



## AGENDA

### CANBY URBAN RENEWAL AGENCY WORK SESSION

February 16, 2022

6:00 PM\*\*\*

Join on Zoom: [https://us06web.zoom.us/webinar/register/WN\\_Xip6BolwS2SX43MQs\\_Kdmw](https://us06web.zoom.us/webinar/register/WN_Xip6BolwS2SX43MQs_Kdmw)

Virtual Meeting/Council Chambers

222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor

Chair Shawn Varwig

Commissioner Christopher Bangs

Vice-Chair Brian Hodson

Commissioner Traci Hensley

Commissioner Greg Parker

Commissioner Sarah Spoon

Commissioner David Bajorin

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#### 1. CALL TO ORDER

#### 2. NEW BUSINESS

- a. Discussion regarding the creation of a mural committee.
- b. Discussion regarding potential joint meeting with the Canby Fire District.

Pg.1

#### 3. ADJOURN

\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Maya Benham at 503.266.0720. A copy of this Agenda can be found on the City's web page at [www.canbyoregon.gov](http://www.canbyoregon.gov).



# City of Canby

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

Phone: 503.266.4021  
Fax: 503.266.7961  
www.canbyoregon.gov

## Urban Renewal Agency Work Session Staff Report

DATE: February 16, 2022

TO: Urban Renewal Chair, Shawn Varwig and Urban Renewal Agency

THRU: Scott Archer, City Administrator + Urban Renewal Director

FROM: Jamie Stickel, Economic Development Director + Communications Specialist

ITEM: Creation of an Urban Renewal-funded Mural Program

### Summary

The Canby Urban Renewal Agency (URA) will discuss the creation of an Urban Renewal-funded Mural Program. The request for consideration of a mural program stems from interested citizens and URA members.

### Background

City of Canby Planning staff created a mural program funded through the Urban Renewal District in 2011. The program included a mural code (which was added to the Canby Municipal Code), mural program guidelines, application for the property owner as well as artist application, a mural easement form, and the deaccessioning policy.

City staff did not receive any requests for funding after the inception of the program; however, Hanlon Development utilized the Property Owner Mural Application for the mural on the former Police Building. While the City's Mural Program was to be for projects funded, at least in part, by public funds, Hanlon Development wanted to ensure the mural was appropriate and would be well-received. At that time, the Main Street Design Committee and the Arts + Culture Advisory Council provided oversight as the Mural Advisory Committee.

### Discussion

The Urban Renewal Agency will discuss the creation of a mural program.

### Attachments

- 2011 Mural Documents:
  - 2.80: Public Art Mural Program Code
  - Canby Public Art Murals Program
  - Mural Application – property owner
  - Artist Application
  - Mural Easement Form
  - Canby Deaccessioning Policy

## **CHAPTER 2.80 PUBLIC ART MURAL PROGRAM**

### **Section**

<b>2.80.010</b>	<b>Purpose</b>
<b>2.80.020</b>	<b>Definitions</b>
<b>2.80.030</b>	<b>Guidelines</b>
<b>2.80.040</b>	<b>Ownership</b>
<b>2.80.050</b>	<b>Implementation</b>

#### **§2.80.010 Purpose**

The purpose of this Title and the policy of the City of Canby are to permit and encourage Public Art Murals located within Canby's Urban Renewal District for acquisition by the Urban Renewal Agency. Public Art Murals are to be placed on public wall space and paid for in full or in part with Urban Renewal Funds administered by Canby's Urban Renewal Director. The City Council recognizes that public murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion.

#### **§2.80.020 Definitions**

A public art mural means an original, two-dimensional work of visual art comprised of paint, executed by hand directly upon an exterior wall of a building, which is accessible to the public, and which has been approved by the Canby Urban Renewal Agency Director upon recommendation by the Public Mural Advisory Committee (PMAC).

Public Art Mural Advisory Committee (PMAC) means a group responsible for reviewing proposed public art murals and making recommendations to the Canby Urban Renewal Agency Director on the selection of Public Art Murals. Committee membership shall include artists, art advocates and professionals, business owners, city staff, and a representative from Canby's Main Street Design Committee.

