



AGENDA
CANBY CITY COUNCIL
EXECUTIVE SESSION – 6:00 PM
REGULAR MEETING – 7:00 PM

May 3, 2023

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_zJtztHXjRNC2doJ9-ek0QQ

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

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

	Mayor Brian Hodson
Councilor Christopher Bangs	Councilor Herman Maldonado
Councilor James Davis	Councilor Jason Padden
Council President Traci Hensley	Councilor Shawn Varwig

EXECUTIVE SESSION – 6:00 PM

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

- 1. CALL TO ORDER**
 - 2. EXECUTIVE SESSION:** Pursuant to ORS 192.660 (2) (f) to consider information or records that are exempt by law from public inspection.
 - 3. ADJOURN**
-

REGULAR MEETING – 7:00 PM

1. CALL TO ORDER

- a. Invocation
- b. Pledge of Allegiance

- 2. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** This is an opportunity for audience members to address the City Council on items not on the agenda. 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 City Recorder by 4:30 pm on May 3, 2023 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.**

3. SWEARING-IN OF POLICE OFFICER, STEVE HOLLIMAN

4. PROCLAMATIONS

- a. Canby Prevention Update and Proclamation Pg. 1
- b. 2023 Mental Health Proclamation – NAMI Update Pg. 2
- c. Letter Carriers Food Drive Proclamation Pg. 3

- 5. 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 Member Hannah Ellison to the Planning Commission for a term ending December 31, 2024. Pg. 4
- b. Approval of Member Jennifer Driskill to the Planning Commission for a term ending December 31, 2023. Pg. 4
- c. Approval of the Off Premises OLCC Application for Odd Moe's Pizza, LLC located at 1017 SW 1st Avenue. Pg. 11

6. ORDINANCES

- a. Consider **Ordinance No. 1595**: An Ordinance Authorizing the City Administrator to enter into a 60 month lease and service contract with Pacific Office Automation. *(Second Reading)* Pg. 16
- b. Consider **Ordinance No. 1597**: An Ordinance Amending a Text Amendment Rectifying an Erroneous Deletion in Chapter 16.10.010.B adopted under TA 22-01. *(Second Reading)* Pg. 21
- c. Consider **Ordinance No. 1598**: An Ordinance Authorizing the Interim City Administrator to amend the Contract with First Transit, Inc. of Cincinnati, Ohio, increasing service hours to expand the Canby Loop and provide both first and second liability insurance to a second reading on May 17, 2023. *(First Reading)* Pg. 96

- d. Consider **Ordinance No. 1599**: An Ordinance authorizing the City Administrator to expend payment to City County Insurance Services (Cis) in an amount not to exceed \$500,000 for Liability Insurance Coverage for Fiscal Year 2023-2024. (First Reading) Pg. 101
- e. Consider **Ordinance No. 1600**: An Ordinance authorizing the City Administrator to expend payment to SAIF Corporation in the amount not to exceed \$94,274.00 for Workers Comp Coverage for Fiscal Year 2023-2024. (First Reading) Pg. 104

7. NEW BUSINESS

- a. Selection of Interim City Administrator Pg. 107

8. MAYOR'S BUSINESS

9. COUNCILOR COMMENTS & LIAISON REPORTS

10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

11. CITIZEN INPUT

12. ACTION REVIEW

13. 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.



A Proclamation on Canby Substance Use Prevention May 2023

Whereas the Canby Prevention Coalition has designated May as Substance Abuse Prevention Month to raise awareness of the harms of illicit opioid use and prescription drug misuse;

Whereas Drug overdoses have taken a heartbreaking toll both nationally and locally. Illicit opioid misuse and prescription drug misuse is a major public health crisis that negatively impacts the health of our young people, leading to early addiction and death;

Whereas illicit opioid use and prescription drug misuse negatively affects their health and safety and wellbeing of those living and working in the Canby community; and

Whereas, the Mayor and City Council of the City of Canby, Oregon, are committed to supporting efforts to educate the public with the objective of changing social norms regarding illicit opioid use and prescription drug misuse.

We commend the overwhelming majority of our young people who are choosing to remain drug and alcohol free. We believe all of youth need to be aware of the risks and harms of illicit opioid use and prescription drug misuse and to encourage those that need help to seek services.

Now, therefore, The City Council of the City of Canby, Oregon proclaims our support and offers an invitation to the entire community to join us to raise awareness of the dangers of illicit opioid use and prescription drug misuse; thereby improving the health and safety of all members of our community. We invite individuals, families, governments, schools, religious and civic organizations to participate in and sponsor activities that heighten awareness regarding the dangers of illicit opioid use prescription drug misuse.

Dated this 3rd day of May, 2023.

Brian Hodson
Mayor



PROCLAMATION

WHEREAS, mental health is part of everyone's overall health and wellbeing, and mental illnesses are prevalent in our county, state, and nation, with one in five adults experiencing a mental health issue every year;

WHEREAS, stigma and the resulting discrimination is a primary obstacle to early identification and effective treatment of individuals with mental illness and their ability to recover to lead full, productive lives;

WHEREAS, approximately half of chronic mental illness begins by the age of 14 and suicide is the second leading cause of death of individuals ages 10 to 14 and 25-34;

WHEREAS, long delays averaging 11 years occur between the time symptoms first appear and when individuals get help, and it is therefore essential to cure the stigma and discrimination that is the primary cause for those delays;

WHEREAS, every citizen and community can make a difference in helping cure the stigma and discrimination that for too long has surrounded mental illness and discouraged people from getting help; and

WHEREAS, public education and civic engagement improves the lives of individuals and families affected by mental illness.

NOW, THEREFORE, the City Council of the City of Canby, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim May 2023 as **Mental Health Awareness Month** to increase public understanding of the importance of mental health, to promote identification and timely treatment of mental illnesses, and to cure the resulting stigma and discrimination.

Dated this 3rd day of May, 2023.

Brian Hodson
Mayor

National Association of Letter Carriers National Food Drive Day

WHEREAS, the National Association of Letter Carriers, in conjunction with the National Rural Letter Carriers' Association, U.S. Postal Service, UFCW, United Way, AFL-CIO, Valpak, Local Food Pantries, Valassis, and Kellogg's are coordinating a non-perishable food drive; and

WHEREAS, The Canby Center Food Pantry is in need of food at all times; and

WHEREAS, local food bank shelves are continually in need of replenishment due to the ongoing dramatic increase in the need for food; and

WHEREAS, last year 6421,000 pounds of healthy food was collected by the Canby Center Food Pantry; and

WHEREAS, during the last six months the Canby Center Food Pantry has provided a total of 16,792 meals for preparation; and

WHEREAS, the local letter carriers will collect non-perishable food items placed by mailboxes on Saturday, May 13, 2023.

NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim Saturday, May 13, 2023 as

2023 National Association of Letter Carriers National Food Drive Day

and urge all citizens of the City of Canby to participate in this worthwhile event by donating non-perishable food items to help feed those who are in need.

Given unto my hand this 3rd day of May 2023.

Brian Hodson
Mayor



CITY COUNCIL STAFF REPORT

Meeting Date: 5/3/2023

To: The Honorable Mayor Hodson & City Council
Thru: Scott Archer, City Administrator
From: Maya Benham, City Recorder
Agenda Item: Consider Planning Commission Appointments
Goal: N/A
Objective: N/A

Summary

There are currently two vacancies on the Planning Commission. The vacancies have been advertised on the City's website. There were three applications received by Hannah Ellison, Jennifer Driskill, and Eric Van Zandt. Mr. Van Zandt withdrew his application due to scheduling conflicts. Both Ms. Ellison and Ms. Driskill were interviewed the week of April 17, 2023.

Background

The Planning Commission was established through Resolution No. 740 and acts as a hearing body for land development applications and recommending body, giving advice to the City Council on a variety of subjects relating to the growth and development of the Canby area. The Commission is made up of seven members who serve three-year terms.

Attachments

Hannah Ellison's Application

Jennifer Driskill's Application

Eric Van Zandt's Application

Fiscal Impact

None.

Options

1. Appoint Hannah Ellison and Jennifer Driskill to the Planning Commission.
2. Take no action.

Proposed Motion

"I move to approve the appointments of Hannah Ellison to the Planning Commission for a term expiring December 31, 2024 and the appointment of Jennifer Driskill to the Planning Commission for a term expiring December 31, 2023."

EMPLOYMENT APPLICATION



City of Canby
222 NE 2nd Ave

Canby, Oregon - 97013
[http //www canbyoregon gov](http://www.canbyoregon.gov) ([http //www canbyoregon gov](http://www.canbyoregon.gov))
Ellison, Hannah
Planning Commissioner

Received: 1/8/23
1:46 PM

For Official Use
Only:

QUAL

DNQ:_____

☐ Experience

☐ Training

☐ Other:_____

PERSONAL INFORMATION

POSITION TITLE:

Planning Commissioner

Job Number:

2022 VOL PC

NAME: (Last, First, Middle)

Ellison, Hannah

PERSON ID:

52463034

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

I am a local small business owner here in downtown Canby, and I'm an ambassador for the chamber of commerce.

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

I don't have a vast knowledge of the city's programs, and that's a major reason why I want to be an active participant in this committee. I view this as an opportunity to be closer to my community and to have a hand in taking care of it.

3. Why are you interested in this volunteer position?

After moving to Canby 4.5 years ago, I realized this is home for my family and I, and where we want to put down roots. As a citizen and business owner, I care about that happens in our town, and I want to be able to affect it for the better - this seems like a great place to start.

4. Please share your experience and educational background.

I am a licensed realtor, as well as a chamber ambassador for the Canby business chamber. I graduated highschool, and had a few terms of college, but no degree. I have been a realtor since I was 19 years old, and am currently in the process of taking over the family team with a large focus here in town.

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

I have not held any city or county positions in the past.

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

Matt Ellison

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 Ellison, Hannah

Signature_____

Date_____



**CITY OF CANBY
COMMITTEE, BOARD, &
COUNCIL APPOINTMENT APPLICATION**

Date: 3/23/2023 Position Applying For: Planning Commission

Name: Jennifer Driskill Occupation: Data Analyst

Home Address: [REDACTED]

Employer: _____ Position: Business Operations Analyst

Daytime Phone: [REDACTED] Evening Phone: [REDACTED]

E-Mail Address: [REDACTED]

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

Traffic Safety, Housing and Economic assessments/planning, comprehensive plan and TSP updates, establishing formal safe routes to school

What are your major interests or concerns in the City's programs? Maintaining quality of life and livability along

with needed growth, keeping parking availability front of mind. Want to remove conflict of interest having developers pay DKS for required traffic studies. City can contract with DKS (or whomever) and increase development fees to cover this cost.

Reason for your interest in this position: I love Canby and want to be involved in the many code and policy

efforts slated to happen over the next few years. Have been disappointed by the lack of engagement by committee members in the past and would like to help ensure it's not just rubber stamping proposals without review.

Experience and educational background: BS Business Administration, 10 years designing and

implementing utility rebate programs, 8+ yrs writing RFP's for government and public contracts,
10+ years establishing formal policy guidelines, 15+ years trend and data analysis

List any other City or County positions on which you serve or have served: _____

Traffic Safety Commission (active member)

Referred by (if applicable): Dan Ewert

Please return to:

***City of Canby - Attn: Deputy City Recorder
PO Box 930, 222 NE 2nd Avenue, Canby, OR 97013
Phone: 503.266.0720 Fax: 503.266.7961 Email: benhamm@canbyoregon.gov***

Note: Information on this form may be available to anyone upon a Public Records Request and may be viewable on the City's web page. 12/2021

Date Received: _____ Date Appointed: _____ Term Expires: _____

Date Resigned: _____ Destruction Date: _____



**CITY OF CANBY
COMMITTEE, BOARD, &
COUNCIL APPOINTMENT APPLICATION**

Date: 02/15/2023 Position Applying For: Planning Comm.

Name: Eric Ronald Van Zandt Occupation: Medically Retired

Home Address: [REDACTED] Canby Or. 97013

Employer: None Position: _____

Daytime Phone: [REDACTED] Evening Phone: Same

E-Mail Address: [REDACTED]

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

Started 2nd grade in approximately here 1978 in Canby and Graduated in 1989 and continue to live here in Canby. Current member of both the Traffic Safety Committee and Canby Rod & Gun Club. Back in approximately 1991 to 1999 was a volunteer firefighter for Canby Fire Dist. # 62. And today serve again as a volunteer Ham Operator for Emergency Communications for Canby Fire Dist. # 62.

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

To possibly help with connecting past actions of the committee to the present time in the future committee members, the help with why they did it "Back then."

Reason for your interest in this position:

To continue or complete a project(S) from the "2013" list using my past and current other community involvements, but most importantly learn from those who serve with me currently who have time spent time and effort as to the reason why behind it, for me to carry it forward.

Experience and educational background:

<i>1978 to currently graduating and remaining in the City</i>	<i>07/02 – 01/21</i>
<i>EMT Intermediate</i>	<i>American Medical Response Clackamas & SSD</i>
<i>EMS Battalion Chief</i>	<i>South Sherman Fire and Rescue</i>
<i>Cashier / Gun Counter</i>	<i>Cabela's Tualatin Store</i>
<i>ED Tech</i>	<i>Legacy Health Systems at Meridian Park Hospital</i>
<i>Cardiac Monitor Tech</i>	<i>Legacy Health Systems at Emanuel Hospital</i>
<i>FF / EMT</i>	<i>Volunteer Firefighter Program Canby Fire Dist. 62</i>
<i>Security Supervisor</i>	<i>Oregon Arena Corp. Rose Quarter</i>

List any other City or County positions on which you serve or have served:

Current Member of Traffic Safety Committee

Referred by (if applicable): *Conversation with Dan Ewert.*

Please return to: City of Canby - Attn: City Recorder

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

Phone: 503.266.0733 Fax: 503.266.7961 Email: bissetm@canbyoregon.gov

Note: Information on this form may be available to anyone upon a Public Records Request and may be viewable on the City's web page.

10/2019

Date Received: _____ Date Appointed: _____ Term Expires: _____
Date Resigned: _____ Destruction Date: _____

Memo

To: Mayor Brian Hodson & Members of City Council
From: Jorge Tro, Chief of Police
CC: Maya Benham, City Recorder
Date: May 3, 2023
Re: Liquor License Application / Off-Premises, 1017 SW 1st
Avenue, Canby, Oregon

I have reviewed the attached Change of Ownership Liquor License Application completed by David Lee, District Manager, for the business, "Odd Moe's Pizza", located at 1017 SW 1st Avenue, Canby, Oregon, 97013.

On April 25, 2023, I spoke with Mr. Lee over the telephone regarding the application. He told me that Odd Moe's LLC was buying the business back from the previous owner. He explained that no changes will be made to the business. The sale of alcohol will continue to be for off-premises consumption.

We discussed the expectations and responsibilities involving the sale of alcoholic beverages. He explained that the staff will be trained in the laws regulating the sale of alcoholic beverages and the consequences for failure to comply with the rules as set forth by Oregon State Law.

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

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

☐ New Outlet | ☒ Change of Ownership | ☐ Greater Privilege | ☐ Lesser Privilege | ☐ Additional Privilege

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- ☐ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th

Brewery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Brewery-Public House

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Grower Sales Privilege

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Distillery

- ☐ Primary location
- Additional tasting locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th ☐ 6th

☐ Limited On-Premises

☒ Off Premises

☐ Warehouse

☐ Wholesale Malt Beverage and Wine

PD 100⁰⁰
4-14-2023
0421 (3)

INTERNAL USE ONLY

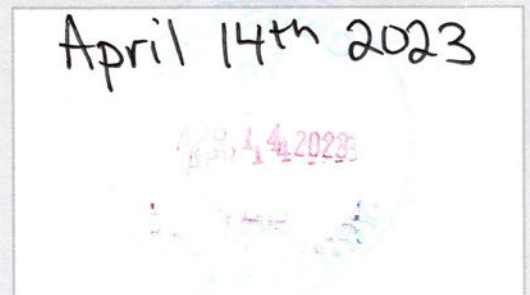
Local Governing Body: After providing your recommendation, return this application to the applicant.

LOCAL GOVERNING BODY USE ONLY

City/County name:

Date application received:

Optional: Date Stamp



- ☐ Recommend this license be granted
- ☐ Recommend this license be denied

Printed Name

Date

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:

Odd Moe's Pizza, LLC

Name of entity or individual applicant #2:

Name of entity or individual applicant #3:

Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

Odd Moe's Pizza

Premises street address (The physical location of the business and where the liquor license will be posted):

1017 sw 1st ave

City:

canby

Zip Code:

97013

County:

Clackamas

Business phone number:

Business email:

Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1]):

1017 sw 1st ave

City:

Canby

State:

OR

Zip Code:

97013

Does the business address currently have an OLCC liquor license? ☒ Yes ☒ No

Does the business address currently have an OLCC marijuana license? ☐ Yes ☒ No

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.

I give permission for the below named representative to:

☒ Make changes regarding this license/application on my behalf.

☒ Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

Representative Name:

David Lee

Phone number:

Email:

Mailing address:

City:

State:

Zip Code:

LIQUOR LICENSE APPLICATION

Page 3 of 4

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name:

David Lee

Phone number:

Email:

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands OAR 845-005-0311 and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

Page 4 of 4

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

David Lee

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)



CITY COUNCIL STAFF REPORT

Meeting Date: 5/3/2023

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Paul Waterman, Network Administrator

Agenda Item: Consider Ordinance No. 1595, An Ordinance Authorizing the City Administrator to enter into a Contract with Pacific Office Automation. (*Second Reading*)

Goal: Consolidate Copier Contracts and Standardize Equipment

Objective: Approval of Staff Recommendation – Pacific Office Automation Lease Consolidation

Summary

The City of Canby wishes to consolidate multiple department copier equipment lease contracts into one contract with standardized equipment.

