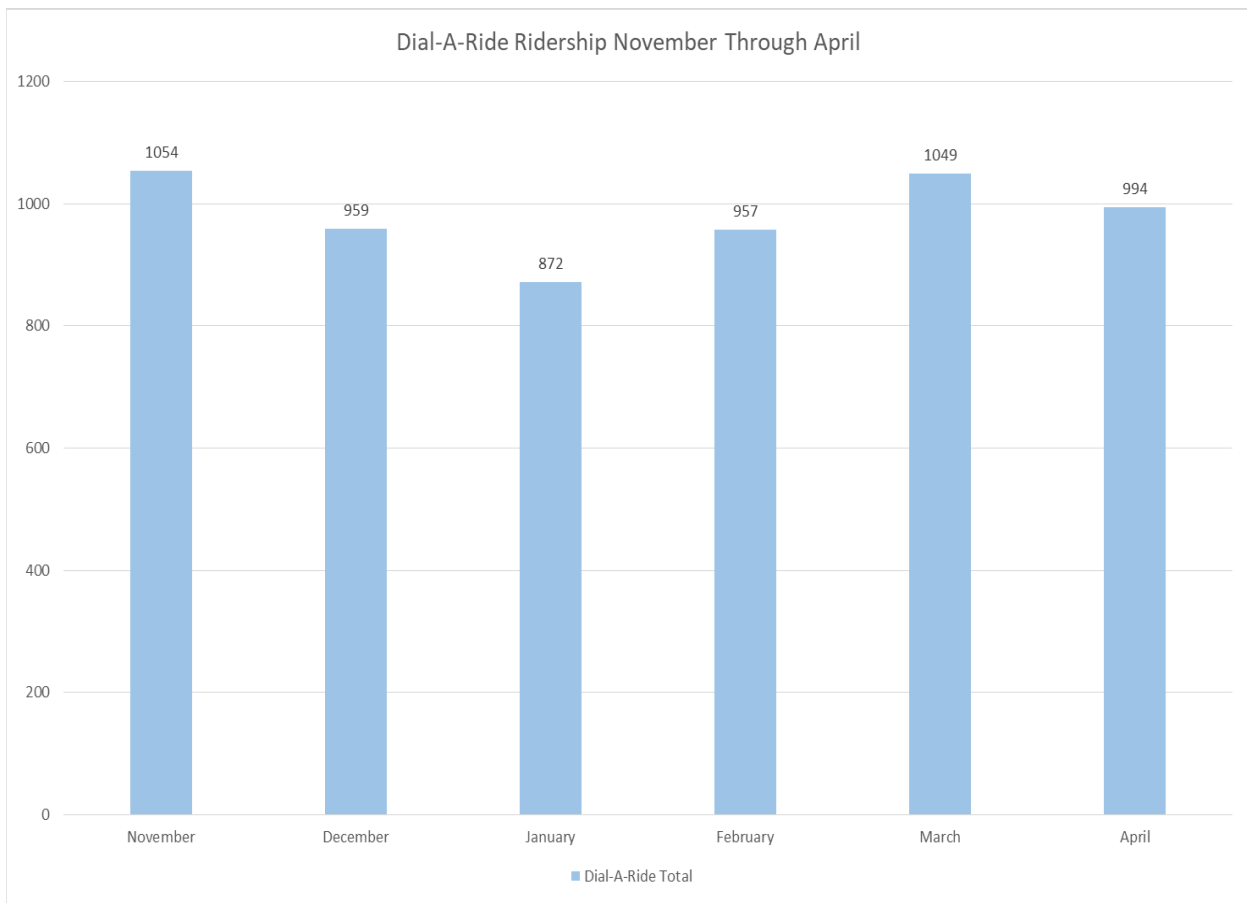
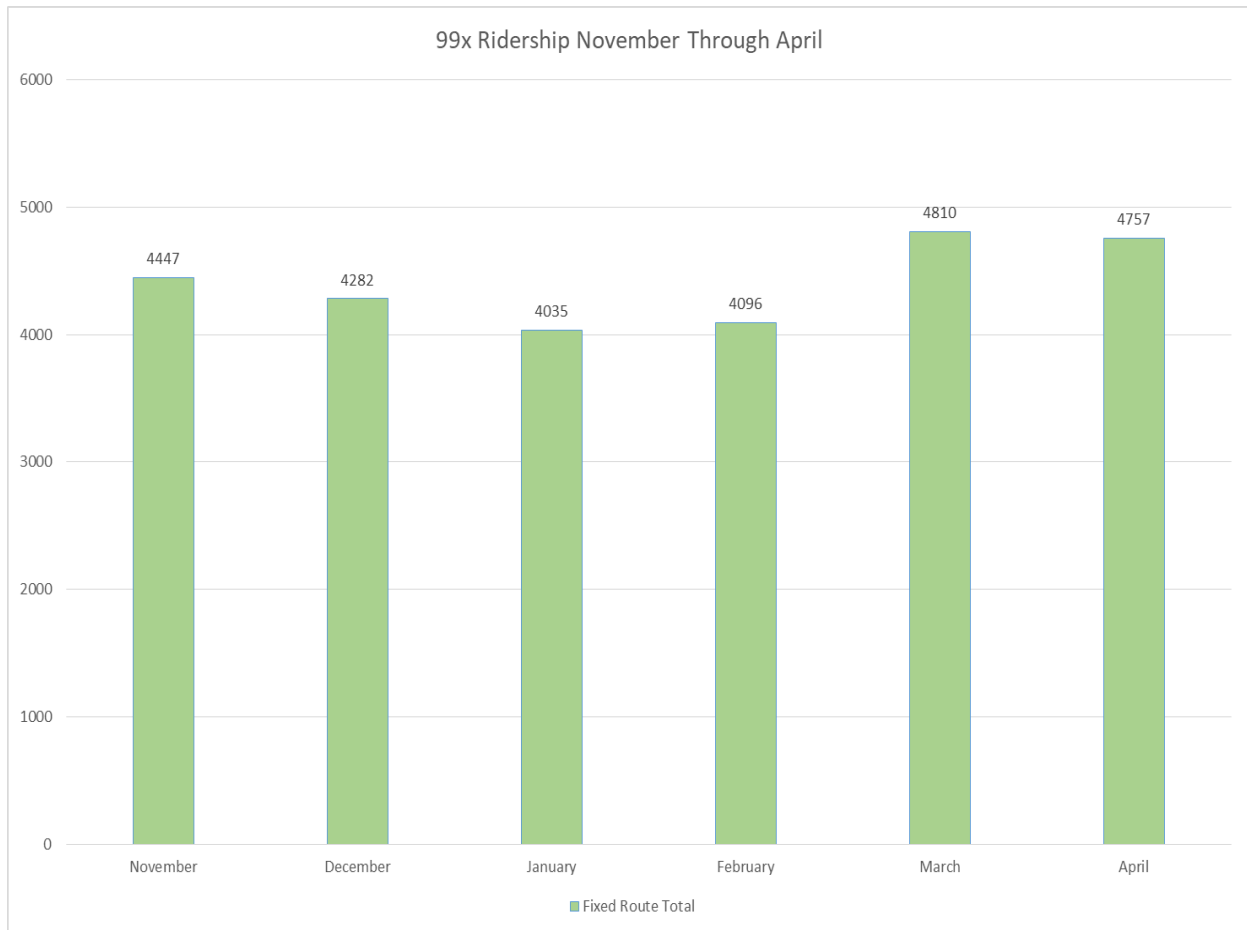
Ridership continues a slow recovery from COVID with seasonal ups and downs:

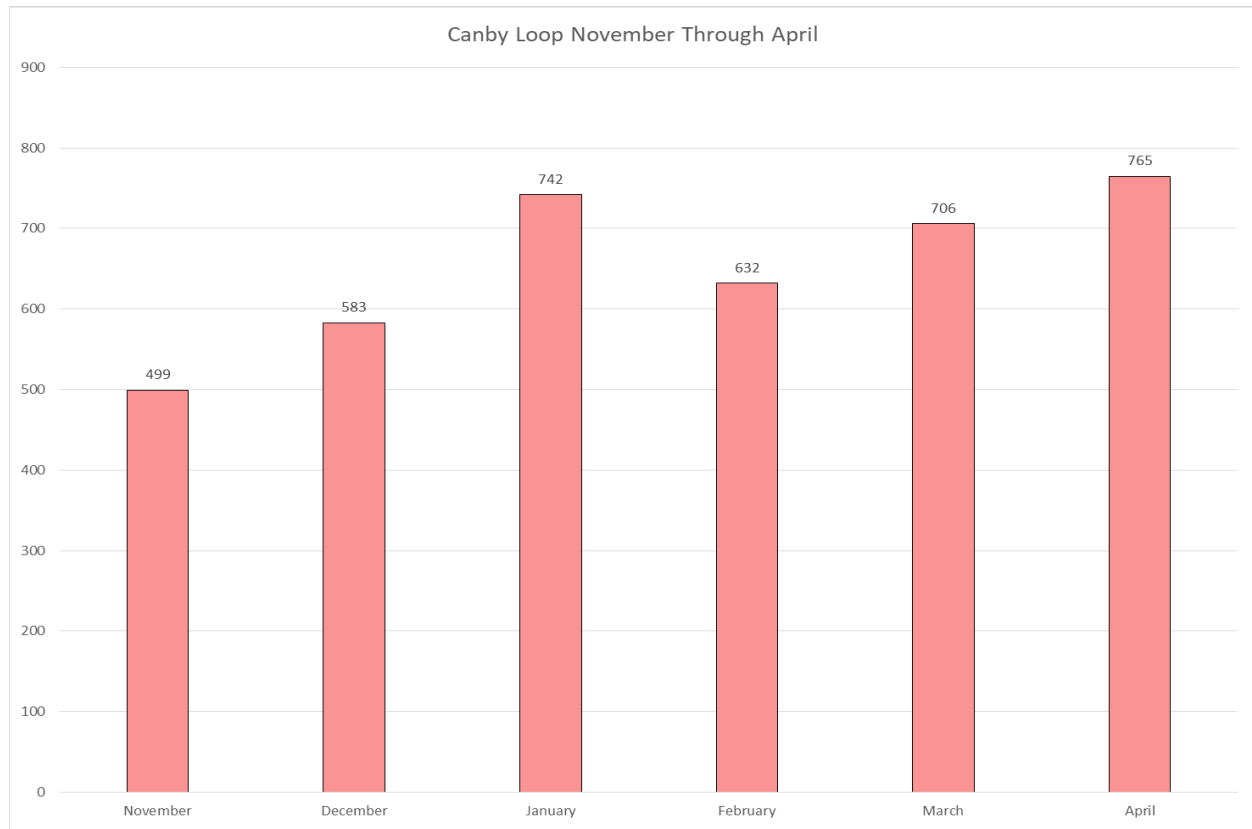
March average daily weekday daily 99x route ridership:	196 trips
March average daily weekend daily 99x route ridership:	73 trips
April average daily weekday daily 99x route ridership:	205 trips
April average daily weekend daily 99x route ridership:	89 trips