#### **§2.80.030 Guidelines**

The Canby Urban Renewal Agency Director in consultation with the Public Mural Advisory Committee and staff shall adopt guidelines to:

- A. Provide for annual reporting to the Agency;
- B. Provide a method for the appointment of representatives to the Public Mural Advisory Committee;
- C. Determine a method or methods of selecting and contracting with artists for the design, execution and siting of Public Art Murals;
- D. Determine a process for the ongoing care, maintenance and conservation of public art murals;

- E. Determine a process to deaccession public art murals;
- F. Set forth any other matter appropriate to the administration of this Chapter.

**§2.80.040      Ownership**

All Public Art Murals acquired pursuant to this Chapter shall be acquired in the name of the City of Canby Urban Renewal Agency, and title shall vest in the City of Canby Urban Renewal Agency.

**§2.80.050      Implementation**

The Canby Urban Renewal Agency Director in consultation with the Public Mural Advisory Committee and Mural Program Staff shall implement the provisions of this Chapter, in cooperation with all participating city departments.

# CITY OF CANBY PUBLIC ART MURAL PROGRAM



## **A City of Canby Urban Renewal Agency Program Acknowledgements**

### **Canby Urban Renewal Agency**

Melody Thompson  
Walt Daniels  
Robert Bitter  
Brian Hodson  
John Henri  
Jason Padden  
Richard Ares

### **Canby City Council**

Melody Thompson, Mayor  
Walt Daniels, President  
Robert Bitter, Councilor  
Brian Hodson, Councilor  
Richard Ares, Councilor  
John Henri, Councilor  
Jason Padden, Councilor

### **Canby Planning Commission**

Dan Ewert, Chairman  
Janet Milne, Commissioner  
Sean Joyce, Commissioner  
Chuck Kocher, Commissioner  
Misty Slagle, Commissioner  
John Proctor, Commissioner  
Randy Tessman, Commissioner

### **Staff**

Catherine Comer, Director Economic Development and Urban Renewal Agency; Greg Ellis, Canby City Administrator; Ami Keiffer, Canby Main Street Manager; Matilda Deas, AICP, Senior Long Range Planner/Mural Program Project Manager; John Kelley, City of Canby legal counsel, Barbara Jacobson, Canby Urban Renewal Agency Counsel.

### **With Assistance**

Peggy Kendellen, Regional Arts & Culture Council

# **Guidelines**

## **BACKGROUND**

The Public Art Mural Program is a City of Canby Urban Renewal Agency Program administered by the Director of the Canby Urban Renewal Agency. Mural Projects are managed by the City of Canby's Senior Long Range Planner. Proposed murals are reviewed by the Public Mural Advisory Committee (PMAC), a standing committee of the Urban Renewal Agency. Committee membership includes artists, art advocates and professionals, business owners, city staff, and a representative from Canby's Main Street Design Committee. The program provides funding for murals that embody the spirit of the City's economic development strategy of promoting the City as "Canby, the Garden Spot". The mural program will fund murals that reflect diversity in style and

media and encourages artists from diverse backgrounds and range of experience to apply. Murals approved through this program become part of the City of Canby's Urban Renewal Agency's public mural collection for as long as the Mural Art Easement remains in effect. All building owners must sign a Mural Art Easement form that will be recorded with Clackamas County.

All applicants are required to meet with the Mural Project Manager at least one month prior to submitting an application. To set up an appointment, contact Matilda Deas, AICP, Public Mural Project Manager, 503-266-7001 x223 or [deasm@ci.canby.or.us](mailto:deasm@ci.canby.or.us)

## **ELIGIBILITY AND FUNDING CRITERIA**

### **Eligibility Criteria**

Any individual or organization intending to create a mural on an exterior wall that is visible from the public right-of-way and within the boundaries of the City of Canby's Urban Renewal District can apply for funding through the Public Art Mural Program.