Background

The City of Canby departments previously managed print/copier equipment lease contracts separately. Multiple brands and models of copiers/printers are deployed across the city. Managing and supporting multiple contracts and copier brands increase account management overhead as well as increases support complexity and cost.

Discussion

Consolidating contracts will streamline account and cost management. Standardizing on a copier brand will make training and support of copiers more efficient. End users and support across all locations and departments will use the same copier menus and functionality. Pacific Office Automation will not have to schedule multiple technicians with different brand support expertise for service calls. Internal Setup and Documentation can be streamlined across all departments.

Combining contracts and standardizing copier equipment the city will save \$200 per month. The proposal for the new copiers includes the equipment and configurations for each department. The quote uses US Communities and this is for a term of 60 months. US Communities is nationally pre-bid pricing that any government or educational institution can use to ensure the best pricing.

The current cost-per-copy rates vary because of the different equipment in the different departments. The B/W cost-per-copy ranges between \$0.0085 and \$0.015, and the Color cost-per-copy ranges between \$0.05 and \$0.09. With the new proposal and US Communities pricing, the B/W cost-per-copy would be \$0.0077, and Color would be \$0.0499.

Overall consolidation and standardization save money on labor overhead and lowers lease payments and consumables costs.

Attachments

Ordinance No. 1595
City of Canby Copier Proposal

Fiscal Impact

Current Services:

Multiple Contracts and equipment brand leases: **\$1,481.33 / Month**
B/W - **\$0.0085 and \$0.015**
Color - **\$0.05 and \$0.09**

New Services:

Consolidated Contracts and RICOH Copiers: **\$1,280 / Month**
B/W - **\$0.0077**
Color - **\$0.0499**

Recommendation

Staff recommends that the Council authorize the City Administrator to approve an agreement with Pacific Office Automation for a 60 month lease and service contract for five RICOH IM C4500 copiers for \$1,280 per month and toner consumable pricing at B/W - \$0.0077 and Color - \$0.0499 per copy.

Proposed Motion

"I move to adopt Ordinance No. 1595, An Ordinance Authorizing the City Administrator to enter into a 60 month lease and service contract with Pacific Office Automation."

ORDINANCE NO. 1595

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A 60-MONTH LEASE AND SERVICE AGREEMENT WITH PACIFIC OFFICE AUTOMATION

WHEREAS, the City of Canby desires to update and consolidate its copiers and services under a single 60-month lease contract;

WHEREAS, this consolidated proposal to bring many City of Canby departments into the same contract with Pacific Office Automation will save costs and efficiencies; and

WHEREAS, the Pacific Office Automation quote utilizes US Communities, which is nationally pre-bid pricing that any government or educational institution can use to ensure the best pricing.

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 60-month lease agreement with Pacific Office Automation for office copiers and services. A copy of the Scope of Leased Equipment is attached hereto as Exhibit “A.”

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, April 19, 2023, ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, May 3, 2023, commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2nd Avenue, 1st Floor Canby, Oregon.

Maya Benham
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 3rd day of May 2023, by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Maya Benham
City Recorder



Current Set-up

Department
<i>Developmental Services</i>
Equipment:
Ricoh MP C6004ex

Department
<i>Finance</i>
Equipment:
Sharp MX-5070N

Department
<i>Transit</i>
Equipment:
Canon iRAC5550i

Department
<i>Public Works</i>
Equipment:
Ricoh MP C3004ex

Department
<i>Administration</i>
Equipment:
Sharp MX-5070N

Current Expense

\$1,481.33 / month

New Equipment

Department
<i>Developmental Services</i>
Equipment Configuration:
Ricoh IM C4500 (45 PPM)
Fax
4 x 550-Sheet Paper Trays
OCR Scanning
Booklet Finisher

Department
<i>Finance</i>
Equipment Configuration:
Ricoh IM C4500 (45 PPM)
Fax
4 x 550-Sheet Paper Trays
OCR Scanning
Booklet Finisher

Department
<i>Transit</i>
Equipment Configuration:
Ricoh IM C4500 (45 PPM)
Fax
4 x 550-Sheet Paper Trays
OCR Scanning
Staple Finisher
Hole-Punch

Department:
<i>Public Works</i>
Equipment Configuration:
Ricoh IM C4500 (45 PPM)
Fax
4 x 550-Sheet Paper Trays
OCR Scanning
Staple Finisher
Hole-Punch

Department:
<i>Administration</i>
Equipment Configuration:
Ricoh IM C4500 (45 PPM)
Fax
4 x 550-Sheet Paper Trays
OCR Scanning

New Expense

Monthly Cost:
\$1,280.00
Term Length:
60 months

Service CPC:
Cost Per Copy <i>*see below</i>
\$0.0077 per B/W image
\$0.0499 per Color image

Notes

1. Cost off all equipment not to exceed \$1,280/month
2. CPC cost noted above to cover all equipment
3. Term length of 60 months for all equipment
4. Equipment configurations based on Department Requests Survey
5. US Communities is nationally pre-bid pricing that any government or educational institution can use to ensure best pricing



CITY COUNCIL STAFF REPORT

Meeting Date: 5/3/2023

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Brianna Addotta, Associate Planner

Agenda Item: Consider Ordinance No. 1597: An Ordinance Amending Canby's Title 16 of the Canby Municipal Code to restore the intended language of CMC Section 16.10.10.B. (TA 23-01) (*Second Reading*)

Goal: N/A

Objective: N/A

Summary

This Text Amendment application has been submitted by Development Services in order to restore language in Chapter 16.10 of the Land Development and Planning Ordinance (referred to hereafter as "the Development Code") that was erroneously deleted in the course of updating the Development Code to include regulations pertaining to Food Cart Pods and Mobile Vendors (TA 22-01).

Background

This Text Amendment application has been submitted by Development Services in order to restore language in Chapter 16.10 of the Land Development and Planning Ordinance (referred to hereafter as "the Development Code") that was erroneously deleted in the course of updating the Development Code to include regulations pertaining to Food Cart Pods and Mobile Vendors (TA 22-01). See Attachment A for exact language and formatting as it appears in the Development Code, and a draft of the Food Cart Pod chapter where the regulation was intended to be and was ultimately correctly placed. The deletion, located in 16.10.010.B, unfortunately alters the regulation in which it is contained. The deletion had no material basis and was never brought to Planning Commission or City Council for consideration in the course of review of TA 22-01. Staff reports produced during review for TA 22-01 are attached to this application as Attachment B, which show no intent to change 16.10.010.B.

Discussion

This text amendment is limited in scope to revision of a single standard found in Chapter 16.10 of the Development Code, Off-Street Parking and Loading. The adoption of Ordinance 1570 in May 2022 incorporated standards for Food Cart Pods and Mobile Food Vendors into the Development Code. One of these standards is that in the Downtown Commercial (C-1) zone, Food Cart Pods are not required to provide off street parking. An editing error was made and language from Section 16.10.10.B of the Development Code was deleted, which affected parking standards for all uses in the C-1 zone. This edit was not intentional. This text amendment (TA 23-01) will restore

the original language of Section 16.10.10.B. Staff has provided records of the staff reports and draft code language used in the review of TA 22-01 to attest to the intended scope of the text amendment, attached to this report as Attachments C and D.

CMC 16.10.10.B

Original Language

B. No off-street parking shall be required for any use permitted outright within the C-1 zone in the rectangular area bounded by N. Ivy Street on the east, NW First Avenue on the south, N. Elm Street on the west, and NW Third Avenue on the north.

Erroneously Adopted Edit

B. No off-street parking shall be required for any use permitted outright within the C-1 zone.

TABLE 1 – SUMMARY OF PROPOSED TEXT AMENDMENTS

16.10 – OFF-STREET PARKING AND LOADING
Replace erroneously deleted language found in 16.10.10.B

APPLICABLE REGULATIONS AND CODE PROVISIONS

The applicable regulations in the Canby Municipal Code for the text amendment process are described below with responses by Staff regarding Facts and Findings.

Division VIII – General Standards

16.88.170 Amendments to text of title

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

- A. Authorization to Initiate Amendments.** An amendment to the text of this tile may be initiated by City Council, by the Planning Commission or by the application of a property owner or his authorized agent. The Planning Commission shall, within forty days, after closing the hearing, recommend to the City Council, approval, disapproval, or modification of the proposed amendment.

Facts and Findings: This amendment is initiated by Planning Staff and is being brought to the Planning Commission for recommendation to the City Council. Therefore, this criterion is met.

- B. Application and Fee.** Application procedures shall be as described in Chapter 16.89.

Facts and Findings: This proposal is an internal City process; all application procedures are followed as applicable. Therefore, this criterion is met.

- C. **Public Hearing on an Amendment.** Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment following the requirements for advertising and conduct of hearings prescribed in Division VIII.

Facts and Findings: The public hearing was heard by the Planning Commission on March 13, 2023 and all applicable noticing requirements were followed per Canby Municipal Code and Oregon Revised Statute. The public hearing was conducted according to the standards prescribed in Division VIII. Therefore, this criterion is met.

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

1. The Comprehensive Plan of the City, and the plans of the County, State, and local districts, in order to preserve functions and local aspects of land conservation and development;

Facts and Findings: This text amendment will not negatively impact any of the plans or policies cited in this Standard. It will only replace erroneously deleted language, preserving the intent of the standard. Therefore, this criterion is met.

2. A public need for change;

Facts and Findings: This change is needed in order to provide accurate regulations for development as adopted by City Council. Therefore, this criterion is met.

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

Facts and Findings: This amendment is the best course of action at the present time. By restoring the original code language, the amendment reflects previous discussions and debates conducted by City decision-makers regarding the content of the Development Code. The City is currently in the early stages of updating the Transportation System Plan, which will inform future updates to the Development Code. Therefore, this criterion is met.

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

Facts and Findings: The proposed amendment will have no negative impact on the health, safety and general welfare of the residents in the community. Therefore, this criterion is met.

5. Statewide Planning Goals.

Facts and Findings: Statewide Planning Goals do not apply to this text amendment. This amendment is limited to replacing erroneously deleted language in exactly one location in the Development Code. Therefore, this criterion is not applicable.

Attachments

- A. Text Amendment Application and Narrative
- B. Proposed Text Amendment
- C. Code Language Excerpts from TA 22-01
- D. Staff Reports created for TA 22-01

Fiscal Impact

None anticipated.

Options

City Council may elect to approve, deny, or continue the proposed Text Amendment application to a future hearing.

Recommendation

Staff recommends the Council approve Amending Canby's Title 16 of the Canby Municipal Code to restore the intended language of CMC Section 16.10.10.B.

Proposed Motion

"I move to adopt Ordinance No. 1597; An Ordinance Amending Canby's Title 16 of the Canby Municipal Code to restore the intended language of CMC Section 16.10.10.B. (TA 23-01)."

ORDINANCE NO. 1597

AN ORDINANCE AMENDING CANBY'S SECTION 16.10.010.B. OF THE CANBY MUNICIPAL CODE TO RESTORE ERRONEOUSLY DELETED LANGUAGE.

WHEREAS, City staff propose a legislative text amendment restoring language erroneously deleted during the adoption of TA 22-01;

WHEREAS, City staff propose legislative text amendments modifying Chapter 16.10.010.B; Title 16 of the Canby Municipal Code (CMC);

WHEREAS, the Planning Commission found that the standards and criteria of Section 16.88.160 of the Land Development and Planning Ordinance concerning Text Amendments were met, and forwarded a recommendation of approval to the City Council on a 5-0 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 23-01 is hereby approved and the Canby Municipal Code hereby amended as detailed in Attachment B for the Land Development and Planning Ordinance (as directed by the City Council findings and final order);

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on April 19, 2023, ordered posted as required by the Canby City Charter, and scheduled for a second reading on May 3, 2023 commencing after the hour of 7:00 p.m., in the Council Chambers located at 220 NE 2nd Avenue, Canby, Oregon.

Maya Benham
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on May 3, 2023 by the following vote:

YEAS_____

NAYS_____

Brian Hodson, Mayor

ATTEST:

Maya Benham
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: City of Canby c/o Brianna Addotta Phone: 503-266-0686
Address: 222 NE 2nd Ave Email: addottab@canbyoregon.gov
City/State: Canby OR Zip: 97013

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

☐ Property Owner Name: City of Canby Phone: same as applicant
Signature: [Signature] for S. Archer
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 _____

Text Amendment to fix erroneous deletion in Section 16.10.010.B of the Land Development and Planning Ordinance
Describe the Proposed Development or Use of Subject Property _____

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

Visit our website at: www.canbyoregon.gov
Email Application to: PlanningApps@canbyoregon.gov

Page 1 of 4



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. *n/a* 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 checked="" type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input checked="" 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"/> <i>n/a</i>	<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"/> <i>n/a</i>	<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.



Standards and Criteria for Text Amendment

Narrative

This Text Amendment application has been submitted by Development Services in order to restore language in Chapter 16.10 of the Land Development and Planning Ordinance (referred to hereafter as “the Development Code”) that was erroneously deleted in the course of updating the Development Code to include regulations pertaining to Food Cart Pods and Mobile Vendors (TA 22-01). See Attachment A for exact language and formatting as it appears in the Development Code, and a draft of the Food Cart Pod chapter where the regulation was intended to be, and was ultimately correctly placed. The deletion, located in 16.10.010.B, unfortunately alters the regulation in which it is contained. The deletion had no material basis and was never brought to Planning Commission or City Council for consideration in the course of review of TA 22-01. Staff reports produced during the course of review for TA 22-01 are attached to this application as Attachment B, which show no intent to change 16.10.010.B.

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;

Response: Restoring the language deleted in error will materially preserve the intended functions and local aspects of Canby’s Comprehensive Plan. The Development Code will remain in compliance with County, State and local plans and policies.

2. A public need for the change;

Response: The restoration of erroneously deleted language from 16.10.010.B is necessary in order to reflect the desires of the public. The change was not intentional and therefore the public was not provided proper notice, nor was the change brought to Planning Commission or City Council for discussion.

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

Response: Restoring the intended language in Section 16.10.010.B is the best way to rectify the error.

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

Response: Restoring the intended language in Section 16.10.010.B will preserve and protect the health, safety, and general welfare of the residents in the community.

5. Statewide planning goals.

Response: The City of Canby’s compliance with the statewide planning goals will not be effected by the reinstatement of language deleted in error.



City of Canby

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

Attachments:

- A. Code Language excerpts from TA 22-01 demonstrating erroneous change
- B. Staff Reports showing no intent to remove language from 16.10.010.B
- C. Text Amendment Application Form

Chapter 16.10

OFF-STREET PARKING AND LOADING

Sections

- 16.10.010 Off-street parking required – exceptions.
- 16.10.020 Definitions.
- 16.10.030 General requirements.
- 16.10.040 Prohibited near intersections.
- 16.10.050 Parking standards designated.
- 16.10.060 Off-street loading facilities.
- 16.10.070 Parking lots and access.
- 16.10.080 Street Tree Plan
- 16.10.090 Drive-up uses.
- 16.10.100 Bicycle parking.

16.10.010 Off-street parking required – exceptions.

A. At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the site and design review process, based upon clear and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section.

B. No off-street parking shall be required for any use permitted outright within the C-1 zone ~~in the rectangular area bounded by N. Ivy Street on the east, NW First Avenue on the south, N. Elm Street on the west, and NW Third Avenue on the north.~~

C. At the time of enlargement of an existing structure or use, the provisions of this section shall apply to the enlarged structure or use only. (Ord. 1304, 2009; Ord. 1237, 2007; Ord. 890 section 9, 1993; Ord. 872, 1992; Ord. 854 section 2, 1991; Ord. 848, Part V, section 1, 16.10.010(A)(B), 1990)

16.10.020 Definitions.

A. Floor Area. Except where otherwise specified, the floor area measured shall be the gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading.

Context added for TA 23-01

TA 22-01 pertained to Food Cart Pods and Mobile Vendors. The intention was for Food Cart Pods to have no off-street parking requirements in the C-1 zone. This deletion allows all uses to have no off-street parking requirements in the C-1 zone, which was not the intent of the text amendment.

n. Club or lodge	1.00 space per 200 square feet of floor area
o. Day care , adult or child care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	1.00 space per 500 square feet of floor area
p. All others	1.00 space per 550 square feet
q. Wireless telecommunication systems	1.00 space per site
r. Self-Storage (Mini) Warehouse	2.00 spaces per 1,000 gross square feet of office space
<u>s. Food Cart Pod</u>	<u>C-R, C-2, C-M zones: 1.5 spaces per cart</u> <u>C-1 zone: none</u> <u>M-1 and M-2 zone: 1 space per cart</u> <u>See Chapter 16.45.035</u>
Industrial:	
a. Manufacturing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office manufacturing space. Minimum of 5 parking spaces overall.
b. Warehousing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office warehousing space. Minimum of 5 parking spaces overall.
c. Wholesale establishments	2.00 spaces per 1,000 gross square feet of office space, plus 1.50 spaces per 1,000 gross square feet of non-office wholesale space. Minimum of 5 parking spaces overall.