March average daily weekday Dial-a-Ride route ridership:	49 trips
March average daily weekend Dial-a-Ride route ridership:	12 trips
April average daily weekday Dial-a-Ride route ridership:	69 trips
April average daily weekend Dial-a-Ride route ridership:	14 trips

The Canby Loop continues to grow at a steady pace:

March average daily Loop ridership:	30 trips
April average daily Loop ridership:	36 trips





3) Transit Advisory Committee:

The advisory committee met on March 24, 2022 at 6:00 PM. The advisory committee approved changes to the Canby Loop including new routing and new Scheduling.

The advisory committee will meet May 26, 2022 at 6pm in the City Council Chambers.

4) City Loop Update:

On May 2, 2022 the Canby loop implemented the following change:

- Removal of the 5:30am Trip in favor of an additional PM trip at 7pm
- Changing route from SE 4th to Township

Both changes are in response to ridership patterns.

The PM route will allow the service to run later, and the change to 4th will accommodate the middle school and future development near Township and Sequoia.

5) Shelter Project:

The shelter project is tied to ODOT's 99E project. There are 10 stops that will be updated in accordance with the project. Of the stops 6 will be prepared by ODOT and completed by the City. Four will be prepared and completed by the City.

Curran-McLeod is working on the engineering of four of the stops, after which all shelters will be ordered.



City of Canby Bi-Monthly Report
Department: Wastewater Treatment Plant
For Months of: March & April 2022

To: The Honorable Mayor Hodson & City Council
From: Dave Conner, Wastewater Services Manager
Prepared by: Same as above
Through: Scott Archer, City Administrator
Date: 5/18/2022

Facility Operation & Maintenance:

The water quality for the months of March and April have been good. Treatment plant is running well and all reports and DMR's were completed on time and without issue.

Biosolids Program

- **March** Production: Belt run time = 19 days. 8 loads to Heard Farms, 238 wet tons.
- **April** Production: Belt run time = 17 days. 5 loads to Heard Farms, 151 wet tons.

Pretreatment, Stormwater and FOG Program

- **March** Pump Outs: 16 Inspections: 2 fog, 1 pretreatment
- **April** Pump Outs: 20 Inspections: 14 fog, 2 pretreatment

Industrial permit/compliance data review of reports and working with businesses on BMP agreements. Submitted Pretreatment Annual Report, first phase of Willow Creek tree planting completed.

Daily Lab Activity

- Continued OSU Covid 19 Wastewater Study sampling.
- Daily and Weekly BOD's, E-coli, solids, NH3 and Alkalinity testing.
- Tier I/II toxics sampling for permit renewal COMPLETED.
- Copper BLM and Aluminum sampling for permit renewal.