



AMENDED AGENDA

CANBY CITY COUNCIL REGULAR MEETING

August 6, 2014

7:30 PM

Council Chambers
155 NW 2nd Avenue

Mayor Brian Hodson

*Council President Tim Dale
Councilor Clint Coleman
Councilor Traci Hensley*

*Councilor Greg Parker
Councilor Ken Rider
Councilor Todd Rocha*

WORK SESSION

6:00 PM

City Hall Conference Room
182 N Holly

This Work Session will be attended by the Mayor and City Council to discuss an option for future Transit parking.

CITY COUNCIL REGULAR MEETING

1. **CALL TO ORDER- 6:30 PM – City Hall Conference Room** – The Council will immediately go into Executive Session with the Regular Session following at 7:30 PM in the Council Chambers.
2. **EXECUTIVE SESSION:** ORS 192.660(2)(a) Employment of Public Officer and ORS 192.660(2)(d) Labor Negotiations
3. **OPENING CEREMONIES – 7:30 PM – Council Chambers**
 - A. Pledge of Allegiance and Moment of Silence
4. **COMMUNICATIONS**
5. **CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS**

(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens 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.)
6. **MAYOR'S BUSINESS**
7. **COUNCILOR COMMENTS & LIAISON REPORTS**

8. 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 July 9, 2014 City Council Special Meeting
- B. Approval of Minutes of the July 16, 2014 City Council Regular Meeting
- C. Appointment to Traffic Safety Commission Pg. 1

9. OLD BUSINESS

- A. TA 14-01 Findings, Conclusion & Final Order Pg. 2
- B. ANN 14-01/ZC 14-01 Findings, Conclusion, & Final Order/Development Agreement Pg. 4
- C. ANN 14-02/ZC 14-02 Findings, Conclusion, & Final Order/Development Concept Plan Pg. 13

10. RESOLUTIONS & ORDINANCES

- A. Res. 1196, Ratify the Contract Between the City of Canby and the Local 350-6 AFSCME Council 75 AFL-CIO for the Period from July 1, 2014 through June 30, 2017 Pg. 38
- B. Ord. 1398, Amending Chapters 16.30, 16.32, 16.34, 16.35, and 16.49 of Title 16 of the Canby Municipal Code Pg. 61

11. NEW BUSINESS

- A. Discussion Regarding Downtown City Owned Buildings and Consolidation of Offices

12. CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS

13. CITIZEN INPUT

14. ACTION REVIEW

15. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation

16. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer, MMC, City Recorder at 503.266.0733. A copy of this Agenda can be found on the City’s web page at www.ci.canby.or.us. 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.

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

Date: 05/13/14

Name: Stephanie Boyce

Occupation:

Home Address:

Employer:

Position:

Daytime Phone:

Evening Phone:

E-Mail Address:

For which position are you applying? Transportation Committee

What are your community interests (committees, organizations, special activities)? I was on the City Budget Committee. I was on the GAP Committee for Canby. I am on the Canby CERT program also.

Experience and educational background: I have been on previous city Committies until a change in my work schedual.

Reason for your interest in this position: That Traffic Committee has a schedual that works with this new work schedual I have. I will be able to to still keep involved with the things going on in my community.

List any other City or County positions on which you serve or have served: I was on the City budget committee.

Information on any special membership requirements:

RECEIVED

MAY 14 2014

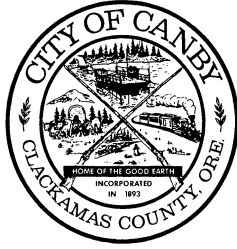
CITY OF CANBY

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*



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

**AN APPLICATION TO AMEND THE)
CANBY MUNICIPAL CODE, CHAPTER)
16 OF THE LAND DEVELOPMENT)
AND PLANNING ORDINANCE)**

**FINDINGS, CONCLUSION & FINAL ORDER
TA 14-01
CITY OF CANBY**

NATURE OF APPLICATION

The City of Canby initiated amendments to the text of the Title 16 of the Canby Municipal Code, the *Canby Land Development and Planning Ordinance*, in order to clarify standards of industrial zones.

CRITERIA AND STANDARDS

In judging whether or not this legislative land use amendment of Title 16 of the *Canby Municipal Code* should be amended, the Planning Commission and City Council must consider the following criteria from Chapter 16.88 of the *Land Development and Planning Ordinance*:

1. The *Comprehensive Plan* of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
5. Statewide planning goals.

FINDINGS AND REASONS

The Planning Commission held a public hearing May 28, 2014 and the City Council held a public hearing on July 16, 2014, during which the staff report was presented. The Planning Commission recommended approval of the proposed text amendments.

The City Council adopted the findings contained in the TA 14-01 staff report dated April 28, 2014, and concluded that the text amendment meets all of the approval criteria, as reflected in the written Order below.

After hearing public testimony, and closing the public hearing, the City Council made the following additional findings beyond those contained in the staff report to arrive at their decision:

- Amend the typo for the spelling of "Master" on 16.35 page 1.
- Leave 16.35.040(A)(1), which requires a Conditional Use Permit for proposed Industrial Overlay developments that result in less than 12 employees per acre, as it currently reads in the adopted code with no changes.
- Do not extend the option for a Type II process for development proposals in the Industrial Overlay Zone; remove all proposed language allowing a Type II process for development proposals in the Industrial Overlay Zone.

CONCLUSION

The Canby City Council concludes that the proposed amendment complies with the *Comprehensive Plan* of the city, and the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development.

ORDER

THE CANBY CITY COUNCIL HEREBY APPROVES TA 14-01.

I CERTIFY THAT THIS ORDER approving **TA 14-01** was presented to and **APPROVED** by the Canby City Council.

Dated this 6th day of August, 2014.

Brian Hodson
Mayor

Bryan Brown
Planning Director

ORAL DECISION – August 6, 2014

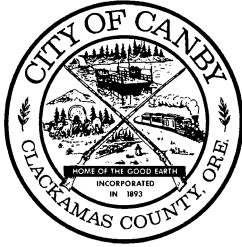
AYES:
NOES:
ABSTAIN:
ABSENT:

WRITTEN FINDINGS – August 6, 2014

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Kimberly Scheafer, MMC
City Recorder



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

A REQUEST FOR)	FINDINGS, CONCLUSION
AN ANNEXATION)	& FINAL ORDER
AND ZONE CHANGE)	ANN/ZC 14-01
AT 1546 N. PINE)	RAY FRANZ & CONNIE VICKER

NATURE OF THE APPLICATION

The Applicant has sought an approval for an annexation/zone change application #ANN/ZC 14-01 of a 4.47 acre taxlot + 0.15 acres of North Pine St. right-of- way on property described as Tax Lot 31E27C02600, Clackamas County, Oregon. The property is zoned County RRFF-5 (Rural Residential Farm Forest); the property is to be zoned city R-1 Low Density Residential.

HEARINGS

The Planning Commission considered applications ANN/ZC 14-01 after the duly noticed hearing on June 9, 2014 during which the Planning Commission recommended by a 5-0 vote that the City Council approve ANN/ZC 14-01.

The City Council considered applications ANN/ZC 14-01 after the duly noticed hearing on July 16, 2014 during which the Council voted 6-0 to approve ANN/ZC 14-01. These findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not an annexation and zone change application shall be approved, 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 Planning Commission staff report dated June 9, 2014 and presented at the June 16, 2014 meeting of the Canby City Council.

FINDINGS AND REASONS

The Planning Commission considered applications ANN/ZC 14-01 after the duly noticed hearing on June 9, 2014 during which the Planning Commission recommended Council approval by a 5-0 vote to approve ANN/ZC 14-01.

The City Council considered applications ANN/ZC 14-01 after the duly noticed hearing on July 16, 2014 during which the Council voted 6-0 to approve ANN/ZC 14-01. These findings are entered to document the approval.

The Staff Report was presented, and written and oral testimony was received at the City Council public hearing. Staff recommended that Council approve the annexation/zone change applications.

CONCLUSION

In summary, the City Council adopted the findings contained in the staff report, concluded that the annexation/zone change applications meet all applicable approval criteria, and approved Files #ANN/ZC 14-01 as stated below. The City Council's order is reflected below.

ORDER

Based on the application submitted and the facts, findings and conclusions of the staff report, the City Council of the City of Canby **APPROVES** annexation and zone change applications **ANN/ZC 14-01** as follows:

1. Approve Annexation/Zone Change 14-01; and
2. Approval of these applications is based on submitted application materials and public testimony. Approval is strictly limited to the submitted proposals and not extended to any other development of the property. Any modification not in conformance with the approval of application file #ANN/ZC 14-01, including all conditions of approval, is first required to obtain an approved modification in conformance with the relevant sections of the *Canby Land Development and Planning Ordinance*; and
3. The Development Agreement is approved and should be executed and recorded; and
4. The zoning of the property upon annexation is designated as R-1 Low Density Residential; and
5. Annexation/Zone Change 14-01 is approved for submission to the electorate for a vote of the people; and
6. The applicant shall have seven (7) calendar days from the date the Council approves the Development Agreement, annexation, and zone change, to record the Development Agreement at Clackamas County. The Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest. Failure to record the Development Agreement within the time specified will result in removal of the annexation application from the ballot for consideration by the electors.

I CERTIFY THAT THIS ORDER recommending **APPROVAL** of **ANN/ZC 14-01** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 6th day of August, 2014

Brian Hodson
Mayor

Bryan Brown
Planning Director

ORAL DECISION – July 16, 2014

AYES: 6

NOES: 0

ABSTAIN: 0

ABSENT: 0

WRITTEN FINDINGS – August 6, 2014

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Kimberly Scheafer, MMC
City Recorder

AFTER RECORDING RETURN TO:
City of Canby – Attn: City Recorder
P O Box 930
Canby OR 97013

UNTIL REQUESTED OTHERWISE,
SEND TAX STATEMENTS TO:
Connie Vicker
10921 Martin Lane NE
Aurora, OR 97002

DEVELOPMENT AGREEMENT (ANNEXATION)

RECITALS:

1. Ray N. Franz and Connie E. Vicker, Trustees of the Franz-Vicker Joint Revocable Living Trust and Jerry E. Franz and Connie A. Franz, Co-Trustees of the Jerry E. Franz and Connie A. Franz Revocable Living Trust, hereinafter referred to as “FRANZ”, own real property commonly described as 1546 N. Pine Street, Canby, OR 97013 and more particularly described in the attached Exhibit A and depicted on a survey attached as Exhibit B.
2. The City of Canby, hereinafter referred to as “CANBY”, is an Oregon municipal corporation.
3. The property described in Exhibit A and depicted on Exhibit B is located within the boundaries of a designated annexation “Development Agreement Area” as shown on the City of Canby Annexation Development Map (City of Canby Municipal Code Title 16, Figure 16.84.040).
4. CANBY procedures for annexation specify the Planning Commission shall conduct a public hearing to review any proposed annexations and determine the appropriate zoning designation upon annexation. The Planning Commission shall furnish its recommendation concerning annexation and assigned zoning to the City Council. The City Council will authorize an election for annexation when it is determined the applicable standards and criteria of Canby Municipal Code 16.84.040 are met and will determine appropriate zoning for the property based on the criteria set forth in the Canby Municipal Code 16.54.040. Thereafter the annexation may only be approved by a majority vote among the electorate of Canby.
5. The purpose of this Annexation Development Agreement is to satisfy the requirements of Canby Municipal Code 16.84.040 including providing adequate public information and information evaluating the physical, environmental, and related social effects of a proposed annexation. The proposed annexation does not require the statutory development agreement of ORS 94.504 et seq.

NOW, THEREFORE, it is hereby agreed:

I. CANBY MUNICIPAL CODE 16.84.040 APPLICABLE PROVISIONS.

A. Timing of the submittal of an application for zoning. Concurrent with review of this Agreement, the Council shall consider FRANZ’S annexation application and requests that, upon approval of the annexation by the voters, the property described in Exhibit A shall be zoned R-1. This approach will insure that the development agreement as well as the annexation and zone change approvals are consistent with City Code 16.84.

B. Scope of annexation request. In addition to the property owned by FRANZ and described in Exhibit A, FRANZ’s annexation application shall include the eastern one-half of the N. Pine Street right-of-way, County Road No. 2580 adjacent to the FRANZ

property. The eastern half of the N. Pine Street right-of-way shall be measured from the right-of-way centerline and also as described in Exhibit A and depicted on Exhibit B. FRANZ agrees to dedicate street right-of-way for N. Pine Street to meet the standards of the City of Canby with future land use actions on the property as part of the development approval process.

C. Timing for Recording. FRANZ shall have seven (7) calendar days from the date the City Council takes final action approving this Agreement, the annexation, the zone change request, and after the Council submits the annexation to the electorate, to record this Agreement. Failure to record this agreement within the time specified will result in removal of the annexation application from the ballot for consideration by the electors. A condition of approval will be attached to the annexation and zone change approval imposing this same requirement.

D. Dedication of land for future public facilities including park and open space land. At the time of development, FRANZ agrees to dedicate street right-of-way for N. Pine Street and for other streets being created inside the property to the standards of the City of Canby and to satisfy CANBY's parkland dedication obligation through payment of the City's park system development charge.

E. Street construction/layouts, utilities, right of ways/dedications, and lots. At the time of development, City required public street improvements will be constructed to Canby Municipal Code specifications by FRANZ. Specifically, FRANZ agrees to improve the East one-half of the N. Pine Street right-of-way along the frontage of the property, extend N Plum Court through the property and to construct a new street, 16th Avenue, to connect N Plum Court to N Pine Street. The eastern one-half of the N. Pine Street right-of-way shall be measured from the right-of-way centerline. FRANZ will position the 16th Avenue intersection to N Pine Street and the N Plum Court intersection to 16th Avenue at a location deemed appropriate by the City of Canby Planning Department during the tentative plat design and approval process. Street cross section layouts, public utilities, franchise utilities, and right of way widths/associated dedications will be determined at the time of development in conformance with the Canby Municipal Code and Canby Public Works Design Standards. The submitted General Land Use Plan dated February 2014 in conjunction with the ANN/ZC 14-01 applications is for general reference only and is non-binding. Lot sizes and layouts will be determined at the time of development and are contingent upon street cross sections and right of way widths.

F. Storm Drainage. At the time of development, FRANZ will connect to the North Redwood Storm Drain Advance Financing District without having to provide on-site water quality treatment or storm drain detention improvements. The cost of installing the pipe needed to connect FRANZ to the North Redwood Storm Drain pipe system will be borne by FRANZ. FRANZ will also be required to pay CANBY the North Redwood Storm Drain Advanced Financing District fee in the amount of \$6,061.16 plus accrued interest as associated with the FRANZ property. FRANZ will only be required to extend the North Redwood Storm Drain pipe in the Logging Road Trail as far as is needed to make connection to the system and will not be required to extend the pipe across the entire frontage of the site to the north end of the Franz property.

G. Utility availability. At the time of development, FRANZ agrees to ensure that utilities and infrastructure are available to serve the property described in Exhibit A at densities currently authorized in the R-1 zone. To the extent that additional utility or service infrastructure is required to serve the property in the future, FRANZ agrees to provide those utilities and services in a way that is commensurate with the impacts from development and consistent with the City's Code. FRANZ also agrees to allow connection to FRANZ's constructed public facilities by adjacent property owners.

H. Water and Sewer. At the time of development, FRANZ agrees to install public waterlines in N Pine Street and all new or extended public streets and sewer lines in new City streets as is needed to serve the development. CANBY agrees that FRANZ can connect to the public water system and that FRANZ can connect the existing public sanitary sewer through a connection to the Logging Road Trail, N Pine Court to the north of the site, or N Pine Court to the south of the site. CANBY agrees that no sewer main is needed in N Pine Street along the frontage of the Franz parcel.

I. Waiver of compensation claims. FRANZ waives compensation or waiver of land use regulations as provided in ORS 195.300 and 195.336, as well as Measure 49, resulting from annexation and the concurrent zone change approval.

J. Rough proportionality of future exactions. To the extent that this agreement identifies right-of-way dedication, utility or service obligations, these obligations are necessary and will be limited to an amount necessary to serve this development based on the proposed development application as well as on the uses and densities permitted in the R-1 zone.

K. Other commitments deemed valuable to the City of Canby. FRANZ agrees any future development will meet the requirements of the adopted CANBY Municipal Code in effect at the time of development.

II. OTHER CONSIDERATIONS.

A. Duration. This Agreement shall be effective upon CANBY, acting by and through its city council, approving this Agreement and upon its recording with the Clackamas County Recording Office. As used herein, "approval" means the granting of the approval and the expiration of the period of appeal, or if appeal is filed, the resolution of that appeal. This Agreement shall continue in effect for a period of eight (8) years after its effective date unless cancelled as provided in Section II, C below

B. Recording. Within seven (7) calendar days after the City Council makes a final decision approving ANN/ZC 14-01 and submits the annexation to the electorate, , FRANZ shall record this agreement with the Clackamas County Recorder's Office and provide a copy of the recorded agreement to the City Recorder.

C. Cancellation. In the event a majority of the city electorate denies the annexation, FRANZ may request the cancellation of this Development Agreement. FRANZ and CANBY agree to cooperate to prepare and record a mutually agreeable document to rescind this Development Agreement. Upon rescission, this Development Agreement shall be null and void without further legal effect.

D. Modification. This Agreement may be modified, amended, or extended upon the mutual consent of FRANZ and CANBY.

Dated this _____ day of _____, 2014.

Ray N. Franz

Connie E. Vicker

Jerry E. Franz

Connie A. Franz

CITY OF CANBY, OREGON

By: _____
Amanda Zeiber, Interim City Administrator

Dated: _____

APPROVED AS TO FORM:

By: _____
Joseph Lindsay, Attorney

Dated: _____

APPROVED BY ACTION OF CITY COUNCIL ON AUGUST ____, 2014.

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2014

Personally appeared before me, RAY N. FRANZ, and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2014

Personally appeared before me, CONNIE E. VICKER, and acknowledged the foregoing instrument to be her voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2014

Personally appeared before me, JERRY E. FRANZ, and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2014

Personally appeared before me, CONNIE A. FRANZ, and acknowledged the foregoing instrument to be her voluntary act and deed.

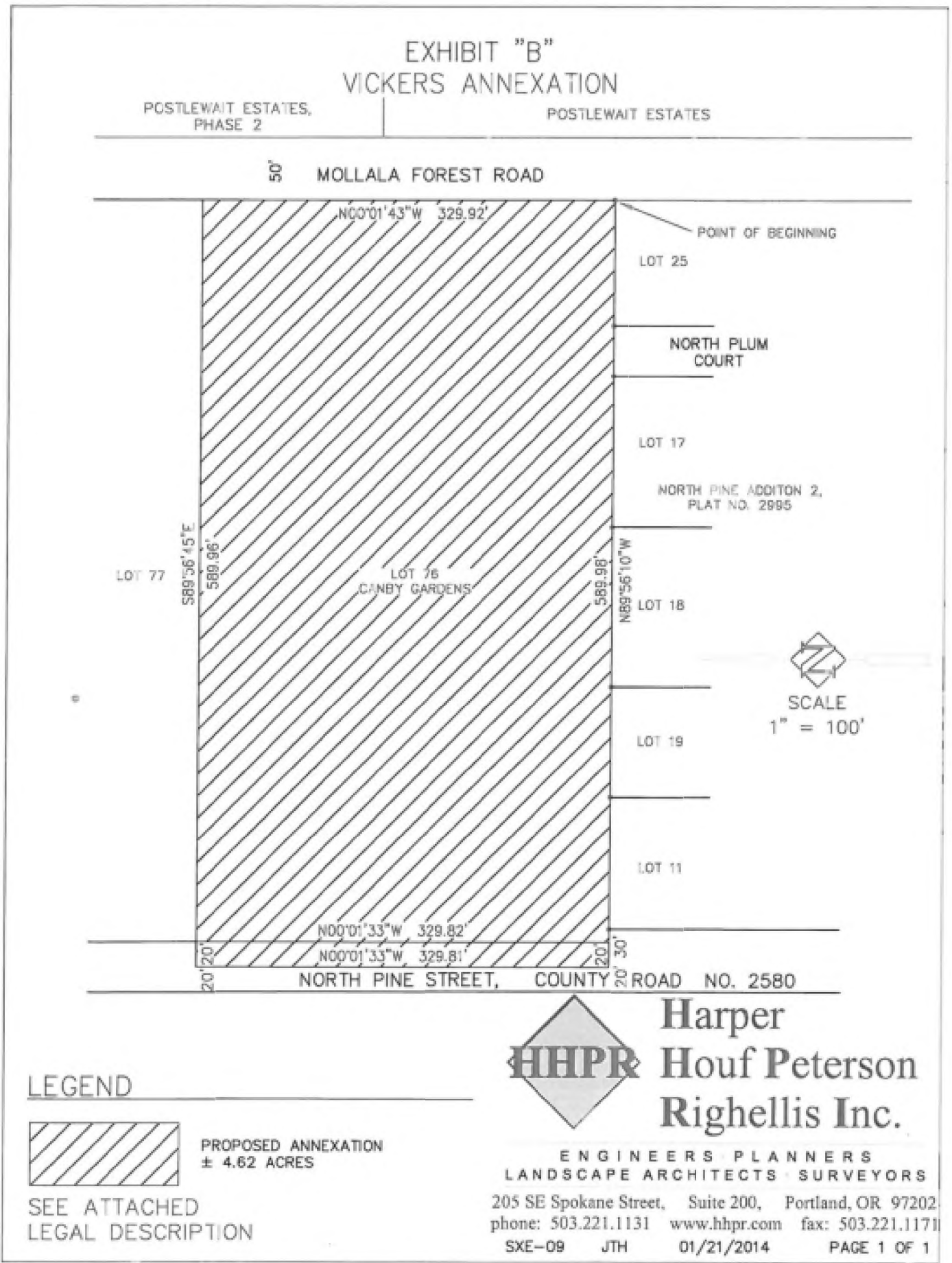
Notary Public for Oregon
My Commission Expires: _____

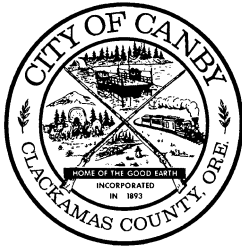
STATE OF OREGON)
) ss.
County of Clackamas) _____, 2014

Personally appeared before me, AMANDA ZEIBER, as the Interim City Administrator of the City of Canby, Oregon.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT "A" AND "B"





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

**A REQUEST FOR APPROVAL OF)
ANNEXATION, ZONE CHANGE,)
AND DEVELOPMENT CONCEPT)
PLAN FOR PROPERTY)
NORTH OF SE 13TH AVENUE)
WEST OF LOGGING ROAD TRAIL)**

**FINDINGS, CONCLUSION & FINAL ORDER
ANN/ZC 14-02
HUGH & ROBERTA BOYLE
DANIEL & MARY STOLLER
GERALDINE K MARCUM
JERRY & CYNTHIA RICE
RALPH A NETTER**

NATURE OF THE APPLICATION

The Applicant's sought approval for an annexation/zone change application and adoption of a development concept plan #ANN/ZC 14-02 of 31.60 acres of real property described as Tax Lots 400, 500, 600, 700, & 800, Section 3, T4S, R1E, WM (Assessor Map 4 1E 03) and 0.50 acres consisting of one-half of the adjacent street right-of-way of SE 13th Avenue, Clackamas County, Oregon. The property is zoned County EFU (Exclusive Farm Use) and is requested to be zoned city R-1 (Low Density Residential) and R 1.5 (Medium Density Residential).

HEARINGS

The Planning Commission considered applications ANN/ZC 14-02 after the duly noticed hearing on June 9, 2014 during which the Planning Commission recommended by a 5-0 vote that the City Council approve ANN/ZC 14-02 per the recommendation contained in the staff report.

The City Council considered applications ANN/ZC 14-02 after the duly noticed hearing on July 16, 2014 during which the Council voted 6-0 to approve ANN/ZC 14-02. These findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not an annexation and zone change application shall be approved, 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 Planning Commission staff report dated June 9, 2014 and presented at the July 16, 2014 meeting of the Canby City Council along with the Planning Commission's recommendation.