(Ord 1296, 2008, Ord. 1338, 2010; Ord. 1514, 2019)

16.10.060 Off-street loading facilities

A. The minimum number of off-street loading berths for commercial and industrial uses is as follows:

SQUARE FEET OF FLOOR AREA	NUMBER OF BERTHS
Less than 5,000	0
5000 – 25,000	1
25,000 – 60,000	2
60,000 and over	3

B. Loading berths shall conform to the following minimum size specifications:

1. Commercial uses – 13' x 35'
2. Industrial uses – 12' x 60'
3. Berths shall have an unobstructed minimum height of 14'.

C. Required loading areas shall be screened from public view, from public streets, and adjacent properties by means of sight-site obscuring landscaping, walls or other means, as approved through the site and design review process.

Formatted Table

Context added for TA 23-01

The regulation for no required off-street parking for Food Cart Pods in the C-1 zone is correctly adopted later in the same chapter. This is the amendment intended to be made in TA 22-01.

Context added for TA 23-01

This is an early draft of the Food Cart Pod chapter adopted through TA 22-01. Parking information specific to Food Cart Pods is included on page 5 of the chapter. Staff provide this draft document to further support the intent of TA 22-01 was not to remove required off-street parking for all uses in the C-1 zone.

Chapter 16.45

Food Cart Pods

Sections:

- 16.45.010 Purpose**
- 16.45.015 Applicability**
- 16.45.020 Administration**
- 16.45.025 Siting and Design Standards**
- 16.45.030 Individual Cart Design Standards**
- 16.45.035 Parking**
- 16.45.040 Utilities**
- 16.45.045 Signage**
- 16.45.045 Standards for M-1 and M-2 Zoning Districts**

16.45.010 Purpose.

The purpose of these regulations is to establish criteria for the placement of food cart pods in the City of Canby. Food carts encourage local business and provide the community a wider choice of eating and drinking options. Food cart pods shall comply with all applicable City, County and State standards.

16.45.015 Applicability.

A. This chapter applies to:

1. New Food Cart Pods.
2. Renovation or redevelopment of an existing Food Cart Pod.

B. This chapter does not apply to:

1. Individual Food Carts that have obtained a Temporary Mobile Vendor Permit as regulated by Section 16.08.140 and Section 16.08.145
2. Any person engaged in delivery, exhibition, sale or offering of food on a site for a period of time not to exceed 2 hours during any 24 hour period.
3. Food Carts or other mobile vending units that are approved as part of a City reviewed event, such as a farmer's market or block party.

Commented [BA1]: Inspired by Happy Valley code

16.45.020 Administration.

A. Permit Required. All Food Cart Pods erected after the effective date of this chapter shall require a permit. Applications shall be made on forms provided by the Planning Director with attached required information stated in the application form and in Section 16.45. Food Cart Pod applications are subject to the Type 2 land use process as described in Section 16.89.040.

B. Business License. The owner of the Food Cart Pod must obtain a business license through the City of Canby before operations begin, and it must be kept current with yearly renewals.

Commented [BA2]: Result of work session input

C. Fee. A fee established by resolution of the City Council shall be paid to the City of Canby upon filing of an application. Such fees will not be refundable.

D. Construction and Maintenance. All structures, equipment and ancillaries (whether above or underground), shall meet all applicable requirements of building, structural, mechanical and electrical codes.

Commented [BA3]: Public Works and Fire input

1. All equipment shall be kept in good repair and maintained in a safe, neat, and clean condition.
2. No structures or equipment shall be erected or maintained in such a manner that any portion of its surface will interfere with the free use of—or any access to—any fire escape, exit or standpipe.
3. No aspect of the Food Cart Pod shall be deployed in a location that creates an immediate danger to the safety and welfare of the public by blocking vision for either pedestrians or motorists at public and/or private roadways, intersections, driveways, paths, sidewalks or railroad crossings.

E. Appeal. Appeals are limited to procedures set forth in Chapter 16.89 for land use decisions pursuant to requirements in Chapter 16.89. Appeals of building permit decisions are decided by the Clackamas County Building Official.

F. Permit Expiration. The approval shall be implemented for a Food Cart Pod within 365 days, beginning on the day a final decision is issued.

G. Permit Suspension or Revocation. The Planning Director and City Engineer or their duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this chapter.

16.45.025 Site and Design Standards.

A. The purpose of this section is to provide clear and objective site and design standards for Food Cart Pods in the City of Canby.

B. Site Design Standards for Food Cart Pods:

1. Food carts and amenities shall be located on a paved or concrete surface.
2. Food cart pods shall not occupy pedestrian walkways.
3. Food cart pods shall not occupy or obstruct bicycle or vehicle parking required for an existing use.
4. Carts and/or objects associated with the food cart use shall not occupy fire lanes or other emergency vehicle access areas. .
5. Setbacks for food cart pods shall be the same as the zone in which it is located, except when a side or rear yard abuts a residential zoning district. Any side or rear yard abutting a residential zoning district must meet the following setbacks:
 - a. Rear and/or side yards abutting residentially zoned property shall have a minimum setback of 20 feet or the minimum setback for the zone in which it is located, whichever is greater.
6. Carts shall not be located or oriented in a way that requires customers to queue in a driveway or right of way.
7. Uses shall not create tripping hazards in pedestrian and vehicular circulation areas with items including, but not limited to, cords, hoses, pipes, cables, or similar materials.
8. Where more than one cart is located on a site, carts shall be separated by a minimum of 6 feet.
9. Food carts shall not be located in the Vision Clearance Area as described in Section 16.46.020.
10. The Pod must be enclosed with clear entrance and exit points. This can be achieved by using landscaping, fencing, existing buildings, or topography, or a mix of these elements. Fences shall not be chain link, with or without slats.
11. Landscaping is required as designated by the zoning district. Landscaping must be installed permanently, or in planters not smaller than 10 gallons. Nursery pots are prohibited.
12. Lighting in accordance with the LZ2 lighting district is required as regulated in Section 16.43.

C. Standards for Amenities within a Food Cart Pod.

Commented [BA4]: "Design standards" and "amenity standards" organization inspired by Beaverton code

Commented [BA5]: Work session input

Commented [BA6]: Work session input

Commented [BA7]: Building Code

Commented [BA8]: Work session input

Commented [BA9]: Inspired by Milwaukee code

1. All food cart pods which provide seating for customers shall have restrooms with hand washing facilities available during operating hours. Restrooms must have handwashing facilities with hot and cold running water, soap and paper towels or air dryers. ~~Restrooms must either be on-site or on an adjacent parcel with adjacent property owner's written approval.~~ Restrooms shall be screened from view of the public right of way and abutting residentially zoned properties. ~~Required restrooms shall be available during Pod operating hours.~~
2. All food carts and customer amenities within a food cart pod shall be served by a 5 foot minimum hard surface walkway.
3. Waste and recycling receptacles shall be provided for customer and business waste. Receptacles shall be screened from view of the right of way and abutting residentially zoned properties and serviceable by the applicable waste-hauler.
4. Storage structures accessory to food carts shall be less than 120 square feet in size and no greater than 15 feet in height. Storage structures shall be set back a minimum of 20 feet from public rights-of-way.
5. Structures used to provide shelter to customers may not be membrane structures such as tents or canopies unless they are fully framed.
6. Permanent structures must meet the dimensional standards of the underlying zone.
7. All food cart pods which provide seating for customers shall provide weather protection elements.
8. Screening elements may include landscaping, fencing, existing buildings, topography, or a mix of these elements. Fences shall not be chain link, with or without slats.

Commented [BA10]: Precludes unwanted port-o-potty set up, but gives more flexibility than requiring a permanent structure

Commented [BA11]: Define 'hard surface'

Commented [BA12]: Beaverton Code. Max. size allowed without a building permit.

Commented [BA13]: Work session input. Needs to be more specific.

Commented [BA14]: Define weather protection

Commented [BA15]: Work session input

16.45.030 Individual Cart Design Standards.

A. All Food carts shall be subject to the design standards listed below:

1. Food carts shall enclose or screen from view of the right of way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, grills, smokers, or other accessory items.
2. The wheels and tongues must remain on the food cart. Wheels must remain inflated.
3. ~~Carts shall not have missing siding or roofing.~~

4. Food carts shall be kept in good repair and maintained in a safe and clean condition. Carts shall not have missing siding or roofing.
5. Food carts shall not be longer than 26 feet, as measured from wall to wall. Food Carts shall not exceed 15 feet in height.
6. Food carts shall obtain and keep current a City Business License.
7. Food carts shall maintain all required licenses by the appropriate State and/or local agency, including Clackamas County Health.
8. If provided, cart awnings shall have seven (7) feet of clearance between the ground and awning for safe pedestrian circulation.
9. ~~Food Carts shall not exceed 15 feet in height.~~

Commented [BA16]: More detail

16.45.035 Parking.

A. Parking lots for Pods must conform to the standards found in Section 16.10.070.

~~B. No off-street parking shall be required for Food Cart Pods, permitted outright within the C-1 zone.~~

~~C.B.~~ Required parking ratios for Pods are as listed in the following table.

Commented [BA17]: Work session input

Required Parking for Food Cart Pods by Zoning District	
Residential Commercial (C-R)	1.5 spaces per cart
Downtown Commercial (C-1)	None
Highway Commercial (C-2)	1.5 spaces per cart
Commercial Manufacturing (C-M)	1.5 spaces per cart
Light Industrial (M-1)	1 space per cart
Heavy Industrial (M-2)	1 space per cart

1. M-1 and M-2 zoned properties within the Pioneer Industrial Park are eligible for a 10% or 5 space reduction in required parking, whichever is less. To qualify, the applicant must quantitatively show there is existing unutilized parking on the parcel.

Commented [BA18]: Effort to encourage a pod in the industrial park, where most customers anticipated will be employees of the area.

16.45.040 Utilities.

A. Food Cart Pods are subject to the utility regulations below.

Commented [BA19]: Beaverton code and input from Wastewater management

1. All permanent utility lines shall be placed underground. Temporary utilities, lines and tanks shall be ~~placed underground or otherwise~~ screened, covered, or hidden from view from the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

2. Wastewater shall be addressed in one of the following two ways:

a. Food carts shall connect to the sanitary sewer consistent with applicable state plumbing codes and will include an approved grease separator for the disposal of fats, oils and grease. Indirect discharge or leakage draining into the storm water system is prohibited.

b. Food carts shall connect to individual or community wastewater holding tanks. Tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper. A copy of the contract shall be provided to the City before any food carts are located on site. Holding tanks shall be screened from view of the right-of-way by fully sight obscuring fencing. Indirect discharge or leakage draining into the storm water system is prohibited. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart shall be captured and properly disposed of in the sanitary sewer.

3. Potable water shall be addressed in one of the following two ways:

a. Food carts shall connect to a permanent water source in conformance with applicable state plumbing codes.

b. Food carts shall be connected to a potable water tank consistent with Section 5-3 of the Oregon Health Authority's 2012 Food Sanitation Rules, or the most recent version thereof.

Commented [BA20]: State standard

4. Food carts and amenities shall connect to a permanent power source. Power connections may not be connected by overhead wires to the individual food carts. Generators are prohibited.

Commented [BA21]: More specific

16.45.045 Signage

A. Regulations from Chapter 16.42 shall apply in cases where this Chapter is silent.

B. Signage for Food Cart Pods shall be allowed as follows:

1. One freestanding sign, not to exceed 15' in height and 50 square feet per face (up to two faces). If lit, lighting source shall not be seen directly from the right of way or abutting residentially zoned properties.

2. One A-Frame sign per street frontage with a maximum sign window of 24" x 36", unlit and outside of the public right of way.
3. One temporary banner not to exceed 32 square feet is allowed during the first 30 days after opening of the Pod. The banner must be fully secured and kept in good condition.

16.45.050 Standards for M-1 and M-2 Zoning Districts.

A. The purpose of this section is to recognize the Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts require additional regulations for Food Cart Pods to ensure safety and compatibility. The following standards apply to Pods in the M-1 and M-2 zoning districts.

- ~~1. Generators are allowed to power individual carts within pods. Generators must be screened to address both visual and aural impacts.~~
2. A 2' vegetated buffer is required around the Pod in addition to perimeter fencing. The buffer can be counted towards the overall percentage of landscaping required. Landscaping must be installed permanently, or in planters not smaller than 10 gallons. Nursery pots are prohibited.

Commented [BA22]: Effort to encourage a pod in the industrial park. Generators are common in the park, extra buffer for safety and comfort.

Commented [BA23]: Inspired by Milwaukee code



TA 23-01

Application Attachment B

City of Canby

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www.canbyoregon.gov

City Council & Planning Commission Work Session Staff Report

DATE: July 27, 2021

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

THRU: Scott Archer, City Administrator

FROM: Brianna Addotta, Associate Planner

ITEM: Food Carts in the City of Canby

Summary

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

Background

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

Discussion

Temporary Vendor Permit

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

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

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

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

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

Food Cart Pods

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

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

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

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

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

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

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

Fiscal Impact

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

Options

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

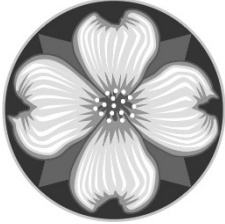
Recommendation

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

Proposed Motion

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

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



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

Mobile Food Carts on Private Property

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

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

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

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

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

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

APPROVAL CRITERIA

Food carts are permitted in Milwaukie under the following conditions:

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

APPLICATION PROCESS

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

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

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

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

- Business Industrial (BI)

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

- Manufacturing (M)

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

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

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

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

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

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

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

DESIGN

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

APPLICABLE CODE SECTIONS

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

MMC Chapter 14.16 Sign Districts

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

MMC Section 19.201 Definitions

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

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

MMC Chapter 19.300 Base Zones

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

MMC Chapter 19.600 Off-Street Parking and Loading

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



City of Canby

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City Council & Planning Commission Work Session Staff Report

DATE: October 26, 2021

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

THRU: Scott Archer, City Administrator

FROM: Brianna Addotta, Associate Planner

ITEM: Food Carts in the City of Canby, 2nd Work Session

Summary

At the August 4th, 2021 work session Councilors and Commissioners voiced their support of allowing and regulating food carts and pods as local business incubators that will bring vibrancy to the community and offer more diverse food options for people who live, work, and play in the City. The purpose of the November 3rd, 2021 joint work session is for staff to introduce specific regulation options for Mobile Food Vendors and Food Cart Pods in response to feedback received at the first work session.

Background

Single food carts are opportunities for small businesses to provide the community with fresh, inexpensive dining options. Areas where there are several employers and limited dining options, such as industrial parks, can benefit from a mobile vendor using excess parking to provide an experience right on site.

Food Cart Pods have become popular over the past decade; a pod is a privately owned site with rental spaces for individual cart owners, often with shared facilities such as restrooms and handwashing stations, seating and weather protection, and trash and recycling disposal.

Balancing regulations and permitting procedures can help ensure mobile food vending opportunities are present without posing a threat to traditional restaurants, interfering with the right-of-way, or creating a nuisance.

Discussion

Zoning and Processes

The fundamental regulation which must be defined is which zoning districts (1) single food carts and (2) food cart pods will be allowed, conditional, or prohibited. The table below details how

restaurants are regulated according to the zones.

Land Use	Current Zoning Code	Restaurant use
Residential	R-1, R-1.5, R-2	Prohibited
Commercial	C-R	Conditional Use, no drive thru
	C-1	Allowed, no drive thru
	C-2	Allowed, drive thru
Industrial	C-M	Allowed, drive thru
	M-1, M-2	Allowed related/incidental to primary industrial use

Based on feedback from the first work session, staff believe single carts would be appropriate in all commercial and industrial zones, subject to minimum design standards. In response, a Mobile Food Vendor application has been created by tailoring the current Temporary Vendor application to remove undue hardships and unrealistic regulations specific to mobile food preparation and direct vending. The draft application is attached to this memo. The Mobile Food Vendor permit would go through a Type 1 application process, which means applications can be processed administratively.

Food Cart Pods are larger and more permanent than a mobile food vendor and are likely to have different impacts. Staff posit it would be most appropriate to allow the C-1 and C-2, and C-M zones outright, following a Type 2 process which requires all design standards be met and public notice to be provided. In order to recognize the low intensity of the C-R zone and the industrial intensity in the M-1 and M-2 zones, staff suggests additional regulations specific to these zones to mitigate impacts. Examples include limiting the size of the pod, number of carts allowed, and lighting and screening considerations.

An additional process could be included for sites that cannot meet the standards, a Type 3 Conditional use permit. The Conditional Use permit would allow staff and the Planning Commission to consider the specific project to determine whether it meets the intent of the Code. The Type 3 process requires a neighborhood meeting and public comment opportunities that will provide the developer and City important feedback during the design process.

Pod Parking

Staff has analyzed Development Code regulations for Food Cart Pods from 7 jurisdictions and has found parking requirements are regulated in one of two ways: (1) per cart or (2) per 1,000 square feet of floor area. The first way, functionally, aims to provide parking specifically for employees

and patrons of the food carts. The second way assumes the Pod itself is the attraction and must provide parking according to the overall size of the site. The table below provides parking standards for Pods in other jurisdictions.

Jurisdiction	Parking Ratio
Beaverton	1 per cart
Happy Valley	2.2 per cart
Woodburn	4 per cart
Oregon City	4/1,000 sq ft of floor area
Milwaukie	4/1,000 sq ft of floor area
Tigard	7/1,000 sq ft of floor area
Lake Oswego	3.5 spaces per cart

Food carts can come in several shapes and sizes, but generally they can be ‘small’ (14’x6’), ‘medium’ (17’x6’), or ‘large’ (20’x6’). These trucks are 94, 112, and 120 square feet, respectively. Rental spaces in Pods are typically 200-250 square feet, which accounts for the cart itself as well as any storage, landings, awning, etc. accessory to the cart.

