

AGENDA

CANBY CITY COUNCIL REGULAR MEETING

October 20, 2010

7:30 PM

Council Chambers
155 NW 2nd Avenue

Mayor Melody Thompson

Council President Walt Daniels
Councilor Richard Ares
Councilor Robert Bitter

Councilor John Henri
Councilor Brian Hodson
Councilor Jason Padden

CITY COUNCIL REGULAR MEETING

1. **CALL TO ORDER (City Hall - 6:00 PM – 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)(h) Pending Litigation
3. **OPENING CEREMONIES (Council Chambers 7:30 PM)**
 - A. Pledge of Allegiance and Moment of Silence
 - B. Swearing In of New Police Officer
 - C. National Magic Week Proclamation Pg. 1
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 October 6, 2010 City Council Regular Meeting
 - B. New Outlet Liquor License Application for Joy Kitchen Inc. Pg. 2
 - C. Additional Privilege Liquor License Application for Cutsforth Thriftway Pg. 4
9. **PUBLIC HEARING**
 - A. TA 10-03 Sign Standards Pg. 6

10. RESOLUTIONS & ORDINANCES

- A. Res. 1074, Adopting an Updated Document Entitled Policies & Operating Guidelines for the Canby City Council to Reference as It Conducts the Business of the City Pg. 90
- B. Res. 1075, Consenting to Clackamas County Administering Its Dog Control and Licensing Ordinance Within the City and Reaffirming an IGA with Clackamas County Relating to Enforcement of that Ordinance Pg. 112
- C. Ord. 1336, Amending Canby Municipal Code Chapter 12.36 Regarding Telecommunication Facilities; and Declaring an Emergency (**2nd Reading**) Pg. 120
- D. Ord. 1338, Amending Title 16 of the Canby Municipal Code Concerning Low Impact Development Standards (**2nd Reading**) Pg. 122
- E. Ord. 1339, Amending Title 16, Chapter 16.42 of the Canby Municipal Code Concerning Sign Standards Pg. 8

11. NEW BUSINESS

- A. Dutch Visa Road Extraterritorial Water Service Extension Request Pg. 124
- B. Request for City Letter of Commitment for a FEMA Pre-Disaster Mitigation Grant by Canby Utility Pg. 168
- C. Letter of Support for NE 3rd and NE 4th Avenue Sidewalk Project Pg. 169

12. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

13. CITIZEN INPUT

14. ACTION REVIEW

15. EXECUTIVE SESSION: ORS 192.660(2)(h) Pending 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 at 503.266.4021 ext. 233. 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 OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.



Office of the Mayor

Proclamation

National Magic Week

WHEREAS, the Society of American Magicians was formed in 1902 and now includes more than 7,300 magicians in every state of the union; and

WHEREAS, the local Society of American Magicians Assembly 59, was recently recognized with the prestigious 2006-07 Harry Houdini Award for membership development and maintains an active schedule of activities to elevate the art of magic and provide educational and humanitarian benefits for its members; and

WHEREAS, members of the Society of American Magicians, both amateur and professional, generously offer their time and talent for charitable purposes, providing entertainment for children and adults throughout the area; and

WHEREAS, magic is a delightful and wondrous form of entertainment which continues to give much pleasure to people young and old, and as a hobby for teenagers has proved to be a positive activity; and

WHEREAS, it is fitting and proper to accord official recognition to the profession, the Society of American Magicians Assembly 59 and its members who seek to elevate the art of magic.

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as the Mayor of the City of Canby, do hereby proclaim October 25 - 31, 2010 as National Magic Week in Canby and further encourage all citizens to join in this observance.

Given unto my hand this 20th day of October 2010 in the City of Canby, Oregon.



Melody Thompson
Mayor

Memo

To: Mayor Thompson & Members of City Council
From: Bret J. Smith, Chief of Police
CC: Kim Scheafer, General Administration
Date: September 29, 2010
Re: Liquor License Application / Joy Kitchen

I have reviewed the attached liquor license application completed by the applicant, Qia Hong Zhao, for Joy Kitchen, located at 314 NW 1st Avenue, Canby, Oregon.

In addition, I met with the applicant; and we discussed laws involving the sale of alcoholic beverages. He told me that they would be working closely with OLCC as it relates to training for his employees on pertinent laws involving alcohol related violations and crimes.

I recommend that the Canby City Council recommend approval of this application to the Oregon Liquor Control Commission (OLCC).



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

RECEIVED

SEP 24 2010

CITY OF CANBY

✓
\$2400.00
10/24/10
VCC

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
- ☐ Commercial Establishment
 - ☐ Caterer
 - ☐ Passenger Carrier
 - ☐ Other Public Location
 - ☐ Private Club
- ☒ Limited On-Premises Sales (\$202.60/yr)
- ☐ Off-Premises Sales (\$100/yr)
- ☐ with Fuel Pumps
- ☐ Brewery Public House (\$252.60)
- ☐ Winery (\$250/yr)
- ☐ Other: _____

ACTIONS

- ☐ Change Ownership
- ☒ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other _____

90-DAY AUTHORITY

☐ Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- ☐ Limited Partnership
- ☒ Corporation
- ☐ Limited Liability Company
- ☐ Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- ☐ Granted ☐ Denied

By: _____

(signature)

(date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: CP

Date: 9-22-10

90-day authority: ☐ Yes ☐ No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① ~~Qia Hong Zhao~~ ③ _____

② Joy Kitchen LLC ④ _____

2. Trade Name (dba): Joy Kitchen

3. Business Location: 314 NW 1st Ave. Canby OR 97013
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 14986 SE Sieben Cr. Dr. Clackamas, OR 97015
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: _____
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: _____ Type of License: exp 3/2007

8. Former Business Name: Ronald L. Foote

9. Will you have a manager? ☐ Yes ☒ No Name: _____
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Canby, OR
(name of city or county)

11. Contact person for this application: Bing Tan (503) 558-1688
(name) (phone number(s))
14986 SE Sieben Cr. Dr. Clackamas, OR 97015
(address) (fax number) (e-mail address)


I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① X [Signature] Date 9/19/10 Date _____

② _____ Date _____ ④ _____ Date _____

Memo

To: Mayor Thompson & Members of City Council
From: Bret J. Smith, Chief of Police 
CC: Kim Scheafer, General Administration
Date: October 12, 2010
Re: Liquor License Application / Cutsforth Thriftway / Limited On-Premises Sales

I have reviewed the attached liquor license application completed by the applicant, Christian Cutsforth, for Cutsforth Thriftway, located at 225 NE 2nd Avenue, Canby, Oregon.

In addition, I spoke with the applicant; and we discussed laws involving the sale of alcoholic beverages. He told me that he has worked closely with OLCC as it relates to training employees on pertinent laws involving alcohol related violations and crimes.

I recommend that the Canby City Council recommend approval of this application to the Oregon Liquor Control Commission (OLCC).



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

RECEIVED

OCT 08 2010

pd \$75.00 10/9/10 48

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
- ☐ Commercial Establishment
- ☐ Caterer
- ☐ Passenger Carrier
- ☐ Other Public Location
- ☐ Private Club
- ☒ Limited On-Premises Sales (\$202.60/yr)
- ☐ Off-Premises Sales (\$100/yr)
- ☐ with Fuel Pumps
- ☐ Brewery Public House (\$252.60)
- ☐ Winery (\$250/yr)
- ☐ Other: _____

ACTIONS

- ☐ Change Ownership
- ☐ New Outlet
- ☐ Greater Privilege
- ☒ Additional Privilege
- ☐ Other: _____

P2572
L137580

90-DAY AUTHORITY

☐ Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- ☐ Limited Partnership ☒ Corporation ☐ Limited Liability Company ☐ Individuals

CITY OF CANBY CITY AND COUNTY USE ONLY

Date application received: 10/8/10

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- ☐ Granted ☐ Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: AF

Date: 10-6-10

90-day authority: ☐ Yes ☐ No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① GEF Inc. ③ _____

② _____ ④ _____

2. Trade Name (dba): Cutsforth Thriftway

3. Business Location: 225 NE 2nd Ave Canby Clackamas OR 97013
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: SAME
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (503) 266-2016 (503) 266-1625
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☒ Yes ☐ No

7. If yes to whom: GEF Inc. Type of License: Off-Premise Sales

8. Former Business Name: N/A

9. Will you have a manager? ☒ Yes ☐ No Name: Christian Cutsforth
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Canby
(name of city or county)

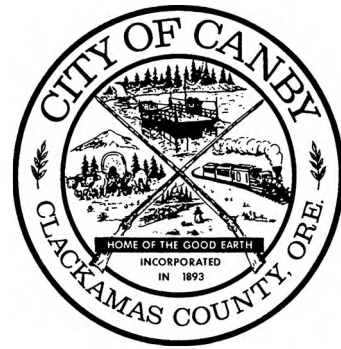
11. Contact person for this application: Christian Cutsforth (503) 266-2016
(name) (phone number(s))
225 NE 2nd Ave Canby, OR (503) 266-1625 christian@cutsforths.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 9/22/10 ③ _____ Date _____

② [Signature] Date 9/22/10 ④ _____ Date _____



MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *Bryan Brown, Planning Director*
DATE: *October 1, 2010*
THROUGH: *Greg Ellis, City Administrator*

Summary:

Attached is Ordinance 1339 which amends Title 16, Chapter 16.42 of the Canby Municipal Code pertaining to sign standards (TA 10-03). The amendments address needed adjustments after a follow through evaluation commitment, code administrative issues, review for improved clarity and consistency, and incorporation of recommendations and solutions to Task Force and the business community concerns, as indicated below:

- Increase the number of times per year (to 4) allowed for temporary signs
- Create a system for registering and monitoring temporary signs
- Allow small temporary signs (e.g., "open for business) near building entrances
- Add language indicating that temporary signs that exceed size limit are not allowed
- Limit the height of balloon signs to that of pole signs
- Encroachment permit no longer needed for wall and blade signs that meet code
- Selected encroachment requirements included within the sign permit process
- Clarify that blade and awning signs may extend over existing and future sidewalks
- Clarification to not allow permanent signs in public rights-of-way
- Allow each tenant at least some wall signage on each building face
- Eliminate total square footage limits for wall signs
- Retain overall percentage limits and size limits for individual wall signs
- Allow large primary tenants (above 20,000 sq. ft.) two signs on building façade
- Eliminate combined thresholds for wall, awning, blade and marquee signs
- Revise marquee sign size to total square footage instead of a % threshold
- Revise blade sign requirements to focus on size of sign only
- Revise awning requirements to focus on percent of awning covered by sign
- Revise vertical clearance requirement above a sidewalk for consistency
- Add cross-reference to design standards in sign size and placement section
- Improvement in the use of graphic representation to reflect specific zone standards
- Created new measurement graphic for awning sign standards

Recommendation: Staff recommends that the City Council pass Ordinance No. 1339, attached here as Attachment A.

Background:

The Planning Commission held a work session to review the proposed amendments on July 26, 2010. Their suggestions were incorporated into a new draft presented at a public hearing on September 27th 2010 and recommended for approval by the Planning Commission by a vote of 4-0. The Planning Commission asked that two additional items be included in the amendments for-

TA 10-03 City Council Staff Report

warded to the Council. The first addition clarifies to the reader of the sign code that the Oregon Motorist Information Act (OMIA) provides the Oregon Department of Transportation purview over the approval of any signage which is “visible” to a State highway running through a community. This change can be viewed on Page 8 of the Text Amendment Exhibit. The second requested addition is to add a provision that addresses garage sale signs. The recommendation for this provision was to make sure that the code allows such signs, and deal with the directional off-site counterparts for garage sale signage similar to that for real estate signs. This change can be observed on Page 12 of the Text Amendment Exhibit.