FINDINGS AND REASONS

The Staff Report was presented and written and oral testimony was received at the Council public hearing. The recommendation to approve the annexation/zone change applications by the Planning Commission was noted by staff. A change in the Development Concept Plan design since the Planning Commission review and recommendation was explained. It involved reducing the park area from 3.4 acres to about 1.2 acres in size. This results in a change in the proposed development conceptual plan design. Staff noted support for the change and indicated this option was discussed the change as an option under consideration at the Planning Commission hearing. The applicant submitted a narrative explaining the rationale for reducing the park area along with revised design sheets for the Development Concept Plan for review and consideration ahead of the Council meeting but after normal distribution of

the Council packet. Staff again relayed their support for the revised Development Concept Plan that had been entered into the record.

After hearing public testimony, and closing the public hearing, the City Council made the following additional findings beyond those contained in the staff report to arrive at their decision and support their recommendation:

- The Council accepted and supported the rationale presented by the applicant's engineering representative as to why a smaller park design was an acceptable solution to satisfy the City's request to obtain a park within this concept plan area to protect and preserve the most prominent existing trees on the site, provide a passive resting place at the convergence of two trails, and provide adjacent needed extra width on-street parking to the park and logging road trail, and to arrive at a suitable agreement among the property owners in the Development Concept Plan area.

CONCLUSION

In summary, the City Council adopted the findings contained in the staff report, concluded that the annexation/zone change applications meet all applicable approval criteria, and the revised Development Concept Plan was suitable, and approved Files #ANN/ZC 14-02 as stated below. The City Council's order is reflected below.

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 City Council of the City of Canby **APPROVES** annexation and zone change applications **ANN/ZC 14-02** as follows:

1. ANN/ZC 14-02 be approved for submission to the electorate for a vote of the people;
2. That the revised Development Concept Plan delineating the 1.2 acre park be adopted by the City Council prior to granting a change in zoning classification; and,
3. Upon annexation, the zoning of the subject property be designated as R-1 and R 1.5 as indicated by the Zoning Designation Concept Plan map which supports the Comprehensive Plan Land Use Map.

I CERTIFY THAT THIS ORDER recommending **APPROVAL** of **ANN/ZC 14-02** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 6th day of August, 2014

Brian Hodson
Mayor

Bryan Brown
Planning Director

ORAL DECISION - July 16, 2014

AYES: 6

NOES: 0

ABSTAIN: 0

ABSENT: 0

WRITTEN FINDINGS - August 6, 2014

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Kimberly Scheafer, MMC
City Recorder

SE 13TH Avenue, Canby, OR Development Concept Plan



Updated July 21, 2014

Prepared by Sisul Engineering
375 Portland Avenue, Gladstone, OR 97027
Phone (503) 657-0188 www.sisulengineering.com

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 - 2. Zoning Designations
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 - 5. Drainage
 - 6. Sanitary Sewer
 - 7. Waterline
 - 8. Parks
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- VIII. City Approval

I. Purpose

City of Canby Municipal Code (CMC) Section 16.84 establishes criteria under which the City of Canby will consider annexation requests. The City of Canby Annexation Development Map (Figure 16.84.040) shall determine which properties are required to submit either:

- a. A Development Agreement (DA) binding for all properties located within the boundaries of a designated DA area as shown on the City of Canby Annexation Development Map; or
- b. A Development Concept Plan (DCP) binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map.

A group of property owners in the southeasterly portion of the Canby area have come together for the expressed purpose of annexing their properties into the City of Canby. Their contiguous properties are located north of SE 13th Avenue, south of Baker Prairie Middle School, east of S Teakwood Avenue and west of the Sequoia Parkway extension and the Logging Road Trail. These properties are located in a designated DCP area shown on the City of Canby Annexation Development Map.

The purpose of this Development Concept Plan is to address the specific requirement of the City of Canby Municipal Code Section 16.84 to prepare a Development Concept Plan for the properties prior to annexation.

II. Existing Conditions

The roughly 32 acre DCP area is nearly square, with the northwesterly corner removed, or “notched out”. This “notched out” area is owned by the Canby School District and is already inside the Canby city limits. The DCP area is comprised of six (6) tax lots, varying from one (1.0) acre to 10.86 acres in size. The parcels are located in Tax Map 4S-1E-03 and include the following properties and ownerships:

TL400	10.86 acres	Stoller
TL401	1.00 acre	Herrod
TL500	5.93 acres	Marcum
TL600	4.95 acres	Rice
TL700	8.86 acres	Netter
TL800	1.00 acre	Boyle

The site is adjacent to and abuts the Faist property to the west, and Baker Prairie Middle School to the north. To the east and south the land is vacant and in agricultural use. Somewhat further to the west and north of SE 13th Avenue is the Ackerman Center, the Tofte Farms neighborhood and the Canby Adult Center.

The site appears nearly flat, but there is an 11 foot grade change across the site, with only minor topographical features. The high point of the site is at 180 MSL in the southwest corner, while the low point is at 170 MSL in the northeast corner.

The site is similar in character to most of the surrounding area in the southeasterly Canby area. The area is currently rural in nature and contains larger lot single-family and agricultural uses. The land is generally flat and level, but slopes gently off to the northeast. Development is limited in this area. The area is served by SE 13th Avenue, which is the most significant east-west street in the vicinity. Access from any direction other than SE 13th Avenue is difficult because through streets have not yet been fully developed in this area of Canby. North-south streets are currently limited, but the City of Canby recently completed the Sequoia Parkway extension along the eastern boundary of the site that provides convenient north-south connectivity to Township Road and Highway 99E.

Urban development and urban infrastructure has been extended to the boundaries of the Concept Plan Area from the west. As such, services and facilities are generally available or can be made available through service line extensions. While urban development has gradually increased into this neighborhood there continues to be considerable farming activity in the immediate vicinity, most of which is located outside the city limits. Several homes located on large farm and non-farm use properties still remain in this local area.

III. Opportunities and Constraints

The DCP area is similar in character to much of the surrounding area in southeast Canby in that it is rural in nature and contains larger lot single-family and agricultural land uses. The site is generally flat and level, but slopes gently to the northeast. Development is limited immediately surrounding the DCP area, but it has been creeping in on the site since the late 1990's when the Faist Addition subdivisions were developed to the west of the site. In the early 2000's the Tofte Farms neighborhood was developed farther south and west of Faist Addition and then in the mid-2000's Baker Prairie Middle School and American Steel were developed north of the DCP area. The City of Canby's Sequoia Parkway extension project which extended Sequoia Parkway from SE Township Rd to SE 13th Avenue was recently completed adjacent to the site.

Baker Prairie Middle School – The school is located along the northern boundary of the DCP area and will provide convenient access for middle school aged students of future residential developments. The school has large athletic fields located near the site which will provide for active recreational opportunity areas on weekends, during summers, and at other times when school is not in session.

Bike and Walking Trails – A bicycle trail is located on the Baker Prairie Middle School site along the northern edge of the DCP area and the City-owned Logging Road Trail is located along the eastern side. These two trails provide for recreational opportunities and alternative transportation possibilities for future residents of this area.

Sequoia Parkway extension – The Sequoia Parkway extension provides for convenient north-south access through Canby and for quick access to 99E shopping areas and restaurants. Direct vehicular access to Sequoia Parkway from the DCP area will not be permitted.

Railroad – A railroad spur line is located slightly off the northeast corner of the DCP area. Access across the railroad is limited.

SE 13th Avenue – SE 13th Avenue is a designated arterial roadway in the City of Canby Transportation System Plan. The roadway provides convenient east-west trips between S Mulino Road and 99E. Because SE 13th Avenue is an arterial, intersections are limited to a spacing guideline established by the City.

Trees on Stoller parcel – The Stoller parcel has a large stand of mature fir trees that is somewhat out of character for properties in this area. The trees are located southwest of the intersection of the Baker Prairie Middle School pathway and the Logging Road Trail in the northeast corner of the DCP area.

IV. Concept Plan

Zoning: The DCP proposes to use the zoning identified in the City of Canby Comprehensive Plan. The Comprehensive Plan identifies two separate zoning designations for the DCP area, LDR-Low Density Residential and MDR-Medium Density Residential. The two properties on the west side of the DCP area, Boyle and Netter (Tax Lots 700 & 800), are indicated as LDR-Low Density Residential. The DCP identifies that these two properties have City of Canby R-1 Low Density Residential Zoning applied at the time of annexation. These two properties will act as the transition from the R-1 properties located farther west to the R-1.5 zoning that will be applied to the four eastern properties in the DCP. The four eastern properties, Stoller, Herrod, Marcum & Rice (Tax Lots 400, 401, 500 & 600) are indicated as MDR-Medium Density Residential on the Comprehensive Plan. The DCP agrees that this zoning is appropriate for these properties. MDR properties will have City of Canby R-1.5 Medium Density Residential Zoning applied at the time of annexation.

Canby Municipal Code (CMC) Chapter 16.16 (R-1 Low Density Residential Zone) permits lots created in the R-1 zone to be developed with one single family dwelling per lot in addition to other allowed uses. CMC Chapter 16.18 (R-1.5 Medium Density Residential Zone) permits lots created in the R-1.5 zone to be developed with uses permitted in the R-1 zone or with two or three family dwellings (one duplex or tri-plex on each lot). The DCP proposes to limit uses permitted outright in the R-1.5 zone to those uses permitted outright in the R-1 zone. Two-family and three-family uses would be permitted as Conditional Uses only, as approved through the appropriate City process. The current property owners in the DCP area do not feel that multiple family dwellings are the proper fit for this particular R-1.5 zoned area and therefore want to establish a higher level of scrutiny for that type of construction.

Streets: The DCP proposes to make connections to extensions of existing roadways in the Faist Addition subdivisions to the west of the DCP area and proposes to make connections to SE 13th Avenue along the southern end of the site that are consistent with the planned local street connections anticipated in Figure 7-8 of the Canby Transportation System Plan. Access to the north is blocked by Baker Prairie Middle School and access to the east is blocked by the Logging Road Trail and inability to connect to the new Sequoia Parkway extension.

East-west streets in the DCP area include extensions of SE 10th Avenue, SE 10th Place, SE 11th Avenue, SE 11th Place, SE 12th Avenue. SE 13th Avenue borders the DCP area to the south and will be improved with half-street improvements at the time of development.

New north-south streets in the DCP area will include S Vine Street, S Walnut Street and S Willow Street. S Vine Street and S Walnut Street are anticipated by Figure 7-8 of the Canby TSP and will connect to SE 13th Avenue. S Willow Street will be an interior local street that will not connect to SE 13th Avenue. Vine, Walnut, and Willow Streets will utilize the alphabetical pattern of naming streets after tree species for streets in the north and south direction. Other north-south streets near the DCP area include Redwood, Sycamore & Teakwood to the west and Sequoia Parkway to the east. Sequoia Parkway is a unique street name that does not fit the established street naming pattern in the City.

Parks: Existing City parks in this area of Canby include Legacy and Faist Parks, both located west of the DCP area. Legacy Park is located adjacent to the Ackerman School grounds and features playgrounds, soccer fields, a picnic shelter and a meditation garden. Faist Park is a 15,041 sq. ft. parcel located west of Teakwood Avenue at the entrance to Baker Prairie Middle School. Faist Park is currently unimproved.

The DCP proposes to create a new 1.215-acre park on the Stoller property (TL 400) in the northeast corner of the DCP area to serve the residents of this site, the neighborhood and the entire City of Canby. The park will take advantage of a large stand of trees located on the Stoller parcel in the northeast corner of the site to provide shade for passive recreational opportunities such as walkways, picnic tables, and benches. The City Parks Department has determined that this property would make for an excellent park site and it is anticipated to be used for rest or picnicking by people using the City's Logging Road Trail or the Baker Prairie Middle School pathway. Park improvements may be constructed by the project developer or may be developed by the City of Canby.

Per the City of Canby's park dedication formula, a park dedication of 1.215 acres is anticipated to satisfy the park SDC obligation for 45 lots, the approximate number of lots anticipated to be created on the Stoller property. If more than 45 lots are created on the Stoller property, the additional Stoller lots will satisfy the City's Parks SDC obligation through payment of the City Park SDC fee. All lots created on the Boyle, Netter, Rice, Marcum and Herrod parcels will satisfy the City Parks SDC obligation through payment of the appropriate City SDC fee. See Section VI Parks, for additional information.

V. Utility Service

Based on the level of development surrounding the subject site, necessary facilities and services are available for the proposed annexation at the proposed R-1 and R-1.5 zoning designations. The applicant had a pre-application meeting with the City of Canby utility service providers and all utilities are available in the DCP area or can be made available through development of the site.

Water: Water is provided through Canby Utility's Water Department. A 14-inch water line installed during development of the Faist Addition subdivisions is located in SE 13th Avenue at the southwest corner of the site. The City of Canby and Canby Utility have also recently installed a 14-inch water main to the southeast corner of the site as a part of the Sequoia Parkway extension. Water to serve homes in future developments will be provided through a connection between these two mains and the loop that will be created. Alternatively, there are 8 inch water lines in SE 10th Avenue, SE 10th Place, SE 11th Avenue, SE 11th Place, and SE 12th Avenue that connect to an 8 inch water main in S Teakwood Street. These 8-inch mains can be extended through into the proposed annexation area with development of the remainder of the Faist parcel between the DCP area and S Teakwood Street;

Sanitary Sewer: Sanitary sewer is provided by the City of Canby. The nearest sewer collection system was installed in S. Teakwood Street and in SE 13th Avenue at the southwest corner of the site with the Faist Addition subdivisions. Manholes in S Teakwood Street are located at each of the numbered streets and could be used to serve some of the DCP area by gravity service to the west if the Faist property is developed prior to the western portions of the DCP area. Without development of the Faist property, a small portion of the southwest portion of the site could gravity flow to the western-flowing main in SE 13th Avenue.

The future sanitary sewer system design for the DCP area will depend upon the order in which the DCP properties are annexed and developed. The area is currently zoned Exclusive Farm Use (EFU) by Clackamas County and urban utility lines are not typically permitted to cross land zoned EFU. Properties on the western side of the DCP area needing to drain to the east (such as Netter & Rice) will either drain east through the eastern properties (Marcum & Stoller) if those properties have been annexed into the City, or they will have to drain south to SE 13th Avenue and east in the SE 13th Avenue right-of-way to Sequoia Parkway in order to develop if the intervening properties have not been annexed into the City.

Much of the annexation area will drain east and will connect to a dry sanitary main installed in the Sequoia Parkway extension. When it is needed, the city will build either a temporary pump station near the intersection of Sequoia Parkway and SE 13th Avenue or a permanent pump station farther east and closer to the Mulino Road/13th Avenue intersection. A temporary pump station would likely only serve the DCP area while a permanent pump station would make sanitary sewer service available throughout the entire local vicinity that includes the DCP area and a large portion of the light industrial south of Township Road and west of Mulino Road. Construction of the pump station and the associated force mains will be paid for with Systems Development fees collected by the City while gravity mains are generally paid for by adjoining property owners. Annexation of property will not trigger the need for the pump station. The permanent or temporary pump station will be constructed by the City of Canby when the first approved development needing a pump station has been approved by the City.

Storm Drainage: Roof drains from homes within the subdivision will be drain to privately owned and maintained infiltration facilities on each individual lot. Street drainage will be directed to sumped catch basins and pollution control manholes for water quality treatment and then to dry wells located throughout the development area for disposal through underground injection. All street storm drainage facilities are proposed to be public facilities consistent with the newly adopted City of Canby Stormwater Master Plan and the Canby Public Works Design Standards. When development proposals are submitted, the issue of storm water management and drywell location can be discussed in greater detail.

Private Utilities: Private utilities providing service for telephone, natural gas, cable, garbage and recycling collection are all available in the general neighborhood. These utilities generally operate on a franchise basis. Electrical power is provided through Canby Utility's Electrical Department in conjunction with PGE. Dry utilities such as power, communications and natural gas are available to the DCP area in the southwest corner of the site where the utilities were stubbed to during construction of the Faist Addition subdivisions and some utilities are available to the eastern side of the DCP area from the Sequoia Parkway extension. Alternatively, dry utilities are also available in S. Teakwood Avenue and would be available to the DCP area with development of the undeveloped portion of the Faist property.

VI. Park Dedication

General: A new 1.215-acre park, tentatively named the “Stoller Park”, will be located in the northeast corner of the DCP area to serve residents of the DCP area, the larger neighborhood and the entire City of Canby. The park will take advantage of a large stand of trees located in the northeast corner of the Stoller property to provide ample shade and passive recreational opportunities. Anticipated improvements in the future include walkways, picnic tables, benches and a restroom facility. Recreational opportunities will include picnicking, the ability to sit and enjoy a book in the shade, walking, and room to play catch, tag or Frisbee. The park will provide access to the nearby bike/pedestrian trails through a connection to the adjacent Logging Road Trail. Access to the southern end of the Logging Road Trail will be greatly improved with construction of new streets in the DCP area and pathways through the new park. It is anticipated that the park will also become a destination for people from all over Canby when using the Logging Road Trail.

Sale of Park Land to City: The entire 1.215 acre park is located within the boundary of the 10.86 acre Stoller property. The park land cannot be sold to the City of Canby prior to annexation of the Stoller property, as Clackamas County’s Exclusive Farm Use zoning will not permit further division of the Stoller property. Once the Stoller property has been annexed into the City, the park land can be appraised and negotiations concerning selling the park land to the City of Canby can begin between the City and the property owner. The value of the park land will be established based on an MAI appraisal prepared jointly for the City of Canby and the owner of the Stoller property. The City cannot pay more than the appraised value. Park improvements such as walkways, picnic tables, benches and a restroom facility can either be completed by the site developer or by the City of Canby, it will be the choice of the developer. If improvements to the park are made, those improvements would be included in the appraised value and would increase the amount that the City would pay for the park.

Park SDC Obligation: Per the City of Canby’s park dedication formula, a park dedication of 1.215 acres would be anticipated in order to satisfy the Park SDC obligation for 45 lots, the approximate number of lots anticipated to be created on the Stoller property. If more than 45 lots are created on the Stoller property, the additional Stoller lots will satisfy the City’s Parks SDC obligation through payment of the City Park SDC fee. All lots created on the Boyle, Netter, Rice, Marcum and Herrod parcels will satisfy their City Parks SDC obligation through payment of the appropriate City SDC fee at the time that building permits are issued on the lots.

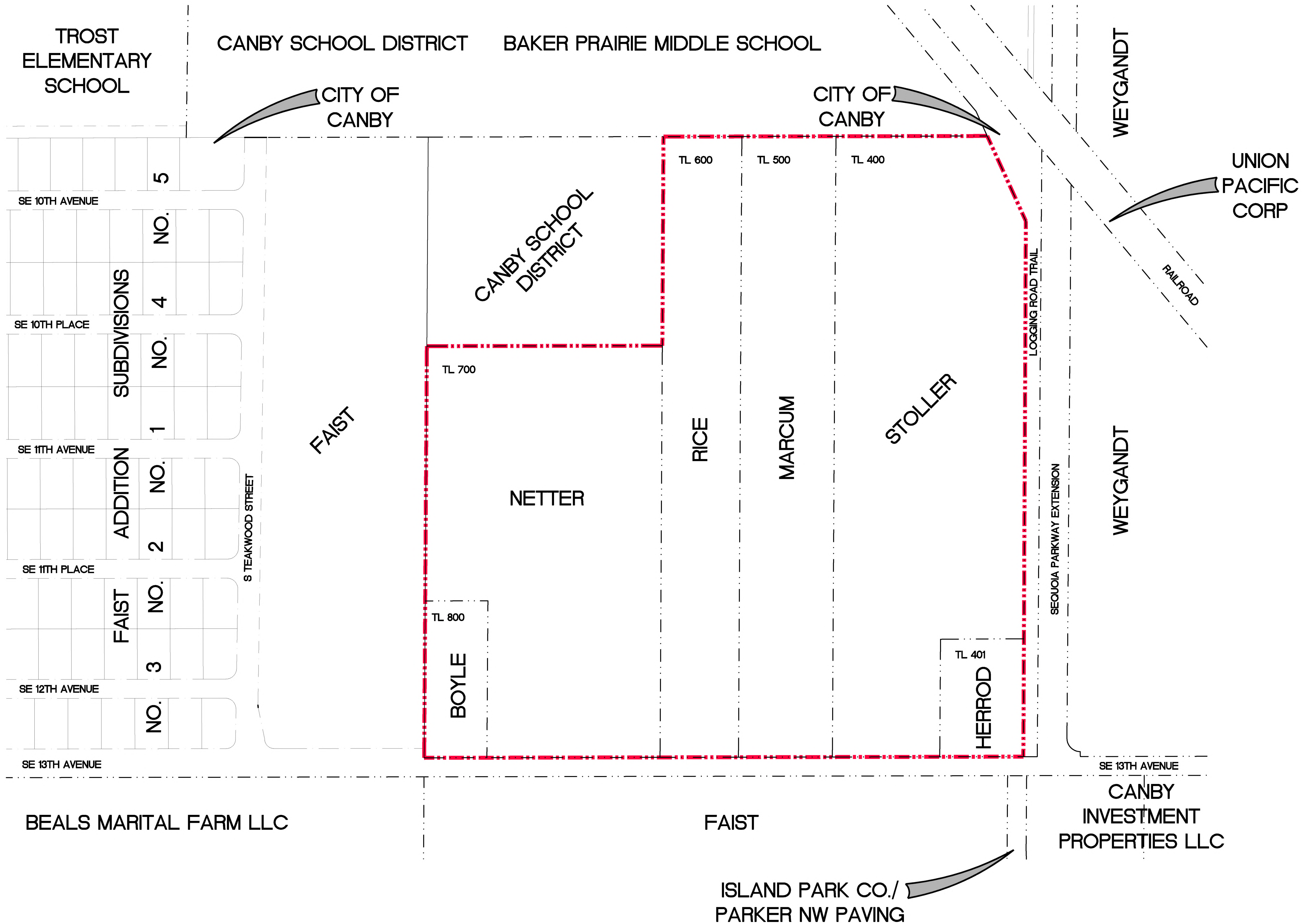
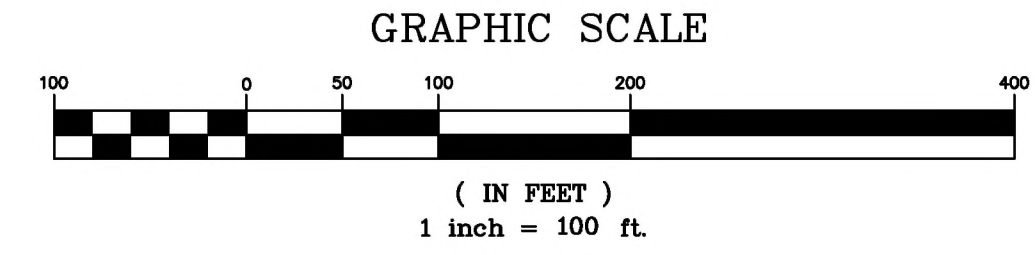
Anticipated Amenities: Construction of amenities for the Stoller Park will require approval of City Parks Board or City Parks Staff, as appropriate, prior to construction. Anticipated amenities include walkways, picnic tables, benches and a restroom facility, however, this list could be modified based on the desires of the City at the time of dedication and development. Some level of landscaping and signage is also expected to be desired. Signage would include directional and information signs and signage along the public street in front of the park. Landscaping is anticipated to be desired to create a more aesthetically pleasing park entrance along the public street and to screen the restroom facility. Street trees and lawn are anticipated to be desired in the planting strip along the frontage of S Willow Street & SE 10th Avenue.

In the pre-application meeting for the project, City Park Staff indicated the desire to widen the public street in front of the park to create a “bump out” to widen the public street along the front of the park and allow additional space for people to access their vehicles on the park side of the public street. It anticipated that this additional “bump out” would be on the order of 4 to 6 feet. If constructed by the developer, the additional pavement width would be included as a reimbursable amenity as the wider street is necessitated by the adjacent land being used for a park and it is an improvement not normally required for a local street improvement.

