



**AGENDA
CANBY CITY COUNCIL
WORK SESSION – 6:30 PM
REGULAR MEETING – 7:00 PM**

December 6, 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_vznWFCAvQVKghrVXKr3TKA

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 Herman Maldonado
Councilor Jason Padden
Council President Traci Hensley

Councilor James Davis
Councilor Daniel Stearns

WORK SESSION – 6:30 PM

- 1. CALL TO ORDER**
- 2. SWIM CENTER REMODEL**
- 3. ADJOURN**

Pg. 1

REGULAR MEETING – 7:00 PM

- 1. CALL TO ORDER**
 - a. Invocation
 - b. Pledge of Allegiance
- 2. FINALIZING NEW CITY ADMINISTRATOR HIRING AND CONTRACT**
- 3. KIWANIS CANBY COMMUNITY FOOD & TOY DRIVE PROCLAMATION**
- 4. STAFF INTRODUCTIONS**

Pg. 28

Pg. 34

- 5. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** This is an opportunity for audience members to address the City Council on items not on the agenda. If you are attending in person, please complete a testimony/comment card prior to speaking and hand it to the City Recorder. ***If you would like to speak virtually, please email or call the Deputy City Recorder by 4:30 pm on December 6, 2023 with your name, the topic you'd like to speak on and contact information: lasonc@canbyoregon.gov or call 503-266-0637.
- 6. PUBLIC HEARING:** You are welcome to speak in person. ***If you would like to speak virtually, please email or call the Deputy City Recorder by 4:30 pm on December 6, 2023 with your name, and contact information: lasonc@canbyoregon.gov or call 503-266-0637. Once your information is received, you will be sent instructions to speak.
- a. Noise Variance request from the Oregon Department of Transportation (ODOT) Expected to be up to 24 weeks of night work, between December 2023 and November 2024. Addresses of Variance: OR99E: MP 20.35 – SW Berg Pkwy, Canby, Oregon, 97013 Pg. 35
 - b. Noise Variance request from Trent Beaver at Canby Pioneer Chapel of the Performing Arts for amplified music from December 31, 2023 to January 1, 2024, 8:00pm to 12:30am during a New Years Celebration. Pg. 59
- 7. CONSENT AGENDA**
- a. Approval of October 18, 2023 Joint Work Session and City Council Regular Meeting Minutes. Pg. 66
 - b. Approval of November 1, 2023 Work Session and City Council Regular Meeting Minutes. Pg. 70
 - c. Reappointment of Member Jennifer Driskill to the Planning Commission with a term ending December 30, 2026. Pg. 75
 - d. Reappointment of Member Matt Ellison to the Planning Commission with a term ending December 30, 2026. Pg. 77
- 8. RESOLUTIONS**
- a. Consider **Resolution No. 1399**: A Resolution Adopting a Specific Policy for System Development Charge Calculations in Connection with Commercial to Residential Conversions, as Required by House Bill 2984. Pg. 79
- 9. OLD BUSINESS**
- a. City Attorney Recruitment Pg. 86
- 10. NEW BUSINESS**
- a. Discuss Possible Cancellation of the December 20, 2023 Regular City Council Meeting
- 11. MAYOR'S BUSINESS**
- 12. COUNCILOR COMMENTS & LIAISON REPORTS**
- 13. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**

14. CITIZEN INPUT

15. ACTION REVIEW

16. 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 Christopher Lason at 503-266-0637. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov.



CITY COUNCIL WORK SESSION STAFF REPORT

Meeting Date: 12/6/2023

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Eric Laitinen, Aquatic Program Manager
Agenda Item: Swim Center Remodel Work Session

Summary

The idea is to determine the long-term plan for the Canby Swim Center and if a remodel of the current facility is in the plan.

Background

The Canby Swim Center is 54 years old and has infrastructure that needs to be addressed. We would like to deal with the facilities in a proactive manner.

Discussion

The dressing rooms are not up to 2023 standards, and we do not have separate restrooms for swimmers and spectators, which presents a problem when we have children's activities. The plumbing and much of the electrical is original along with the piping under the swimming pool.

Attachments

Current layout
3 plan options
Original plan options
Assessment of the locker rooms
Event Space options
Classroom

Fiscal Impact

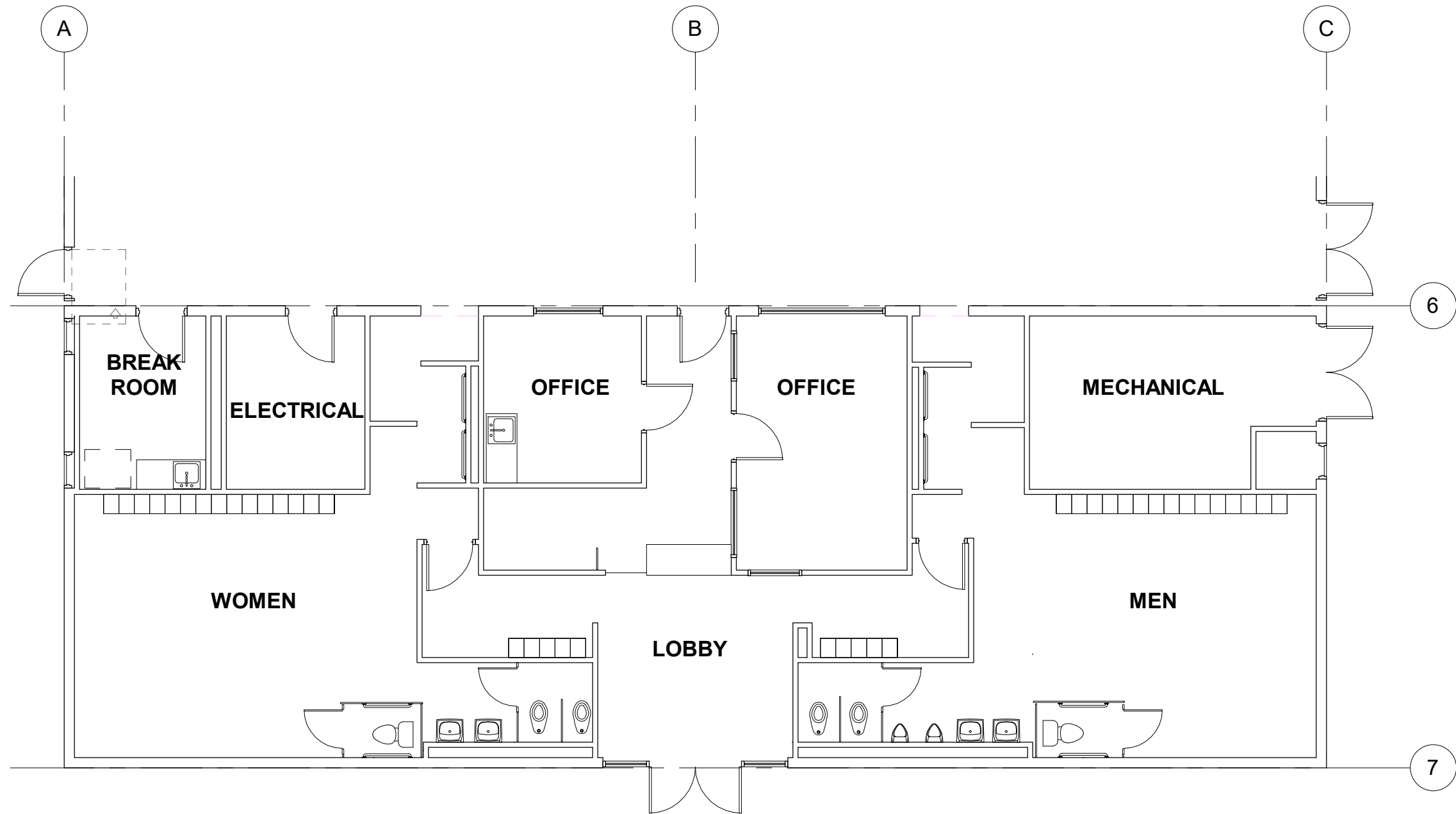
The Canby Swim Center currently has \$1,500, 000 set aside for improvements for the facility.

Options

1. Approve the remodel and move forward
2. Postpone the remodel

Recommendation

The staff is recommending remodel of the office, dressing rooms and re-piping under the swimming pool. A classroom would also be on the list of things to do if enough funds were available.



CANBY SWIM CENTER

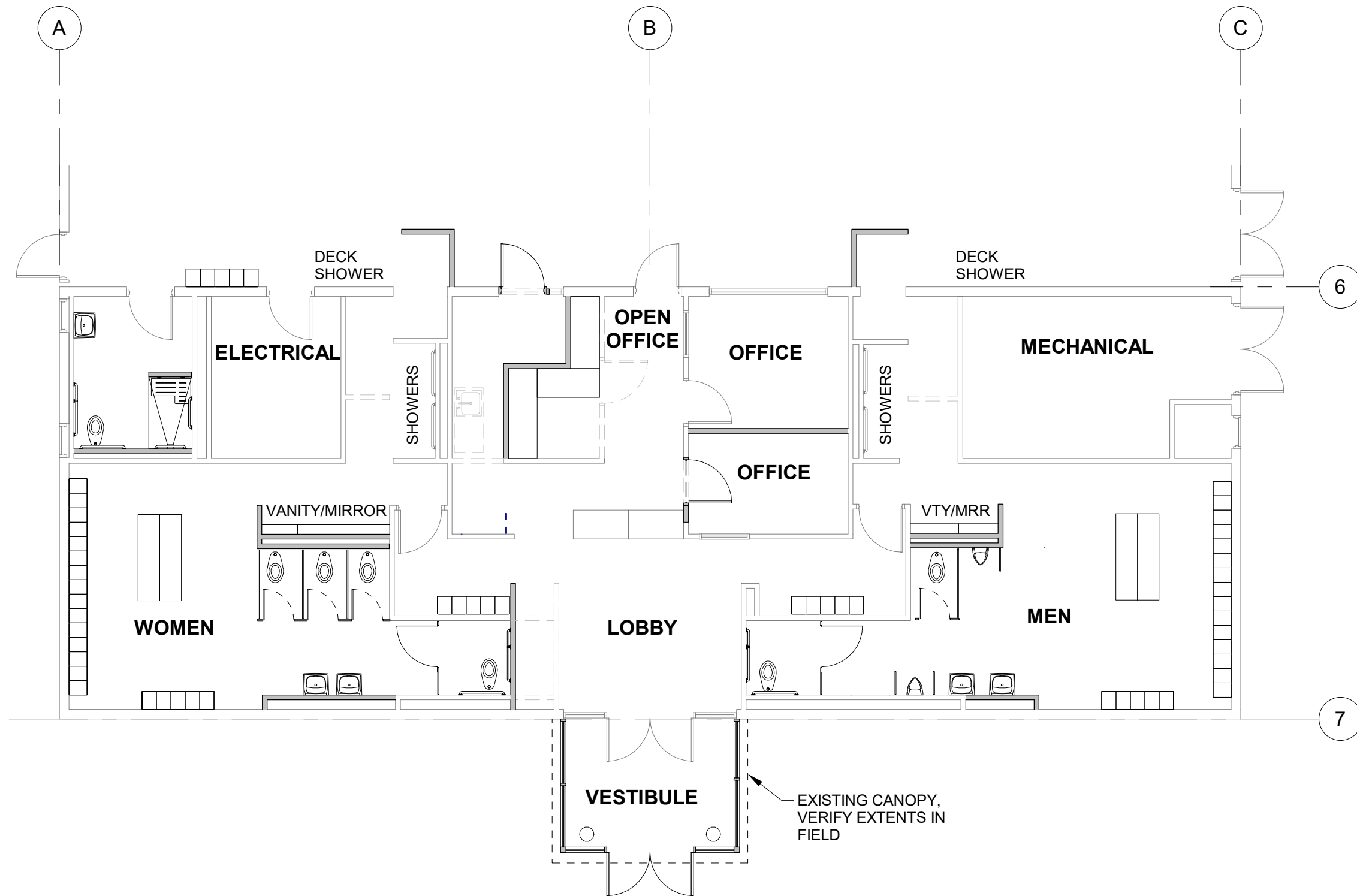
EXISTING PLAN

1150 S Ivy Street
Canby, Oregon
09/29/20 | JOB # 20132



1/8" = 1'-0"

S|E A
SCOTT | EDWARDS ARCHITECTURE



Option 2A Features:

- New screen walls to block sight lines into Locker Rooms
- Removes intermediate wall in shower areas for improved circulation paths between Locker Rooms and pool deck
- Creates Accessible Family Changing Room in former Break Room
- Adds second plumbing wall to increase fixture count in Locker Rooms
- Subdivides large office to create two offices
- Removes small office to create open office area and circulation path to pool deck
- Adds deck showers
- Adds Vestibule under existing canopy

CANBY SWIM CENTER

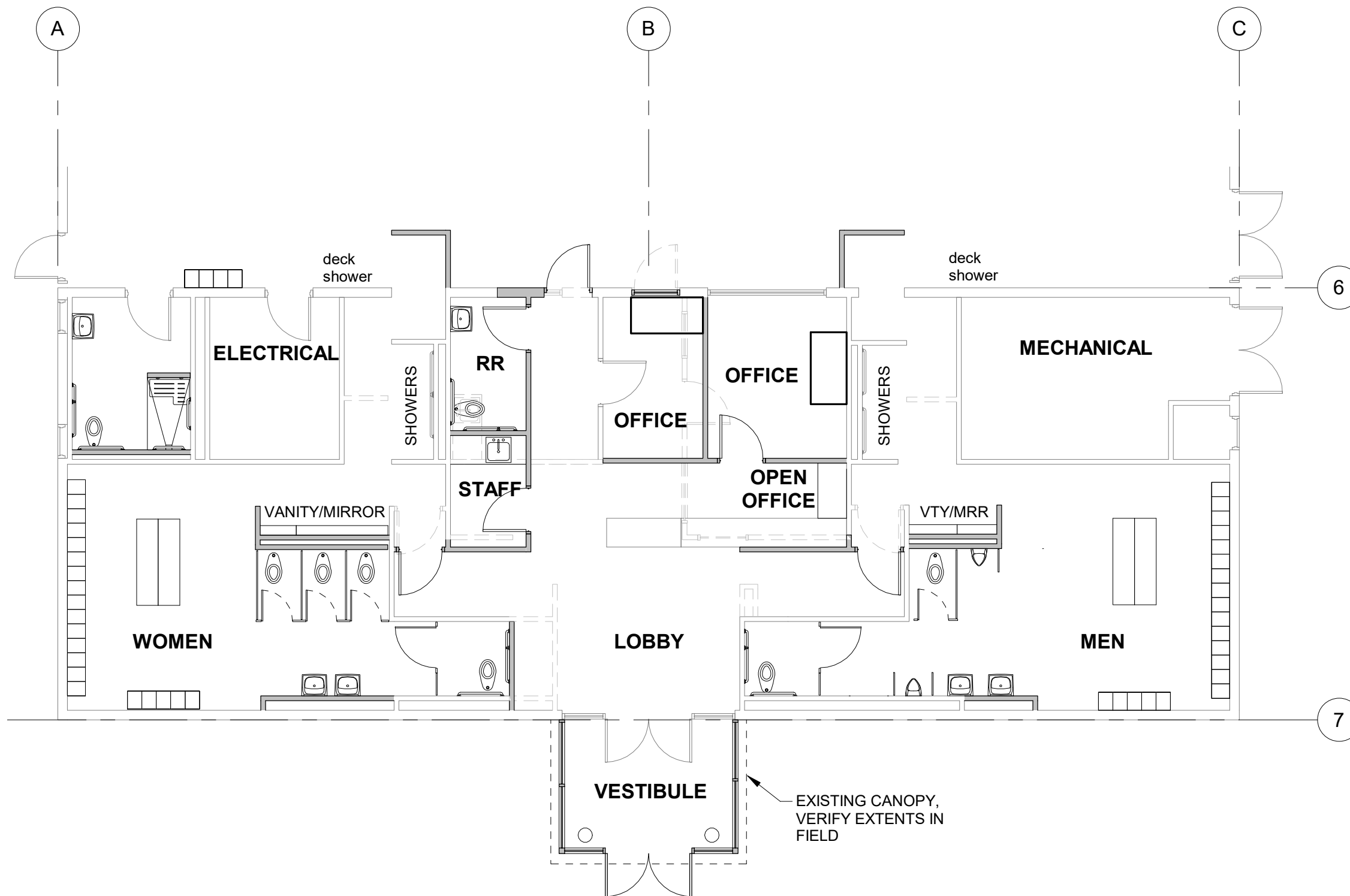
OPTION 2A

1150 S Ivy Street
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10/25/20 | JOB # 20132



1/8" = 1'-0"

S|E A
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Option 2B Features:

- New screen walls to block sight lines into Locker Rooms
- Removes intermediate wall in shower areas for improved circulation paths between Locker Rooms and pool deck
- Creates Accessible Family Changing Room in former Break Room
- Adds second plumbing wall to increase fixture count in Locker Rooms
- Reconfigures office space to create (2) offices, open office area, small staff room, unisex toilet, and circulation path to pool deck
- Adds deck showers
- Adds Vestibule under existing canopy

CANBY SWIM CENTER

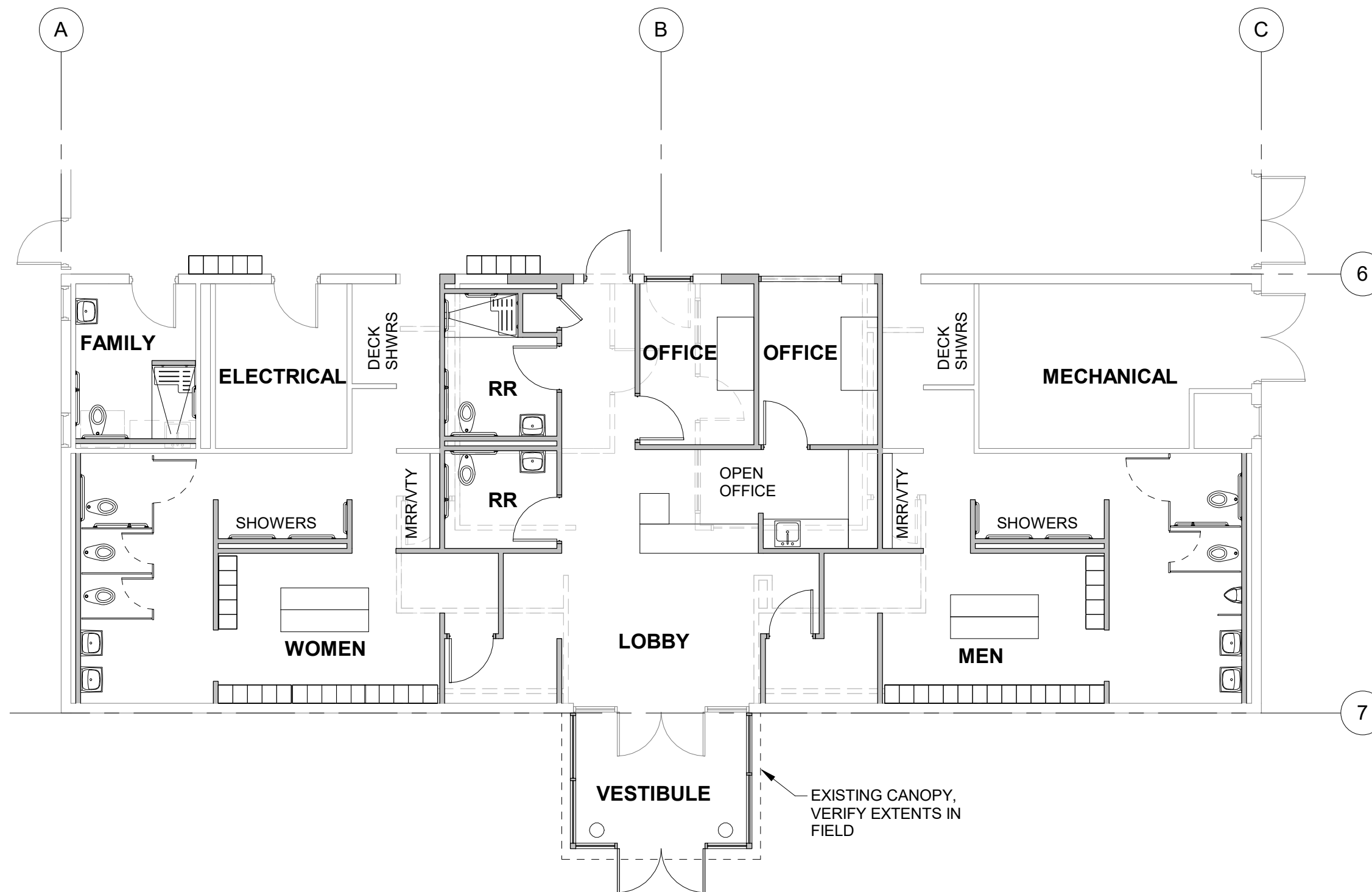
OPTION 2B

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10/25/20 | JOB # 20132



1/8" = 1'-0"

S|E A
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Option 3A Features:

- Creates Accessible Family Changing Room in former Break Room
- Creates new plumbing walls in Locker Rooms for toilet and shower areas.
- Converts existing shower area to circulation path with deck showers
- Creates two offices, open office area and two unisex restrooms.
- Adds Vestibule under existing canopy