- Attached:**
- A. Ordinance 1339 and Exhibit 1
 - B. Planning Commission staff report and attachments
 - C. Planning Commission 9.27.10 Public Hearing minutes

ORDINANCE NO. 1339

AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.42 OF THE CANBY MUNICIPAL CODE CONCERNING SIGN STANDARDS

WHEREAS, the City of Canby initiated an application for an amendment to the text of Chapter 16.42 to address needed adjustments after using the new code for a reasonable time including provisions related to administration, to improve clarity and consistency, respond to concerns from businesses including adjustment to the number and square footage of commercial tenant wall signage allowed, change to temporary sign limitations and establishment of system for registering same, change in marquee sign measurement, alteration to blade and awning size limitation and vertical clearance, addition of cross reference to design standards, simplification of sign right-of-way encroachment requirements, and improvement in the use of graphic representation, and

WHEREAS, the Planning Commission, conducted a work session on July 26 to review and make suggestions regarding the text amendment and after providing appropriate public notice, conducted a public hearing on September 27, 2010, 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 section 16.88.160 of the Land Development and Planning Ordinance concerning Text Amendments were met, and recommended by a vote of 4-0 to forward a recommendation of approval to the City Council, and

WHEREAS, the City Council, after reviewing the text amendment application and Planning Commission recommendation with incorporated changes on October 20, 2010, found 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 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 it complies with the Statewide Planning Goals; and therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

The City Council hereby approves Text Amendment 10-03; and

Title 16, Chapter 16.42 of the Land Development and Planning Ordinance of the City of Canby, is modified as detailed in Exhibit 1.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, October 20, 2010 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

Wednesday, November 3, 2010, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 N.W. 2nd Avenue, Canby, Oregon.,

Kimberly Scheafer
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on November 3, 2010 by the following vote:

YEAS _____ NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

Chapter 16.42

SIGNS

Sections:

[16.42.010](#) Purpose.

[16.42.015](#) Definitions and interpretation.

[16.42.020](#) Administration and permit requirements.

[16.42.025](#) General sign standards.

[16.42.030](#) Temporary community event sign plan.

[16.42.040](#) Design standards for signs.

[16.42.045](#) Permanent signs permitted in the right-of-way.

[16.42.050](#) Size, type, and location of signs permitted by zoning district and use.

[16.42.060](#) ~~Automobile~~ Automobile service station sign standards.

[16.42.070](#) Measurements.

[16.42.140](#) Severability.

16.42.010 Purpose.

A. The purpose of this chapter is to:

1. Protect the health, safety, property and welfare of the public;
2. Provide a neat, clean, orderly and attractive appearance in the community;
3. Encourage well-designed and wisely located signs;
4. Provide for safe construction, location, erection and maintenance of signs;
5. Prevent proliferation of signs and sign clutter, minimize adverse visual safety factors to travelers in the public right-of-way;

6. Facilitate economic development and enhance the city's ability to retain and attract businesses and customers;
7. Contribute to a simple and efficient regulatory process; and
8. Achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.

B. To achieve this purpose, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible to the public.

C. Nothing in these regulations is intended to control the construction or location of directional or informational signs installed by the city, county or state for the purpose of controlling traffic, indicating street names, providing legal or public notice, or other public purposes.

(Ord 1299, 2008; Ord. 955 sections 13-16, 1996; Ord. 913 section 1, 1994; Ord. 830 section 13, 1989; Ord. 740 section 10.3.10(A), 1984)

16.42.015 Definitions and interpretation.

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined elsewhere in the Land Development and Planning Ordinance of the city, shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in section 16.42.070. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

A. A-Frame Sign. A double-faced temporary sign composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground.

B. Abandoned Sign. A sign or sign structure that has been damaged, and repairs and restoration are not started within 90 days of the date the sign was damaged, or are not diligently pursued once started.

C. Alter. To make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, or exchanging the display panels of a sign.

D. Automobile Service Station. A retail place of business engaged primarily in the sale of motor fuels.

E. Awning Sign. A sign attached to or incorporated into an overhead cover extending above the sidewalk or ground (usually above windows and doors).

F. Balloon Sign. A sign consisting of a membrane that relies on internal gaseous pressure or a semi-rigid framework for maintaining its form.

- G. **Banner Sign.** A sign made of fabric or other non-rigid material with no enclosing framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- H. **Beacon.** Any light, excluding street lights and traffic signals, with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
- I. **Bench Sign.** A sign on an outdoor bench.
- J. **Blade/Overhang Sign.** A sign, other than a wall sign, that projects from, and is supported by or attached to a roof or wall of a building or structure.
- K. **Building Elevation Area.** The area of a single side of a building, measured in square feet and calculated by multiplying the length of the side of the building by the height of the building to the roof line. If the roof line height varies along the side of the building, the average of the lowest and highest roof line height on that side shall be used in the calculation.
- L. **Building Frontage, Primary.** The ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and has an entrance or exit open to the general public.
- M. **Building Frontage, Secondary.** The ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and does not have an entrance or exit open to the general public.
- N. **Bulletin Board.** A board that provides information in a horizontal linear format, that can be changed either manually through placement of letters or symbols on tracks mounted on a panel, or electronically through use of an array of lights in a dot matrix configuration. A bulletin board is not a sign in itself, but rather is an element that is allowed as part of a monument sign, pole sign, marquee sign, blade/overhang sign, or wall sign.
- O. **Business Complex.** A site consisting of one or more lots sharing appurtenant facilities, such as driveways, parking and pedestrian walkways.
1. **Minor Business Complex.** A site proposed for or consisting of multiple uses and/or multiple tenants, where the building(s) contain a maximum of 14,999 square feet in gross floor area.
 2. **Major Business Complex.** A site proposed for or consisting of multiple uses and/or multiple tenants, where the building(s) contain 15,000 to 99,999 square feet in gross floor area.
 3. **Industrial/Research Business Complex.** A site proposed for or consisting of multiple uses and/or multiple tenants, where the building(s) contain a minimum of 100,000 square feet in gross floor area.
- P. **Canopy Sign.** A sign that is a part of or attached to a permanent roofed structure which may be freestanding or attached to a building and is not a completely enclosed structure.

Q. Community Event Sign Plan. A sign plan approved by City Council which permits temporary banners or seasonal holiday decorations to extend over a street, over a private road providing vehicle access into a property, or to be attached to utility or streetlight poles.

R. Directory Signs. Directory signs include signs that are attached to the building and are a directory of the occupants of the building, signs that provide vehicular clearance information, signs that identify parking lot sections or direct vehicles in a parking lot, and similar signs as determined by the City Planner. The sign face of each directory sign shall not exceed two (2) square feet, or in the case of an occupant directory, shall not exceed one (1) square foot per occupant listed on the directory sign.

S. Electronic Message Board. A board that, through the use of moving structural elements, flashing or sequential lights, or lights in a dot matrix or LED configuration which may be changed intermittently or by other automated method, results in a message or image display that changes, moves or appears to move. An electronic message board is not a sign in itself, but rather is an element that is allowed as part of a monument sign, pole sign, marquee sign, blade/overhang sign, or wall sign.

T. Flag. A rectangular piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached. A flag is often used to display the symbol of the United States, a nation, state, or other governmental entity.

U. Flashing Sign. A sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

V. Grade. For freestanding signs, "grade" is the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.

W. Illuminated Sign. A sign illuminated by an internal light source or an external light source primarily designed to illuminate the sign. The illumination is "external" when the light source is separate from the sign surface and is directed to shine upon the sign and "internal" when the light source is contained within the sign, but does not include signs where the text or image is composed of dot matrix or LEDs. External illumination is "direct" when the lamp fixture is directly seen by the public, such as a floodlight, and "indirect" when the source of light is not directly seen by the public, such as cove lighting.

X. Lawn Sign. A temporary freestanding sign that is supported by a frame, pole, or other structure placed directly in or upon the ground without other support or anchor.

Y. Maintenance. Normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, changing light bulbs, and replacing or repairing a part made unusable by ordinary wear.

Z. Marquee Sign. A sign that is a permanent roof-like structure attached to and projecting from a building, that is used in part to display changeable sign copy.



AA. Menu Board Sign. A sign not designed to be viewed from any public right-of-way, and is placed near the public entrance to, or near the drive-up service lane of, a food service establishment. A menu board sign shall not exceed 12 feet in height.

BB. Monument Sign. A freestanding sign that is placed on a solid-appearing base that extends a minimum of 12 inches above the ground and extends at least 75 percent of the length and width of the sign. The above ground portion of the base is considered part of the total allowable height of a monument sign.

CC. Name Plate. A wall sign less than 2 square feet in size, permanently affixed to the front façade of a residential structure.

DD. Neon Sign. A sign internally illuminated by a light source consisting of neon or other gas contained in a tube, except for fluorescent lights.

EE. Owner. The person owning title to real property on which a sign is located, or the contract purchaser of the real property. "Owner" also includes the owner of a sign who has a continuing lease of the real property on which the sign is located.

FF. Pennant. A sign device made from a strip of flexible material intended to wave in the wind.

GG. Pole Sign. A sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign physically separated from the ground (in contrast to a monument sign).

HH. Portable Sign. A sign which is not affixed to a building, other permanent structure, or to the ground in a permanent manner, and which is designed to be moved from place to place.

II. Principal Use. The purpose for which land or a structure is designed, arranged, or for which it is occupied or maintained. Multiple principal uses may be located on a lot, a site, or in a business complex.

JJ. Public Sign. A sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the governmental agency having authority over, control of, or ownership of the right-of-way or public property.

KK. Repair. Mending or replacing broken or worn parts with comparable materials.

LL. Roof Line. The top edge of a roof or a building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

MM. Seasonal Holiday Decorations. Every type of decoration displayed during and around a federally recognized holiday or on a seasonal basis, whether illuminated or not, and whether attached to utility poles, buildings or any other structure.

NN. Sign. Any writing, video projection, illumination, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that:



1. Is a structure or any part thereof (including the roof or wall of a building); or
2. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a structure or an outdoor screen or monitor, or a board, plate canopy, awning, marquee, or a vehicle, or upon any material object, device, or surface whatsoever; and
3. Communicates, or is designed to communicate on any subject whatsoever. points of a sign, but excluding essential sign structure, foundations, or supports.

OO. Sign Copy. The message or image conveyed by a sign.

PP. Sign Face. The sum of the surfaces of a sign face as seen from one plane or elevation included within the outer dimensions of the sign board, frame or cabinet.

QQ. Site. The area, parcel, or lot of land owned by or under the lawful control of an owner. Abutting lots shall be considered one site when they share appurtenant facilities, such as driveways, parking and pedestrian walkways.

RR. Street Frontage. The length or width of a site, measured along the lot line separating the site from a street.

SS. Supporting Structure. A structure specifically intended for supporting or containing a sign.

TT. Temporary Sign. A sign that is temporarily attached or tethered to a building, structure, or the ground. Temporary signs include, but are not limited to, A-frames, banners, flags, pennants, balloons, blimps, streamers, lawn signs and portable signs.

UU. Utility Sign. A sign constructed or placed by a public utility on or adjacent to a pole, pipe, or other type of utility facility within a public right-of-way or utility easement.

VV. Vehicle Sign. A sign placed in or attached to a motor vehicle, trailer, or rail car that is parked on public or private property in a publicly visible location for more than 72 consecutive hours, the principal purpose of which is to display signage rather than to use the vehicle for transportation purposes. This is not meant to include signs and logos attached to any vehicle that is regularly used in the normal course of business for transportation purposes.

WW. Video Sign. A sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities.

XX. Wall Sign. A sign that is painted on the wall of a building, or a sign attached to the wall of a building and extending no more than twelve inches from a wall, or attached to or erected against a roof with a slope not more than 20 degrees from vertical, with the exposed face of the sign in a plane that is vertical or parallel to the plane of that roof, and which does not project more than 18 inches from the wall or roof.



YY. Window Sign. A sign attached to, or painted on a window, or displayed inside the building in a manner so that it is clearly viewable from outside the building.

(Ord. 913 section 1[part], 1994; Ord. 955 sections 13-16, 1996; Ord. 1299, 2008)

16.42.020 Administration and permit requirements.

A. Permit Required. All signs erected after the effective date of this chapter, other than signs exempt from permit requirements per 16.42.025, shall require a sign permit. Application shall be made on forms provided by the Planning Director. Sign permits issued for signs which encroach into the public right-of-way are subject to the standards of 16.42.045.

B. Fee. A fee as established by resolution of the City Council shall be paid to the City of Canby upon the filing of an application. Such fees shall not be refundable.

C. Construction and Maintenance. Each sign shall be constructed to meet the requirements of applicable building, electrical, and mechanical codes.

1. All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean and attractive condition.

2. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of, or any access to, any fire escape, exit or standpipe. No signs shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below standards required by any applicable law or building code.

3. It is unlawful to erect or maintain a sign which, by reason of its size, location or placement, creates an immediate danger to the health, safety and welfare of the citizens of the city by blocking vision for either pedestrians or motorists, at public and/or private roadways, intersections, driveways, or railroad crossings.