VII. Development Concept Plan Maps

1. Ownership
2. Zoning Designations
3. Existing Conditions
4. Street Plan
5. Drainage
6. Sanitary Sewer
7. Waterline
8. Parks
9. Park Details

----- = CONCEPT PLAN AREA BOUNDARY



REVISIONS	BY
REVISE: BOUNDARY 5-5-14	PS

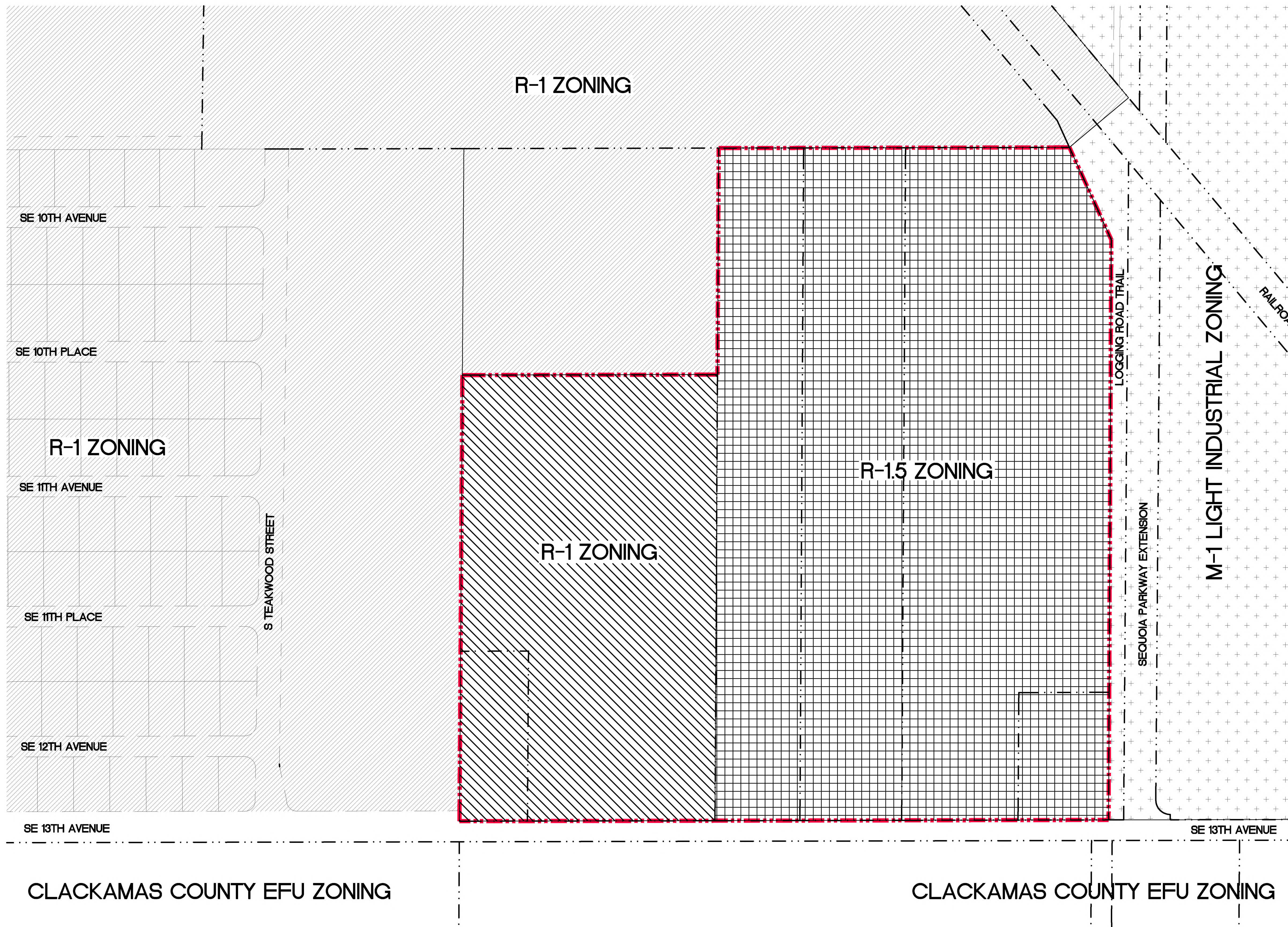
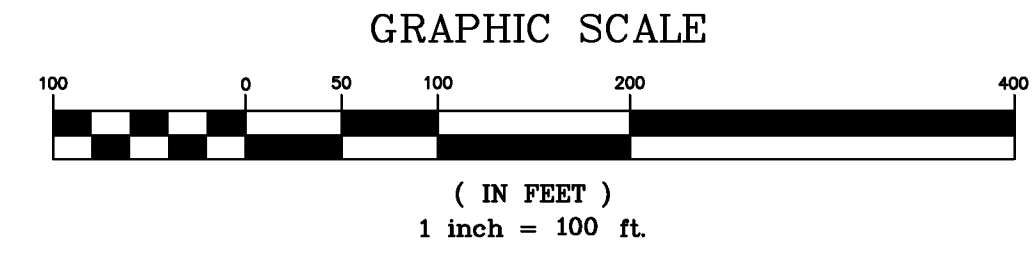
SE 13th Avenue Concept Plan
SE 13th Avenue Property Owners
BOYLE, MARCUM, NETTER, RICE & STOLLER


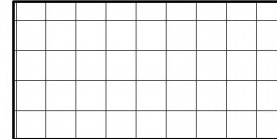
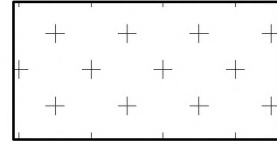

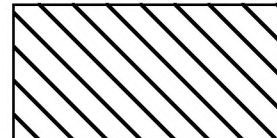
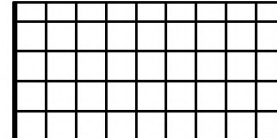
Ownership

SISUL ENGINEERING
3075 PORTLAND AVENUE
 CLATSOP, OREGON 97027
 (503) 867-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SGL05-032A
SHEET	1
OF	9 SHEETS

NOTE: THE DEVELOPMENT CONCEPT PLAN ALLOWS FOR THE FOLLOWING USES PERMITTED OUTRIGHT:
 USES PERMITTED OUTRIGHT IN THE R-1 ZONE, CMC CHAPTER 16.16.10.



- LEGEND:**
- CURRENT:**
-  CITY R-1
 -  CITY R-15
 -  CITY M-1
 -  COUNTY EFU
- PROPOSED:**
-  CITY R-1
 -  CITY R-15

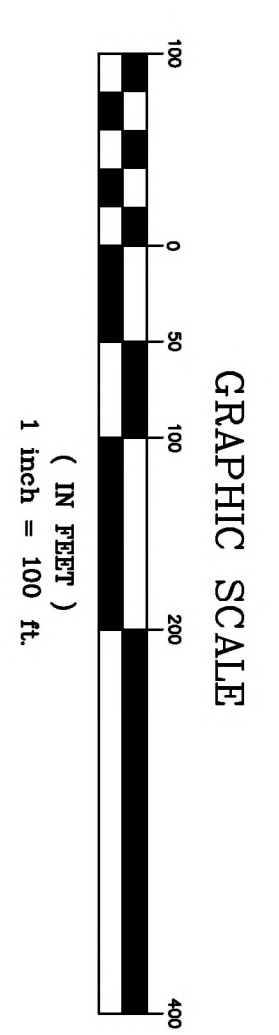
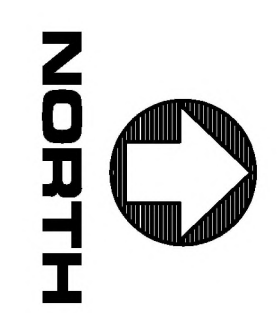
REVISIONS	BY
REVISE BOUNDARY 5-5-14	PS

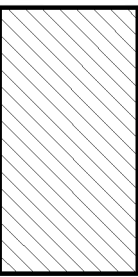
SE 13th Avenue Concept Plan
SE 13th Avenue Property Owners
 BOYLE, MARCUM, NETTER, RICE & STOLLER

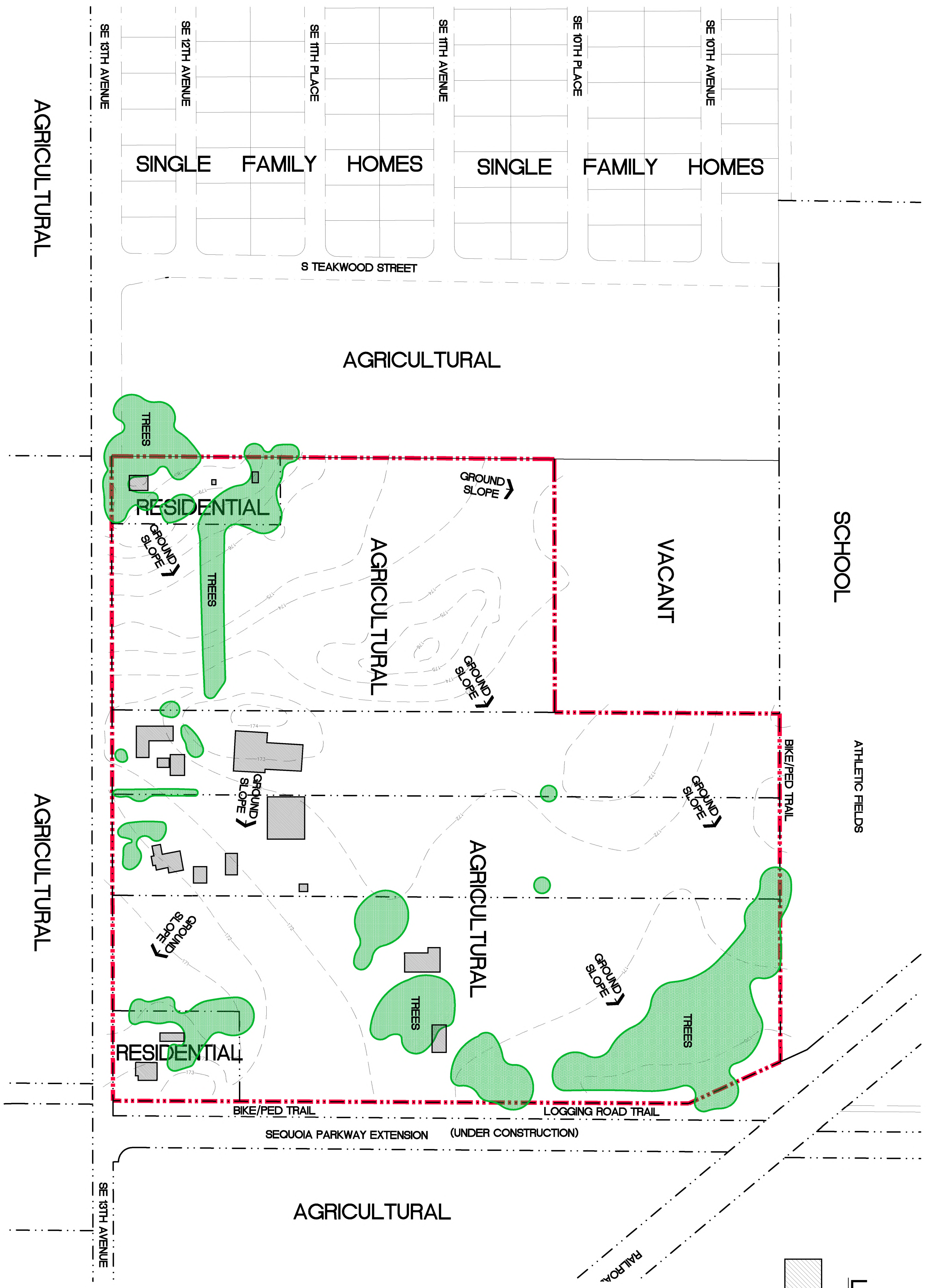
Zoning Designations

SISUL ENGINEERING
 3075 PORTLAND AVENUE
 CLATSOP COUNTY, OREGON 97027
 (503) 867-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SGL05-032A
SHEET	2
OF 9 SHEETS	



LEGEND:
 EXISTING BUILDING



Existing Conditions

SE 13th Avenue Concept Plan SE 13th Avenue Property Owners

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375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

DRAWING

DATE FEB., 2014

SCALE 1" = 100'

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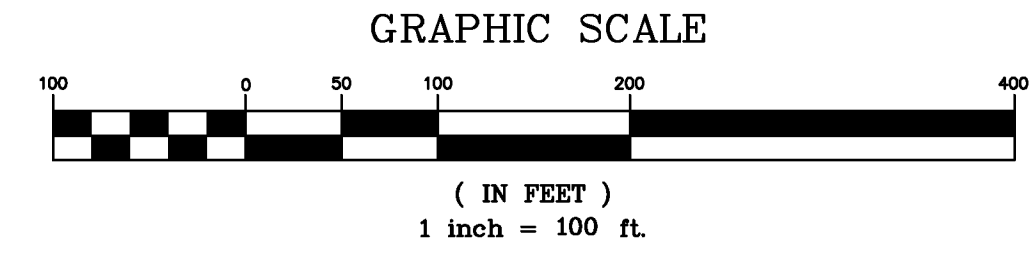
JOB SGL05-03ZA

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OF 9 SHEETS

3

REVISIONS	BY



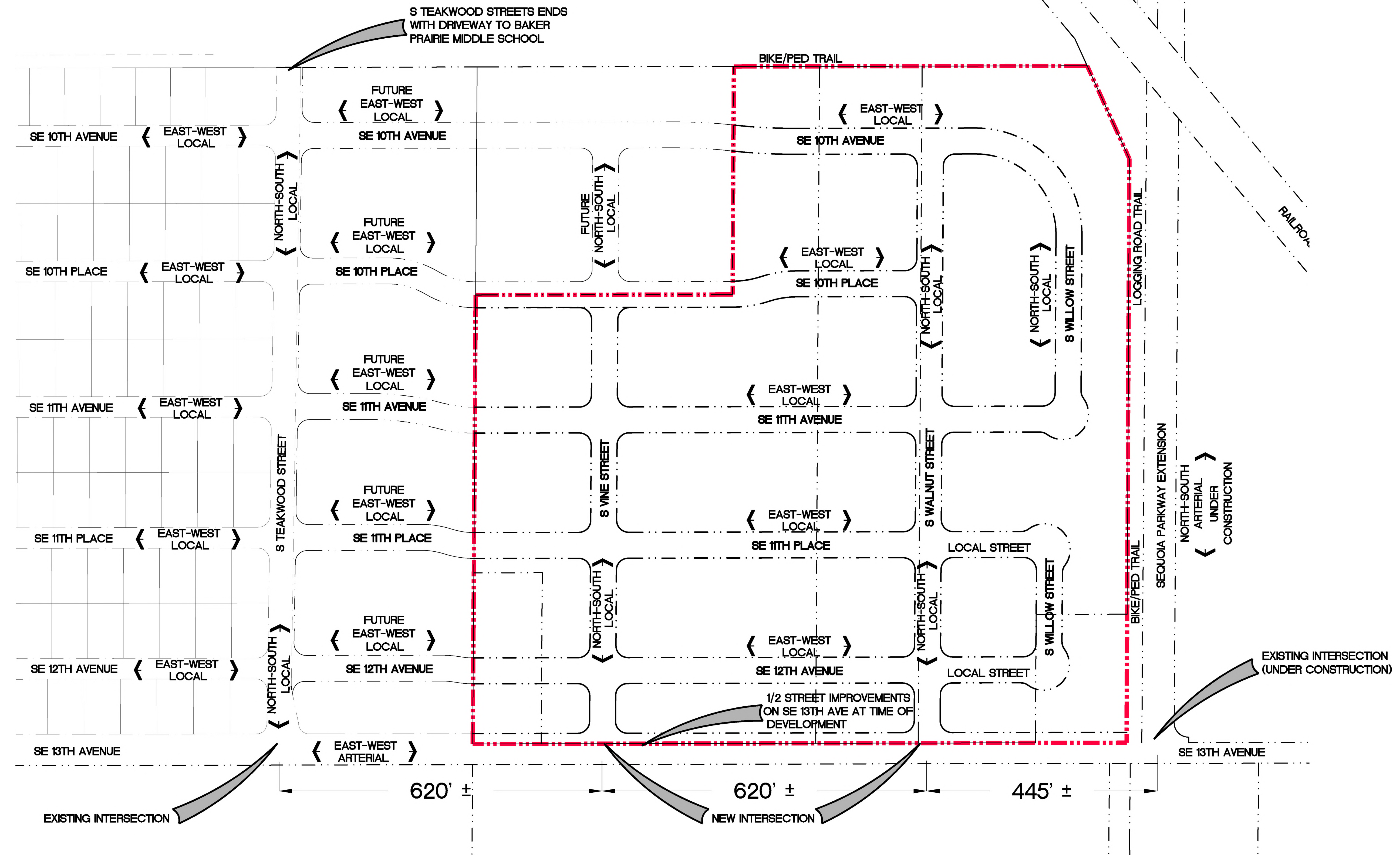
REVISIONS	BY
REVISE BOUNDARY 5-5-14	PS
REVISE PARK BOUNDARY 7-10-14	PS

SE 13th Avenue Concept Plan
SE 13th Avenue Property Owners
 BOYLE, MARCUM, NETTER, RICE & STOLLER

Street Plan

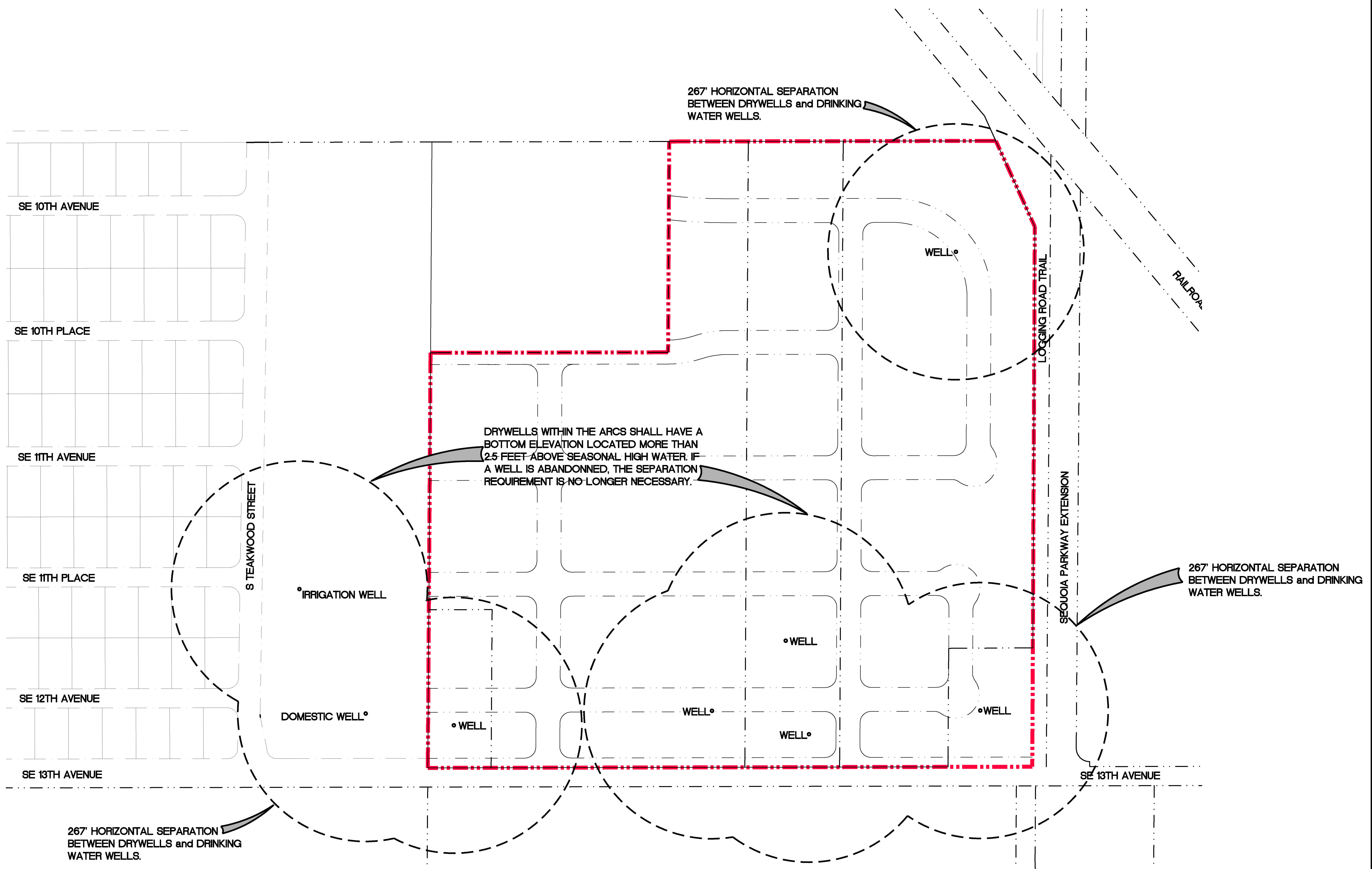
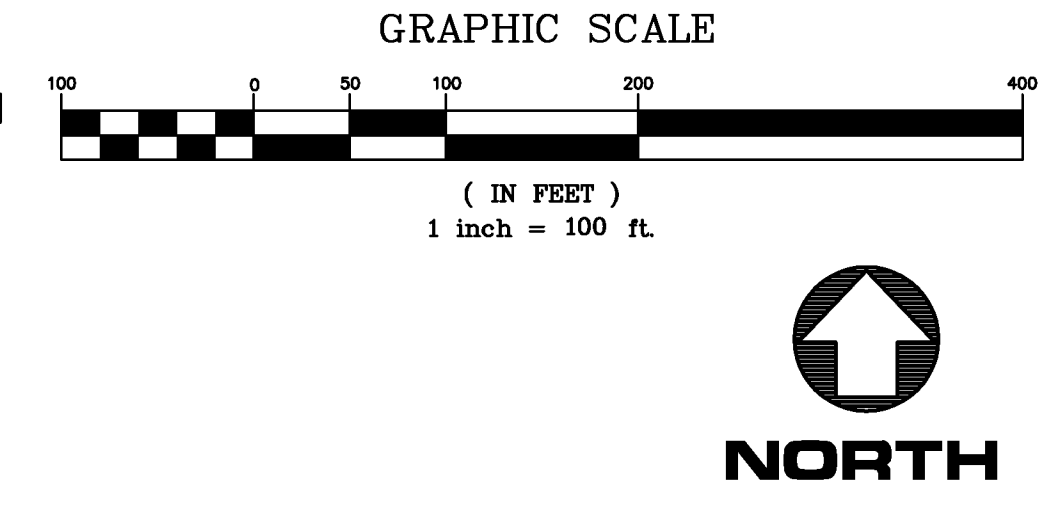
SISUL ENGINEERING
 3715 PORTLAND AVENUE
 CLATSOP COUNTY, OREGON 97027
 (503) 867-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SGL05-032A
SHEET	4
OF	9 SHEETS



1. STORMWATER FROM PUBLIC STREETS WILL BE DISPOSED OF THROUGH THE USE OF DRYWELLS. DRYWELLS WILL BE PUBLIC, OWNED AND MAINTAINED BY THE CITY OF CANBY.
2. UPSTREAM OF THE DRYWELLS, CATCH BASINS WITH SUMPS AND POLLUTION CONTROL MANHOLES WILL BE USED AS WATER QUALITY TREATMENT DEVICES TO PROLONG THE LIFE OF THE DRYWELLS. WATER QUALITY TREATMENT DEVICES WILL BE PUBLIC, OWNED AND MAINTAINED BY THE CITY OF CANBY.
3. SUMPED CATCH BASINS, POLLUTION CONTROL MANHOLES AND DRYWELLS ARE THE MOST PREFERRED METHOD OF STORM WATER TREATMENT AND DISPOSAL BY THE CITY OF CANBY PUBLIC WORKS DEPARTMENT.
4. DRYWELLS INCLUDED ON THE CITY OF CANBY'S WATER QUALITY PERMIT WITH DEQ MUST HAVE ADEQUATE SEPARATION FROM DRINKING WATER WELLS. THE CITY OF CANBY STORMWATER MASTER PLAN HAS DETERMINED THAT ADEQUATE SEPARATION IS EITHER 267 FEET HORIZONTALLY OR 2.5 FEET VERTICALLY ABOVE THE SEASONAL HIGH WATER TABLE.