CANBY SWIM CENTER

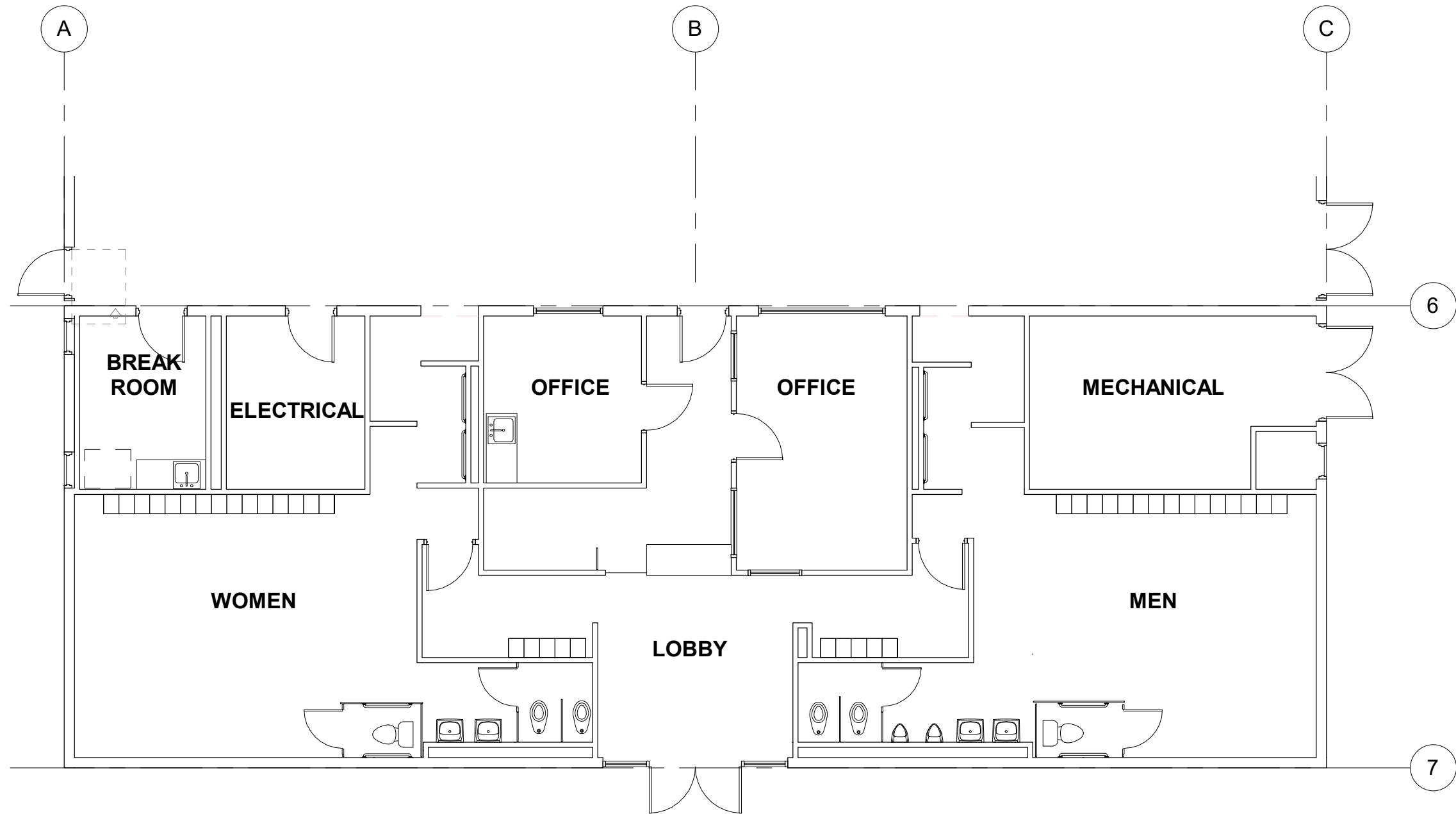
OPTION 3A

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S|E A
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CANBY SWIM CENTER

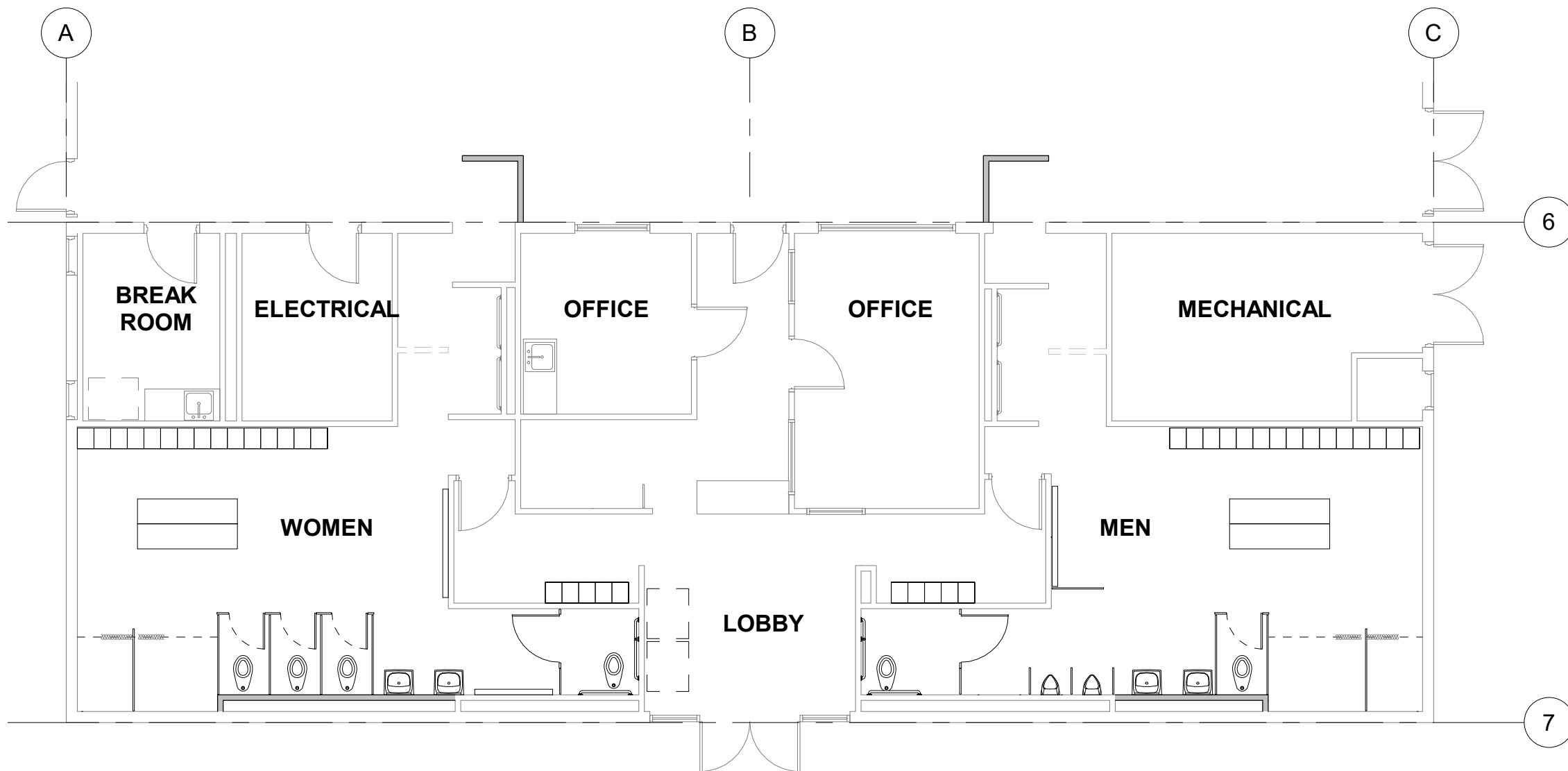
EXISTING PLAN

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09/29/20 | JOB # 20132



1/8" = 1'-0"

S|E A
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Option 1 Features:

- New screen walls to block sight lines into Locker Rooms.
- Removes intermediate wall in shower areas for improved circulation paths between locker rooms and pool deck.
- Extends and modifies existing Locker Room plumbing walls to create additional toilet stalls and fully accessible stall.
- Adds two individual changing rooms in each Locker Room.

CANBY SWIM CENTER

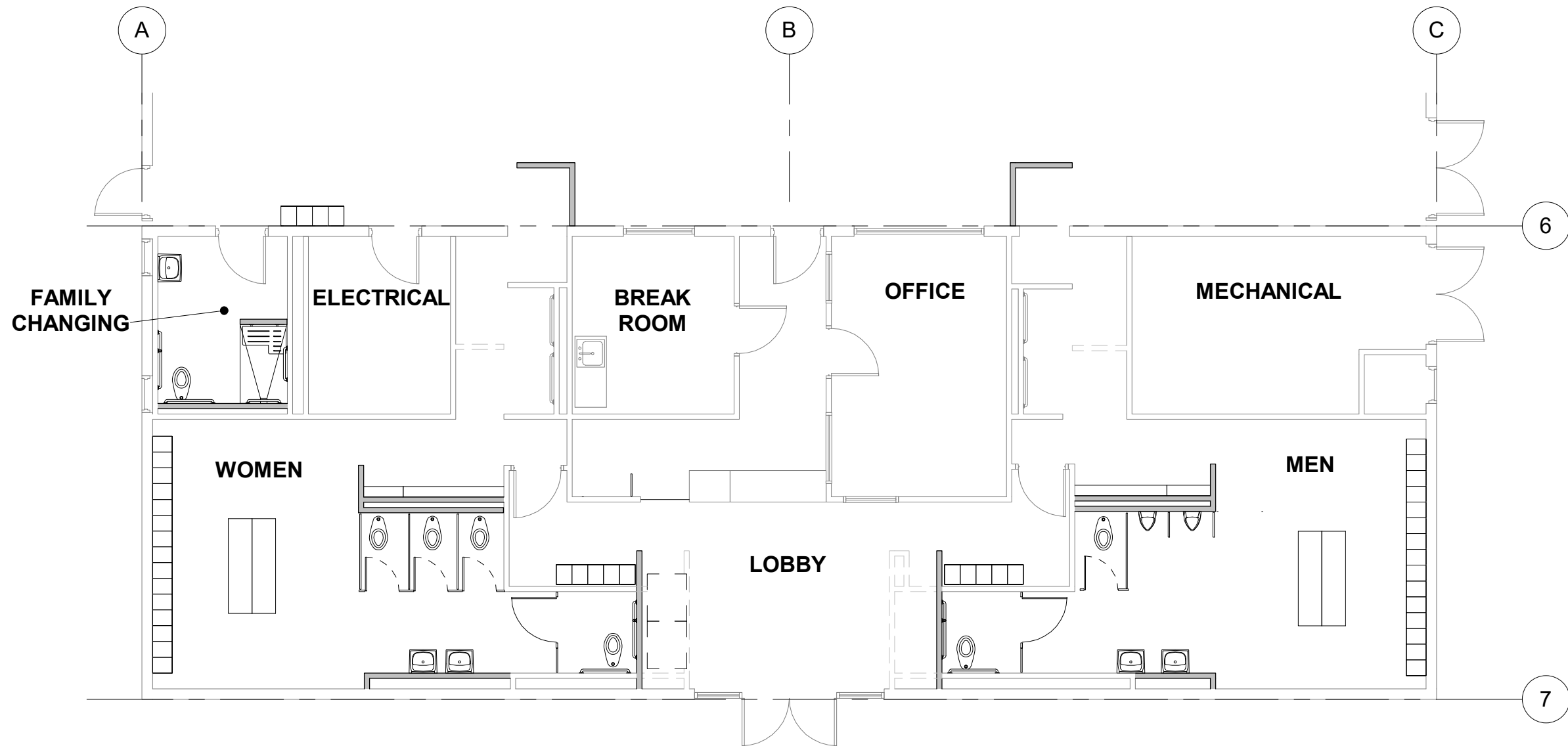
OPTION 1

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09/29/20 | JOB # 20132



1/8" = 1'-0"

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Option 2 Features:

- New screen walls to block sight lines into Locker Rooms.
- Removes intermediate wall in shower areas for improved circulation paths between locker rooms and pool deck.
- Relocates Break Room to small office.
- Creates Accessible Family Changing Room in former Break Room
- Extends and modifies existing Locker Room plumbings walls and adds second plumbing wall to create distinct toilet room area with full accessible stall.
- Expands lobby to create larger waiting area and service counter, including accessible counter section.

CANBY SWIM CENTER

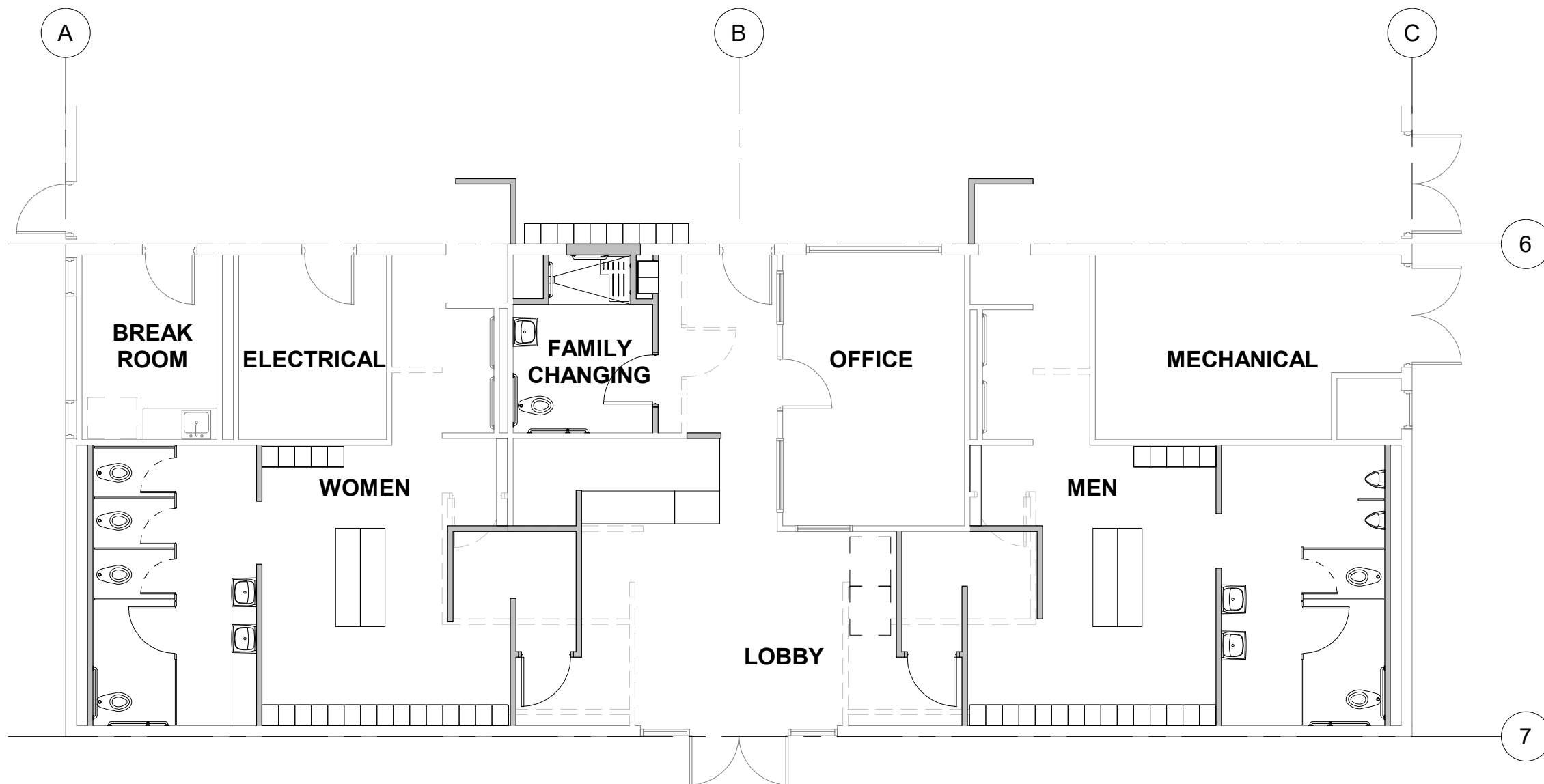
OPTION 2

1150 S Ivy Street
Canby, Oregon
09/29/20 | JOB # 20132



1/8" = 1'-0"

S|E A
SCOTT | EDWARDS ARCHITECTURE



Option 3 Features:

- New screen walls to block sight lines into Locker Rooms.
- Removes intermediate wall in shower areas for improved circulation paths between locker rooms and pool deck.
- Creates Accessible Family Changing Room in location of small office.
- Flips swing of door from Lobby to Pool Deck. Allows public access to Pool Deck to bypass Locker Rooms.
- Expands Lobby with larger waiting area and service counter, including accessible counter section.
- Creates new, distinct restroom area in each Locker Room with fully accessible stall.

CANBY SWIM CENTER

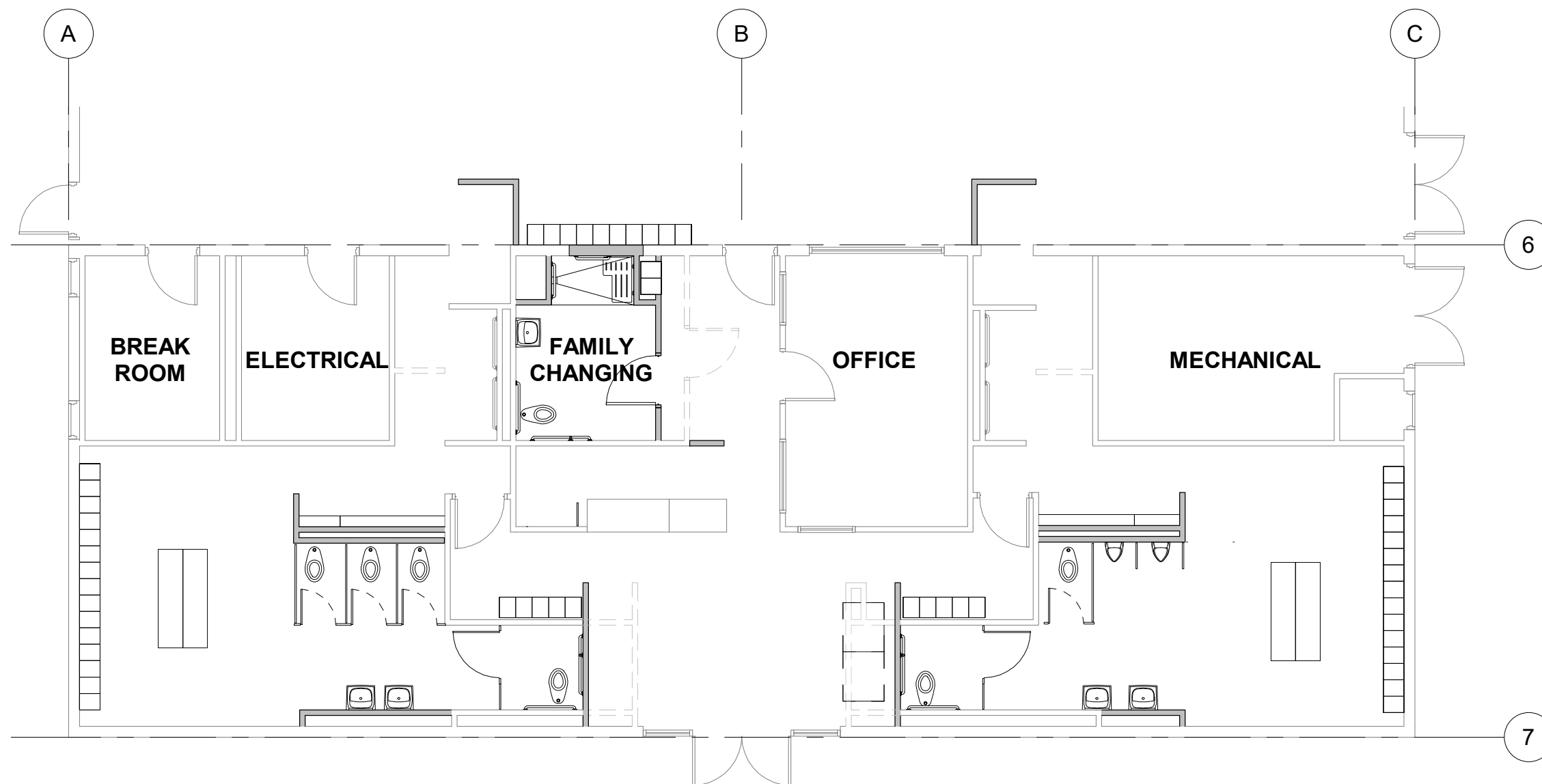
OPTION 3

1150 S Ivy Street
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1/8" = 1'-0"

S|E A
SCOTT | EDWARDS ARCHITECTURE



Option 2/3 Features:

- New screen walls to block sight lines into Locker Rooms.
- Removes intermediate wall in shower areas for improved circulation paths between locker rooms and pool deck.
- Creates Accessible Family Changing Room in location of small office.
- Flips swing of door from Lobby to Pool Deck. Allows public access to Pool Deck to bypass Locker Rooms.
- Expands Lobby with larger waiting area and service counter, including accessible counter section.
- Extends and modifies existing Locker Room plumbing walls and adds second plumbing wall to create distinct toilet room area with full accessible stall.

CANBY SWIM CENTER

OPTION 2/3 HYBIRD

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09/29/20 | JOB # 20132



1/8" = 1'-0"

S|E A
SCOTT | EDWARDS ARCHITECTURE

Canby Swim Center Locker Room Concept Study

2020-0406

Prepared for:

Scott/Edwards Architecture

Prepared by:

Thomas Phuong, PE, LEED AP

Mike Moerlins, PE

Chris Scott, CPD

November 16, 2020

Table of Contents

Project Description	1
Mechanical	1
Plumbing	3
Electrical	4



Project Description

PROJECT LOCATION

1150 S Ivy St., Canby, OR 97013

BUILDING DESCRIPTION

Property is the 2,500 SF locker room facility at the Canby Swim Center

Mechanical

EXISTING CONDITIONS

Heating and Cooling

Office, Lobby, and Staff Break Room Areas

Currently, the two offices are served by ductless split systems. In each office, a ductless wall-mounted fan coil is installed high on the wall and is controlled by a remote thermostat. Each indoor fan coil is served by an outdoor roof-mounted heat pump condensing unit. Refrigerant piping is routed between the indoor and outdoor equipment. Ventilation air is not currently supplied via the indoor fan coil units.

The lobby and staff break room areas include several ceiling HVAC air distribution grilles. However, this system has been decommissioned and is no longer operational. Active HVAC is not provided in these areas.

Men's and Women's Locker Rooms

Currently, the two locker rooms are served by heating only natural gas furnaces. In each locker room, a horizontal furnace unit is installed just below the ceiling and includes a short supply and return air duct section. A wired thermostat is mounted immediately at each furnace. Natural gas piping routes to each furnace and is the heating fuel source. Ventilation supply air is not currently supplied via the furnace units.

Main Electrical Room

Currently, the main Electrical Room is served by a ductless split system. A ductless wall-mounted fan coil is installed high on the wall and is controlled by a remote thermostat. The indoor fan coil is served by an outdoor roof-mounted condensing unit. Refrigerant piping is routed between the indoor and outdoor equipment. Ventilation air is not currently supplied via the indoor fan coil unit.

Ventilation

Office, Lobby, and Staff Break Room Areas

Currently, there does not appear to be an active ventilation air (outside air) supply system serving the lobby, offices, or staff break room. The previous central supply air system has been decommissioned and

replaced with the individual office split systems described above. Existing ceiling air distribution grilles still exist but are inactive.

