

**RESOLUTION NO. 1372**

**A RESOLUTION OF THE CANBY CITY COUNCIL EXTENDING THE OPEN AIR CANBY PROGRAM, A TEMPORARY PROGRAM FOR USE OF PRIVATE PARKING LOTS AND PRIVATE OUTDOOR AREAS**

**WHEREAS**, the COVID-19 crisis 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; and

**WHEREAS**, the business recovery efforts revealed Businesses can accommodate the regular number of customers within the confines of their space, as well as in adjacent outdoor spaces; and

**WHEREAS**, programs to use sidewalks, streets, and parking areas for Businesses have been established successfully in other jurisdictions; and

**WHEREAS**, a temporary moratorium on enforcement of parking minimums of the Canby Municipal Code will allow these Businesses greater flexibility, which is beneficial to the local economy; now therefore,

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

- 1. The Open Air Canby Program attached hereto as Exhibit “A” is in effect until May 1, 2023.**


This resolution shall take effect on June 29<sup>th</sup>, 2022.

ADOPTED by the Canby City Council on the 29<sup>th</sup> day of June 2022.

ATTEST:

  
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Melissa Bisset, City Recorder

APPROVED:

  
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Brian Hodson, Mayor



## Open Air Canby Program

### Program Introduction

To promote the continued recovery of small businesses, the City of Canby is temporarily suspending the enforcement of certain city codes (i.e. parking minimums) to allow outdoor expansion into private outdoor areas or private parking lots for customer seating. This program is not intended to circumvent Canby Building Code. An existing Sidewalk Café Permit application is available for business seating expansion into the public right-of-way.

The Open Air Canby Program will allow:

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

The Open Air Canby Program was created in response to the COVID pandemic. The Canby City Council has deemed it appropriate and beneficial to businesses to extend the program through the summer and fall of 2022. The Economic Development Director or designee will serve as the Program Manager. The Program Manager will confer with the City's Planning Department to ensure all of the requirements have been met. **This temporary program will expire May 1<sup>st</sup>, 2023.**

The City of Canby's Temporary Vendor Permit will be required should a business choose to install a tent as part of the Open Air Canby Program. The fee to use the permit will be waived when it is used in conjunction with the Open Air Canby Program. The business owner will also contact the Clackamas County Building Codes Department and Canby Fire District to ensure the tent is in compliance. The Program Manager will work with applicants to guarantee they have the appropriate contacts at partnering agencies.

### 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 for additional customer seating, 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. Any and all current State of Oregon COVID-19 requirements are met: <https://govstatus.egov.com/OR-OHA-COVID-19>.
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 Cannabis 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: \_\_\_\_\_