Restaurants in the City of Canby must provide 8 spaces per 1,000 square feet, which equates to 1 per 125 square feet. Using this ratio as a guide and the parking ratios of other jurisdictions as case studies, staff believe a ratio of 1 to 2 spaces per cart is appropriate for Pods in Canby.

Of note, support for a zero parking requirement within the downtown core was voiced at the first work session, in line with the Downtown Canby Overlay regulations. Staff agree this is appropriate.

Pod Design Standards

The first work session provided staff with plenty of information regarding how Pods should look and feel in Canby. Three major themes emerged: Flexibility, a sense of permanence, and an element of enclosure or delineation of the site.

Food Cart Pods have become so popular in the last decade because they provide both property owners and small business owners with increased flexibility; flexibility in developing their property, flexibility in meeting customer demands, and flexibility to respond to unexpected

changes in the economy. The best way the City can support this flexibility is by limiting regulations, keeping permitting cost competitive, and providing a quick review process.

It is the interim nature of Pods which allow for this type of flexibility, but it should not come at the expense of the integrity of the development. A sense of permanence can be accomplished without undue hardship on the property owners using design strategies such as immovable and varied seating options, providing amenities like a fire pit, setting material standards for screening and accessory structures, intentional site planning, and an element of enclosure or distinction around the site's perimeter.

An element of enclosure or distinction can provide a more permanent sense of place, increased safety and security, and is an opportunity for good design that will add visual interest to streetscapes. The enclosure element could include fencing, landscaping, creative placement of carts, utilization of the existing topography, artistic elements, and more. The goal is to create a set of minimum standards that ensure the design meets expectations while still providing flexibility and opportunities to be creative.

Recommendation

Following the first work session, staff provided Commissioners and Councilors with language from several jurisdictions that have incorporated Pods into their development codes. We respectfully request any feedback to these codes be provided during this second work session. Staff will use this feedback, and well as feedback on the information provided in this memo, to begin crafting language to be incorporated into Chapter 16 of the Municipal Code.



City of Canby

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MEMORANDUM

DATE: January 14, 2022
MEETING DATE: January 24, 2022
TO: Planning Commission
FROM: Brianna Addotta, AICP, Associate Planner
SUBJECT: Food Cart Pod Text Amendment Work session

Introduction – Canby Municipal Code Chapter 16 Amendment

This work session is intended to be the last before a legislative and quasi-judicial process to adopt an amendment to Chapter 16 of the City's Municipal Code in order to allow Food Cart Pods within the City, subject to certain regulations. Attached to this memorandum is a draft of proposed *Chapter 16.45, Food Cart Pods*. Staff has provided this draft for Planning Commission review before initiating a formal Text Amendment process.

Background

Commissioners and Counselors have expressed interest in adding a Food Cart Pod chapter to the Canby Municipal Code, and in tailoring the existing Temporary Vendor Permit to create a Mobile Vendor permit more fitting with the realities of single temporary food carts.

Food Cart Pods have become popular over the past decade; a pod is a privately owned site with rental spaces for individual cart owners, often with shared facilities such as restrooms and handwashing stations, seating and weather protection, and trash and recycling disposal.

Balancing regulations and permitting procedures can help ensure mobile food vending opportunities are present without posing a threat to traditional restaurants, interfering with the right-of-way, or creating a nuisance.

Planning Staff has held two joint work sessions with the Planning Commission and City Councilors, the first on August 4, 2021 and the second on October 26, 2021. Staff reviewed Development Code sections from nine surrounding cities and visited Pods that have been privately developed using their respective City's Code in order to understand the intent and the outcome of Pod regulations. Staff refer back to the memos produced after the first and second work session for record of these discussions.

Draft Chapter 16.45 Food Cart Pods

The draft chapter includes the following sections. Staff respectfully request feedback from Planning Commissioners on each of these sections.

- 16.45.010 Purpose
- 16.45.015 Applicability
- 16.45.020 Administration
- 16.45.025 Siting and Design Standards
- 16.45.030 Individual Cart Design Standards
- 16.45.035 Parking
- 16.45.040 Utilities
- 16.45.045 Signage
- 16.45.050 Standards for M-1 and M-2 Zoning Districts

Conclusion

City officials and members of the community alike are looking forward to regulations that would allow development of a Food Cart Pod. It is the intent of Staff to bring forth a formal Text Amendment in February 2022, after appropriate edits are made following this work session. A Text Amendment is subject to public review and comment and is ultimately decided upon by City Council after recommendation from the Planning Commission. Staff thank the public officials for their continued guidance.

Attachments:

- A. Memo from 1st work session
- B. Memo from 2nd work session
- C. Draft Chapter 16.45 Food Cart Pods
- D. Draft Application for Food Cart Pods
- E. Draft Code language for Mobile Vendor Permit
- F. Draft application for Food Cart Pod Permit



City Council Staff Report

Meeting Date: 5/4/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Don Hardy, Planning Director

Agenda Item: Food Cart Pods and Mobile Food Vendors Text Amendment (*Second Reading*)

Summary

On April 20, 2022, City Planning staff presented the first reading of the Food Cart Pods and Mobile Food Vendors Text Amendment. City Council heard and approved the Text Amendment with two revisions:

1) Edit Section 16.04.221.1 of the Canby Municipal Code to include the minimum number of cart spaces required for a Food Cart Pod. The definition for a Food Cart Pod will read “A site containing space for three or more food carts and associated amenities under common management on private property”.

2) Edit Section 16.04.415 of the Canby Municipal Code to allow both premade and made to order food products to be sold by Mobile Food Vending Units. The definition for a Mobile Food Vending Unit will read “A vehicle or trailer designed to be portable and not affixed to any structure, from which food is made to order vended, sold, served, displayed, offered for sale or given away. The vehicle must not require a special permit from the Oregon Department Transportation to be moved.”

City Planning Staff are requesting 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 (CMC). The text amendment proposal is an effort to allow and regulate an emerging business concept that could increase local business activity and provide more dining options to the community of Canby. The purpose of this staff report is to summarize the text amendments and to provide findings of fact related to the text amendment process.

Background

Planning staff used a variety of sources to craft the text amendments. This included analyzing Development Codes from Beaverton, Hillsboro, Oregon City, Happy Valley, Milwaukie, Lake Oswego and Portland, visiting Food Cart Pods in these cities, and working closely with the Economic Development Director to perform local business outreach. Several work sessions have been held with City Council and Planning Commission to refine the city’s goals and standards for Pods and Mobile Food Vendors, which are reflected in the draft code text.

Discussion

The need for this amendment is largely driven by the emerging business model of the Food Cart Pod. Without these amendments, the City of Canby would miss opportunities to foster economic development, and lose out on exciting and local creative cuisine options.

The following Statewide Planning Goals apply to this application:

Goal 1: Citizen Involvement.

The Planning Commission will make a recommendation to the City Council on this application in a public hearing which was noticed in the Canby Herald. Additionally, this amendment has been discussed in 3 separate work sessions with the City Council and Planning Commission.

Goal 9: Economic Development

This goal requires Cities to have an inventory of commercial and industrial land available for development. Creative uses like Food Cart Pods have the unique ability to develop constrained parcels into commercial enterprises. Allowing this use would (1) encourage the creative use of constrained or remnant parcels and (2) leave the large 'shovel ready' parcels for large format traditional commercial and industrial development.

This text amendment will support several of The Comprehensive Plan goals and policies:

Citizen Involvement Element Policy No. 2:

Canby shall strive to eliminate unnecessarily costly, confusing, and time consuming practices in the development review process.

Economic Element Policy No. 3:

Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.

This amendment is the best course of action at the present time. The City has received numerous inquiries from private developers interested in creating a Pod in Canby, as well as frequent comments that the current Temporary Mobile Vendor permitting process is prohibitive for single Food Carts. No code changes at this juncture would result in a lost opportunity for the City of Canby to encourage local businesses and enjoy increased food options. This amendment preserves the functions and local control of land conservation and development within the City of Canby.

Attachments

- A. Text Amendment Application
- B. Proposed Text Amendments throughout Chapter 16 of the Municipal Code
- C. Draft Chapter 16.45 Food Cart Pod text
- D. Oregon Health Authority Mobile Food Unit Operation Guide
- E. OHA Food Sanitation Rules
- F. Link to Oregon Plumbing Specialty Code

Fiscal Impact

There will be a \$2,000 fee associated with a Food Cart Pod application. These applications will be processed by Planning Staff.

Options

City Council may elect to approve, deny, or continue the Text Amendment application to a future hearing.

Recommendation

Staff recommends the Council approve Amending Canby's Title 16 of the Canby Municipal Code Adding Newly Created Code Chapter 16.45 for Food Cart Pods and Modifying Existing Chapters in the Title to be consistent with Chapter 16.45.

Proposed Motion

I move to adopt Ordinance No. 1570; An Ordinance Amending Canby's Title 16 of the Canby Municipal Code Adding Newly Created Code Chapter 16.45 for Food Cart Pods and Modifying Existing Chapters in the Title to be consistent with Chapter 1645.

Chapter 16.10

OFF-STREET PARKING AND LOADING

Sections

- 16.10.010 Off-street parking required – exceptions.**
- 16.10.020 Definitions.**
- 16.10.030 General requirements.**
- 16.10.040 Prohibited near intersections.**
- 16.10.050 Parking standards designated.**
- 16.10.060 Off-street loading facilities.**
- 16.10.070 Parking lots and access.**
- 16.10.080 Street Tree Plan**
- 16.10.090 Drive-up uses.**
- 16.10.100 Bicycle parking.**

16.10.010 Off-street parking required – exceptions.

A. At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the site and design review process, based upon clear and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section.

B. No off-street parking shall be required for any use permitted outright within the C-1 zone in the rectangular area bounded by N. Ivy Street on the east, NW First Avenue on the south, N. Elm Street on the west, and NW Third Avenue on the north.

C. At the time of enlargement of an existing structure or use, the provisions of this section shall apply to the enlarged structure or use only. (Ord. 1304, 2009; Ord. 1237, 2007; Ord. 890 section 9, 1993; Ord. 872, 1992; Ord. 854 section 2, 1991; Ord. 848, Part V, section 1, 16.10.010(A)(B), 1990)

16.10.020 Definitions.

A. Floor Area. Except where otherwise specified, the floor area measured shall be the gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading.

B. Employees. Where employees are specified, the term shall apply to all persons, including proprietors, working on the premises during the peak shift. (Ord. 854 section 2, 1991; Ord. 848, Part V, section 1, 16.10.020(A)(B), 1990)

16.10.030 General requirements.

A. Should the owner or occupant of a structure change the use to which the building is put, thereby increasing parking or loading requirements, the increased parking/loading area shall be provided prior to commencement of the new use.

B. Parking and loading requirements for structures not specifically listed herein shall be determined by the City Planner, based upon requirements of comparable uses listed.

C. In the event several uses occupy a single structure, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. If the applicant can demonstrate that the uses do not have overlapping parking needs (based on days and hours of operation) and can share parking, the total requirement for combined uses may be reduced by up to 60 percent.

D. Off-street parking spaces for dwellings shall be located on the same lot, or adjacent lot, with the dwelling. Parking spaces located within an on-site garage shall count toward the minimum parking requirement for residential uses. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site.

E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business.

F. Institution of on-street parking shall not be allowed for off-street parking, where none is previously provided, and shall not be done solely for the purpose of relieving crowded parking lots in commercial or industrial planning districts.

G. Parking facilities may be shared by users on adjacent parcels if all of the following standards are met, or the Planning Commission determines a lesser combination meets the intent of the ordinance:

1. One of the parcels has excess parking spaces, considering the present use of the property; and the other parcel lacks sufficient area for required parking spaces. Excess parking spaces can be determined by considering when the uses need the parking spaces, such as time of day or day of week.

2. The total number of parking spaces meets the standards for the sum of the number of spaces that would be separately required for each use. If the applicant can demonstrate that the uses do not have overlapping parking needs (based on days and hours of operation) and can share parking, the total requirement for combined uses may be reduced by up to 60 percent.

3. Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying present use of the excess parking area on one lot by patrons of the uses deficient in required parking areas.

4. Physical access between adjoining lots shall be such that functional and reasonable access is provided to uses on the parcel deficient in parking spaces.

5. Adequate directional signs shall be installed specifying the joint parking arrangement.

H. The number of vehicular spaces required in Table 16.10.050 may be reduced by up to 10% if one of the following is demonstrated to the satisfaction of the Planning Director or Planning Commission:

1. Residential densities greater than nine units per gross acre (limit parking to no less than one space per unit for multi-family structures); or

2. The proposed development is pedestrian-oriented by virtue of a location which is within convenient walking distance of existing or planned neighborhood activities (such as schools, parks, shopping, etc.) and the development provides additional pedestrian amenities not required by the code which, when taken together, significantly contribute to making walking convenient (e.g., wider sidewalks, pedestrian plazas, pedestrian scale lighting, benches, etc.). (Ord. 890 section 10, 1993; Ord. 854 section 2 [part], 1991; Ord. 848, Part V, section 16.10.030, 1990; Ord. 1043 section 3, 2000; Ord. 1338, 2010)

16.10.040 Prohibited near intersections.

In no case will off-street parking be allowed within a vision clearance area of an intersection. (Ord. 740 section 10.3.10(D), 1984)

16.10.050 Parking standards designated.

The parking standards set out in Table 16.10.050 shall be observed. (Ord. 854 section 2, [part], 1991; Ord. 848 section 1, 16.10.050, 1990; Ord. 740 section 10.3.10(E), 1984; Ord. 981 section 20, 1997)

TABLE 16.10.050

Off-street Parking Provisions - The following are the minimum standards for off-street vehicle parking:

USE	PARKING REQUIREMENT
<i>Residential Uses:</i>	
a. Single-family dwellings	2.00 spaces per dwelling unit for new construction. (Existing single-family dwellings having only a single parking space shall not be considered to be nonconforming.)
b. Two-family dwellings	2.00 spaces per dwelling unit.
c. Multi-family dwellings in complexes with private internal driveways	One space per studio or 1-bedroom unit. 2.00 spaces per 2-bedroom or larger unit. One additional guest parking space shall be provided for every five units for each development often or more units.
d. Retirement/assisted living	1.0 spaces per unit
e. Residential day care facility and	1.00 space per employee
<i>Institutions:</i>	
a. Convalescent home, nursing home or sanitarium	1.00 spaces per two beds for patients or residents, plus 1.00 space per employee
b. Hospital	4.00 spaces per two beds
<i>Places of Public Assembly:</i>	
a. Library, reading room	1.00 space per 400 square feet of public area
b. Nursery, primary/elementary, or junior high school	2.00 spaces per employee
c. Senior high school	1.00 space per classroom, plus 1.00 space per six students
d. Other places of public assembly, including churches	1.00 space per four seats or eight feet of bench length
<i>Commercial Amusement:</i>	
a. Theater	1.00 per six seats
b. Bowling alley	3.0 spaces per 1,000 square feet of floor area
c. Dance hall, skating rink	3.0 spaces per 1,000 square feet of floor area
d. Racquet courts, health clubs	3.0 spaces per 1,000 square feet of floor area
<i>Commercial</i>	
a. Retail shops (under 100,000 sq. ft.	2.00 spaces per 1,000 square feet of floor area
b. Retail store handling exclusively bulky merchandise such as furniture, automobile and service repair shops	1.00 space per 1,000 square feet of sales floor area
c. Shopping center (over 100,000 square feet of gross leasable area)	3.00 spaces per 1,000 square feet of gross leasable area
d. Banks/savings and loans	2.00 spaces per 1,000 gross square feet of floor area
e. Medical/dental offices	3.00 spaces per 1,000 gross square feet of floor area
f. General offices	2.00 spaces per 1,000 gross square feet of floor area
g. Real estate offices	2.00 spaces per 1,000 gross square feet of floor area
h. Government offices	3.50 spaces per 1,000 gross square feet of floor area
i. Restaurant	8.00 spaces per 1,000 gross square feet of floor area
j. Take-out restaurant	8.00 spaces per 1,000 gross square feet of floor area
k. Motel	0.75 spaces per rentable room
l. Residential hotel, rooming house,	0.75 spaces per rentable room
m. Hotel	0.75 spaces per rentable room

n. Club or lodge	1.00 space per 200 square feet of floor area
o. Day care , adult or child care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	1.00 space per 500 square feet of floor area
p. All others	1.00 space per 550 square feet
q. Wireless telecommunication systems	1.00 space per site
r. Self-Storage (Mini) Warehouse	2.00 spaces per 1,000 gross square feet of office space
s. Food Cart Pod	C-R, C-2, C-M zones; 1.5 spaces per cart C-1 zone; none M-1 and M-2 zone; 1 space per cart See Chapter 16.45.035
Industrial:	
a. Manufacturing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office manufacturing space. Minimum of 5 parking spaces overall.
b. Warehousing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office warehousing space. Minimum of 5 parking spaces overall.
c. Wholesale establishments	2.00 spaces per 1,000 gross square feet of office space, plus 1.50 spaces per 1,000 gross square feet of non-office wholesale space. Minimum of 5 parking spaces overall.

(Ord 1296, 2008, Ord. 1338, 2010; Ord. 1514, 2019)

16.10.060 Off-street loading facilities

A. The minimum number of off-street loading berths for commercial and industrial uses is as follows:

SQUARE FEET OF FLOOR AREA	NUMBER OF BERTHS
Less than 5,000	0
5000 – 25,000	1
25,000 – 60,000	2
60,000 and over	3

B. Loading berths shall conform to the following minimum size specifications:

1. Commercial uses – 13' x 35'
2. Industrial uses – 12' x 60'
3. Berths shall have an unobstructed minimum height of 14'.