5. AS DEPICTED ON FIGURE 4 IN APPENDIX A OF THE CANBY STORMWATER MASTER PLAN, THE DEPTH TO SEASONAL HIGH GROUNDWATER IN THE CONCEPT PLAN AREA IS BETWEEN 40 AND 50 FEET. TYPICAL DRYWELL DEPTH IS 26 FEET.
6. DRYWELLS IN NEIGHBORING SUBDIVISIONS TO THE WEST HAVE SHOWN THE ABILITY TO ACCOMMODATE MORE THAN 1/2 ACRE OF PUBLIC STREET. DRYWELLS IN THIS AREA ARE ANTICIPATED TO ACCOMMODATE A SIMILAR DRAINAGE AREA.
7. ROOF RUNOFF FROM SINGLE FAMILY HOMES WILL BE DISPOSED OF THROUGH THE INSTALLATION OF UNDERGROUND INJECTION CHAMBERS OR MINI-SUMPS LOCATED IN THE YARD AREA AROUND THE HOMES, AS IS TYPICAL WITH MOST HOMES IN CANBY. ROOF DRAIN DISPOSAL SYSTEMS ON INDIVIDUAL LOTS WILL BE PRIVATELY OWNED AND MAINTAINED.
8. NO DRAINAGEWAYS OR STREAMS ARE LOCATED IN THE DEVELOPMENT CONCEPT PLAN AREA.



REVISIONS	BY
REVISE: BOUNDARY 5-5-14	PS
REVISE: PARK BOUNDARY 7-10-14	PS

SE 13th Avenue Concept Plan
SE 13th Avenue Property Owners

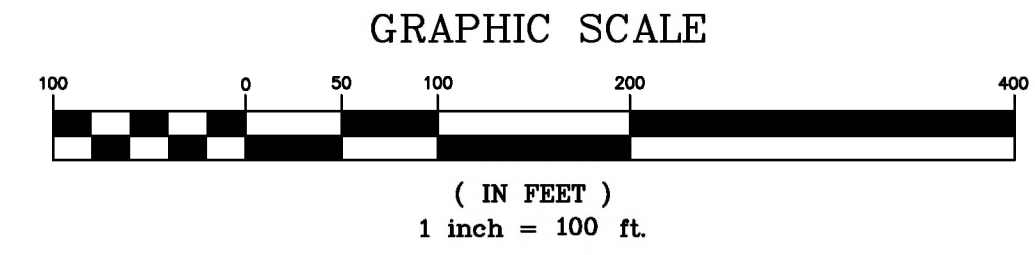
BOYLE, MARCUM, NETTER, RICE & STOLLER

Drainage

SISUL ENGINEERING
 307E PORTLAND AVENUE
 CLATSOP, OREGON 97027
 (503) 687-0188

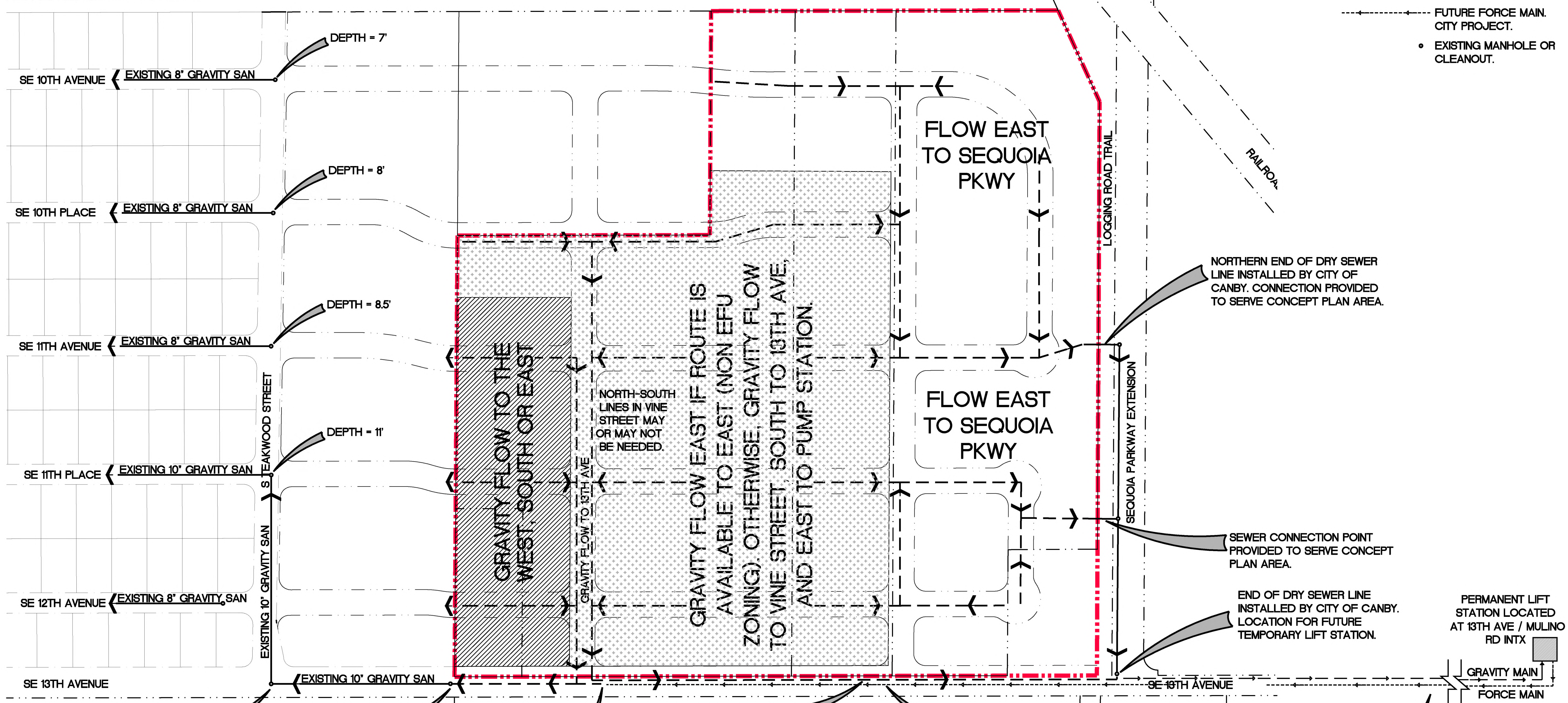
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JOB	SGL05-032A
SHEET	5
OF 9 SHEETS	

REVISIONS	BY
REVISE BOUNDARY FOR SANITARY IN 13TH IF NECESSARY 5-3-14	PS
REVISE PARK BOUNDARY 7-10-14	PS



LEGEND:

- ←——— EXISTING SANITARY MAIN AND FLOW DIRECTION
- ← - - - - FUTURE MAIN IN CONCEPT PLAN AREA AND FLOW DIRECTION
- - - - - FUTURE GRAVITY MAIN, CITY PROJECT.
- ← - - - - FUTURE FORCE MAIN, CITY PROJECT.
- EXISTING MANHOLE OR CLEANOUT.



GRAVITY FLOW TO THE WEST, SOUTH OR EAST

GRAVITY FLOW TO 13TH AVE

GRAVITY FLOW EAST IF ROUTE IS AVAILABLE TO EAST (NON EFU ZONING). OTHERWISE, GRAVITY FLOW TO VINE STREET, SOUTH TO 13TH AVE, AND EAST TO PUMP STATION.

NORTH-SOUTH LINES IN VINE STREET MAY OR MAY NOT BE NEEDED.

FLOW EAST TO SEQUOIA PKWY

FLOW EAST TO SEQUOIA PKWY

NORTHERN END OF DRY SEWER LINE INSTALLED BY CITY OF CANBY. CONNECTION PROVIDED TO SERVE CONCEPT PLAN AREA.

SEWER CONNECTION POINT PROVIDED TO SERVE CONCEPT PLAN AREA.

END OF DRY SEWER LINE INSTALLED BY CITY OF CANBY. LOCATION FOR FUTURE TEMPORARY LIFT STATION.

PERMANENT LIFT STATION LOCATED AT 13TH AVE / MULINO RD INTX

DEPTH = 10'

DEPTH = 9'

EXISTING 13TH AVENUE GRAVITY SEWER MAIN FLOWING WEST SHALL BE EXTENDED EAST AS FAR AS POSSIBLE UNTIL LIMITED BY DEPTH.

NEW GRAVITY SEWER MAIN FLOWING EAST IN 13TH AVENUE MAY BE NEEDED DEPENDING UPON ORDER OF HOW PROPERTIES ARE ANNEXED AND DEVELOPED.

FUTURE FORCE MAIN

WHEN A SUBDIVISION PROJECT NEEDING A SANITARY SEWER LIFT STATION IS APPROVED BY THE CITY OF CANBY, THE CITY OF CANBY WILL CONSTRUCT A TEMPORARY SANITARY SEWER LIFT STATION AT THE END OF THE DRY SEWER LINE IN SEQUOIA PARKWAY. A SANITARY SEWER LIFT STATION AT SE 13TH AVENUE / S MULINO ROAD AND EXTENSION OF THE SANITARY MAIN IN SEQUOIA PARKWAY DOWN TO THE LIFT STATION WILL BE COMPLETED AT A LATER TIME WHEN THE CITY HAS ACQUIRED A PERMANENT LIFT STATION SITE. BOTH THE TEMPORARY AND PERMANENT LIFT STATIONS WILL PUMP BACK UP TO THE EXISTING 10-INCH GRAVITY SANITARY SEWER MAIN IN 13TH AVENUE THROUGH A FORCE MAIN.

SE 13th Avenue Concept Plan
SE 13th Avenue Property Owners

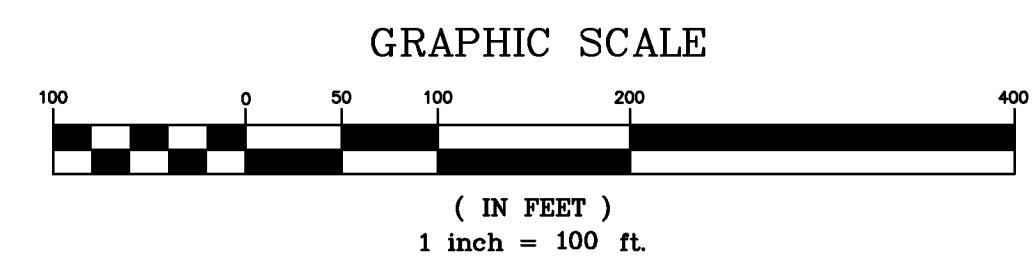
BOYLE, MARCUM, NETTER, RICE & STOLLER

Sanitary Sewer

SISUL ENGINEERING
 3075 PORTLAND AVENUE
 CLATSOP COUNTY, OREGON 97027
 (503) 687-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SGL05-032A
SHEET	6
OF	9 SHEETS

REVISIONS	BY
REVISE BOUNDARY 5-5-14	PS
REVISE PARK BOUNDARY 7-10-14	PS



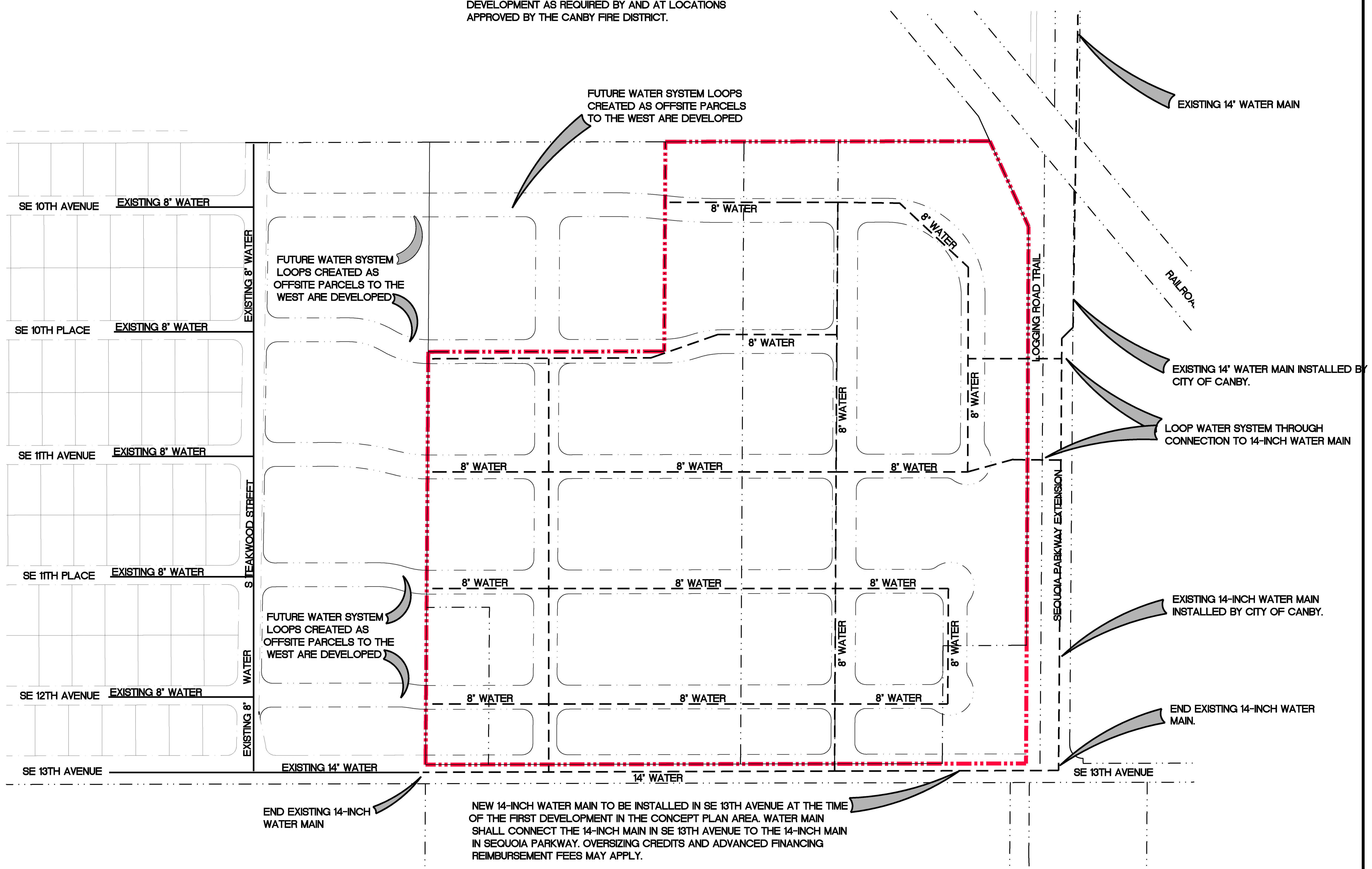
FIRE HYDRANTS SHALL BE INSTALLED WITH DEVELOPMENT AS REQUIRED BY AND AT LOCATIONS APPROVED BY THE CANBY FIRE DISTRICT.

FUTURE WATER SYSTEM LOOPS CREATED AS OFFSITE PARCELS TO THE WEST ARE DEVELOPED

FUTURE WATER SYSTEM LOOPS CREATED AS OFFSITE PARCELS TO THE WEST ARE DEVELOPED

FUTURE WATER SYSTEM LOOPS CREATED AS OFFSITE PARCELS TO THE WEST ARE DEVELOPED

NEW 14-INCH WATER MAIN TO BE INSTALLED IN SE 13TH AVENUE AT THE TIME OF THE FIRST DEVELOPMENT IN THE CONCEPT PLAN AREA. WATER MAIN SHALL CONNECT THE 14-INCH MAIN IN SE 13TH AVENUE TO THE 14-INCH MAIN IN SEQUOIA PARKWAY. OVERSIZING CREDITS AND ADVANCED FINANCING REIMBURSEMENT FEES MAY APPLY.



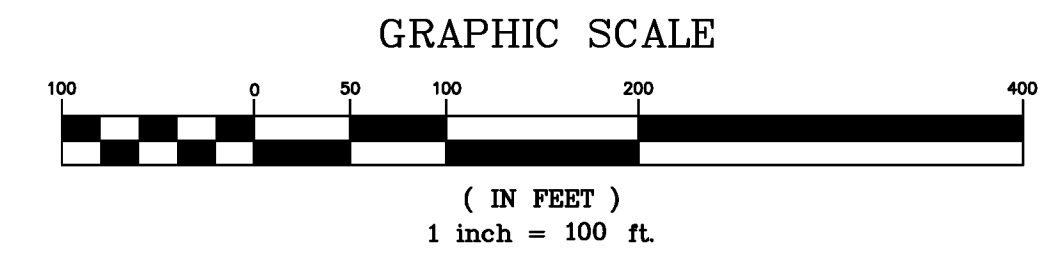
SE 13th Avenue Concept Plan
SE 13th Avenue Property Owners

BOYLE, MARCUM, NETTER, RICE & STOLLER

Waterline

SISUL ENGINEERING
307E PORTLAND AVENUE
CLATSOP COUNTY, OREGON 97027
(503) 867-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SGL05-032A
SHEET	7
OF 9 SHEETS	



ACTIVE RECREATIONAL OPPORTUNITY AREA
LOCATED ON BAKER PRAIRIE MIDDLE SCHOOL SITE.

15,041 SF PARK OWNED BY
THE CITY OF CANBY.
DEDICATED TO THE CITY
WITH FAIST ADDITION NO. 5

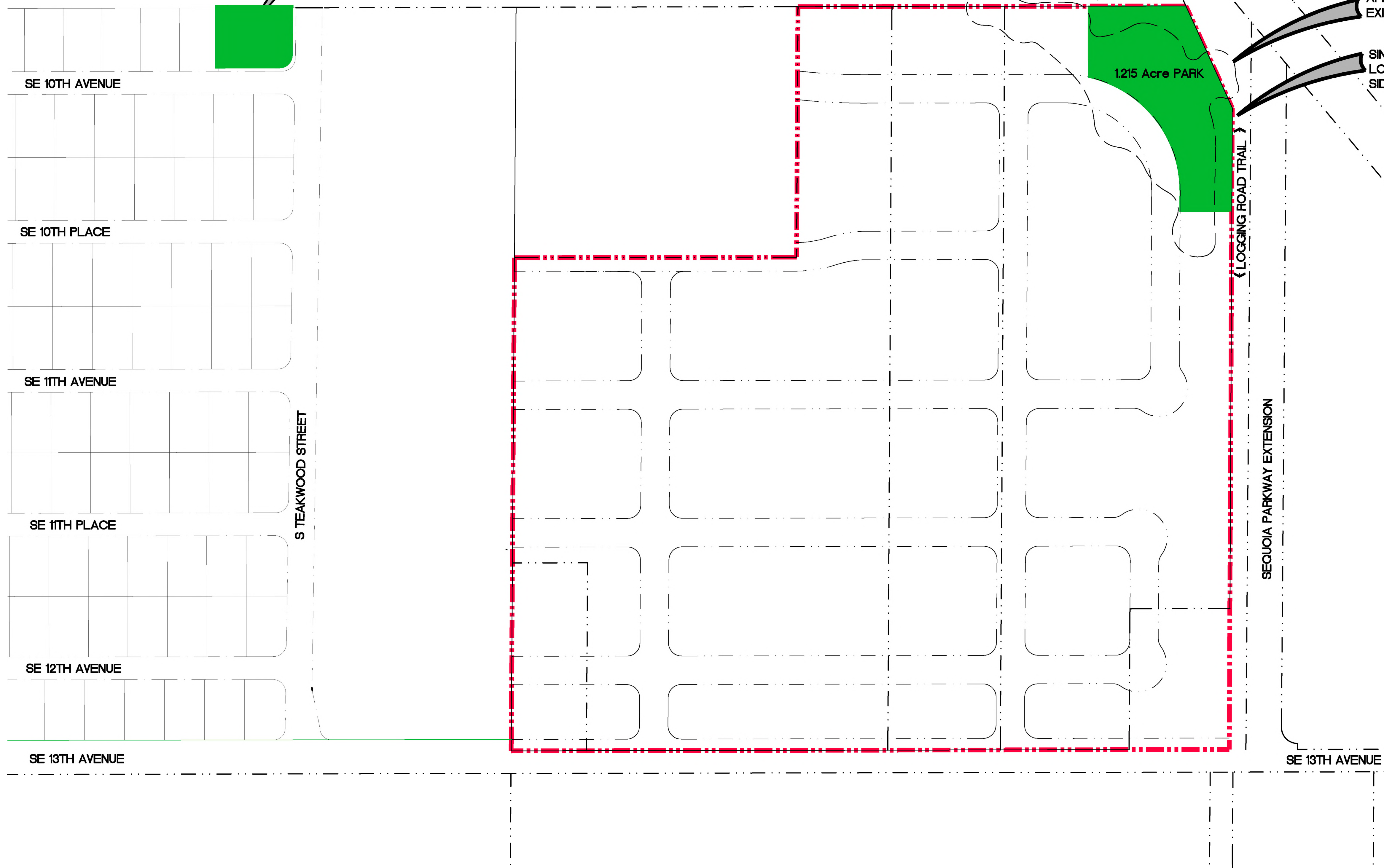
NO CONNECTIVITY TO
CANBY SCHOOL DISTRICT
BIKE TRAIL DUE TO
SCHOOL DISTRICT FENCE.

{ CANBY SCHOOL DISTRICT BIKE TRAIL }

APPROXIMATE LIMITS OF
EXISTING TREE CANOPY.

1.215 Acre PARK

SINGLE CONNECTION TO THE
LOGGING ROAD TRAIL ON EAST
SIDE OF PARK.



REVISIONS	BY
REVISE PARK BOUNDARY 7-10-14	PS

SE 13th Avenue Concept Plan
SE 13th Avenue Property Owners

BOYLE, MARCUM, NETTER, RICE & STOLLER

Parks

SISUL ENGINEERING
3715 PORTLAND AVENUE
CLATSOP, OREGON 97027
(503) 687-0188

DATE	JUNE, 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SGL05-032A
SHEET	08
OF	9 SHEETS



OZARK I
Small, single flush, fully accessible.

Meets UFWS, ADA, and Title 24 statute of the State of California
Vandal resistant building & toilet components
4" thick steel reinforced concrete walls
5" thick steel reinforced concrete roof & floors
Quick installation and hookup at the jobsite
Available in (29) different and unique earthtone colors
Barnwood, stucco, exposed aggregate, or split face block exterior wall textures
Cedar shake, ribbed metal, or exposed aggregate exterior roof textures
Custom textures and colors available

The Ozark I is an economical single flush building that meets ADA. It has a small overall footprint and can be placed next to an existing restroom to bring a park up to ADA standards or placed in smaller neighborhood parks. The Ozark I comes with sink, toilet, interior and exterior lights, and electric exhaust fan. It can have an optional urinal and stainless steel fixtures. The Ozark I's chase area also can be used for storage. The Ozark I is small in size, but big in value.

