



## AGENDA

### CANBY CITY COUNCIL MEETING

December 7, 2016

7:30 PM

Council Chambers

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

*Mayor Brian Hodson*

*Council President Tim Dale*

*Councilor Clint Coleman*

*Councilor Tracie Heidt*

*Councilor Traci Hensley*

*Councilor Greg Parker*

*Councilor Tyler Smith*

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### CITY COUNCIL MEETING

#### 1. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance
- C. Kiwanis Canby Community Food & Toy Drive Proclamation Pg. 1
- D. Mayor & Council Election Proclamation Pg. 2
- E. Measure 3-482 Proclamation Pg. 5
- F. Measure 3-483 Proclamation Pg. 7
- G. Measure 3-484 Proclamation Pg. 9

#### 2. COMMUNICATIONS

#### 3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

*(This is an opportunity for audience members to address the City Council on items not on the agenda. Each person will be given 3 minutes to speak. You are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. For Agenda items, please fill out a testimony/comment card and give to the City Recorder noting which item you wish to speak on.)*

#### 4. MAYOR'S BUSINESS

#### 5. COUNCILOR COMMENTS & LIAISON REPORTS

#### 6. CONSENT AGENDA

*(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)*

- A. Approval of Minutes of the November 16, 2016 City Council Regular Meeting
- B. Appointments to the Planning Commission Pg.11

#### 7. PUBLIC HEARING

- A. HD 16-01 Former City Hall Landmark Designation Pg. 15

**8. RESOLUTIONS & ORDINANCES**

- A. Res. 1253, Authorizing the Extension of Municipal Sewer Service to 1575 N Pine Street – Tax Lot Number 31E28DD03201 – Located Outside Of the Canby City Limits, Pursuant to the Urban Growth Management Agreement Between Clackamas County and the City of Canby Pg. 32
- B. Res. 1254, Adopting a Collective Bargaining Agreement Between the City of Canby (City) and the Canby Police Association for the Period from July 1, 2016 Through June 30, 2019; and Repealing Resolution 1173 Pg. 40
- C. Ord. 1454, Amending Canby Municipal Code Chapter 5.16.030 and 5.16.060 Regarding Liquor License Review in the City of Canby (**2<sup>nd</sup> Reading**) Pg. 61
- D. Ord. 1455, Amending the Zoning Designation of a Certain Property in the City of Canby, Clackamas County, Oregon in Conformance with the Comprehensive Plan and the Land Development and Planning Ordinance of the City of Canby for Tax Lot 6000 of Tax Map 3-1E-33CA Pg. 64

**9. NEW BUSINESS**

- A. HD 16-01 Findings, Conclusion & Final Order Pg.67
- B. Cancellation of December 21, 2016 City Council Meeting

**10. CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS**

**11. CITIZEN INPUT**

**12. ACTION REVIEW**

**13. EXECUTIVE SESSION:** ORS 192.660(2)(h) Litigation and ORS 192.660(3) Labor Negotiations

**14. 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 Kim Scheafer at 503.266.0733. A copy of this Agenda can be found on the City’s web page at [www.canbyoregon.gov](http://www.canbyoregon.gov). City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.



Office of the Mayor

# Proclamation

## **Kiwanis Canby Community Food & Toy Drive**

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

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; and

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

WHEREAS, donations for food baskets can be left at various locations around Canby.

NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim December 11 through December 17 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 toy and food drive, helping to provide assurance that each family may have a twinkle in their eye this holiday season

Given unto my hand this 7<sup>th</sup> day of December 2016.

Brian Hodson  
Mayor



# Office of the Mayor

## Proclamation

### “Mayor & Council Election”

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 8, 2016, and

WHEREAS, the Clackamas County Elections Department offers the following abstract as an official count of votes as of November 25, 2016:

**MAYOR -** Brian D. Hodson - 5,410  
Undervotes - 2,503  
Overvotes - 0  
Write-In - 330

**CITY COUNCIL -** Tim Dale - 3,743  
Traci Hensley - 3,670  
Irene Konev - 2,815  
Clinton H. Coleman - 2,977  
Sarah Spoon - 3,948  
Undervotes - 7,320  
Overvotes - 8  
Write-in - 232

WHEREAS, the three people receiving the most votes for City Council will be selected to four year terms on the Canby City Council.

NOW, THEREFORE, I, Brian Hodson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Elections Division dated November 25, 2016.

Dated this 7<sup>th</sup> day of December 2016.

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Brian Hodson  
Mayor



# Canvass Results Report

November 8, 2016 General Election

Run Time 1:33 PM

Run Date 11/25/2016

## Clackamas County

General Election

11/8/2016

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## Official results

Registered Voters

217760 of 269156 = 80.90 %

Precincts Reporting

119 of 119 = 100.00 %

### City of Canby, Mayor - Vote for One

Precinct	Brian D Hodson	Cast Votes	Overvotes	Undervotes	Write-In	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
122	1924	1924	0	846	110	2880	2880	3630	79.34 %
124	1402	1402	0	750	96	2248	2248	2668	84.26 %
125	2084	2084	0	907	124	3115	3115	3808	81.80 %
Totals	5410	5410	0	2503	330	8243	8243	10106	81.57 %

NOTED COPY OF THE ORIGINAL  
COUNTY CLERK

*Sherry Hall*

# Canvass Results Report

November 8, 2016 General Election

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## Clackamas County

General Election

11/8/2016

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## Official results

Registered Voters

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Precincts Reporting

119 of 119 = 100.00 %

### City of Canby, City Council - Vote for Three

Precinct	Tim Dale	Traci Hensley	Irene Konev	Clinton H Coleman	Sarah Spoon	Cast Votes	Overvotes	Undervotes	Write-in	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
122	1310	1283	935	984	1348	5860	5	2673	92	2880	2880	3630	79.34 %
124	1000	962	766	861	1133	4722	2	1959	57	2248	2248	2668	84.26 %
125	1433	1425	1114	1132	1467	6571	1	2688	83	3115	3115	3808	81.80 %
Totals	3743	3670	2815	2977	3948	17153	8	7320	232	8243	8243	10106	81.57 %

VERIFIED COPY OF THE ORIGINAL  
CLERK OF COUNTY CLERK

*Sherry Hill*



Office of the Mayor

# Proclamation

## Measure 3-482 Election Results

WHEREAS, the City of Canby, County of Clackamas, Oregon, placed a measure on the General Election ballot on November 8, 2016, to consider the following measure:

### MEASURE NO. 3-482

**SHALL THE CITY IMPOSE \$0.49 PER \$1,000 OF ASSESSED PROPERTY VALUE FOR FIVE YEARS, 2018-2022, FUNDING SWIM CENTER OPERATIONS? THIS MEASURE RENEWS CURRENT LOCAL OPTION TAXES.**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the General Election on November 8, 2016.

**YES - 5,337**

**NO - 2,499**

**Undervotes - 407**

**Overvotes - 0**

**NOW, THEREFORE**, I, Brian Hodson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 25, 2016.

Dated this 7<sup>th</sup> day of December 2016.

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Brian Hodson  
Mayor

# Canvass Results Report

November 8, 2016 General Election

Run Time 1:33 PM

Run Date 11/25/2016

## Clackamas County

General Election

11/8/2016

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## Official results

Registered Voters

217760 of 269156 = 80.90 %

Precincts Reporting

119 of 119 = 100.00 %

### Measure 3-482, City of Canby

Precinct	YES	NO	Cast Votes	Overvotes	Undervotes	Write-in	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
122	1838	907	2745	0	135	0	2880	2880	3630	79.34 %
124	1418	720	2138	0	110	0	2248	2248	2668	84.26 %
125	2081	872	2953	0	162	0	3115	3115	3808	81.80 %
Totals	5337	2499	7836	0	407	0	8243	8243	10106	81.57 %

FAKED COPY OF THE ORIGINAL  
ELECTORAL COUNTY CLERK

*Seamus Hall*





Office of the Mayor

# Proclamation

## “Measure 3-483 Election Results”

WHEREAS, the City of Canby, County of Clackamas, Oregon, placed a measure on the General Election ballot on November 8, 2016, to consider the following measure:

**MEASURE NO. 3-483 - SHALL THE CITY OF CANBY ALLOW THE ESTABLISHMENT OF MARIJUANA BUSINESSES WITHIN THE CITY?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the General Election on November 8, 2016.

**YES - 3,279**

**NO - 4,721**

**Undervotes - 240**

**Overvotes - 3**

**NOW, THEREFORE**, I, Brian Hodson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 25, 2016.

Dated this 7<sup>th</sup> day of December 2016.

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Brian Hodson  
Mayor

# Canvass Results Report

November 8, 2016 General Election

Run Time 1:33 PM

Run Date 11/25/2016

## Clackamas County

General Election

11/8/2016

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## Official results

Registered Voters

217760 of 269156 = 80.90 %

Precincts Reporting

119 of 119 = 100.00 %

### Measure 3-483, City of Canby

Precinct	YES	NO	Cast Votes	Overvotes	Undervotes	Write-in	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
122	1150	1655	2805	0	75	0	2880	2880	3630	79.34 %
124	869	1316	2185	3	60	0	2248	2248	2668	84.26 %
125	1260	1750	3010	0	105	0	3115	3115	3808	81.80 %
Totals	3279	4721	8000	3	240	0	8243	8243	10106	81.57 %

NOTED COPY OF THE ORIGINAL  
GENERAL, COUNTY CLERK

*Shirley Hall*



Office of the Mayor

# Proclamation

## Measure 3-484 Election Results

WHEREAS, the City of Canby, County of Clackamas, Oregon, placed a measure on the General Election ballot on November 8, 2016, to consider the following measure:

**MEASURE NO. 3-484 - SHALL THE CITY OF CANBY IMPOSE A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the General Election on November 8, 2016.

**YES - 6,345**

**NO - 1,577**

**Undervotes - 319**

**Overvotes - 2**

NOW, THEREFORE, I, Brian Hodson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 25, 2016.

Dated this 7<sup>th</sup> day of December 2016.

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Brian Hodson  
Mayor



# Canvass Results Report

November 8, 2016 General Election

Run Time 1:33 PM

Run Date 11/25/2016

## Clackamas County

General Election

11/8/2016

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## Official results

Registered Voters

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Precincts Reporting

119 of 119 = 100.00 %

### Measure 3-484, City of Canby

Precinct	YES	NO	Cast Votes	Overvotes	Undervotes	Write-in	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
122	2199	575	2774	1	105	0	2880	2880	3630	79.34 %
124	1769	396	2165	1	82	0	2248	2248	2668	84.26 %
125	2377	606	2983	0	132	0	3115	3115	3808	81.80 %
<b>Totals</b>	<b>6345</b>	<b>1577</b>	<b>7922</b>	<b>2</b>	<b>319</b>	<b>0</b>	<b>8243</b>	<b>8243</b>	<b>10106</b>	<b>81.57 %</b>

CONTINUED COPY OF THE ORIGINAL  
CLERK'S HALL, COUNTY CLERK

*Sherry Hall*



**CITY OF CANBY  
APPLICATION  
BOARD/COMMITTEES/COMMISSIONS/COUNCIL**

Date: 10/31/16  
 Name: Shawn Varwig Occupation: Self-Employed  
 Home Address: \_\_\_\_\_  
 Employer: Judson Roy Home Furn Position: Owner  
 Daytime Phone: \_\_\_\_\_ Evening Phone: Same  
 E-Mail Address: \_\_\_\_\_  
 For which position are you applying? Planning Commission

What are your community interests (committees, organizations, special activities)?  
Business, Chamber of Commerce

Experience and educational background: Some College. Business  
Owner. Public Policy Council - Wilsonville Chamber  
Ambassadors & Board - Wilsonville Chamber  
Ambassadors - Canby Chamber

Reason for your interest in this position: To help be a part of  
Canby's future.

List any other City or County positions on which you serve or have served: \_\_\_\_\_  
N/A

Information on any special membership requirements: \_\_\_\_\_  
N/A

Referred by (if applicable): \_\_\_\_\_

Feel free to attach a copy of your resume and use additional sheets if necessary

**THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY**

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

PO Box 930

222 NE 2<sup>nd</sup> Avenue

Canby, OR 97013

Phone: 503.266.0733 Fax: 503.266.7961 Email: [scheaferk@canbyoregon.gov](mailto:scheaferk@canbyoregon.gov)

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

**RECEIVED** 10-1-16

**OCT 31 2016**

**CITY OF CANBY  
APPLICATION  
BOARD/COMMITTEES/COMMISSIONS/COUNCIL**

Date: 10/07/2016  
 Name: ANDREY CHERNISHOV Occupation: CIVIL ENGINEER  
 Home Address: \_\_\_\_\_, CANBY, OR 97013  
 Employer: HBH CONSULTING ENGINEERS Position: OWNER  
 Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

For which position are you applying? PLANNING COMMISSION

What are your community interests (committees, organizations, special activities)?  
I ENJOY SPENDING TIME WITH MY WIFE AND THREE DAUGHTERS AT THE CANBY PARKS AND VARIOUS CITY EVENTS.

Experience and educational background: SEE ATTACHED RESUME.  
B.S. CIVIL ENGINEERING (2005), MBA (2016).  
REGISTERED PROFESSIONAL CIVIL ENGINEER FAMILIAR  
W/LAND USE PLANNING AND SITE DEVELOPMENT.

Reason for your interest in this position: AS THE CITY OF CANBY GROWS, I WOULD LIKE TO BE INVOLVED IN HELPING SHAPE THE DEVELOPMENT OF CANBY.