C. Required loading areas shall be screened from public view, from public streets, and adjacent properties by means of sight-site obscuring landscaping, walls or other means, as approved through the site and design review process.

D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.

E. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school or day care center having a capacity greater than twenty-five (25) students.

F. The off-street loading facilities shall, in all cases, be on the same lot or parcel as the structure they are intended to serve. In no case shall the required off-street loading spaces be part of the area used to satisfy the off-street parking requirement.

G. The Planning Commission may exempt a building from the loading berth requirement, or delay the requirement, based on findings that loading berths are not needed for a particular building or business. (Ord. 854 section 2[part], 1991; Ord. 848, Part V, section 1, 16.10.060, 1990; Ord. 1237, 2007)

16.10.070 Parking lots and access.

A. Parking Lots. A parking lot, whether as accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:

1. Parking lot design shall comply with the dimensional standards set forth in Figure 1 of this section.

2. Parking stalls of eight (8) feet in width and sixteen (16) feet in length for compact vehicles may comprise up to a maximum of thirty (30) percent of the total number of parking stalls. Such parking stalls shall be marked "Compact Parking only" either on the parking surface or on a sign in front of the parking stalls.

3. Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:

a. The Planning Director or Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas provided that the applicant can demonstrate that City Standards related to:

i. minimizing dust generation,

ii. minimizing transportation of aggregate to city streets, and

iii. minimizing infiltration of environmental contaminants including, but not limited to, motor oils, fuels, volatile organic compounds (e.g. benzene, toluene, ethylbenzene, xylene), and ethylene glycol are met.

The decision maker may impose conditions as necessary to meet City Standards.

- b.** Use of permeable surfacing materials for parking lots and driveways is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.
- 4.** The full width of driveways must be paved in accordance with (3) above:
 - a.** For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and
 - b.** To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.
- 5.** Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.
- 6.** Groups of more than four (4) parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- 7.** Off-street parking areas, and the accesses to them, shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site and in adjacent roadways. The Planning Director or Planning Commission may require engineering analysis and/or truck turning diagrams to ensure safe and efficient traffic flow based on the number and type of vehicles using the site, the classification of the public roadway, and the design of the parking lot and access drives.
- 8.** Parking bumpers or wheel stops shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.
- 9.** Accessible parking shall be provided, constructed, striped, signed and maintained as required by ORS 447.233 and all Oregon Structural Specialty Code requirements.

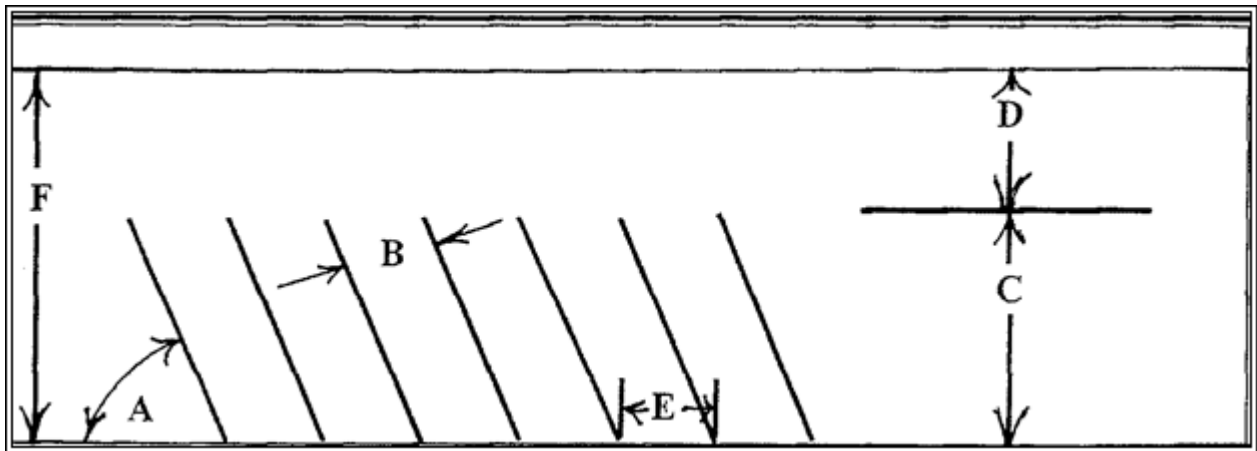
TABLE 16.10.070
Minimum dimensional Standard for Parking

This table and Figure 16.10.070 provide the minimum dimensional standards for parking areas and spaces.

A = Parking angle in degrees
B = Minimum stall width
C = Minimum stall depth

D = Minimum clear aisle width
E = Minimum clear stall distance at bay side
F = Minimum clear bay width

A	B	C	D	E	F
0 (parallel)	8'0"	-	12'0"	22'0"	20'0"
30	8'6"	16'4"	12'0"	17'0"	28'4"
45	8'6"	18'9"	12'6"	12'0"	31'3"
60	8'6"	19'10"	18'0"	9'10"	37'10"
90	8'6"	18'0"	24'0"	8'6"	42'0"



B. Access.

1. The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this ordinance are continuing requirements for the use of any structure or parcel of real property in the City of Canby. No building permit or other permits shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in ingress and egress is provided.
2. The City of Canby encourages joint/shared access. Owners of two (2) or more uses, structures, or parcels of land may agree to, or may be required by the City to, utilized jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designed in this ordinance, provided that satisfactory legal evidence is presented to

the City Attorney in the form of deeds, easements, leases or contracts shall be placed on permanent files with the city recorder.

3. All ingress and egress shall connect directly with public streets.

4. Vehicular access for residential uses shall be brought to within fifty (50) feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.

5. Required sidewalks shall extend from the ground floor entrances or the ground floor landing of a stairs, ramps or elevators to the sidewalk or curb of the public street or streets that provide the required access and egress.

6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design, and in a manner approved by the Site and Design Review Board. Sidewalks approved by Board may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grade and alignment established by the Site and Design Review Board.

7. The standards set forth in this ordinance are minimum standards for access and egress, and may be increased through the site and design review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety and general welfare. (Ord. 890 section 12, 1993; Ord. 1237, 2007; Ord. 1338, 2010)

Minimum Access Requirements

16.10.070(B)(8): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):

<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & Curbs (in addition to driveways)</i>
1 or 2	1	12 feet	none required
3-19	1	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
20-49	Option A: 1 access OR Option B:	20 feet 12 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.

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	2 accesses		
50-499	Option A: 1 access OR Option B: 2 accesses	30 feet 20 feet	Curbs required; Minimum of one sidewalk connection to residences and parking areas
Over 500	As required by Site and Design Review Board		As required by Public Works Director
16.10.070(B)(9): Minimum access requirements for commercial or institutional uses - ingress and egress for commercial uses shall not be less than the following:			
Parking spaces required	Minimum number of accesses required	Minimum access width	Sidewalks & curbs (in addition to driveways)
1-4	1	12 feet	None required
5-99	1	20 feet	Curbs required; sidewalk on one side minimum
100-249	2	20 feet	Curbs required; sidewalk on one side minimum
Over 250	As required by Site and Design Review Board	As required by Public Works Director	
16.10.070(B)(10): Minimum access requirements for industrial uses - ingress and egress for industrial uses shall not be less than the following:			
Parking spaces required	Minimum number of accesses required	Minimum access width	Sidewalks & curbs (in addition to driveways)
1-250	1	24 feet	Curbs required; sidewalks on one side minimum
Over 250	As required by Public Works Director		

8. One-Way Ingress or Egress – The hard surfaced pavement of one-way drives shall not be less than twelve (12) feet for multi-family residential, commercial or industrial uses. (Ord. 1514, 2019)

9. Driveways:

a. Access to private property shall be permitted with the use of driveway curb cuts. The access points with the street shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)].

Distances to an intersection shall be measured from the stop bar at the intersection.

b. Driveways shall be limited to one per property except for certain uses which include large commercial uses such as large box stores, large public uses such as schools and parks, drive through facilities, property with a frontage of over 250-feet and similar uses.

c. Double frontage lots and corner lots may be limited to access from a single street, usually the lower classification street. Single family residential shall not have access onto arterials, and shall have access onto collectors only if there is no other option.

d. If additional driveways are approved by the City Administrator or designee, a finding shall be made that no eminent traffic hazard would result and impacts on through traffic would be minimal. Restrictions may be imposed on additional driveways, such as limited turn movements, shared access between uses, closure of existing driveways, or other access management actions.

e. Within commercial, industrial, and multi-family areas, shared driveways and internal access between similar uses are encouraged to reduce the access points to the higher classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared driveways or internal access between uses will be established by means of common access easements at the time of development.

f. Driveway widths shall be as shown on the following table.

Driveway Widths (Minimum/Maximum, Ft.)

Street Classification	Res.	Comm.	Ind.
Arterial:	NA (1)	12/36	12/36
Industrial:	NA (1)	12/36	12/36
Collector:	12/24 (2)	12/36	12/36
Neighborhood Route:	12/24 (2)	12/36	12/36
Local:	12/24 (2)	12/36	12/36
Cul-de-sac:	12/24 (2)	12/36	12/36
Public Alley	12/24 (2)	NA	NA

Res. = Residential Zone

Comm. = Commercial Zone

Ind. = Industrial Zone

Notes: (1) Special conditions may warrant access.

(2) 28' maximum width for 3-car garage.

g. Driveway spacing shall be as shown in the following table.

Minimum Driveway Spacing

<u>Street Classification</u>	<u>Intersection</u>	<u>Driveway</u>
Arterial (2)	330' (1)	330' (1)
Industrial Streets (2)	100' (1)	100' (1)
Collector (2)	100' (1)	100' (1)
Neighborhood Route	50' (1)(3)	10'
Local (all)	50' (1)(3)	10'
Cul-de-sac	50' (1)(3)	10'
Public Alley	50' (1)(3)	

Notes: (1) Minimum distance or no closer than 60% of parcel frontage unless this prohibits access to the site, in which case City Administrator or designee may approve a deviation.

(2) Direct access to this street will not be allowed if an alternative exists or is planned.

(3) For single-family residential houses, the minimum distance between driveways and an intersection shall be thirty (30) feet.

h. Curb cuts shall be a minimum of five feet from the property line, unless a shared driveway is installed. Single driveways may be paved up to an adjacent property line but shall maintain a five (5) foot separation from the side property line where the driveway enters the property. Driveways shall not be constructed within the curb return of a street intersection. Deviations may be approved by the City Administrator or designee.

i. For roads with a classification of Collector and above, driveways adjacent to street intersections shall be located beyond the required queue length for traffic movements at the intersection. If this requirement prohibits access to the site, a driveway with restricted turn movements may be permitted.

j. Multi-family access driveways will be required to meet the same access requirements as commercial driveways if the multi-family site generated 100 or more trips per day.

k For circular type driveways, the minimum distance between the two driveway curb cuts on one single-family residential lot shall be thirty (30) feet. (Ord. 1514, 2019)

10. When considering a public facilities plan that has been submitted as part of site and design review plan in accordance with this ordinance, the city Public Works Supervisor may approve the location of a driveway closer than fifty (50) feet

from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. Said written approval shall be incorporated into the recommended decision of the City Planner for the site and design review plan under the process set forth.

11. Where an existing alley is 20 feet or less in width, the property line setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from, garages, carports, or parking areas. (Ord. 890 section 12, 1993; Ord. 872, 1991; Ord. 854 section 2 [part], 1991; Ord 848, Part V, section 16.10.070 (A)(B) 1990; Ord. 955 section 3 & 4 1996; Ord. 981 section 44, 1997; Ord. 1019 section 5, 1999; Ord 1237, 2007; Ord. 1514, 2019)

16.10.080 Street Tree Plan

A Street Tree Plan can be provided in lieu of meeting the requirement of planting a tree every 30 lineal feet of street frontage as stated in Ordinance 1385 Exhibit B. The Street Tree Plan can compensate for driveways, utilities, or other obstructions that inhibit the 30 foot spacing requirement. The requirement for the planting of street trees is required under Chapter 12.32 CMC. (Ord. 854, 1991; Ord. 848, Part VI, section 1, 1990; Ord. 1514, 2019)

16.10.090 Drive-up uses.

A. Drive-up uses shall provide a minimum stacking area clear of the public right-of-way or parking lot aisle from the window service to the vehicles as follows:

1. All drive-up uses. – Each lane shall provide a minimum capacity for two (2) to eight (8) automobiles, as determined by the Site and Design Review Board.

2. For purposes of this section, an automobile shall be considered no less than twenty (20) feet in length. The width and turning radius of drive-up aisles shall be approved by the City Public Works Director.

B. The stacking area shall not interfere with safe and efficient access to other parking areas on the property. Traffic aisles shall be wide enough to accommodate backing movements where adjacent to parking stalls. Parking maneuvers shall not occur in the stacking area. (Ord. 848, Part VII, section 16.10.090, 1990)

16.10.100 Bicycle Parking.

Bicycle parking shall be provided for all multi-family residential, institutional, commercial, and industrial uses.

A. Dimensions and characteristics: Bicycle parking spaces shall be a minimum of six (6) feet long and two (2) feet wide, and overhead clearance in covered spaces shall be a minimum of seven (7) feet. A minimum five (5) foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. Bicycle racks located on a sidewalk shall provide a minimum of two (2) feet between the rack and a wall or other obstacle, and between the rack and curb face. Bicycle racks or lockers shall be securely anchored to the surface or a structure. Bicycle racks located in the Downtown Commercial Zone shall be of the inverted U style

(a.k.a. staple racks). See Figure 20 of the Canby Downtown Plan for correct rack placement.

B. Location: Bicycle parking shall be located in well-lit, secure locations within fifty (50) feet of the main entrance to a building, but not further from the entrance than the closest automobile parking space, and in no case further than 50 feet from an entrance when several entrances are involved.

C. Number of spaces: The bicycle parking standards set out in Table 16.10.100 shall be observed. (Ord. 1019 section 1, 1999; Ord. 1076, 2001)

TABLE 16.10.100 BICYCLE PARKING STANDARD

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES
Residential Multi-family residential, general Multi-family residential, seniors or with physical disabilities	1 space per unit 4, or 1 space per 5 units, whichever is greater
Institutional Schools – Elementary Schools - Jr. High/Middle School Schools - St. High College Transit Centers/Park & Ride Lots Religious Institutions Hospitals Doctor, Dentist Offices Libraries, Museums, etc.	To be determined through design review To be determined through design review To be determined through design review To be determined through design review 5% of auto spaces (or 100% of demand, depending on accessibility to bicyclists) 1 space per 40 seat capacity 1 space per 5 beds 2, or 1 space per 1000 ft ² , whichever is greater 2, or 1 space per 1000 ft ² , whichever is greater
Commercial Retail Sales Auto-oriented Services Groceries/Supermarkets Offices Restaurants/Food Cart Pods Drive-in Restaurants Shopping Centers Financial Institutions Theaters, Auditoriums, etc. Downtown Commercial Zone	0.33 space per 1000 ft ² , whichever is greater 2, or 0.33 space per 1000 ft ² , whichever is greater 0.33 space per 1000 ft ² 2, or 1 space per 1000 ft ² , whichever is greater 1 space per 1000 ft ² 1 space per 1000 ft ² 0.33 space per 1000 ft ² 2, or 0.33 space per 1000 ft ² , whichever is greater 1 space per 30 seats 4 spaces per block
Industrial Industrial Park Warehouse Manufacturing, etc.	2, or .1 space per 1000 ft ² , whichever is greater 2, or .1 space per 1000 ft ² , whichever is greater 2, or .15 space per 1000 ft ² , whichever is greater

NOTES:

Each individual use needs to be evaluated for bicycle parking – e.g., a commercial accessory use in an

industrial district may have different requirements than the industrial uses around it. Similarly, in mixed-use developments, the amount of each use and required bicycle parking needs" evaluation. Finally, within each use category one needs to consider the different user categories - residents, employees, customers, etc. - and parking requirements for each. (Ord. 1019 section I, 1999; Ord. 1043 section 3, 2000; Ord. 1076, 2001)

Chapter 16.10

OFF-STREET PARKING AND LOADING

Sections

- 16.10.010 Off-street parking required – exceptions.
- 16.10.020 Definitions.
- 16.10.030 General requirements.
- 16.10.040 Prohibited near intersections.
- 16.10.050 Parking standards designated.
- 16.10.060 Off-street loading facilities.
- 16.10.070 Parking lots and access.
- 16.10.080 Street Tree Plan
- 16.10.090 Drive-up uses.
- 16.10.100 Bicycle parking.

16.10.010 Off-street parking required – exceptions.

A. At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the site and design review process, based upon clear and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section.

B. No off-street parking shall be required for any use permitted outright within the C-1 zone ~~in the rectangular area bounded by N. Ivy Street on the east, NW First Avenue on the south, N. Elm Street on the west, and NW Third Avenue on the north.~~

C. At the time of enlargement of an existing structure or use, the provisions of this section shall apply to the enlarged structure or use only. (Ord. 1304, 2009; Ord. 1237, 2007; Ord. 890 section 9, 1993; Ord. 872, 1992; Ord. 854 section 2, 1991; Ord. 848, Part V, section 1, 16.10.010(A)(B), 1990)

16.10.020 Definitions.

A. Floor Area. Except where otherwise specified, the floor area measured shall be the gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading.