Applicants to the Public Art Mural Program may be:

1. An individual artist or a group of artists
2. Students enrolled in an art program at a degree granting institution
3. Building or business owner; or
4. "Not -for-profit" organization. This includes registered neighborhood associations, citizen based groups and organizations with IRS 501 (c) (3) status. However IRS 501 (c) (3) status is not required. The definition of a 'not-for-profit organization' is an organization whose primary purpose is to serve and to provide general benefit to the public and the organization's or group's net earnings are not distributed to those who control it.

### **Funding Criteria**

The number of Public Art Murals awarded funding is dependent on the funds available and the number of applicants submitting each year. Applicants/artists may be funded one time only in each fiscal year (July 1 through June 30).

1. Public art murals approved through this program must be at a minimum partially funded with public funds.
2. Funds will be awarded based on the Public Mural Advisory Committee's evaluation of the mural projects based on:

Artistic quality: strength of the artist's concept and demonstrated craftsmanship;

Context: architectural, geographical, socio-cultural and historical;

Media: paint, collage, relief, etc.;

Scale: appropriateness of scale to the surrounding neighborhood;

Diversity: race, age, style, media, experimentation, range of professional experience;

Feasibility: budget, timeline, etc.;

Originality: uniqueness;

Structural and surface soundness: resistance to vandalism and weather;

Building owner's signed easement form: minimum 5 years unchanged, on site;

Building owner's signed agreement for maintenance: over life of mural;

Community Support: Key neighborhood representatives notified of PMAC review meetings and opportunity to provide comment;

Lighting provisions (if any): as allowed by city code;

Public Safety: meets city codes for safety;

Accessibility: meets city codes for accessibility

3. Projects that include cash and/or in kind contributions may be given priority over projects that do not provide for cash and/or in kind contributions
4. Items not eligible for funding through this program include operating costs for organizations; purchase of equipment; administrative costs of sponsoring organization; costs related to projects that have already taken place; refreshments, meals and/or beverages.



# Approval Process

1. At least one month prior to the deadline, meet with Public Art Mural staff for initial review of imagery, location, funding and building owner's approval. Applicants who fail to meet this requirement will not have their project reviewed and must wait until the next deadline to resubmit.
2. Complete the Public Art Mural Application
3. Provide all required supplementary materials, including
  - a. Jpg image of a color rendering of proposed mural
  - b. Jpg images of site and physical surroundings
  - c. Up to 6 jpg images of artist's past work: if more than one artist, submit 6 images per artist
  - d. Project timeline
4. Mural proposal reviewed by Public Mural Advisory Committee. A meeting notice is sent to adjoining business and property owners within 200 feet of project location. The committee's decision is based upon adopted review criteria for public art murals listed on page 4. If proposal is not approved, applicant may resubmit additional materials as requested. The applicant is not required to attend the meeting.
5. The Urban Renewal Agency Director and Mural Project Manager review/approve the Public Mural Advisory Committee recommendations for funding.

# After Funding Approval

If awarded funding, the following will apply to all applicants.

1. Building owner provides a notarized Public Mural Art Easement agreement which is then signed by the City of Canby and recorded with Clackamas County.
2. Mural Project Manager sends applicant a contract outlining the terms of the mural project and the payment schedule. Once Mural Project Manager receives the signed agreement, processing of funding begins. Payment is generally made in two or three payments, depending on amount awarded and length of mural project. The final payment is made after the Final Report, documentation and evaluation form are received.
3. Artist signs form agreeing to terms of Public Art Mural Easement and the waiver of any rights covered in the federal Visual Artist Rights Act that would interfere with the performance of all rights under the Public Art Mural Easement agreement.
4. Applicant notifies Public Art Mural Project Manager of completion of mural.
5. Applicant submits a final report within 45 days of completion of the mural summarizing the completed project and detailing the use of Public Art Mural funds. Copies of invoices, receipts and checks are required documentation for the final report.
6. Applicant completes a Public Art Mural Evaluation Form.