List any other City or County positions on which you serve or have served: CANBY PARKS AND RECREATION ADVISORY BOARD (2012-2016)

Information on any special membership requirements: \_\_\_\_\_

Referred by (if applicable): IRENE KONEV

Feel free to attach a copy of your resume and use additional sheets if necessary

**THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY**

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

PO Box 930  
 222 NE 2<sup>nd</sup> Avenue  
 Canby, OR 97013

Phone: 503.266.0733 Fax: 503.266.7961 Email: [scheaferk@canbyoregon.gov](mailto:scheaferk@canbyoregon.gov)

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

**RECEIVED**  
**OCT 07 2016**

City of Canby - City Recorder

10-1-16

**ANDREY CHERNISHOV, PE, CWRE**  
*Principal Engineer*

**Education**

Oregon State University,  
BS Civil Engineering  
2005

Marylhurst University,  
MBA 2016

**Registration**

Professional Engineer,  
Oregon #76347PE  
California #C75178

**Certification**

Certified Water Rights  
Examiner, Oregon  
#76347CWRE

ODOT General  
Construction &  
Environmental/Erosion  
Control Inspector,  
#48809

**Years of Experience**  
11

**Experience with HBH**  
Since 2014

Mr. Chernishov is a professional engineer with over 11 years of post-graduate experience in various phases of civil engineering projects. Mr. Chernishov's specific experience includes the design of public and private streets including widening, overlays, reconstruction, new construction, realignment, and future alignments. His water experience includes waterline replacement, relocation, new construction, upsizing, construction staging, pressure reducing stations, water reservoirs. His stormwater experience includes hydrologic modeling, water quality/quantity pond and swale design, culvert design, hydraulic capacity modeling, and stormwater master planning. His site design experience includes commercial and residential development, waste water treatment and pump stations, sewer line replacement, grading and erosion control, construction management and inspection.

**Representative Project Experience**

Site Design

- McMinnville - World Class Technology Site Expansion
- Newberg - First American Title Site Improvements
- McMinnville - Marjorie House Senior Assisted Living Facility
- Portland - Happy Valley Senior Village
- Willamina School District - Ballfield Drainage Design
- City of Mt. Angel - Ebner Park Improvements
- Lake Oswego - Bella Terra Subdivision
- Hillsboro - SolarWorld Industries America Site Expansion
- Beaverton - Tualatin Valley Water District Dewatering Facility
- Sherwood - St. Francis School Expansion
- Tualatin - Tualatin Valley Fire & Rescue Fire Stations
- Happy Valley - Sunnyside Heights Commercial Site Improvements
- Aloha - Intel Aloha Campus Fab 4 Building Demolition
- Wilsonville - Wilsonville Medical Plaza
- Salem - Willamette University Track & Field Improvements
- Brooks - Bayer CropScience Site Expansion

Transportation Engineering

- City of Lincoln City - Coast Ave Roadway Improvements
- City of Detroit - Hwy 22 Rectangular Rapid Flashing Beacon (RRFB) Crossing
- City of Lincoln City - Hwy 101 Sidewalk & ADA Improvements
- City of Willamina - HWY 18 Sidewalk & ADA Improvements
- City of Detroit - Clester Road Overlay
- City of Lake Oswego - Capitol Roadway Improvements
- Otis - Boulder Creek Retreat Special Road District Improvements
- Various Jurisdictions - Many miles of new roadway design with private development projects

### Water System Engineering

- City of Junction City - 11th & Elm St Well Improvements
- City of Rockaway Beach - Hwy 101 Waterline Improvements
- City of Junction City - 1st Ave Waterline Improvements
- Willamina School District - Fire Pump Station Design
- City of Gates – CIP Water System Improvements (Pipeline, Reservoir, Treatment Plant, Booster Station)
- Oregon Drinking Water Program Circuit Rider (Technical Assistance)
- City of Gates - Water Master Plan
- City of Wilsonville - Water Master Plan
- City of Wilsonville - Water Management and Conservation Plan
- City of Willamina - Water Master Plan
- City of Amity - Water Master Plan
- City of Silverton - Water Master Plan
- Emerald Christian Academy - Corrosion Control Plan and Design
- City of Stayton - Water Right Extensions
- Wood Village - Water Right Transfers & Modifications, Waterline Ext
- Various Jurisdictions – Many miles of new waterline design with private development projects

### Wastewater Engineering

- City of Lincoln City - Roads End South Pump Station Upgrade
- City of Lincoln City - Jetty Ave Trunk Line Replacement
- City of Junction City - WWTP Lagoon Air Diffusion System
- City of Junction City - 17th Ave Pipe Bursting
- City of Lake Oswego - Bella Terra Pump Station & CIP Pipeline Ext
- City of Amity - WWTP Headworks Pump Station
- City of Lincoln City – West Devils Lake Pump Station Upgrade
- City of Stayton - Wastewater Treatment Plant Improvements
- City of Newberg - Infiltration and Inflow (I&I) Study
- City of Ashland - Infiltration and Inflow (I&I) Study
- City of Stayton - Infiltration and Inflow (I&I) Study
- City of McMinnville - High School Basin I&I Reduction Improvements
- City of Wood Village - Sanitary Sewer Line Extension
- City of Sheridan - Wastewater Facilities Planning Study
- City of Ashland - Wastewater Facilities Planning Study
- Various Jurisdictions – Many miles of new sewer line design with private development projects

### Stormwater Engineering

- Tillamook County - Southern Flow Corridor Salt Marsh Restoration
- City of Lincoln City - 52nd Dr & Keel Ave Stormwater Improvements
- City Grants Pass - Stormwater Master Plan
- City of Silverton - Stormwater Master Plan
- City of Wood Village - Stormwater Master Plan
- City of Stayton - Stormwater Quality Sampling Analysis
- City of Stayton - Stormwater Modeling Updates
- Various Jurisdictions – Modeling and design of stormwater detention and water quality facilities for many private and commercial development projects including ponds, swales, infiltration basins, and rain gardens.
- Various Jurisdictions – Storm water conveyance systems including piping, culverts, ditches, and tide gates.
- Various Modeling techniques and software (XPSWMM & HydroCAD) including, rational method, SBUH, and SCS.





# City of Canby

PO Box 930 Phone: 503.266.4021  
222 NE 2nd Ave Fax: 503.266.7961  
Canby, OR 97013 www.canbyoregon.gov

## **M E M O R A N D U M**

**DATE:** *November 29, 2016*

**TO:** *Mayor and City Council*

**FROM:** *Bryan Brown, Canby Planning Director*

**RE:** *Staff Report – Designation of Former City Hall to Local Register of Historic Landmarks (HD 16-01)*

At their November 7, 2016 meeting the Historic Review Board held a public hearing and then voted to forward a recommendation to the Planning Commission and City Council to approve an application to designate the former City Hall to the Local Register of Historic Landmarks. and apply the Historical Protection Overlay Zone (A) to this property.

At their November 28, 2016 meeting the Planning Commission after holding their own public hearing voted to support the HRB recommendation and forward a recommendation the City Council approve the application to designate the former City Hall building located at 182 N Holly Street to the local Register of Historic Landmarks and to apply the Historical Protection Overlay Zone (A) to the property. The Historic Review Board and the Planning Commission's Final Findings reflect their recommendations made.

**Recommendation:** Upon review of the Historic Review Board's recommendation, the Planning Commission recommends that the City Council approval of HD 16-01 based on the application submitted and the facts, findings, and conclusions of the staff report and supplemental findings from the respective public hearings more specifically as follows:

1. The former City Hall located at 182 N Holly Street be designated as a local historic landmark,
2. That the former City Hall be listed on the official local Register of Historic Landmarks, and
3. That zoning of the former City Hall property (Tax Lot/Map 31E33CA06000) be changed by the addition of the Historical Protection Overlay Zone (A) designation to the existing underlying base zone.

Recommended motion:

*"I move to approve application HD 16-01 to designate the former City Hall as a Local Historic Landmark to be listed on the Local Register of Historic Landmarks and that the zoning of the property be change to add the Historical Protection Overlay Zone (A) designation to the existing underlying base zone.*

**Attachments:** Planning Commission staff report, application with significance narrative, and findings of the Historic Review Board and Planning Commission.



# City of Canby

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## STAFF REPORT

### FILE #: HD 16-01 DESIGNATION OF FORMER CITY HALL TO LOCAL REGISTER OF HISTORIC LANDMARKS

Prepared for the November 28, 2016 Planning Commission Meeting

**LOCATION:** 182 N Holly Street

**TAXLOT:** 31E33CA06000 (Bordered in blue on the map below)



**LOT SIZE:** 0.23 total acres

**ZONING:** C-1 Downtown Commercial

**OWNER:** City of Canby

**APPLICANT:** Historic Review Board

**APPLICATION TYPE:** Historic Designation

**CITY FILE NUMBER:** HD 16-01

**APPLICANT'S REQUEST:** The applicant is seeking approval for the former City Hall, located at 182 N Holly Street, to be nominated to the Local Register of Historic Landmarks and apply the Historical Protection Overlay Zone (A) to this property.

## **SECTION I      RECOMMENDATION**

The Historic Review Board after holding a public hearing on November 7, 2016 has forwarded a recommendation for APPROVAL of the historic designation application to nominate the former City Hall to the Local Register of Historic Landmarks and apply the Historical Protection Overlay Zone (A) to this property.

## **SECTION II      APPLICABLE REVIEW CRITERIA:**

**City of Canby Land Development and Planning Ordinance Chapters:**

**16.38    Historical Protection Overlay Zone (A)**

**16.110 Historic Preservation**

## **SECTION III      REVIEW FOR CONFORMANCE WITH APPLICABLE APPROVAL CRITERIA:**

### **16.110.055 Criteria for Historic Landmark and Historic District Designation**

1. In order to designate buildings, sites, objects, or structures as Historic Landmarks or Historic Districts, it shall be found that:

- a. The resource is about 50 years or older, or the resource is less than 50 years old but of exceptional importance with regard to its historical, architectural or environmental significance; and
- b. There is historical, architectural, or environmental significance.

**FINDINGS: Situated in the heart of the community's original twenty-four block town site, the Canby City Hall possesses both architectural and historical significance. Constructed as a Public Works Administration (PWA) project in the midst of the Great Depression, its distinctive design has made it a community icon. At a national level, the PWA recognized it as an ideal example of design serving function. From a historical perspective, the City Hall served as the focal point of municipal governance from 1937 to 2016.**

A. Historical Significance.

1. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state or nation.
2. Association with an event that has made a significant contribution to the city, county, state or nation.
3. Association with broad patterns of cultural, political, social, economic, industrial, or agricultural history.
4. Potential for providing information of a prehistoric or historic nature in the city, county, state, or nation.
5. Listed on the National Register of Historic Places.

**FINDINGS:** For almost eight decades, Canby's City Hall housed the community's elected officials and municipal services. It served as the center of policy and decision-making and the place where residents paid their utility bills and, for four decades, checked out and returned books to the city's library. Canby's City Hall was inextricably linked to the evolution of the community from a farm town to an urban/rural fringe suburb. (Please see submitted application for full explanation of historical significance and sources).

B. Architectural Significance.

1. Example of a particular architectural style, building type and/or convention.
2. Example of quality of composition, detailing and/or craftsmanship.
3. An example of a particular material and/or method of construction.
4. It retains original design features, materials and/or character.
5. The only remaining, or one of few remaining resources of a particular style, building type, design, material, or method of construction.
6. The work of a master architect.

**FINDINGS:** A prominent structure in the community, Canby's City Hall looks much as it did when erected in terms of design, character, and materials. Constructed of brick, the rectangular main section of the 1.5 story building rises from a concrete foundation and basement. It features two-sash vinyl windows with wood trim. The structure is capped by a tall, steep, hipped roof with dormers in the center of the north and west façades. A wing that is off-set to the south side of the main structure has two projecting bays separated by a recessed center entry. Constructed of horizontal boards, this façade features single pane picture windows. A tall hose drying tower with a stucco exterior and a square pyramid roof sits at the rear of this wing. The original jail projects out from the rear of the main building. It features a stucco exterior, two barred windows, and a metal door.

The structure retains its historical integrity in that the alterations to the original building are minor. The wood windows were replaced with vinyl, but the original wood trim remains. In the 1980s, the entrance door was changed to comply with the Americans with Disabilities Act. In 1961, the off-set south wing was converted from a fire station to a library. To accommodate its new function, the annex's garage doors were replaced with the dual bay window and center door façade. Unchanged since its construction, this section retains its historic integrity for that period.

The building's Colonial Revival style and site placement set it apart in a townscape dominated by low profile utilitarian structures. Set-back from the sidewalk and surrounded on its street-facing sides with attractive landscaping and decorative wrought iron fencing, the building projects significance and stability. Over the years, it has become a symbol of the town.

The City Hall was designed by architects George Howell Jones and Harold D. Marsh of the Portland architectural firm, Jones and Marsh. Portland natives, both Jones and Marsh trained in architecture at Oregon State College, then at the Massachusetts Institute of Technology, graduating in 1913. Jones worked in New York City before and after serving in World War I. He returned to Portland to become the district architect for Portland Public Schools. In the early 1930s, he went into private practice with his former classmate, Marsh. In addition to the Canby City Hall, the firm designed many public buildings across the state.



Canby's City Hall also possesses architectural significance from a national perspective. In 1939, the PWA conducted a review of the projects it funded in its first five years and published a two volume work that featured "the best examples of the different types of buildings and other structures which are the most interesting from architectural and engineering viewpoints." Of the over 10,000 projects funded by the PWA at the local or state level, 330 were identified as ideal examples of design serving function. Canby's City Hall was selected for this recognition, one of only seven in Oregon. Others included the Oregon State Capital and the State Library.