Context added for TA 23-01

TA 22-01 pertained to Food Cart Pods and Mobile Vendors. The intention was for Food Cart Pods to have no off-street parking requirements in the C-1 zone. This deletion allows all uses to have no off-street parking requirements in the C-1 zone, which was not the intent of the text amendment.

n. Club or lodge	1.00 space per 200 square feet of floor area
o. Day care , adult or child care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	1.00 space per 500 square feet of floor area
p. All others	1.00 space per 550 square feet
q. Wireless telecommunication systems	1.00 space per site
r. Self-Storage (Mini) Warehouse	2.00 spaces per 1,000 gross square feet of office space
<u>s. Food Cart Pod</u>	<u>C-R, C-2, C-M zones: 1.5 spaces per cart</u> <u>C-1 zone: none</u> <u>M-1 and M-2 zone: 1 space per cart</u> <u>See Chapter 16.45.035</u>
Industrial:	
a. Manufacturing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office manufacturing space. Minimum of 5 parking spaces overall.
b. Warehousing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office warehousing space. Minimum of 5 parking spaces overall.
c. Wholesale establishments	2.00 spaces per 1,000 gross square feet of office space, plus 1.50 spaces per 1,000 gross square feet of non-office wholesale space. Minimum of 5 parking spaces overall.

(Ord 1296, 2008, Ord. 1338, 2010; Ord. 1514, 2019)

16.10.060 Off-street loading facilities

A. The minimum number of off-street loading berths for commercial and industrial uses is as follows:

SQUARE FEET OF FLOOR AREA	NUMBER OF BERTHS
Less than 5,000	0
5000 – 25,000	1
25,000 – 60,000	2
60,000 and over	3

B. Loading berths shall conform to the following minimum size specifications:

1. Commercial uses – 13' x 35'
2. Industrial uses – 12' x 60'
3. Berths shall have an unobstructed minimum height of 14'.

C. Required loading areas shall be screened from public view, from public streets, and adjacent properties by means of sight-site obscuring landscaping, walls or other means, as approved through the site and design review process.

Formatted Table

Context added for TA 23-01

The regulation for no required off-street parking for Food Cart Pods in the C-1 zone is correctly adopted later in the same chapter. This is the amendment intended to be made in TA 22-01.

Context added for TA 23-01

This is an early draft of the Food Cart Pod chapter adopted through TA 22-01. Parking information specific to Food Cart Pods is included on page 5 of the chapter. Staff provide this draft document to further support the intent of TA 22-01 was not to remove required off-street parking for all uses in the C-1 zone.

Chapter 16.45

Food Cart Pods

Sections:

- 16.45.010 Purpose**
- 16.45.015 Applicability**
- 16.45.020 Administration**
- 16.45.025 Siting and Design Standards**
- 16.45.030 Individual Cart Design Standards**
- 16.45.035 Parking**
- 16.45.040 Utilities**
- 16.45.045 Signage**
- 16.45.045 Standards for M-1 and M-2 Zoning Districts**

16.45.010 Purpose.

The purpose of these regulations is to establish criteria for the placement of food cart pods in the City of Canby. Food carts encourage local business and provide the community a wider choice of eating and drinking options. Food cart pods shall comply with all applicable City, County and State standards.

16.45.015 Applicability.

A. This chapter applies to:

1. New Food Cart Pods.
2. Renovation or redevelopment of an existing Food Cart Pod.

B. This chapter does not apply to:

1. Individual Food Carts that have obtained a Temporary Mobile Vendor Permit as regulated by Section 16.08.140 and Section 16.08.145
2. Any person engaged in delivery, exhibition, sale or offering of food on a site for a period of time not to exceed 2 hours during any 24 hour period.
3. Food Carts or other mobile vending units that are approved as part of a City reviewed event, such as a farmer's market or block party.

Commented [BA1]: Inspired by Happy Valley code

16.45.020 Administration.

A. Permit Required. All Food Cart Pods erected after the effective date of this chapter shall require a permit. Applications shall be made on forms provided by the Planning Director with attached required information stated in the application form and in Section 16.45. Food Cart Pod applications are subject to the Type 2 land use process as described in Section 16.89.040.

B. Business License. The owner of the Food Cart Pod must obtain a business license through the City of Canby before operations begin, and it must be kept current with yearly renewals.

Commented [BA2]: Result of work session input

C. Fee. A fee established by resolution of the City Council shall be paid to the City of Canby upon filing of an application. Such fees will not be refundable.

D. Construction and Maintenance. All structures, equipment and ancillaries (whether above or underground), shall meet all applicable requirements of building, structural, mechanical and electrical codes.

Commented [BA3]: Public Works and Fire input

1. All equipment shall be kept in good repair and maintained in a safe, neat, and clean condition.
2. No structures or equipment shall be erected or maintained in such a manner that any portion of its surface will interfere with the free use of—or any access to—any fire escape, exit or standpipe.
3. No aspect of the Food Cart Pod shall be deployed in a location that creates an immediate danger to the safety and welfare of the public by blocking vision for either pedestrians or motorists at public and/or private roadways, intersections, driveways, paths, sidewalks or railroad crossings.

E. Appeal. Appeals are limited to procedures set forth in Chapter 16.89 for land use decisions pursuant to requirements in Chapter 16.89. Appeals of building permit decisions are decided by the Clackamas County Building Official.

F. Permit Expiration. The approval shall be implemented for a Food Cart Pod within 365 days, beginning on the day a final decision is issued.

G. Permit Suspension or Revocation. The Planning Director and City Engineer or their duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this chapter.

16.45.025 Site and Design Standards.

A. The purpose of this section is to provide clear and objective site and design standards for Food Cart Pods in the City of Canby.

B. Site Design Standards for Food Cart Pods:

1. Food carts and amenities shall be located on a paved or concrete surface.
2. Food cart pods shall not occupy pedestrian walkways.
3. Food cart pods shall not occupy or obstruct bicycle or vehicle parking required for an existing use.
4. Carts and/or objects associated with the food cart use shall not occupy fire lanes or other emergency vehicle access areas. .
5. Setbacks for food cart pods shall be the same as the zone in which it is located, except when a side or rear yard abuts a residential zoning district. Any side or rear yard abutting a residential zoning district must meet the following setbacks:
 - a. Rear and/or side yards abutting residentially zoned property shall have a minimum setback of 20 feet or the minimum setback for the zone in which it is located, whichever is greater.
6. Carts shall not be located or oriented in a way that requires customers to queue in a driveway or right of way.
7. Uses shall not create tripping hazards in pedestrian and vehicular circulation areas with items including, but not limited to, cords, hoses, pipes, cables, or similar materials.
8. Where more than one cart is located on a site, carts shall be separated by a minimum of 6 feet.
9. Food carts shall not be located in the Vision Clearance Area as described in Section 16.46.020.
10. The Pod must be enclosed with clear entrance and exit points. This can be achieved by using landscaping, fencing, existing buildings, or topography, or a mix of these elements. Fences shall not be chain link, with or without slats.
11. Landscaping is required as designated by the zoning district. Landscaping must be installed permanently, or in planters not smaller than 10 gallons. Nursery pots are prohibited.
12. Lighting in accordance with the LZ2 lighting district is required as regulated in Section 16.43.

C. Standards for Amenities within a Food Cart Pod.

Commented [BA4]: "Design standards" and "amenity standards" organization inspired by Beaverton code

Commented [BA5]: Work session input

Commented [BA6]: Work session input

Commented [BA7]: Building Code

Commented [BA8]: Work session input

Commented [BA9]: Inspired by Milwaukee code

1. All food cart pods which provide seating for customers shall have restrooms with hand washing facilities available during operating hours. Restrooms must have handwashing facilities with hot and cold running water, soap and paper towels or air dryers. ~~Restrooms must either be on-site or on an adjacent parcel with adjacent property owner's written approval.~~ Restrooms shall be screened from view of the public right of way and abutting residentially zoned properties. ~~Required restrooms shall be available during Pod operating hours.~~
2. All food carts and customer amenities within a food cart pod shall be served by a 5 foot minimum hard surface walkway.
3. Waste and recycling receptacles shall be provided for customer and business waste. Receptacles shall be screened from view of the right of way and abutting residentially zoned properties and serviceable by the applicable waste-hauler.
4. Storage structures accessory to food carts shall be less than 120 square feet in size and no greater than 15 feet in height. Storage structures shall be set back a minimum of 20 feet from public rights-of-way.
5. Structures used to provide shelter to customers may not be membrane structures such as tents or canopies unless they are fully framed.
6. Permanent structures must meet the dimensional standards of the underlying zone.
7. All food cart pods which provide seating for customers shall provide weather protection elements.
8. Screening elements may include landscaping, fencing, existing buildings, topography, or a mix of these elements. Fences shall not be chain link, with or without slats.

Commented [BA10]: Precludes unwanted port-o-potty set up, but gives more flexibility than requiring a permanent structure

Commented [BA11]: Define 'hard surface'

Commented [BA12]: Beaverton Code. Max. size allowed without a building permit.

Commented [BA13]: Work session input. Needs to be more specific.

Commented [BA14]: Define weather protection

Commented [BA15]: Work session input

16.45.030 Individual Cart Design Standards.

A. All Food carts shall be subject to the design standards listed below:

1. Food carts shall enclose or screen from view of the right of way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, grills, smokers, or other accessory items.
2. The wheels and tongues must remain on the food cart. Wheels must remain inflated.
3. ~~Carts shall not have missing siding or roofing.~~

4. Food carts shall be kept in good repair and maintained in a safe and clean condition. Carts shall not have missing siding or roofing.
5. Food carts shall not be longer than 26 feet, as measured from wall to wall. Food Carts shall not exceed 15 feet in height.
6. Food carts shall obtain and keep current a City Business License.
7. Food carts shall maintain all required licenses by the appropriate State and/or local agency, including Clackamas County Health.
8. If provided, cart awnings shall have seven (7) feet of clearance between the ground and awning for safe pedestrian circulation.
9. ~~Food Carts shall not exceed 15 feet in height.~~

Commented [BA16]: More detail

16.45.035 Parking.

A. Parking lots for Pods must conform to the standards found in Section 16.10.070.

~~B. No off-street parking shall be required for Food Cart Pods, permitted outright within the C-1 zone.~~

~~C.B.~~ Required parking ratios for Pods are as listed in the following table.

Commented [BA17]: Work session input

Required Parking for Food Cart Pods by Zoning District	
Residential Commercial (C-R)	1.5 spaces per cart
Downtown Commercial (C-1)	None
Highway Commercial (C-2)	1.5 spaces per cart
Commercial Manufacturing (C-M)	1.5 spaces per cart
Light Industrial (M-1)	1 space per cart
Heavy Industrial (M-2)	1 space per cart

1. M-1 and M-2 zoned properties within the Pioneer Industrial Park are eligible for a 10% or 5 space reduction in required parking, whichever is less. To qualify, the applicant must quantitatively show there is existing unutilized parking on the parcel.

Commented [BA18]: Effort to encourage a pod in the industrial park, where most customers anticipated will be employees of the area.

16.45.040 Utilities.

A. Food Cart Pods are subject to the utility regulations below.

Commented [BA19]: Beaverton code and input from Wastewater management

1. All permanent utility lines shall be placed underground. Temporary utilities, lines and tanks shall be ~~placed underground or otherwise~~ screened, covered, or hidden from view from the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

2. Wastewater shall be addressed in one of the following two ways:

a. Food carts shall connect to the sanitary sewer consistent with applicable state plumbing codes and will include an approved grease separator for the disposal of fats, oils and grease. Indirect discharge or leakage draining into the storm water system is prohibited.

b. Food carts shall connect to individual or community wastewater holding tanks. Tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper. A copy of the contract shall be provided to the City before any food carts are located on site. Holding tanks shall be screened from view of the right-of-way by fully sight obscuring fencing. Indirect discharge or leakage draining into the storm water system is prohibited. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm a drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart shall be captured and properly disposed of in the sanitary sewer.

3. Potable water shall be addressed in one of the following two ways:

a. Food carts shall connect to a permanent water source in conformance with applicable state plumbing codes.

b. Food carts shall be connected to a potable water tank consistent with Section 5-3 of the Oregon Health Authority's 2012 Food Sanitation Rules, or the most recent version thereof.

Commented [BA20]: State standard

4. Food carts and amenities shall connect to a permanent power source. Power connections may not be connected by overhead wires to the individual food carts. Generators are prohibited.

Commented [BA21]: More specific

16.45.045 Signage

A. Regulations from Chapter 16.42 shall apply in cases where this Chapter is silent.

B. Signage for Food Cart Pods shall be allowed as follows:

1. One freestanding sign, not to exceed 15' in height and 50 square feet per face (up to two faces). If lit, lighting source shall not be seen directly from the right of way or abutting residentially zoned properties.

2. One A-Frame sign per street frontage with a maximum sign window of 24" x 36", unlit and outside of the public right of way.
3. One temporary banner not to exceed 32 square feet is allowed during the first 30 days after opening of the Pod. The banner must be fully secured and kept in good condition.

16.45.050 Standards for M-1 and M-2 Zoning Districts.

A. The purpose of this section is to recognize the Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts require additional regulations for Food Cart Pods to ensure safety and compatibility. The following standards apply to Pods in the M-1 and M-2 zoning districts.

- ~~1. Generators are allowed to power individual carts within pods. Generators must be screened to address both visual and aural impacts.~~
2. A 2' vegetated buffer is required around the Pod in addition to perimeter fencing. The buffer can be counted towards the overall percentage of landscaping required. Landscaping must be installed permanently, or in planters not smaller than 10 gallons. Nursery pots are prohibited.

Commented [BA22]: Effort to encourage a pod in the industrial park. Generators are common in the park, extra buffer for safety and comfort.

Commented [BA23]: Inspired by Milwaukee code



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City Council & Planning Commission Work Session Staff Report

DATE: July 27, 2021

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

THRU: Scott Archer, City Administrator

FROM: Brianna Addotta, Associate Planner

ITEM: Food Carts in the City of Canby

Summary

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

Background

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

Discussion

Temporary Vendor Permit

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

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

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

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

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

Food Cart Pods

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

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

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

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

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

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

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

Fiscal Impact

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

Options

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

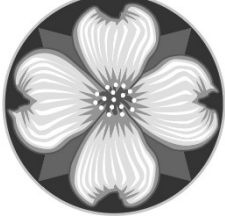
Recommendation

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

Proposed Motion

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

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



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

Mobile Food Carts on Private Property

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

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

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

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

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

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

APPROVAL CRITERIA

Food carts are permitted in Milwaukie under the following conditions:

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

APPLICATION PROCESS

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

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

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

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

- Business Industrial (BI)

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

- Manufacturing (M)

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

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

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

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

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

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

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

DESIGN

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

APPLICABLE CODE SECTIONS

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

MMC Chapter 14.16 Sign Districts

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

MMC Section 19.201 Definitions

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

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

MMC Chapter 19.300 Base Zones

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

MMC Chapter 19.600 Off-Street Parking and Loading

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



City of Canby

PO Box 930
NE 2nd Ave
Canby, OR 97013

Phone: 503.266.4021
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www.canbyoregon.gov

City Council & Planning Commission Work Session Staff Report

DATE: October 26, 2021

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

THRU: Scott Archer, City Administrator

FROM: Brianna Addotta, Associate Planner

ITEM: Food Carts in the City of Canby, 2nd Work Session

Summary

At the August 4th, 2021 work session Councilors and Commissioners voiced their support of allowing and regulating food carts and pods as local business incubators that will bring vibrancy to the community and offer more diverse food options for people who live, work, and play in the City. The purpose of the November 3rd, 2021 joint work session is for staff to introduce specific regulation options for Mobile Food Vendors and Food Cart Pods in response to feedback received at the first work session.

Background

Single food carts are opportunities for small businesses to provide the community with fresh, inexpensive dining options. Areas where there are several employers and limited dining options, such as industrial parks, can benefit from a mobile vendor using excess parking to provide an experience right on site.

Food Cart Pods have become popular over the past decade; a pod is a privately owned site with rental spaces for individual cart owners, often with shared facilities such as restrooms and handwashing stations, seating and weather protection, and trash and recycling disposal.

Balancing regulations and permitting procedures can help ensure mobile food vending opportunities are present without posing a threat to traditional restaurants, interfering with the right-of-way, or creating a nuisance.

Discussion

Zoning and Processes

The fundamental regulation which must be defined is which zoning districts (1) single food carts and (2) food cart pods will be allowed, conditional, or prohibited. The table below details how

restaurants are regulated according to the zones.

Land Use	Current Zoning Code	Restaurant use
Residential	R-1, R-1.5, R-2	Prohibited
Commercial	C-R	Conditional Use, no drive thru
	C-1	Allowed, no drive thru
	C-2	Allowed, drive thru
Industrial	C-M	Allowed, drive thru
	M-1, M-2	Allowed related/incidental to primary industrial use

Based on feedback from the first work session, staff believe single carts would be appropriate in all commercial and industrial zones, subject to minimum design standards. In response, a Mobile Food Vendor application has been created by tailoring the current Temporary Vendor application to remove undue hardships and unrealistic regulations specific to mobile food preparation and direct vending. The draft application is attached to this memo. The Mobile Food Vendor permit would go through a Type 1 application process, which means applications can be processed administratively.

Food Cart Pods are larger and more permanent than a mobile food vendor and are likely to have different impacts. Staff posit it would be most appropriate to allow the C-1 and C-2, and C-M zones outright, following a Type 2 process which requires all design standards be met and public notice to be provided. In order to recognize the low intensity of the C-R zone and the industrial intensity in the M-1 and M-2 zones, staff suggests additional regulations specific to these zones to mitigate impacts. Examples include limiting the size of the pod, number of carts allowed, and lighting and screening considerations.