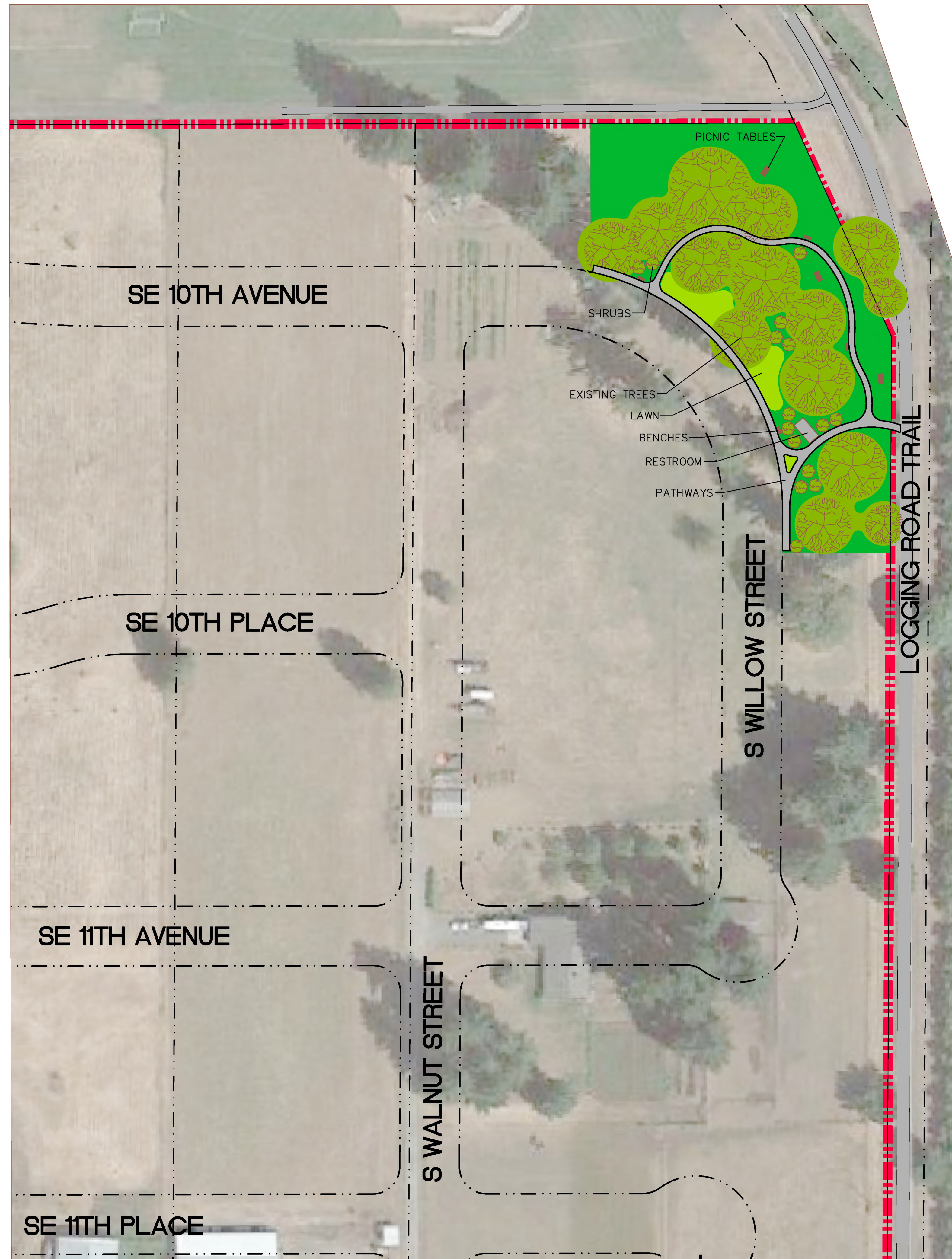
Durability:
The Ozark I is engineered and designed for long-life in extreme conditions. The building meets or exceeds the effects of a Zone 4 earthquake, a 140-mph wind load and a 250 pounds per square foot snow load.

Maintenance:
The Ozark I is extremely easy to maintain. With our steel reinforced 5,000 psi concrete construction, the building will not rot, rust, or burn. The building interior is primed and painted with white paint to reflect natural light from the Lexan windows mounted in heavy steel frames cast into the walls.

Cleaning of the building interior is easily accomplished with a brush and warm soapy water. The walls and roof structure are made of "colored through concrete", coated with an exterior stain, followed by an anti-graffiti sealer.




RESTROOM FACILITY



DETAILED PARK PLAN



REVISIONS	BY
NEW SHEET 9-5-14	PS
REVISE PARK BOUNDARY 7-10-14	PS

SE 13th Avenue Concept Plan
SE 13th Avenue Property Owners
BOYLE, MARCUM, NETTER, RICE & STOLLER

Park Details

SISUL ENGINEERING
307E PORTLAND AVENUE
CLATSOP, OREGON 97027
(503) 687-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SGL05-032A
SHEET	9
OF 9 SHEETS	

VIII. City Approval

I CERTIFY THAT THIS ORDER recommending **APPROVAL** of the **SE 13th Avenue Development Concept Plan** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 6th day of August, 2014

Brian Hodson
Mayor

Bryan Brown
Planning Director

ORAL DECISION – July 16, 2014

AYES: 6

NOES: 0

ABSTAIN: 0

ABSENT: 0

WRITTEN FINDINGS – August 6, 2014

AYES:

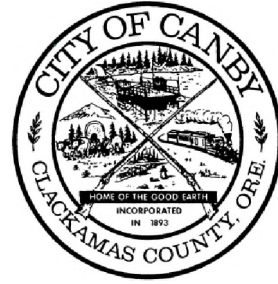
NOES:

ABSTAIN:

ABSENT:

ATTEST:

Kimberly Scheafer, MMC
City Recorder



MEMORANDUM

To: Mayor Hodson and Canby City Council
From: Amanda Zeiber, Interim City Administrator/HR Director
Date: August 6, 2014
Re: Resolution No. 1196

Background Summary

The Agreement between the City of Canby (City) and AFSCME (Union) expired on June 30, 2014. The City and Union 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, 2014 and expires on June 30, 2017.

Recommendation

Staff recommends that the Council adopt Resolution No. 1196, ratifying and approving the tentative agreement and adopting the Collective Bargaining Agreement between the City and Union.

Attached

Resolution No. 1196

RESOLUTION NO. 1196

A RESOLUTION TO RATIFY THE CONTRACT BETWEEN THE CITY OF CANBY (CITY) AND THE LOCAL 350-6 AFSCME COUNCIL 75 AFL-CIO (UNION) FOR THE PERIOD FROM JULY 1, 2014 THROUGH JUNE 30, 2017.

WHEREAS, the City has recognized the Union as the sole collective bargaining agent for the City’s regular full-time and part-time employees (20 hours or more per week), excluding supervisory and confidential employees and employees of the police bargaining unit pursuant to Oregon law, and

WHEREAS, the collective bargaining agreement between the City and Union expired on June 30, 2014, and

WHEREAS, the City and Union have bargained the terms and conditions of a new contract agreement that will remain tentative until ratified by each party and will be effective retroactive to July 1, 2014 and to expire on June 30, 2017, now therefore,

IT IS HEREBY RESOLVED by the City of Canby Council as follows:

1. The attached tentative agreement marked as Exhibit “A” between the City and Union for the period of July 1, 2014 through June 30, 2017 is approved for adoption.
2. The City Administrator is directed to take the necessary action to implement the terms of the said contract.
3. The Mayor and City Administrator are authorized to sign the contract on behalf of the City.

This resolution shall take effect, retroactively, to July 1, 2014.

ADOPTED this 6th day of August 2014, by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

Exhibit "A"

COLLECTIVE BARGAINING AGREEMENT

Between

CITY OF CANBY

And

LOCAL 350-6 AFSCME COUNCIL 75
AFL-CIO

July 1, 2014 - June 30, 2017

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PREAMBLE

The City of Canby, Oregon ("City") and the City of Canby Office and Public Works Employees Local 350-6, Council 75, AFSCME, AFL-CIO ("Union") agree to be bound by the following terms and conditions relating to wages, benefits, hours of work, and working conditions for all employees hereinafter classified and identified in this Agreement.

ARTICLE 1 – RECOGNITION

1.1 The City recognizes the Union as the sole collective bargaining agent for all regular full-time and part-time employees working twenty (20) hours or more per week for the City, excluding supervisory and confidential employees, employees in the police bargaining unit, seasonal employees and temporary employees.

1.2 In the event the City should create a new job classification and pay rate for a classification which would properly be in the bargaining unit, the City shall notify the Union within fifteen (15) calendar days of filling the new classification. Upon receipt of a written request from the Union or its designee, the City and the Union will enter into negotiations regarding wages for the classification.

ARTICLE 2 – EMPLOYEE RIGHTS/SECURITY

2.1 Employees covered by this Agreement have the right to form, join, and participate in the activities of the Union, and there shall be no discrimination exercised against any employee covered by this Agreement because of membership or participation in Union activities.

2.2 The City agrees to deduct monthly membership dues from the gross pay of employees covered pursuant to Section 1.1 of this Agreement upon submission of written requests on forms provided by the Union. Uniform amounts to be deducted shall be certified to the City by the Union and shall be remitted to the Union no later than the 15th day of the following month. The City shall not be held liable for deduction errors but will make proper adjustments with the Union as soon as is practicable.

2.3 Each employee who, thirty (30) days after date of hire, is in a position represented by the Union as defined by Section 1.1 of this Agreement and who chooses not to be a member of the Union shall proportionately and fairly share in the cost of the collective bargaining process. The proportionate and fair share of the cost of the collective bargaining process is the amount of dues uniformly required of each member of the Union.

2.4 Employees covered by Section 1.1 of this Agreement may choose non-association with the Union based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Any such employee must pay an amount of money equivalent to regular Union dues and initiation fees and assessments, if any, to a nonreligious charity or other charitable organization mutually agreed upon by the employee affected and the representative of the Union. The employee shall furnish written proof that this has been done. If the employee and the representative of the Union do not reach agreement on the matter, the Employment

Relations Board shall designate such organization. Both parties agree to abide by both Federal and State laws as regards an employee's request pursuant to this Section.

2.5 The Union agrees to hold the City harmless against any and all claims, suits, orders or judgments brought against the City as a result of the provisions of this Article.

2.6 The City shall provide a bulletin board for the Union to post bulletins and other material pertaining to its members.

2.7 Members of the Union who are officially designated as representatives of the Union shall be permitted to attend negotiating meetings.

ARTICLE 3 – CIVIL RIGHTS

3.1 No employee shall be discriminated against because of membership or nonmembership in the Union or because of activities he/she may engage in on behalf of the Union, provided, such activities do not interfere with the employee's performance of work assignments.

3.2 There shall be no discrimination with regard to the hiring or tenure of employees by reason of race, color, national origin, gender, disability or age.

ARTICLE 4 – MANAGEMENT RIGHTS

4.1 The City Administrator, department heads and division supervisors shall exercise responsibility, under the authority of the City Council, for management of the City and direction of its work force. To fulfill this responsibility the rights of the City shall include, but shall not be limited to: establishing and directing activities of the City's departments and its employees; determining standards of service, methods of operation and the introduction of new equipment; establishing procedures and standards for employment, promotion, layoff and transfer; discipline or discharge for just cause; determination of job descriptions, work schedules and assignment off work; and other rights except as expressly limited by the terms and provisions of this Agreement.

4.2 The City shall have the right to subcontract, subject to the following:

4.2(a) If the City desires to subcontract work customarily performed by members of the bargaining unit, the City shall give the Union advance written notice of its intent to subcontract. Said notice shall include: (1) a description of the work to be subcontracted; (2) the financial terms and the language of the proposed subcontract; (3) any bid specifications and other information made available by the City to the proposed subcontractor prior to the time said subcontractor submitted his/her proposal to the City; and (4) the anticipated effect (if any) of the subcontract on the future employment, classification, wages, hours and conditions of employment which the City proposes to implement.

4.2(b) Within ten working days immediately following the date of its receipt of the notice pursuant to Section 4.2(a) of this Agreement, the Union may deliver to the City a written proposal to which the Union would agree in order to reserve the work, as described by the City pursuant to Section 4.2(a) of this Agreement, for performance by bargaining unit members

and, additionally, any wages, hours or conditions of employment not covered by this Agreement which the Union proposes be applied to bargaining unit members in the event the proposed subcontract is ultimately implemented.

- 4.2(c) If the City does not receive a proposal from the Union pursuant to Section 4.2(a) of this Agreement within the ten (10) day period, the City may implement the proposed subcontract and shall simultaneously implement any terms set forth in the City's notice to the Union made pursuant to Sections 4.2(a) and 4.2(b) of this Agreement.
- 4.2(d) If the Union proposal is equal to or better than that submitted by the proposed subcontractor, the City shall implement the Union proposal.
- 4.2(e) If the Union proposal is substantially more costly than the proposed subcontractor, the City may adopt the proposal as submitted by the proposed subcontractor. In that case, the Union and the City shall bargain the impact of such action to completion, up to and including a strike.

ARTICLE 5 – SENIORITY

5.1 New hires shall serve a twelve (12) month probationary period from the date of appointment to a regular position. New hires may be terminated without cause during the probationary period. New hires shall receive a performance review upon completion of six (6) months of employment. A new hire who consistently demonstrates superior performance as documented in the six (6) month performance review may receive a step increase upon approval of the City Administrator. A step increase granted pursuant to this section shall not be considered as evidence of the successful completion of the twelve (12) month probationary period.

5.2 Regular status employees appointed to another position in the City shall serve a promotional probationary period of six (6) months from the date of appointment to the new position. If a promoted/transferred employee does not successfully complete the probation, he/she shall be returned to the previously held position. Regular status employees shall not be terminated during the promotional probationary period without just cause.

ARTICLE 6 – LAYOFF

6.1 In the event it becomes necessary to effect a reduction in the work force in any classification or position in any work unit, the City shall notify affected employees and the Union in writing at least fifteen (15) calendar days in advance of the effective date, except in emergency situations.

6.2 Layoff order shall be established within the City on the basis of seniority. If it is found that two (2) or more persons within the same classification have equal seniority, seniority for these individuals shall be determined by the date the employees were appointed by the department to that classification. If a tie still exists, the tie shall be broken by drawing lots. Employees shall be laid off in reverse order of seniority, except as modified in Section 6.3 of this Agreement. Laid off employees shall have the right to bump into lower level regular or temporary positions as outlined in Section 6.5 of this Agreement. A lower level position is defined as any position in a classification with a lower maximum pay rate than the classifications of the position being laid off.

6.3 The City may make an exception to the order of layoff when the retention of an employee with unique skills is necessary for the efficient operation of the department. Such action shall be taken only for articulated, job-related reasons and substantiated by written documentation.

6.4 The qualification of an employee to bump shall depend upon that employee demonstrating current possession of the required certifications, knowledge and skill to meet the minimum qualifications of the position prior to bumping. In addition, bumping employees must demonstrate the ability to perform on the job at a satisfactory level of performance within thirty (30) days. Between the twentieth (20th) and the thirtieth (30th) day of this period, the City will provide the employee either with notification of satisfactory performance or a minimum of ten (10) working days notice of intention to terminate the employee. Any such terminated employee will retain all layoff rights related to the classification from which he/she was originally laid off.

6.5 Laid off employees shall have the following options:

- a. Accept the layoff.
- b. Request assignment to a vacant lower level bargaining unit or temporary position, provided the employee is qualified for the position as described in Section 6.4 of this Agreement.
- c. Displace the employee with the lowest seniority in the same classification within the City, provided the employee is qualified for the position as described in Section 6.4 of this Agreement.
- d. Displace the employee with the lowest seniority in a lower level classification in the City, provided the displacing employee is more senior and is qualified for the position as described in Section 6.4 of this Agreement.
- e. Displace the employee with the lowest seniority in the City in a classification in which the employee has previous service, provided the displacing employee is more senior and is qualified for the position as described in Section 6.4 of this Agreement.

6.6 Temporary and seasonal employees will not be used to fill laid off bargaining unit positions. Within a classification, all temporary and seasonal employees will be terminated, and probationary employees shall be laid off before any regular bargaining unit employee is laid off.

6.7 An employee who displaces an employee in a lower pay range will be paid at the top step in the lower salary range which most closely approximates his/her current pay rate. However, no bumping employee shall be paid at a rate that exceeds the maximum step of the lower salary range. The employee may request and shall be paid for all accrued compensatory time at the rate being earned prior to layoff.

6.8 An employee who is left with no position to bump into as provided in Article 6 of this Agreement shall be laid off from employment and shall be eligible for recall to a position in his/her classification for a period of two (2) years without loss of seniority. An employee on layoff must keep the City informed of his/her current address and telephone number during the period of layoff.

6.9 Recall shall be on a basis of seniority, with senior employees being called before junior employees and before any new hires or transfers, provided the employee is qualified for the

position as described Section 4 of this Agreement. The same applies to any vacant temporary positions.

Upon recall to any positions in the city, a recalled employee shall have all sick leave accruals and the employee's vacation accrual rate and seniority in effect on the date of layoff restored.

If recalled to a position in the previous classification, the employee will be placed on the step in the new pay range which most closely approximates his/her pay rate at the time of layoff, subject to any cost of living adjustments or range changes. However, no recalled employee shall be paid at the rate that exceeds the maximum step of the new salary range. Such employee shall be placed on probation for six (6) months and will be eligible for a merit increase, if applicable, on the first of the month following successful completion of the probation period. The employee's merit anniversary date will adjusted to one (1) year following the date of merit increase eligibility.

6.10 Employees on layoff status shall have the same rights as other employees in applying for any opening which may occur in the bargaining unit.

ARTICLE 7 – DISCHARGE/SUSPENSION/WARNING NOTICES

7.1 Disciplinary action may include the following: (a) oral warning; (b) written warning; (c) suspension with or without salary; (d) discharge. The disciplinary action shall normally be progressive, unless the severity of the act warrants more severe discipline. The City shall not impose disciplinary action without just cause.

7.2 An employee may be immediately discharged upon a finding of any of the following: (a) dishonesty related to his/her employment with the City; (b) willful damage to City property; (c) drinking alcohol or taking illegal drugs on the job or arriving for regularly scheduled work under the influence of alcohol or illegal drugs; or (d) gross insubordination.

7.3 If it should be found that an employee is guilty of lesser offenses, such as violation of City policies and rules, such employee may be subject to disciplinary action as outlined in Section 7.1 of this Agreement.

7.4 If the City has reason to discipline an employee, every effort will be made to impose such discipline in a manner that will not embarrass the employee before other employees or the public.

7.5 The City acknowledges the right of an employee to have a Union representative present at stages (b), (c), and/or (d) of the disciplinary process.

ARTICLE 8 – HOURS OF WORK/OVERTIME

8.1 All shifts shall have an established starting and quitting time. The City shall notify affected employees of any change in their shift schedule at least seven (7) calendar days prior to the effective date of the change, except in the event the change is necessitated by an emergency outside the control of the City or if the supervisor and the employee involved mutually agree to waive the notification requirement.

8.2 For employees on a 5-8 schedule, the normal workday shall consist of eight (8) consecutive hours per day and the normal workweek shall consist of five (5) consecutive days

worked, including either Monday through Friday or Tuesday through Saturday. For employees on a 4-10 schedule, the normal workday shall consist of ten (10) consecutive hours per day and the normal workweek shall consist of four (4) consecutive days worked. Alterations in either work hours or workdays or both may be accomplished through mutual agreement between the supervisor(s) and employee(s) involved. At no time shall supervisors or employees enter into an arrangement for workdays or work hours which violates Federal or State Wage and Hour Laws or this Agreement. Each employee shall be entitled to fifteen (15) minute rest breaks and a thirty (30) to sixty (60) minute meal break in accordance with Oregon BOLI.

8.3 All hours worked in excess of eight (8) in a day or 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. Scheduled overtime work shall be distributed as equitably as possible among the qualified employees. Overtime shall be computed to the nearest fifteen (15) minutes.

8.4 A reasonable clean-up time will be granted just prior to the end of each shift if, in the judgment of the department head or division supervisor, an employee(s) needs such time due to the nature and conditions of his/her work assignment.

8.5 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 9 – REPORTING PAY/CALL BACK

9.1 Employees who are required to report to work shall be entitled to a minimum of two (2) hours of call time pay, unless they are notified prior to their departure for work not to report to work. Once put to work employees shall be entitled to a minimum of four (4) hours of work or pay therefore. All employees shall provide a telephone number where they may be reached when necessary.

9.2 Employees subject to an unscheduled call back to work after the end of their regular shift shall be paid a minimum of two (2) hours at the overtime rate of two times the employee's regular rate of pay. If the employee works longer than two hours, the employee will be paid for actual time worked at the overtime rate of two times the employee's regular rate of pay. This call back provision shall not be applicable to any employee where such call back is scheduled in advance for the purpose of attendance on behalf of the City for meetings of the City, such as the City Council, Planning Commission, Municipal Court, etc.

ARTICLE 10 – STAND-BY DUTY

To provide emergency response, by a qualified staff member, for emergency situations related to municipal infrastructure. Standby is defined as any time an employee is required to be available

outside of normal working hours to respond on-site (to the City shops) within forty-five minutes following notification by pager, cellular phone or other means. Employees responding to calls at the Wastewater Treatment Plant shall respond within ninety (90) minutes. The City of Canby will provide a pager and/or cellular phone to staff on standby. This is a voluntary policy. In the event there are no volunteers to cover on any specific day or week, this program may, at the City's discretion, become mandatory.

The Public Works Director, or his/her designee, will create an annual schedule for standby following the below listed criteria:

1. Annually in December, the Director/designee will produce a standby roster for the following calendar year.
2. The schedule will include all qualified staff as determined by the Director.
3. A standby period is defined as a consecutive seven day period scheduled to meet operational needs.
4. The schedule will be designed so all qualified employees complete a seven-day standby period before they would be scheduled for a subsequent seven-day standby period. (All qualified staff would complete their respective seven day standby period before the first person in the rotation would be on standby again.)
5. After the Director/designee completes the annual schedule, staff may change their respective standby period provided another qualified employee agrees to assume the standby duty. Staff assigned standby duty may switch standby at any time during the calendar year with another qualified staff member provided the switch is mutually agreed upon.
6. If a standby duty switch is made, the individual initiating the switch must immediately notify the Director/designee of the change.
7. Every effort will be made to assure that no single employee will be scheduled to work the same holiday standby period two years in succession.
8. If, while on standby, an employee is unable to respond within the designated response period, it is the employee's sole responsibility to contact another qualified employee to respond on-site within the designated time. If the nature of the call requires urgent attention (such as a report of a sewer back-up), the employee on standby shall immediately contact their supervisor and respond as soon as possible.
9. Employees required to be on standby duty shall receive eight (8) hours of pay at the employee's regular rate of pay or equivalent time off in compensatory time. Employees required to be on standby for a period which includes any of the holidays defined in Article 13, shall receive an additional eight (8) hours of compensatory time or salary per holiday.
10. Two employees may share one defined standby period with prior approval from the Public Works Director. Compensation for the standby duty will be split for each employee based on actual standby coverage.

ARTICLE 11 – COMP TIME

11.1 Employees shall be entitled to receive additional time off from work, known as comp time, in the event they wish such time off in lieu of payment for overtime work performed. An employee may select comp time instead of reimbursement at time and one-half (1-1/2) of his/her regular

rate of pay should he/she perform an overtime assignment, provided that he/she makes such selection at the time overtime hours are recorded on the time sheets. Employees will be allowed to accrue up to sixty (60) hours of comp time. Comp time may be used at a time mutually agreeable to the employee and the department head or designated City representative. Comp time accrual may be accumulated beyond these limits during the year upon the written request of the employee and by written approval by the employee's supervisor. Employees have the option to cash out up to thirty (30) hours of compensatory time once per fiscal year.

11.2 Comp time shall be reimbursed on the same basis as overtime would have otherwise been paid. As such, an employee working two (2) hours of overtime, if he/she elects comp time in lieu of the reimbursed overtime, shall receive three (3) hours of time off from work, with no reduction in wages during such time off.

11.3 Non-exempt employees shall receive a cash payment for all unused compensation time off upon separation from employment. Such excess of unused compensation time off shall be paid at the employee's regular rate of pay.

ARTICLE 12 – WASTEWATER TREATMENT PLANT

Wastewater treatment plant personnel required to make plant checks on weekends shall receive a minimum of three (3) hours per day at the rate of time and one half (1 1/2) times their regular rate of pay.

Wastewater treatment plant personnel required to make plant checks on holidays shall receive a minimum of three (3) hours per day at the rate of two (2) times their regular rate of pay.

ARTICLE 13 – HOLIDAYS

13.1 The following days shall be recognized as paid holidays:

New Year's Day	Veterans Day
Presidents Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
July Fourth	Day before Christmas
Labor Day	Christmas Day
Personal Day (floating)	

13.2 Regular full time employees who do not work on a holiday shall receive eight (8) hours of holiday pay at their regular rate of pay. To qualify for holiday pay, an employee shall have been available for work on his/her scheduled workday preceding the holiday and his/her scheduled workday following the holiday. An employee off work due to a bona fide injury or illness shall be considered as "available" for work for the purposes of determining holiday benefits under this Article. A doctor's certificate may be requested from any such employee as noted under Article 15 - Sick Leave.