C. Environmental Significance.

1. A visual landmark in the neighborhood or community.
2. Existing land use surrounding the resource contributes to the integrity of the pertinent historic period.
3. It consists of a grouping of interrelated elements including historic structures, plant materials and landscapes, view sheds and natural features.
4. It contributes to the continuity or historic character of the street, neighborhood and/or community. (Ord. 905, 1994; renumb., mod. by Ord. 1061, 2000)

**FINDINGS:** The former City Hall, located at 182 N Holly Street, was a Public Works Administration (PWA) project that began in 1936 and was completed in 1937. This iconic City Hall sits within the original 24 block area that made up Canby.

In order to preserve the City Hall, the application for the Local Register of Historic Places was submitted by Carol Palmer on behalf of the City of Canby. The City of Canby is working with a developer who will purchase the building, redevelop the interior, and market it as a location for business. The application – provided it is approved – will aid in the effort to maintain the exterior charm and historic integrity, while finding a new owner and tenant. The developer is aware of the move to add City Hall to the Local Register and is a proponent for this work.

The Local Register of Historic Landmarks will add an overlay zone which would provide several checkpoints before allowing someone to drastically alter the exterior or demolish the building.

**Comments:**

Comments were solicited from the public, City departments, and applicable reviewing agencies. Summary of comments are included in the staff report, and complete agency and public comments are part of the file. All comments from citizens and agencies received to date are attached to the file and will be presented to the Planning Commission.

**Public Comments:**

No public comments were received at the time this staff report was written.

**Agency Comments:**

No agency comments were received at the time this staff report was written.

#### **SECTION IV CONCLUSION/RECOMMENDATION**

Based on the application submitted and the facts, findings and conclusions of this report, staff recommends that the Planning Commission support and concur with the recommendation from the Historic Review Board and recommend to the City Council that:

1. HD 16-01 application be approved so the former City Hall can be listed on the Local Register of Historic Landmarks, and
2. The Historical Overlay Zone be applied to the former City Hall property to lend protection offered by City code to designated local Landmarks.

#### **SECTION V CONDITIONS OF APPROVAL**

Approval of this application is based on submitted application materials. Approval is strictly limited to the submitted proposal and is not extended to any other development of the property. Major alteration of a Historic Landmark is subject to review by the Historic Review Board with consideration given to the Secretary of the Interior's Standards for Rehabilitation with the alteration permit as indicated in the Canby Municipal Code.

#### **Section VI Attachments/Exhibits:**

1. Application
2. Narrative with Architectural & Historical Significance



# City of Canby

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## LOCAL REGISTER OF HISTORIC RESOURCES APPLICATION

### **Form Submitted By:**

Name: **Carol Palmer**

Bus. Phone: **503.504.2638**

Address of Site: **182 N. Holly Street**

Home Phone: **503.504.2638**

City & Zip: **Canby, Oregon**

Email: [carolpalmer24@gmail.com](mailto:carolpalmer24@gmail.com)

Are you the owner of this property? ☐ YES ☒ NO

*If no, enter the contact information for the property owner below and attach letter signed by the owner(s) supporting the nomination.*

Name: **City of Canby (contact: Renate Mengelberg)**

Bus. Phone: **503.266. 0701**

Address: **222 NW 2<sup>nd</sup>**

Home Phone: \_\_\_\_\_

City & Zip: **Canby, Oregon 97013**

Email: **Mengelberg@CanbyOregon.gov**

### **Criteria**

1. In order to designate buildings, sites, objects, or structures as Historic Landmarks or Historic Districts, it shall be found that:

- a. The resource is about 50 years or older, or the resource is less than 50 years old but of exceptional importance with regard to its historical, architectural or environmental significance; and
- b. There is historical, architectural, or environmental significance.

2. The following factors shall be considered in determining whether the criteria found in subsection 1(b) of this section are satisfied:

#### **A. Historical Significance.**

1. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state or nation.
2. Association with an event that has made a significant contribution to the city, county, state or nation.
3. Association with broad patterns of cultural, political, social, economic, industrial, or agricultural history.
4. Potential for providing information of a prehistoric or historic nature in the city, county, state, or nation.
5. Listed on the National Register of Historic Places.

#### **B. Architectural Significance.**

1. Example of a particular architectural style, building type and/or convention.
2. Example of quality of composition, detailing and/or craftsmanship.

3. An example of a particular material and/or method of construction.
4. It retains original design features, materials and/or character.
5. The only remaining, or one of few remaining resources of a particular style, building type, design, material, or method of construction.
6. The work of a master architect.

C. Environmental Significance.

1. A visual landmark in the neighborhood or community.
2. Existing land use surrounding the resource contributes to the integrity of the pertinent historic period.
3. It consists of a grouping of interrelated elements including historic structures, plant materials and landscapes, view sheds and natural features.
4. It contributes to the continuity or historic character of the street, neighborhood and/or community. (Ord. 905, 1994; renumb., mod. by Ord. 1061, 2000)

**PROPERTY OWNER RIGHTS:** ORS 197.772(3) states that “A local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government.” This does not apply to properties listed on the National Register of Historic Places, or properties located within a National Register Historic District. It also does not apply to an application for Historic Designation initiated by the property owner as it is not “imposed” by the City.

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**HISTORIC INFORMATION:** Please attach a brief history and architectural description of the building or site requested for Historic Designation and state why this request should be approved. The City may be able to provide some historic technical assistance on your proposal.

**Additional Historic Information**

List any other inventories or sources of information with which you are familiar that relate to your historic site or structure.

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*See attached*



### *Summary*

Situated in the heart of the community's original twenty-four block town site, the Canby City Hall possesses both architectural and historical significance. Constructed as a Public Works Administration (PWA) project in the midst of the Great Depression, its distinctive design has made it a community icon. At a national level, the PWA recognized it as an ideal example of design serving function. From a historical perspective, the City Hall served as the focal point of municipal governance from 1937 to 2016.

### *Architectural Significance*

A prominent structure in the community, Canby's City Hall looks much as it did when erected in terms of design, character, and materials. Constructed of brick, the rectangular main section of the 1.5 story building rises from a concrete foundation and basement. It features two-sash vinyl windows with wood trim. The structure is capped by a tall, steep, hipped roof with dormers in the center of the north and west façades. A wing that is off-set to the south side of the main structure has two projecting bays separated by a recessed center entry. Constructed of horizontal boards, this façade features single pane picture windows. A tall hose drying tower with a stucco exterior and a square pyramid roof sits at the rear of this wing. The original jail projects out from the rear of the main building. It features a stucco exterior, two barred windows, and a metal door.

The structure retains its historical integrity in that the alterations to the original building are minor. The wood windows were replaced with vinyl, but the original wood trim remains. In the 1980s, the entrance door was changed to comply with the Americans with Disabilities Act. In 1961, the off-set south wing was converted from a fire station to a library. To accommodate

its new function, the annex's garage doors were replaced with the dual bay window and center door façade. Unchanged since its construction, this section retains its historic integrity for that period.

The building's Colonial Revival style and site placement set it apart in a townscape dominated by low profile utilitarian structures. Set-back from the sidewalk and surrounded on its street-facing sides with attractive landscaping and decorative wrought iron fencing, the building projects significance and stability. Over the years, it has become a symbol of the town.

The City Hall was designed by architects George Howell Jones and Harold D. Marsh of the Portland architectural firm, Jones and Marsh. Portland natives, both Jones and Marsh trained in architecture at Oregon State College, then at the Massachusetts Institute of Technology, graduating in 1913. Jones worked in New York City before and after serving in World War I. He returned to Portland to become the district architect for Portland Public Schools. In the early 1930s, he went into private practice with his former classmate, Marsh. In addition to the Canby City Hall, the firm designed many public buildings across the state.

Canby's City Hall also possesses architectural significance from a national perspective. In 1939, the PWA conducted a review of the projects it funded in its first five years and published a two volume work that featured "the best examples of the different types of buildings and other structures which are the most interesting from architectural and engineering viewpoints."<sup>1</sup> Of the over 10,000 projects funded by the PWA at the local or state level, 330 were identified as ideal examples of design serving function. Canby's City Hall was selected for this recognition, one of only seven in Oregon. Others included the Oregon State Capital and the State Library.

## *Historical Significance*

For almost eight decades, Canby's City Hall housed the community's elected officials and municipal services. It served as the center of policy and decision-making and the place where residents paid their utility bills and, for four decades, checked out and returned books to the city's library. Canby's City Hall was inextricably linked to the evolution of the community from a farm town to an urban/rural fringe suburb.

Settled by pioneer families in the mid-1840s, municipal governance arrived in Canby in 1893, when city leaders decided to incorporate their community. The first council was dominated by members of the Mack, Knight, and Lee families, some of the earliest to settle in the area. Heman Lee served as the first mayor and his brother Albert, also a member of the council, was appointed to the position of clerk/teller. Other council members included Joseph Knight, William Knight, and Oramel R. Mack.

The council held its first meeting on May 13, 1893 on the second floor of the Knight Hall Building on the corner of NW Fir Street and First Avenue. The city council used this site until 1901 when the first city-owned facility, a horizontal wood structure, was constructed in the middle of the block facing First Avenue. At the time, Canby had 372 residents. Three decades later, with a population approaching 900, this aging facility proved inadequate in terms of supporting city functions and meeting community needs.

In 1935, the city council began exploring options for constructing a new facility; the siting of the structure generated a community-wide debate. The council favored using the vacant property on Holly Street and Second Avenue that it had acquired in 1931 when the

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<sup>1</sup> C. W. Short and R. Stanley-Brown, *Public Buildings: Architecture under the Public Works Administration, 1933-39*, Vol. 1., (Washington: U.S. G.P.O., 1939) Reprinted with a new introduction by Richard G.

property owners failed to pay assessments for street improvements. Many residents and business owners favored rebuilding on the existing site, arguing that a modern city structure would improve the appearance of the main street and encourage other property owners to upgrade their buildings. Others expressed concern about a side street location that kept the building out of public view.

In January 1936, the council held a special election to authorize construction of a new city hall that would house the jail, fire equipment, and other city services at the Holly Street site. Despite strong opposition to the location, Canby voters approved the measure by a slim margin of nineteen votes. The council opted to finance a portion of the construction costs with New Deal funding, hiring the Jones and Marsh architectural firm to design the structure and prepare the funding request. When the PWA re-opened its grant program at mid-year, Canby's application came under consideration and, in July, city leaders learned they would receive a \$5,300 grant, which would cover a significant portion of the anticipated \$12,000 cost of construction. In September, the council opened the construction bids and awarded the project to the low bidder, Robinson, Robinson, and Scott of Portland, who hired Canby subcontractors for plumbing, painting, and other tasks.

The blueprints detail the layout and usage of the building's floors. An unfinished basement was to be the site of a furnace and storage. The first floor had rooms for city services, fire crews, a council chamber, storage, a jail facility, and a side annex for fire equipment. The jail doors from the existing jail site were to be reused. There are no detailed plans for the top floor, it is depicted as an open space between the ceiling and the roof.

Construction began in late in 1936 and completed in 1937. Led by Mayor Ray Vinyard, the city council held its first meeting at the new facility on March 23, 1937. At this special

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Wilson (New York: Da Capo Press, Inc., 1986), I.

session the council passed a resolution declaring the building had been completed as specified and accepted by the city. In April, the council authorized improvements not included in the original plans, including the construction of sidewalks, a rear driveway, and a hose tower for the fire department, as well as purchases of a fire siren, window blinds, floorcoverings, and shrubs for exterior landscaping.

During this period, Canby's elected officials were also responding to the need to expand existing services and to increase the scope of city administration. The decision to construct a new facility was prompted in part by the necessity of housing additional fire equipment needed to serve a growing population. During this period, the city council also took on new responsibilities. In 1937, the town's voters approved the transfer of Zion Cemetery to the city. Two months after moving into the new building, council members listened to a request from a representative of the Canby Women's Civic Club (CWCC), Mrs. C. P. Shewey. After years of relying on volunteers and make-shift arrangements, Shewey asked the council to establish a municipal library. Having obtained a Works Progress Administration (WPA) grant to pay a librarian, advocates needed a site for the facility. The council approved use of the council chambers and appointed five residents to a city library board. In 1939, the city became the overseer of parks when City Attorney Charles Wait donated the seven lots in the block that became Wait Park.

From 1937 until 2016, the Holly Street City Hall served as the focal point for city services, administration, and policy-making. As the city staff increased to accommodate a growing population, city leaders took a number of steps to keep the building functional. They added office space by remodeling the basement; they converted the fire annex into a library and built a second annex for the fire department; they moved some city functions off-site. By



1976 Canby had over 6,000 residents and the overcrowded conditions at City Hall, built for a population of 900, had become intolerable. On September 20<sup>th</sup>, Mayor Paul Roth appointed a citizen's committee to explore replacement options. Forty years later, after many failed attempts to replace the Holly Street City Hall, the city moved into a new facility, housing all of its administrative functions and library under one roof.

Sources:

City Canby Council Minutes, 1931-2, 1935-9, 1957, 1961-2, 1967-77.

*Canby Herald*, 1931-2, 1935-9, 1957, 1961-2, 1967-77.

Short, C. W. and Stanley-Brown, R., *Public Buildings: Architecture under the Public Works Administration, 1933-39*, Vol. 1. Washington: U.S. G.P.O, 1939. Reprinted with a new introduction by Richard G. Wilson. New York: Da Capo Press, Inc., 1986.

Canby City Hall Blueprints, Jones and March Architects, March, 1936, Revised September 12, 1936.

City of Canby Advertisement for Bids for City Hall Building, Revised June 17, 1936.

Canby City Hall: Downtown Canby Intensive Level Survey, SWCA Environmental Consultants, August 2014.