An additional process could be included for sites that cannot meet the standards, a Type 3 Conditional use permit. The Conditional Use permit would allow staff and the Planning Commission to consider the specific project to determine whether it meets the intent of the Code. The Type 3 process requires a neighborhood meeting and public comment opportunities that will provide the developer and City important feedback during the design process.

Pod Parking

Staff has analyzed Development Code regulations for Food Cart Pods from 7 jurisdictions and has found parking requirements are regulated in one of two ways: (1) per cart or (2) per 1,000 square feet of floor area. The first way, functionally, aims to provide parking specifically for employees

and patrons of the food carts. The second way assumes the Pod itself is the attraction and must provide parking according to the overall size of the site. The table below provides parking standards for Pods in other jurisdictions.

Jurisdiction	Parking Ratio
Beaverton	1 per cart
Happy Valley	2.2 per cart
Woodburn	4 per cart
Oregon City	4/1,000 sq ft of floor area
Milwaukie	4/1,000 sq ft of floor area
Tigard	7/1,000 sq ft of floor area
Lake Oswego	3.5 spaces per cart

Food carts can come in several shapes and sizes, but generally they can be ‘small’ (14’x6’), ‘medium’ (17’x6’), or ‘large’ (20’x6’). These trucks are 94, 112, and 120 square feet, respectively. Rental spaces in Pods are typically 200-250 square feet, which accounts for the cart itself as well as any storage, landings, awning, etc. accessory to the cart.

Restaurants in the City of Canby must provide 8 spaces per 1,000 square feet, which equates to 1 per 125 square feet. Using this ratio as a guide and the parking ratios of other jurisdictions as case studies, staff believe a ratio of 1 to 2 spaces per cart is appropriate for Pods in Canby.

Of note, support for a zero parking requirement within the downtown core was voiced at the first work session, in line with the Downtown Canby Overlay regulations. Staff agree this is appropriate.

Pod Design Standards

The first work session provided staff with plenty of information regarding how Pods should look and feel in Canby. Three major themes emerged: Flexibility, a sense of permanence, and an element of enclosure or delineation of the site.

Food Cart Pods have become so popular in the last decade because they provide both property owners and small business owners with increased flexibility; flexibility in developing their property, flexibility in meeting customer demands, and flexibility to respond to unexpected

changes in the economy. The best way the City can support this flexibility is by limiting regulations, keeping permitting cost competitive, and providing a quick review process.

It is the interim nature of Pods which allow for this type of flexibility, but it should not come at the expense of the integrity of the development. A sense of permanence can be accomplished without undue hardship on the property owners using design strategies such as immovable and varied seating options, providing amenities like a fire pit, setting material standards for screening and accessory structures, intentional site planning, and an element of enclosure or distinction around the site's perimeter.

An element of enclosure or distinction can provide a more permanent sense of place, increased safety and security, and is an opportunity for good design that will add visual interest to streetscapes. The enclosure element could include fencing, landscaping, creative placement of carts, utilization of the existing topography, artistic elements, and more. The goal is to create a set of minimum standards that ensure the design meets expectations while still providing flexibility and opportunities to be creative.

Recommendation

Following the first work session, staff provided Commissioners and Councilors with language from several jurisdictions that have incorporated Pods into their development codes. We respectfully request any feedback to these codes be provided during this second work session. Staff will use this feedback, and well as feedback on the information provided in this memo, to begin crafting language to be incorporated into Chapter 16 of the Municipal Code.



City of Canby

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222 NE 2nd Ave Fax: 503.266.7961
Canby, OR 97013 www.canbyoregon.gov

MEMORANDUM

DATE: January 14, 2022
MEETING DATE: January 24, 2022
TO: Planning Commission
FROM: Brianna Addotta, AICP, Associate Planner
SUBJECT: Food Cart Pod Text Amendment Work session

Introduction – Canby Municipal Code Chapter 16 Amendment

This work session is intended to be the last before a legislative and quasi-judicial process to adopt an amendment to Chapter 16 of the City's Municipal Code in order to allow Food Cart Pods within the City, subject to certain regulations. Attached to this memorandum is a draft of proposed *Chapter 16.45, Food Cart Pods*. Staff has provided this draft for Planning Commission review before initiating a formal Text Amendment process.

Background

Commissioners and Counselors have expressed interest in adding a Food Cart Pod chapter to the Canby Municipal Code, and in tailoring the existing Temporary Vendor Permit to create a Mobile Vendor permit more fitting with the realities of single temporary food carts.

Food Cart Pods have become popular over the past decade; a pod is a privately owned site with rental spaces for individual cart owners, often with shared facilities such as restrooms and handwashing stations, seating and weather protection, and trash and recycling disposal.

Balancing regulations and permitting procedures can help ensure mobile food vending opportunities are present without posing a threat to traditional restaurants, interfering with the right-of-way, or creating a nuisance.

Planning Staff has held two joint work sessions with the Planning Commission and City Councilors, the first on August 4, 2021 and the second on October 26, 2021. Staff reviewed Development Code sections from nine surrounding cities and visited Pods that have been privately developed using their respective City's Code in order to understand the intent and the outcome of Pod regulations. Staff refer back to the memos produced after the first and second work session for record of these discussions.

Draft Chapter 16.45 Food Cart Pods

The draft chapter includes the following sections. Staff respectfully request feedback from Planning Commissioners on each of these sections.

- 16.45.010 Purpose
- 16.45.015 Applicability
- 16.45.020 Administration
- 16.45.025 Siting and Design Standards
- 16.45.030 Individual Cart Design Standards
- 16.45.035 Parking
- 16.45.040 Utilities
- 16.45.045 Signage
- 16.45.050 Standards for M-1 and M-2 Zoning Districts

Conclusion

City officials and members of the community alike are looking forward to regulations that would allow development of a Food Cart Pod. It is the intent of Staff to bring forth a formal Text Amendment in February 2022, after appropriate edits are made following this work session. A Text Amendment is subject to public review and comment and is ultimately decided upon by City Council after recommendation from the Planning Commission. Staff thank the public officials for their continued guidance.

Attachments:

- A. Memo from 1st work session
- B. Memo from 2nd work session
- C. Draft Chapter 16.45 Food Cart Pods
- D. Draft Application for Food Cart Pods
- E. Draft Code language for Mobile Vendor Permit
- F. Draft application for Food Cart Pod Permit



City Council Staff Report

Meeting Date: 5/4/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Don Hardy, Planning Director

Agenda Item: Food Cart Pods and Mobile Food Vendors Text Amendment (*Second Reading*)

Summary

On April 20, 2022, City Planning staff presented the first reading of the Food Cart Pods and Mobile Food Vendors Text Amendment. City Council heard and approved the Text Amendment with two revisions:

1) Edit Section 16.04.221.1 of the Canby Municipal Code to include the minimum number of cart spaces required for a Food Cart Pod. The definition for a Food Cart Pod will read "A site containing space for three or more food carts and associated amenities under common management on private property".

2) Edit Section 16.04.415 of the Canby Municipal Code to allow both premade and made to order food products to be sold by Mobile Food Vending Units. The definition for a Mobile Food Vending Unit will read "A vehicle or trailer designed to be portable and not affixed to any structure, from which food is made to order vended, sold, served, displayed, offered for sale or given away. The vehicle must not require a special permit from the Oregon Department Transportation to be moved."

City Planning Staff are requesting 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 (CMC). The text amendment proposal is an effort to allow and regulate an emerging business concept that could increase local business activity and provide more dining options to the community of Canby. The purpose of this staff report is to summarize the text amendments and to provide findings of fact related to the text amendment process.

Background

Planning staff used a variety of sources to craft the text amendments. This included analyzing Development Codes from Beaverton, Hillsboro, Oregon City, Happy Valley, Milwaukie, Lake Oswego and Portland, visiting Food Cart Pods in these cities, and working closely with the Economic Development Director to perform local business outreach. Several work sessions have been held with City Council and Planning Commission to refine the city's goals and standards for Pods and Mobile Food Vendors, which are reflected in the draft code text.

Discussion

The need for this amendment is largely driven by the emerging business model of the Food Cart Pod. Without these amendments, the City of Canby would miss opportunities to foster economic development, and lose out on exciting and local creative cuisine options.

The following Statewide Planning Goals apply to this application:

Goal 1: Citizen Involvement.

The Planning Commission will make a recommendation to the City Council on this application in a public hearing which was noticed in the Canby Herald. Additionally, this amendment has been discussed in 3 separate work sessions with the City Council and Planning Commission.

Goal 9: Economic Development

This goal requires Cities to have an inventory of commercial and industrial land available for development. Creative uses like Food Cart Pods have the unique ability to develop constrained parcels into commercial enterprises. Allowing this use would (1) encourage the creative use of constrained or remnant parcels and (2) leave the large 'shovel ready' parcels for large format traditional commercial and industrial development.

This text amendment will support several of The Comprehensive Plan goals and policies:

Citizen Involvement Element Policy No. 2:

Canby shall strive to eliminate unnecessarily costly, confusing, and time consuming practices in the development review process.

Economic Element Policy No. 3:

Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.

This amendment is the best course of action at the present time. The City has received numerous inquiries from private developers interested in creating a Pod in Canby, as well as frequent comments that the current Temporary Mobile Vendor permitting process is prohibitive for single Food Carts. No code changes at this juncture would result in a lost opportunity for the City of Canby to encourage local businesses and enjoy increased food options. This amendment preserves the functions and local control of land conservation and development within the City of Canby.

Attachments

- A. Text Amendment Application
- B. Proposed Text Amendments throughout Chapter 16 of the Municipal Code
- C. Draft Chapter 16.45 Food Cart Pod text
- D. Oregon Health Authority Mobile Food Unit Operation Guide
- E. OHA Food Sanitation Rules
- F. Link to Oregon Plumbing Specialty Code

Fiscal Impact

There will be a \$2,000 fee associated with a Food Cart Pod application. These applications will be processed by Planning Staff.

Options

City Council may elect to approve, deny, or continue the Text Amendment application to a future hearing.

Recommendation

Staff recommends the Council approve Amending Canby's Title 16 of the Canby Municipal Code Adding Newly Created Code Chapter 16.45 for Food Cart Pods and Modifying Existing Chapters in the Title to be consistent with Chapter 16.45.

Proposed Motion

I move to adopt Ordinance No. 1570; An Ordinance Amending Canby's Title 16 of the Canby Municipal Code Adding Newly Created Code Chapter 16.45 for Food Cart Pods and Modifying Existing Chapters in the Title to be consistent with Chapter 1645.



CITY COUNCIL STAFF REPORT

Meeting Date: 5/3/2023

To: The Honorable Mayor Hodson & City Council
Thru: Scott Archer, City Administrator
From: Todd Wood, Transit & Fleet Services Director
Agenda Item: Consider Ordinance No. 1598: An Ordinance Authorizing the Interim City Administrator to amend the Contract with First Transit, Inc. of Cincinnati, Ohio, increasing service hours to expand the Canby Loop and provide both first and second liability insurance to a second reading on May 17, 2023. (*First Reading*)
Goal: Align Resources to Address Future Community Growth
Objective: Expand the Canby Area Transit circulator routes

Summary

This amendment is to the Transit services contract between the City of Canby and First Transit, signed on June 1, 2021. It addresses a change in insurance coverage for contractor operated City owned vehicles and adds additional budget for the expansion of the grant funded Canby Loop service.

Background

In July 2021 Canby Area Transit began a new service contract with First Transit. The contract set the scope of the service and the City negotiated provisions of insurance coverage by the contractor vs the city. The terms of the contract now require an amendment due to changes in the City's insurance policy, and to adjust for additional Canby Loop service hours.

Discussion

Canby Loop Expansion:

The State Transportation Improvement Fund (STIF) awards grants to various transit systems each year and Canby Area Transit utilizes these funds to operate the Canby Loop service. Since the original Transit Services contract, STIF dollars have increased enough to cover expenses for extending the Canby Loop service to Saturdays.

The service extension is a part of the current City Transit Master plan and approved by the TriMet STIF committee. The expansion will add an additional 624 hours to the contract and just over \$50,000 in grant-funded costs to the budget.

The new Saturday service will operate approximately 12 hours per day (9 to 10 trips). This is similar to the current loop with the exception of some adjustments to start and end times.

Insurance Adjustment:

The current contract states that the City will provide liability up to the Oregon Tort limits and the contractor will provide liability above the Oregon Tort limits. The City's insurance carrier, City Insurance Services (CIS), notified the City in March that they will no longer provide any liability coverage for any City owned vehicle operated by a contractor.

Because the City's transit service is operated by contract employees, all transit vehicles used for this purpose would no longer be covered for liability effective July 1, 2023. The contractor has agreed to provide liability insurance for all City-owned Contractor operated Transit vehicles at a rate of .12 per mile. This would be payable monthly as a part of the standard billing process, not to exceed \$50,000 per year.

There is a large amount of variability in the Dial-a-Ride service, as well as deviations and alterations to fixed route service monthly, so exact monthly miles cannot be determined. However last year the contractor provided 313,119 miles and the new loop addition will add approximately 4,680 miles for an estimated total of 317,799.

Attachments

Contract Amendment

Ordinance No. 1598

Fiscal Impact

The Loop expansion will increase operating costs about \$55,000 and the STIF program will pay approximately \$50,000 of this expense.

Initial insurance increase estimates are \$40,000 with a cap at \$50,000, paid for by currently collected payroll tax revenue in the current Canby Area Transit budget.

Recommendation

Staff recommends to the Council that the City sign an amendment to the contract with First Transit to provide liability insurance, and to increase the number of hours to expand grant funded Canby Loop services.

Proposed Motion

"I move to approve Ordinance No. 1598: An Ordinance Authorizing the Interim City Administrator to Amend the Contract with First Transit, Inc of Cincinnati, Ohio, increasing service hours to expand the Canby Loop and provide both First and Second Liability Insurance to a second reading on May 17, 2023."

ORDINANCE 1598

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT AMENDMENT WITH FIRST TRANSIT, INC. OF CINCINNATI, OHIO.

WHEREAS, the Parties entered into a contract for Transit Services dated June 1, 2021, with an initial contract term of three (3) years, effective July 1, 2021 to June 30, 2024;

WHEREAS, the City's insurance company recently dropped liability for all Contractor operated vehicles;

WHEREAS, the agreement states: "The CITY will be responsible for primary auto liability insurance for all City-owned Transit vehicles up to the current Oregon Tort Claim caps.";

WHEREAS, the Contractor has agreed to provide liability insurance for all City-owned Contractor operated Transit vehicles up to the current Oregon Tort Claim caps at a rate of .12 per mile not to exceed \$50,000; and

WHEREAS, the City intends to extend the Canby Loop service to Saturdays adding an additional 624 hours to the contract, the "Compensation Amount as of Date of Award" section of the contract is amended as follows:

Budget -Year 3 (7/1/23 – 6/30/24) \$1,701,521 (21,178 VRH - @ \$80.34 per VRH)

All other terms, conditions, agreements, and addendums remain in effect between the parties.

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

The Mayor and the City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate amendment to the contract with First Transit, Inc. of Cincinnati, Ohio. A copy of said amendment is attached hereto as Exhibit "A" and by this reference incorporated herein.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, May 3, 2023, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, May 17, 2023 commencing at the hour of 7:00PM in the City Council Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Maya Benham,
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on May 17, 2023, by the following vote:

YEAS _____ NAYS _____

Brian Hodson,
Mayor

ATTEST:

Maya Benham,
City Recorder

**Amendment 1
Contract for Transit Services
No.: CAT2021**

THE CONTRACT was previously entered into on the 1st day of June between the City of Canby, Oregon, a municipal corporation hereinafter called “City,” and First Transit, Inc., with headquarters located in Cincinnati, Ohio hereinafter called “Contractor”, and collectively referred to herein as the “Parties”.

WITNESSETH THAT:

WHEREAS, the Parties entered into a contract for Transit Services dated June 1, 2021, with an initial contract term of three (3) years, effective July 1, 2021 to June 30, 2024.

WHEREAS, the City’s insurance company recently dropped liability for all Contractor operated vehicles.

WHEREAS, the agreement states: “The CITY will be responsible for primary auto liability insurance for all City-owned Transit vehicles up to the current Oregon Tort Claim caps.”

WHEREAS, the Contractor has agreed to provide liability insurance for all City-owned Contractor operated Transit vehicles up to the current Oregon Tort Claim caps at a rate of .12 per mile not to exceed \$50,000.

WHEREAS, the City intends to extend the Canby Loop service to Saturdays adding an additional 624 hours to the contract, the “Compensation Amount as of Date of Award” section of the contract is amended as follows:

Budget -Year 3 (7/1/23 – 6/30/24) \$1,701,521 (21,178 VRH - @ \$80.34 per VRH)

All other terms, conditions, agreements, and addendums remain in effect between the parties.

IT IS SO AGREED, City and Contractor have executed this Transit Contract Amendment 1 effective July 1, 2023.

Date

Date

Name:
Title:

Name:
Title:

City of Canby
PO Box 930
Canby, OR 97031
503.266.0745

First Transit Inc.
600 Vine St
Cincinnati, OH
972.391.4600



CITY COUNCIL STAFF REPORT

Meeting Date: 5/3/2023

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Same as above

Agenda Item: Ordinance 1599: An Ordinance Authorizing the City Administrator to Expend Payment to CityCounty Insurance Services (Cis) in an amount not to exceed \$500,000 for Liability Insurance Coverage for Fiscal Year 2023-2024. *(First Reading)*

Goal: Promote Financial Stability

Objective: N/A

Summary

CIS provides the City with liability insurance coverage every fiscal year. This protects the City by covering our properties, liabilities, and activities in the event that they get hurt at work or are otherwise doing work-related activities.