Men's and Women's Locker Rooms

Currently, the two locker rooms are served by exterior wall-mounted exhaust fans. In each locker room, an up-blast type exhaust fan is mounted to the exterior wall and ducted to a single sidewall exhaust grille on the interior side of the wall. These fans run continuously to provide exhaust for each locker room.

Main Electrical Room

Currently, the main Electrical Room includes a small inline exhaust fan. Exhaust ductwork from this inline fan routes vertically up through the roof above. This fan runs continuously to provide exhaust for the Electrical Room.

RECOMMENDATIONS

Office, Lobby, and Staff Break Room Areas

The ductless split systems serving the two offices appear to have been installed around 2003. At approximately 17 years of age, these systems should be replaced in the next 5 years.

Because the lobby and staff break room areas are not currently served by an active HVAC system. We recommend installing a new rooftop HVAC system to provide heating, cooling, and outside/ventilation air supply for these areas. One 5-ton packaged rooftop HVAC unit will be installed directly above the lobby area. Supply and return air ductwork will route above the ceiling to new ceiling air distribution grilles in each space. New natural gas piping will serve the new packaged rooftop HVAC unit to provide heating. Ventilation/outside air will be integral to the new packaged unit and will be supplied via the main ductwork system. A new wired wall-mounted programmable thermostat will control the new unit.

If desired, the existing office split systems may remain in place and only the required ventilation air will be supplied to these rooms, via the new rooftop HVAC unit. In this scenario, the offices will still maintain individual temperature control, independent of the new rooftop HVAC unit. Alternatively, these split systems can be removed, and all spaces can be served entirely by the new rooftop HVAC unit.

Men's and Women's Locker Rooms

The gas furnaces serving the locker rooms appear to have been installed in 2003. At approximately 17 years of age, these systems should be replaced in the next 5 years.

Unless cooling is desired by the owner, we recommend replacing these furnace units with a similar heating-only gas furnace system.

If cooling is an Owner requirement, we recommend replacing each furnace with a new heat pump split system (approximately 2-ton nominal capacity each). A new horizontal indoor fan coil will be installed in each locker room and will be connected to a roof-mounted heat pump condensing unit via refrigerant piping.

The only code ventilation requirement for the locker rooms is exhaust, which is currently provided by the existing wall-mounted exhaust fans. These exhaust fans were installed within the last year and should not

require replacement or modification, unless Architectural changes require revisions to the fan locations or duct layout.

Main Electrical Room

The split system serving the main electrical room was installed in 2018. At only 2 years of age, this system should be in good working condition and should not require replacement. However, if the current Electrical Room location is proposed to move within the building, we would recommend relocating the split system serving it. Depending on the distance this space will move, the indoor fan coil may be the only equipment required to move. If the resulting refrigerant pipe lengths are still within manufacturer's requirements, the outdoor roof-mounted condensing unit may remain in its current location and only the indoor fan coil would move, and new refrigerant piping be provided.

Similarly, the inline exhaust fan currently serving the Electrical Room should be relocated along with the Electrical Room as necessary.

New Restrooms

Where new restrooms are proposed, code requires exhaust to be provided. For single-use small toilet rooms, we recommend installing a new ceiling-mounted exhaust fan to be interlocked with the restroom light switch. The fan will turn on when the lights are on. For larger multi-person restrooms, we recommend installing a new roof-mounted down-blast type fan to run continuously.

Plumbing

EXISTING CONDITIONS

Office, Lobby, and Staff Break Room Areas

Currently there are sinks installed in the countertops and plumbing to the building water, waste and vent systems. Some sinks have a small tank type water heater sitting under the counter to provide hot water to the sink. Fan coil drain lines are routed down the wall and spill into the sink. Floor drains are located in some of these spaces.

Men's and Women's Locker Rooms

Both restrooms have wall mounted showers with push button controls. Shower panels are flush with wall indicating that all plumbing serving the shower is located within the walls. Both restrooms have lavatories with manual faucets and water closet with manual flushometers. The Men's restroom also has floor mounted urinals with manual flushometers. Floor drains are currently located in these spaces and there is a small trench drain located at the showers.

Main Electrical Room

There is an existing service sink located in this room. The fan coil unit in this room has the condensate drain line spilling into the top of the service sink.

Pool Equipment Room

Currently there is a high efficiency gas water heater located in this room that serves the buildings domestic hot water system.

RECOMMENDATIONS

Office, Lobby, and Staff Break Room Areas

The sinks in these rooms are well worn and should be replaced. The faucets should be replaced as well with water saving faucets. It appears that some of the floor drains and floor cleanouts are also discolored and rusted and should be replaced as well.

Men's and Women's Locker Rooms

The showers appear to be in fair condition and the components inside should be inspected to verify they are still in good working condition. Life expectancy is roughly another 5 years. The shower drains should be replaced with new drains and using materials that prevent rusting. It should also be verified that floor slopes away from bathers and wastewater from one shower does not go in the path of another bather.

Lavatories appear to be in fair condition. Recommendation would be that they be replaced with updated fixtures. Faucets should also be replaced with sensor type faucets or low flow fixtures to reduce water consumption.

Water closets appear to be a mix of tank type and flush valve. Water closets that are flush valve appear to be in fair condition, but the flush valves appear to have discoloration on the finish. Recommendation would be to replace the water closets and flushometers with new fixtures. Dual flush or sensor type flushometers are recommended for water savings. Where tank type water closets are installed, they should be replaced with flushometer type if possible.

Where floor drains or floor cleanouts are discolored and rusty, they should be place with new drains made of materials to prevent rusting such as plastic or stainless steel.

Main Electrical Room

The service sink is in poor condition and should be replaced.

Pool Equipment Room

The existing domestic water heater is in good condition with a life expectancy of another 5 – 10 years. Some of the gas piping within the room appears to be rusted and should be replaced.

Piping and Natural Gas Service

It is anticipated that the domestic water piping should be replaced. Sanitary sewer piping should be scoped and replaced as needed. The existing natural gas service should be able to accommodate any new gas loads.

Electrical

EXISTING CONDITIONS

Electrical and Lighting

Office, Lobby, and Staff Break Room Areas

Existing lighting are surface wraparounds with fluorescent lamps and are controlled by wall toggle switches. Does not meet current code which requires some kind of automatic on/off and multi-switching capability.

Extension cords are used to connect to the power receptacles which appear to not be adequately provided in each room. Receptacles do not meet current code which requires half of them to be switched by means of an automatic sensor.

Men's and Women's Locker Rooms

Lighting are wet listed surface wraps with fluorescent lamps and are controlled by wall toggle switches located in the office hallway.

Main Electrical Room

Existing lighting is a surface striplight with fluorescent lamps and is controlled by a wall toggle switch.

Existing electrical service is 400 amps at 120/240V, 3 phase, 4 wire with GE panels. Canby Utility is the service provider. Utility meter and CT cabinet are located on the exterior of the building on the West side.

Electrical panels appear to be original to when building was built in 1989 and are 31 years old. Life expectancy of electrical equipment panels are usually 25 to 30 years. Based on this the electrical equipment panels are past it's useful life. There is surface rust on the panels.

Below are the following electrical panels in the room:

- Main Panel MDP - 400 amps at 120/240V, 3 phase, 4 wire.
- Panels below are fed from MDP
 - Panel A – 200 amps at 120/240V, 3 phase, 4 wire
 - Panel B – 200 amps at 120/240V, 3 phase, 4 wire
 - Panel C – 100 amp, 120/240V, 1 phase, 3 wire.
 - Spare – 100 amp, 3 pole breaker
 - Panel E, shown on the original as-builts appears to have been removed.

RECOMMENDATIONS

Office, Lobby, and Staff Break Room Areas

New linear surface LED lighting controlled via ceiling mounted occupancy sensors and manual toggle switches.

Provide new receptacles in office and open office with half of them automatically switched as required per current code.

Men's and Women's Locker Rooms

Provide new linear wet listed surface LED lighting, connected to an emergency source such as a lighting inverter. New occupancy sensors to control lighting and wall switches located in main office.

Replace existing receptacles and add new as required.

Main Electrical Room

Provide new linear surface LED lighting, connected to an emergency source such as a lighting inverter.

Replace all electrical panels MDP, A, B and C.

Replace existing receptacles.

New Restrooms

Where new restrooms are proposed, provide new surface linear LED lighting and automatic controls.

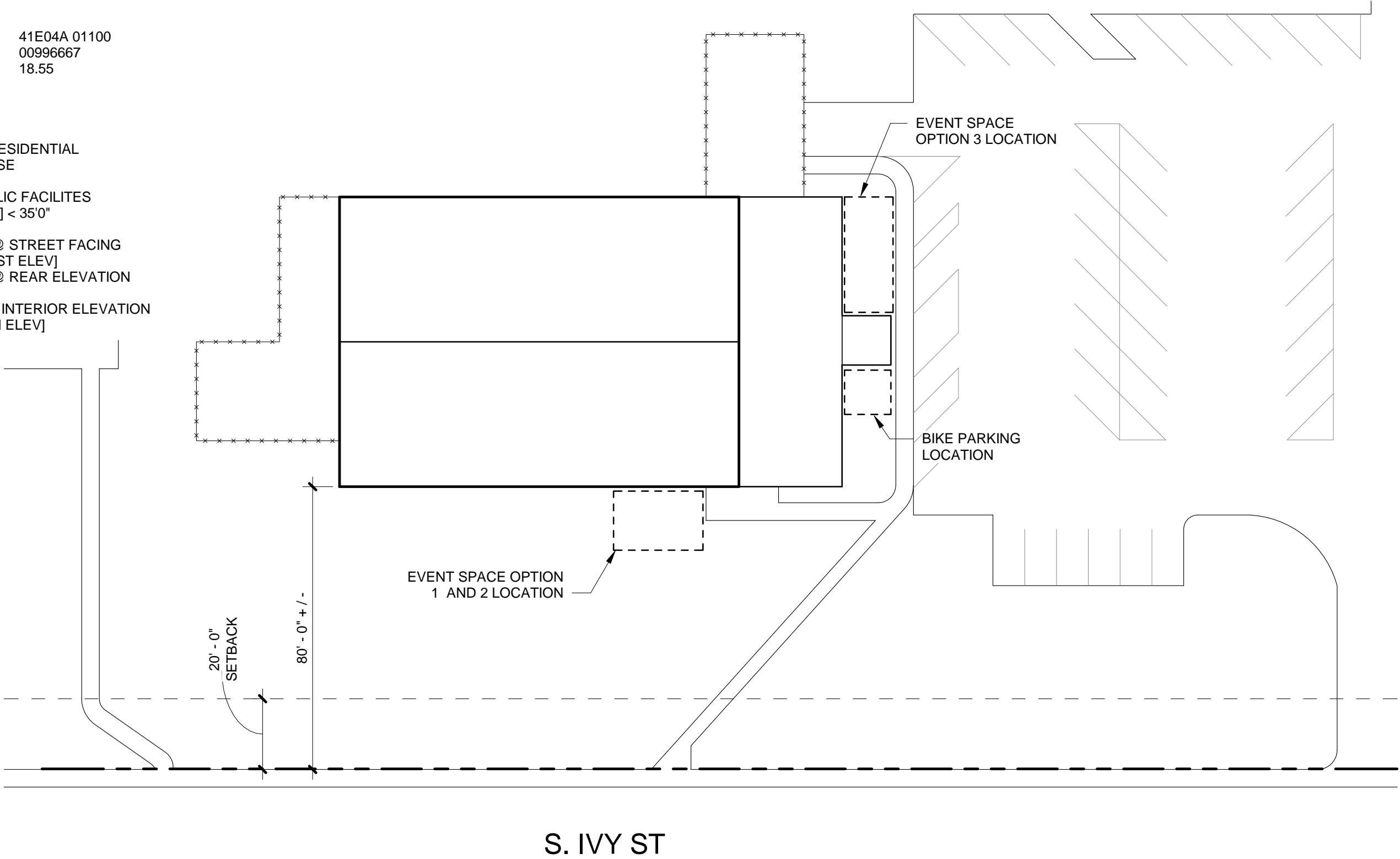
Provide new receptacle for maintenance.

PARCEL INFORMATION:

- TAXLOT NUMBER: 41E04A 01100
- PARCEL: 00996667
- ACRES: 18.55

ZONING SUMMARY:

- R-1 LOW DENSITY RESIDENTIAL
- 1. CONDITIONAL USE
 - A. SCHOOL
 - B. MAJOR PUBLIC FACILITES
- BUILDING HEIGHT [X] < 35'0"
- SETBACKS
 - 1. 20'0" SETBACK @ STREET FACING ELEVATION [WEST ELEV]
 - 2. 15'0" SETBACK @ REAR ELEVATION [EAST ELEV]
 - 3. 7'0" SETBACK @ INTERIOR ELEVATION [NORTH / SOUTH ELEV]



CANBY SWIM CENTER

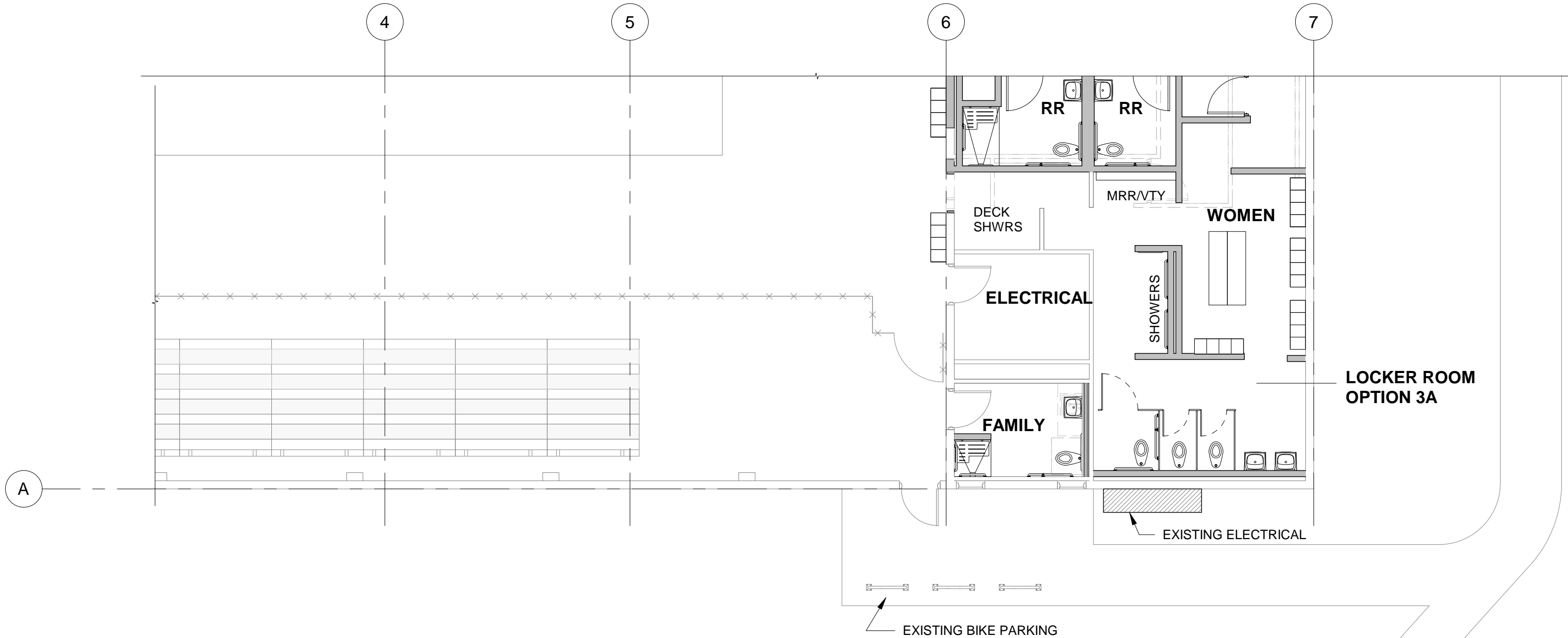
SITE PLAN

1150 S Ivy Street
Canby, Oregon
12/30/21 | JOB # 20132



1" = 30'-0"

S|E A
SCOTT|EDWARDS ARCHITECTURE



CANBY SWIM CENTER

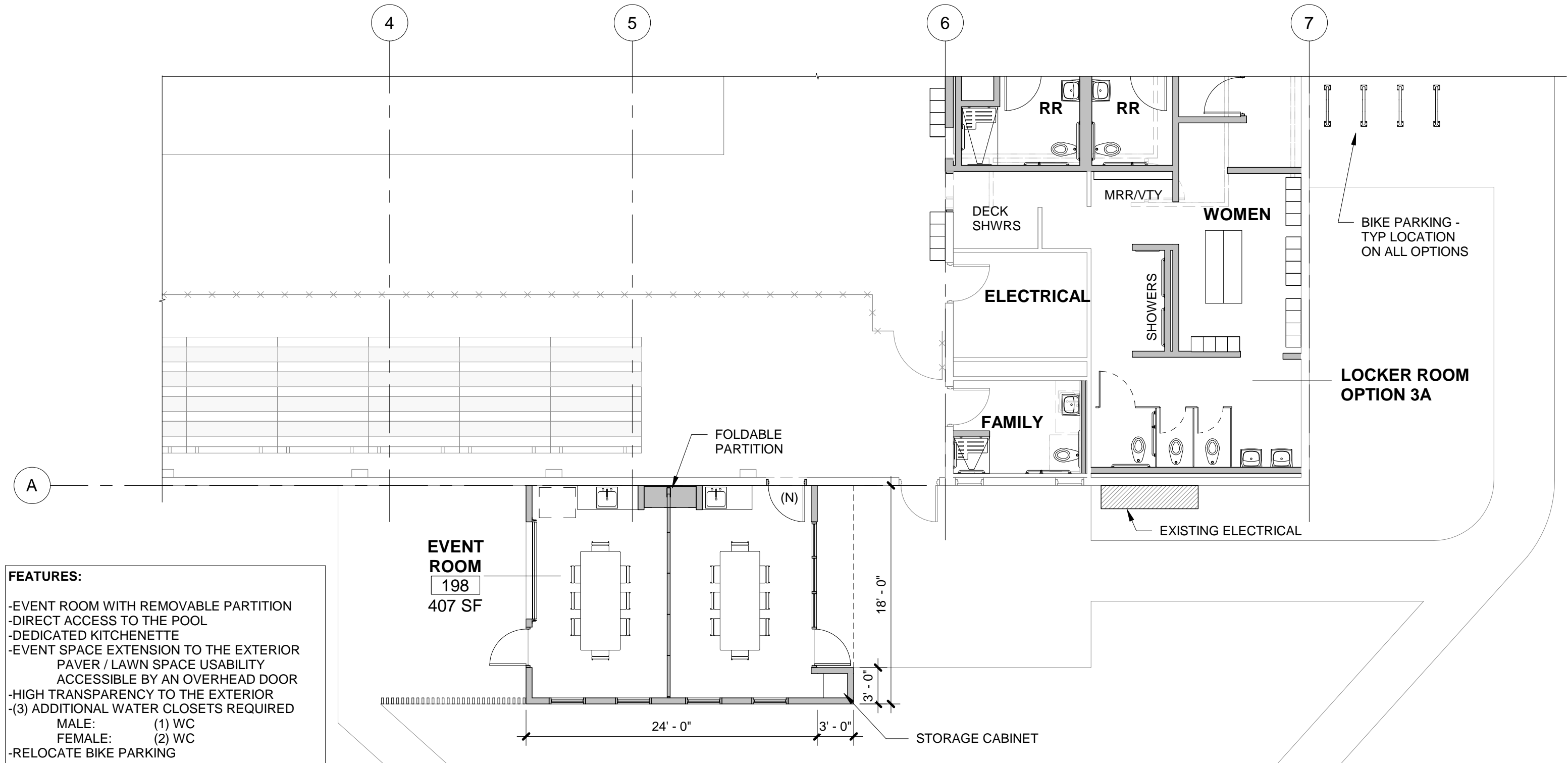
EXISTING SITE

1150 S Ivy Street
 Canby, Oregon
 12/30/21 | JOB # 20132



1/8" = 1'-0"

S|E A
 SCOTT | EDWARDS ARCHITECTURE



CANBY SWIM CENTER

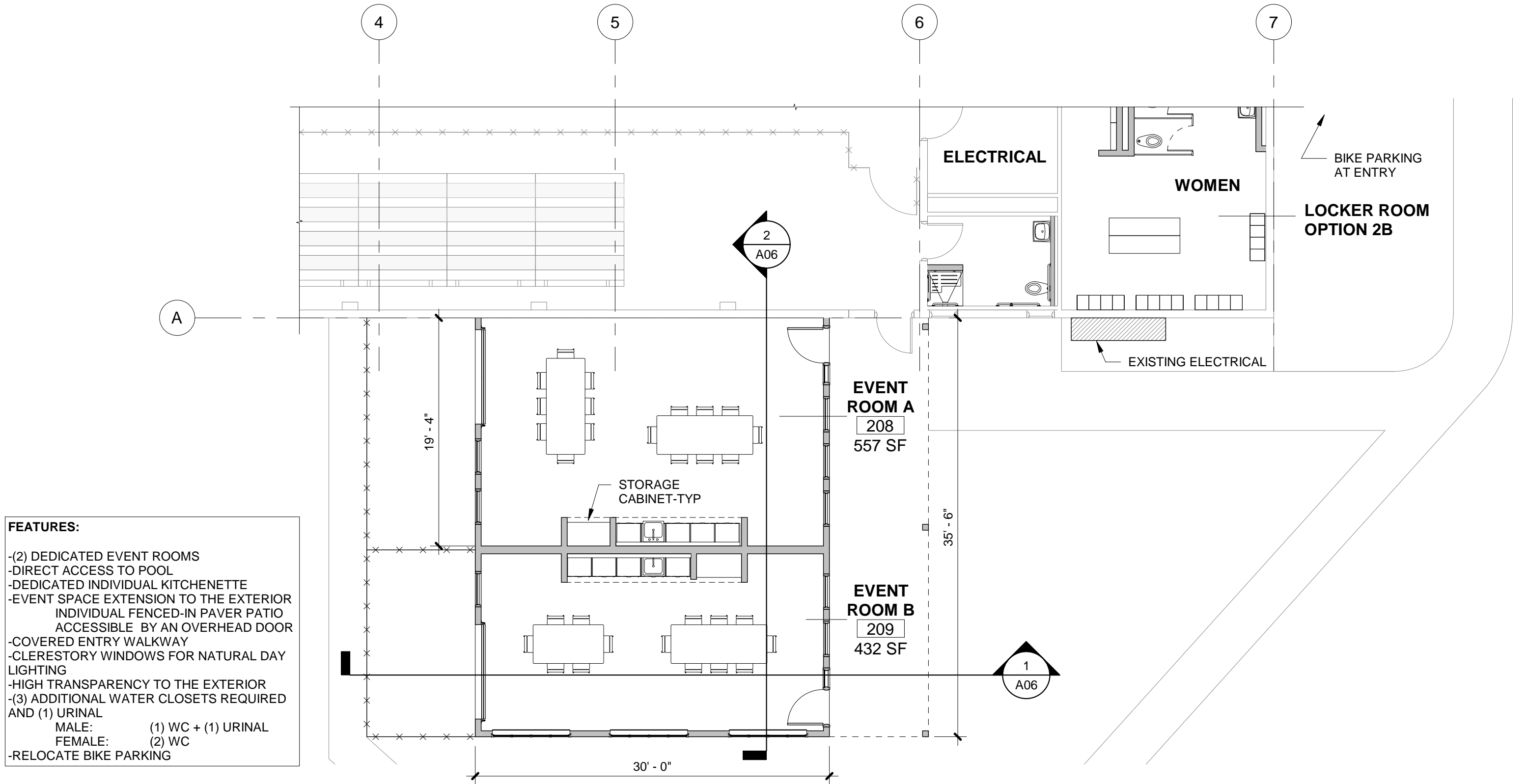
EVENT SPACE - OPTION 01

1150 S Ivy Street
Canby, Oregon
12/30/21 | JOB # 20132



1/8" = 1'-0"