**BEFORE THE PLANNING COMMISSION  
OF THE  
CITY OF CANBY**

<b>A REQUEST FOR HISTORIC</b>	<b>)</b>	<b>FINDINGS, CONCLUSION &amp; FINAL ORDER</b>
<b>LANDMARK DESIGNATION OF</b>	<b>)</b>	<b>HD 16-01</b>
<b>THE FORMER CANBY CITY HALL</b>	<b>)</b>	<b>ADDITION OF THE FORMER CITY HALL TO</b>
<b>AT 182 N HOLLY STREET</b>	<b>)</b>	<b>LOCAL REGISTER OF HISTORIC LANDMARKS</b>

**NATURE OF APPLICATION**

The applicant is seeking approval for Historic Landmark Designation to add the former Canby City Hall to the Local Register of Historic Landmarks.

**HEARINGS**

The Planning Commission considered application HD 16-01 after the duly noticed hearing on November 28, 2016 during which the Planning Commission made a recommended by a \_\_\_/\_\_\_ vote that the City Council approve HD 16-01 per the recommendation contained in the staff report. These Findings are entered to document the recommendation.

**CRITERIA AND STANDARDS**

In judging whether or not the Historic Landmark Designation should be granted, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the Planning Commission staff report dated November 28, 2016 and presented at the November 28, 2016 public hearing of the Planning Commission.

**FINDINGS AND REASONS**

The Planning Commission considered application HD 16-01, to add the Former City Hall to the Local Register of Historic Landmarks, at a public hearing held on November 28, 2016 during which the staff report was presented, including all attachments, where staff recommended that the Planning Commission forward a recommendation of approval to the City Council to add the former City Hall to the Local Register of Historic Places and apply the Historical Protection Overlay Zone (A) to this property.

After hearing public testimony, and closing the public hearing, the Planning Commission made no additional findings beyond those contained in the staff report to arrive at their decision and support their recommendation.

**CONCLUSION**

In summary, the Planning Commission finds the application consistent with statewide planning goals and the criteria for approval set forth in the Land Use and Planning Ordinance and Comprehensive Plan of the City of Canby.

**ORDER**


Based on the application submitted and the facts, findings, and conclusions of the staff report and the supplemental findings from the public hearing, the Planning Commission recommended to the City Council Approval of application HD 16-01, as follows:

1. HD 16-01 application be approved,
2. Upon approval, add the former City Hall to the Local Register of Historic Landmarks, and apply the Historical Protection Overlay Zone (A) to this property.

I CERTIFY THAT THIS ORDER approving **HD 16-01 Former City Hall Addition to the Local Register of Historic Landmarks** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 28th day of November, 2016

  
John Savory  
Chair, Canby Planning Commission

  
Bryan Brown  
Planning Director

  
Laney Fouse, Attest  
Recording Secretary

**ORAL DECISION: November 28, 2016**

Name	Aye	No	Abstain	Absent
John Savory	✓			
John Serlet	✓			
Larry Boatright				✓
Kristene Rocha	✓			
Derrick Mottern	✓			
Tyler Hall	✓			
Vacant				

**WRITTEN DECISION: November 28, 2016**

Name	Aye	No	Abstain	Absent
John Savory	✓			
John Serlet	✓			
Larry Boatright				✓
Kristene Rocha	✓			
Derrick Mottern	✓			
Tyler Hall	✓			
Vacant				



# City of Canby

PO Box 930 Phone: 503.266.4021  
222 NE 2nd Ave Fax: 503.266.7961  
Canby, OR 97013 www.canbyoregon.gov

## MEMORANDUM

DATE: December 7, 2016  
TO: CANBY CITY COUNCIL  
FROM: RICK ROBINSON, CITY ADMINISTRATOR

**RE: RESOLUTION 1253 - A RESOLUTION AUTHORIZING THE EXTENSION OF MUNICIPAL SEWER SERVICE TO 1575 N PINE STREET - TAX LOT NUMBER 31E28DD03201 - LOCATED OUTSIDE OF THE CANBY CITY LIMITS, PURSUANT TO THE URBAN GROWTH MANAGEMENT AGREEMENT BETWEEN CLACKAMAS COUNTY AND CITY OF CANBY**

**ISSUE:** Whether or not to authorize the extension of municipal sewer service to 1575 N Pine Street based on a finding that a potential health or environmental hazard exists that could be mitigated by the connection of the property and the agreement of the affected property owner to pursue annexation of the property into the City limits of the City of Canby within two years.

**SUMMARY:** Scott and Ruth Vandecoevering, the owners of a residence located at 1575 N Pine Street, have requested that their property be permitted to connect to the City's Municipal Sanitary sewer system due to the potential for contamination of their domestic well which is located within 100 feet of the Vandecoevering's septic system. The Vandecoevering property is located on a County island within the City limits of the City of Canby.

Canby Municipal Code (CMC) Chapter 13.04.010 designates that the City may provide sewer disposal service to areas adjacent to the city limits as may be feasible, and operating guidelines adopted by the City Council on October 8, 2001 establish parameters for the provision of such services. Two conditions identified in the 2001 guidelines are specifically present in this request: The potential threat of health or environmental hazards which can be mitigated by the requested connection, and a promise by the property owner to pursue annexation into the City within 2 years.

Pursuant to the Urban Growth Management Agreement entered into by the City and Clackamas County, “The City shall not extend sewer or water to any unincorporated areas within the UGMB without annexation to the City, or unless mutually agreed to otherwise by the City and County”. As such, the property owners will also be required to seek the approval of the County for the connection to proceed.

The Property owners understand and agree that they will be required to pay all City Municipal Sanitary Sewer connection fees and monthly service fees associated with a new residential sewer service and that the specific location of the connection to the City sewer system is subject to approval by the Public Works Department.

**ATTACHMENTS:** Resolution 1253, Memorandum dated October 8, 2001, Letter of request from Property Owners, Location Map

**Recommendation:** Adopt Resolution 1253

**Motion:** ***“I move to adopt RESOLUTION 1253 - A RESOLUTION AUTHORIZING THE EXTENSION OF MUNICIPAL SEWER SERVICE TO 1575 N PINE STREET - TAX LOT NUMBER 31E28DD03201 - LOCATED OUTSIDE OF THE CANBY CITY LIMITS, PURSUANT TO THE URBAN GROWTH MANAGEMENT AGREEMENT BETWEEN CLACKAMAS COUNTY AND THE CITY OF CANBY***



## **RESOLUTION NO. 1253**

### **A RESOLUTION AUTHORIZING THE EXTENSION OF MUNICIPAL SEWER SERVICE TO 1575 N PINE STREET - TAX LOT NUMBER 31E28DD03201 - LOCATED OUTSIDE OF THE CANBY CITY LIMITS, PURSUANT TO THE URBAN GROWTH MANAGEMENT AGREEMENT BETWEEN CLACKAMAS COUNTY AND THE CITY OF CANBY**

**WHEREAS**, a residence owned by Scott and Ruth Vandecoevering, is located at 1575 N Pine Street; and

**WHEREAS**, the residence is located in Clackamas County, Oregon, but is immediately adjacent to the corporate limits and within the Urban Growth Boundary of the City of Canby; and

**WHEREAS**, the location of the Sanitary Sewer septic system is within 100 feet of the well serving the property, creating a potential health or environmental hazard which can be mitigated by the connection of the property to the City of Canby Municipal Sanitary Sewer System; and

**WHEREAS**, Property owners Scott and Ruth Vandecoevering have agreed to pursue annexation of the subject property into the city limits of the City of Canby within two (2) years; and

**WHEREAS**, Property owners Scott and Ruth Vandecoevering have agreed to pay all City Municipal Sanitary Sewer connection fees and monthly service fees associated with a new residential sewer service; and

**WHEREAS**, The Urban Growth Management Agreement states “The City shall not extend sewer or water to any unincorporated areas within the UGMB without annexation to the City, or unless mutually agreed to otherwise by the City and County”; and

**WHEREAS**, Property owners Scott and Ruth Vandecoevering acknowledge that City approval for the connection of the property to the City of Canby Municipal Sanitary Sewer System is conditioned upon Property Owner also acquiring Clackamas County approval.

**NOW, THEREFORE, BE IT RESOLVED** that, subject to Clackamas County concurrence, the residence located at 1575 N Pine Street is permitted to connect to the City of Canby sanitary sewer system. Location of the connection to the City sewer shall be approved by the Public Works Department.

This resolution shall take effect on December 7, 2016.

**ADOPTED** this 7<sup>th</sup> day of December 2016 by the City of Canby City Council.

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Brian Hodson  
Mayor

ATTEST:

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Kimberly Scheafer, MMC  
City Recorder

Scott & Ruth Vandecoevering  
1575 N Pine Street  
Canby, OR 97013  
(503) 807-2681

Canby City Council

RE: Proposal for Sewer service for 1575 North Pine Street

To Whom It May Concern:

The purpose of this proposal is to request sewer service for the property of 1575 N Pine Street. This property is in a small island of Clackamas County that is completely surrounded by Canby. The water and septic are currently provided by an on-site well and on-site septic system.

The existing septic drain field and well do not meet the 100-foot separation requirements. The well is currently located in the center of the property. Due to the size of the lot, I'm unable to re-locate the drain field in the property and maintain the 100-foot separation requirement.

If the home can be supplied with sewer service, I will be able to abandon the current septic system.

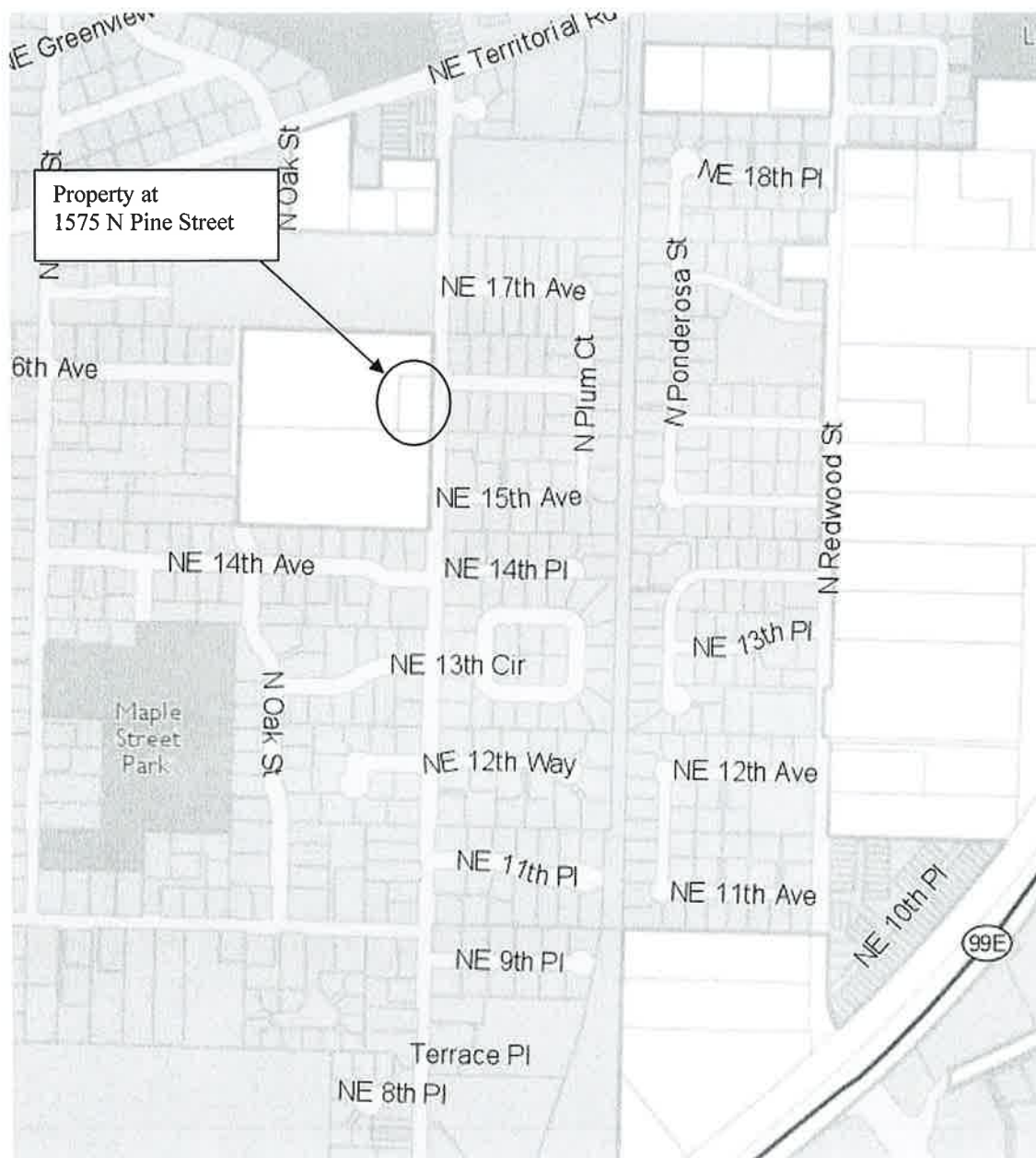
With the recent development across the street from the property, a septic main has already been plumbed on to the property.