D. Appeal. Appeals are governed by the procedures set forth in Chapter 16.89.

E. Permit Expiration. Every permit issued by the Building Official under the provisions of this chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.

F. Permit Suspension or Revocation. The City Planner or duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this chapter.

G. Variance. The procedures which allow variations from the strict application of the regulations of this Title, by reason of exceptional circumstances and other specified conditions, are set forth in Chapter 16.53.

H. Conditional Use Signs or Signs under Site and Design Review. Signs proposed at the time of a conditional use application or site and design review application shall be reviewed by the Planning Commission regarding size, height, and location at the time of conditional use review or site and design review. If sign review was not part of the original conditional use review or original site and design review, the applicant may apply for a sign permit under the normal sign review procedures and policies, provided the application is made at least six (6) months after the original review. In conditional use signs or signs reviewed under design review, provisions of this chapter shall apply.

I. Nonconforming Signs. Provisions for nonconforming signs are set forth in Chapter 16.52.

J. Oregon Motorist Information Act Requirements. The Oregon Motorist Information Act (OMIA) provides the Oregon Department of Transportation purview over the approval of any signage which is “visible” to a State highway running through a community. In addition to being subject to the provisions of this chapter, all such signs are subject to requirements identified in Oregon Revised Statutes (ORS) ORS 377.700 - 377.840 and ORS 377.992.

(Ord. 1237, 2007; Ord. 955 section 19, 1996; Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989; Ord. 740 section 10.3.40 (B), 1984; Ord 1299, 2008)

16.42.025 General sign standards.

A. Prohibited Signs. Except for legal nonconforming signs, the following signs are unlawful and are nuisances:

1. Abandoned sign.
2. Vehicle sign.
3. Video sign.
4. Sign that may be confused as a traffic control device.
5. Signs that impede movement or create a physical hazard.
6. Signs with rotating or other moving parts, except barber shop poles and clocks.
7. Signs illuminated by flashing lights.
8. Searchlights or beacons, except for temporary events such as grand openings, in which case a permit is required.

9. Signs affixed to power, utility, or traffic control poles, or other public utility structures, other than city-approved traffic control signs, utility signs, and pole identification placards.

B. Exempt Signs. The following signs are exempt from the provisions of this Chapter, except as specified below, and shall not be counted towards the amount or type of signage otherwise allowed by this Chapter. Such signs shall conform to all other applicable provisions of this title.

1. All signs which are placed inside a structure or building, and which are either not visible through windows or building openings, or are not intended to be visible from outside the structure or building, as determined by the City Planner.

2. Bench signs as defined in 16.42.015, provided that the bench sign copy does not exceed 15 square feet and the bench sign is approved by the bench owner.

3. Signs attached to mass transit shelters which are approved by the mass transit agency and the transit shelter owner.

4. Directory signs as defined in 16.42.015.

5. Menu board signs as defined in 16.42.015.

6. Nameplate signs as defined in 16.42.015.

7. Utility signs as defined in 16.42.015.

8. Flags as defined in 16.42.015.

C. ~~No Sign Permit Required for~~ Temporary Signs. The following temporary signs do not require a sign permit, shall not be counted towards the amount or type of signage otherwise allowed by this Chapter, and may be displayed only in compliance with the following standards. Such signs shall conform to all other applicable provisions of this title. Except as may be approved in accordance with 16.53.015, Minor Sign Variance, temporary signs in excess of the standards of this section are not permitted.

1. Except as approved in a Community Event Sign Plan, as set forth in 16.42.030, no temporary sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the temporary sign.

2. A temporary sign shall be attached to a site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or being blown from its location, and allows for the easy removal of the sign by authorized persons. Except as approved in a Community Event Sign Plan, as set forth in 16.42.030, temporary signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.

3. No temporary sign shall be erected or maintained that, by reason of its size, location or construction, constitutes a hazard to the public.

4. Temporary Signs Allowed in Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A).

- a. One or more temporary signs no taller than 4 feet in height, and not exceeding 6 square feet in area each, may be displayed on a lot during the period from 120 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.
- b. One temporary sign no taller than 4 feet in height, and not exceeding 6 square feet in area, may be displayed on a lot for a maximum of 8 days in any calendar month, provided it is removed by sunset on any day it is erected.
- c. One temporary sign no taller than 5 feet in height, and not exceeding 6 square feet in area, may be displayed on a lot during the time the property, or building or dwelling thereon, is for sale or lease, provided that the sign is removed within 14 days after the sale or lease is completed.
- d. One temporary sign not exceeding 6 square feet in area may be displayed on a lot during the time that construction activities are occurring on site, provided that the sign is removed within 7 days of the completion of the construction activities. If the site has frontage on more than one street, one additional sign of the same size may be displayed facing the second street frontage, provided the signs are not visible simultaneously from either street. On lots of more than 2 acres, the sign area may be increased to no more than 32 square feet. In no case shall such sign be displayed for more than 12 months.
- e. On property that has received tentative subdivision or partition approval from the City, from the time of that approval until issuance of a building permit for construction on the last lot, one temporary sign no taller than 8 feet in height, and not exceeding 32 square feet in area, may be displayed on a site less than 4 acres in size. If the site is greater than 4 acres in size, two temporary signs no taller than 8 feet in height, and not exceeding 64 square feet each, may be displayed.
- f. Banner or Balloon Signs Allowed Twice Per Year for no Longer Than 30 Days Each Occurrence. On a lot used for a permitted or conditional use other than a single-family dwelling, one banner sign or balloon sign may be displayed up to 30 consecutive days only twice during a calendar year. A banner sign may not exceed 50 square feet in size. A balloon sign may not exceed 80 cubic feet in size.
- f. Banner or Balloon Signs Allowed Twice Per Year for no Longer Than 30 Days Each Occurrence. On a lot used for a permitted or conditional use other than a single-family dwelling, one banner sign or balloon sign may be displayed up to 30 consecutive days only twice during a calendar year. A banner sign may not exceed 50 square feet in size. A balloon sign may not exceed 80 cubic feet in size. Temporary banner and balloon signs do not require a sign permit, but must be registered with the Planning Department, specifying the sign-owner's Canby business license number (if applicable), the start and stop dates, sign area and proposed location of each temporary banner or balloon sign. Temporary banner and balloon signs regulated by this subsection shall display a weatherproof label from the City that such sign is registered. Temporary banner and balloon signs displayed beyond dates provided to the City shall be in violation of this code.

5. Temporary Signs Allowed in Commercial and Industrial Zones (C-R, C-1, C-2, C-C, C-M, M-1, M-2).



- a. One or more temporary signs no taller than 5 feet in height, and not exceeding 4 square feet in area each, may be displayed on a lot during the period from 120 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.
- b. One temporary sign no taller than 8 feet in height, and not exceeding 32 square feet in area, may be displayed on a lot during the time the property, or building or dwelling thereon, is for sale or lease, provided that the sign is removed within 14 days after the sale or lease is completed.
- c. One temporary sign no taller than 8 feet in height, and not exceeding 32 square feet in area, may be displayed on a lot during the time that construction activities are occurring on site, provided that the sign is removed within 7 days of the completion of the construction activities. If the site has frontage on more than one street, one additional sign of the same size may be displayed facing the second street frontage, provided the signs are not visible simultaneously from either street. In no case shall such sign be displayed for more than 12 months.
- d. One temporary sign not exceeding 32 square feet in area may be displayed on a lot during the period of a charitable fundraising event being conducted on the site where the sign is displayed. The sign shall not be displayed more than 7 days prior to the event, and must be removed within 2 days following the event.
- e. Banner or Balloon Signs Allowed ~~Twice~~ Four Times Per Year for no Longer Than 30 Days Each Occurrence. One banner sign or balloon sign may be displayed on a lot by each business license holder who operates their business at that location per City business license records. A banner sign may not exceed 50 square feet in size. A balloon sign may not exceed 80 cubic feet in size. A balloon sign may not be taller than the maximum allowed height of a pole sign permitted in the same zone as prescribed in Section 16.42.050, Tables 1 through 7 of this code. Each business license holder may display such signage up to 30 consecutive days only ~~twice four times~~ during a calendar year. A weatherproof label which displays the sign-owner's Canby business license number shall be affixed to the backside of the banner or balloon sign in a manner that is readable by City personnel upon inspection at all times. Temporary banner and balloon signs do not require a sign permit, but must be registered with the Planning Department, specifying the sign-owner's Canby business license number (if applicable), the start and stop dates, sign area and proposed location of each temporary banner or balloon sign. Temporary banner and balloon signs regulated by this subsection shall display a weatherproof label from the City that such sign is registered. Temporary banner and balloon signs displayed beyond dates provided to the City shall be in violation of this code.
- f. Miscellaneous Small Signs. Miscellaneous small signs, such as those indicating hours of operation, with an aggregate area not to exceed 3 square feet and located either within a window or within 5 feet of an entrance to a building.

6. Temporary Signs Allowed in Right-of-Way in All Zones.

- a. No temporary sign in the right-of-way shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic, and shall provide for a minimum of 5 feet of clear passage for pedestrians on a sidewalk where a sidewalk exists. No temporary sign shall encroach into a vision clearance area.
- b. As referenced in 16.42.010.C, signs installed by the city, county, or state for public purposes are allowed in the public right-of-way.



c. Temporary safety and directional signs installed by non-governmental persons, such as those displayed at or in close proximity to a road crew or construction project, shall get specific written approval from the Public Works Director prior to erecting the signs. Such signs shall be removed after the construction activity is complete.

d. A-frame signs and lawn signs no taller than 3 feet in height, and not exceeding 6 square feet in area, may be displayed by real estate brokers hosting open houses or residents hosting “garage sales” only on weekends and holidays in the right-of-way in relatively close proximity to a property where an open house is being held for the sale or lease of the property or in relatively close proximity to a garage sale is being held at a residence to sell personal belongings. Such signs must be removed within 24 hours after completion of the open house or garage sale.

e. Miscellaneous Small Signs. Miscellaneous small signs, such as those indicating hours of operation, with an aggregate area not to exceed 3 square feet and located either within a window or within 5 feet of an entrance to a building.

7. Temporary Signs Allowed in Right-of-Way Only in Commercial and Industrial Zones (C-R, C-1, C-2, C-C, C-M, M-1, M-2). A-frame signs may be displayed on public sidewalks provided they comply with the following standards:

a. A-frame sign dimensions shall not exceed a maximum width of 3 feet, nor a maximum above-ground height of 4 feet. Each sign face shall not exceed 12 square feet.

b. One A-frame sign per business license holder may be displayed on a public sidewalk in the right-of-way abutting the physical address that is on file with the City as the location where that business license holder operates the business. A weatherproof label which displays the sign-owner's Canby business license number shall be affixed to the backside of the A-frame sign. The business license must be current, and City personnel must be able to read the business license number upon inspection at all times.

c. A-frame signs shall be displayed only during the business hours of the responsible enterprise.

d. A-frame signs shall be placed so as to allow at least 5 feet of unimpeded pedestrian sidewalk maneuvering space. A-frame signs shall not encroach into any required vision clearance area. A-frame signs shall be set back from the curb so as not to interfere with on-street parking, or shall be set back a minimum of 10 feet from the edge of the street travel lane where no curb exists.

e. The owner of the property abutting the right-of-way on which an A-frame sign is placed assumes all liability for incidents involving the sign.

(Ord. 1237, 2007; Ord. 1111 section 7, 2003; Ord. 1076, 2001; Ord. 955 section 17, 1996; Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989, Ord. 802 4, 1987; Ord. 740 section 10.3.40(C), 1984; Ord. 1299, 2008)

16.42.030 Temporary Community event sign plan.



Temporary banners or seasonal holiday decorations which extend over a street, over a private road providing vehicle access into a property, or are attached to utility or streetlight poles, shall be permitted only after the City Council has approved a Community Event Sign Plan.

A. Application for approval of a Community Event Sign Plan shall be made on forms provided by the Planning Director, and shall be accompanied by all required information and fees.

B. Applicant shall obtain all encroachment permits and other agency approvals required, prior to submitting an application for a Community Event Sign Plan. If signage is proposed within a right-of-way controlled by another agency, the applicant shall provide written consent from the appropriate agency regarding the signage prior to submitting an application for a Community Event Sign Plan. The consent shall identify any restrictions desired by the owner of the right-of-way.