All grantees will acknowledge the support by Canby's Urban Renewal Agency Public Art Mural Program in all printed materials related to the mural project.

**Deadlines: 5:00 p.m. Wednesdays**

**March 2, 2011 (for review in April)**

**May 4, 2010 (for review in June)**

**July 6, 2011 (for review in August)**



# City of Canby

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**Canby Urban Renewal Agency  
Economic Development Department**

## **APPLICATION INFORMATION**

Date: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**If someone other than the property owner will be the contact person for this project, please list here.**

Contact Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## **PROPERTY INFORMATION**

Property Address: \_\_\_\_\_

Name(s) of owners: \_\_\_\_\_

**PROJECT VISION/IDEAS:** Describe the theme/image you envision for this mural if known at this time.  
Attach additional pages if needed.

**Dimensions of proposed mural wall:**

**The wall is:**

- brick
- cinderblock
- stucco
- wood
- other

**Describe the ground in front of the wall (condition, debris etc.)**

**Please describe the project, the specific location of the mural and why a mural will enhance the area.**

**Can the wall be seen from the public right of way (e.g. sidewalk, alley, street etc.)?**

**Have you selected a professional mural artist?**

**Why do you want a mural at this location?**

**How will the mural benefit the neighborhood? Community?**

**PLEASE SUBMIT THE FOLLOWING WITH YOUR APPLICATION:**

- Pictures of property – several views are preferable – 4"x6" minimum

**CERTIFICATION**

☐ I certify to the City of Canby Urban Renewal Agency that ALL of the information contained in this application is true and correct to the best of my knowledge. I acknowledge that the funding source of the Mural program is the City of Canby's Urban Renewal Agency and I understand that I must comply with all the regulations of the Urban Renewal Agency and the City of Canby. I certify that I understand the Public Mural Art Easement and Deaccessioning policy.

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Applicant's Signature

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Print Name

**MAIL OR DELIVER COMPLETED APPLICATION AND REQUESTED DOCUMENTATION TO:**

Jamie Stickel  
City of Canby Main Street Manager  
111 NW 2nd Avenue PO Box 930 Canby, OR 97013

# PUBLIC ART MURAL PROGRAM

## Artist Application

Date of application: \_\_\_\_\_

Applicant's name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Home phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Fax number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Please describe your style of art work.

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Do you have any past experience with mural programs? If so, please describe.

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Please attach your most current resume.

Include 6 samples of your work. ( do not send original artwork. All submitted images are for the Agency's files and will not be returned.

Applications may be delivered in mail or in person at:

Canby City Hall, Attn: Matilda Deas, 182 N. Holly Street Canby, OR 97013

After recording return to:  
City of Canby  
Attn: City Recorder  
P.O. Box 930  
Canby, Oregon 97013

## PUBLIC MURAL ART EASEMENT

THIS AGREEMENT, effective on \_\_\_\_\_ (month/day/year), is between \_\_\_\_\_ ("Grantor"), and the City of Canby Urban Renewal Agency, the governing body of the Canby Urban Renewal District ("Agency").

### RECITALS

A. The City has adopted a program for the placement of murals in and on public and private locations within Canby's Urban Renewal District. Canby's Urban Renewal Agency Director administers the City's Public Art Mural Program.

B. Grantor owns the property legally described in Exhibit A (attached hereto and incorporated herein) and is willing to make said property available to the Agency for the placement of public art murals, as defined in Canby Municipal Code section 2.80.20 (hereinafter, "Mural"). Said Mural is described in Exhibit B, attached hereto and incorporated herein.

IN CONSIDERATION of the mutual promises and performances set forth below, the parties agree as follows:

1. Grant of Easement. Grantor conveys, grants and warrants to the Agency, its successors and assigns, an easement for the purpose of installing, maintaining, operating and exhibiting the Mural described in Exhibit B on and in the real property described in Exhibit A, including any building and structure thereon ("property"). The location of the Mural shall be as approved by the Director of the Canby Urban Renewal Agency upon recommendation from the Public Mural Advisory Committee.