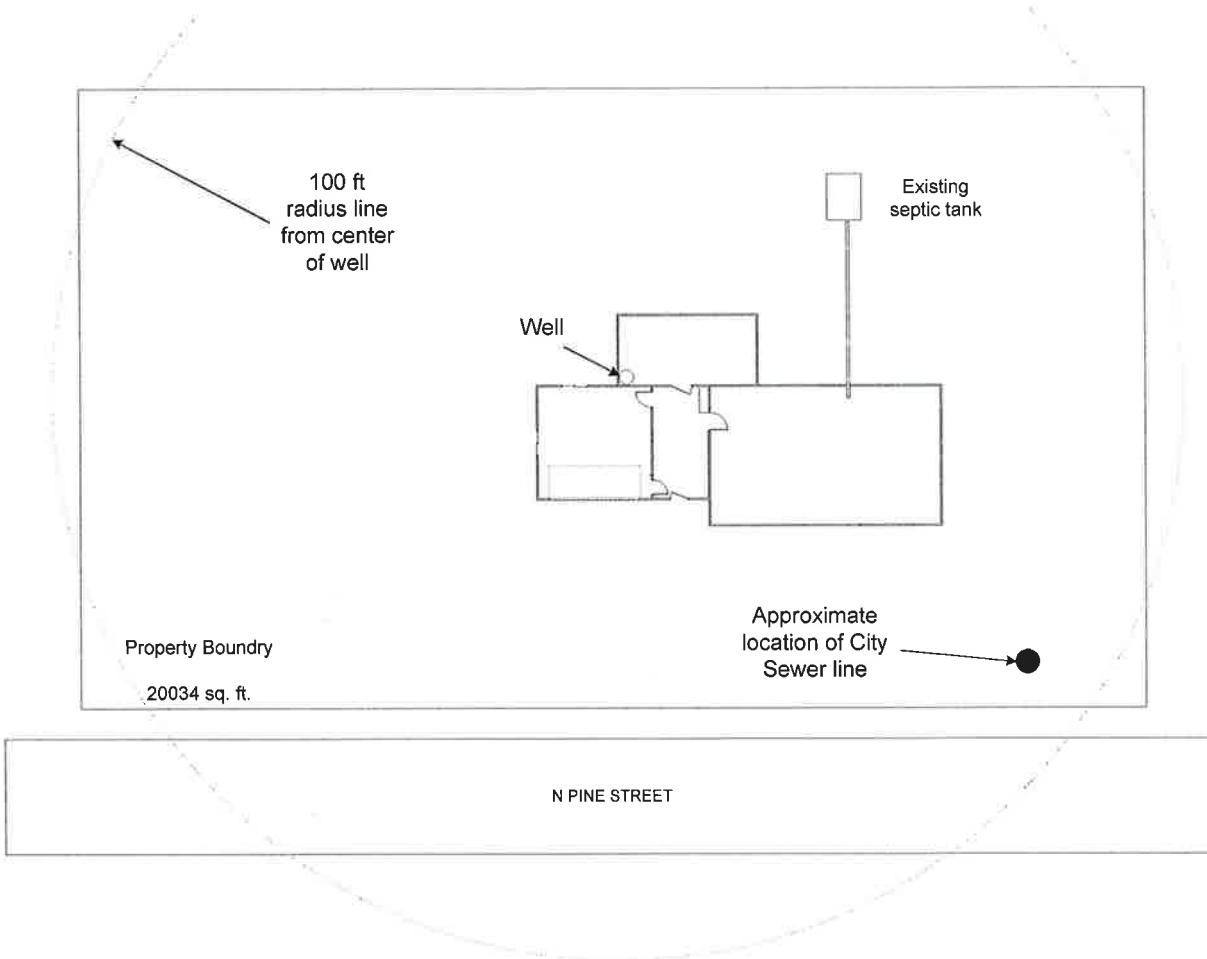
I have attached a plot map the shows the current location of the house, well, and septic system. The plot map also shows the approximate location of where the sewer line is located.

Please contact me any time if I can provide any additional information that would be helpful in evaluating this proposal.

Thank you for your consideration.

Scott & Ruth Vandecoevering







## ***M E M O R A N D U M***

***TO: Honorable Mayor Prince and City Council***

***FROM: Mark C. Adcock, City Administrator***

***DATE: October 8, 2001***

***PREPARED BY: John Williams, Community Development & Planning Director***

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Following is staff's understanding of the Council's direction on future water and sewer extensions proposed for areas beyond City limits:

- New extensions will be reviewed on a case-by-case basis. No hard and fast rules are proposed.
- In general, new water and sewer connections outside City limits will be discouraged. If one or more of the following conditions apply, the application may be viewed more favorably:
  - Health or environmental hazards which can be mitigated by the proposed service;
  - An area of "still water" which can be alleviated by a proposed water service extension;
  - A pending annexation or promise to annex in the future; or
  - An overall infrastructure master plan is in place for the area specifying the planned location for streets and utilities.

This is based on the Council's discussion of October 3. Staff will present future applications in this context. Please contact me if you have any questions.



# City of Canby

PO Box 930 Phone: 503.266.0635  
222 NE 2nd Ave Fax: 503.266.0699  
Canby, OR 97013 www.canbyoregon.gov

Date: December 7, 2016

To: Canby City Council

From: Amanda Zeiber, Assistant City Administrator/HR Director

**RE: RESOLUTION NO. 1254 - A RESOLUTION ADOPTING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANBY (CITY) AND THE CANBY POLICE ASSOCIATION FOR THE PERIOD FROM JULY 1, 2016 THROUGH JUNE 30, 2019; AND REPEALING RESOLUTION 1173.**

## **SUMMARY:**

The Agreement between the City of Canby (City) and the Canby Police Association (Union) expired on June 30, 2016. The City and Association have bargained the terms and conditions of a new contract and have tentatively agreed to a package settlement of all outstanding issues relating to collective bargaining between the parties. The contract agreement is retroactive to July 1, 2016 and expires on June 30, 2019.

## **RECOMMENDATION:**

Staff recommends that the Council approve Resolution No. 1254, ratifying and approving the tentative agreement and adopting the Collective Bargaining Agreement between the City and Union.

**ATTACHED:** Resolution No. 1254

## **MOTION:**

**"I move to adopt RESOLUTION NO. 1254 - A RESOLUTION ADOPTING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANBY (CITY) AND THE CANBY POLICE ASSOCIATION FOR THE PERIOD FROM JULY 1, 2016 THROUGH JUNE 30, 2019; AND REPEALING RESOLUTION 1173."**

**RESOLUTION NO. 1254**

**A RESOLUTION ADOPTING A COLLECTIVE BARGAINING AGREEMENT  
BETWEEN THE CITY OF CANBY (CITY) AND THE CANBY POLICE ASSOCIATION  
FOR THE PERIOD FROM JULY 1, 2016 THROUGH JUNE 30, 2019; AND  
REPEALING RESOLUTION 1173.**

**WHEREAS**, the City has recognized the Canby Police Association as the sole collective bargaining agent for all regular employees, as noted in the Agreement between the parties, attached hereto as Exhibit “A”.

**WHEREAS**, the collective bargaining agreement between the City and the Canby Police Association expired on June 30, 2016, and;

**WHEREAS**, the City and the Canby Police Association have bargained the terms and conditions of a new collective bargaining agreement to be retroactive to July 1, 2016 and to expire on June 30, 2019.

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

1. That the attached collective bargaining agreement, marked as Exhibit “A” and by this reference incorporated here, is adopted between the City and the Canby Police Association for the period of July 1, 2016 through June 30, 2019.
2. That the City Administrator is directed to take the necessary action to implement the terms of the said contract.
3. That the Mayor and City Administrator are authorized to sign the collective bargaining agreement on behalf of the City.

This resolution shall take effect retroactively to July 1, 2016.

**ADOPTED** this 7<sup>th</sup> day of December 2016 by the City of Canby City Council.

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Brian Hodson  
Mayor

ATTEST:

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Kimberly Scheafer, MMC  
City Recorder

**Agreement**  
**between**  
**City of Canby, Oregon**  
**and**  
**Canby Police Association**  
**July 1, 2016 - June 30, 2019**

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## **AGREEMENT**

### **by and between City of Canby, Oregon and Canby Police Association**

The CITY OF CANBY, OREGON, hereinafter referred to as the "City" and the CANBY POLICE ASSOCIATION, hereinafter referred to as the conditions relating to wages, benefits, hours, and working conditions for all employees hereinafter classified and identified in this Agreement.

#### **ARTICLE 1 - RECOGNITION**

**Section 1.** The City does hereby recognize the Association as the sole collective bargaining representative for all regular employees classified and identified in this Agreement, as noted herein and on Schedule "A" attached hereto.

**Section 2.** New classifications may be developed by the City, and assigned a wage scale by the City. The City shall forward to the Association the new classification and wage scale. If it has been agreed or established that the new classification appropriately belongs in the bargaining unit and if the Association provides a written request to the City to bargain the wage rate for the classification, the wage scale for the new classification shall then be subject to negotiations and statutory impasse procedures.

#### **ARTICLE 2 - EMPLOYEE RIGHTS**

**Section 1.** It shall be the right of all employees subject to the terms of this Agreement to elect membership in the Canby Police Association, or not to elect membership in such Association. Employees shall not be required to join in any organization or association as a condition of continued employment with the City.

**Section 2.** In the event of layoff or new hire, one or more part-time employees performing bargaining unit work shall replace no full-time employee. No part-time employees will be hired or used if previously hired, as long as a full-time employee is on layoff status and is eligible for recall, except when the laid off full-time employee has refused the recall opportunity to full or part-time work.

#### **ARTICLE 3 - CIVIL RIGHTS**

**Section 1.** No employee shall be discriminated against or discharged because of his membership or non-membership in the Association or because of activities he may engage in on behalf of the Association, provided, that such activities do not interfere with the employee's performance of work assignments or the operation of the Department.

**Section 2.** There shall be no discrimination with regard to the hiring or tenure of the employees by reason of their race, color, creed, national origin, physical handicap, gender, sexual orientation, or age. All references to employees in this agreement shall designate both genders, and wherever the male gender is used, it shall be construed to include male and female employees.

## ARTICLE 4 - MANAGEMENT RIGHTS

**Section 1.** The City Administrator and department heads exercise responsibility under the authority of the City Council, for management of the City and the direction of its workforce. To fulfill this responsibility, the rights of the City shall include, but are not limited to; establishing and directing activities of the City's departments and its employees; determining standards of service and methods of operation, including subcontracting and the introduction of new equipment; establishing procedures and standards for employment, promotion, layoff and transfer; to discipline or discharge for just cause; determine job descriptions, work schedules, and assign work; and any other rights except as expressly limited by the terms of this Agreement.

## ARTICLE 5 - SENIORITY

**Section 1.** The principle of seniority shall be observed with regard to all layoffs and recalls of regular employees, provided that employees to be recalled are competent to perform the work required. The Association recognizes the City's right to retain "special skill" employees without regard to seniority when layoffs are necessary. (Examples: canine officer, bilingual, etc.)

**Section 2.** Lateral hire employees shall be deemed "Regular Employees" for purposes of this Article upon satisfactory completion of a twelve (12) month probationary period following their last date of hire. New recruits shall be required to complete an eighteen (18) month probationary period. "During said probationary period, employees shall have no recourse to the grievance procedure of this Agreement concerning disputes regarding discipline and discharge.

**Section 3.**

(A) Seniority under this Agreement shall come under two categories as follows:

1. Police Department seniority shall mean the length of continuous service police keep since last date of hire.
2. Classification seniority shall mean the length of continuous service in the Police Officers' classifications (Police Sergeants and Police Patrolman).

(B) In the event of layoff and rehire within a classification, as per this Article, classification seniority shall prevail, consistent with Section 1, above. An employee with classification seniority in more than one of the classifications listed in (2) above, shall have the right to use classification seniority for bumping privileges into the other classifications.

(C) As applies to vacation credits, vacation scheduling, and days off, Department seniority in rank shall prevail, provided said scheduling is compatible with the operating needs of the Department.

**Section 4.** The City agrees to notify the Association and the employees (simultaneously), not less than two (2) weeks prior to any layoff by forwarding the name and classifications of the employees to be laid off.

**Section 5.** Employees off work for eighteen (18) months or more, those discharged for cause, and those who voluntarily quit, shall be considered off the seniority list with the exception of those off on military leave or due to industrial accident.

**Section 6.** No new employee shall be hired until all laid off employees in that classification have had an opportunity to return to work. The City agrees to notify laid off employees of their right to return to work by certified mail to the employee's last address known to the City. The employee must respond within five (5) working days from the date of receipt (regardless of who signed the receipt) to be considered

for recall.

## ARTICLE 6 - DISCIPLINE AND DISCHARGE

**Section 1.** If the Employer has reason to reprimand an employee, it shall be done in a manner that is least likely to embarrass the employee before other employees or the public.

**Section 2.** When there is evidence of unsatisfactory conduct, the Employer agrees to verbally discuss the problems with the employee, thus affording the employee an opportunity to correct the situation, except when the situation warrants immediate appropriate action, which may include written reprimand, suspension or discharge. Following verbal reprimand and an opportunity for the employee to correct the situation, the Employer may issue a written reprimand, or if the situation warrants, the Employer may institute appropriate action as stated above.

When the City intends to take disciplinary action, with the exception of verbal reprimands, the City shall notify the non-probationary employee and the Association in writing of the charges against the employee, and shall provide the employee with the opportunity to respond to the charges at a pre-disciplinary hearing.

The non-probationary employee, whose discipline is being considered with the exception of verbal reprimands, shall be granted a minimum of two (2) calendar days, or more at the discretion of the City, to prepare for the pre-disciplinary hearing.

The employee shall be entitled to have an available representative of his or her choice at the pre-disciplinary hearing.

The City agrees to furnish the employee a complete statement in writing at the time of the written reprimand, suspension, demotion, or discharge, outlining the specific reasons for such action. If, at the time of written reprimand, suspension, demotion, or discharge, it is not feasible to furnish the employee with a complete statement, said statement must be presented to the employee within two (2) calendar days. At the same time the employee is presented with the statement, the Association shall be sent an identical copy of the written notice of reprimand, suspension, demotion, or discharge which has been given to the employee.

**Section 3.** Any suspension or discharge shall be for just cause.

**Section 4.** Any employee who is the subject of an investigation shall be notified in writing within ten (10) calendar days from the completion of the investigation as to findings of the investigation except in instances where confidentiality is required.

**Section 5.** Evaluations shall not be used as substitutes for steps in the disciplinary process. Evaluations may be used in the progressive discipline process as establishing a pattern of behavior or performance.