Attachments

None

Fiscal Impact

Not to exceed \$500,000. This number is an estimate based on increasing the liability portion by 9% and the property by 23%.

Options

Approve and the City maintains coverage for fiscal year 2023-24.

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

Recommendation

Approve the ordinance as presented

Proposed Motion

I move to approve Ordinance No. 1599, An Ordinance authorizing the City Administrator to expend payment to CityCounty Insurance Services (CIS) in an amount not to exceed \$500,000 for liability insurance coverage for fiscal year 2023-2024 to a second reading on May 17, 2023.

ORDINANCE NO. 1599

AN ORDINANCE AUTHORIZING THE CANBY CITY ADMINISTRATOR TO EXPEND PAYMENT TO CITYCOUNTY INSURANCE SERVICES (CIS) IN AN AMOUNT NOT TO EXCEED \$500,000 FOR LIABILITY INSURANCE COVERAGE FOR FISCAL YEAR 2023-2024

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

WHEREAS, the City of Canby wishes to continue to be covered by CIS for fiscal year 2023-2024; and

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

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

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

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, May 3, 2023, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, May 17, 2023, commencing at the hour of 7:00 p.m. in the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Maya Benham
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on May 17, 2023 by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Maya Benham
City Recorder



CITY COUNCIL STAFF REPORT

Meeting Date: 5/3/2023

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Same as above

Agenda Item: Consider Ordinance 1600: An Ordinance Authorizing the City Administrator to Expend Payment to SAIF Corporation in the amount of \$94,274.00 for Workers Comp Coverage for Fiscal Year 2023-2024. *(First Reading)*

Goal: Promote Financial Stability

Objective: N/A

Summary

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

Attachments

None

Fiscal Impact

\$94,274.00

Options

Approve and the City maintains coverage for fiscal year 2023-24.

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

Recommendation

Approve the ordinance as presented

Proposed Motion

I move to approve Ordinance No. 1600, An Ordinance authorizing the City Administrator to expend payment to SAIF Corporation in the amount of \$94,274.00 for Worker's Comp coverage for fiscal year 2023-2024 to a second reading on May 17, 2023.

ORDINANCE NO. 1600

AN ORDINANCE AUTHORIZING THE CANBY CITY ADMINISTRATOR TO EXPEND PAYMENT TO SAIF CORPORATION IN THE AMOUNT NOT TO EXCEED \$94,274.00 FOR WORKERS COMP COVERAGE FOR FISCAL YEAR 2023-2024

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

WHEREAS, the City of Canby wishes to continue to be covered by SAIF for fiscal year 2023-2024; and

WHEREAS, the estimated cost of worker's comp coverage with SAIF is \$94,274.00.

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

1. The Canby City Council authorizes the City Administrator to expend payment not to exceed \$94,274.00 to SAIF Corporation for worker's comp insurance coverage.
2. In so far as worker's comp coverage is necessary to protect the employees that provide for the safety and welfare of the citizens of the City of Canby, an emergency is hereby declared to exist to maintain the City of Canby's workforce of employees providing essential services.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, May 3, 2023, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, May 17, 2023, commencing at the hour of 7:00 p.m. in the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Maya Benham
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on May 17, 2023 by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Maya Benham
City Recorder

Wurster, Christy

Email Address: [REDACTED]

Position(s) Desired:

- City Manager/Administrator
- Other Department Head Position

Location(s) by Country:

- All

Work History / Education:

PROFESSIONAL SUMMARY:

A dedicated local government professional with more than 25 years of municipal experience seeking opportunities to assist cities through transition as an Interim City Manager. Demonstrated experience in budget preparation and management, urban renewal, and public works infrastructure planning and construction.

LOCAL GOVERNMENT POSITIONS HELD:

City of Brookings, OR - City Manager Pro Tem
December 2022 - February 2023
52 employees, \$57M budget, two labor unions

City of Sweet Home, OR - City Manager Pro Tem (Twice)
February 2022 - October 2022 & May 2016 - November 2016
67 employees, \$28M budget, two labor unions

League of Oregon Cities - Operations & Member Engagement Director
January 2021 - December 2021

City of Silverton, OR - City Manager

January 2017 - January 2021
53 employees, \$55.9M budget, two labor unions

City of Fairview, OR - Interim City Administrator
July 2015 - February 2016
38 employees, \$18M budget, two labor unions

City of Creswell, OR - Interim Budget Director
February 2015 - July 2015

City of Salem, OR - Assistant to the City Manager/Franchise Administrator
January 2013 - July 2014
Managed Facilities Division with 27 employees

City of Dayton, OR - City Manager
March 2009 - January 2013

City of Dallas, OR - Assistant Public Works Director - Administration (and other positions)
August 1995 - March 2009

EDUCATION:

Master of Public Administration (MPA) - Portland State University, 2003
Advanced Certificate in Public Management, 2002

Bachelor of Science, Business Management and Communication -
Western Baptist College (Now Corban University), 2000

Stein, Eileen

Email Address: [REDACTED]m

Position(s) Desired:

- City Manager/Administrator
- Finance Director
- Public Works Director
- Planning Director
- Other Department Head Position
- City Recorder

Location(s) by Country:

- All

Work History / Education:

EILEEN F. STEIN, ICMA-CM

PROFESSIONAL SUMMARY-----

ICMA Credentialed Manager with over 30 years of experience in city and county management in all areas of local government. A strong collaborative style that emphasizes cultivating effective teams and working with regional partners to address community needs. An effective communicator capable of understanding and explaining complex municipal issues to diverse audiences. An ethical, forward-thinking, strategic leader who conducts business with integrity and trust.

WORK EXPERIENCE -----

Clackamas County, Oregon, Population: 423,000
August 2021 - December 2022

Interim Business and Economic Development Coordinator, July 2022 – Dec 2022

Business and Community Services, Department of Transportation and Development

- * Bring experience in identifying, developing and carrying out economic development best practices
- * Carry out the Performance Clackamas objectives for the Economic Development Program
- * Assess program objectives to improve responsiveness of the County's economic development efforts
- * Participate in carrying out County economic development program objectives, activities and outreach
- * Develop grant program to mitigate for the Jennings Lodge Retreat Center site redevelopment

Interim Deputy Director, Business and Community Services Department, August 2021 – July 2022

- * Responsible for overseeing county libraries, fairgrounds, golf course operations and capital projects
- * Oversee budget, finance, procurement, forecasting, risk management, and policy development
- * Represent the department on American Recovery Plan Act (ARPA) coordination efforts and develop efforts to fund projects related to business assistance
- * Represent the department on Performance Clackamas strategic plan implementation teams
- * Advise the director on department operations, staffing, response to County central administration requests, and back-up the department director

City of West Linn, Oregon, Population: 26,700
City Manager, June 2016 – February 2020

- * Developed, presented and implemented a \$98 million biennial operating budget with 125 FTE and municipal services including administration, police, library, parks and recreation, community development and public works (water, wastewater, streets, stormwater)
- * Oversaw the update of five-year financial projections to guide strategic planning and to attain fiscal sustainability goals and plans for future city operations
- * Hired new department directors in police, community development and finance; shaped department directors into a cohesive leadership team exhibiting mutual respect and support
- * Oversaw negotiation of collective bargaining agreements for Clackamas County Police Officers Association (CCPOA) and American Federation of State, County and Municipal Employees (AFSCME)
- * Completed the issuance of a \$20 million general obligation for transportation, city facilities and parks
- * Secured \$6 million in state and regional funding for upgrade of the Highway 43 corridor in West Linn
- * Re-started planning effort to redevelop the West Linn Waterfront in collaboration with the Oregon Department of Transportation, Portland General Electric, the Willamette Paper Co. and the Confederated Tribes of the Grand Ronde
- * Elevated West Linn's presence and standing in regional and intergovernmental affairs

City of Mount Angel, Oregon, Population: 3,410
 City Manager, July 2013 – May 2016

- * Developed, presented and implemented operating budgets of approximately \$8 million with 18.85 FTE and municipal services including administration, police, library, community development and public works (water, wastewater, streets, stormwater, parks, facilities)
- * Worked with citizen advisory committees to update City Charter which created a council-manager form of government; create comprehensive financial management policies; and recommendations on utility rate

increases for city infrastructure

- * Developed three-year financial projections to guide strategic planning to create a sustainable budget and plan for future city operations
- * Partnered with the City of Silverton and the Strategic Economic Development Corporation in creating the Silverton/Mount Angel Enterprise Zone to broaden economic development and job creation opportunities for the two cities
- * Secured development assistance grant funds from Marion County to create and implement a downtown facade improvement program
- * Processed new subdivisions and completed annexation of 20 acres for an additional subdivision
- * Completed design and construction of State Parks grant-funded Ebner Community Park
- * Negotiated lease of historic, city-owned Saalfeld House to the Mount Angel Historical Society

City of Sisters, Oregon, Population: 2,080 city; 10,000 – 12,000 region
City Manager, April, 2002 – April 2013

- * Developed, presented and implemented operating budgets ranging from \$9 to \$13.5 million with staff ranging from 12 to 20 FTE and municipal services including administration, finance, parks, facilities, police, community development/planning, economic development, urban renewal; and streets, water and sewer utilities
- * Responded to the demands of rapid expansion and a doubling of population in a five-year period
- * Presided over the update of the City Charter to create a council-manager form of government
- * Oversaw a complete transition in the city's management team; hiring new department directors in public works, community development/planning, and finance and administration
- * Oversaw the modernization and expansion of city equipment and facilities (new City Hall, Public Works maintenance facility, recycling center, land acquisition for wastewater disposal, water system upgrades, bicycle and pedestrian-related improvements)

- * Developed master plans for urban renewal, transportation, water, sewer, parks, housing, stream restoration, endangered species act risk mitigation and associated funding strategies
- * Oversaw annexations of residential and industrial lands; processed unique industrial-residential mixed-use zone for Sun Ranch Industrial Park
- * Prevailed in the judicial review at the State Supreme Court level in the enactment of a local gas tax
- * Positioned the city for regional and intergovernmental leadership in the areas of wildfire prevention, biomass utilization, water rights mitigation, riparian area and fish habitat protection, emergency response, and legislative policy for the Central Oregon region

City of Springfield, Oregon, Population: 54,000
August 1990 - July 2002

Senior Management Analyst, Public Works Department, July 2000 – April 2002

Administration and Environmental Services Divisions

- * Coordinated preparation of the \$19.4 million Public Works Department Administration budget
- * Developed and implemented strategies to stabilize local transportation revenues and secure funding for major transportation projects from federal, state, county and local sources
- * Developed legislative proposals and coordinated a federal lobbying effort and escorted elected officials to Washington D.C. for two consecutive years
- * Worked to secure federal funds and staffed steering committee for the I-5/Beltline Interchange

Management Analyst II, Public Works Department, July 1997 – July 2000
Environmental Services and Engineering Divisions

- * Prepared the Metropolitan Wastewater Management Commission (MWMC) operating and capital program budgets; the Environmental Services Division program budget
- * Completed the evaluation and property acquisition for a dedicated

biosolids land application site

- * Facilitated citizen advisory committees for transportation and wastewater capital projects
- * Evaluated staff cost allocation for development review processes and implemented new fee schedule
- * Analyzed Engineering Division citizen survey information and made service improvement recommendations

Interim Transportation Section Supervisor, Public Works Department,
October 1996 – July 1997

Assistant to the City Manager/City Recorder, City Manager's Office, August
1990 – July 1997

City of Rio Rancho, New Mexico, Population: 10,000

Budget Analyst, City Administrator's Office, February 1990 – May 1990

City of Pasadena, California, Population: 125,000

Administrative Analyst, Administrative Services Agency, December 1986 –
December 1989

AFFILIATIONS AND COMMUNITY SERVICE -----

PSU Hatfield School of Government

- * Local Government Advisory Committee, Chair, 2019 – Present
- * Guest Lecturer, "Public Works Management", 2016 – Present

Oregon City/County Management Association (OCCMA), 1999 – Present

- * OCCMA Board member, 2006 – 2008; 2009 – 2012
- * OCCMA President, 2011

International City/County Management Association (ICMA), 1990 – Present

- * Co-Chair, ICMA 2021 Annual Conference Host Committee
- * Committees: Academic Advisory and Conference Planning

League of Oregon Cities, Board of Directors, 2015 – 2018

EDUCATION AND CREDENTIALS-----

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Education

* Master of Business and Public Administration (MBPA), University of California, Irvine, June 1985

* Bachelor of Arts (B.A.), Political Science, University of California, Irvine, June 1983

Credentials

* ICMA Credentialed Manager (CM), September 2014 – Present

Vanderwall, Roberta

Email Address: [REDACTED]

Position(s) Desired:

- City Manager/Administrator
- City Recorder

Location(s) by Country:

- All

Work History / Education:

I am a goal-oriented, educated visionary who possesses excellent leadership, administrative and management skills. I take great pride in being balanced, accessible and a progressive leader who leads by example. Proven ability to mentor, coach, motivate, and set a positive example for all employees while pursuing a clearly defined vision. I am a problem solver who embraces and applies best practices to administer practically and prudently. I have earned a reputation for getting the job done by holding others and myself accountable, while possessing uncompromising integrity, honesty, trustworthiness and the highest of ethical standards. I have developed TEAMS who are willing to work together for the betterment of the city.

SUMMARY OF QUALIFICATIONS

I am a seasoned professional with over 30 years of government management and leadership experience, with a record of significant accomplishments in the following areas:

Team building Resource management Public safety operations
Government liaison Legal research & development Labor negotiations
Policy development Cooperative partnerships Fiscal management
Personnel development Training Obtain grants and monitor

Professional Experience

Interim City Manager - City of Coquille July 2019-November - 2019

Town Manager – Town of Lakeview, Oregon September 2016 – June 2019

City Manager – City of Nyssa, Oregon May 2007 – August 2016

Executive Director – Project Dove, Ontario, Oregon October 2006-May 2007

Town Manager – Town of Lakeview, Oregon March 2004 – January 2006

Technician - DIRECTV, Boise, Idaho August 2003–October 2003

Idaho Department of Health & Welfare, Boise, Idaho February 2003 – July 2003

City Administrator/Recorder, City of Mt. Angel, Oregon November 1997–May 2002

City Administrator/Recorder, City of North Powder, Oregon March 1993-November 1997

Legal Assistant, Coughlin, Leuenberger & Moon, PC, Baker City, OR January 1991 – March 1993

Legal Assistant, Carbon County Attorney, Red Lodge, Montana April 1988 – December 1990

Executive Secretary, United Food and commercial Workers Union, Local 1564 January 1986- January 1987

Significant Accomplishments

The following is a small list of accomplishments and projects I have managed to date:

- Managed and implemented large municipal budgets
- Obtained funds to build an \$8.1M Wastewater Treatment Improvement Plant funded by USDA-Rural Development, DEQ and Business Oregon
- Obtained a \$6.24M CDBG Grant/Loan through Business Oregon to build a Water Treatment Plant and System Improvements (In progress)
- Received and worked on grants for the following:
 - o Water Master Plan
 - o Water Conservation Plans

- o Sewer Facilities Plan
- o Water Rate Study
- o Sewer Rate Study
- o Received \$265,000 Affordable Housing Grant
- o Transportation System Plan - Bicycle Pedestrian Update
- o ODOT Grant – Locust Avenue Improvements
- Implemented a new Development Code in Nyssa
- Received \$1.M from ODOT-JTA Funding for local street improvements
- Approved for \$1.6M STIP project Street Improvement for 2015-2018
- Union Negotiations with different bargaining units
- Evaluated and implemented administrative policies and procedures to meet City Council’s goals and objectives
- Supervised and evaluated the performance of the city departments heads
- Directed the establishment of administrative standards, goals and objectives.
- Coordinated the activities of city departments to ensure timely, efficient and effective delivery of programs and services in a safe manner.
- Administered the development of procedures of budgets; developed operating and capital budget estimates and targets to guide departments; recommended budget and staffing levels to the City Council; projected budget needs; reviewed and commented on the justification for funding requests; established budget control systems; monitored expenditures to assure compliance with budgets.
- Prepared City Council meeting agenda and attended Council meetings; made oral and written presentations to the Council and other public and private organizations.
- Have worked with and built relationships with DEQ, OWR, ODOT, OHA, USDA-Rural Development, Business Oregon - IFA, Oregon Housing Authority, Community in Action, Malheur County Economic Development, Snake River Economic Development Alliance, and the Nyssa and Lakeview.
- Researched and submitted grant proposals for capital improvement projects. Monitored and ensured that all grant guidelines, reports and services were provided in compliance with funding source requirements.
- Research and draft all ordinances and resolutions for attorney review.

Professional and Personal Reference

Bobbie Hickey, Friend 541-219-1947

Jim Hunt, Whittier City Manager, Whittier, Alaska 907-202-2442

Tawna Havel, Former Town Finance Director 541-219-0998

Ray Rau, Tillamook Police Chief 541-212-5158

Lynn Findley, State Representative 541-212-9526

Marla Roberts, Nyssa City Recorder, CMC 541-212-1359

Susan K. Walker, Former Nyssa Mayor/Friend 208-739-2178

Bert Purcell, Former Nyssa Council Member/Friend 208-507-1289

Duane Petty, Nyssa Public Works Lead Operator 541-823-2736

Arlene Clark, Former Lakeview Mayor 541-947-3032

Rick Stokoe, Boardman Police Chief 541-212-5523

Jennifer Rose, Former Coquille City Recorder 541-252-9059