C. The applicant shall assume all liability for incidents involving the sign by signing a document exempting the City from liability and providing liability insurance in the form required by the City Attorney and in an amount not less than the current tort liability limitations.

D. Applications for permanent geographic identification banners or signage which extend over a street, over a private road providing vehicle access into a property, or are attached to utility or streetlight poles, shall be submitted following the same application procedures as described for temporary signage, and shall be submitted by a neighborhood association that is officially recognized by the City, or shall be accompanied by a petition indicating the consent of at least 51 percent of the property owners in the geographic area delineated on the Sign Plan application.

E. Except for permanent banners or signage identifying a geographic area or district of the City, all banners and signage approved in a Community Event Sign Plan shall be removed within 2 days after the associated event or activity has ended, or no later than directed by City Council in the Sign Plan approval, whichever date is later.

16.42.040 Design standards for signs.

The following standards apply to signs in all zone districts.

A. Setbacks. Signs are required to meet the setback requirements of the applicable zone district, except however the street yard setback for signs may be reduced to fifty (50) percent of that required for other structures in the zone. Signs shall not obstruct a vision clearance area required in the applicable zone district.

B. Illumination.

1. External illumination is allowed. The external illumination may be either "direct" or "indirect", provided that the source of light (e.g., bulb) is shielded such that it is not directly seen by the public. External light sources shall be carefully located, directed, and shielded in order to avoid direct illumination of any off-site object or property.

2. Internal illumination is allowed.

3. External or internal sign illumination shall not result in glare onto neighboring properties or onto public right-of-way, such that due to level of brightness, lack of shielding, or high contrast with surrounding light levels, the sign illumination results in discomfort or visual disability for persons.

4. Sign illumination shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights.

C. Monument signs.

1. Monument signs shall have a distinct base, middle, and top. These elements of the sign shall vary from one another in terms of their thickness, materials, or color.

2. Monument signs shall incorporate the following materials, unless otherwise approved pursuant to subsection 4 of this section.

a. The base and top shall be constructed of stone, brick, or wood.

b. The middle shall be constructed of stone, brick, wood, metal with a matte/non-reflective finish, vinyl, or other materials as noted in subsection c.

c. Other materials may be used for bulletin board or electronic message board components in the middle portion of a monument sign, as needed to allow the bulletin board or electronic message board to function.

3. Monument signs shall provide street addresses when street addresses are not visible from the street.

4. A monument sign which does not meet one or more of the standards detailed above in subsections 1 through 3, may be approved by the Planning Director pursuant to the Type II land use application procedures set forth in Chapter 16.89. A discretionary monument sign application may be approved if the applicant demonstrates compliance with all of the following criteria:

a. The overall design of the sign exhibits a sense of structure; and

b. Timeless materials, similar to stone, brick, or wood are used; and

c. The proposed sign is in conformance with all other applicable city ordinances concerning its location, construction, and design.

D. A-Frame signs.

1. A-frame signs shall be constructed of wood, plastic, or metal with a matte/non-reflective finish.

2. A-frame signs shall not include any parts or attachments that extend beyond the edge of the sign dimensions established in Section 16.42.025.C.



3. A-frame signs shall not incorporate reflective materials.
4. A-frame sign structure shall not incorporate any neon colors.

5. An A-frame sign which does not meet one or more of the standards detailed above in subsections 1 through 4, may be approved by the Planning Director pursuant to the Type II land use application procedures set forth in Chapter 16.89. A discretionary A-frame sign application may be approved if the applicant demonstrates compliance with all of the following criteria:

- a. The proposed materials, colors, and dimensions of the A-frame sign do not pose a hazard or nuisance to persons; and
- b. The proposed sign is in conformance with all other applicable city ordinances concerning ~~it's~~ its location, construction, and design.

E. Blade/Overhang signs.

1. Blade/overhang sign shall not extend more than 8 feet from the building face.
2. The outer edge of a blade/overhang sign shall be set back a minimum of 2 feet from a curb.
3. A minimum 8 ~~1/2~~ foot clearance shall be provided between grade and the bottom of a blade/overhang sign. Blade/overhang signs which extend over the public right of way are subject to the standards of 16.42.045.

F. Wall signs. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from a wall directly abutting an alley). ~~An encroachment permit is required prior to encroachment into any public right of way.~~ Wall signs which extend over the public right of way are subject to the standards of 16.42.045.

G. Bulletin boards and electronic message boards are only allowed as part of a blade/overhang sign, marquee sign, monument sign, pole sign, or wall sign.

1. The rate of change for sign copy on a bulletin or electronic message board from one message to another message shall be no more frequent than every 8 seconds. Once changed, copy shall remain static until the next change.
2. Displays may travel horizontally or scroll vertically onto electronic message boards, but must hold in a static position after completing the travel or scroll.
3. Sign copy shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the electronic message board.

4. No electronic message board may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

(Ord. 1111 section 7, 2003; Ord. 913 section 1[part], 1994; Ord. 830 section 13[part] 1989; Ord. 802 4, 1987; Ord. 740 section 10.3.40(C), 1984; Ord 1299, 2008)

16.42.045 Permanent Signs Allowed in Right-of Way.

A. Except as allowed by this section, no permanent signs requiring sign permits shall be located within the public right-of-way.

B. Awning, canopy, marquee, blade/overhang and wall signs proposed in compliance with this chapter may be permitted to extend over an existing or future public sidewalk provided they comply with the criteria below:

1. The sign shall be placed so as to not to interfere with use of the public property for walkway, roadway, existing or proposed utilities, and other authorized uses.

2. The sign complies with all applicable city codes with regard to structural safety, traffic, and fire safety requirements.

3. The sign will not cause an adverse impact on adjoining properties.

4. The sign will be maintained in good order.

5. No encroachment permit shall be required; however, in requesting a sign permit for a sign which extends over an existing or future public sidewalk, the applicant acknowledges that:

a. Permission to allow the sign to extend over the public sidewalk shall be revocable by the city at any time the revocation would be in the public interest and that no grant of any permit, expenditure of money in reliance thereon or lapse of time shall give the permittee any right to the continued existence of an encroachment or to any damages or claims against the city arising from a revocation.

b. Upon revocation, the permittee or any successor permittee shall, at the permittee's own cost, remove the permitted sign within 30 days after written notice has been provided by the city, unless a shorter period is specified in the notice of revocation due to an emergency situation.

c. If the permittee does not remove the encroachment and return the right-of-way, easement or public property area to a condition satisfactory to the Director, the city may do so and the costs of returning the right-of-way, easement or public property to a satisfactory condition, shall be imposed as a lien upon the property on the city lien docket.

d. The permittee, and owner of the benefited property if different than the permittee, shall be liable to indemnify and defend any claim or legal action brought against the city by reason of the existence of any approved right-of-way, easement or public property encroachment.



16.42.050 Size, type, and location of signs permitted by zoning district and use.

In addition to the design standards for signs in Section 16.42.040, Table 16.42.050 sets forth standards for type, size, and location of permanent signs that are allowed in specific zoning districts. The table is arranged by section as follows:

[Table 1](#) Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R)

[Table 2](#) Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M)

[Table 3](#) Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc)

[Table 4](#) Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-cc)

[Table 5](#) Core Highway Frontage Sign Overlay Zone (CHFS)

[Table 6](#) Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-C), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc)

[Table 7](#) Canby Industrial Area Overlay Zone (I-O)

A. Where the standards in a base zoning district conflict with the standards in an overlay district, the standards in the overlay district prevail.

B. Where the standards in the Canby Industrial Area Overlay (I-O) district conflict with the standards in another overlay district, the standards in the Canby Industrial Area Overlay (I-O) district prevail.

C. Where the standards in the Core Highway Frontage Sign Overlay (CHFS) district conflict with the standards in another overlay district, the standards in the Core Highway Frontage Sign Overlay (CHFS) district prevail.

D. Where an automobile service station is located on a lot, regardless of zoning district, the sign standards set forth in 16.42.060 apply.

TABLE 16.42.050**Table 1. Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R)****Monument Sign**

A. Use on site: Property has been subdivided into more than 20 lots.

Size: maximum 16 square feet per sign face.	Maximum Height: 7 feet.	Location/Number: Maximum two signs; One sign may be located on either side of a public street or private street entrance to the subdivided property.
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B. Use on site: Multi-family development.

Size: maximum 16 square feet per sign face.	Maximum Height: 7 feet.	Location/Number: One sign may be located adjacent to the primary street frontage, on either side of a vehicle accessway; AND one sign may be located adjacent to a collector or arterial street frontage if it is not the primary street frontage, on either side of a vehicle accessway.
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C. Use on site: church, school, public/semi-public facility, or privately-owned community center.

Size: maximum 40 square feet per sign face.	Maximum Height: 7 feet.	Location/Number: Maximum one sign; No specific location requirement.
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D. Use on site: all other uses.

Size: not allowed.	Maximum Height: n/a.	Location/Number: n/a.
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Pole Sign



A. Use on site: church, school, public/semi-public facility, or privately-owned community center.

Size: maximum 40 square feet per sign face.

Maximum Height: 8 feet.

Location/Number: One sign may be located adjacent each street frontage.

B. Use on site: all other uses.

Size: not allowed.

Maximum Height: n/a.

Location/Number: n/a.

Wall Sign



A. Use on site: church, school, or public/semi-public facility.

Size: maximum 8 percent of building elevation area, with a maximum sign face of 60 square feet on a primary frontage or 30 square feet on a secondary frontage.

Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.

Location/Number: One sign per building frontage.

B. Use on site: home occupation or permitted commercial use other than those listed above in subsection A.

Size: maximum sign face of 2 square feet.

Maximum Height: shall not project above the roof line or top of the parapet

Location/Number: Maximum one sign; No specific location requirement.

wall, whichever is higher.

C. Use on site: all other uses.

Size: not allowed.

Maximum Height: Location/Number: n/a.
n/a.

Blade/Overhang Sign



A. Use on site: home occupation or permitted commercial use.

Size: maximum 2 square feet per sign face.

Maximum Height: Location/Number: One sign per building frontage.
shall not project above the roof line or top of the parapet wall, whichever is higher.

B. Use on site: all other uses.

Size: not allowed.

Maximum Height: Location/Number: n/a.
n/a.

Bulletin Board



A. Use on site: church, school, or public/semi-public facility.

Size: bulletin board may encompass Maximum Height: Location/Number: Only allowed as part of a

up to 75 percent of sign face area. determined by height permitted sign, as set forth in 16.42.040.C.2. of sign.

B. Use on site: all other uses.

Size: bulletin board may encompass up to 50 percent of sign face area. Maximum Height: determined by height of sign. Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

Electronic Message Board



A. Use on site: all uses.

Size: electronic message board may encompass up to 25 percent of sign face area. Maximum Height: determined by height of sign. Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

Awning Sign or Canopy Sign

A. Use on site: not permitted for any use.

Marquee Sign

A. Use on site: not permitted for any use.

Window Sign



A. Use on site: all uses.

Size: maximum 15 percent of total window area.

Maximum Height: Location/Number: Only allowed in ground floor or determined by height 2nd floor windows.
of window.

Table 2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M)

Monument Sign



A. Use on site: Church, school, or public facility.

Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign may be located adjacent each street frontage.
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B. Use on site: Minor business complex.

Size: maximum 100 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage; except on a site larger than 10 acres a total of two signs are allowed.
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C. Use on site: Major business complex.

Size: maximum 150 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage; except on a site larger than 10 acres a total of two signs are allowed.
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D. Use on site: all other uses on a site that is less than or equal to 5 acres in size.

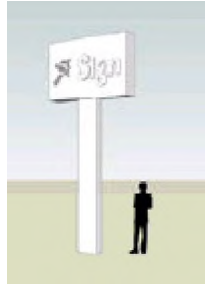
Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
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E. Use on site: all uses on a site greater than 5 acres.

Size: maximum 150 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street
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frontage; except on a site larger than 10 acres a total of two signs are allowed.

Pole Sign



A. Use on site: church, school, or public facility.

Size: maximum 48 square feet per sign face (up to two faces). Maximum Height: 18 feet.

Location/Number: One sign may be located adjacent each street frontage.

B. Use on site: Minor business complex.

Size: maximum 100 square feet per sign face (up to two faces). Maximum Height: 20 feet.

Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.

C. Use on site: Major business complex.

Size: maximum 130 square feet per sign face (up to two faces). Maximum Height: 26 feet.

Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.

D. Use on site: All other uses on a site that is less than or equal to 5 acres in size.

Size: maximum 48 square feet per sign face (up to two faces). Maximum Height: 18 feet.

Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage.

E. Use on site: All uses on a site greater than 5 acres.

Size: maximum 130 square feet per Maximum Height:

Location/Number: One sign; except one sign may be

sign face (up to two faces).

18 feet.

located adjacent each collector or arterial street frontage; except if the use is a church, school, or public facility one sign may be located adjacent each street frontage.

Wall Sign



A. Use on site: All uses.

Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Except as allowed below, each sign is limited to up to a maximum of 120 square feet.

Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.

Location/Number: One sign per building frontage for each business license on file with the City at that location.

The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage. Except as allowed below, each sign is limited to a maximum of 60 square feet.

If the building elevation area of a primary or secondary building frontage exceeds 5,000 square feet, the total maximum sign face area of each sign allowed on that frontage is 190 square feet.

Blade/Overhang Sign



A. Use on site: All uses.

Size: Each sign shall have a maximum sign face area of 48 square feet.

~~The total sign face area of all signs placed on a primary building frontage shall not exceed 12 percent of the building elevation area of the primary building frontage.~~

Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.

Location/Number: One sign per building frontage for each business license on file with the City at that location.

Bulletin Board



A. Use on site: church, school, or public/semi-public facility.

Size: bulletin board may encompass up to 75 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

B. Use on site: all other uses.

Size: bulletin board may encompass up to 50 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

Electronic Message Board



A. Use on site: all uses.

Size: electronic message board may encompass up to 25 percent of sign face area.

Maximum Height: Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. of sign.

Awning Sign or Canopy Sign



A. Use on site: all uses.

Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller. ~~The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.~~

~~The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the~~

Maximum Height: shall not project above the roof line.

Location/Number: One sign per awning or canopy. ~~building frontage for each business license on file with the City at that location.~~ Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½-foot clearance shall be provided between grade and bottom of sign.

~~secondary frontage, up to a
maximum of 60 square feet.~~

Marquee Sign

A. Use on site: not permitted for any use.

Window Sign



A. Use on site: all uses.

Size: maximum 15 percent of total window area.

Maximum Height: Location/Number: Only allowed in ground floor or determined by height 2nd floor windows.
of window.

Table 3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc)

Monument Sign



A. Use on site: Church, school, or public facility.

Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign may be located adjacent each street frontage.
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B. Use on site: Minor business complex.

Size: maximum 100 square feet per sign face (up to two faces).	Maximum Height: 12 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
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C. Use on site: Major business complex.

Size: maximum 150 square feet per sign face (up to two faces).	Maximum Height: 12 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
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D. Use on site: all other uses.

Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
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Pole Sign



A. Use on site: church, school, or public facility.

Size: maximum 48 square feet per sign face (up to two faces).

Maximum Height: 18 feet.

Location/Number: One sign may be located adjacent each street frontage.

B. Use on site: Minor business complex.

Size: maximum 100 square feet per sign face (up to two faces).

Maximum Height: 20 feet.

Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.

C. Use on site: Major business complex.

Size: maximum 130 square feet per sign face (up to two faces).

Maximum Height: 26 feet.

Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.

D. Use on site: All other uses.

Size: maximum 48 square feet per sign face (up to two faces).

Maximum Height: 18 feet.

Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage.

Wall Sign



A. Use on site: All uses.

Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Except as allowed below, each sign is limited to up to a maximum of 120 square feet.

Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.

Location/Number: One sign per building frontage for each business license on file with the City at that location except that one major tenant per location may have up to two signs. For the purposes of this standard, a “major tenant” shall have more than 20,000 square feet of gross floor area.

~~The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.~~

The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage. Except as allowed below, each sign is limited to a maximum of 60 square feet.

If the building elevation area of a primary or secondary building frontage exceeds 5,000 square feet, the ~~total maximum~~ sign face area of each sign allowed on that frontage is 190 square feet.

Blade/Overhang Sign



A. Use on site: All uses.

Size: Each sign shall have a maximum sign face area of 48 square feet.

~~The total sign face area of all signs placed on a primary building frontage shall not exceed 12 percent of the building elevation area of the primary building frontage.~~

Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.

Location/Number: One sign per building frontage for each business license on file with the City at that location.

Bulletin Board



A. Use on site: church, school, or public/semi-public facility.

Size: bulletin board may encompass up to 75 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

B. Use on site: all other uses.

Size: bulletin board may encompass up to 50 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

Electronic Message Board



A. Use on site: all uses.

Size: electronic message board may encompass up to 25 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

Awning Sign or Canopy Sign



A. Use on site: all uses.

Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller. The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up

Maximum Height: shall not project above the roof line.

Location/Number: One sign per awning or canopy building frontage for each business license on file with the City at that location. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½-foot clearance shall be provided between grade and bottom of sign.

~~to a maximum of 120 square feet.~~

~~The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.~~

~~The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 60 square feet.~~

Marquee Sign



A. Use on site: all uses.

~~Size: The maximum sign face area for marquee signs of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.~~

~~The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.~~

~~Maximum Height: shall not project above the roof line or parapet wall, whichever is higher; however, the blade/overhanging portion of the sign may extend above the roof line or parapet wall.~~

~~Location/Number: One sign per primary building frontage for each business license on file with the City at that location. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½-foot clearance shall be provided between grade and bottom of sign.~~

Window Sign



A. Use on site: all uses.

Size: maximum 15 percent of total window area.

Maximum Height: Location/Number: Only allowed in ground floor or determined by height 2nd floor windows.
of window.

4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-cc)

Monument Sign



A. Use on site: Church, school, or public facility.

Size: maximum 40 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign may be located adjacent each street frontage.
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B. Use on site: Minor business complex.

Size: maximum 50 square feet per sign face (up to two faces).	Maximum Height: 12 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
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C. Use on site: Major business complex.

Size: maximum 65 square feet per sign face (up to two faces).	Maximum Height: 12 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
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D. Use on site: all other uses.

Size: maximum 40 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
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Pole Sign



A. Use on site: church, school, or public facility.

Size: maximum 40 square feet per sign face (up to two faces).

Maximum Height: 12 feet.

Location/Number: One sign may be located adjacent each street frontage.

B. Use on site: Minor business complex.

Size: maximum 50 square feet per sign face (up to two faces).

Maximum Height: 18 feet.

Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.

C. Use on site: Major business complex.

Size: maximum 65 square feet per sign face (up to two faces).

Maximum Height: 18 feet.

Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.

D. Use on site: All other uses.

Size: maximum 40 square feet per sign face (up to two faces).

Maximum Height: 12 feet.

Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage.

Wall Sign



A. Use on site: All uses.

Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Each sign is limited to up to a maximum of 60 square feet.

Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.

Location/Number: One sign per building frontage for each business license on file with the City at that location except that one major tenant per location may have up to two signs. For the purposes of this standard, a “major tenant” shall have more than 20,000 square feet of gross floor area.

~~The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.~~

~~The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12 percent of the building elevation area.~~

The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage Each sign is limited to up to a maximum of 30 square feet.

Blade/Overhang Sign



A. Use on site: All uses.

Size: Each sign shall have a maximum sign face area of 20 square feet.

~~The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12 percent of the building elevation area.~~

Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.

Location/Number: One sign per building frontage for each business license on file with the City at that location.

Bulletin Board



A. Use on site: church, school, or public/semi-public facility.

Size: bulletin board may encompass up to 75 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

B. Use on site: all other uses.

Size: bulletin board may encompass up to 50 percent of sign face area.

Maximum Height: determined by height

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

of sign.

Electronic Message Board



A. Use on site: all uses.

Size: electronic message board may encompass up to 25 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

Awning Sign or Canopy Sign



A. Use on site: all uses.

Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller. ~~The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area~~

Maximum Height: shall not project above the roof line or parapet wall, whichever is higher.

Location/Number: One sign per awning or canopy, building frontage for each business license on file with the City at that location. ~~Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½-foot clearance shall be provided between grade and bottom of sign.~~

~~of the primary building frontage, up to a maximum of 60 square feet.~~

~~The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.~~

~~The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 30 square feet.~~

Marquee Sign



A. Use on site: all uses.

~~Size: The maximum sign face area for marquee signs of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.~~

~~The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area~~

~~Maximum Height: shall not project more than 8 feet above the roof line or parapet wall, whichever is higher. The blade/overhang portion of the sign may extend above the roof line or parapet wall.~~

~~Location/Number: One sign per primary building frontage for each business license on file with the City at that location. Outer edge of sign shall be set back a minimum of 2 feet from a curb.~~

~~allowed.~~

Window Sign



A. Use on site: all uses.

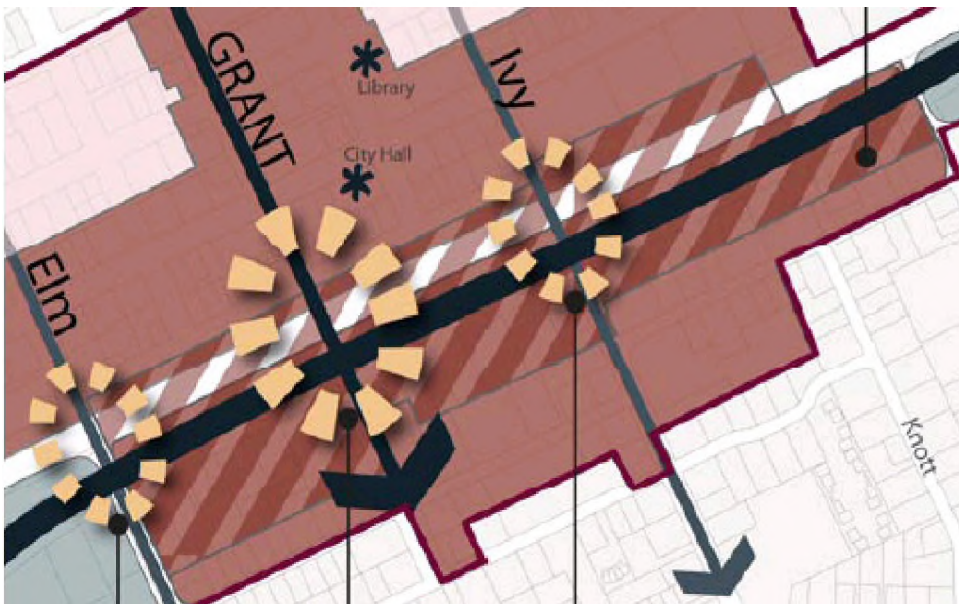
Size: maximum 15 percent of total window area.

Maximum Height: Location/Number: Only allowed in ground floor or determined by height 2nd floor windows. of window.

Table 5. Core Highway Frontage Sign Overlay Zone (CHFS)

A. The purpose of the Core Highway Frontage Sign Overlay is to have sign standards that are particularly applicable to properties in the Core Commercial sub-area of the Downtown Canby Overlay Zone that are located in close proximity to Hwy 99 E.

B. A Core Highway Frontage Sign Overlay Zone is established as illustrated by the striped pattern on the following map, and encompasses the following area:



Monument Sign



A. Use on site: Church, school, or public facility.

Size: maximum 48 square feet per sign face (up to two faces).

Maximum Height: 9 feet.

Location/Number: One sign may be located adjacent each street frontage.

B. Use on site: Minor business complex.

Size: maximum 100 square feet per sign face (up to two faces).

Maximum Height: 12 feet.

Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.

C. Use on site: Major business complex.

Size: maximum 130 square feet per sign face (up to two faces).

Maximum Height: 12 feet.

Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.

D. Use on site: all other uses.

Size: maximum 48 square feet per sign face (up to two faces).

Maximum Height: 9 feet.

Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.

Pole Sign



A. Use on site: church, school, or public facility.

Size: maximum 48 square feet per sign face (up to two faces).

Maximum Height: 18 feet.

Location/Number: One sign may be located adjacent each street frontage.

B. Use on site: Minor business complex.

Size: maximum 100 square feet per sign face (up to two faces).

Maximum Height: 20 feet.

Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.

C. Use on site: Major business complex.

Size: maximum 130 square feet per sign face (up to two faces).

Maximum Height: 26 feet.

Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.

D. Use on site: All other uses.

Size: maximum 48 square feet per sign face (up to two faces).

Maximum Height: 18 feet.

Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage.

Wall Sign



A. Use on site: All uses.

Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Each sign is limited to up to a maximum of 60 square feet.

Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.

Location/Number: One sign per building frontage for each business license on file with the City at that location except that one major tenant per location may have up to two signs. For the purposes of this standard, a “major tenant” shall have more than 20,000 square feet of gross floor area.