**Section 6.** In the event an employee is interviewed concerning an action which would likely result in disciplinary action other than an oral warning, the following process shall be followed to the extent circumstances permit:

- (a) Prior to the interview, the employee will be informed of the nature of the allegations and the nature of the investigation, and will be provided a minimum of two (2) calendar days prior to the interview, unless time provided is waived by the employee. The employee will also be notified that he or she has a right to consult with an Association representative and to have that or another representative present at the interview.

- (b) Interviews covered under this Section shall, to the extent practical, take place at City facilities, or at a location mutually agreed upon by the Chief and Association member.
- (c) Either party may tape record the interview and, if either party exercises this right, they will provide a copy of the tape or transcript to the other party upon request.
- (d) In any investigation, the employee may be required to answer any questions reasonably related to the subject matter under investigation. The employee may be disciplined for refusing to answer such questions.
- (e) In situations involving the use of force, the employee shall have the right to consult with an Association representative or attorney prior to being required to give an oral or written statement about the use of force.

## ARTICLE 7 - HOURS OF WORK/OVERTIME

**Section 1.** The workday shall consist of eight (8) hours per day on the basis of five (5) day workweek, or ten (10) hours per day on the basis of a four (4) day workweek. For patrol, both parties prefer the "4-10" shift. The City retains the right to change to the "5-8" shift if circumstances dictate. The workweek shall consist of a forty (40) hour shift schedule, which shall take place during a seven (7) calendar day period, commencing at midnight Sunday AM and ending at midnight the following Saturday PM. Detectives and Patrol are all eligible to work a 4-10 shift at the discretion of the Chief.

**Section 2.** Each employee shall be entitled to fifteen (15) minute rest breaks and a thirty (30) minute meal break in accordance with Oregon BOLI.

**Section 3.** All hours worked in excess of eight (8) or ten (10) hours in one (1) day, depending on the employee's regular shift schedule, or all hours worked in excess of forty (40) hours per week, shall be paid for at the overtime rate of one and one-half (1-1/2) times the employee's regular straight-time hourly rate of pay, except as may be provided differently in this Agreement. Overtime shall be computed to the nearest fifteen (15) minutes.

**Section 4.** Employees may elect to be compensated for overtime in cash or compensatory time off. Compensatory time may be accrued up to a maximum of eighty (80) hours, with all other overtime paid in cash. Compensatory time off shall be scheduled at the mutual convenience of the City and the employee. Employees have the option to cash out up to forty (40) hours of compensatory time once per fiscal year.

**Section 5.** A reasonable clean-up time will be granted just prior to the end of the shift for employees who, in the judgment of the Police Chief or his/her designee, need such, due to the nature and conditions of their work assignment.

**Section 6.** The City will offer a minimum forty (40) hour workweek to all regular full-time employees, except by mutual agreement between the City and the Association.

**Section 7.** An employee who involuntarily works more than five (5) work shifts in five (5) consecutive calendar days shall then be compensated at the overtime rate until that employee is provided two (2) consecutive days off.

**Section 8.** The parties agree that the workweek will remain the same for all employees per Section 1. The parties further agree that if a shift rotation results in an employee working less than forty (40) hours in a

workweek, the employee may make up the additional hours needed to reach forty (40) in the workweek from accrued vacation or compensatory time off, or by working the additional hours if shifts are available. The parties agree that in a shift rotation, all employees will get at least two days off between the old shift and the new shift. If an employee does not get at least two days off in such circumstances, the employee will be paid for time and a half for any work performed on those two days.

**Section 9.** An employee will be given advance notice of any temporary shift change in his/her regularly assigned work shift. Any temporary shift change without prior notice that results in an employee being required to return to work at a time earlier or later than his/her normal schedule, shall make the employee eligible for overtime for all hours worked outside his or her normal shift, if that employee was not notified of such change forty eight (48) hours prior to the change of shift, except in cases of an emergency. This section does not apply to voluntary shift trades. An employee called into work for an emergency shall be paid for such shift and given up to two (2) hours of overtime at time and one-half (1 1/2) as compensation for changing shifts. (Refer to Article 8.1 for non-emergency call back.)

**Section 10.** Overtime shall be offered to employees on a seniority basis, except in cases of emergency. However, an "emergency" does not include budgeting considerations or situations created by the City. Recognizing that seniority is ultimately the prevailing consideration upon which the assignment of overtime is based, an effort will be made to distribute overtime throughout the Department on a fair and equitable basis.

**Section 11.** An employee who is required by the City to work sixteen (16) or more hours in any twenty-four (24) hour work day and who is scheduled to work a shift in the next twenty-four (24) hour work day shall be allowed to be off work by the employees request for at least eight (8) hours before returning to active duty status.

The affected member will be compensated for any on-duty time lost by using his/her accrued time-off benefits, including sick leave. The affected member may opt to flex their schedule by mutual agreement with the City to accommodate the eight (8) hours off. Any member working at least fifteen (15) hours will notify both the Police and Association Executive Board of their current work hour status and of any potential to exceed the 16 hours limit. The Police Chief retains the authority to suspend this provision upon declaring a public safety emergency.

**Section 12.** Flexible schedules. Employees may work a flexible schedule if mutually agreed between the employee and the City, under the following parameters:

- There will be no daily overtime for an employee working a flexible schedule and the adjustment may not result in additional labor costs or overtime;
- Employee requests should be 72 hours in advance, where feasible;
- Flexing must occur in the same workweek;
- The schedule may not impede customer service or normal work process.

## ARTICLE 8 - REPORTING AND CALL BACK

**Section 1.** Employees required to report for work shall be entitled to two (2) hours of call time pay unless they are notified prior to the start of their shift that they are not to report. All employees shall have a posted telephone number where they may be reached in order to qualify for the above pay provisions.

Employees called off duty for any work-related concerns by a supervisor, but not called back to work, shall be paid for all time spent on the telephone at the rate of time and one-half (1-1/2) with a minimum of thirty (30) minutes to be paid for each call. This minimum shall also apply to language translations given by employees



who are required to participate in duty related telephone calls off duty.

**Section 2.** Employees who are on the premises of the police department and are called back to work thirty (30) minutes or more after the end of their regular shift shall be entitled to a minimum of one (1) hour work or pay therefore at the overtime rate of two (2) times the employee's regular rate of pay, except as provided differently in this Agreement.

**Section 3.** Employees required to attend training classes, training shoots, department staff meetings or similar functions outside their regular shift, will be entitled to one and one-half (1-1/2) time their regular rate of pay for a minimum of two (2) hours.

**Section 4.** Employees involuntarily called back from paid leave shall be paid at the rate of time and one-half (1-1/2) for all hours worked with a minimum of three hours, shall receive straight time for the balance of their normal shift (8 or 10 hours) not worked, and shall have their paid leave account credited for a full shift (8 or 10 hours).

## ARTICLE 9 - COURT TIME

**Section 1.** (A) Employees of the Police Department who are called to work either one (1) hour or less before or after their scheduled shift, to appear in any court, shall be entitled to a minimum of one (1) hour at one and one-half (1 ½) times the employee's regular rate of pay, if such appearance was necessitated through actions of such officer while employed by the City of Canby.

(B) Employees of the Police Department who are called to work in excess of one (1) hour either before or after their scheduled shift, to appear in any court, shall be entitled to receive time and one-half (1-1/2) times their regular hourly rate of pay for a minimum of four (4) hours, if such appearance was necessitated through actions of such officer while employed by the City of Canby.

**Section 2.** Employees of the Police Department who are called to work on one of their scheduled days off, to appear in any court, shall be entitled to receive a minimum of four (4) hours pay at the overtime rate of time and one-half (1-1/2) times their regular hourly rate of pay, if such appearance was necessitated through the actions of such officers while employed by the City of Canby. All court time is to be utilized for that purpose only. An employee shall not appear in court and be required to work on any other assignment.

**Section 3.** Employees who are called to work on one of their scheduled vacation days off, to appear in any court, shall be compensated as provided in Article 8, section 4, if such appearance was necessitated through the actions of such employee while employed for the City of Canby.

## ARTICLE 10 - WAGES

**Section 1.** The job classifications and their corresponding wage scales are noted on Schedule "A", which is attached hereto and made a part of this Agreement by reference thereto. Paydays shall be bi-weekly.

Effective July 1, 2016, increase the wage scale across the board by two percent (2%).

Effective July 1, 2017, increase the wage scale across the board (by applying a percentage increase to the first step and maintaining 5% between steps one and five, and 3.5% between steps five and six, by a percentage equal to the CPI-U, Portland-Salem for the twelve (12) months ending December 31, 2016 (minimum 2%- maximum 5%).

Effective July 1, 2018, increase the wage scale across the board (by applying a percentage increase to the first step and maintaining 5% between steps one and five, and 3.5% between steps five and six, by a percentage equal to the CPI-U, Portland-Salem for the twelve (12) months ending December 31, 2017 (minimum 2%- maximum 5%).

**Section 2.** Employees who obtain their intermediate and advanced certificates from the Department of Public Safety Standards and Training (DPSST) will be compensated at the rate of:

Intermediate Certificate	3.5 % per month
Advanced Certificate	5% per month (3.5% intermediate plus 1.5% additional)

Effective July 1, 2017, Advanced Certificate 6.5% per month (3.5% Intermediate plus 3% additional).

**Section 3.** Officers assigned to Traffic Unit, Gang Enforcement, or Detectives shall receive 5% per month premium to be added to his/her regular rate of pay. This premium is full and complete compensation for the possibility that an officer may be called out during off-duty hours. Normal reporting and call back pay provided for in Article 8 of this Agreement apply.

**Section 4.** Any employee serving as a Canine Officer, and who maintains certification as a Canine Officer, shall receive, in addition to his/her regular pay, a five percent (5%) premium. This premium is full and complete compensation for the care of the police canine during off-duty hours to include all compensable time and activities.

**Section 5.** Any employee demonstrating written and oral proficiency in the Spanish language shall receive, in addition to his/her regular pay, a five percent (5%) premium. The City is to determine a reasonable level of proficiency and the manner of testing that proficiency. An officer can receive this premium, as well as an assignment premium, at the same time.

**Section 6.** Officers assigned as Field Training Officers (FTO) shall receive 5% premium pay added to his/her regular rate of pay for all hours worked when assigned to an officer in a field training evaluation program.

**Section 7.** Officers who serve as Officers-in-Charge (OIC) of a shift shall receive one (1) additional hour of regular time pay per shift. In order to qualify, the assignment as OIC shall be made by the supervisor.

**Section 8.** Employees may become eligible for longevity pay in the amount of 1.5% of the base salary after completing ten years of continuous employment with the City of Canby.

## ARTICLE 11- PER DIEM AND MILEAGE

**Section 1.** Employees shall be paid a per diem allowance for meals and incidental expenses for approved travel and/or training as follows:

- A. For travel and/or training within the continental United States (CONUS) the per diem rate, rules and policies listed at [www.gsa.gov](http://www.gsa.gov) and in effect at the time of the travel;
- B. For travel and/or training outside of the continental United States (OCONUS), the per diem rate, rules and policies listed at [www.dtic.mil/perdiem/pdrates.html](http://www.dtic.mil/perdiem/pdrates.html) and in effect at the time of the travel and/or training.

**Section 2.** Meals provided as part of a program shall be deducted from the above per diem reimbursement in an amount equal to that set forth in the Meals and Incidental Breakdown listed at [www.gsa.com](http://www.gsa.com) and in effect at the time of the travel and/or training.

**Section 3.** Employees shall be reimbursed actual expenses for hotel accommodations for approved travel and/or training.

**Section 4.** An employee required by the Chief or his designated agent to use a personally owned vehicle for City business shall be compensated at the rate listed at [www.gsa.gov/mileage](http://www.gsa.gov/mileage) and in effect at the time of the travel. Mileage reimbursement is paid monthly.

## ARTICLE 12 - HOLIDAYS

**Section 1.** The following days shall be recognized as paid holidays, regardless of the day of the week on which they occur:

New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25
One Personal Holiday	

The personal holidays shall be scheduled by mutual agreement between the employee and the Chief and must be taken within the given fiscal year. No payment will be made for the personal holidays if they are not used, unless agreed to by the parties.

### **Section 2.**

(A) To qualify for a paid holiday, the employee shall have been available for work or on paid leave on his/her last scheduled workday proceeding the holiday and his/her first scheduled workday following the holiday.

(B) If a holiday falls on the employee's day off, the employee will accrue one day off, to be scheduled at a later date within the same fiscal year, with the exception of Memorial Day, which must be scheduled and taken within ninety (90) days of the holiday. The personal holiday bank shall be maintained by the City and reported on the employee's biweekly pay record.

(C) Employees required to work on recognized City holidays shall be compensated at the rate of time and one-half (1-1/2) times their regular hourly rate of pay to a maximum of ten (10) hours worked (fifteen (15) hours pay), in addition to a day's pay for the holiday. By mutual agreement between the employee and the City, such compensation may be taken in the form of compensatory time off.

**Section 3.** For employees who normally work a Monday through Friday shift, holidays falling on Saturday shall be observed the preceding Friday, and the holidays falling on Sunday shall be observed the following

Monday.

**Section 4.** Whenever one of the recognized holidays fall during an employee's paid leave, the holiday will not be counted against the employee's paid leave bank.

## ARTICLE 13 - VACATIONS

**Section 1.** All regular employees who have been in the employ of the City for at least one (1) full year shall be entitled to vacation benefits. The following vacation allowance shall be observed providing for pay in the equivalent of forty (40) hours at their regular rate of pay for each week of earned vacation.

<b><u>Year of Services</u></b>	<b><u>Annual Accrual Rate</u></b>	<b><u>Max Accrual</u></b>
1 to 4 years	80 hours	160 hours
5 to 9 years	120 hours	240 hours
10 to 13 years	160 hours	280 hours
14 years and over	200 hours	360 hours

The accrual rate per pay period shall be the annual accrual rate divided by the total number of pay periods.