S|E A
SCOTT | EDWARDS ARCHITECTURE



CANBY SWIM CENTER

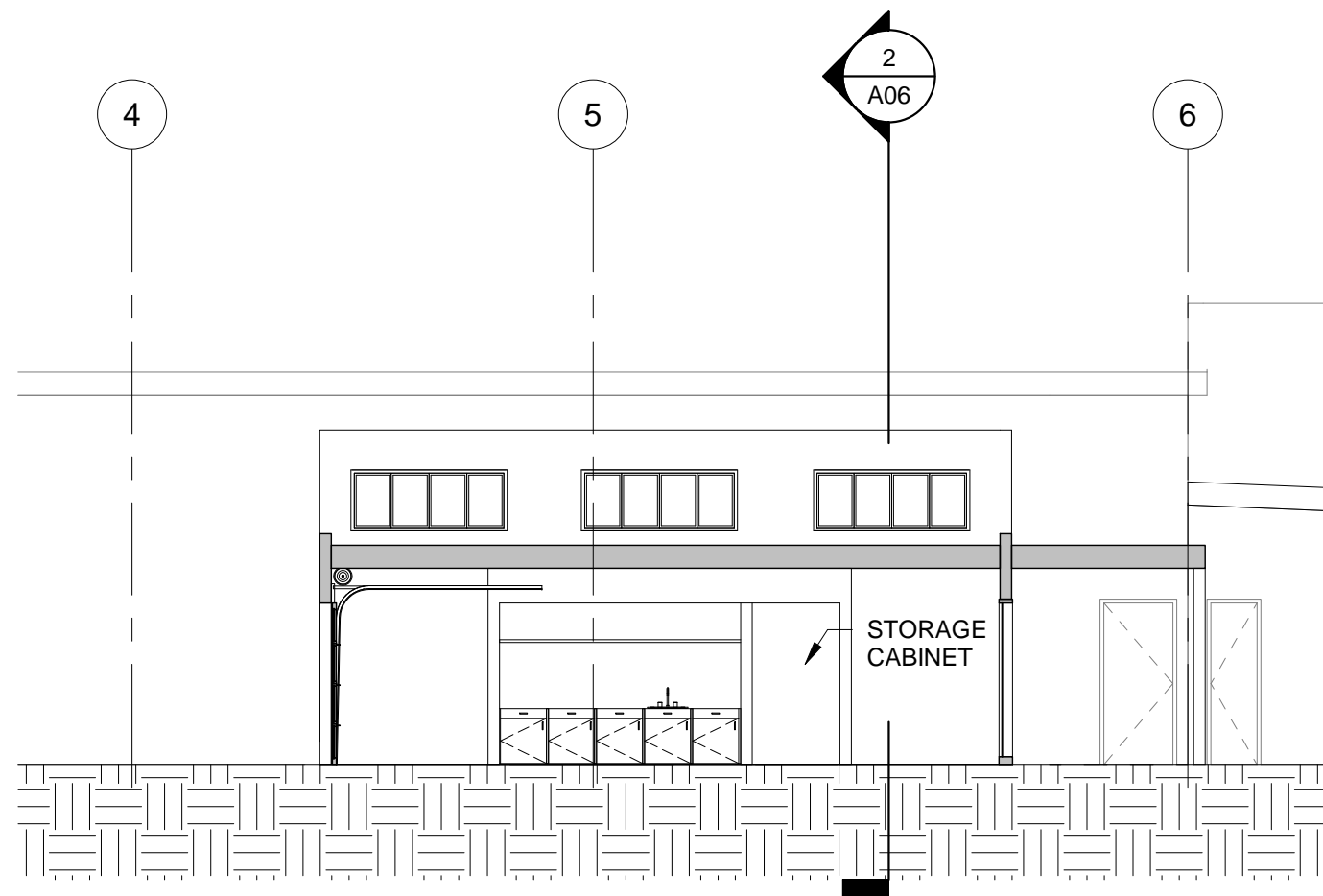
EVENT SPACE - OPTION 02

1150 S Ivy Street
Canby, Oregon
12/30/21 | JOB # 20132

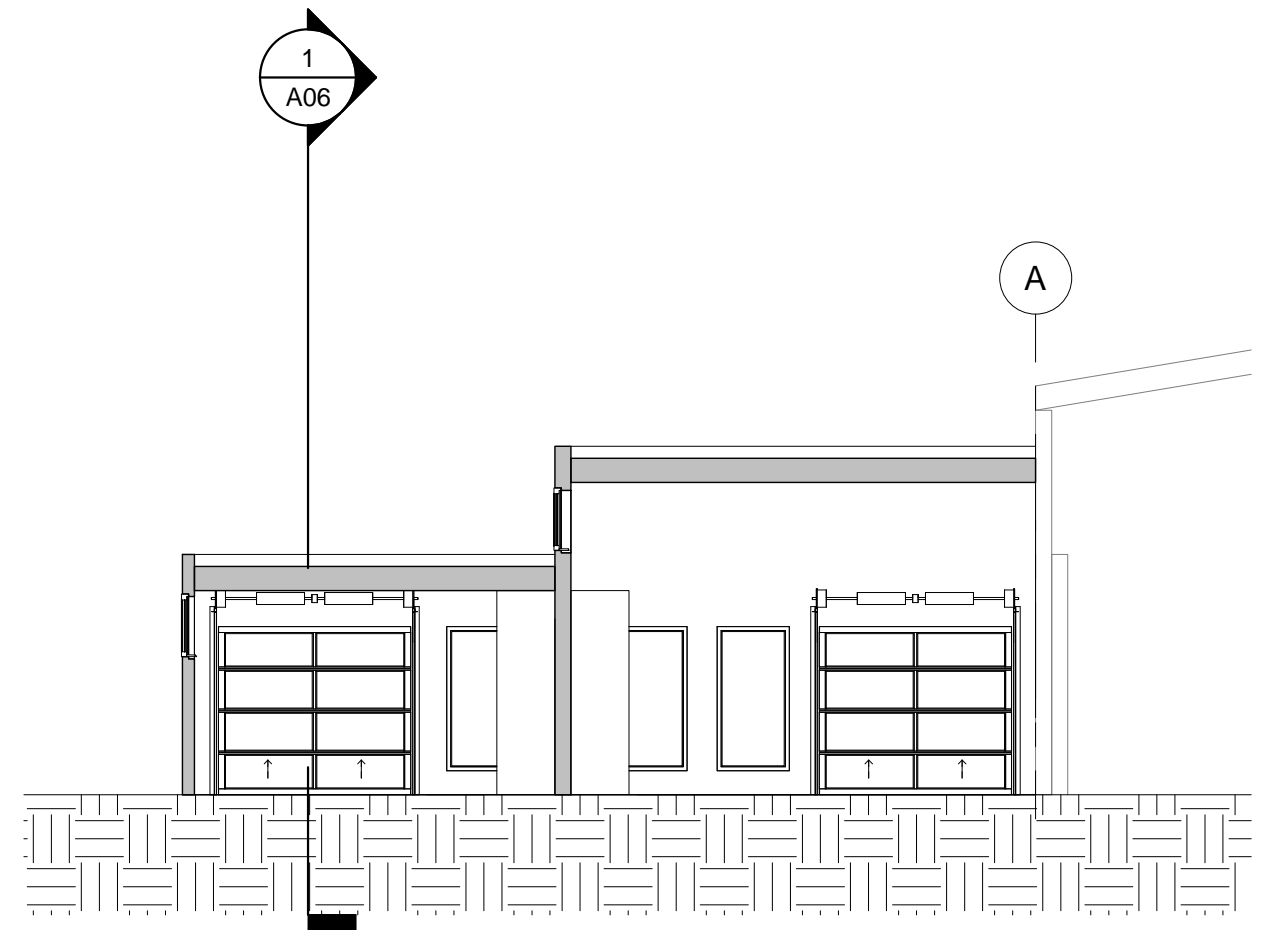


1/8" = 1'-0"

S|E A
SCOTT EDWARDS ARCHITECTURE



SECTION A



SECTION B

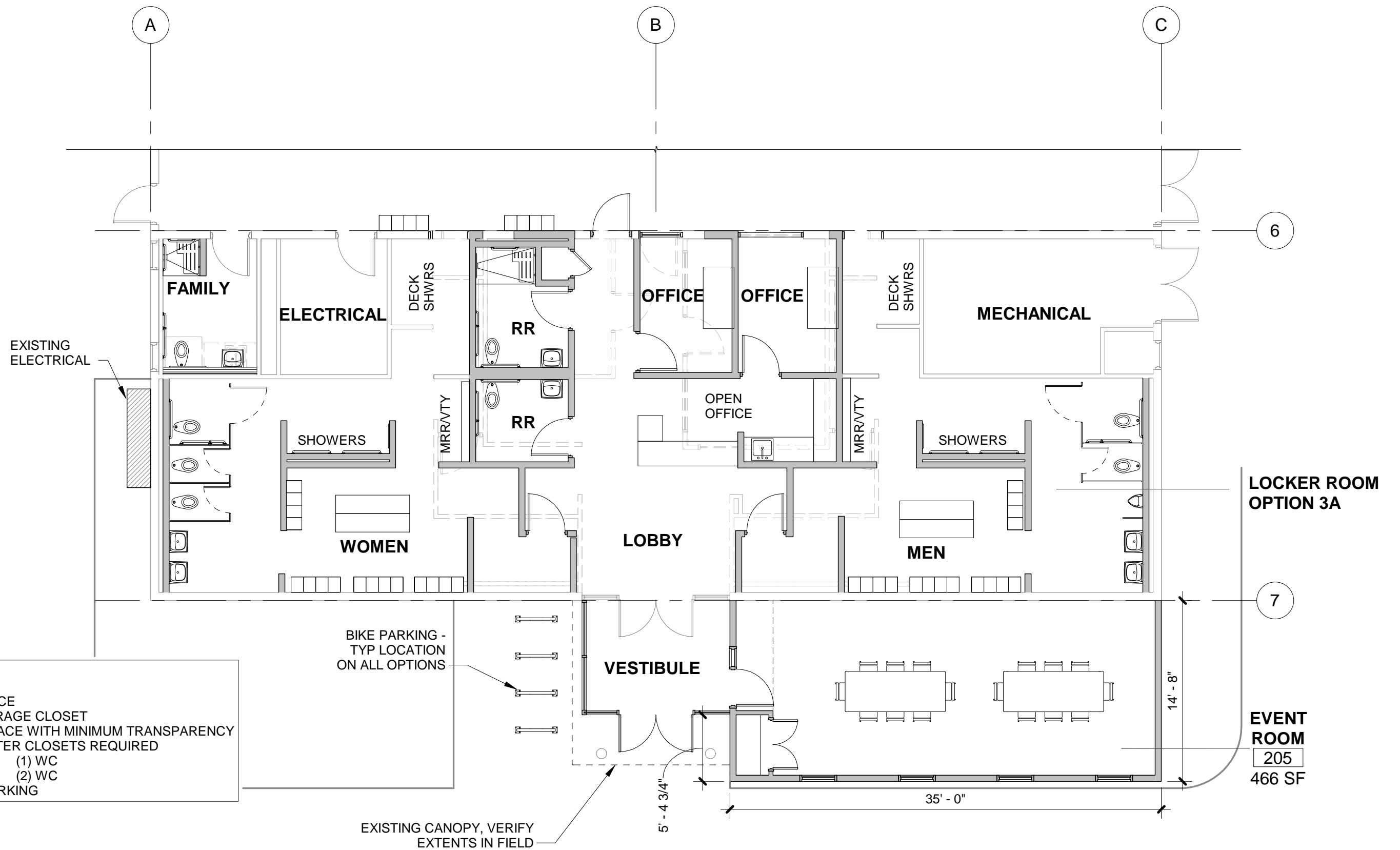
CANBY SWIM CENTER

EVENT SPACE - OPTION 2 SECTIONS

1150 S Ivy Street
Canby, Oregon
12/30/21 | JOB # 20132



1/8" = 1'-0"



- FEATURES:**
- SINGLE EVENT SPACE
 - ENTRY COAT / STORAGE CLOSET
 - PRIVATE EVENT SPACE WITH MINIMUM TRANSPARENCY
 - (3) ADDITIONAL WATER CLOSETS REQUIRED
 - MALE: (1) WC
 - FEMALE: (2) WC
 - RELOCATE BIKE PARKING

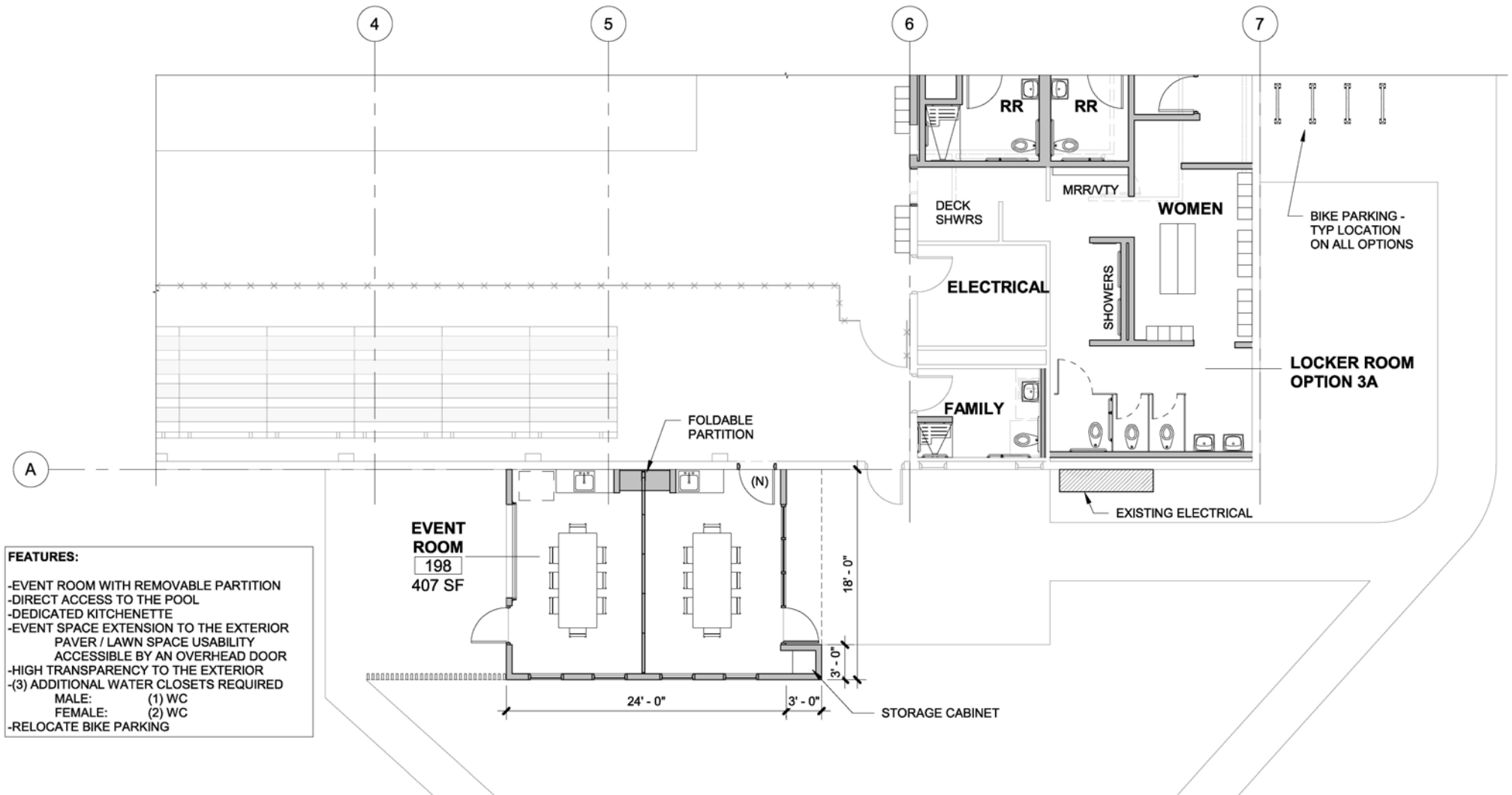
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1150 S Ivy Street
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EVENT SPACE - OPTION 03



1/8" = 1'-0"



CANBY SWIM CENTER

EVENT SPACE - OPTION 01

1150 S Ivy Street
Canby, Oregon
12/30/21 | JOB # 20132



1/8" = 1'-0"

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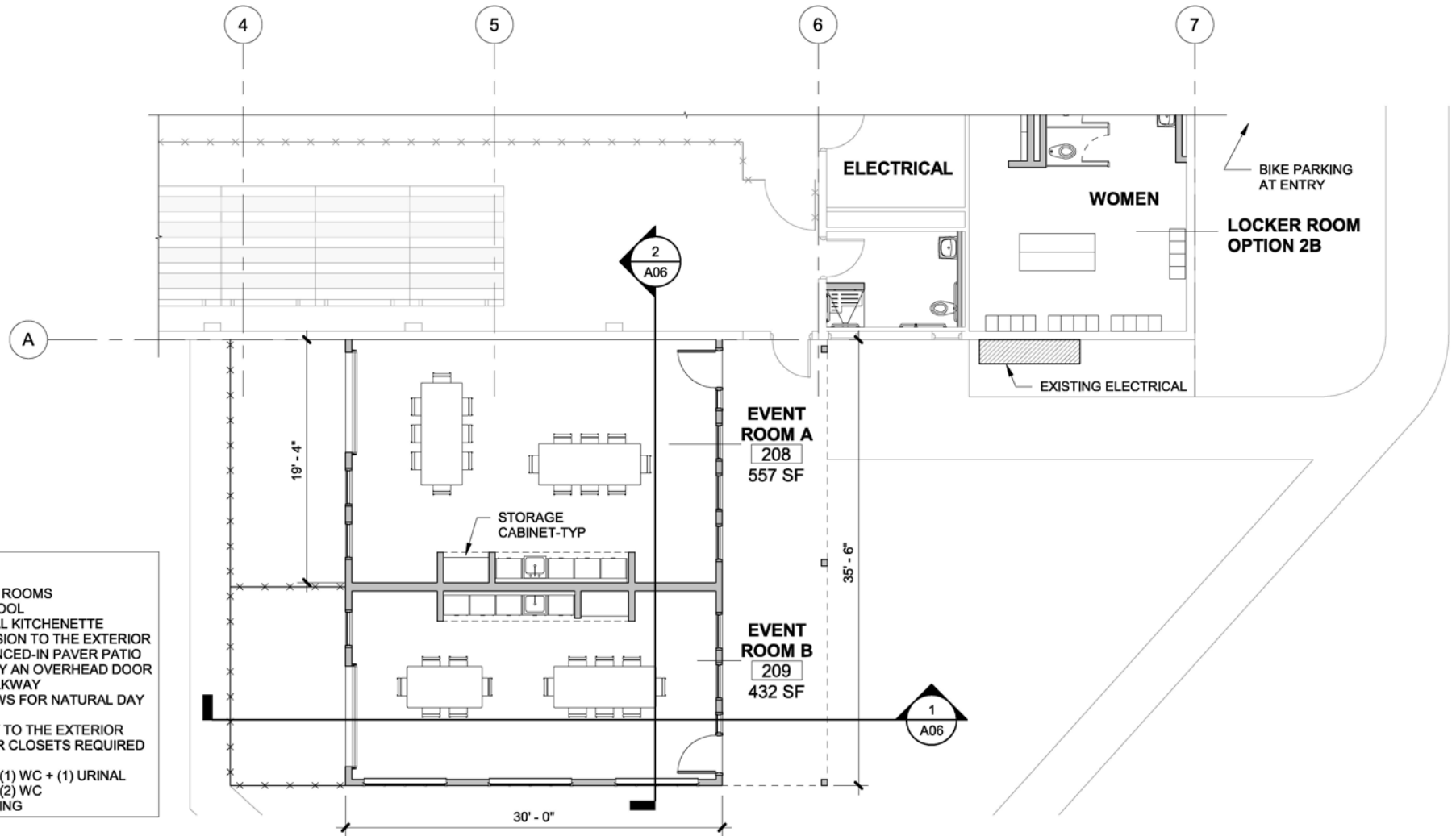
FEATURES:

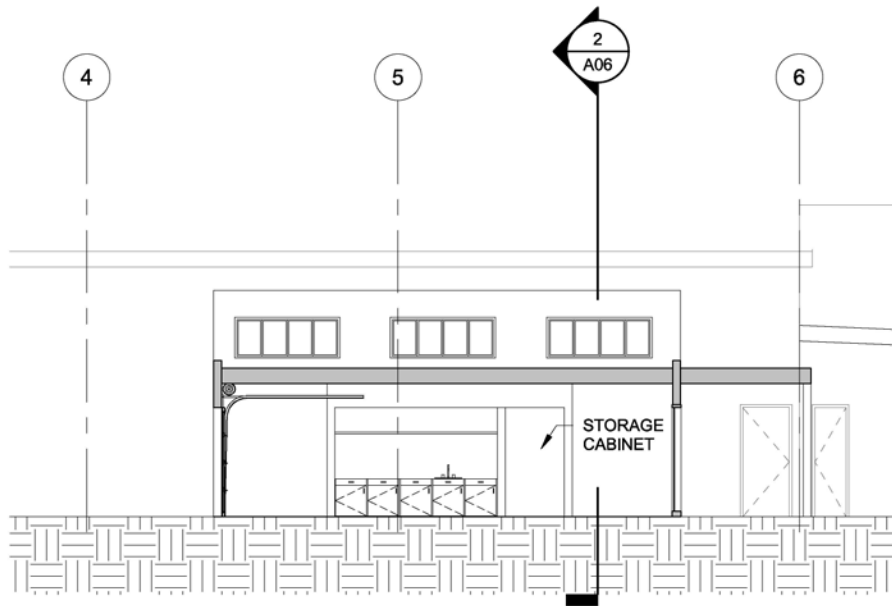
- (2) DEDICATED EVENT ROOMS
- DIRECT ACCESS TO POOL
- DEDICATED INDIVIDUAL KITCHENETTE
- EVENT SPACE EXTENSION TO THE EXTERIOR
INDIVIDUAL FENCED-IN PAVER PATIO
ACCESSIBLE BY AN OVERHEAD DOOR
- COVERED ENTRY WALKWAY
- CLERESTORY WINDOWS FOR NATURAL DAY LIGHTING
- HIGH TRANSPARENCY TO THE EXTERIOR
- (3) ADDITIONAL WATER CLOSETS REQUIRED
AND (1) URINAL
- MALE: (1) WC + (1) URINAL
- FEMALE: (2) WC
- RELOCATE BIKE PARKING

CANBY SWIM CENTER

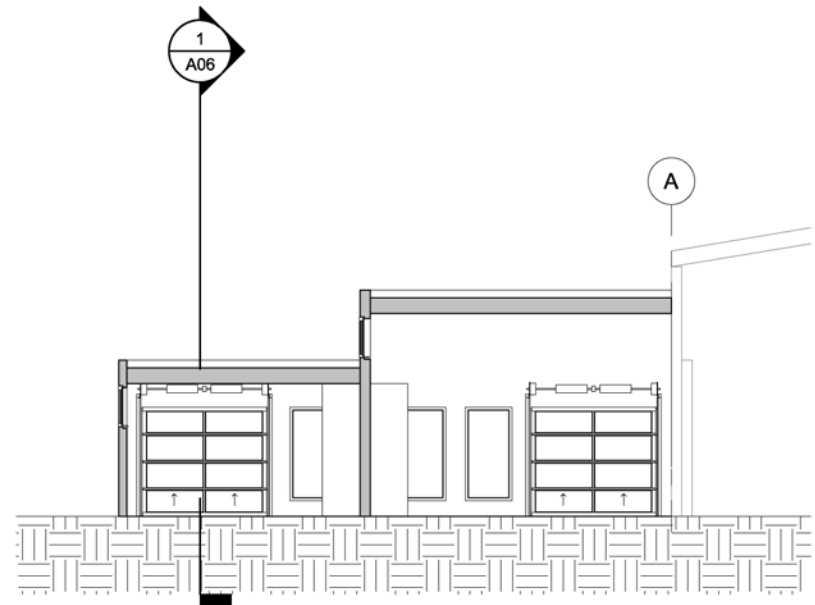
1150 S Ivy Street
Canby, Oregon
12/30/21 | JOB # 20132

EVENT SPACE - OPTION 02





SECTION A



SECTION B

CANBY SWIM CENTER

EVENT SPACE - OPTION 2 SECTIONS

1150 S Ivy Street
Canby, Oregon
12/30/21 | JOB # 20132



1/8" = 1'-0"

S|E A
SCOTT|EDWARDS ARCHITECTURE

EMPLOYMENT AGREEMENT

THIS AGREEMENT ("Agreement") is entered between the City of Canby, an Oregon municipal corporation ("City") and Eileen Stein ("Employee") to establish Employee's terms and conditions of employment as City Administrator of City.

WHEREAS, the City Council has determined that it is in the public interest to appoint Employee to serve the City and community in this role, and that Employee is uniquely qualified and prepared based on her career service in local government administration, and

WHEREAS, Employee is willing to serve City in the capacity of City Administrator,

NOW, THEREFORE, in consideration of the mutual covenants herein, the parties mutually agree as follows.

TERMS OF AGREEMENT:

SECTION 1. EMPLOYMENT, DUTIES, AUTHORITY, AND CODE OF ETHICS

A. City agrees to employ Employee as City Administrator. Employee agrees to serve as City Administrator and to be responsible for all administrative actions of the City exercising the authority given to her by state law, the City Charter and Municipal Code, and as otherwise delegated by the City Council to the City Administrator. The authority of Employee, shall be those set out by the Canby City Charter as described below.

B. Powers and Duties of the City Administrator:

(1) Devote full time to the discharge of official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City.

(2) See that all Ordinances are enforced and that the provisions of all franchises leases, contracts, permits and privileges granted by the City are observed.

(3) Hire or remove all City employees and have general supervision and control over them and their work, with power to transfer an employee from one department to another. The Administrator shall supervise the departments to the end of obtaining the utmost efficiency in each of them. She shall have the power to suspend an appointed City Officer pending review and final action of the Council.

(4) Act as purchasing agent for all departments of the City.

(5) Be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as that body requests.

(6) Supervise the operation of all public utilities owned and operated by the City excepting the electric utility department for which the Canby Utility Board has exclusive jurisdiction, control and management as provided in the following Chapter X. The City Administrator shall have general supervision over all City property.

(7) Perform such other duties as may be prescribed from time to time by the Council.

C. Code of Ethics. In carrying out these powers and duties, Employee agrees to follow the ethics laws and rules of the State of Oregon, the Code of Ethics of the International City/County Management Association (ICMA), and the Code of Ethics for City Employees.

SECTION 2. TERM

The term of this Agreement shall be effective November 15, 2023, and shall commence until separation in conformance with those provisions as specified in Section 13.

SECTION 3. BASE SALARY

A. City agrees to pay Employee for services rendered as City Administrator an annual base salary of \$176,000, payable at the same intervals and on the same dates as other City of Canby non-represented, exempt management employees are paid. City may deduct from pay such amounts as are required or permitted by law to be deducted from pay.

B. At its discretion, the City Council may review and adjust salary and benefits at any time.

SECTION 4. HEALTH INSURANCE AND RETIREMENT CONTRIBUTIONS

A. City agrees to provide coverage and to make required premium payments for Employee for comprehensive medical and dental insurance, long-term disability insurance, and life insurance on the same basis as provided to other City of Canby non-represented, exempt management employees.

B. City agrees to contribute into the Public Employee's Retirement System, on Employee's behalf, an amount equal to that same percentage of salary as provided to other City of Canby non-represented, exempt management employees.

C. City will provide Employee with deferred compensation at a rate of 5%. Employee is responsible for establishing a 457(b) account with one of the City's approved and participating vendors. Employee may elect to contribute up to the annual limit and catch-up provision set by the IRS.

SECTION 5. VACATION, SICK LEAVE, OTHER LEAVE AND HOLIDAYS

A. Employee shall be credited with a lump sum of forty (40) hours of vacation upon the effective date of this agreement and shall accrue vacation at the same rate as provided to other City of Canby non-represented, exempt management employees.

B. Employee shall be entitled to earn and accrue sick leave benefits on the same terms as other City of Canby non-represented, exempt management employees. Upon retirement under the City's retirement plan, Employee shall be compensated for fifty percent (50%) of the accumulated but unused sick leave. The number of hours of sick leave for which compensation is provided shall not exceed 500 hours. This provision does not apply if the City terminates employment with Employee or Employee resigns.

C. The City will allow Employee to take protected leave (FMLA, OFLA, PLO) in accordance with State and Federal law. Employee shall utilize all accrued paid leave in excess of sixty (60) hours prior to taking unpaid leave. The order of leave for a qualifying FMLA/OFLA absence is: (1) accrued sick leave until exhausted, (2) accrued vacation leave until exhausted, and (3) unpaid leave.

D. City agrees to provide Employee with the same holidays and paid leave benefits as provided to other City of Canby non-represented, exempt management employees.

E. City will provide Workers Compensation insurance in accordance with the same terms as provided to other City of Canby non-represented, exempt management employees.

SECTION 6. HRA/VEBA

City agrees to provide Employee with the same HRA/VEBA benefits as provided to other City of Canby non-represented, exempt management employees.

SECTION 7. DUES AND SUBSCRIPTIONS. PROESSIONAL DEVELOPMENT, LOCAL CIVIC CLUBS, OUTSIDE ACTIVITIES AND GENERAL EXPENSES

A. City agrees to pay for the professional dues and subscriptions necessary for the Employee's membership in national, regional, state, and local associations and organizations necessary for Employee's continued professional development.

B. City encourages the professional growth and development of Employee and acknowledges that participation in professional conventions, short courses, seminars, and conferences can contribute to professional growth and development. City shall permit a reasonable amount of time for Employee to attend.

C. Employer acknowledges the value of having Employee participate and be directly involved in local civic clubs or organizations. Accordingly, Employer will pay for two (2) membership fees and/or dues to enable Employee to become an active member in local service or civic clubs.

D. It is recognized that Employee shall devote her full time and attention to employment referred to herein. Subject to the approval of the City Council, Employee may spend a reasonable amount of time teaching or consulting outside of the city organization. Employee agrees that any outside employment, business, or civic activities shall be performed without the use of any City resources and shall not interfere or conflict with Employee's duties and employment with City. Employee further agrees that any outside business or civic activity shall be consistent with the requirements of Oregon's government ethics laws, the City Charter and Code, and City and departmental Administrative Policies and Procedures.

E. Other job-related expenses incurred by Employee on behalf of the City not described in this Section may be reimbursed; however, expense reimbursements shall be limited to those funds designated within City's approved annual budget and which meet the City's employment policies and procedures.

SECTION 8. VEHICLE/CELL PHONE/PUBLIC RECORDS

A. Employee shall have the use of an automobile provided by City to be used for City-related business only, at City's expense. The City of Canby refers to GSA rules and rates for business travel.

B. Due to the nature of this position, Employee is required to maintain use of a cell phone, laptop or tablet computer, City email account, remote VPN access to the City's computer services and access to databases and City financial systems for business purposes.

C. Employee further agrees to maintain public records and cooperate with City in producing such records in the event of an applicable public records request of whether this Agreement is in effect or has terminated for any reason.

SECTION 10. HOURS OF WORK

A. Employee agrees to be available during normal work hours and may set her own schedule as needed to fully discharge her duties under this Agreement. Employee shall keep the Administration office staff aware of her office schedule.

B. Employee shall provide reasonable written notice to the City Council when Employee anticipates an absence from the City for three or more business days.

C. Employee will generally perform work in the office but may occasionally work from home. At all times Employee is working from home, Employee will be available and accessible to take calls and respond to work assignments.

SECTION 11. COUNCIL GOALS

The City Council and Employee shall define such mutual City goals and Employee performance objectives which they determine necessary for the proper operation of the City and attainment of the City Council's policy objectives. The parties shall further establish a relative priority among those goals and objectives. The goals and objectives will be reduced to writing by the Employee upon approval by the City Council. Employee will provide a quarterly report on progress toward addressing the goals and objectives as requested by City Council. The City Council and Employee shall meet at least once per year to define and modify the goals and objectives.

SECTION 12. PERFORMANCE EVALUATION

A. The City Council shall conduct a performance evaluation after six (6) months and at one (1) year of employment which may include a facilitator knowledgeable in local government administration, at Employee's request. Thereafter, performance evaluations shall be conducted annually, with or without a facilitator. The cost of the facilitator will be paid by the City.

B. The parties agree that the performance evaluation process defined herein is designed to ensure that the parties regularly communicate effectively on matters which relate to the conduct of City business. It is understood by the parties that any determination by the City Council that the Employee has met or exceeded expectations does not bar, in any way, the City's right not to renew this Agreement or to terminate pursuant to Section 13.

SECTION 13. SEPARATION FROM EMPLOYMENT

A. Resignation. Employee may terminate this Agreement at any time by providing a minimum of 30 day's written notice of Employee's voluntary resignation.

B. Termination Without Cause. It is understood that Employee works at-will and that this Agreement may be terminated by the City at any time without cause. City or Employee may terminate this Agreement for any reason by providing to the other at least thirty (30) days' written notice of the intent to terminate.

C. Termination for Cause. City may terminate this Agreement immediately if:

(1) Employee fails or refuses to comply with the written policies, standards, and regulations of the City that are now in existence or that may, from time to time be established;

(2) The City has reasonable cause to believe Employee has committed fraud, misappropriated City funds, goods or services to either her own or some other private third party's benefit and/or other act(s) or misconduct which the City Council believes is/are detrimental to the City and/or its interests;

(3) Employee is unable to perform her job functions; or

(4) Employee is not bondable at normal rates.

However, before any final decision is made to terminate employment under this subsection, Employee shall be given prior written notice of the allegations against her and an opportunity to respond in person or in writing to such allegations. Termination Compensation as referenced under Section 13.D. will not be paid if Employee is terminated under this subsection.

D. Termination Compensation. In the event of termination of Manager's employment by the City pursuant to Section 13.B. Employee shall receive six (6) months' salary and COBRA continuation coverage as severance compensation, provided Employee signs a full and final release of all claims, known or unknown, arising out of her employment or termination from employment, as a condition precedent to

receiving severance compensation. Severance shall be paid in one lump sum within three (3) business days of the effective date of separation and receipt of signed Release of all claims.

E. Accrued Vacation and Administrative Time-Off Upon Termination. Termination or resignation in good standing as provided in Subsection 13 A. and B. shall entitle Employee to a lump sum payment equivalent to all accrued vacation and administrative time-off benefits.

SECTION 14. INDEMNITY

City agrees to defend, hold harmless, and indemnify Employee from all demands, claims, suits, actions, and legal proceedings brought against Employee in Employee's individual capacity, or in her official capacity as agent and employee of the City, as to any actions of Employee within the scope of her employment.

SECTION 15. WAIVER OF BREACH

Waiver by the City or Employee of any breach of any provision of this Agreement shall not operate nor be construed as a waiver of any subsequent breach or a waiver of this provision.

SECTION 16. BONDING

City shall bear the cost of any fidelity or other bonds required of Employee as required by the City Charter, or by any law or ordinance.

SECTION 17. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

A. The parties may, from time-to-time, agree to modify the terms of this Agreement, provided that the amendment is reduced to writing, and signed by both parties.

B. All provisions of the City Charter and Municipal Code, and regulations and rules of the City relating to holidays, and other fringe benefits and working conditions, as they now exist or hereafter may be amended, also shall apply to Employee as they would to other City of Canby non-represented, exempt management employees, in addition to the benefits provided in this Agreement. In the event of a discrepancy between the City's generally applicable standards or policies and a provision of this Agreement, this Agreement shall control.

C. City agrees to provide up to \$2,000 to help defray the cost of relocation and temporary housing. Employee agrees to repay any paid relocation and housing expenses on a prorated basis, based upon the time of employment, if this Agreement is terminated pursuant to Section 13.C.

SECTION 18. SEVERABILITY

If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable, it shall be severed from this Agreement. The remainder of this Agreement shall not be affected and shall remain in full force and effect.

SECTION 19. NOTICES

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, by certified mail, postage prepaid, addressed as follows:

City: City Council
City of Canby
222 NE 2nd Avenue
Canby, Oregon 97013

Employee: Eileen Stein
3838 McKenzie Pass Way NE, #104
Salem, Oregon 97305

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service. City and Employee may modify the addresses for such notices provided such modification is given in writing under the provisions of this section.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement voluntarily and upon proper authority, in duplicate, on this _____ day of _____, 2023.

CITY OF CANBY

EMPLOYEE

Brian Hodson
Mayor

Eileen Stein
City Administrator

Date: _____

Date: _____

APPROVED AS TO FORM

City Attorney

Date: _____



PROCLAMATION

Kiwanis Canby Community Food & Toy Drive

WHEREAS, the Kiwanis Canby Community Food & Toy Drive originated for the purpose of providing food gift cards and toys for less fortunate families in our community;

WHEREAS, by way of this Proclamation, the City of Canby recognizes that greater public awareness and involvement is needed in order for such programs to achieve their highest potential in providing and promoting joy to each household in this community;

WHEREAS, Canby community members have undertaken the project of collecting and distributing toys and food gift cards to these needy families during the month of December; and

WHEREAS, donations of new, unwrapped toys can be left at various locations around Canby, and financial donations are needed to purchase gift cards.

NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim December 10th through December 16th as:

KIWANIS CANBY COMMUNITY FOOD & TOY DRIVE WEEK

and urge all people of the City of Canby to observe this time by participating in this donation and toy drive, helping to provide assurance that each family may have a twinkle in their eye this holiday season.

Given unto my hand this 6th day of December 2023.

Brian Hodson
Mayor



CITY COUNCIL STAFF REPORT

Meeting Date: 12/6/2023

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Maya Benham, Administrative Director/ City Recorder
Agenda Item: Noise Variance Request from ODOT for night work along 99E between Berg Pkwy and Pine St. from December 2023 through November 2024.

Summary

A request has been received from ODOT for night work along 99E between Berg Pkwy and Pine St. from December 2023 through November 2024. Previous Noise Variances have been granted for similar construction projects for ODOT in the past.

Discussion

Per [Canby Municipal Code Section 9.48.050B](#), at least 10 days prior to the public hearing a notice was mailed to property owners within 200 feet of the location of the variance, published in the Canby Herald, and posted in various locations around the City. Section 9.48.050B allows the Council to approve a variance after certain criteria which would apply to the facts of the requested variance are considered by the Council. In granting a variance, the Council shall consider:

- a. The protection of health, safety and welfare of citizens as well as the feasibility and cost of noise abatement;
- b. The surrounding type of existing land uses;
- c. The acoustical nature of the sound emitted; and
- d. Whether variance from the provision would produce a benefit to the public.

If, after review of the evidence submitted by the applicant and hearing any testimony from the public, the Council chooses to allow the variance as requested, a motion to grant the variance would be appropriate.

Attachments

Noise Variance Application
Public Hearing Notice
List of addresses

Fiscal Impact

None

Options

1. Approve the Noise Variance Application.
2. Deny the request.

Recommendation

Staff recommends Council approve the Noise Variance Application.

Proposed Motion

"I move to grant a Noise Variance to ODOT for night work along 99E between Berg Pkwy and Pine St. from December 2023 through November 2024."



CITY OF CANBY
NOISE VARIANCE
APPLICATION
\$75.00

Receipt No: _____
Date Paid: _____
Amount Paid: _____

Attn: City Recorder - PO Box 930 -222 NE 2nd Avenue - Canby, OR 97013 - 503.266.0733

Applicant Name Oregon Department of Transportation
Address 123 NW Flanders Ave
City Portland State OR Zip 97124 Phone 503.731.4996
Address of Noise Variance Request OR99E: MP 20.35 - SW Berg Pkwy; See Attachment 1
Name of Property/Business Owner of Variance Request Robert DeVassie, Project Manager
Type of Event Highway construction: pavement reconstruction
Date(s) of Event _____ Time of Event _____ Requested Hours of Variance See comments
Date(s) of Event _____ Time of Event _____ Requested Hours of Variance _____
Date(s) of Event _____ Time of Event _____ Requested Hours of Variance _____
Acoustical Nature of Sound to be Emitted Road construction equipment
Will you be continually present at this activity ____ Yes ☒ No If No is marked, who is to be the contact
should the need arise? ODOT will provide a 24 hour hotline and mailer to property owners, See Attachment 1 for site maps and mitigation.
Additional Comments ODOT is requesting 24 weeks of night work from 11/15/2023 to 10/31/2024

A list of property owners and their addresses within 200' of the location of the noise variance must be submitted with this application. Canby Municipal Code Chapter 9.48 requires that any person who owns, controls or operates any source which violates provisions of that chapter apply to the City Council for a noise variance.

By signing below, I acknowledge that I have read the attached Canby Municipal Code Chapter 9.48 and understand that violations of this chapter are subject to a fine of \$500. Signature of Police Chief or Designee must be obtained prior to submitting Application for Council Approval.

Robert DeVassie Digitally signed by Robert DeVassie
Date: 2023.11.01 11:49:47 -07'00'

Signature of Applicant

Date

Police Chief or Designee

Date

Mayor

Date

Attachment 1

City of Canby Noise Variance

K18775: OR99E, MP 20.35 to SW Berg Pkwy Pavement Reconstruction

Mitigation Measures

- All equipment used shall have sound control devices no less effective than those provided on the original equipment. No equipment shall have an unmuffled exhaust.
- All equipment shall comply with pertinent equipment noise standards of the U.S. Environmental Protection Agency.
- The contractor may install temporary or portable barriers around stationary construction noise sources should a specific noise impact complaint occur.
- Idling equipment will be turned off when not in use.