2. Term of Easement. This easement shall be for a period of five (5) years from the date of execution. Unless terminated as provided in section 3, below, the easement shall automatically renew thereafter, and shall remain in full force and effect unless and until terminated.

3. Termination.

a) At the expiration of the five year easement period, the easement may be terminated by either party upon 30 days written notice to the other party. Grantor expressly agrees and warrants that upon expiration, the Mural shall be removed and the Property restored to its prior condition. Such removal shall occur within 30 days of the termination of the easement, unless this period is extended in writing by the Agency.

b) Within the initial five year easement term or at any time thereafter, the easement may be terminated by Grantor with the Agency's consent in writing upon Grantor's showing of any of the following: i) that the property is to be sold and the buyer requires removal of the easement as a condition of the purchase and sale; or ii) that the property is to be refinanced and the lender requires removal of the easement as a condition of the refinancing; or iii) that the property is to be substantially remodeled or altered in a way that precludes continued maintenance of the Mural; or iv) that circumstances have materially changed and the continued existence of the easement or maintenance of the Mural substantially impedes Grantor's reasonable use and enjoyment of the Property. The Agency shall not unreasonably withhold consent to termination upon Grantor's satisfactory demonstration of any of the foregoing conditions of termination.

c) The Agency may terminate the easement at any time at its sole discretion upon 30 days written notice to Grantor, should Grantor fail to substantially perform Grantor's obligations under Section 4, below. Should the Agency elect to exercise this right of termination, Grantor expressly agrees and warrants that the Mural shall be removed and the Property restored to its prior condition. Such removal shall occur within 30 days of the termination of the easement, unless this period is extended in writing by the Agency.



4. Maintenance and Removal of Mural. Grantor shall be responsible for maintaining and if necessary repairing the Mural described in Exhibit B during the existence of the easement. The Agency may remove the Mural from the property if, in the sole judgment of the Agency, the Mural is being excessively damaged, and Grantor fails or refuses to maintain or repair the Mural after 30 days written notice from the Agency requesting Grantor to do so. If the Agency removes the Mural from the property, the Agency will restore the property to its original condition. Alternatively, at the Agency's sole discretion, the Agency may enter upon the property to maintain or repair the Mural if Grantor has failed to do so after 30 days written notice from the Agency that the Mural requires maintenance or repair.
  5. Right of Entry. The Agency shall have the right to enter the property described in Exhibit A during normal business hours, and at all other times with advance approval of the Grantor, for any and all of the purposes described in this agreement.
  6. Binding Effect. The easement granted in this agreement shall run with the land and be binding upon and inure to the benefit of the Grantor and the City, and their respective successors or assigns, and any person or entity acquiring any right, title, or interest in the property.
  7. Contractual Relationships. Assignment. This agreement does not constitute either party as the agent or legal representative of the other for any purpose whatsoever. The parties are not granted any express or implied right or authority to assume or create any obligation or responsibility on behalf of the other or to bind the other in any manner whatsoever. The parties shall not assign this agreement without the prior written consent of the other.
  8. Notice. Notice shall be made to the following addresses, unless otherwise provided for in writing:

City of Canby Urban Renewal Agency  City of Canby Urban Renewal Director 182 N. Holly Street Canby, OR 97013	Grantor (name and mailing address)  _____ _____ _____
--	---
- AND**
- Jeanette Launer  
Canby Urban Renewal Legal Counsel  
5216 SW Burton Drive  
Portland, OR 97221
9. Amendments. The parties expressly reserve the right to modify this agreement, from time to time, by mutual agreement. No modification or amendment of the provisions of this agreement shall be effective unless in writing and signed by authorized representatives of the parties.
  10. Remedies. The parties acknowledge that breaches of this Agreement will effect substantial harm to the public interest which harm is difficult or impossible to prove as actual damages in an action hereunder. The parties agree that the prevailing party in an action for the breach of this agreement shall be entitled to a) liquidated damages in an amount of \$2500 per material breach; b) specific performance of the terms of this agreement, and each of them; c) reasonable attorney's fees; and d) any other remedies available at law or in equity. The rights under this agreement are cumulative. The failure to exercise on any occasion any right shall not operate to forfeit the right on another occasion. The use of one remedy shall not be taken to exclude or waive the right to use another.
  11. Invalidity of Particular Provisions. Should any term, provision, condition or other portion of this agreement or the application thereof be held to be inoperative, invalid or unenforceable, the remainder of this agreement or the application of the term or provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby and shall continue in full force and effect.
  12. No Waiver. No waiver of full performance by any party shall be construed, or operate, as a waiver of any subsequent default or breach of any of the terms, covenants or conditions of this agreement.
  13. Term. This agreement may be terminated upon delivery of a letter of termination executed by any party, provided that any such letter shall provided for a 180 day period for the Mural to be removed.