**Section 2.** Employees who leave the employ of the City after having been employed for one (1) or more years shall be paid in one (1) lump sum for any accrued but unused vacation benefits upon separation.

**Section 3.** All time off for vacation shall be by mutual agreement between the supervisor and the employee. In the event of a conflict between the employees regarding time of their vacations, then the principle of seniority shall prevail. Employees shall be permitted to choose either split or full vacation periods.

## ARTICLE 14 - SICK LEAVE

**Section 1.** All full-time employees employed by the City for ninety (90) days or more shall be entitled to accumulate ninety-six (96) hours of sick leave annually. The accrual rate per pay period shall be the annual accrual rate divided by the total number of pay periods. Employees may use accrued sick leave on the ninety-first (91<sup>st</sup>) calendar day of employment and may use sick leave as it is accrued.

**Section 2.** The City may require a doctor's certificate to substantiate loss of time due to illness or off-the-job accidents after the employee has missed three (3) consecutive days. Employees taking time off for their own illness, injury, medical or dental appointments shall have such time off charged against their sick leave benefits.

An employee may use up to forty (40) hours per calendar year of sick leave for any absence covered by the Oregon Family Leave Act (OFLA). The first forty (40) hours of sick leave taken per calendar year for any reason covered by Oregon Paid Sick Leave Law will count toward the employee's Oregon Paid Sick Leave Entitlement.

**Section 3.** Upon retirement under the City's retirement plan, an employee shall be compensated for fifty percent (50%) of his/her accumulated but unused sick leave. The number of hours of sick leave for which compensation is provided under this Section of the Agreement shall not exceed five hundred (500).

**Section 4.** An employee off work due to an on-the-job injury shall be allowed to use accumulated sick leave to supplement the difference between his/her net pay and workers' compensation payments for forty-five (45) days from the date of the injury. The City will supplement the difference thereafter for a period of up to forty-five (45) calendar days. The City's supplement may be extended at the discretion of the City Council.

**Section 5.** The City will allow employees to take parental or family and medical leave in accordance with State and Federal law. An employee shall utilize all accrued paid leave in excess of sixty (60) hours prior to taking unpaid leave.

## ARTICLE 15 - FUNERAL LEAVE

**Section 1.** In the event of a death in the employee's immediate family, said employee shall be entitled to a leave of absence with pay up to three (3) working days to make arrangements for and/or attend the funeral. Additional time may be granted by the City Administrator. The Employee's immediate family shall include: spouse, ex-spouse, domestic partner, children, step-children, parents, brothers, step-brothers, sisters, step-sisters, grandparents, mothers-in-law, fathers-in-law, brothers-in-law and sisters-in-law, aunts and uncles.

## ARTICLE 16 - JURY DUTY

**Section 1.** Employees shall be granted leave with full pay any time they are required to report for jury duty or jury service, provided, that the employee endorses all checks received from the court for those services over to the City. If an employee serving jury duty is excused, dismissed or not selected, then he shall report for his regular work assignment as soon as possible.

## ARTICLE 17 - EDUCATIONAL LEAVE

**Section 1.** Educational leave will be at the discretion of the City Administrator.

## ARTICLE 18 - LEAVE OF ABSENCE

**Section 1.** All regular employees may be granted a leave of absence without pay for a period of time, up to twelve (12) months, if in the judgment of the City Administrator, such leave would not seriously handicap the employee's department. All requests for such leave must be submitted to the City Administrator in written form as soon as possible prior to the time of the requested leave and must include a complete justification for the leave, except in the case of an off-the-job accident, in which case the leave may start immediately.

While on such leave, the employee shall not be entitled to accrual of any benefits such as vacation, sick leave, retirement contributions, etc., but shall not lose seniority accrued previous to beginning the leave. Employees on such leave shall be eligible for health and welfare insurance coverage at the employee's own expense for the maximum period of time allowed by the insurance carrier.

The City will pay the Health & Welfare insurance premium for employees on approved leave of absence due to the serious illness of the employee or a family member in accordance with Federal and State law.

## ARTICLE 19 - HEALTH & WELFARE/DENTAL/PRESCRIPTION DRUGS

**Section 1.** The City will provide group medical/drug, vision, and dental/ortho insurance coverage for full time employees and their dependents.

Effective August 1, 2016, the City will pay 90% of the premium costs of the group plan [Option 1] in place for each tier of coverage. The group health plan includes medical/drug, vision and dental/orthodontia coverage. Employees electing alternative plan options made available by the City may apply these contribution amounts towards such coverage and are responsible for any remaining premium costs. Any premium costs not covered by the City shall be paid by the enrolled employee through automatic payroll deduction.

The group insurance coverage provided above will be subject to annual review and recommendations by an insurance Benefits Advisory Committee consisting of an equal number of represented Canby Police Association members, AFSCME members, and management committee members.

**Section 2.** During the term of this Agreement, the City will provide one and one-half (1 1/2) times an employee's annual salary as life insurance and death benefits for all bargaining unit members.

**Section 3.** The City shall provide a program of long term disability insurance for all employees.

**Section 4.** Effective August 1, 2017 – In the event that the City's premium contribution increases by more than six percent (6%) from the previous year, any increase over 6% will be shared 50% by the employee and 50% by the City.

In the event that the City's premium contribution increases by more than ten percent (10%) in any given year, the parties agree to reopen Article 19 and Article 10 (Wages). The City and its agent will make good faith efforts in negotiating premium rates after initial quotes are offered.

## ARTICLE 20 - RETIREMENT

**Section 1.** The City agrees to continue its participation in the Oregon State Public Employees Retirement System, and the Oregon Public Service Retirement Plan, and, further, the City agrees to pay the six percent (6) employee contribution.

## ARTICLE 21 - SAFETY COMMITTEE

**Section 1.** The City shall have a Safety Committee and will hold periodic safety meetings with the employees. One employee selected by the Association shall be on the safety committee without loss of pay for participating in official safety committee business. This voluntary representation during off-duty hours shall not be considered hours worked for compensation purposes.

## ARTICLE 22 - GRIEVANCE PROCEDURE

**Section 1.** Grievance Procedure. Any grievance or dispute which may arise between the parties with regard to the application, meaning or interpretation of this Agreement shall be settled in the following manner:

**Step 1.** The employee, with or without his Association representative, shall present the matter in writing to the Chief within fourteen (14) calendar working days, from the date the grieving party first became aware of the problem giving rise to the grievance. Within seven (7) calendar days after receipt of the report, the Chief shall attempt to resolve the matter and submit his answer in writing to the employee and association representative.

**Step 2.** If the grievance still remains unsettled, the Association may within fourteen (14) calendar days after the reply of the Chief is received or the date that such reply is due, submit the grievance in writing to the City Administrator. The City Administrator shall respond in writing to the employee and Association representative within seven (7) calendar days.

**Step 3.** If the grievance still remains unresolved, the Association may submit the matter to binding arbitration within fourteen (14) calendar days of the date reply is received from the City Administrator or the date that such reply is due.

**Section 2.** This arbitration proceeding shall be conducted by an arbitrator to be selected by the Employer and the Association within seven (7) calendar days after notice has been given. If the parties fail to select an arbitrator, the State Employment Relations Board shall be requested by either or both parties to provide a panel of seven (7) arbitrators. Both the Employer and the Association shall have the right to strike three (3) names from the panel. A coin toss shall determine the first strike. Following the first strike the other party shall then strike one (1) name. The process will be repeated twice and the remaining person shall be the arbitrator.

The arbitrator shall render a decision no later than thirty (30) calendar days after the conclusion of the final hearing. The power of the arbitrator shall be limited to interpreting this Agreement and determining if it has been violated and to resolve the grievance within the terms of this Agreement.

The decision of the arbitrator shall be binding both parties. The costs of the arbitrator shall be borne by the losing party. Each party shall be responsible for the cost of presenting its own case to arbitration. Any or all time limits specified in the grievance procedures may be waived by mutual consent of the parties.

## ARTICLE 23 - STRIKE/LOCKOUT

**Section 1.** The Association agrees that during the term of this Agreement, its membership will not engage in any strike, work stoppage, slowdown, or interruption of City services as per Oregon Law, and the City agrees not to engage in any lockout.

## ARTICLE 24 - PERSONNEL RECORDS

**Section 1.** No material in any form which can be construed, interpreted, or acknowledged to be derogatory shall be placed in an employee's personnel file, unless such employee has first been allowed to read such material. Any employee may, upon request, have access to his personnel file. Any employee may also have the right of reproduction of his personnel file in full or in part at no charge if the materials are needed to aid in the defense against a disciplinary action. No portion of any employee's file shall be transmitted without the explicit consent and request of the employee other than those authorized by the City or by order of a court of competent jurisdiction.

**Section 2.** The City shall maintain only one personnel file. An employee's supervisor may keep a "working file" for purposes of personnel evaluations.

**Section 3.** Records of discipline that involve measures up to and including written reprimands shall, upon request of the employee, be removed from the employee's personnel files after three (3) years and given to the employee. Records of suspensions shall be removed from the employee's personnel files after seven (7) years, upon request of the employee, and given to the employee. If a subsequent disciplinary action(s) is imposed prior to removal of a record of discipline or suspension under this section, the time for removal shall be computed from the subsequent disciplinary action.

## ARTICLE 25 - ASSOCIATION BUSINESS

**Section 1.** The City shall provide a bulletin board for the Association to post bulletins and other material pertaining to its members.

**Section 2.** Members of the Association who are officially designated as representatives of the Association, shall be permitted to attend negotiating meetings and/or contract administration sessions, as the need may arise. These employee representatives shall not forfeit pay if such meetings are held during their working



hours, provided they are for legitimate reasons. An employee abusing this privilege to handle Association business on City time, could result in the employee forfeiting all or part of his pay for such time. At no time shall the City be obligated to pay more than two (2) representatives of the Association at any one time for such Association business.

**Section 3.** The City agrees to deduct monthly membership dues from the pay of employees covered by this Agreement upon the submission of a signed request by the employee on a form provided by the City for that purpose. The City will not be held liable for deduction errors but will make proper adjustments with the Association for errors as soon as is practicable. Membership or nonmembership in the Association shall be the individual choice of employees covered by this Agreement. However, any employee who chooses not to belong shall make a payment in lieu of dues defined in ORS 243.650(18). The non-association of employees, based on religious objections, shall be guarded as provided for under state and federal law.

## ARTICLE 26 – LIGHT DUTY ASSIGNMENT

**Section 1.** An employee injured on the job may be required to perform light duty assignments. An employee injured off of the job may request light duty assignments. In each case the City may require an independent medical examination to determine whether the employee is fit for light duty assignments, and, if so, the types or nature of activity that the employee may or may not perform. If the examination is not covered by the employee's health insurance coverage, it shall be paid for by the City. The City will provide the employee with a form of physician's release to be completed by the examining doctor.

An employee assigned to light duty will be assigned to an administrative schedule that is typically Monday through Friday from 0800 to 1600, although the schedule may be adjusted based on the operational needs of the City. A light duty assignment is a temporary accommodation.

## ARTICLE 27 - TRAUMATIC INCIDENTS

**Section 1.** An employee directly involved in a traumatic incident while in the performance of his duty shall have the opportunity to undergo a traumatic incident debriefing with a medical doctor or psychologist jointly designated by the Association and City. The City may require an employee involved in a traumatic incident to undergo such debriefing. The debriefing shall be for the purpose of allowing the employee to deal with the moral/ethical and/or psychological effects of the incident. The debriefing shall be confidential and shall not be divulged to the Department for any reason, except as provided below. If the debriefing is not covered by the employee's health insurance coverage, it shall be paid for by the City.

An employee may be placed on administrative leave with pay if warranted. The decision to place the employee on administrative leave and the length of the leave shall be made by the City after consultation with the person conducting the debriefing, whose recommendation shall be limited to the need for and length of the recommended leave.

## ARTICLE 28 - INDEMNIFICATION AGAINST LIABILITY

**Section 1.** The City shall defend, save harmless, and indemnify any employee against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty except in case of malfeasance or willful or wanton neglect of duty.

## ARTICLE 29 - OTHER EMPLOYMENT

**Section 1.** No employee may engage in employment with another employer while in the employ of the City, unless he has first received written approval from his department head and the City Administrator.

## ARTICLE 30 - PROTECTIVE CLOTHING/UNIFORMS

**Section 1.** The City shall provide employees with protective clothing and uniforms when they are required as a condition of employment. Such items shall be considered as the property of the City and shall be returned to the City upon termination of employment, prior to the employee's final payment of wages. The care and cleaning of such clothing shall be the responsibility of the employee. The City shall pay all bargaining unit employees a cleaning allowance of fifty dollars (\$50.00) per month.

**Section 2.** The City shall provide a plain clothes clothing allowance of fifty dollars (\$50.00) per month to employees assigned to detective duties.

**Section 3.** The Department and Association shall establish a process through which an employee may be allowed to use police-related personal property in carrying out their police responsibilities. This process will include a responsibility by the employee to report damage, destruction, theft or loss of personal property in a timely fashion. If the clearance and reporting requirements are met, the City agrees to reimburse employees for personal property stolen, damaged, lost or destroyed as a result of the use of such property in the employee's performance of duties. However, such reimbursement will not be required where the property was adversely affected due to an intentional act by the employee or as a result of the employee's gross negligence.

**Section 4.** The City will reimburse employees annually in the amount of one hundred fifty dollars (\$150.00) for the purchase of footwear to be used in carrying out their police responsibilities on behalf of the City.