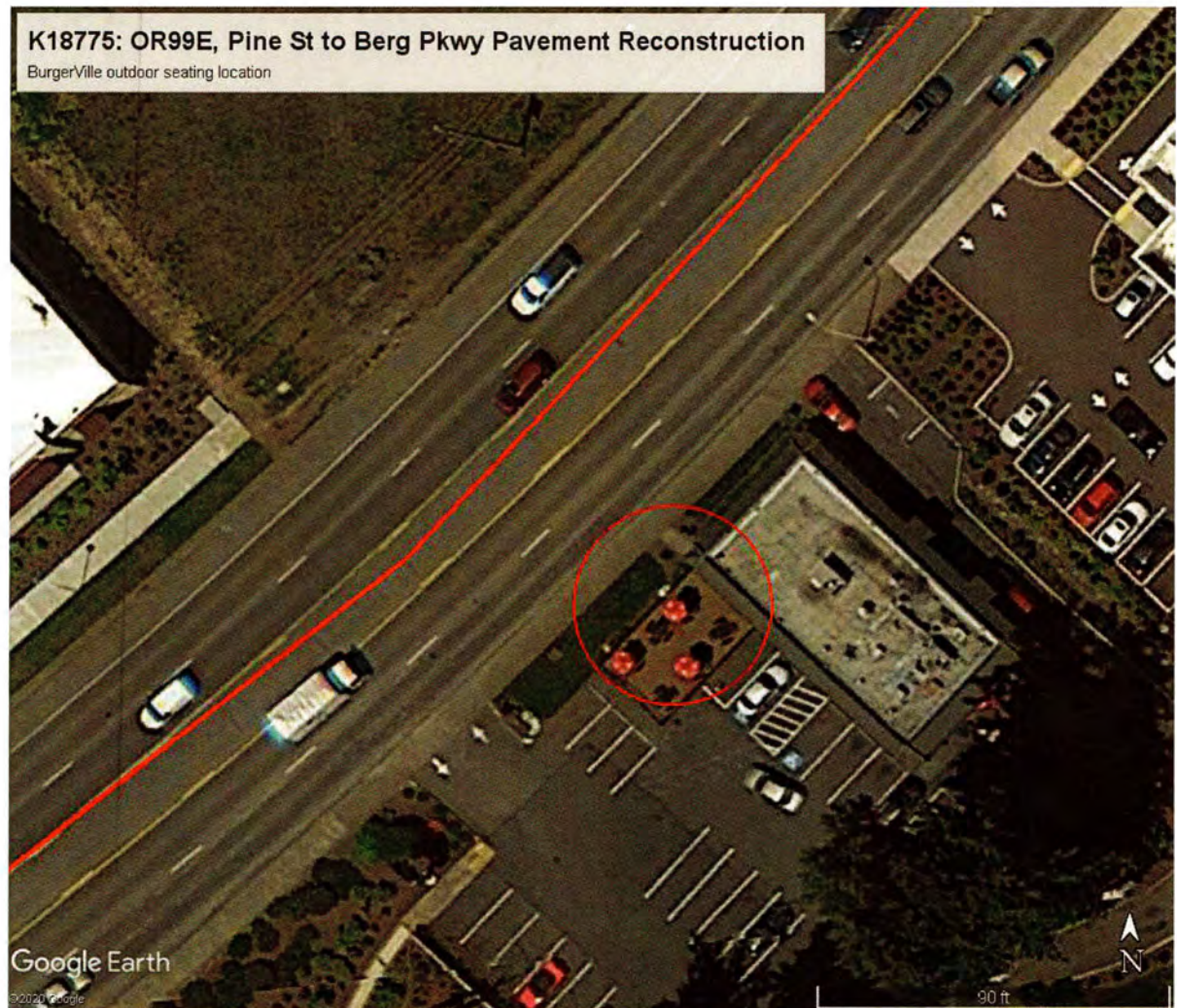
Construction Area – OR99E

SOW – Roadway shows signs of fatigue cracking, raveling, and potholes. Reconstruction required on B lane, repavement on the rest of the pavement. Missing and non-compliant ADA sidewalks will be brought up to standard.



Receptor 1 – Outdoor seating at BurgerVille

Noise impacts – The outdoor seating area appears to be 25 feet away. At a distance of 25 feet, the maximum sound level from any given piece of equipment (L_{max}) would be approximately 96 dBA and the L_{eq} would be approximately 93 dBA. Noise sources will be mostly mobile during repavement and may be performed at night.



Receptor 2 – Motel 6

Noise impacts – The outer wall of the Motel 6 appears to be 25 feet away.

There are no outdoor facilities at this motel. At a distance of 25 feet, the maximum sound level from any given piece of equipment (L_{max}) would be approximately 96 dBA and the L_{eq} would be approximately 93 dBA. Noise sources will be mostly mobile during repavement and may be performed at night.



Receptor 3 – Resident housing

Noise impacts – The nearest residence appears to be 110 feet away. At a distance of 110 feet, the maximum sound level from any given piece of equipment (L_{max}) would be approximately 83 dBA and the L_{eq} would be approximately 80 dBA. Noise sources will be mostly mobile during repavement and may be performed at night.



OR 99E Canby Paving and Improvements

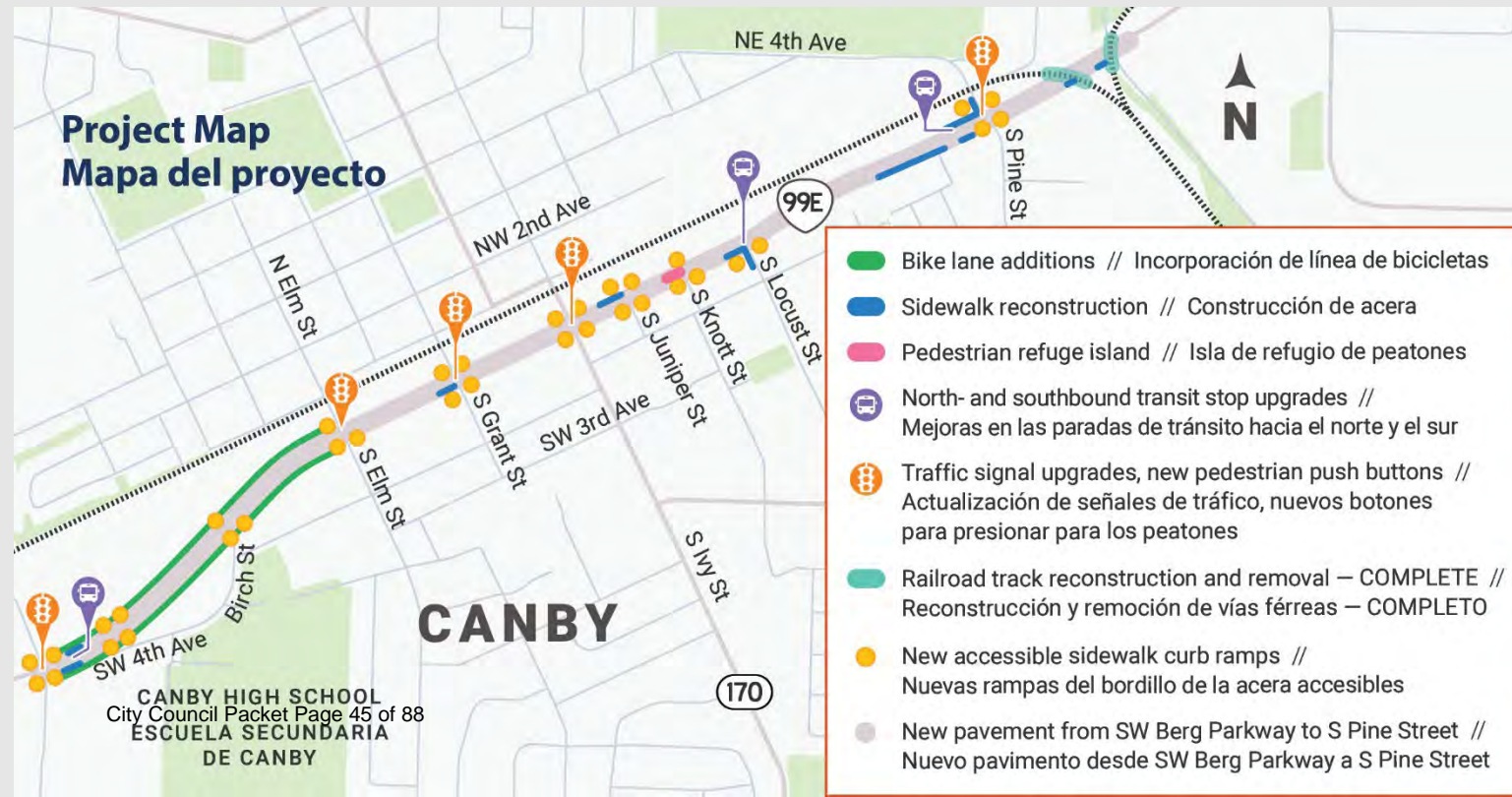
Canby City Council Meeting

Dec. 6, 2023

ODOT will repave and reconstruct sections of Oregon 99E between the railroad crossings and Southwest Berg Parkway in Canby plus safety improvements.

Additional improvements include:

- Improved traffic signals with new detectors at several locations to increase safety for everyone.
- Reconstruct several short sections of sidewalk along the corridor.



Improvements (continued)

- **Update striping** along the highway for consistent lane width to encourage slower, safer speeds.
- **New bicycle lanes** on both sides of the highway between Southwest Berg Parkway and South Elm Street.
- Install 70 **sidewalk curb ramps** at all intersections to meet Americans with Disabilities Act (ADA) standards and improve access for everyone.



Example sidewalk curb ramps

Improvements (continued)

- **Removed the unused railroad tracks and realign the tracks still in use** that cross OR 99E diagonally near South Pine Street to eliminate a hazard for crossing the tracks (complete summer 2023).
- **Partner with Canby Area Transit on improvements** to increase safety and access for transit users as six bus shelters are added in the area.
- **Replace cracked underground stormwater pipe** (new).

Visit bit.ly/canbypaving for more information

Schedule: work has resumed

Fall 2023 to spring 2025:

- Stormwater pipe replacement (happening now).
- Construct ADA ramps, sidewalk and pedestrian refuge island.
- Upgrade traffic signals.

Summer 2024:

- Paving.

Construction impacts

- Around-the-clock single lane closures in one or both directions.
- Periodic flagging.
- Temporary pedestrian access paths or accessible detour routes provided.
- Business access open during business hours.

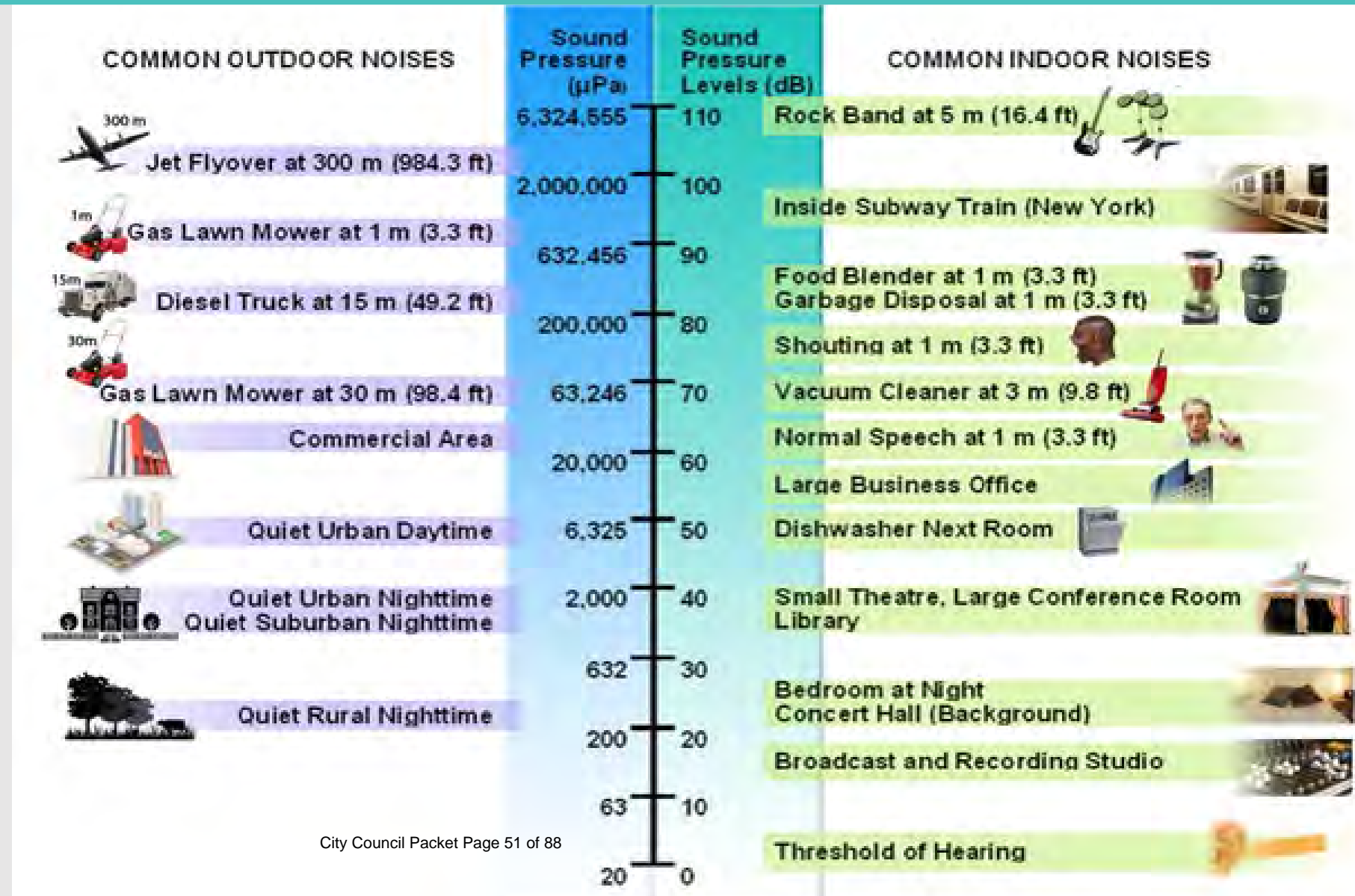
Noise

- ODOT is requesting up to 24 weeks of night work throughout the project area.
 - Between December 2023 and November 2024.
- Equipment list: Pavement miller/grinder, Dump Truck, Paver, Generator, Concrete Pump Truck, Vacuum Street Sweeper, Roller, Jackhammer.

Distance	L _{max}	L _{eq}
50 feet	90 dBA	87 dBA
100 feet	84 dBA	81 dBA
150 feet	80 dBA	77 dBA
200 feet	78 dBA	75 dBA



Noise (continued)



*FHWA. "Techniques for Reviewing Noise Analyses and Associated Noise Reports", Aug 7, 2018

- September 2020: survey to over 4,000 households asking for feedback on safety. We used the feedback to design the project.
- Mailed notices of this hearing to households within 200 feet.
- Bilingual construction notices including a 24/7 nighttime noise hotline.
- Social media.
- Sign up for our email updates (contact us or sign up online) and use [TripCheck.com](https://www.TripCheck.com) for real-time traffic impact information.

City Council Packet Page 52 of 88

Thank you!

Contacts:

ODOT Area Manager, East

Paul Scarlett

paul.scarlett@odot.oregon.gov

503-509-7868

Public contact:

Katelyn Jackson, ODOT Community Affairs Coordinator

503-731-8503

Katelyn.Jackson@odot.Oregon.gov

Visit bit.ly/canbypaving for more information and updates.





NOTICE OF PUBLIC HEARING NOISE VARIANCE

**Date and Time Requested for
Variances:**

December 2023 – November 2024

**Address of Variance:
Name of Applicant:**

Hwy 99E between Berg Pkwy and Pine St.
ODOT

A public hearing conducted by the Canby City Council will be held on Wednesday, December 6, 2023 at 7:00 p.m. in the City Council Chambers located at 222 NE 2nd Avenue, Canby, Oregon. The purpose of this hearing is to consider the granting of a Noise Variance to ODOT for night reconstruction and paving work for that section of highway that lies within the city limits of Canby from S. Berg Pkwy to SE Pine St.

Dated this 27th day of November 2023.

Maya Benham
Administrative Director/City Recorder

OCCUPANT	680 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	980 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1020 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1080 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1055 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1061 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1075 SW 1ST AVE STE A	CANBY	OR	97013
OCCUPANT	1075 SW 1ST AVE STE B	CANBY	OR	97013
OCCUPANT	1075 SW 1ST AVE STE C	CANBY	OR	97013
OCCUPANT	1075 SW 1ST AVE STE D	CANBY	OR	97013
OCCUPANT	1001 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1007 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1011 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1013 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1015 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1017 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1019 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1021 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1023 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1025 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	1051 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	925 SW 4TH AVE	CANBY	OR	97013
OCCUPANT	921 SW 4TH AVE	CANBY	OR	97013
OCCUPANT	919 SW 4TH AVE	CANBY	OR	97013
OCCUPANT	917 SW 4TH AVE	CANBY	OR	97013
OCCUPANT	851 SW 1ST AVE STE 101	CANBY	OR	97013
OCCUPANT	851 SW 1ST AVE STE 103	CANBY	OR	97013
OCCUPANT	825 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	659 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	597 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	111 S ELM ST	CANBY	OR	97013
OCCUPANT	463 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	489 SW 1ST AVE	CANBY	OR	97013
RESIDENT	451 SW 1ST AVE	CANBY	OR	97013
RESIDENT	455 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	433 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	431 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	403 SW 1ST AVE	CANBY	OR	97013
RESIDENT	399 SW 1ST AVE APT 1	CANBY	OR	97013
RESIDENT	399 SW 1ST AVE APT 2	CANBY	OR	97013
RESIDENT	399 SW 1ST AVE APT 3	CANBY	OR	97013
RESIDENT	399 SW 1ST AVE APT 4	CANBY	OR	97013
RESIDENT	399 SW 1ST AVE APT A	CANBY	OR	97013
RESIDENT	399 SW 1ST AVE APT B	CANBY	OR	97013

RESIDENT	399 SW 1ST AVE APT C	CANBY	OR	97013
RESIDENT	399 SW 1ST AVE APT D	CANBY	OR	97013
RESIDENT	401 SW 1ST AVE	CANBY	OR	97013
RESIDENT	395 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	385 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	383 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	381 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	333 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	305 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	293 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	259 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	255 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	207 SW 1ST AVE STE 102	CANBY	OR	97013
OCCUPANT	207 SW 1ST AVE STE 104	CANBY	OR	97013
OCCUPANT	207 SW 1ST AVE STE 105	CANBY	OR	97013
OCCUPANT	207 SW 1ST AVE STE 106	CANBY	OR	97013
OCCUPANT	207 SW 1ST AVE STE 107	CANBY	OR	97013
OCCUPANT	145 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	103 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	181 S IVY ST	CANBY	OR	97013
OCCUPANT	158 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	250 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	318 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	400 SW 1ST AVE	CANBY	OR	97013
OCCUPANT	109 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	205 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	309 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	319 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	325 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	453 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	593 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	691 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	695 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	703 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	715 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	717 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	721 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	725 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	733 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	891 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	334 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	264 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	262 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	164 SE 1ST AVE	CANBY	OR	97013

OCCUPANT	118 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	615 SE 1ST AVE	CANBY	OR	97013
RESIDENT	600 SE 2ND AVE	CANBY	OR	97013
RESIDENT	580 SE 2ND AVE	CANBY	OR	97013
RESIDENT	560 SE 2ND AVE	CANBY	OR	97013
RESIDENT	540 SE 2ND AVE	CANBY	OR	97013
RESIDENT	520 SE 2ND AVE	CANBY	OR	97013
RESIDENT	500 SE 2ND AVE	CANBY	OR	97013
RESIDENT	480 SE 2ND AVE	CANBY	OR	97013
RESIDENT	460 SE 2ND AVE	CANBY	OR	97013
RESIDENT	440 SE 2ND AVE	CANBY	OR	97013
RESIDENT	342 SE 2ND AVE	CANBY	OR	97013
RESIDENT	154 S KNOTT ST	CANBY	OR	97013
RESIDENT	138 S KNOTT ST	CANBY	OR	97013
RESIDENT	126 S KNOTT ST	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 1	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 2	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 7	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 8	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 9	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 10	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 15	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 16	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 3	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 4	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 6	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 11	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 12	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 13	CANBY	OR	97013
RESIDENT	290 SE 2ND AVE APT 14	CANBY	OR	97013
OCCUPANT	203 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	190 SE 2ND AVE	CANBY	OR	97013
RESIDENT	164 S LOCUST ST	CANBY	OR	97013
RESIDENT	162 S LOCUST ST	CANBY	OR	97013
RESIDENT	160 S LOCUST ST	CANBY	OR	97013
OCCUPANT	1369 SE 1ST AVE	CANBY	OR	97013
OCCUPANT	1385 SE 1ST AVE STE 101	CANBY	OR	97013
OCCUPANT	1385 SE 1ST AVE STE 103	CANBY	OR	97013
OCCUPANT	1385 SE 1ST AVE STE 104	CANBY	OR	97013
OCCUPANT	1433 SE 1ST AVE STE 101	CANBY	OR	97013
OCCUPANT	1385 SE 1ST AVE STE 102	CANBY	OR	97013
OCCUPANT	1433 SE 1ST AVE STE 103	CANBY	OR	97013
OCCUPANT	1433 SE 1ST AVE STE 104	CANBY	OR	97013
OCCUPANT	1463 SE 1ST AVE	CANBY	OR	97013

OCCUPANT	1455 SE 1ST AVE	CANBY OR	97013
OCCUPANT	1477 SE 1ST AVE STE 101	CANBY OR	97013
OCCUPANT	1477 SE 1ST AVE STE 103	CANBY OR	97013
OCCUPANT	1477 SE 1ST AVE STE 106	CANBY OR	97013
OCCUPANT	1477 SE 1ST AVE STE 107	CANBY OR	97013
OCCUPANT	1477 SE 1ST AVE STE 108	CANBY OR	97013
OCCUPANT	1477 SE 1ST AVE STE 109	CANBY OR	97013
OCCUPANT	1477 SE 1ST AVE STE 110	CANBY OR	97013
OCCUPANT	1477 SE 1ST AVE STE 111	CANBY OR	97013
OCCUPANT	1477 SE 1ST AVE STE 113	CANBY OR	97013
OCCUPANT	1175 SE 1ST AVE	CANBY OR	97013
OCCUPANT	1109 SW 1ST AVE STE A	CANBY OR	97013
OCCUPANT	1109 SW 1ST AVE STE C	CANBY OR	97013
OCCUPANT	1109 SW 1ST AVE STE D	CANBY OR	97013
OCCUPANT	1109 SW 1ST AVE STE E	CANBY OR	97013
OCCUPANT	1109 SW 1ST AVE STE F	CANBY OR	97013
OCCUPANT	1120 SW 1ST AVE	CANBY OR	97013
OCCUPANT	1110 SW 1ST AVE	CANBY OR	97013
City of Canby Attn Maya Ben	PO Box 930	CANBY OR	97013
OCCUPANT	18023 SE Mill Street	Portland OR	97233



CITY COUNCIL STAFF REPORT

Meeting Date: 12/6/2023

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Maya Benham, Administrative Director/ City Recorder
Agenda Item: Noise Variance Request from Canby Pioneer Chapel of the Performing Arts located at 508 NW 3rd Avenue. The variance is for a New Year's Eve event that will play amplified music from Sunday December 31st from 8:00pm through Sunday January 1st at 12:30am.

Summary

A request has been received from Canby Pioneer Chapel of the Performing Arts to play amplified music from Sunday December 31st from 8:00pm through Sunday January 1st at 12:30am for a New Year's Eve event. Previous Noise Variances have been granted for similar events to this business.

Discussion

Per [Canby Municipal Code Section 9.48.050B](#), at least 10 days prior to the public hearing a notice was mailed to property owners within 200 feet of the location of the variance, published in the Canby Herald, and posted in various locations around the City. Section 9.48.050B allows the Council to approve a variance after certain criteria which would apply to the facts of the requested variance are considered by the Council. In granting a variance, the Council shall consider:

- a. The protection of health, safety and welfare of citizens as well as the feasibility and cost of noise abatement;
- b. The surrounding type of existing land uses;
- c. The acoustical nature of the sound emitted; and
- d. Whether variance from the provision would produce a benefit to the public.