~~The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12 percent of the building elevation area.~~

~~The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.~~

The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage Each sign is limited to up to a maximum of 30 square feet.

Blade/Overhang Sign



A. Use on site: All uses.

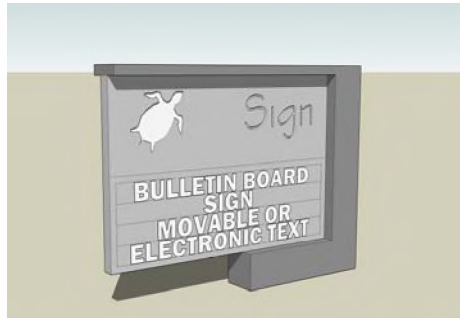
Size: Each sign shall have a maximum sign face area of 20 square feet.

~~The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12 percent of the building elevation area.~~

Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.

Location/Number: One sign per building frontage for each business license on file with the City at that location.

Bulletin Board



A. Use on site: church, school, or public/semi-public facility.

Size: bulletin board may encompass up to 75 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

B. Use on site: all other uses.

Size: bulletin board may encompass up to 50 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

Electronic Message Board



A. Use on site: all uses.

Size: electronic message board may encompass up to 25 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

Awning Sign or Canopy Sign



A. Use on site: all uses.

Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller. The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 60 square feet.

Maximum Height: shall not project above the roof line or parapet wall, whichever is higher.

Location/Number: One sign per awning or canopy building frontage for each business license on file with the City at that location. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½-foot clearance shall be provided between grade and bottom of sign.

~~The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.~~

~~The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 30 square feet.~~

Marquee Sign



A. Use on site: all uses.

Size: The maximum sign face area for marquee signs ~~of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of is~~ 120 square feet.

~~The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.~~

Maximum Height: shall not project above the roof line or parapet wall, whichever is higher. The blade/overhang portion of the sign may extend above the roof line or parapet wall.

Location/Number: One sign per primary building frontage ~~for each business license on file with the City at that location.~~ Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.

Window Sign



A. Use on site: all uses.

Size: maximum 25 percent of total window area.

Maximum Height: Location/Number: Only allowed in ground floor or determined by height of window. 2nd floor windows.

Table 6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-C), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc)

Monument Sign



A. Use on site: Church, school, or public facility.

Size: maximum 32 square feet per sign face (up to two faces).

Maximum Height: 7 feet. Location/Number: One sign may be located adjacent each street frontage.

B. Use on site: all other uses.

Size: maximum 32 square feet per sign face (up to two faces).

Maximum Height: 7 feet. Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.

Pole Sign



A. Use on site: church, school, or public/semi-public facility.

Size: maximum 32 square feet per sign face (up to two faces).

Maximum Height: 8 feet.

Location/Number: One sign may be located adjacent each street frontage.

B. Use on site: all other uses.

Size: maximum 32 square feet per sign face (up to two faces).

Maximum Height: 8 feet.

Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage.

Wall Sign



A. Use on site: church, school, or public/semi-public facility.

Size: The maximum sign face area for each wall sign is 60 square feet on a primary building frontage.

Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.

Location/Number: One sign per building frontage.

The maximum sign face area for each wall sign is 30 square feet on a primary building frontage. The

~~maximum sign face area of all signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage, up to a maximum of 30 square feet.~~

B. Use on site: All other uses.

Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 6 percent of the building elevation area of the primary building frontage. Each sign is limited to up to a maximum of 16 square feet.

Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.

Location/Number: One sign per building frontage for each business license on file with the City at that location. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from the wall on a building frontage abutting an alley).

The maximum sign face area of all wall signage allowed on a secondary building frontage is 4 percent of the building elevation area of the secondary building frontage. Each sign is limited to up to a maximum of 8 square feet.

Blade/Overhang Sign



A. Use on site: All uses.

Size: Each sign shall have a maximum sign face area of 6 square

Maximum Height: shall not project

Location/Number: One sign per building frontage for each business license on file with the City at that

feet. above the roof line location.
or top of the parapet
wall, whichever is
higher.

Bulletin Board



A. Use on site: church, school, or public/semi-public facility.

Size: bulletin board may encompass up to 75 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

B. Use on site: all other uses.

Size: bulletin board may encompass up to 50 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

Electronic Message Board



A. Use on site: all uses.

Size: electronic message board may encompass up to 25 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

Awning Sign or Canopy Sign



A. Use on site: commercial use, church, school, or public/semi-public facility.

Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller. The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 50 square feet.

Maximum Height: shall not project above the roof line or parapet wall, whichever is higher.

Location/Number: One sign per awning or canopy, building frontage for each business license on file with the City at that location. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½-foot clearance shall be provided between grade and bottom of sign.

The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 25 square feet.

B. Use on site: all other uses.

Size: not allowed.

Maximum Height: n/a.

Location/Number: n/a.

Marquee Sign

A. Use on site: all uses.

Size: not allowed.

Maximum Height: n/a.

Location/Number: n/a.

Window Sign



A. Use on site: all uses.

Size: maximum 15 percent of total window area.

Maximum Height: Location/Number: Only allowed in ground floor or determined by height 2nd floor windows.
of window.

Table 7. Canby Industrial Area Overlay Zone (I-O)

Monument Sign



A. Use on site: all uses in the M-1 zone or M-2 zone.

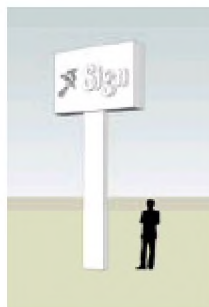
Size: may not exceed 32 square feet per sign face, or 64 square feet total. Maximum Height: 6 feet. Location/Number: One sign.

B. Use on site: all uses in the C-M zone.

Size: may not exceed 150 square feet per sign face, or 300 square feet total. Maximum Height: 30 feet.

Location/Number: One monument sign is allowed for a site up to 10 acres in size. Sites over 10 acres in size may be permitted a maximum of 2 signs, provided that only one sign per street frontage is allowed.

Pole Sign



A. Use on site: all uses.

Size: not allowed.

Maximum Height: n/a.

Location/Number: n/a.

Wall Sign



A. Use on site: all uses.

Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Each sign is limited to up to a maximum of 300 square feet.

Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.

Location/Number: Painted wall signs are prohibited. Internally illuminated box-style signs, also called can signs, are prohibited.

For other types of wall signs, one sign is permitted per building frontage for each business license on file with the City at that location.

The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage. Each sign is limited to up to a maximum of 190 square feet.

Blade/Overhang Sign



A. Use on site: All uses.

Size: Each sign shall have a maximum sign face area of 48 square

Maximum Height: shall not project above the roof line

Location/Number: One sign per building frontage for each business license on file with the City at that location.

feet.

or top of the parapet wall, whichever is higher.

~~The total sign face area of all signs placed on a primary building frontage shall not exceed 12 percent of the building elevation area of the primary building frontage.~~

Bulletin Board



A. Use on site: All uses.

Size: bulletin board may encompass up to 50 percent of sign face area.

Maximum Height: Location/Number: Only allowed as part of a determined by height permitted sign, as set forth in 16.42.040.C.2. of sign.

Electronic Message Board



A. Use on site: all uses.

Size: electronic message board may encompass up to 25 percent of sign face area.

Maximum Height: Location/Number: Only allowed as part of a determined by height permitted sign, as set forth in 16.42.040.C.2. of sign.

Awning Sign or Canopy Sign



A. Use on site: all uses.

Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller. ~~The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.~~

Maximum Height: shall not project above the roof line or parapet wall, whichever is higher.

Location/Number: One sign per awning or canopy building frontage for each business license on file with the City at that location. ~~Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½-foot clearance shall be provided between grade and bottom of sign.~~

The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 60 square feet.

Marquee Sign

A. Use on site: all uses.

Size: not allowed.

Maximum Height: n/a.

Location/Number: n/a.

Window Sign



A. Use on site: all uses.

Size: maximum 15 percent of total window area.

Maximum Height: determined by height of window. Location/Number: Only allowed in ground floor or 2nd floor windows.

(Ord 1299, 2008)

16.42.060 Automobile service station sign standards.

The purpose of service station sign requirements is to control sign clutter for service stations so the traveling public can clearly identify the service station and the services and goods it offers.

A. No sign other than detailed in this Section shall be displayed on a lot on which an automobile service station is located. In the event that a conflict exists between this Section and the sign standards set forth in other sections of this Chapter, the standards in this section shall prevail.

1. Permitted signage includes one of the following options:

- a. One pole sign, and one wall sign, and window signs, and temporary signs; or
- b. Two wall signs, and window signs, and temporary signs.

2. Pole sign standards:

- a. Maximum area: 48 square feet total for a single-faced sign; 96 square feet total for a double-faced sign.
- b. Maximum height: 18 feet.



c. A bulletin board or electronic message board may encompass up to 75 percent of the sign face area of a pole sign.

3. Wall sign standards:

a. Maximum area: 120 square feet per sign.

b. Maximum height: Sign shall not project above the roof line or parapet wall, whichever is higher.

c. A bulletin board or electronic message board may encompass up to 25 percent of the sign face area of a wall sign.

4. Window sign standards: Maximum of 25 percent of total window area.

5. Temporary sign standards: Except during a service station grand opening, which may occur only once during a single ownership, and for a period of time not to exceed 30 consecutive days, pennants, streamers, or lawn signs shall not be permitted. Other types of temporary signs are permitted as set forth in Section 16.42.025.C. (Ord. 1299, 2008)

16.42.070 Measurements.

The requirements described in the following subsections are illustrated further in Figures 1 through 8.

A. Area.

1. Sign area shall be measured within lines drawn between the outermost dimensions of the frame or cabinet surrounding the display area containing the sign copy.

2. When signs are not framed or on a base material, and are inscribed, painted, printed, or otherwise placed upon, or attached to a structure, the sign area is the smallest possible space enclosing the sign copy that can be constructed with straight lines.

3. Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area.

4. Where signs are constructed in multiple separate pieces containing sign copy, sign face area for each piece is determined by a perimeter drawn in straight lines, as small as possible, around all pieces. The sum of the area of the separate pieces shall constitute the sign area.

B. Height. The height of a sign above grade is measured from the average level of the grade below the sign to the topmost point of the sign, including support structure.

C. Clearance. Clearance is measured from the average grade below the sign to the lowermost point of the sign.

D. Spacing. For the purposed of applying spacing requirements, distances shall be measured parallel to the centerline of the adjacent street or highway. (Ord 1299, 2008)

