

RESOLUTION NO. 1342

A RESOLUTION ADOPTING A TEMPORARY PROGRAM FOR USE OF PARKING LOTS DURING THE COVID-19 EMERGENCY

WHEREAS, the COVID-19 crisis has significantly impacted the local economy, including eating/drinking establishments, recreational, personal services and retail businesses (collectively “Businesses”), due to mandated partial and complete closures of many of these Businesses that resulted in layoffs and reduced work hours for many employees; and

WHEREAS, the reopening requirements and social distancing measures required to mitigate the risks associated with COVID-19 make it difficult for Businesses to accommodate their regular number of customers within the confines of their indoor space; and

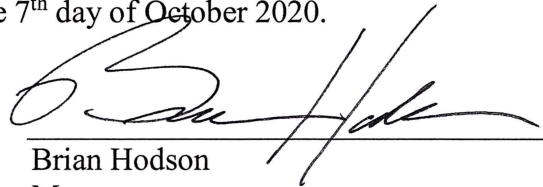
WHEREAS, a temporary moratorium on enforcement of certain provisions of the Canby Code and the Canby Development Code will allow these Businesses greater flexibility to reopen, which is beneficial to the local economy; now therefore,

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

Section 1. Notwithstanding contrary provisions in the Canby Code and the Canby Development Code, the City adopts the Open Air Canby Recovery Program, which is attached as Exhibit A and incorporated by this reference.

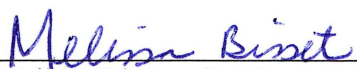
This resolution shall take effect on October 7th, 2020.

ADOPTED by the Canby City Council on the 7th day of October 2020.



Brian Hodson
Mayor

ATTEST:



Melissa Bisset, CMC
City Recorder

Exhibit A

Open Air Canby Recovery Program

Program Introduction

To promote recovery of small businesses, and the safety and health of customers of restaurants, personal services and recreational use establishments operating under Governor Brown's COVID Phase I response requirements, the City of Canby is temporarily suspending the enforcement of certain city codes (i.e. parking minimums) to allow outdoor expansion into private parking lots. This program is not intended to circumvent Canby Building Code. An existing sidewalk cafe permit application is available for business expansion into the public right-of-way.

The Open Air Canby Recovery Program (Recovery Program) will allow:

1. Eating/drinking establishments, recreational, personal services and retail businesses to temporarily expand into private parking lots, if they follow the requirements below. This is allowed city-wide.

This program will expire December 31, 2021. However, as this Recovery Program is in response to the COVID pandemic, the Program Manager reserves the right to change the expiration date, amend the program requirements and conditions and modify other aspects of the Recovery Program as needed to address changing conditions or for any other purpose after providing notice to Recovery Program participants. The Economic Development Director or designee will be the Program Manager. No modifications to the Recovery Program or its requirements will substantially alter the Recovery Program, its goals, or the cost of the Recovery Program to the City.

I. Outdoor Expansion into Private Parking Lots: Program Requirements

Eating/drinking establishments, recreational facilities, personal services and retail businesses with access to private outdoor areas or private parking lots may utilize these areas, in accordance with the safety requirements outlined below. This expansion is allowed city-wide.

No permit is required from the City as long as all of the following requirements are met:

1. The business has permission to occupy the expansion area from the owner or landlord.
2. The expansion area is immediately adjacent to the parent business, or has the written approval of the immediately adjacent business.
3. All current State of Oregon Covid-19 reopening requirements are met: <https://govstatus.egov.com/reopening-oregon>.
4. The expansion area does not include any Americans with Disability Act (ADA) parking spaces, loading zones or travel pathways.

5. The expansion area does not include any drive aisles or fire lanes.
6. The expansion area can be utilized without removing any landscaping and without otherwise resulting in permanent site improvements.
7. The outdoor activities must maintain 10 feet of clearance from any fire hydrants.
8. Current Oregon Liquor Control Commission License - If alcohol is being served. OLCC may have additional requirements based on outdoor seating configuration.

I have read and understand the requirements listed above. I shall hold the City of Canby, its officers, agents, and employees free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including appeals therefrom, which may result from granting this program.

Signature: _____ Date: __