## ARTICLE 31 - PHYSICAL FITNESS INCENTIVE

**Section 1.** Recognizing that physical fitness is beneficial to the health and well-being of employees, in addition to lowering the potential costs of healthcare and work related injuries, a physical fitness incentive has been established

Once per fiscal year, employees will be provided the opportunity to participate in the DPSST certified ORPAT course as a component of the department's mandatory scheduled training. Scheduling of this testing shall be determined by the Chief of Police. Participation in the timed ORPAT test for the physical fitness incentive is voluntary. Any voluntary participation in the ORPAT testing during the initial scheduled training will be done "on duty time".

Employees who are unable to participate in the scheduled ORPAT test due to a reasonable conflict must submit a written request to the Chief of Police prior to the training date requesting authorization for an excused absence. The Chief of Police will schedule a second test date within sixty (60) days for authorized employees to participate in the ORPAT course on their own personal time. The date and location of the second scheduled ORPAT test will be at the discretion of the Chief of Police.

For purposes of this agreement, the minimum standard for passing will be the time established as passing by DPSST for an Entry Level Police Officer. Recognizing that passing standards for ORPAT may change at the discretion of DPSST, it is hereby established that the standard used by the City of Canby as passing, will be the standard used by DPSST and in effect at the time of the testing.

Those employees who successfully complete the ORPAT course in a time that is considered passing, will receive an incentive bonus of two hundred fifty dollars (\$250.00). The incentive will be paid in one lump sum through payroll and the parties recognize that the City will reflect any and all amounts paid as allowances, bonuses, and/or incentives as subject to the IRS and Oregon payroll tax deduction. Employees must be off

probation to be eligible for the incentive.

Employees who do not successfully complete the ORPAT course will not be eligible for the incentive.

Employees who voluntarily seek this incentive, but do not meet the minimum ORPAT passing standard as defined in this agreement, will not be deemed "physically unfit for duty." In addition, an employee will not be negatively treated by the City of Canby, or its supervisors, due to not passing the ORPAT standard as defined in this agreement. Recognizing that participation in this incentive program is purely voluntary, those employees who opt not to participate, will not receive discipline, or be negatively treated by the City of Canby, or its supervisors, for this choice.

## ARTICLE 32 - SAVINGS CLAUSE

**Section 1.** Should any provision of this Agreement be found to be in conflict with any federal or state law, or final decision of any court of competent jurisdiction, or ruling or decision of any administrative agency, said provision shall be modified to comply with said law or decision and all other provisions of this Agreement shall remain in full force and effect.

## ARTICLE 33 - DURATION OF AGREEMENT

**Section 1.** This Agreement shall become effective upon signing, with wages, insurance, and all economic benefits retroactive to July 1, 2016. This Agreement shall remain in full force and effect through June 30, 2019.

This Agreement shall remain in full force and effect from year to year thereafter, unless either the City or the Association or both shall serve notice in writing on the other party at least sixty (60) days prior to the expiration of the Agreement or any subsequent anniversary date of this Agreement, requesting that the Agreement be opened for changes and/or termination. In that case, the Agreement shall remain in full force and effect until a new agreement is signed by both parties.

FOR: CITY OF CANBY

FOR: CANBY POLICE ASSOCIATION

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

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

By: \_\_\_\_\_  
City Administrator

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

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

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

## Salary Schedule A

### Canby Police Association Salary Schedule A Effective July 1, 2016

Position	5% steps					3.5% step
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Police Patrol	5079	5333	5600	5880	6174	6390
Sergeant	6153	6461	6784	7123	7479	7741

Includes COLA based on CPI-U Portland/Salem average for the previous calendar year  
(Minimum 2% - Maximum 5%)

2% COLA (minimum 2% - actual CPI-U Portland-Salem was less than 2%)

The base rate per pay period shall be the monthly rate multiplied by twelve (12) months and divided by the total number of pay periods.

## ORDINANCE NO. 1454

### AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 5.16.030 AND 5.16.060 REGARDING LIQUOR LICENSE REVIEW IN THE CITY OF CANBY.

**WHEREAS**, the City of Canby currently has a liquor license review ordinance; and

**WHEREAS**, the City of Canby desires to amend the ordinance to better facilitate the liquor license review process when new construction is underway; now therefore

### THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

**Section 1.** The Canby Municipal Code (CMC) Chapter 5.16.030 and 5.16.060 are hereby amended to read as follows:

#### **§ 5.16.030 License application.**

A. Any person or business, requesting a city recommendation to the Commission on a liquor license application shall make application upon suitable forms, furnished by the city.

B. The application shall contain the following:

1. The type of license applied for and a description of the nature of the business for which the application is made;
2. The name of the applicant, with address; if the business is a partnership, the names and addresses of all partners; if the business is a corporation, the name and address of the home office, and the name and address of the designated agent in the state; if a foreign corporation, the name and address of the local agent or representative who will be in charge of the business in the city;
3. The address where the business will be located in the city;
4. The date of application;
5. Any other information the Council deems necessary for review;
6. A verification that the information submitted within the application is true and accurate;
7. The signature of the applicant or agent making the application; and
8. The application shall be accompanied by the appropriate fee. The fees shall be non-refundable. These fees shall be set forth by resolution.

**9. The applicant shall have a City of Canby Business License, or have applied for a license whose issuance is contingent upon obtaining a Temporary or Final Certificate of Occupancy.**

**109.** If the applicant for a temporary sales license can demonstrate that it is organized and operating as a nonprofit organization, no application fee to the city shall be required. (Am. Ord. 1327, passed 5-19-2010)

#### **§ 5.16.060 Standards and criteria.**

A. The Council shall make its recommendation for approval, denial or modification of the liquor license application based on the Council's evaluation of the relevant standards and criteria, as set forth herein. The applicant shall be held strictly accountable for the conditions of the premises.

B. The Council may recommend against the applicant if any of the following conditions exist:

1. The application is incomplete;
2. The applicant neglects or refuses to provide in a timely manner any information reasonably requested by the Chief of Police or City Council;
3. The applicant provides false or misleading information to the Chief of Police, City Council or to any city employee
4. The applicant does not possess a current city business license; **nor applied for one when new construction is involved;**
5. The zoning district in which the applicant proposes to locate the business does not allow the business either as a permitted or conditional use;
6. The record of the applicant shows a conviction(s) of criminal law(s) or ordinance(s) connected in time, place and manner with a liquor establishment;
7. The applicant has maintained or allowed to exist an establishment which creates or is a public nuisance under the ordinances of the city or laws of the state, or in which any violations of the provisions of the city, ordinances or federal or state law relating to minors, gambling, obscenity, controlled substances, prostitution or alcoholic beverages, or O.R.S. Chapters 163, 164, 165 or 166 have occurred, or which creates an increase in disorderly or violent acts, litter, noise, vandalism, vehicular or pedestrian traffic congestion or other location problems in the reasonable proximity of the premises;
8. The applicant's premises are not maintained in reasonable repair, both interior and exterior, and kept clean and free of litter, rubbish and dirt;
9. In the case of an application for a new license or for an increase in liquor selling or dispensing privilege, there are sufficient licensed premises in the locality set out in the application and the license is not demanded by public interest or convenience;
10. The licensing of the premises would not be in the best interest of the community because of a history of illegal activities, altercations, noisy conduct or other disturbances in or around the premises;
11. The applicant has demonstrated an unwillingness or inability to cooperate with city agencies and/or neighbors in resolving community disputes relating to a licensed establishment; or
12. The applicant's premises place unreasonable, excessive demand on city services, including law enforcement.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, November 16, 2016, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, December 7, 2016, commencing at the hour of 7:30 p.m. in the Council Meeting Chambers located at 222 NW 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor, Canby, Oregon.

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Kimberly Scheafer, MMC  
City Recorder

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on December 7, 2016 by the following vote:

YEAS\_\_\_\_\_ NAYS\_\_\_\_\_

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Brian Hodson  
Mayor

ATTEST:

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Kimberly Scheafer, MMC  
City Recorder



## **ORDINANCE NO. 1455**

### **AN ORDINANCE AMENDING THE ZONING DESIGNATION OF A CERTAIN PROPERTY IN THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT AND PLANNING ORDINANCE OF THE CITY OF CANBY FOR TAX LOT 6000 OF TAX MAP 3-1E-33CA.**

**PURPOSE** – To protect the former City Hall historic building and site located at 182 N Holly Street within the City of Canby.

**WHEREAS**, the City Council has considered the need to protect certain historic characteristics or resources of the community as evidenced in adopting the Canby Comprehensive Plan and implementing Land Development and Planning Ordinance; and

**WHEREAS**, the Statewide Planning Goals, as adopted by the Land Conservation and Development Commission, and ORS 197.175, clearly mandate and require the protection of certain historic sites; and

**WHEREAS**, community interest has been high to preserve the historic characteristic of the recently vacated City Hall building as a new continuing use is pursued for this property; and

**WHEREAS**, an application to request the designation of the former City Hall to the Local Register of Historic Landmarks was filed with the City; and

**WHEREAS**, a public hearing was conducted by the Historic Review Board on November 7, 2016 after public notices were mailed, posted and printed in the *Canby Herald*, as required by law; and

**WHEREAS**, the Historic Review Board at the conclusion of the public hearing voted 4-0 to recommend to the Planning Commission and City Council that the application be approved. A Findings, Conclusions and Order was approved by the Historic Review Board and forwarded to the Planning Commission with their recommendation; and

**WHEREAS**, the Planning Commission conducted their own hearing on November 28, 2016 where they voted 6-0 to recommend to the City Council that the application be approved and the zoning of the property be changed by the addition of the “A” Historical Protection Overlay designation to the existing underlying base zone for this property and forwarded to the City Council their Findings, Conclusions and Order with their recommendation; and

**WHEREAS**, the Canby City Council considered the matter and the recommendations of the Historic Review Board and the Planning Commission following a public hearing held at its regular meeting on December 7, 2016; and

**WHEREAS**, the Canby City Council, after considering the staff report and forwarded advisory board recommendations, and concluding its review and discussion on this matter and by motion duly made and seconded; voted unanimously to approve the application and approve the zone change; now therefore

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The zoning of Tax Lot 6000 OF TAX MAP 3-1E-33CA is hereby changed by the addition of the “A” Historical Protection Overlay designation to the existing underlying base zone, as provided for in the Land Development and Planning Ordinance.

Section 2. The Mayor, attested by the City Recorder, is hereby authorized and directed to cause this property to be added to official register of Historic Landmarks maintained by the Historic Review Board.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, December 7, 2016, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, January 4, 2017, commencing at the hour of 7:30 p.m. in the Council Meeting Chambers located at 222 NW 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor, Canby, Oregon.

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Kimberly Scheafer, MMC  
City Recorder

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on January 4, 2017 by the following vote:

YEAS\_\_\_\_\_ NAYS\_\_\_\_\_

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Brian Hodson  
Mayor

ATTEST:

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Kimberly Scheafer, MMC  
City Recorder

**BEFORE THE CITY COUNCIL  
OF THE  
CITY OF CANBY**

**A REQUEST FOR HISTORIC  
LANDMARK DESIGNATION OF  
THE FORMER CANBY CITY HALL  
AT 182 N HOLLY STREET** )

**FINDINGS, CONCLUSION & FINAL ORDER  
HD 16-01  
ADDITION OF THE FORMER CITY HALL TO  
LOCAL REGISTER OF HISTORIC LANDMARKS**

**NATURE OF APPLICATION**

The applicant is seeking Historic Landmark Designation for the former Canby City, add it to the Local Register of Historic Landmarks, and apply the Historical Protection Overlay Zone to the property. It is located at the corner of N Holly St and NW 2<sup>nd</sup> Avenue.

**HEARINGS**

The City Council considered this application at its duly noticed hearing on December 7, 2016 during which the City Council made a decision by a unanimous vote to approve HD 16-01 per the recommendation contained in the staff report and as forwarded by the Planning Commission and the Historic Resource Board. These Findings are entered to document the Council Decision.

**CRITERIA AND STANDARDS**

In judging whether or not the Historic Landmark Designation should be granted, the City Council determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the staff report to the Planning Commission dated November 28, 2016 along with the significance narrative submitted with the application as presented at the December 7, 2016 public hearing of the City Council.

**FINDINGS AND REASONS**

The City Council considered application HD 16-01, to add the former City Hall to the Local Register of Historic Landmarks, at a public hearing held on December 7, 2016 during which the staff report was presented, including all attachments, where staff, the Historic Review Board, and the Planning Commission recommended that the City Council approve the application and add the former City Hall to the Local Register of Historic Landmarks and apply the Historical Protection Overlay Zone (A) to the property.

After hearing public testimony, and closing the public hearing, the City Council made no additional findings beyond those contained in the application narrative and staff report to arrive at their decision and support their recommendation.

**CONCLUSION**

In summary, the City Council finds the application consistent with statewide planning goals and the

*HD 16-01 Historic Landmark Designation of Former City Hall  
Findings, Conclusion & Final Order*

criteria for approval set forth in the Land Use and Planning Ordinance and Comprehensive Plan of the City of Canby in that 1) the resource is 50 years or older, and 2) there is clearly identified historical and architectural significance to justify the local Historic Landmark designation.

**ORDER**

The City Council of the City of Canby approves application HD 16-01 to designate the former City Hall as a Local Historic Landmark to be listed on the Local Register of Historic Landmarks and that the zoning of the property be change to add the Historical Protection Overlay Zone (A) designation to the existing underlying base zone property at 182 N Holly St.

**I CERTIFY THAT THIS ORDER** approving **HD 16-01** was presented to and APPROVED by the City Council of the City of Canby.

DATED THIS 7<sup>nd</sup> day of December 2016

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Brian Hodson  
Mayor

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Bryan Brown  
Planning Director

**ORAL DECISION –December 7, 2016**

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

**WRITTEN FINDINGS – December 7, 2016**

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

**ATTEST:**

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Kimberly Scheafer, MMC  
City Recorder