If, after review of the evidence submitted by the applicant and hearing any testimony from the public, the Council chooses to allow the variance as requested, a motion to grant the variance would be appropriate.

Attachments

Noise Variance Application
Public Hearing Notice
List of addresses

Fiscal Impact

None

Options

1. Approve the Noise Variance Application.
2. Deny the request.

Recommendation

Staff recommends Council approve the Noise Variance Application.

Proposed Motion

"I move to grant a Noise Variance to The Canby Pioneer Chapel of the Performing Arts to allow for amplified music on Saturday, December 31st starting at 8:00pm and going through Sunday January 1st at 12:30am."

From: Canby OR <canby-or@municodeweb.com>
Sent: Wednesday, November 1, 2023 10:20 PM
To: Maya Benham <BenhamM@canbyoregon.gov>
Subject: Form submission from: Noise Variance Request

Submitted on Wednesday, November 1, 2023 - 10:20pm

Submitted by anonymous user: 69.5.99.209

Submitted values are:

Applicant Information

Name Trent Beaver

Address 18490 S Munsion Rd

Molalla OR,

Phone 9712826001

Event Information

Address of Noise Variance Request 508 NW 3rd Ave

Canby OR, 97013

Name of Property/Business Owner Variance Request Canby Pioneer Chapel of performing arts

Type of Event Concert / New Years Celebration

Acoustical Nature of Sound to be Emitted Amplified music

Will you be continually present at this event? Yes

Additional Comments/Information

Date(s)/Time(s) of Event & Requested Hours of Variance Dec 31st 8pm till Jan 1st 12:30 am

Adjacent Property Owner List N/A I am not the owner of this property and I don't know the neighbors

Upload a Document

Today's Date & Time 11/01/2023 - 10:14pm

Signature Trent Beaver

Acknowledgement I Accept

The results of this submission may be viewed at:

<https://www.canbyoregon.gov/node/22164/submission/2505>

Christopher "CJ" Lason (he/him/his)

Deputy City Recorder

City of Canby

222 NE 2nd Avenue | PO Box 930

Canby, OR 97013

Office: 503.266.0637

lasonc@canbyoregon.gov

CITY OF CANBY NOTICE OF PUBLIC HEARING - NOISE VARIANCE

Date and Time Requested for Variance: Sunday, December 31, 2023 to January 1, 2024 from 8:00pm – 12:30am.

Address of Variance: 508 NW 3rd Ave, Canby, Oregon 97013
Name of Business: Canby Pioneer Chapel of the Performing Arts
Applicant: Trent Beaver

A public hearing conducted by the Canby City Council will be held on Wednesday, December 6, 2023 at 7:00 PM. Register to speak by contacting the Deputy City Recorder at lasonc@canbyoregon.gov or 503-266-0637. You may also submit written comments by sending an email to lasonc@canbyoregon.gov. Register to attend via Zoom: https://us06web.zoom.us/webinar/register/WN_vznWFCAvQVKghrVXKr3TKA.

The purpose of this hearing is to consider the granting of a Noise Variance to Canby Pioneer Chapel of the Performing Arts.

The variance for Sunday, December 31, 2023 – Monday, January 1, 2024 is being requested to allow amplified music that will be played from 8:00pm to 12:30am.

Dated this 17th day of November, 2023.

Maya Benham
City Recorder

	Address	City State Zip
Occupant	649 NW 3RD AVE	CANBY, OR 97013
Occupant	637 NW 3RD AVE	CANBY, OR 97013
Occupant	642 NW 3RD AVE	CANBY, OR 97013
Occupant	305 N DOUGLAS ST	CANBY, OR 97013
Occupant	315 N DOUGLAS ST	CANBY, OR 97013
Occupant	363 N DOUGLAS ST	CANBY, OR 97013
Occupant	385 N DOUGLAS ST	CANBY, OR 97013
Occupant	580 NW 4TH AVE	CANBY, OR 97013
Occupant	486 N DOUGLAS ST	CANBY, OR 97013
Occupant	575 NW 5TH AVE	CANBY, OR 97013
Occupant	531 NW 5TH AVE	CANBY, OR 97013
Occupant	661 NW 4TH AVE	CANBY, OR 97013
Occupant	648 NW 4TH AVE	CANBY, OR 97013
Occupant	630 NW 4TH AVE	CANBY, OR 97013
Occupant	480 N DOUGLAS ST	CANBY, OR 97013
Occupant	442 NW 4TH AVE	CANBY, OR 97013
Occupant	614 NW 2ND AVE	CANBY, OR 97013
Occupant	213 N DOUGLAS ST	CANBY, OR 97013
Occupant	621 NW 3RD AVE	CANBY, OR 97013
Occupant	287 N DOUGLAS ST	CANBY, OR 97013
Occupant	552 NW 3RD AVE	CANBY, OR 97013
Occupant	310 N DOUGLAS ST	CANBY, OR 97013
Occupant	320 N DOUGLAS ST	CANBY, OR 97013
Occupant	370 N DOUGLAS ST	CANBY, OR 97013
Occupant	380 N DOUGLAS ST	CANBY, OR 97013
Occupant	561 NW 4TH AVE	CANBY, OR 97013
Occupant	565 NW 4TH AVE	CANBY, OR 97013
Occupant	563 NW 4TH AVE	CANBY, OR 97013
Occupant	550 NW 4TH AVE	CANBY, OR 97013
Occupant	540 NW 4TH AVE	CANBY, OR 97013
Occupant	489 N ELM ST	CANBY, OR 97013
Occupant	549 NW 2ND AVE	CANBY, OR 97013
Occupant	541 NW 2ND AVE	CANBY, OR 97013
Occupant	175 N ELM ST	CANBY, OR 97013
Occupant	499 NW 3RD AVE	CANBY, OR 97013
Occupant	475 NW 3RD AVE	CANBY, OR 97013
Occupant	466 NW 3RD AVE	CANBY, OR 97013
Occupant	455 NW 4TH AVE	CANBY, OR 97013
Occupant	415 NW 4TH AVE	CANBY, OR 97013
Occupant	436 NW 4TH AVE	CANBY, OR 97013
Occupant	424 NW 4TH AVE	CANBY, OR 97013
Occupant	408 NW 4TH AVE	CANBY, OR 97013
Occupant	425 N FIR ST	CANBY, OR 97013
Occupant	429 N FIR ST	CANBY, OR 97013
Occupant	654 NW 3RD AVE	CANBY, OR 97013
Occupant	647 NW 4TH AVE	CANBY, OR 97013

Occupant	641 NW 4TH AVE	CANBY, OR 97013
Occupant	659 NW 4TH AVE	CANBY, OR 97013
Occupant	653 NW 4TH AVE	CANBY, OR 97013
Occupant	610 NW 4TH AVE	CANBY, OR 97013
Occupant	442 NW 4TH AVE UNIT 101	CANBY, OR 97013
Occupant	442 NW 4TH AVE UNIT 102	CANBY, OR 97013
Occupant	442 NW 4TH AVE UNIT 103	CANBY, OR 97013
Occupant	486 NW 2ND AVE	CANBY, OR 97013
Occupant	490 NW 2ND AVE	CANBY, OR 97013
Occupant	443 NW 3RD AVE	CANBY, OR 97013
Occupant	428 NW 3RD AVE	CANBY, OR 97013
Occupant	412 NW 3RD AVE	CANBY, OR 97013
Occupant	589 NW 3RD AVE	CANBY, OR 97013
Occupant	554 NW 3RD AVE	CANBY, OR 97013
Occupant	550 NW 3RD AVE	CANBY, OR 97013
Occupant	411 N ELM ST	CANBY, OR 97013
Occupant	522 NW 2ND AVE	CANBY, OR 97013
Occupant	486 NW 3RD AVE	CANBY, OR 97013
Occupant	465 NW 4TH AVE	CANBY, OR 97013
Occupant	442 NW 4TH AVE	CANBY, OR 97013
Occupant	442 NW 4TH AVE UNIT 105	CANBY, OR 97013
Occupant	491 NW 2ND AVE	CANBY, OR 97013
Occupant	460 NW 2ND AVE	CANBY, OR 97013
Occupant	442 NW 2ND AVE	CANBY, OR 97013
Occupant	435 NW 3RD AVE	CANBY, OR 97013
Occupant	425 NW 3RD AVE	CANBY, OR 97013
Occupant	407 NW 3RD AVE	CANBY, OR 97013
Occupant	368 N FIR ST	CANBY, OR 97013
Occupant	406 NW 2ND AVE	CANBY, OR 97013
Occupant	190 N DOUGLAS ST	CANBY, OR 97013
Occupant	590 NW 2ND AVE	CANBY, OR 97013
Occupant	552 NW 2ND AVE	CANBY, OR 97013
Occupant	574 NW 2ND AVE	CANBY, OR 97013
Occupant	559 NW 3RD AVE	CANBY, OR 97013
Occupant	543 NW 3RD AVE	CANBY, OR 97013
Occupant	525 NW 3RD AVE	CANBY, OR 97013
Occupant	509 NW 3RD AVE	CANBY, OR 97013
Occupant	540 NW 3RD AVE	CANBY, OR 97013
Occupant	508 NW 3RD AVE	CANBY, OR 97013
Occupant	515 NW 4TH AVE	CANBY, OR 97013
Occupant	493 NW 4TH AVE	CANBY, OR 97013
Occupant	491 NW 4TH AVE	CANBY, OR 97013
Occupant	490 NW 4TH AVE	CANBY, OR 97013
Occupant	462 NW 4TH AVE	CANBY, OR 97013
Occupant	472 N ELM ST	CANBY, OR 97013
Occupant	465 NW 5TH AVE	CANBY, OR 97013
Occupant	455 NW 5TH AVE	CANBY, OR 97013

Occupant 453 NW 5TH AVE CANBY, OR 97013
Occupant 442 NW 4TH AVE UNIT 104 CANBY, OR 97013

**CANBY CITY COUNCIL/CANBY UTILITY BOARD
JOINT WORK SESSION MINUTES
October 18, 2023**

PRESIDING: Traci Hensley

COUNCIL PRESENT: James Davis, Jason Padden, and Daniel Stearns.

COUNCIL ABSENT: Mayor Brian Hodson, Herman Maldonado, and Christopher Bangs

CANBY UTILITY BOARD PRESENT:

STAFF PRESENT: Eileen Stein, Interim City Administrator; CJ Lason, Deputy City Recorder; Maya Benham, Administrative Director/City Recorder; David Doughman, City Attorney (remote); Carol Sullivan, General Manager Canby Utility; Jamie Stickel, Economic Development Director; Spencer Polack, Public Works; Jerry Nelzen, Public Works Director; Ryan Potter, Planning Manager; Don Hardy, Planning Director; Katy Joyner, Financial Analyst; Todd Wood, Fleet Director; and Heidi Muller, Transit Coordinator.

OTHERS PRESENT: Mike Greene, General Manager Veolia Water Technologies; and Brian Hutchins, Veolia Water Technologies.

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

CANBY UTILITY NEW WATER TREATMENT PLANT DISCUSSION: Carol Sullivan, Canby Utility General Manager, introduced Brian Ginter and Libby Bakke, consultants for Consor. They gave a presentation on Canby's water system, the history of Canby Utility's water supply development and planning for a reliable water future, water system recommendations, capital improvements, estimated costs, water supply alternative analysis, Willamette River water supply and treatment plant, key treatment steps to provide multi-barrier protection, project timeline and milestones, upfront research and communications strategy, building community support, mix of funding sources, and next steps. A new water source was needed in less than 10 years to meet the community's water needs. They recommended proceeding with developing the Willamette River source near the water right "point of diversion."

There was discussion regarding capacity of the river, new treatment plant vs. expansion of the current plant, population forecast, funding options, coordinating funding with other agencies, Charter provisions for debt, revenue bonds vs. general obligation bonds, timeline, groundwater resources, and property for the new plant.

ADJOURN: Council President Hensley adjourned the Work Session at 6:56pm.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
October 18, 2023**

PRESIDING: Traci Hensley

COUNCIL PRESENT: James Davis, Jason Padden, and Daniel Stearns.

COUNCIL ABSENT: Mayor Brian Hodson, Herman Maldonado, and Christopher Bangs

STAFF PRESENT: Eileen Stein, Interim City Administrator; David Doughman, City Attorney; CJ Lason, Deputy City Recorder; Maya Benham, Administrative Director/City Recorder; Jerry Nelzen, Public Works Director; Eric Laitinen, Aquatics Program Manager; and Todd Wood, Fleet Director.

CALL TO ORDER: Council President Hensley called the Council Meeting to order at 7:08pm.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None

CONSENT AGENDA: ****Councilor Davis moved to approve the consent agenda that included the minutes of the August 16, 2023 Work Session and Regular City Council Meeting, and the appointment of Stephanie Boyce to the Transit Advisory Committee for a term ending March 31, 2026. Motion was seconded by Councilor Padden and passed 4-0.**

ORDINANCES & RESOLUTIONS:

Ordinance 1612 – ****Councilor Padden moved to adopt Ordinance 1612, AN ORDINANCE AUTHORIZING THE INTERIM CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MSNW GROUP LLC IN THE AMOUNT OF \$144,960 PER YEAR FOR CUSTODIAL SERVICES FOR THE CITY OF CANBY. Motion was seconded by Councilor Davis and passed 4-0 by roll call vote.**

Ordinance 1613 – ****Councilor Davis moved to adopt Ordinance 1613, AN ORDINANCE AUTHORIZING THE INTERIM CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH JARRETT WALKER & ASSOCIATES IN THE AMOUNT OF \$199,809 TO PROVIDE AN UPDATE TO THE TRANSIT MASTER PLAN. Motion was seconded by Councilor Padden and passed 4-0 by roll call vote.**

Ordinance 1614 – Todd Wood, Fleet Director, said the Transit Department had rented facilities since 2016. Property was purchased in 2019 for new facilities and they had received three bids for the project. Waterleaf Architecture was the best bid received for the engineering, permitting, and architectural work to prepare for construction. There was already money in the budget for the project.

****Councilor Padden moved to approve Ordinance 1614, AN ORDINANCE AUTHORIZING THE INTERIM CITY ADMINISTRATOR TO EXECUTE A**

CONTRACT WITH WATERLEAF ARCHITECTURE, INC. OF PORTLAND, OREGON TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES TO DESIGN AND BUILD NEW CANBY AREA TRANSIT FACILITIES to a second reading on November 1, 2023. Motion was seconded by Councilor Davis and passed 4-0.

Resolution 1396 – Eric Laitinen, Aquatics Manager, said this was a renewal of the agreement for another five years between Canby Swim Club and the City. The only change was the cost for lifeguards during swim meets.

There was discussion regarding how this was a service to the community and the Swim Center levy.

****Councilor Padden moved to approve Resolution 1396, A RESOLUTION ADOPTING AN INTERAGENCY AGREEMENT BETWEEN THE CITY OF CANBY AND THE CANBY SWIM CLUB, INC., AND REPEALING RESOLUTIONS 1147, 1160, AND 1296. Motion was seconded by Councilor Stearns and passed 4-0.**

Resolution 1397 – Ruth Reyes, Utility Billing Technician, explained why they needed to extend the due date to give time to close out the sewer utility billing cycles and send to printing and delivery. It would be five days longer than the current process.

****Councilor Davis moved to approve Resolution 1397, A RESOLUTION EXTENDING THE TIME PERIOD ON UTILITY BILLING STATEMENTS TO THE TWENTIETH DAY OF THE MONTH. Motion was seconded by Councilor Stearns and passed 4-0.**

OLD BUSINESS: City Administrator & City Attorney Recruitment – Council President Hensley said City Administrator interviews were coming up.

MAYOR'S BUSINESS: None

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Stearns discussed the water tank at 4th and Fir, which had been idle for some time. He thought there should be a discussion about what to do with these types of properties. There was consensus to have this topic come back as a future discussion.

Councilor Davis reported on the Parks and Recreation Advisory Board meeting where the Auburn Farms Open House on November 9, Legacy Park outdoor exercise court layout, personal services agreement for turf at Maple Street Park, CoGeo sports field complex, and memorial benches and trees were discussed. The Fire District was having trouble with recruitment. He also spoke about funding for the Adult Center improvements.

Council President Hensley reported on the Traffic Safety Commission meeting where speeding issues were discussed. She also reported on the French Prairie meeting where tolling was discussed and C4 conversation about STIP funding and sunset corridor work. She said October was Domestic Violence Awareness Month. She listed resources that were available.

Councilor Padden reported on the Willamette Falls and Landings Heritage Area Coalition meeting where the national heritage site application and old West Linn City Hall tour were discussed.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Eileen Stein, Interim City Administrator, discussed the Goal Setting on February 16, UGB expansion postcard mailer, upcoming UGB expansion Work Session, and DeMuro Award ceremony.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Ordinances 1612 and 1613.
3. Approved Ordinance 1614 to second reading on November 1, 2023.
4. Adopted Resolutions 1396 and 1397.

The meeting was adjourned at 7:58pm.

Maya Benham
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood

**CANBY CITY COUNCIL
WORK SESSION MINUTES
November 1, 2023**

PRESIDING: Brian Hodson

COUNCIL PRESENT: Traci Hensley, James Davis, Jason Padden, and Daniel Stearns.

COUNCIL ABSENT: Christopher Bangs, and Herman Maldonado.

STAFF PRESENT: Eileen Stein, Interim City Administrator; CJ Lason, Deputy City Recorder; Maya Benham, Administrative Director/ City Recorder; and Don Hardy, Planning Director

OTHERS PRESENT: Steve Fouse, Consultant with 3J Consulting

CALL TO ORDER: Mayor Hodson called the work session to order at 6:05pm.

CANBY COMPREHENSIVE PLAN AND URBAN GROWTH BOUNDARY PROCESS EXPANSION: Planning Director Don Hardy and Steve Fouse of 3J Consulting gave a presentation on the Urban Growth Boundary expansion process.

Steve walked through the Power point presentation, giving updates on where the Urban Growth Boundary Expansion was in terms of target dates for completing each component.

Councilor Stearns asked what the target population density was that the City needed to meet the requirements for expansion. Steve Fouse explained that there wasn't a particular figure that the state or county was looking for, but instead was looking to see that the City is making a good faith effort to use the land within the current Urban Growth Boundary efficiently.

Planning Director Don Hardy stressed that the State would not be forcing anyone to do anything in terms of development, and that smaller acreage lots would most likely not be included in the calculation for efficiency measures.

Councilor Davis asked if they should be focusing on code updates prior to development. Planning Director Hardy stated that it was a great question and that they would focus on policy direction first and that the policy directives would lead them to the codes they need to focus on.

Mayor Hodson asked if it was known which acres out of the possible growth areas were constrained, and Steve said that yes, the city had access to see which acres were environmentally constrained.

Councilor Stearns asked for further clarification about what "constrained" meant in terms of the acreage. Steve stated that most of it was primarily related to water (ie floodplains and wetlands).

Councilor Davis asked what would happen if a property asked to be included in the UGB but was not in a current service area. Director Hardy said those properties would not be included, but they may be included in future reviews.

Councilor Padden asked if the city could include certain areas that were not adjacent or contiguous to the UGB. Director Hardy said that the properties had to be adjacent to the boundary, we cannot leapfrog or have outside areas included in the UGB.

Councilor Stearns asked for clarification about the “rural reserve” and how that was designated.

Steve described the vision and planning for the future that was formed with input from community members. He gave information about the mapping exercise that will occur at the Community Summit on November 14, 2023, which will enable citizens to have direct input on how they feel the city should grow.

Councilor Davis stated that we should be taking public safety in account with additional fire and police stations being added. Steve said that they would definitely include those in the actual technical planning, but the mapping exercise was more for the community to provide input and feel a part of the process.

Mayor Hodson said that land set aside by the school districts for future schools should be included in the mapping exercise, so the community would know where they were planning to expand and work around them. Planning Director Hardy stated that Economic Development Director Jaime Stickel added a couple school district board members into their planning discussions.

Steve Fouse said that 60 acres of land was already being set aside for future parks as well.

Councilor Stearns mentioned that he had received communication from a citizen stating they did not want to be a part of it, and asked if it was possible to have pockets within the boundary that were not included. Steve said it was certainly possible, but not desirable. Properties could also be brought into the UGB but never annexed.

Councilor Padden mentioned that over the last 40 years parts of the city have still not been developed despite being included in the previous UGB. This is mostly to set aside areas that can be developed, but may not be.

ADJOURN: Mayor Hodson adjourned the Work Session at 6:52pm.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
November 1, 2023**

PRESIDING: Brian Hodson

COUNCIL PRESENT: Traci Hensley, James Davis, Jason Padden, Daniel Stearns, Christopher Bangs, and Herman Maldonado.

COUNCIL ABSENT: None.

STAFF PRESENT: Eileen Stein, Interim City Administrator; David Doughman, City Attorney (remote); CJ Lason, Deputy City Recorder; Maya Benham, Administrative Director/ City Recorder; Todd Wood, Fleet Director; Jorge Tro, Police Chief; Jaime Stickel, Economic Development Director; and Tyler Nizer, Tourism Coordinator.

CALL TO ORDER: Mayor Hodson called the City Council Meeting to order at 7:01pm. Councilor Bangs asked to address the Council prior to any business being conducted in order to formally resign his position as City Councilor. He thanked his fellow councilors and city staff for the opportunity to serve, and left the dais.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

CONSENT AGENDA: Council President Hensley asked for an update on catching up with the meeting minutes. Administrative Director/City Recorder Benham stated there was not an update at this time, but would provide one at a future meeting.

****Council President Hensley moved to approve the consent agenda that included the minutes of the September 6, 2023 Work Session and Regular City Council Meeting. Motion was seconded by Councilor Davis and passed 5-0.**

ORDINANCES:

****Council President Hensley moved to adopt Ordinance 1614, AN ORDINANCE AUTHORIZING THE INTERIM CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH WATERLEAF ARCHITECTURE, INC. OF PORTLAND, OREGON TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES TO DESIGN AND BUILD NEW CANBY AREA TRANSIT FACILITIES. Motion was seconded by Councilor Maldonado and passed 5-0 by roll call vote.**

OLD BUSINESS: Mayor Hodson gave an update regarding the City Administrator and City Attorney Recruitment process. He encouraged members of the public to attend the Community Meet and Greet for the finalists for the City Administrator position, which would be held on November 9, 2023. He also said there was an upcoming work session with Judge Grafe

scheduled for the next meeting on November 15 which would further analyze the City Attorney positions and what was needed.