Figure 1

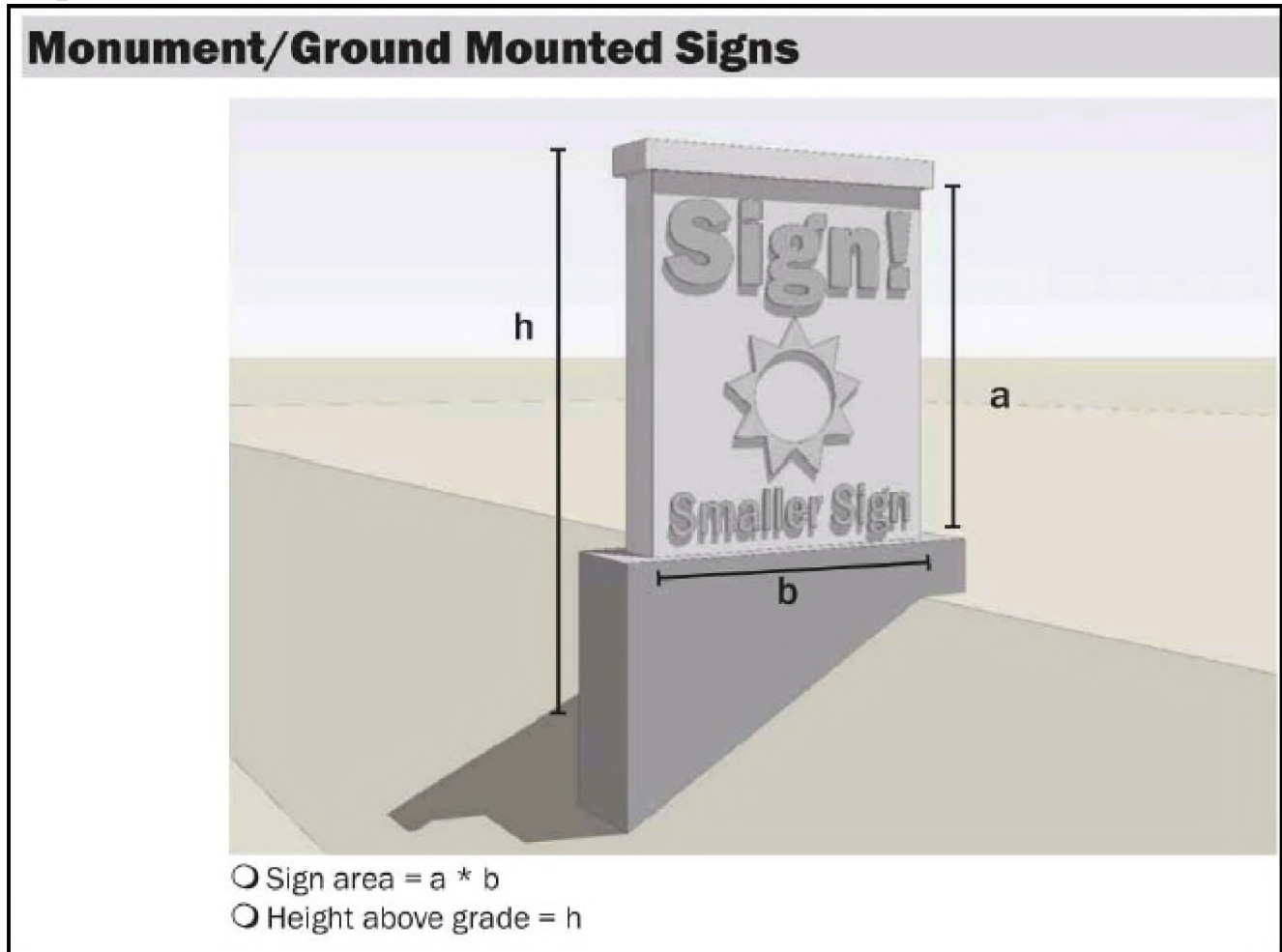


Figure 2

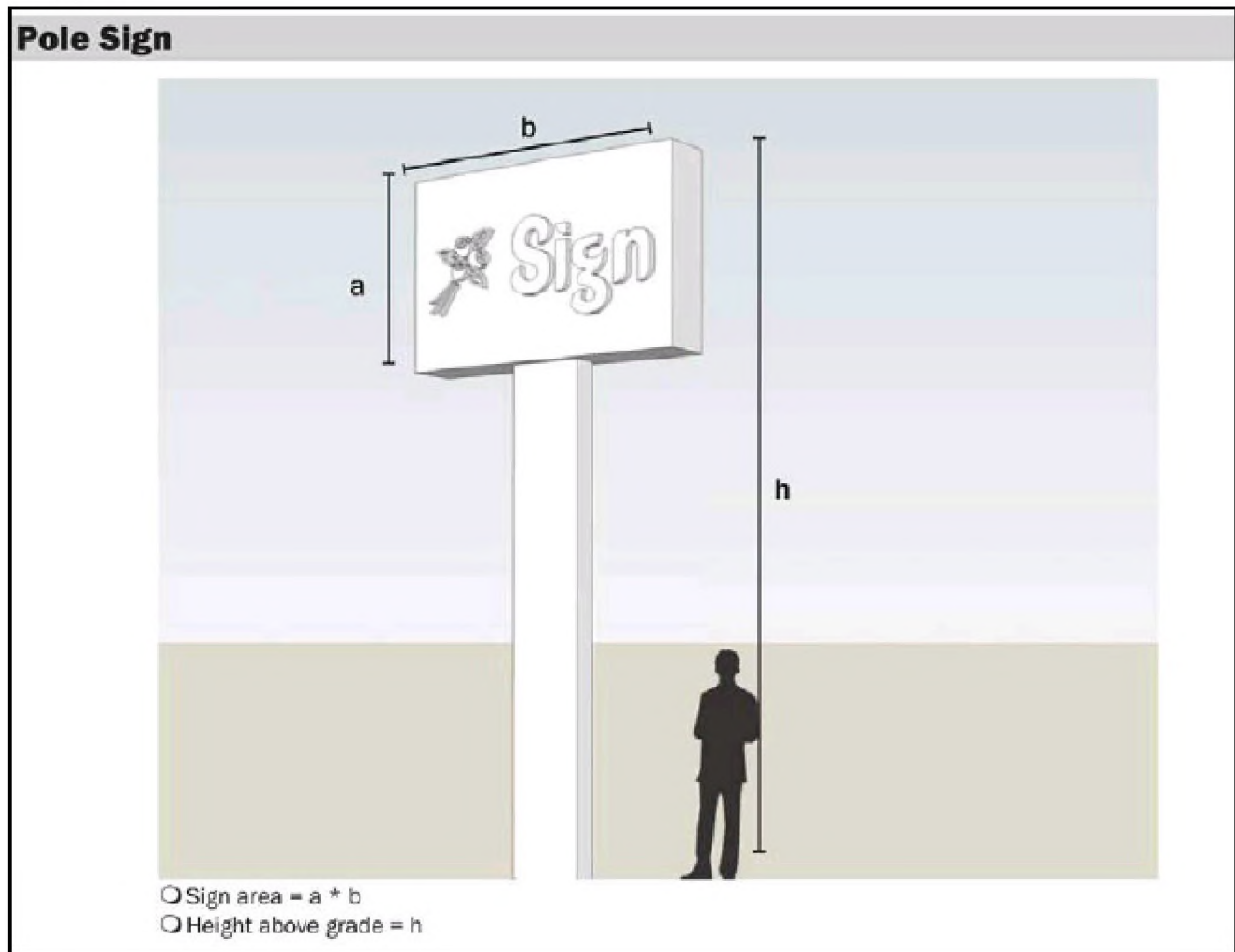


Figure 3

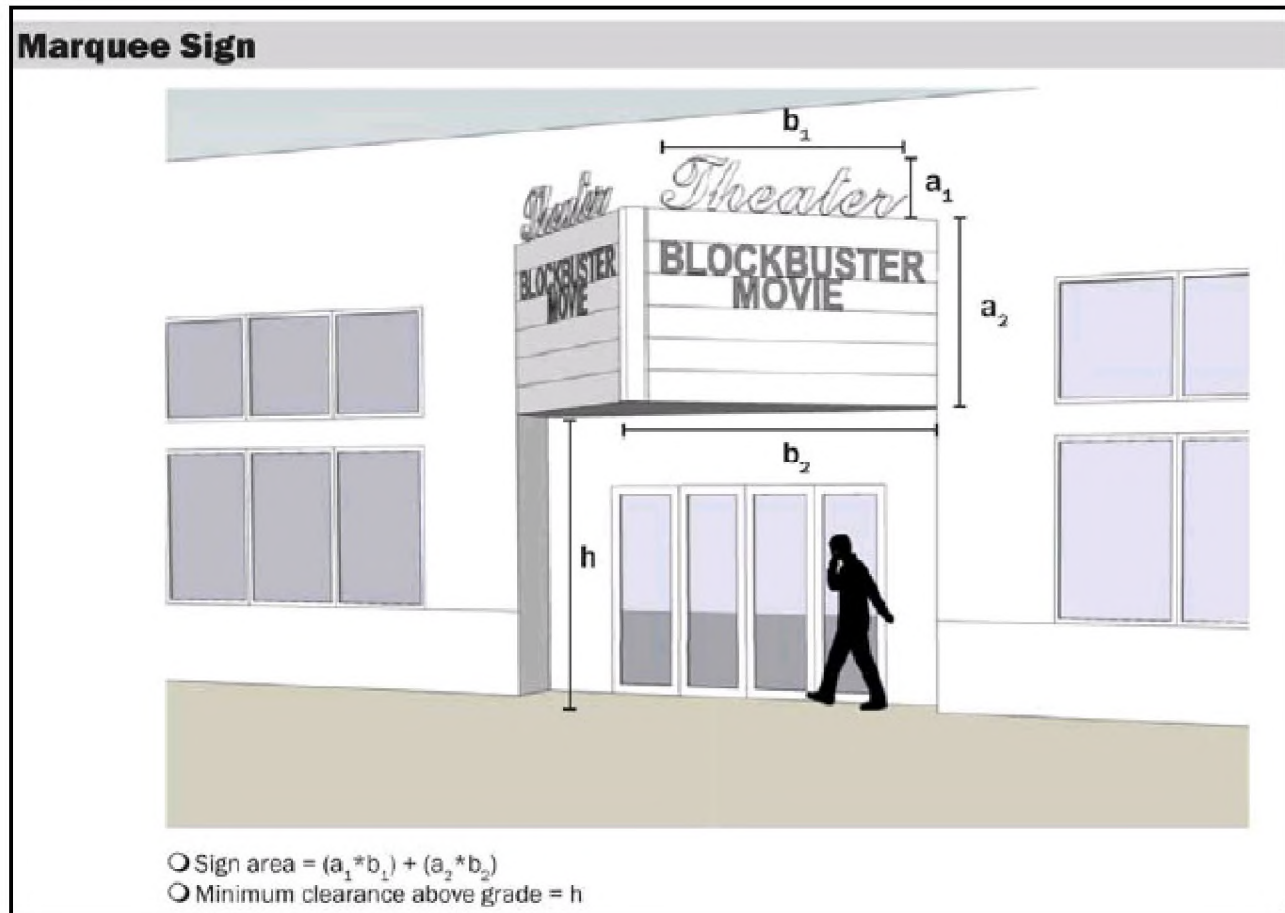


Figure 4