IN WITNESS WHEREOF, the City of Canby Urban Renewal Agency, Canby, Oregon, has caused this instrument to be executed by its duly authorized representative(s) on \_\_\_\_\_ (date).

CITY OF CANBY, OREGON

By: \_\_\_\_\_

(print name of Canby Urban Renewal Agency representative)

(print title of Canby Urban Renewal Agency representative)

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed by its duly authorized representative(s) on\_\_\_\_\_.

GRANTOR:

By: \_\_\_\_\_

**"NAME OF GRANTOR REPRESENTATIVE"**

(print name of grantor representative)

(print title of grantor representative)

STATE OF \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ as \_\_\_\_\_ of the Grantor.

Notary Public – State of \_\_\_\_\_

## POLICY FOR DEACCESSIONING PUBLIC ART MURALS

### City of Canby Urban Renewal Agency

#### Policy

Deaccessioning is a procedure for the withdrawal of public art mural from the public collection. Deaccessioning should be considered only after ten years have elapsed from the date of installation or under special circumstances (e.g., the mural has been damaged beyond repair). Deaccessioning will be considered only after a careful and impartial evaluation of the mural within the context of the collection as a whole. At the beginning of the process, Public Art Mural staff will make reasonable effort to notify any living artist whose mural is being considered for deaccessioning.

#### Deaccessioning Procedure

A Deaccessioning Subcommittee of the Public Art Mural Advisory Committee (PMAC) will be appointed. This subcommittee will consist of no more than five arts professionals/experts (including 4 members of the PMAC).

As part of the ongoing evaluation of the collection, the Deaccessioning Subcommittee of the PMAC will review the collection when deemed appropriate. Public Art Mural Manager will be responsible for recommending murals for consideration/evaluation for deaccessioning. The Deaccessioning Subcommittee reserves the option of hiring a consultant.

#### Criteria for Deaccessioning

The PMAC may consider the deaccessioning of a public art mural for one or more of the following reasons:

1. The condition or security of the mural cannot be reasonably guaranteed.
2. The mural has been damaged or has deteriorated and repair is impractical or unfeasible.
3. The mural is destroyed by severely altering its relationship to the site.
4. The mural has been determined to be significantly incompatible or inferior in the context of the collection.
5. The Urban Renewal Agency wishes to replace the mural with a work of more significance by the same artist.
6. The mural requires excessive maintenance or has faults of design or workmanship.
7. There has been sustained and overwhelming public objection to the mural.

#### Sequence of Action

1. A Subcommittee appointed by the PMAC determines that a mural meets one of

the criteria listed above.

2. The Public Art Mural Manager prepares a report that includes:
  - a. The opinion of the Urban Renewal Agency Attorney on any restrictions which may apply to this specific work.
  - b. Approval of appropriate Agency authority
3. The PMAC reviews report at its regularly scheduled meeting. The Committee may seek additional information regarding the work from the artists, art galleries, curators, appraisers or other professionals prior to making a recommendation to the Urban Renewal Agency Director
4. A recommendation for action is sent to the Urban Renewal Agency for approval.  
Upon confirmation of its recommendation, the PMAC shall take action to have the mural removed.