Councilor Padden stated he would like to see a cost breakdown per hour for contracted attorney services vs. a full-time salaried position on staff.

Council President Hensley would like to see how much of the attorney's time would be taken up by court functions.

MAYOR'S BUSINESS:

Mayor Hodson attended a Tolling Committee meeting with ODOT, but there were no new updates regarding the process. He also encouraged citizens to attend the Community Summit on November 14, 2023 from 6-8pm at the Canby Police Station. He also announced that there would be an Urban Renewal Agency meeting after the regular meeting on November 15th, and reminded everyone of the upcoming Light the Night event on December 1st, 2023.

He also gave an update regarding an ethics investigation from earlier in 2023 and said he was going to be taking an Executive Session training as a result of that process.

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Davis thanked Councilor Bangs for his service. He attended a Parks and Recreation meeting with the Planning Department and Cogeo regarding the athletic fields. He also reminded everyone of the upcoming Auburn Farms park meeting on November 9, 2023. He also discussed wanting to revisit the ARPA funding to make sure it has been allocated correctly.

Councilor Stearns also thanked Councilor Bangs for his service. He interviewed a potential new member for the Transit Advisory Committee and will be moving forward with confirming him at the next Council meeting. He stated that he would like to take the Executive Session training with the other council members, if possible. He also said that it would be useful to have a future work session with members of the community and Bridging Cultures to break down barriers. He also said it might be useful to include an immigration attorney to answer questions from the community.

Council President Hensley had not attended any recent meetings. She also would be partaking of the Executive Session training. She thanked staff and the community for making the downtown Trick-or-Treating event a big success.

Councilor Padden attended the Clackamas Cities Dinner and met with a member of the state legislature, where he raised concerns about the ODOT paving on 99E. He also said he had received communication about the Executive Session training and would be attending it as well.

Councilor Maldonado has not attended any meetings.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Eileen Stein, Interim City Administrator, had a few items to bring before the council.

There will be upcoming paving and roadwork on 99E, but the Noise Variance for ODOT has expired, so a new one will need to be submitted. She also gave some information about a Building Resilient Infrastructure in Communities (BRIC) grant and said the City would be applying for it to support the Canby Adult Center.

Councilor Padden asked about possible stipulations on money given to the Canby Adult Center. Interim City Administrator Stein stated that they would make sure to be aware in case anything came up during the process.

CITIZEN INPUT:

There was none.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Ordinance 1614.

Councilor Davis moved to end the meeting and was seconded by Councilor Padden.

The meeting was adjourned at 7:58 p.m.

Maya Benham
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood



City Council Staff Report

Meeting Date: 12/6/2023

To: Honorable Mayor Hodson and City Council
Thru: Eileen Stein, City Administrator
From: Maya Benham, Administrative Director/ City Recorder
Agenda Item: Reappointment of Member Jennifer Driskill to the Canby Planning Commission with a term ending December 31, 2026.

Summary

Member of the Planning Commission Jennifer Driskill has a current term ending on December 31, 2023. She has expressed interest in continuing to serve on the Planning Commission for another term.

Background

The Canby Planning Commission plays an integral role in guiding the growth and development of the City. Planning Commissioners review and discuss land use applications and hold public hearings twice monthly to gain citizen input on new developments and projects. The Planning Commission acts as the City's official citizen involvement entity, hearing any and all comments, criticisms and suggestions concerning city planning policies, procedures, or regulations as members of the public may wish to convey to the city. Citizens are appointed by the City Council and serve three year terms.

Discussion

There were vacancies advertised on the City's website. The applicant was originally interviewed on May 3, 2023 and recommended by the Vice Chair and Council Liaison to be appointed to the Canby Planning Commission with an original term ending December 31, 2023. Member Driskill has since requested to be reappointed to another term on the Canby Planning Commission with a term ending December 31, 2026.

Attachments

Jennifer Driskill Application

Fiscal Impact

None.

Proposed Motion

"I move to approve the consent agenda that includes the reappointment of Member Jennifer Driskill to the Canby Planning Commission with a term ending December 31, 2026."



**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 Council Staff Report

Meeting Date: 12/6/2023

To: Honorable Mayor Hodson and City Council
Thru: Eileen Stein, City Administrator
From: Maya Benham, Administrative Director/ City Recorder
Agenda Item: Reappointment of Member Matt Ellison to the Canby Planning Commission with a term ending December 31, 2026.

Summary

Member of the Planning Commission Matt Ellison has a current term ending on December 31, 2023. He has expressed interest in continuing to serve on the Planning Commission for another term.

Background

The Canby Planning Commission plays an integral role in guiding the growth and development of the City. Planning Commissioners review and discuss land use applications and hold public hearings twice monthly to gain citizen input on new developments and projects. The Planning Commission acts as the City's official citizen involvement entity, hearing any and all comments, criticisms and suggestions concerning city planning policies, procedures, or regulations as members of the public may wish to convey to the city. Citizens are appointed by the City Council and serve three year terms.

Discussion

There were vacancies advertised on the City's website. The applicant was originally interviewed on April 6, 2022 and recommended by the Vice Chair and Council Liaison to be appointed to the Canby Planning Commission with an original term ending December 31, 2023. Member Ellison has since requested to be reappointed to another term on the Canby Planning Commission with a term ending December 31, 2026.

Attachments

Matt Ellison Application

Fiscal Impact

None.

Proposed Motion

"I move to approve the consent agenda that includes the reappointment of Member Matt Ellison to the Canby Planning Commission with a term ending December 31, 2026."



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

Date: 2/3/2021 Position Applying For: Planning Commision

Name: Matthew Ellison Occupation: Plumbing Company Owner

Home Address: [REDACTED]

Employer: _____ Position: President

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

E-Mail Address: [REDACTED]

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

Revitalization of downtown small business community. City infrastructure: roads, sewers, drinking water.

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

Population density, traffic management, utility infrastructure

Reason for your interest in this position: _____

I want to participate in the committees that preserve our special community while still advocating for a vibrant business and resident community.

Experience and educational background: _____

LaSalle High School Graduate 93, United States Marine Corps 94-2002 , Plumbing industry from 2000 - Current

Currenty 51% owner of a successful Plumbing construction and Service business.

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

None.

Referred by (if applicable): Don Hardy

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: 02/03/2022 Date Appointed: 04/06/2022 Term Expires: 12/31/2023

Date Resigned: _____ Destruction Date: _____



CITY COUNCIL STAFF REPORT

Meeting Date: 12/6/2023

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Don Hardy, Planning Director
Agenda Item: Consider Resolution No. 1399: A Resolution Adopting a Specific Policy for System Development Charge Calculations in connection with Commercial to Residential Conversions, as required by House Bill 2984.

Summary

Resolution approval is needed to permit the collection of system development charges (SDC's) for conversion of buildings from commercial to residential based on the Oregon State House Bill (HB) 2984.

Background

The Oregon State Legislature adopted HB 2984 permitting residential development conversion of existing commercial buildings as a way to expand affordable housing opportunities. In order for cities to collect SDC's for these conversions adoption of a resolution is required before December 31, 2023. Staff is seeking council approval of the attached resolution.

Discussion

Staff is seeking council approval of the attached resolution.

Attachments

Draft Resolution
HB 2984

Fiscal Impact

None

Options

Approve, modify or deny the resolution.

Recommendation

Approval of the resolution

Proposed Motion

"I move to adopt Resolution No. 1399: A Resolution Adopting a Specific Policy for System Development Charge Calculations in connection with Commercial to Residential Conversions, as required by House Bill 2984."

RESOLUTION NO. 1399

A RESOLUTION ADOPTING A SPECIFIC POLICY FOR SYSTEM DEVELOPMENT CHARGE CALCULATIONS IN CONNECTION WITH COMMERCIAL TO RESIDENTIAL CONVERSIONS, AS REQUIRED BY HOUSE BILL 2984

WHEREAS, House Bill 2984 (“HB 2984”) amended state law to allow the conversion of buildings from commercial to residential use within urban growth boundaries of cities with a population of 10,000 or greater, under certain conditions;

WHEREAS, the current population of the City of Canby (the “City”) exceeds 10,000;

WHEREAS, HB 2984, Section 1(5)(c) permits cities to impose system development charges (“SDCs”) in connection with a commercial to residential use conversion for a contemplated housing development if “(A) the charge is calculated pursuant to a specific adopted policy for commercial to residential conversions adopted on or before December 31, 2023; or (B) the charge is for water or wastewater and includes an offset for at least 100 percent of the water or wastewater system development charges paid when the building was originally constructed;” and

WHEREAS, the Canby City Council adopts this resolution as the specific policy to govern the calculation of SDCs for commercial to residential conversions.

NOW THEREFORE, BE IT RESOLVED by the City Council of Canby as follows:

1. To calculate the SDCs for conversions of commercial uses to residential uses, the City will rely on and apply the Canby Municipal Code provisions governing SDCs (Chapter 4.20), the City’s SDC methodologies, and the City’s SDC rates, as they currently exist and as the City may amend them from time to time.
2. This resolution is the City’s “specific adopted policy” pursuant to HB 2984.
3. This resolution is effective upon adoption by the Canby City Council.

ADOPTED this 6th day of December, 2023 by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Maya Benham
City Recorder

Enrolled House Bill 2984

Sponsored by Representative MARSH; Representatives ANDERSEN, DEXTER, FAHEY, HELM, MCLAIN, Senators ANDERSON, DEMBROW, GOLDEN, JAMA, PATTERSON (Presession filed.)

CHAPTER

AN ACT

Relating to housing; amending ORS 197.308.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 197.308, as amended by section 4, chapter 47, Oregon Laws 2022, is amended to read:

197.308. (1) As used in this section[,]:

(a) “Affordable housing” means residential property:

[(a)] (A) In which:

[(A)] (i) Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income [*as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development*]; or

[(B)] (ii) The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and

[(b)] (B) Whose affordability [*is enforceable*], including **affordability under a covenant** as described in ORS 456.270 to 456.295, **is enforceable** for a duration of no less than 30 years.

(b) “**Area median income**” means **the median income for the metropolitan statistical area in which housing is located as determined by the Housing and Community Services Department and adjusted for household size based on information from the United States Department of Housing and Urban Development.**

(2) A local government shall allow affordable housing[, *and may not require a zone change or conditional use permit for affordable housing,*] if the proposed affordable housing is on property that is:

(a) Owned by:

(A) A public body, as defined in ORS 174.109; or

(B) A nonprofit corporation that is organized as a religious corporation; or

(b) Zoned:

(A) For commercial uses;

(B) To allow religious assembly; or

(C) As public lands.

(3) A local government shall allow the conversion of a building or a portion of a building from a commercial use to a residential use.

[(3)] (4) [Subsection (2)] **Subsections (2) and (3)** of this section:

[(a) Does not apply to the development of housing not within an urban growth boundary.]

(a) Prohibit the local government from requiring a zone change or conditional use permit before allowing the use.

(b) *[Does]* **Do** not trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.

[(c) Applies on property zoned to allow for industrial uses only if the property is:]

[(A) Publicly owned;]

[(B) Adjacent to lands zoned for residential uses or schools; and]

[(C) Not specifically designated for heavy industrial uses.]

[(d)] (c) **Do** not apply on lands where the local government determines that:

(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

(B) The property contains a slope of 25 percent or greater;

(C) The property is within a 100-year floodplain; or

(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:

(i) Natural disasters and hazards; or

(ii) Natural resources, including air, water, land or natural areas, but not including open spaces or historic resources.

(5) The development of housing under subsection (2) of this section may occur only:

(a) Within an urban growth boundary; and

(b) On lands zoned to allow for industrial uses only if the property is:

(A) Publicly owned;

(B) Adjacent to lands zoned for residential uses or schools; and

(C) Not specifically designated for heavy industrial uses.

(6) The development of housing under subsection (3) of this section:

(a) Applies only within an urban growth boundary of a city with a population of 10,000 or greater;

(b) May not occur on lands zoned to allow industrial uses;

(c) May require the payment of a system development charge as defined in ORS 223.299 only if:

(A) The charge is calculated pursuant to a specific adopted policy for commercial to residential conversions adopted on or before December 31, 2023; or

(B) The charge is for water or wastewater and includes an offset for at least 100 percent of the water or wastewater system development charges paid when the building was originally constructed; and

(d) May not be subject to enforcement of any land use regulation that establishes a minimum number of parking spaces that is greater than the lesser of:

(A) The amount that may be required for the existing commercial use; or

(B) The amount that may be required in lands zoned for residential uses that would allow the converted development.

[(4)] (7) A local government shall approve an application at an authorized density level and authorized height level, as defined in ORS 227.175 (4), for the development of affordable housing, at the greater of:

(a) Any local density bonus for affordable housing; or

(b) Without consideration of any local density bonus for affordable housing:

(A) For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density and 12 additional feet;

(B) For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density and 24 additional feet; or

(C) For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density and 36 additional feet.

[(5)(a)] **(8)(a)** Subsection [(4)] **(7)** of this section does not apply to housing allowed under subsection (2) of this section in areas that are not zoned for residential uses.

(b) A local government may reduce the density or height of the density bonus allowed under subsection [(4)] **(7)** of this section as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the local government must adopt findings supported by substantial evidence demonstrating the necessity of this reduction.

SECTION 1a. If House Bill 3442 becomes law, section 1 of this 2023 Act (amending ORS 197.308) is repealed and ORS 197.308, as amended by section 4, chapter 47, Oregon Laws 2022, and section 1, chapter __, Oregon Laws 2023 (Enrolled House Bill 3442), is amended to read:

197.308. (1) As used in this section[.];

(a) “Affordable housing” means residential property:

[(a)] **(A)** In which:

[(A)] **(i)** Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income *[as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development]*; or

[(B)] **(ii)** The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and

[(b)] **(B)** Whose affordability *[is enforceable]*, including **affordability under a covenant** as described in ORS 456.270 to 456.295, **is enforceable** for a duration of no less than 30 years.

(b) “Area median income” means the median income for the metropolitan statistical area in which housing is located as determined by the Housing and Community Services Department and adjusted for household size based on information from the United States Department of Housing and Urban Development.

(2) A local government shall allow affordable housing~~], and may not require a zone change or conditional use permit for affordable housing,~~ if the proposed affordable housing is on property that is:

(a) Owned by:

(A) A public body, as defined in ORS 174.109; or

(B) A nonprofit corporation that is organized as a religious corporation; or

(b) Zoned:

(A) For commercial uses;

(B) To allow religious assembly; or

(C) As public lands.

(3) A local government shall allow the conversion of a building or a portion of a building from a commercial use to a residential use.

[(3)] **(4)** *[Subsection (2)] Subsections (2) and (3) of this section:*

[(a) *Does not apply to the development of housing not within an urban growth boundary.*]

(a) Prohibit the local government from requiring a zone change or conditional use permit before allowing the use.

(b) *[Does]* **Do** not trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.

[(c) *Applies on property zoned to allow for industrial uses only if the property is:*]

[(A) *Publicly owned;*]

[(B) *Adjacent to lands zoned for residential uses or schools; and*]

[(C) *Not specifically designated for heavy industrial uses.*]

[(d)] **(c)** Except as provided in paragraph [(e)] **(d)** of this subsection, *[does]* **do** not apply on lands where the local government determines that:

(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

(B) The property contains a slope of 25 percent or greater;

(C) The property is within a 100-year floodplain; or

(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:

(i) Natural disasters and hazards; or

(ii) Natural resources, including air, water, land or natural areas, but not including open spaces or historic resources.

~~[(e)]~~ **(d)** ~~[Does]~~ **Do** apply to property described in paragraph ~~[(d)(C)]~~ **(c)(C)** and (D)(i) of this subsection if more than 60 percent of the lands within the urban growth boundary that the property is within are located within a tsunami inundation zone or if more than 30 percent of the lands within the urban growth boundary that the property is within are located within a 100-year floodplain.

(5) The development of housing under subsection (2) of this section may occur only:

(a) Within an urban growth boundary; and

(b) On lands zoned to allow for industrial uses only if the property is:

(A) Publicly owned;

(B) Adjacent to lands zoned for residential uses or schools; and

(C) Not specifically designated for heavy industrial uses.

(6) The development of housing under subsection (3) of this section:

(a) Applies only within an urban growth boundary of a city with a population of 10,000 or greater;

(b) May not occur on lands zoned to allow industrial uses;

(c) May require the payment of a system development charge as defined in ORS 223.299 only if:

(A) The charge is calculated pursuant to a specific adopted policy for commercial to residential conversions adopted on or before December 31, 2023; or

(B) The charge is for water or wastewater and includes an offset for at least 100 percent of the water or wastewater system development charges paid when the building was originally constructed; and

(d) May not be subject to enforcement of any land use regulation that establishes a minimum number of parking spaces that is greater than the lesser of:

(A) The amount that may be required for the existing commercial use; or

(B) The amount that may be required in lands zoned for residential uses that would allow the converted development.

~~[(4)]~~ **(7)** The development of housing allowed under subsection ~~[(3)(e)]~~ **(4)(d)** of this section may only occur:

(a) Within an urban growth boundary located no more than 10 miles from the Pacific Ocean;

(b) In areas that require compliance with minimum federal regulations under the National Flood Insurance Program or with local floodplain development regulations adopted by the applicable local government, provided that the local regulations are equal to or more stringent than the minimum federal regulations;

(c) In locations that do not include floodways or other areas with higher risks of greater water velocity and debris flow;

(d) In communities with emergency response, evacuation and post-disaster plans that have been updated for the housing development; and

(e) In areas that are not public parks.

~~[(5)]~~ **(8)** A local government may prohibit affordable housing or require a zone change or conditional use permit to develop affordable housing in areas described in subsection ~~[(3)(e)]~~ **(4)(d)** of this section.

[(6)] (9) A local government shall approve an application at an authorized density level and authorized height level, as defined in ORS 227.175 (4), for the development of affordable housing, at the greater of:

(a) Any local density bonus for affordable housing; or

(b) Without consideration of any local density bonus for affordable housing:

(A) For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density and 12 additional feet;

(B) For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density and 24 additional feet; or

(C) For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density and 36 additional feet.

[(7)(a)] (10)(a) Subsection [(6)] (9) of this section does not apply to housing allowed under subsection (2) of this section in areas that are not zoned for residential uses.

(b) A local government may reduce the density or height of the density bonus allowed under subsection [(6)] (9) of this section as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the local government must adopt findings supported by substantial evidence demonstrating the necessity of this reduction.

Passed by House March 28, 2023

Received by Governor:

Repassed by House June 23, 2023

.....M.,....., 2023

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2023

.....
Dan Rayfield, Speaker of House

.....
Tina Kotek, Governor

Passed by Senate June 21, 2023

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Rob Wagner, President of Senate

.....
Secretary of State



CITY COUNCIL STAFF REPORT

Meeting Date: 12/6/2023

To: The Honorable Mayor Hodson & City Council
Thru: Eileen Stein, City Administrator
From: Same as above
Agenda Item: City Attorney Update

Summary

On November 15, 2023, the City Council requested the costs associated with having an in-house City Attorney versus contracting out Legal Counsel.

City Attorney Cost Analysis:

City staff reached out to the cities of Lake Oswego, Tualatin, Sherwood, Milwaukie, and West Linn and received the costs for their in-house City Attorney position. The annual ranges from \$162,500 to \$183,463 not including benefit costs.

City staff reached out to the cities of Oregon City, Wilsonville, Forest Grove, Happy Valley, Newberg, and Gladstone on their contracted legal counsel. The average hourly rate was \$256 per hour. There was no response from the City of Wilsonville and the City of Newberg did not share their hourly rate. The remaining city's hourly rate ranged from \$213 to \$280 per hour.

City Attorney Comparison:

Based on the previous in-house City Attorney, the hourly rate was \$102.67 including all costs and benefits. Currently, with our contracted legal services, (August \$9,652, September \$9092, and October \$8661) the costs were \$27,405 for 97.35 hours. The current hourly rate with BEH is \$285.

For the previous in-house City Attorney, the total costs were \$213,545 per year for 2080 hours.
The equivalent hours with BEH would be \$592,800 per year.

Both the City Attorney Cost Analysis and City Attorney Comparison are attached for further reference.

Attachments

City Attorney Cost Analysis
City Attorney Comparison

Fiscal Impact

Explained in Summary and Attachments

City	Pop	Position	Annual	Def Comp	PERS PU	Cell/ Tech	VEBA	Total Salary
Lake Oswego	41,148	in-house	\$ 183,463	\$ 9,173	\$ 11,008	\$ 600	\$ 1,200	\$ 205,444
Tualatin	27,914	in-house	\$ 179,307	\$ 5,379	\$ 10,758	\$ 2,400	\$ -	\$ 197,844
Sherwood	20,222	in-house	\$ 176,800	\$ -	\$ 10,608	\$ -	\$ -	\$ 187,408
Canby	18,979		\$ 174,691	\$ -	\$ 10,481	\$ -	\$ -	\$ 185,172
Milwaukie	18,979	in-house	\$ 167,172	\$ 5,851	\$ 10,030	\$ -	\$ -	\$ 183,053
West Linn	27,420	in-house	\$ 162,500	\$ 6,500	\$ 9,750	\$ -	\$ -	\$ 178,750
		Average	\$ 173,988.83	\$ 4,483.83				\$ 189,612.00

Benefits	Annual Cost	Mandatory Covera	Total Salary + Cost	Hourly Rate2
Most Expensive	\$ 27,930.60	\$ 442.20	\$ 213,544.80	\$ 102.67
Least Expensive	\$ 9,087.72	\$ 442.20	\$ 194,701.92	\$ 93.61

City	Pop	Position	Firm	Hourly Rate
Oregon City	37,786	contracted	Bateman Seidel	\$ 275
Wilsonville	27,414	no response		
Forest Grove	26,828	contracted	BEH	\$ 280
Happy Valley	26,689	contracted	BEH (175-250/ hr)	\$ 213
Newberg	25,767	contracted	Miller Nash	not shared
Gladstone	12,170	contracted	BEH	varies
		Average Rate		\$ 256.00

	Annual	Hourly
CANBY - In House		
Base Salary + PERS	185,172.00	89.03
Benefits	23,053.00	11.08
Mandatory Costs	442.00	0.21
Total Compensation	208,667.00	100.32

CANBY - Contract

August	9,652.05
September	9,092.07
October	8,661.00

To Date Billing	27,405.12	97.35 Hours
Hourly Rate	285.00	
Average Billing	9,135.04	
To Date Projected Annual	109,620.48	

Summary	Hourly Rate	Total Cost for 2080 Hours
In-House	\$ 100.32	\$ 208,665.60
Contracted	\$ 285.00	\$ 592,800.00