13.3 Employees required to work on a holiday shall be compensated at the rate of time and one-half (1-1/2) their regular rate of pay, in addition to their holiday pay. Holidays falling on Saturday shall be observed on the preceding Friday, and holidays falling on Sunday shall be

observed on the following Monday. Whenever one of the recognized holidays falls during an employee's paid leave, the holiday will not be counted against the employee's paid leave bank.

13.4 Employees who are short the number of hours they normally work in a week because of the holiday, may make up that time or use accrued vacation or comp time within the same pay period as long as it does not cause overtime.

13.5 Holiday pay for regular part-time employees shall be calculated based upon the budgeted full time equivalence (FTE) of the position.

ARTICLE 14 – VACATIONS

14.1 All regular employees who have been in the employ of the City for at least six (6) months shall be entitled to vacation benefits. Vacation accrual rates are determined by a regular employees' length of continuous service with the City. Full time employees shall accrue vacation as follows:

<u>Service Completed</u>	<u>Vacation Earned</u>
1 - 4 years	80 hours annually
5 - 9 years	120 hours annually
10 – 13 years	140 hours annually
14 years and over	190 hours annually

Employees shall begin to accrue the above annual vacation rate upon the effective date of this agreement. The accrual rate per pay period shall be the annual accrual rate divided by the total number of pay periods.

Vacation accruals for regular part-time employees shall be calculated based upon the budgeted full time equivalence (FTE) of the position.

14.2 After six (6) months of service, upon the termination of an employee for any reason, or in the event of the death of an employee, all accumulated vacation shall be paid either to the employee or his/her heirs, whichever the case may be.

14.3 All time off for vacations shall be by mutual agreement between the department head and the employee. In the event of a conflict between 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.

14.4 The maximum vacation accrual limit shall be two hundred seventy (270) hours. Vacation accrual may be accumulated beyond these limits during the year upon the written request of the employee and written approval by the employee's supervisor. Vacation accrual exceeding the two hundred seventy (270) hour limit will not be compensated.

ARTICLE 15 – SICK LEAVE

15.1 All full-time employees covered by this Agreement for ninety (90) days or more shall be entitled to accumulate sick leave credits. Each eligible employee shall accumulate ninety six (96)

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

Sick leave accruals for regular part-time employees shall be calculated based upon the budgeted full time equivalence (FTE) of the position.

15.2 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).

15.3 Employees taking time off for their own illness, injury or medical or dental appointments shall have such time off charged against their sick leave benefits.

15.4 Employees off on Industrial Accident shall be allowed to supplement Workers' Compensation benefits as provided in the following Article.

15.5 An employee may be allowed to use sick leave for family or medical situations involving members of the immediate family as defined in Article 19. An employee may use up to three (3) days of sick leave to care for or make arrangements for the care of a child as defined under Oregon Family Leave Act (OFLA). The City will require a doctors certificate as soon as practicable to substantiate loss of time due to illness or off-the-job accidents after the employee has missed three (3) consecutive days for any allowable reason.

15.6 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 pay.

ARTICLE 16 – WORKERS COMPENSATION

16.1 An employee off on an industrial accident/illness may use accrued sick leave, compensatory time and vacation time, in that order, to supplement workers compensation benefits to an amount not to exceed the employee's net straight time wages.

16.2 The City will maintain Health and Welfare contributions as defined in Article 23 of this Agreement for an employee as if the employee was working if the employee is off due to an industrial accident/illness. The said contributions shall be maintained for a minimum of sixty (60) days (up to a maximum of six (6) months) in the event the employee has not expended accumulated sick leave, comp time or vacation time.

ARTICLE 17 – FUNERAL LEAVE

17.1 In the event of a death in the employee's immediate family, said employee shall be entitled leave of absence with pay up to three (3) working days as may be necessary.

17.2 Additional leave with pay may be granted by the City Administrator.

17.3 The employee's immediate family shall include the employee's spouse, ex-spouse, child(ren), step-children, parent(s), brother(s), step-brothers, sister(s), step-sisters, grandparent(s), father-in-law, mother-in-law, brother-in-law, sister-in-law, aunts, uncles and grandchildren.

ARTICLE 18 – JURY DUTY

18.1 An employee shall be granted leave with full pay any time he/she is required to report for jury duty service, provided that the employee endorses all checks received from the court over to the City for those services.

18.2 If an employee serving on jury duty is excused, dismissed, or not selected, he/she shall report for his/her regular work assignment.

ARTICLE 19 – FAMILY MEDICAL LEAVE

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 20 – LEAVES OF ABSENCE

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

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

ARTICLE 21 – WAGES

21.1 Retroactive to July 1, 2014, increase the wage scale across the board by 2.5%.

Effective July 1, 2015, increase the wage scale across the board (by applying a percentage increase to the first step and maintaining 5% between steps 1-5 and 3% between steps 6-7) by a percentage equal to the CPI-U, Portland-Salem for the twelve (12) months ending December 31, 2014 (minimum 2% - maximum 5%).

Effective July 1, 2016, increase the wage scale across the board (by applying a percentage increase to the first step and maintaining 5% between steps 1-5 and 3% between steps 6-7) by a

percentage equal to the CPI-U, Portland-Salem for the twelve (12) months ending December 31, 2015 (minimum 2% - maximum 5%).

Increases in wages by incremented steps in Attachment A shall be based on the performance of the employee in meeting the standards established for the employee's job classification. The standards shall be objective and quantifiable, and they shall measure the performance of the essential job functions. The written standards shall be reviewed with each employee during the evaluation procedure set forth at Article 29 of this Agreement.

21.2 Bilingual Premium. Any employee whose job requires fluency in Spanish, and who can demonstrate written and oral proficiency, 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.

ARTICLE 22 – PER DIEM AND MILEAGE REIMBURSEMENT

Employees shall be paid a per diem allowance for approved travel, meals and incidental expenses as follows:

1. For travel within the continental United States the CONUS per diem rate, rules and policies listed at www.gsa.gov and in effect at the time of the travel;
2. For travel outside of the continental United States the OCONUS per diem rate, rules and policies listed at www.dtic.mil/perdiem/pdrates.html and in effect at the time of the travel.

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 Expense Breakdown listed at www.gsa.com and in effect at the time of the travel. Employees shall be reimbursed actual expenses for hotel accommodations for approved travel.

An employee required by the department head to use a personally owned vehicle for City business shall be compensated at the maximum rate established by the Internal Revenue Service as a non-taxable event and in effect at the time the cost is incurred. Mileage reimbursement is paid monthly.

ARTICLE 23 – HEALTH AND WELFARE

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

Effective August 1, 2014, 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.

23.2 Benefits for part-time employees will be calculated based upon the budgeted full-time equivalence (FTE) of the position using the chart below.

<u>Equivalent FTE</u>	<u>Prorated Benefits</u>
1.0 to .90 FTE (36-40 hours/week)	100% of the benefit as described in Section 23.1
.89 to .66 FTE (26-35 hours/week)	75% of the benefit as described in Section 23.1
.65 to .50 FTE (20-25 hours/week)	50% of the benefit as described in Section 23.1

23.3 The City shall provide life insurance in the amount of one and one half (1.5) times the employee's annual salary for every regular full and part-time employee.

23.4 The City shall provide long term disability insurance for every regular full and part-time employee.

23.5 Effective August 1, 2015 - In the event that the City's premium contribution increases by more than eight percent (8%) from the previous year, any increase over 8% will be shared 50% by the employee and 50% by the City.

Effective August 1, 2016 – 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.

23.6 In the event that City's premium contribution increases by more than ten percent (10%) in any given year, the parties agree to reopen Article 23. The City and its agent will make good faith efforts in negotiating premium rates after initial quotes are offered.

ARTICLE 24 – RETIREMENT PLAN

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 25 – SAFETY COMMITTEE

The City shall have a Safety Committee, and it shall conduct its business in accordance with State Law.

ARTICLE 26 – GRIEVANCE PROCEDURE

26.1 A grievance, for the purpose of this Agreement, is defined as a dispute regarding the meaning or interpretation of a particular class of this Agreement, or regarding an alleged violation of this Agreement. In order to provide for a peaceful procedure for resolution of disputes, the parties agree to the following grievance procedure:

Step 1. The employee shall discuss the grievance on an informal basis with his/her supervisor (unless that supervisor is in the bargaining unit and then the grievance shall go

to the supervisor's immediate supervisor) within seven (7) calendar days from the date the employee knew or should have known of the alleged violation.

Step 2. If the grievance remains unresolved after Step 1, the employee or a Union representative shall, within ten (10) calendar days of presenting the grievance to the supervisor, submit the grievance in writing to the City Administrator. The written grievance shall be signed by the employee and shall include: (1) Nature of the dispute. (2) Specific issue in dispute, including the provisions of the Agreement alleged to have been violated or misinterpreted. (3) Specific remedy sought.

Step 3. The City Administrator shall respond in writing within seven (7) calendar days from the receipt of the written grievance.

Step 4. If the grievance remains unresolved after Step 4, the Union representative may, within twenty (20) calendar days of receiving the written answer in Step 4, submit a written request to the City Administrator stating their desire to invoke the arbitration procedures set forth in Section 26.3.

26.2 The rules governing the grievance procedure shall be as follows:

(a) Any time limits specified in the grievance procedure may be waived by mutual consent of the parties. Failure to submit the grievance in accordance with these time limits without such waiver shall constitute abandonment of the grievance.

(b) Failure by the City to submit a reply within the time limits specified in the Agreement will automatically move the matter to the next step in the procedure.

(c) An employee may have a Union Representative assist him/her in presenting the grievance at any step of the grievance procedure/arbitration if they so desire.

26.3 Arbitration Procedure:

(a) After arbitration has been requested, the parties shall forthwith attempt to agree upon a single arbitrator. In the event the parties are unable to agree, a list of seven (7) arbitrators shall be requested from the State Mediation and Conciliation Service. Each party shall alternately strike one name from the list received. The final name remaining shall be the sole arbitrator.

(b) The arbitrator shall exercise all powers relating to admissibility of evidence, conduct of the hearing and arbitration procedures.

(c) The cost of the arbitrator shall be borne by the losing party. Each party shall bear the cost of presenting its own case.

(d) The arbitrator's decision shall be final and binding upon the parties.

(e) The arbitrator shall not have the power to alter, modify, add to, or detract from the terms of this Agreement.

ARTICLE 27 – STRIKE/LOCKOUT

The Union agrees that during the term of this Agreement the employees it represents will not engage in any strike, work stoppage, slowdown or interruption of City services, and the City agrees not to engage in any lockout. The exception to this Article is found in Section 4.2(e) of this Agreement.

ARTICLE 28 – UNIFORMS/PROTECTIVE CLOTHING

28.1 The City agrees to provide each mechanic in the unit two (2) pairs of coveralls per week. The cost of maintaining the coveralls, including tailoring, cleaning and laundering, shall be borne by the City.

28.2 The City shall make available raingear and protective rubber, leather, cotton, and/or insulated gloves for employees for the safe and sanitary performance of their duties.

28.3 The City agrees to provide public works and other field employees with an annual clothing and boot allowance of \$400.00 per employee for the purchase, replacement and/or repair of the uniforms and/or boots. The taxable allowance will be paid through payroll each September.

ARTICLE 29 – EMPLOYEE EVALUATIONS

29.1 As part of the City's personnel system each employee shall be evaluated at least once a year. An evaluation of an employee's performance for a step increase within the salary range shall occur at the employee's anniversary date, which shall be defined as the date of hire into a regular, full-time or regular part-time position within the bargaining unit. Employees at the top step of the range shall receive an annual evaluation as provided within this Article. In the event a current, existing employee moves into a position in the bargaining unit, the employee's anniversary date shall remain unchanged.

If a performance evaluation is not completed within thirty days (30) after the employee's anniversary date, the employee shall receive a step increase effective as of the anniversary date. If performance does not meet standards, the manager will establish a ninety (90) calendar day performance improvement plan, which shall not extend more than one hundred twenty (120) days beyond the employee's anniversary date. The employee improvement plan shall be for the purpose of bringing the employee's performance into compliance with performance expectations. At the end of the ninety (90) day period, or earlier by mutual agreement, the employee's performance will again be reviewed. If performance meets standards, the step increase will be granted effective the date of the review. If the manager fails to establish and/or monitor a ninety (90) day performance improvement plan for the employee within the ninety (90) day period, the employee shall receive a step increase effective the date of the most recent review.

29.2 Both parties agree that an employee has the right to agree or disagree with an evaluation and that the employee has the right to provide a written response to an evaluation. Such response, along with the original evaluation, shall become a part of the employee's personnel file.

ARTICLE 30 – PERSONNEL RECORDS

30.1 The City, subject to prior notification, shall provide an employee the opportunity to review the employee's personnel file. The official personnel file shall be maintained by the Department of Human Resources.

30.2 The employee may respond in writing to any item placed in their personnel file. Such written response will become a part of the file.

30.3 Written documentation of a verbal warning and any response written by the employee shall, upon request of the employee, be removed after three (3) years, provided that the written documentation and/or written responses are not relevant to current job performance.

30.4 Employees shall have the opportunity to review and sign any personnel document which reflects any adverse personnel action, prior to such document being entered into the employee's personnel file. An employee's refusal to sign the document shall have no effect or bearing on the execution of the adverse action. Should an employee refuse to sign said document, the responsible City representative shall so state on the document, initial and date. If an employee disagrees with any statement of fact contained in said document, he/she may so indicate by attaching a written statement of reasonable length to said document at the time of review.

ARTICLE 31 – LABOR MANAGEMENT COMMITTEE

A Labor Management Committee consisting of Management representatives and at least three AFSCME members will meet as needed at a regularly scheduled time each month to discuss issues, subjects of concern, or other topics brought forward by either party. The meetings may be cancelled by mutual agreement if neither party has any items for discussion.

ARTICLE 32 – UNION RIGHTS

32.1 The Union may select a Steward(s) from the employees covered by this Agreement. When necessary, the Steward shall be allowed to assist during work time in matters involving administration of this Agreement. It is understood, however, that an effort will be made to limit such activities to a necessary minimum.

32.2 The Steward shall notify his/her supervisor prior to leaving his/her work area for the above-stated purposes.

32.3 It is understood that the City will not incur any liability for overtime pay as the result of the Steward's duties as listed in Section 32.1 of this Agreement.

32.4 New Employee Orientation - A union representative will be allowed up to thirty (30) minutes during the new employee orientation to make a presentation to represented employees. However, if the City fails to provide the Union with timely notice of the new employee orientation meeting, the Union representative shall be allowed to meet with the employee for thirty (30) minutes on paid time.

32.5. Maintenance of Membership – Employees who are current members of the Union at the signing of this agreement or who sign a Union membership card subsequent to the signing of this agreement shall maintain their Union membership for the duration of the collective bargaining agreement.

ARTICLE 33 – RESIDENCY

All employees of the City's Public Works Department will reside within thirty (30) air miles of the City limits as a condition of employment.

ARTICLE 34 – CITY CLOSURE

If, due to inclement weather or another emergency, the City is closed and employees are either sent home or informed not to report to work, the employees shall be paid their regular salary for that time. If employees are selected to report to work or must stay at work when the City is closed, those employees will receive their regular rate of pay and will also receive comp time for the hours worked. If the City remains open during inclement weather and employees are unable to get to work, such employees may use vacation or comp time to cover that time.

ARTICLE 35 – DRUG AND ALCOHOL POLICY

The City and the employees agree to abide by the Drug and Alcohol Policy formulated by the parties. Said policy will not be unilaterally changed.

ARTICLE 36 – SAVINGS CLAUSE

Should any provision of this Agreement be found to be in conflict with any Federal law, State statute, final decision of any Court of competent jurisdiction, or Federal or State Administrative Agency, said provision shall be modified to comply with said law or decision. All other provisions of this Agreement shall remain in full force and effect.

ARTICLE 37 – EXISTING CONDITIONS

37.1 The City agrees not to make unilateral changes in mandatory subjects of bargaining as determined by the Employment Relations Board without first notifying the Union. Should the Union desire to bargain over the proposed changes, the Union will provide the City with written notice of such intent no later than ten (10) days from receipt of notice from the City.

37.2 This provision shall not be interpreted in such manner as to prevent the City from creating new job classifications and initial wage rates for those classifications when necessary, nor shall it preclude the Union from requesting to negotiate over those wage rates.

ARTICLE 38 – TERMINATION OF AGREEMENT

38.1 This Agreement shall become effective July 1, 2014 and shall remain in full force and effect through June 30, 2017, The parties agree that should negotiations for a subsequent agreement extend beyond June 30, 2017, in addition to the provisions of this Agreement which automatically remain in force, Article 2-Employee Rights/Security and Article 26-Grievance Procedure shall remain in full force and effect up to the date on which the City would otherwise have the right to implement a full and final offer or the signing of a subsequent Agreement, whichever comes first.

38.2 This Agreement shall be automatically renewed on July 1, 2017 and each year thereafter unless either party notifies the other in writing not later than March 1, 2017 that it desires to modify this Agreement. In the event notice to modify is given, negotiations shall begin not later than April 1, 2017.

SALARY SCHEDULE – SEE ATTACHMENT A

This AGREEMENT is hereby executed this _____ day of August, 2014.

FOR THE CITY:

FOR THE UNION:

BY: _____
Amanda Zeiber
Interim City Administrator, City of Canby

BY: _____
Evan Wickersham
Council Representative
Oregon AFSCME Council 75

BY: _____
Brian Hodson
Mayor, City of Canby

BY: _____
Dave Conner
AFSCME Bargaining Team President

BY: _____
Laney Fouse
AFSCME Bargaining Team Member

ORDINANCE NO. 1398

**AN ORDINANCE AMENDING CHAPTERS 16.30, 16.32, 16.34, 16.35, AND 16.49 OF
TITLE 16 OF THE CANBY MUNICIPAL CODE**

WHEREAS, the City of Canby initiated amendments to the text of Title 16 of the Canby Municipal Code, the *Canby Land Development and Planning Ordinance*, in order to clarify standards of industrial zones and to add a Type II process for industrial park developments. The amendments to Title 16 of the Canby Municipal Code, the *Canby Land Development and Planning Ordinance*, are attached in Exhibit A.

WHEREAS, the Planning Commission held a public hearing on May 28, 2014, during which the citizens of Canby were given the opportunity to present testimony on these proposed changes; and

WHEREAS, the Planning Commission found that the standards and criteria of the *Canby Comprehensive Plan* and the *Canby Land Development and Planning Ordinance* concerning text amendments were satisfactorily met, and therefore recommended by a vote of 4-1 to forward a recommendation of approval to the City Council, and

WHEREAS, the City Council, after reviewing the text amendment, supporting materials, and testimony at a public hearing on July 16, 2014, found that the proposed amendments comply with the *Canby Comprehensive Plan* and the *Canby Land Development and Planning Ordinance*; the plans and policies of the county, state, and local districts; will preserve the function and local aspects of land conservation and development; that there is a public need for the change; that the amendment will serve the public need better than any other change which might be expected to be made; that the amendment preserves and protects the health, safety, and general welfare of the residents in Canby; and that the amendments comply with statewide planning goals; and therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

- 1) The City Council hereby approves Text Amendment file TA 14-01; and
- 2) The City Council approves the amendments of Title 16, the City of Canby *Land Development and Planning Ordinance*, as detailed in Exhibit A.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on August 6, 2014 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on August 20, 2014, commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on August 20, 2014 by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

Exhibit A:

Amendments to Title 16 of the Canby Municipal Code, the *Canby Land Development and Planning Ordinance*

Chapter 16.30

C-M HEAVY COMMERCIAL MANUFACTURING ZONE

Sections:

- 16.30.010** Uses permitted outright.
- 16.30.020** Conditional uses.
- 16.30.030** Development standards.

16.30.010 Uses permitted outright.

Uses permitted outright in the C-M zone shall be as follows:

- A.** A use permitted outright in a C-2 zone, other than dwelling units;
- B.** Contractor's equipment yard;
- C.** Dwelling for watchman or caretaker working on premises;
- D.** Fuel distribution, wholesale;
- E.** Laundry or Laundromat, with or without dry cleaning operation;
- F.** Motor or rail freight terminal;
- G.** Railroad trackage and related facilities;
- H.** Stone cutting and sales;
- I.** Tire retreading, recapping and sales;
- J.** Transfer or storage;
- K.** Utility storage or service yard;
- L.** Similar heavy commercial, storage, or light manufacturing uses as determined by the Planning Commission.
- M.** Attached WTS facilities (see 16.08.120).
- N.** Detached WTS facilities (monopole), less than 100 feet in height (see 16.08.120). (Ord. 890 section 30, 1993; Ord. 740 section 10.3.29(A), 1984; Ord. 981 section 27, 1997; Ord. 1237, 2007)

16.30.020 Conditional uses.

Conditional uses in the C-M zone shall be as follows:

- A. A use permitted outright in an M-1 zone and not listed in section 16.30.010 or below;
- B. A use permitted conditionally in a C-1 or C-2 zone, other than dwelling units, and not listed in section 16.30.010 or below;
- C. Other light industrial uses as determined by the Planning Commission;
- D. Detached WTS facilities (monopole), equal to or over 100 feet in height (see 16.08.120); (Ord. 740 section 10.3.29(B), 1984; Ord. 981 section 28 & 29, 1997; Ord. 1237, 2007)

16.30.030 Development standards.

The following subsections indicate the required development standards of the C-M zone:

- A. Minimum lot area: none.
- B. Minimum width and frontage: none.
- C. Minimum yard requirements:
 - 1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within, or to project over, a street right-of-way.
 - 2. Interior yard: none, except ten feet where abutting a residential zone.
- D. Maximum building height:
 - 1. Freestanding signs: thirty feet;
 - 2. All other structures: forty-five feet.
- E. Maximum lot coverage: sixty percent.
- F. Other regulations:
 - 1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.
 - 2. Except in cases where existing building locations or street width necessitate a more narrow design, sidewalks eight feet in width shall be required:

- a. In those locations where angle parking is permitted abutting the curb, and
- b. For property frontage along Highway 99-E.

3. ~~3.~~ All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet. (Ord 830 section 9, 10, 1989; Ord. 802 section 7 [part], 1987; Ord. 740 section 10.3.29(C), 1984; Ord. 981 section 50, 1997; Ord. 1237, 2007)

3.4. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm.

Chapter 16.32

M-1 LIGHT INDUSTRIAL ZONE

Sections:

- 16.32.010 Uses permitted outright.**
- 16.32.020 Conditional uses.**
- 16.32.030 Development standards.**

16.32.010 Uses permitted outright.

Uses permitted outright in the M-1 zone shall be as follows:

- A.** Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in
 1. The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutants or noise which exceed Oregon Department of Environmental Quality standards
 2. Danger by reason of fire, explosion or other physical hazard;
 3. Unusual traffic hazards;
- B.** Automobile body shop, or heavy repair shop;
- C.** Contractor's equipment or storage yard;
- D.** Dwelling for watchman or caretaker working on the property;
- E.** Food processing plant;
- F.** Fuel distribution, wholesale or retail;
- G.** Ice or cold storage plant;
- H.** Laundry or dry-cleaning plant;
- I.** Lumber yard;
- J.** Machinery, farm equipment or implement sales, service or rent;
- K.** Motor or rail freight terminal;

- L.** Railroad trackage and related facilities;
- M.** Restaurant, when related and incidental to primary industrial uses of the area;
- N.** Service station, when related and incidental to primary industrial uses of the area;
- O.** Stone, marble, or granite cutting;
- P.** Tire retreading or recapping;
- Q.** Transfer and storage company;
- R.** Utility storage or service yard;
- S.** Veterinarian's office or animal hospital;
- T.** Warehouse
- U.** Wholesale distribution, including warehousing and storage;
- V.** Wireless or cellular communications facility/tower;
- W.** Other light industrial uses as determined by the Planning Commission;
- X.** Business or professional office, when related and incidental to primary industrial uses of the area;
- Y.** Public building or uses such as fire station, or park or playground.
- Z.** Attached WTS facilities (see 16.08.120).
- AA.** Detached WTS facilities (monopole or lattice tower), under 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- BB.** Detached WTS facilities (monopole), under 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- CC.** Detached WTS facilities (monopole), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- DD.** Minor public facility. (Ord. 890 section 31, 1993; Ored. 749 section 1(A), 1984, Ord. 740 section 10.3.31(A), 1984; Ord. 995 section 10 & 11, 1996; Ord. 981 section 30 & 31, 1997; Ord. 1019 section 10, 1999; Ord 1237, 2007)

16.32.020 Conditional uses.

Conditional uses in the M-1 zone shall be as follows:

- A. Commercial recreation uses;
- B. Motels, hotels and similar accommodations;
- C. Other heavy commercial or light industrial uses as determined by the Planning Commission;
- D. Waste and/or recycling transfer operations.
- E. Detached WTS facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- F. Detached WTS facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- G. Major public facility, except as modified by Section 16.32.010. (Ord. 960, section 2, 12/18/96; Ord. 890, section 32, 1993; Ord. 740 section 10.3.31(B), 1984; Ord. 981 section 32, 1997; Ord 1237, 2007)

16.32.030 Development standards.

The following subsections indicate the required development standards of the M-1 zone:

- A. Minimum lot area: five thousand square feet;
- B. Minimum width and frontage: fifty feet;
- C. Minimum yard requirements:
 - 1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within, or to project over, a street right-of-way.
 - 2. Interior yard: none, except ten feet where abutting a residential zone.
- D. Maximum building height:
 - 1. Freestanding signs: thirty feet;
 - 2. All other structures: forty-five feet.

E. Maximum lot coverage: no limit.

F. Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.

~~2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a site-blocking fence or berm. The fence or berm shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences.~~

2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet.

3. Prior to issuance of a building permit, wireless/cellular towers require written certification of approval/compliance from the Federal Communications Commission, Federal Aviation Administration and the Oregon Department of Transportation (Department of Aeronautics). (Ord 890 section 33, 1993; Ord. 830 section 11, 12, 1989; Ord. 740 section 10.3.31(C), 1984; Ord. 955 section 12, 1996; Ord. 981 section 51, 1997; Ord. 1237, 2007)

4. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm.

Chapter 16.34

M-2 HEAVY INDUSTRIAL ZONE

Sections:

- 16.34.010 Uses permitted outright.**
- 16.34.020 Conditional uses.**
- 16.34.030 Development standards.**

16.34.010 Uses permitted outright.

Uses permitted outright in the M-2 zone shall be as follows:

- A.** A use permitted outright in an M-1 zone. (Ord. 740 section 10.3.33(A), 1984)

16.34.020 Conditional uses.

Conditional uses in the M-2 zone shall be as follows:

- A.** Aggregate removal operations;
- B.** All other uses when evaluated on the standards and criteria specified in Chapter 16.50 and the point system set out in Table 16.34.020 for evaluating heavy industrial development proposals.
- C.** Detached WTS facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- D.** Detached WTS facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120). (Ord. 740 section 10.3.33(B), 1984; Ord. 981 section 33, 1997)

16.34.030 Development standards.

The following subsections indicate the required development standards of the M-2 zone:

- A.** Minimum lot area: five thousand square feet;
- B.** Minimum width and frontage: fifty feet.
- C.** Minimum yard requirements:
 - 1.** Street yard: none, except twenty feet where abutting a residential zone;
 - 2.** Interior yard: none, except twenty feet where abutting a residential zone.
- D.** Maximum building height:
 - 1.** Freestanding signs: thirty feet;

- 2. All other structures: forty-five feet.
- E. Maximum lot coverage: no limit.
- F. Other regulations:
 - 1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad;
 - ~~2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a site-blocking fence or berm. The fence or berm shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences. (Ord. 890 section 34, 1993; Ord. 740 section 10.3.33(C), 1984; Ord 1237, 2007)~~
 - 3. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm.

M-2 Conditional Use Review Matrix
Table 16.34.020

Explanation: When considering conditional use applications for the M-2 Zone, ~~E~~each of the following characteristics will be evaluated by the Planning Commission and assigned a certain number of points (positive and negative). A net point total of "0" will be considered to be the prerequisite for approval of an ~~industrial-~~ M-2 conditional use. In entering its findings of fact for its decision, the ~~C~~eommission shall indicate its findings regarding the following:

CRITERIA	POINTS
Traffic impacts, particularly heavy truck traffic and its impact on non-industrial areas and streets	-10 – 0
Noise impacts, especially loud and high-pitched noise and noise expected to occur at night	-10 – 0
Air pollution, including odors as well as measurable pollutants	-10 – 0
Water pollution, including impacts on groundwater and surface water as well as any unusual or hazardous discharges to the city sewage treatment facility	-10 – 0
Water consumption, especially where city water is utilized rather than a private source	-10 – 0
Electrical consumption	-10 – 0
Other adverse impacts, which may include factors not listed above or may be used to add more negative point to any of the items already listed, where extreme adverse impacts are expected	-40 – 0
Tax benefits to the community, particularly for property taxes beyond the costs of providing public services	0 - +20
Total number of persons to be employed	0 - +10
Number of local persons who can expect to be employed, based upon percentages of skilled, semi-skilled and unskilled positions	0 - +10
Reliance on industry on locally produced resources and locally processed materials	0 - +10
Export characteristics and residual benefits to other local industries	0 -+10

Other community benefits, including particularly advantageous design characteristics, etc. May also be used to add more positive points to each of the factors listed above where extremely beneficial impacts are expected	0 - +40
Low Impact Design and sustainability Features	0 - +20

Chapter 16.35

CANBY INDUSTRIAL AREA OVERLAY (I-O) ZONE

Sections:

- 16.35.010 Purpose.
- 16.35.020 Applicability.
- 16.35.025 Pre-application review and conditions of approval.
- 16.35.030 Uses permitted outright.
- 16.35.040 Conditional uses.
- 16.35.045 Prohibited uses.
- 16.35.050 Development standards.
- 16.35.060 Design guidelines.
- 16.35.070 I-O design review matrix.

16.35.010 Purpose.

The purpose of the Canby Industrial Area Overlay (I-O) zone is to implement the design guidelines and standards of the Canby Industrial Area Master Plan (Master Plan):

- A. Provide efficient circulation and access;
- B. Allow flexibility in siting development, including a range of industrial and commercial/industrial land uses;
- C. Provide visual continuity for streetscapes and developments;
- D. Encourage durable, high quality building materials.

The zone is intended to ensure high-quality industrial development with a mix of employment types and uses. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

16.35.020 Applicability.

It is the policy of the City of Canby to apply the I-O zone to all lands within the [Canby Pioneer Industrial Park](#) Master Plan area and other areas determined by the City, ~~upon annexation or prior to application for development permit~~ [as defined in the Industrial Area Master Plan](#). The Master Plan area generally includes the area bound by Highway 99E and 1st Avenue to the north, Mulino Road to the east, SE 13th Avenue to the south, and ~~Molalla Western Railroad~~ [the Molalla Forest Logging Road Trail](#) to the west. The I-O zone has the following affect with regard to other chapters of this ordinance:

- A. Incorporates the Canby Industrial Area Master Plan into Title 16. The Master Plans design guidelines, standards, and plan maps are hereby incorporated by reference.

- B.** Permits land uses which are permitted by the underlying zone districts (C-M, M-1, M-2), with some exceptions.
- C.** Replaces selected development standards contained in the C-M, M-1, and M-2 zones, for continuity and quality of site design within the Master Plan area.
- D.** Utilizes the City's processes for development review, including land divisions, conditional uses, and design reviews. Provides a design review matrix (i.e., replacing the table in Chapter 16.49) which is tailored to the Master Plan area.
- E.** Provides additional conditional use standards to ensure development compatibility.
- F.** Lists uses that are prohibited outright due to incompatibility with the goals for the area. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

16.35.25 Pre-application review and conditions of approval

- A.** A pre-application meeting with utility and service providers is required prior to any land use application, building permit application, or business license application in the I-O zone, unless this requirement is waived by the City Planner. The City Planner shall provide application forms for this purpose indicating all required information. The pre-application meeting shall allow utility and service providers to make a detailed assessment of the proposed use prior to forming a recommendation on approval. In addition, this meeting will allow the City to evaluate whether a Conditional Use Permit will be required.
- B.** At the pre-application meeting, the City shall determine the need for a Hazardous Materials Management Plan. If required by the City, the applicant shall prepare a plan meeting the relevant sections of the Oregon Fire Code as determined by the City. The Plan shall allow utility and service providers to review the health and safety impacts of any proposed use and ensure an adequate plan will be in place to address those impacts prior to forming a recommendation on approval.
- C.** The Planning Commission or City Council may impose conditions to protect public health and safety on any discretionary land use application. (Ord. 1057 section 2 [part], 2000; Ord. 1237, 2007)

16.35.030 Uses permitted outright.

Unless limited by sections 16.35.040 or 16.35.045, uses permitted outright in the C-M zone, M-1 zone, and M-2 zone are permitted outright in the I-O zone, subject to the respective zone district boundaries. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

16.35.040 Conditional uses.

Unless limited by subsection A below or section 16.35.045, conditional uses permitted in the C-M zone, M-1 zone, and M-2 zone are permitted as conditional uses in the I-O zone, subject to the respective zone district boundaries.

- A.** Any proposed site development, change in use, land division, or other action that

results in any of the following requires conditional use approval in the I-O zone:

- ~~4.~~ 1. Less than 12 employees per developed acre. For the purposes of this section only, “developed” means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees means full-time equivalents unless the City specifically allows other interpretations;
- ~~2.~~ 2. More than 60 acres total in I-O zoning that is occupied by a single use or business. For the purposes of this section, businesses classified in the same NAICS industry group (four-digit code) are considered to be in the same use. This section is intended to apply cumulatively to all properties in the zone;
- ~~3.~~ 3. Utilization of any public service or utility to such an extent that the utility would not be able to supply all other uses projected in its current long-range plans;
- ~~4.~~ 4. Uses requiring an H occupancy under the Oregon Structural Specialty Code;
- ~~5.~~ 5. In any C-M zoning overlain by I-O zoning, any retail or commercial use with a building footprint exceeding 50,000 square feet;
- ~~6.~~ 6. In any M-1 or M-2 zoning overlain by I-O zoning, any retail or commercial use not related to or supportive of the primary industrial use of the park; or
- ~~7.~~ 7. In any M-1 or M-2 zoning overlain by I-O zoning, retail areas occupying more than 15% of the building footprint ~~or more than 3,000 square feet.~~

B. To approve a conditional use in the I-O zone, the Planning Commission shall find that each of the following additional criteria are either met, or can be met by observance of conditions, unless it is not applicable:

1. The proposed use is compatible with the industrial nature of the park and will have minimal negative impact on the development and use of surrounding properties;
2. The proposed use does not pose a threat to public health or safety; and
3. The proposed use is beneficial to the overall economic diversity and vitality of the City.

These criteria are in addition to those provided in Section 16.50.010. In all other aspects, the conditional use process shall be as specified in Chapter 16.50. (Ord 1008 section 1 [part], 1998, Ord. 1057 section 2 [part], 2000; Ord. 1237, 2007).

16.35.045 Prohibited uses.

The following uses are prohibited in the I-O zone:

- A. Slaughter house;
- B. Rendering, reduction, or distillation of, or manufacturing from, animals, fish and their by-products;
- C. Auto, truck or motorcycle race track;
- D. Auto, truck, or motorcycle wrecking or salvage yard;
- E. Scrap metal storage and sales;
- F. Reclamation or manufacturing of steel barrels or drums;
- G. Dump or landfill, including rubbish, slag, organic materials, offal, or garbage in general;
- H. Livestock feeding pen, other than those associated with existing agricultural uses;
- I. Fireworks manufacturing or the manufacturing of ammunition or explosives;
- J. Nuclear power plant or similar use;
- K. Curing and storage of hides;
- L. Incinerator, smelter, blast furnace, or coke oven;
- M. Manufacture of oils, gasoline, or products made directly from petroleum, other oils, or tar products;
- N. Fertilizer production;
- O. Creosote production;
- P. Insecticide production;
- Q. Tire manufacturing;
- R. Saw, shingle, or lumber mill; and
- S. In any M-1 or M-2 zoning overlain by I-O zoning, commercial or retail uses over 50,000 square feet are prohibited.

This list should not be used to imply that any other use is permitted. (Ord. 1057 section 2 [part], 2000)

16.35.050 Development standards.

The following subsections indicate the required development standards of the I-O zone. These standards replace the standards of the C-M zone, M-1 zone, and M-2 zone, as follows:

A. Minimum lot area: none.

B. Minimum lot width and frontage: none.

C. Minimum yard requirements (measured from building foundation to right-of-way line):

1. Street yards(s): 20 feet for buildings up to 25 feet in height; 35 feet for buildings between 25 feet and 45 feet in height. Parking and internal drives (except curb cuts and entrance drives) are prohibited within the required 20 foot street yard.

2. Interior yard: 10 feet, except 20 feet where abutting a residential zone. Common-wall lot lines (attached buildings), and development which provide shared parking and circulation with abutting developments, are exempt from interior yard standards.

D. Maximum building height: 45 feet.

E. Maximum lot coverage: 60 percent in the C-M zone; none in the M-1 and M-2 zones.

F. Street access (curb cuts) spacing shall be a minimum of 200 feet on designated parkway and collector streets.

G. Street right-of-way improvements shall be made in accordance with the [Canby Transportation System Plan \(TSP\)](#). ~~circulation plan, and streetscape/street section standards of the Industrial Area Master Plan.~~

H. Building orientation standards. The following standards are intended to ensure direct, clear, and convenient pedestrian access:

1. Development in the M-1 zone and M-2 zone shall provide at least one public entrance facing the street. A direct pedestrian connection shall be provided between the primary building entrance and public sidewalk.

2. Developments within the C-M zone shall provide continuous, straight-line pedestrian connections between the street(s), buildings, and parking areas.

I. Right-of-way plantings: Street trees and ground cover plantings shall be installed with development, as approved by the City. Shrubs are prohibited within the public right-of-way.

J. Metal building exteriors are prohibited, except that the Planning Commission may approve architectural metal elements that accent and enhance the aesthetics of building entrances and office areas.

K. Lighting shall be required for all streets, sidewalks, and pedestrian ways. Applications for land division approval and site plan review shall include photometric plans.

L. Shared access: The City may require the provision of shared access drives through the land division review process. Shared access drives are intended to maintain adequate driveway spacing and circulation along the designated Parkway and Collector streets.

M. All landscaped areas shall be irrigated: unless drought tolerant plants are installed and watered until well established and replaced in event of failure.

N. Other regulations: The C-M zone, M-1 zone, and M-2 zone provide other applicable regulations related to vision clearance, Highway 99E sidewalk width, setback measurement, outside storage, and wireless/cellular tower certification. (Ord. 1008 section 1[part], 1998; Ord. 1237, 2007; Ord. 1299, 2008)

16.35.060 Design guidelines.

The Industrial Area Master Plan provides design guidelines for reviewing development applications. The guidelines, which are incorporated into Table 16.35.040000, encourage:

A. Flexibility to align local streets based on parcelization and development requirements;

B. Tree retention, planting of large (3-inch) caliper trees, and use of lawn/ground cover planting in front yard setbacks;

C. Placement of buildings at or near the setback line;

D. Placement of parking areas to the side or rear of buildings;

E. Placement of smaller commercial buildings at or near the street;

F. Building entries visible from the street with direct pedestrian connections;

G. Use of quality building materials;

H. Architectural detail to break up and articulate large surfaces and volumes, and to accentuate building entries; and

I. Open space retention and trail connections, as designated by the Master Plan. (Ord. 1008, section 1[part], 1998)

16.35.070 I-O Design review matrix.

The City uses the following matrix to evaluate compliance with the I-O design guidelines. The matrix substitutes for the general design review matrix provided in Chapter 16.49. Design review applications must comply with all other applicable provisions of Chapter 16.49, and

achieve scores equal to or greater than the minimum acceptable scores in the matrix. (See Master Plan for illustrations.)

A. Exception: The City may reduce the minimum acceptable score(s) upon finding that certain provisions do not apply to a proposed development.

Industrial Overlay Design Review Matrix
Table 16.35.040

CRITERIA	Possible Scores
Parking	
Parking areas located to the side or rear of buildings as viewed from public right-of-way: <50% of parking spaces=0; 50%-75%=1; 75%-100%=2.	0 1 2
Increase minimum interior parking lot landscape over the base 15%: 15%-18%=0; 18%-22%=1; >22%=2.	0 1 2
Increase the <u>base</u> number of trees <u>required by 16.49.120 (all landscape islands must contain 1 tree, 1 tree for every 40' along the required setback):</u> planted within buffers and/or within the parking area: 100%-105% of base requirement*=0; 105%-110% of base requirement=1;>110%=2. *The base requirement is determined based on total parking area/number of spaces, and parking setback perimeter, see Chapter 16.49.120.; <u>(# of trees proposed/# of trees required x100=% of base requirement)</u>	0 1 2
Number of parking spaces <u>provided</u> : (% of required minimum)-: >110%=0; 110%-105%=1; 105%-100%=2. <u>See Table 16.10.050 for required parking.</u> <u>(# of spaces proposed/# of spaces required x100=% of required minimum)</u>	0 1 2
Minimum Acceptable Score	4 points

Transportation/Circulation	
Proposed local street alignments: Street not proposed = 0; Street(s) proposed with some modification to master plane = 1; proposed street(s) approximate recommended alignments = 2. Note: the Planned Parkway and collector streets are required elements, except as indicated by the Industrial Area Master Plan	0 1 2
Design of all pedestrian ways (private, on-site <u>pedestrian pathways</u>): <u>6' painted ways=0; 6' brick/paver ways=1; 6' brick/paver & raised concrete ways=2</u> six feet wide, raised concrete with painted crosswalks (standard) = 0; standard with brick or similar pavers for pathways and crosswalks = 1; greater than 6 feet wide (inclusive of curb) and use of brick or similar pavers for pathways and crosswalks = 2	0 1 2
Number of pedestrian connections between the street sidewalk and internal circulation system: One connection = 0 Two <u>or more</u> connections = 1	0 1 2
Minimum Acceptable Score (some provisions may not apply)	2-3 points

<u>Tree Retention, Open Space conservation and Trail Connections</u>	
Preserves trees as recommended by arborist or City Planning Department: <50% of recommended trees preserved=0; 50%-75%=1; 75%-100%=2	0 1 2
Replaces trees that were recommended for retention: No=0; Yes=1. Mitigation based on reasonable tree replacement ratio.	0 1
When site includes designated open space, park or trail connection: proposal does not dedicate or establish easement for designated open space/park or trail connection=0; dedicated or establishes easement=1; dedicated land/right-of-way and constructs improvements=2.	0 1 2
Minimum Acceptable Score (some provisions may not apply) — 3 points	

<u>Landscaping</u>	
Trees installed at 3 inch caliper: <25% of trees=0; 25%-50%=1; 50%-100%=2.	0 1 2
Usable outdoor amenity provided with development (e.g., water features, plazas, seating areas, and similar features): no=0; yes=1; yes and <u>for public use access provided (i.e., through an easement)</u> =2.	0 1 2
<u>Amount of grass (less grass is better) (% of total landscaped area)</u> >50%=0; 25%-50%=1; <25%=2 Amount of grass or other plantings used for ground cover treatment: <75%=0; 75%-90%=1; 90%-100%=2.	0 1 2
Minimum Acceptable Score	3 points

<u>Building Appearance and Orientation</u>	
Building orientation at or near the street: parking or drive separates building from street=0; at least 20% of elevation within 5 feet of minimum setback=1; at least 20% of elevation is at minimum setback=2.	0 1 2
Building entrances visible from the street: no=0; yes=1.	0 1
Buildings use quality materials: concrete, wood, or wood siding=0; concrete masonry, stucco, or similar material=1; brick or <u>stone similar appearance</u> =2.	0 1 2
Articulation and/or detailing to break up large building surfaces and accentuate the building entrance(s): no=0; yes=2.	0 2
Minimum Acceptable Score	4 points

Chapter 16.49

SITE AND DESIGN REVIEW

Sections:

- 16.49.010 Findings and objectives.
- 16.49.020 Establishment of the Site and Design Review Board.
- 16.49.025 Establishment of a site and design review committee.
- 16.49.030 Site and design review plan approval requirements.
- 16.49.035 Application for Site and Design Review.
- 16.49.040 Criteria and standards.
- 16.49.050 Conditions placed on site and design review approvals.
- 16.49.060 Time limit on approvals.
- 16.49.065 Bicycle and pedestrian facilities.
- 16.49.070 Authority and intent.
- 16.49.080 General provisions for landscaping.
- 16.49.090 Specifications for tree and plant materials.
- 16.49.100 Landscaping installation and maintenance.
- 16.49.110 Landscape area credit for preservation of existing trees and tree groves.
- 16.49.120 Parking lot landscaping standards.
- 16.49.130 Revegetation in unlandscaped areas.
- 16.49.140 Minor revisions to approved landscaped plans.
- 16.49.150 Parking lots or paving projects.

16.49.010 Findings and objectives.

A. The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and signs, and the lack of proper attention to site development and landscaping, in the business, commercial, industrial and certain residential areas of the city hinders the harmonious development of the city; impairs the desirability of residence, investment or occupation in the city; limits the opportunity to attain the optimum use and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the city; and destroys a proper relationship between the taxable value of property and the cost of municipal services thereof.

B. The City Council declares that the purpose and objectives of site development requirements and the design review procedures are to:

1. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.

2. Discourage monotonous, unsightly, dreary and inharmonious development.
3. Promote the city's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements.
4. Protect and enhance the city's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.
5. Stabilize and improve property values and present blighted areas and thus increase tax revenue.
6. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.
7. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.
8. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the city's favorable environment and thus promote and protect the peace, health, and welfare of the city.
9. Determine the appropriate yard setbacks, building heights, minimum lot sizes and sign sizes, when authorized to do so by city ordinance.
10. Encourage the use of Low Impact Development (LID) techniques to manage stormwater through the use of natural features, protect native vegetation, preserve and create open space, and minimize impervious surfaces. (Ord. 848, Part I, section 1, 1991, Ord. 1338; 2010)

C. Alternatives for how the Design Review Board or a Design Review Committee is organized give the City the flexibility to use several options, including a Design Review Board that consists of Planning Commission members only, or a Board with a broader representation that can be expanded when appropriate. Provisions also allow for creation of a Design Review Committee which would be strictly advisory in nature. (Ord 1296, 2008)

16.49.020 Establishment of the Site and Design Review Board.

A. The City may establish a Site and Design Review Board whose members, terms of office and manner of transacting business shall be as prescribed in the following subsections:

1. The Board shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development process: those portions of proposed site and design review plans which pertain to architectural features, applications concerning historic structures and sign applications under the following circumstances:

- a. Where the applicant has elected not to go through an administrative (Type II) review process;
- b. Where the proposal does not meet the City's administrative (Type II) architectural design standards;
- c. Where administrative (Type II) design review standards do not exist for the project; or
- d. Where an administrative (Type II) design review decision has been appealed.

If no Site and Design Review Board is established, the Planning Commission is responsible for reviewing all applicable land use applications and is responsible for the above duties of the Site and Design Review Board.

2. Other duties. The City Council may, by order, direct the Board to review and comment on other matters which the Council determines are or may be within the Board's areas of expertise.

3. Qualifications of members. The Board shall consist of at least four and up to seven members of the Canby City Planning Commission, and one member from the City Council pro-tem (temporary) non-voting; and up to four additional individuals who represent interests or expertise related to development, architectural design, business or other viewpoints related to the design and development process. These provisions allow the Board to consist of Planning Commission members only, if desired.

4. Appointment and term. Members of the Planning Commission shall be appointed as required by section 16.06.030. Non-Planning Commission members shall be appointed by the City Council.

5. Vacancies and removal. Vacancies on the Design Review Board or removal of Design Review Board members shall be governed by section 16.06.030.

6. Chairman. The duly appointed chairman of the Planning Commission shall also serve as chairman for site and design review applications in accordance with Chapter 16.06 if the Planning Commission Chairperson serves on the Design Review Board. If the Planning Commission Chairperson does not serve on the Board, a Design Review Board Chairperson will be selected by a majority of Design Review Board members.

7. Voting. A quorum for the transaction of business shall be a simple majority of Design Review Board members. The chairperson shall be counted to determine a quorum and shall have the same voting powers as other members of the Board. Each member shall have one vote. A majority vote of the members shall be required for all Board actions.

8. Meetings and records. The Board shall hold regular meetings as required. Site and design review applications will be reviewed as a regular agenda item.

9. Rules. The Board may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code. (Ord 1296, 2008)

16.49.025 Establishment of a site and design review committee.

A. The City Council may appoint a design review committee to provide additional guidance related to design review applications.

1. The committee shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development review process: those portions of proposed site and design review plans which pertain to architectural features, and applications concerning historic structures under the following circumstances:

a. Where the applicant has elected not to go through an administrative (Type II) review process;

b. Where the proposal does not meet the City's administrative (Type II) architectural design standards;

c. Where administrative (Type II) design review standards do not exist for the project; or

d. Where an administrative (Type II) design review decision has been appealed.

2. Nature of committee's review. The committee's review and recommendations are strictly advisory to Planning Department staff and the City's Design Review Board.

3. Qualifications of members. The Committee shall consist of at least five and up to seven members, including individuals who represent interests or expertise related to development, architectural design, business or other viewpoints related to the design and development process.

4. Appointment and term. Members of the Design Review Committee shall be appointed by the City Council, considering recommendations of the Planning Director.

5. Vacancies and removal. Vacancies on the Design Review Committee and removal of Design Review Committee members shall be approved by the City Council.

6. Meetings and records. The committee shall hold regular meetings, which shall conform with all legal requirements of the Oregon public meetings law. Site and design review applications will be reviewed as a regular agenda item.

7. Rules. The committee may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code and Oregon public meetings law. (Ord 1296, 2008)

16.49.030 Site and design review plan approval required.

A. The following projects require site and design review approval, except as exempted in B below:

1. All new buildings.
2. All new mobile home parks.
3. Major building remodeling above 60% of value.
4. Addition of more than 5,000 square feet of additional gross floor area in a one year period.
5. Construction activity which causes a decrease in pervious area in excess of 2,500 square feet in a one year period.

None of the above shall occur, and no building permit for such activity shall be issued, and no sign permit shall be issued until the site and design review plan, as required by this ordinance, has been reviewed and approved by the Board and their designees for conformity with applicable criteria.

B. The following are exempt from site and design review (but still may require a site plan review and/or building permit):

1. Signs that are not a part of a reviewable development project. Signs that are a part of a reviewable development project, and that are proposed more than two (2) years beyond the final occupancy of the reviewed development.
2. Alterations or remodeling that do not change the exterior of the building.

3. Temporary public structures which will be removed within two (2) years of placement.
4. Commercial and industrial accessory structures under 500 square feet.
5. Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.
6. Temporary Vendor activity permitted pursuant to Section 16.08.140.
7. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from a Type III site and design review. However, parking lot and paving projects in excess of 2,500 square feet of impervious surface require Type I site plan review. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.
8. Single family or two-family dwellings and their accessory structures, and any alterations or remodeling thereof.
9. Minor public facilities.
10. Approved Public Art Murals as defined in CMC Chapter 2.80.020.

C. Construction, site development and landscaping shall be carried out in substantial accord with the approved site and design review plan. Review of the proposed site and design review plan and any changes thereto shall be conducted in accordance with site and design review procedures.

D. No fence/wall shall be constructed throughout a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 1315, 2009; Ord. 1237, 2007; Ord. 1080, 2001; Ord. 1019 section 2, 1999; Ord. 981 sections 52&53, 1997; Ord. 955 section 23, 1996; Ord. 890 section 43, 1993; Ord. 848, Part III, section 1, 1991; Ord. 1341, 2011)

16.49.035 Application for Site and Design Review

A. For site and design review projects in the Downtown Canby Overlay Zone ([DCO](#)), applicants may choose one of the following two processes:

1. Type II – If the applicant meets all applicable site and design review standards set forth in Chapters 16.41([Downtown Canby Overlay Zone](#)) and 16.49; the applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in 16.49.040.[A](#); or

2. Type III – If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in

Chapter 16.41.070, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040 ~~B-3~~. The applicant must still meet all applicable requirements of Chapter 16.49.

B. All other projects subject to site and design review approval pursuant to Section 16.49.030 are subject to the Type III procedural requirements set forth in Chapter 16.89. The applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040. (Ord 1296, 2008)

16.49.040 Criteria and standards.

~~A.~~ In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO site and design review standards.

~~B.A.~~ In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

1. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and
2. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
3. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
4. The proposed development incorporates the use of LID best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.
5. The Board shall, in making its determination of compliance with this Ordinance, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:
 - a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and

b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040. (Ord. 1338, 2010).

C.B. In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO site and design review standards.

D.G. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the design review standards set forth in this Ordinance.

E.D. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this Ordinance. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

F.E. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

G.F. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter 12.32, the city Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.32. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review. (Ord. 848, Part III, section 2, 1991; Ord. 955 section 24 & 25, 1996; Ord 1237, 2007, Ord 1296, 2008)

Table 16.49.040 Site Design Review Menu

As part of Site and Design Review, the following menu shall be used as part of the review. In order to “pass” this table 60% of total possible points shall be earned, 10% of the total possible points must be from LID elements

Design Criteria	Possible Points				
Parking	0	1	2	3	4
Screening of parking and/or loading facilities from public right-of-way	Not screened	Partially screened	Fully screened	-	-
Parking lot lighting provided	No	Yes	-	-	-
Parking location (behind building is best)	Front	Side	Behind	-	-
Number of parking spaces provided (% of minimum required)	>120%	101-120%	100%	-	-
Screening of Storage Areas and Utility Boxes	0	1	2	3	4
Trash storage is screened from view by solid wood fence, masonry wall or landscaping.	No	Yes	-	-	-
Trash storage is located away from adjacent property lines.	0 - 10 feet from adjacent property	11 - 25 feet from adjacent property	>25 feet from adjacent property	-	-
Utility equipment, including rooftop equipment, is screened from view.	Not screened	Partially screened	Fully screened	-	-
Access	0	1	2	3	4
Distance of access to nearest intersection.	≤70 feet	71 - 100 feet	>100 feet	-	-
Pedestrian walkways from public street/sidewalks to building entrances.	One entrance connected.	-	Walkways connecting all public streets/sidewalks to building entrances.	-	-

Pedestrian walkways from parking lot to building entrance.	No walkways	Walkway next to building only	Walkways connecting all parking areas to building entrances		
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Design Criteria	Possible Points				
Tree Retention	0	1	2	3	4
Percentage of trees retained	<10%	10-50%	51-75%	>75%	-
Replacement of trees removed	<50%	≥50%	-	-	-
Signs	0	1	2	3	4
Dimensional size of sign (% of maximum permitted)	>75%	50-75%	<50%	-	-
Similarity of sign color to building color	Not similar	Somewhat similar	Similar	-	-
Pole sign used	Yes	No	-	-	-
Building Appearance	0	1	2	3	4
Style (similar to surroundings)	Not similar	Somewhat similar (1 or 2 points possible depending on level of similarity)		-	-
Color (subdued and similar to surroundings is better)	Neither	Similar or subdued	Both	-	-
Material (concrete, wood and brick are best)	Either 1 or 2 points may assigned at the discretion of the Site and Design Review Board				
Size of building (smaller is better)	>20,000 square feet	≤20,000 square feet	-	-	-
Provision of public art (i.e. murals, statues, fountains, decorative bike racks, etc.)	No	-	-	-	Yes
Landscaping	0	1	2	3	4
Number of non-required trees provided	-	At least one tree per 500 square feet of landscaping.	-	-	-
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	-	-
Low Impact Development (LID)	0	1	2	3	4
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%

Provision of park or open space area	None	-	Open space (Generally not for public use)	-	Park (public or privately owned for public use)
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Design Criteria	Possible Points				
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	10-50%	>50%
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-	10-50%	>50%
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected	-	-
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%	-	-
Provision of rain gardens/bioretention areas for stormwater runoff (% of total landscaped area)	None	-	10-50%	51-75%	>75%
	Total Possible Points = 71, 60%=42.6 points, 10%=7.1 points				

(Ord 1296, 2008; Ord 1338, 2010)

16.49.050 Conditions placed on site and design review approvals.

A. A site and design review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

1. Protect the public from the potentially deleterious effects of the proposal; and/or
2. Fulfill the need for services created, increased or in part attributable to the proposal; and/or
3. Further the implementation of the requirements of the Canby Municipal Code.

B. The following types of conditions may be contemplated, and the listing below is intended to be illustrative only and not to be construed as a limitation of the authority granted by this section.

1. Development Schedule. A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.
2. Dedications, Reservation. Dedication or reservation of land, or fee in lieu thereof for park, open space purposes, rights-of-way, bicycle or pedestrian paths, green way, riverbank or easements; the conveyance of title or easements to a homeowners' association.
3. Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.
4. Plan Modification. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this ordinance.
5. Off-Site Improvements. Improvements in public facilities, including public utilities, not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created on increases by the project. If determined appropriate by the city based on specific site conditions, off-site roadway improvements may be required to accommodate bicycle and pedestrian travel consistent with the TSP and applicable sections of this code.
6. Other Approvals. Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.
7. Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the

development is maintained. (Ord. 890 section 44, 1993; Ord. 848, Part III, section 3, 1991; 1340, 2011)

8. Screening. The Planning Commission may require additional screening with landscaping, decorative fencing, decorative walls, or other means in order to screen outdoor storage areas, rooftop/ground mechanical equipment, garbage/recycling areas, or other visual clutter.

16.49.055

(Ord. 1019 section 4, 1999; del. by Ord. 1111, 2003)

16.49.060 Time limit on approval.

Site and Design Review Board approvals shall be void after twelve (12) months unless:

A. A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or

B. The Planning Department finds that there have been no changes in any ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091)

16.49.065 Bicycle and pedestrian facilities.

Developments coming under design review shall meet the following standards:

A. The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multi-family uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.

B. On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.

C. For new office parks and commercial development:

1. At least one sidewalk connection between the proposed development and each abutting commercial or office property shall be provided. One connection shall also be provided to each neighborhood.

2. Walkways shall be provided to the street for every 300 feet of developed frontage.

3. Walkways shall be direct with minimal driveway crossings.

4. Walkways shall be linked to the internal circulation of the building.

5. Walkways shall be at least five feet wide and shall be raised, or have different paving materials when crossing driveways or other vehicle maneuvering areas. (Ord. 1043 section 3, 2000)

D. Use of permeable surfacing materials for walkways is encouraged whenever site and soil conditions make it feasible. Permeable surfacing includes, but is not limited to, paving blocks, turf blocks, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards. (Ord. 1339, 2010)

E. Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development. (Ord. 1340, 2011)

16.49.070 Landscaping provisions, Authority and intent.

The purpose of this section is to establish standards for landscaping within the City of Canby in order to enhance the environmental and aesthetic quality of the city:

A. By encouraging the retention and protection of existing trees and requiring the planting of trees in new developments;

B. By using trees and other landscaping materials to temper the effects of the sun, wind, noise and air pollution;

C. By using trees and other landscaping materials to define spaces and uses of the specific areas;

D. Through the use of trees and other landscaping materials as a unifying element within the urban environment; and

16.49.080 General provisions for landscaping.

A. The standards set forth in this section are minimum standards for landscaping.

B. The purpose of these landscaping standards is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to improve the livability of residential neighborhoods, enhance the customer attraction of commercial areas, increase property values, improve the compatibility of adjacent uses, provide visual separation and physical buffers between incompatible adjacent land uses, provide visual relief from the expanse of parking lots, screen undesirable views, contribute to the image and appeal of the overall community, and mitigate air and noise pollution.

These standards are also intended to facilitate Low Impact Development (LID) techniques through the retention of existing native vegetation and mature, healthy trees, to the extent feasible. Additional LID related goals of this chapter are to: reduce erosion and storm water runoff; preserve and promote urban wildlife habitats;

reduce the amount of carbon dioxide in the air; shade and reduce the temperature of adjacent waterways; and enhance the streetscapes along the city's public rights-of-way with an emphasis on trees and LID stormwater facilities.

C. The minimum area requirement for landscaping for developments coming under design review shall be the percentage of the total land area to be developed as follows. Parking lot landscaping area is included in calculating the following landscape areas:

1. Fifteen (15) percent for all industrial and commercial zones (except the Downtown-Commercial zone, but including the Commercial-Residential zone).
2. Seven and one-half (7.5) percent for the Downtown-Commercial zone.
3. Thirty (30) percent for all residential zones.

D. LID stormwater management facilities, such as rain gardens and bioretention areas, may be counted toward the minimum landscaping requirement when they are located on private property. LID facilities in the public right-of-way cannot be counted toward the minimum landscaping requirement. The integration of LID stormwater management facilities within required landscaping must be approved by the city and shall comply with the design and construction standards set forth in the Canby Public Works Design Standards.

E. Trees and other plant materials to be retained shall be identified on the landscape plan. The Site and Design Review Board encourages the retention, to the extent practicable, of existing healthy trees and vegetation.

F. During the construction process:

1. The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.
2. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.
3. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.
4. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.
5. Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or

landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.

6. Tree root ends shall not remain exposed.

G. Landscaping under preserved trees shall be compatible with the retention and health of said trees.

H. When it is necessary for a preserved tree to be moved in accordance with the Tree Ordinance, the landscaped area surrounding said tree or trees shall be maintained and replanted with trees which relate to the present landscape plan, or if there is no landscaping plan, then trees which are complimentary with existing, nearby landscape materials.

I. Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements.

J. All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristic of the species. The use of tree and plant species native to the Pacific Northwest is encouraged. Any new street tree planted must be included on the city's list of approved tree species.

K. Landscaping methods should be guided by the provisions of the most recent edition of the Sunset Western Garden Book or similar publication.

L. The following guidelines are suggested to insure the longevity and continued vigor of plant materials:

1. Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.

2. Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

M. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise, so that:

1. It will not interfere with designated pedestrian or vehicular access; and

2. It will not constitute a traffic hazard because of reduced visibility.

3. It will not hinder solar access considerations.

N. After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

O. All planting areas shall be graded to provide positive drainage.

P. Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways. (Ord. 890 section 49, 1993; Ord. 854 section 1, 1991; Ord. 848, Part IV, section 2, 1990; Ord. 955 section 26, 1996; Ord. 1237, 2007; Ord. 1338, 2010)

16.49.090 Specifications for tree and plant materials.

A. Deciduous Trees. Deciduous shade and ornamental trees shall be a minimum of two inch (2") caliper, measured six inches (6") above ground, balled and burlapped. Bareroot trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimen.

B. Coniferous Trees. Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Trees shall be well branched and characteristically shaped specimen.

C. Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.

D. Ground covers. Ground covers shall be fully rooted and shall be well branched or leafed.

E. Lawns. Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free. (Ord. 890 section 46, 1993; Ord. 848, Part IV, section 3, 1990)

16.49.100 Landscaping installation and maintenance.

A. Except as allowed by subsection (2), all landscaping and exterior improvements required as part of the site and design review approval shall be completed prior to the issuance of any certificate of occupancy.

B. A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board or City Planner, is filed with the city, assuring such installation within a time specified by the Board, but not to exceed six (6) months after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board, City Planner, or city forester, prior to approval of the security. Security may consist of a

faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board or City Planner, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.

C. All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval. (Ord. 890 section 47, 1993; Ord. 848, Part IV, section 4, 1990)

16.49.110 Landscape area credit for preservation of existing trees and tree groves.

A. Policy. It being the policy of the City of Canby to preserve healthy, mature trees wherever possible within its city limits, a system of landscape area credits is hereby established as an incentive for property owners and developers to preserve existing healthy, mature trees and to include them in the landscape plan for a proposed development.

B. Purpose. The primary goal of the landscape credit is to prevent haphazard removal and destruction of trees and tree groves, in order to preserve the ecological health, aesthetic character, and quality of life in Canby. Tree retention provides substantial benefits, including but not limited to erosion prevention, reduction in storm-water runoff, improved water and air quality, energy conservation, carbon sequestration, reductions in the development impacts on the stormwater drainage system, and better transition between adjacent land uses.

C. Landscape Credit.

1. Program for Landscape Credit. One hundred percent (100%) of the area preserved under any mature, healthy tree or grove of trees retained in the landscape (as approved by the Site and Design Review Board) may be counted directly toward the percentage of landscaping required for a development.

2. Limit to Landscape Area Credit.

a. Landscape credit for preserved trees or tree groves shall not eliminate or reduce the landscaping requirements pertaining to parking lots, buffering, and screening.

b. Landscape credits for individual trees shall not comprise more than 40 percent of the total landscape requirement. For example, in districts requiring 15 percent landscaping, preserved tree area shall not count toward more than 9 percent of the requirement).

c. Landscape credits for preserved tree groves shall not comprise more than 60 percent of the total landscape requirement. A grove is defined as a stand of three or more healthy, mature trees located close together to provide some overlap in canopy coverage.

3. Trees Near a Property Line:

a. When the drip line of a tree extends beyond the owner's property line, credit can be granted for that portion of the drip line within the property line if that area exceeds 75 percent of the total drip line area. Trees so close to the property line that their drip line area is less than 75 percent of the total, can only be given credit if a qualified arborist, nurseryman or landscape architect can assure the survival of the tree and its long term health if root damage is sustained by future development on the adjacent property.

b. Where trees have been preserved near a property line, such that the drip line of the tree spreads onto adjacent property, credit can be obtained by the adjacent property owner for protection of the drip line area that extends onto that adjacent property.

D. Trees and tree groves to be preserved and counted toward the landscape credit shall be identified on the landscape plan. (Ord. 890 section 48, 1993; Ord. 848, Part IV, section 5, 1990; Ord. 1338, 2010)

16.49.120 Parking lot landscaping standards.

A. General Provisions. In addition to the objectives stated in section 2 of this ordinance, goals of parking lot standards are to create shaded areas in parking lots to reduce glare, enhance the visual environment, and encourage the use of LID practices. The design of the parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

B. Application. Parking lot landscaping standards shall apply to any surface passenger vehicle parking area of ten (10) spaces or more, or to any paved vehicular use area 3,500 square feet or larger on the same tax lot or on contiguous tax lots under common ownership. Any paved vehicular area which is used specifically as a utility storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot.

C. Landscaping Within a Parking Lot.

1. Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.
2. Each interior landscaped area shall be a minimum of six (6) feet wide, unless the area is added to the required perimeter landscaping.
3. The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such practices include, but are not limited to, permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping areas.

D. Computing Minimum Area Required to be Landscaped Within a Parking Lot. Minimum area required to be landscaped within a parking lot shall be as follows:

1. Fifteen (15) percent for all residential, industrial, and commercial zones
2. Five (5) percent for the Downtown-Commercial Zone for any off-street parking spaces provided.
3. Ten (10) percent for the Core Commercial (CC) sub-area of the Downtown Canby Overlay Zone for any off-street parking spaces provided.

E. All parking areas with more than 16 spaces shall include landscape islands to break up the parking area into rows of not more than 8 contiguous parking spaces.

1. Landscape islands shall have a minimum area of 48 square feet and a minimum width of six (6) feet.
2. Landscape islands shall contain at least one tree that meets the standards in section (F) below.
3. Landscape islands may be counted toward the minimum parking lot landscaping requirements.

F. Criteria for Trees in Parking Lots. Deciduous, evergreen and/or shade trees shall meet the following criteria:

1. Reach a mature height of approximately forty (40) feet. Trees must be approximately two-inch (2") caliper at the time of planting.
2. Cast moderate to dense shade in summer.
3. Be long lived, i.e., live to be over approximately sixty (60) years.
4. Do well in an urban environment:

- a. Be pollution tolerant; and
 - b. Be tolerant of direct and reflected heat.
5. Require little maintenance:
- a. Be mechanically strong;
 - b. Be insect and disease resistant; and
 - c. Require little pruning.
6. Be resistant to drought conditions.
7. Be barren of fruit production.

G. Perimeter of Parking and Loading Areas:

- 1. Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility.
- 2. In addition, one (1) deciduous, evergreen and/or shade tree shall be planted every forty (40) feet, minimum, along the required setback of the vehicular use area.

H. Irrigation System or Available Water Supply Required. Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within approximately 150 feet of all plant materials to be maintained. (Ord. 890 section 49, 1993; Ord. 848, Part IV, section 6, 1990, Ord 1296, 2008; Ord. 1338, 2010)

16.49.130 Revegetation in unlandscaped areas.

The purpose of this section is to ensure erosion protection for those areas which are not included within the landscape percentage requirements so that eventually native plants will re-establish themselves, and so that trees will not be lost due to uncontrolled erosion.

A. Replanting. Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirement and that are not to be occupied by structures or other improvements, such areas shall be replanted with materials approved by the Site and Design Review Board.

B. Plant materials shall be watered at intervals sufficient to assure survival and growth for a minimum of two (2) growing seasons. (Ord.848, Part IV, section 7, 1990)

16.49.140 Minor revisions to approved landscaped plans.

Minor revisions (less than 10 percent of the landscaped area) to the approved landscaped plans shall be reviewed and approved by the City Planner. The City Planner shall report any

minor revisions to the Site and Design Review Board at the next available Board meeting. (Ord. 890 section 50, 1993)

16.49.150 Parking lots or paving projects.

All new paving or parking lot projects which create over 2,500 square feet of impervious surface and any new paving added to existing paving areas which creates a total of more than 2,500 square feet of impervious surface must meet City storm drainage requirements, parking lot landscaping standards and the drainage and access standards of the Oregon Department of Transportation (if applicable). Applicants for such paving projects must submit an application to the Planning Department. Application procedures shall be as described in Chapter 16.89. (Ord. 1019 section 3, 1999; Ord. 1080, 2001)

Management Team Meeting Minutes

July 14, 2014

2:00 PM

City Hall Conference Room

In attendance: Amanda Zeiber, Kim Scheafer, Bryan Brown, Joseph Lindsay, Julie Wehling, Melissa Kelly, Bret Smith, and Renate Mengelberg.

Kim Scheafer

- Reviewed Agenda for August 6 CC Meeting
- Sewer and SMF payments not requiring a receipt can still be made in drop box at Development Services. Questions are now answered at City Hall along with accepting payments.
- Out of office next week

Amanda Zeiber

- Reached tentative agreement with AFSCME last week
- VEBA contribution increased to \$100 per month on July 1
- Negotiating with property owner for new civic center site
- Will be sending out anniversary schedules for performance evaluations
- Social reception for City Administrator applicants is scheduled for July 29, 6-7:30 PM at the PD Community Room. Interviews will be on July 30

Melissa Kelly

- Library is doing an impact survey on technology services
- USDA summer free lunch program starts July 21 and ends August 29
- Canby's use of administrative charges was discussed as the last Library District Meeting. They will be gathering information from all cities in the district for future discussions.

Bret Smith

- New officer will be at the Police Academy starting next week for 16 weeks
- Officers are handing out free Slurpee coupons to youth to encourage and reward good behavior as part of 7-Eleven's Operation Chill

Bryan Brown

- Incoming calls are now ringing at all desks
- Staff is reviewing new applications for the Beck subdivision and a minor partition on 3rd Avenue

Renate Mengelberg

- Met with a subcommittee of the Chamber regarding home based businesses
- Interviewing RARE candidates
- Pavilion gardens on 1st Avenue are growing
- Paving downtown went well last week
- Professional Business Services Summit will be on July 31 from 8-9:30 a.m. at the Police Department
- Out of office next week

Julie Wehling

- Out Tuesday through Wednesday next week for training
- Completed year-end statistics
- Working on setting up a Fair Shuttle

Minutes taken by Kim Scheafer