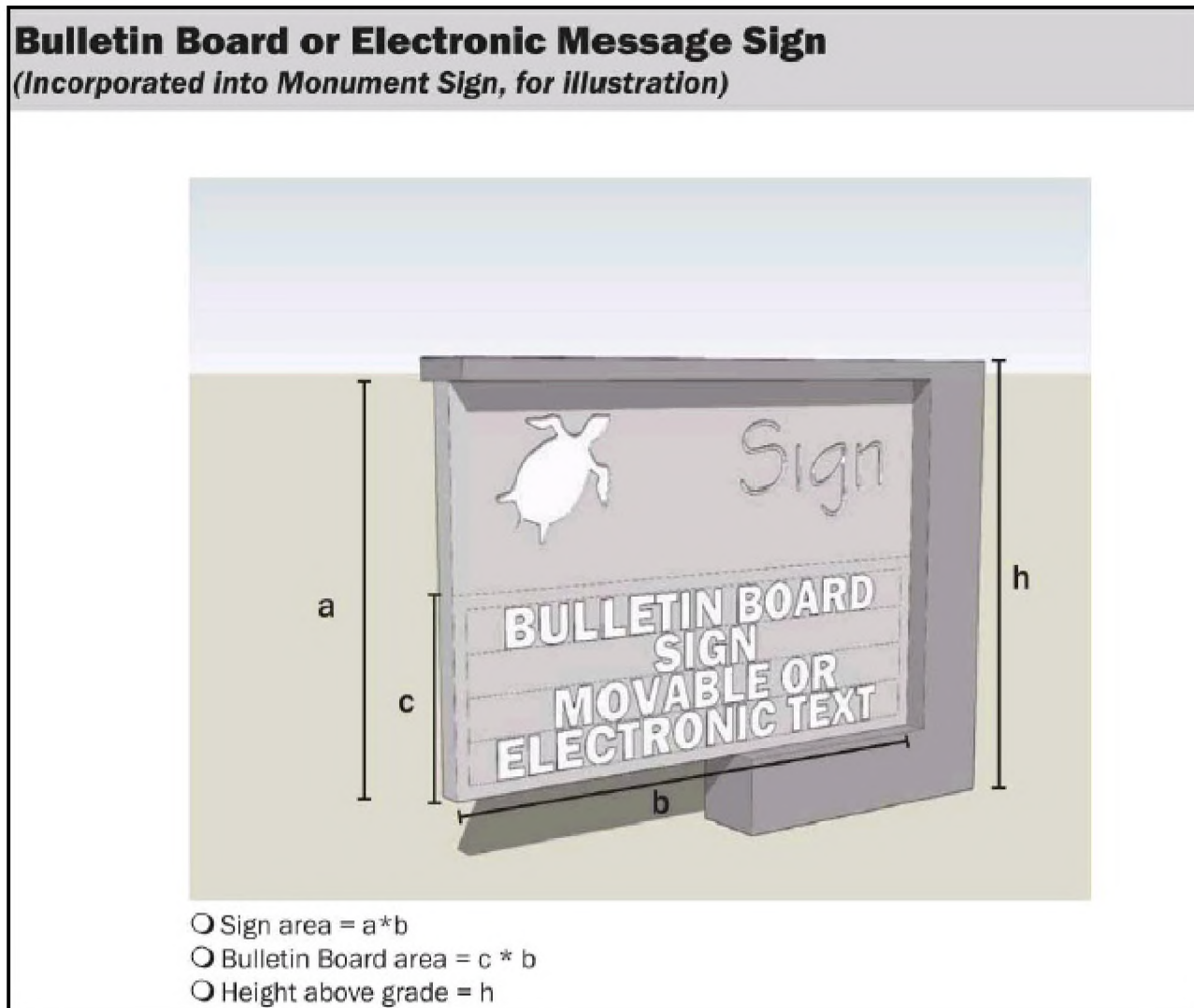


Figure 5

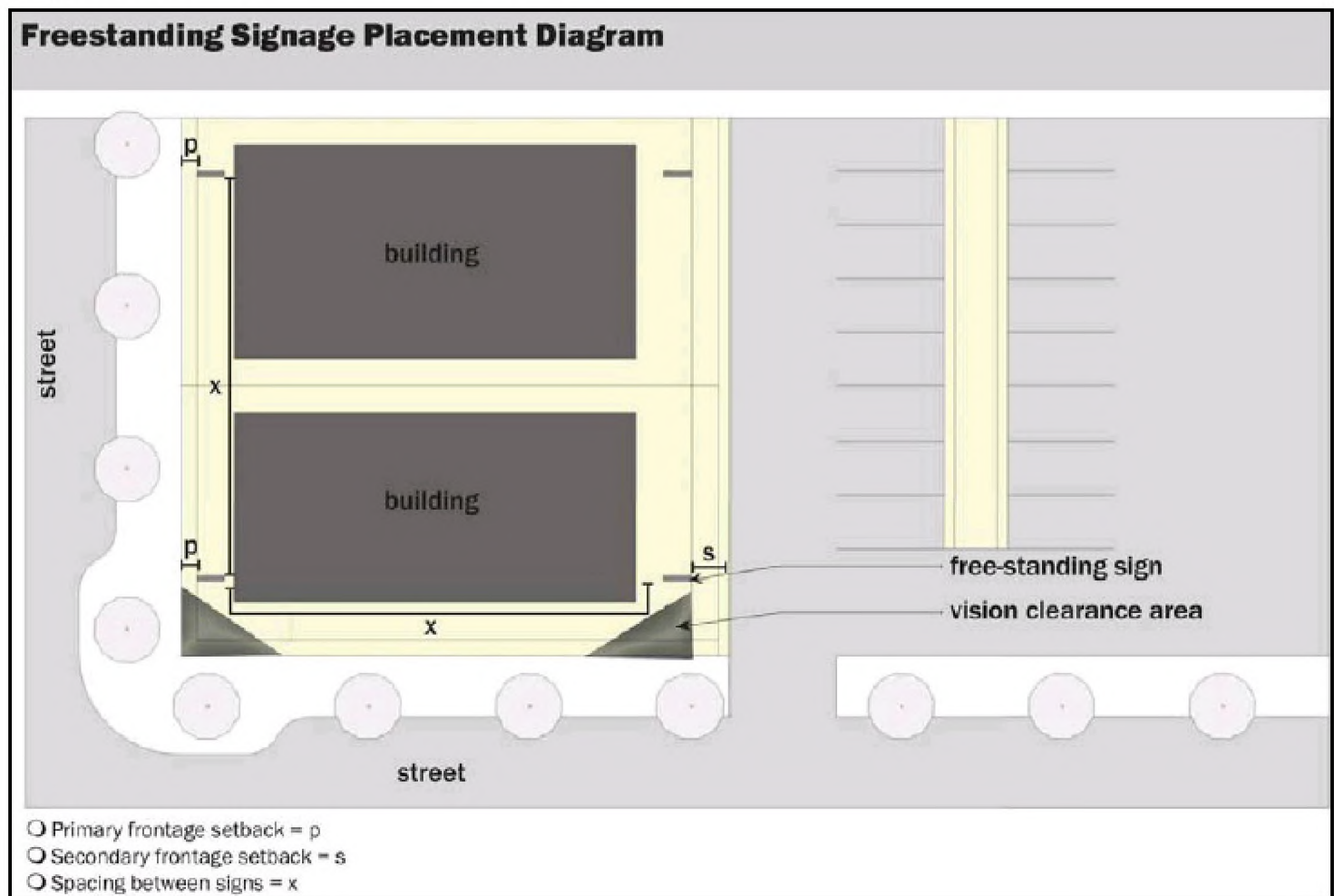


Figure 6

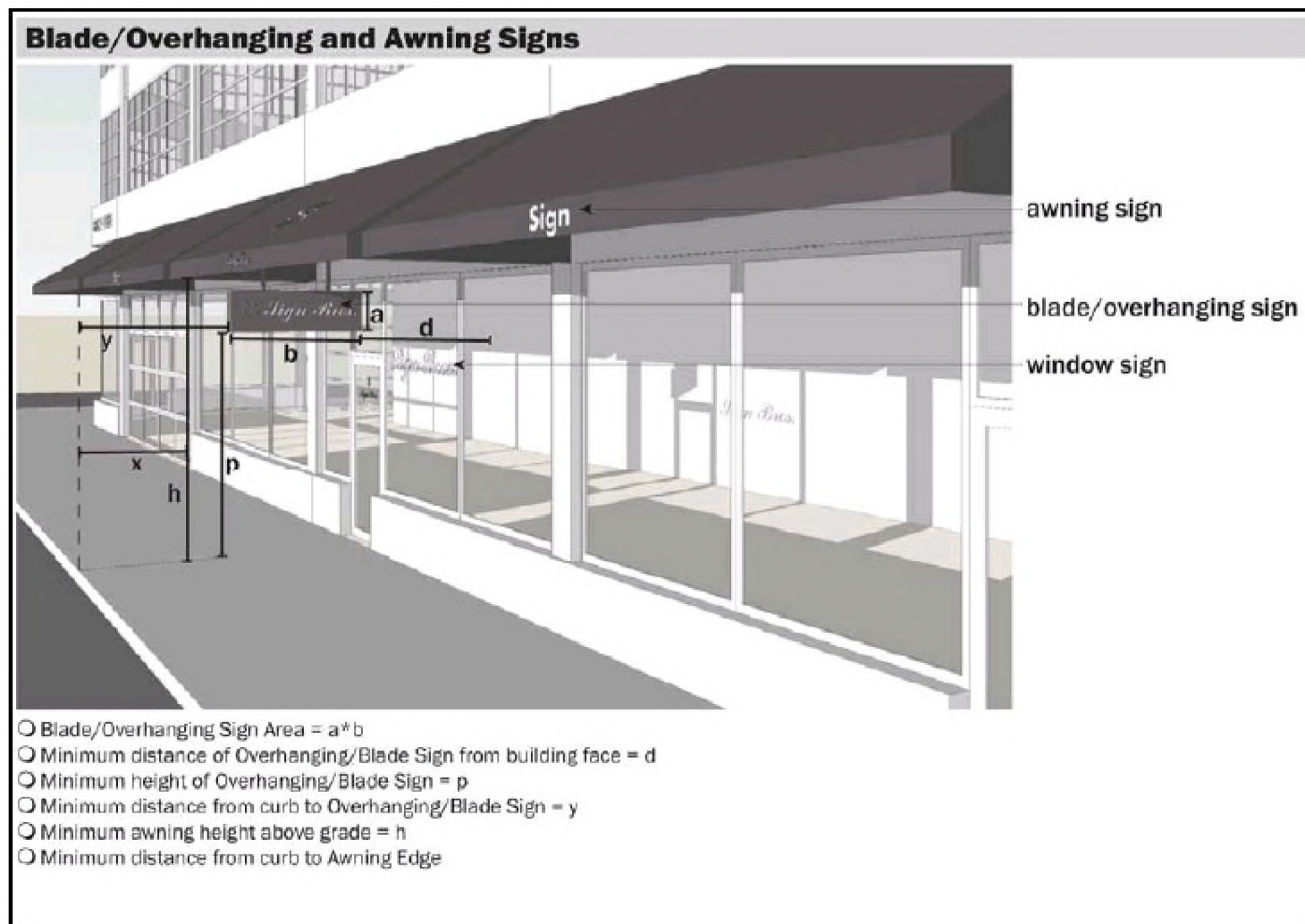


Figure 7

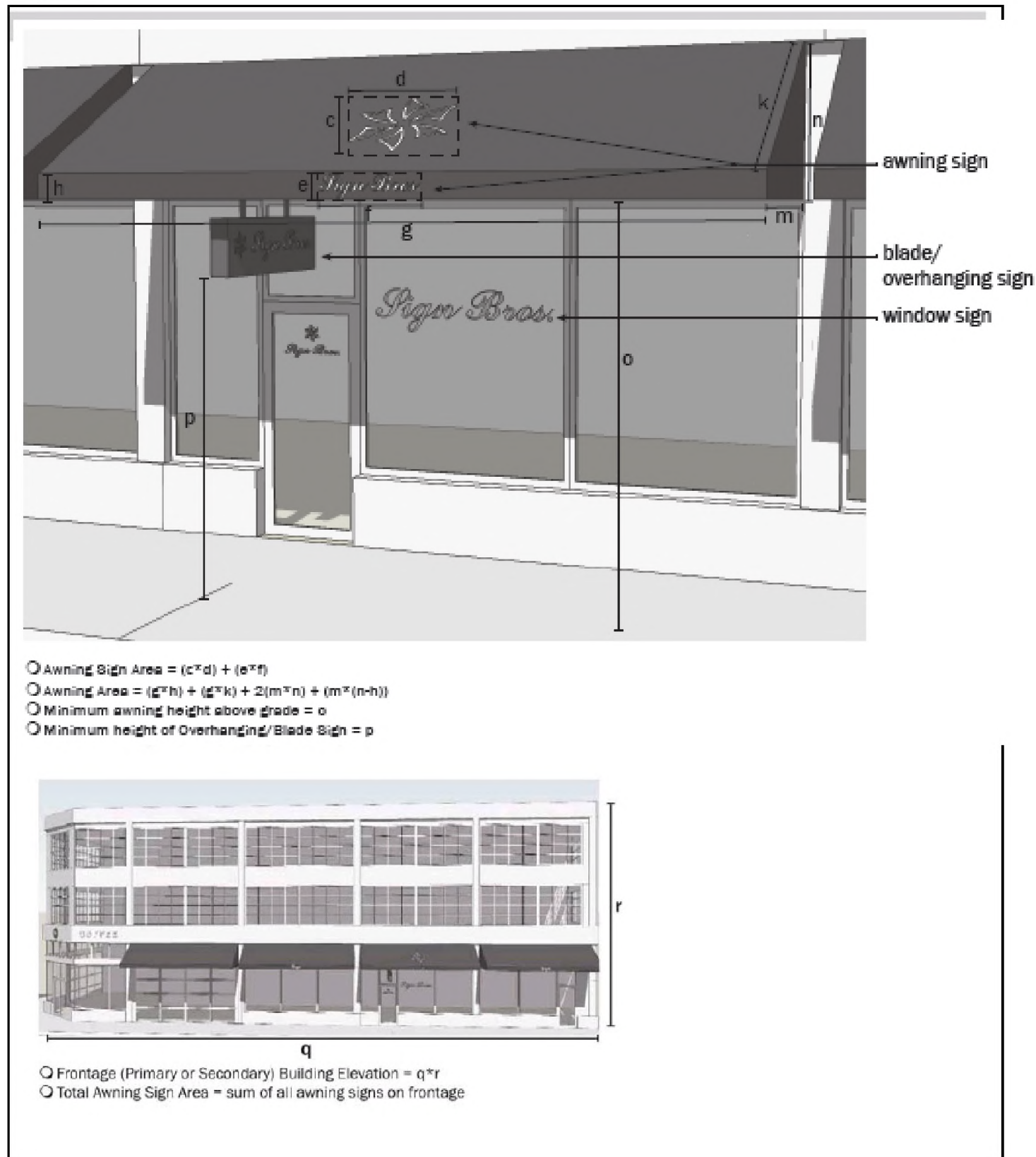
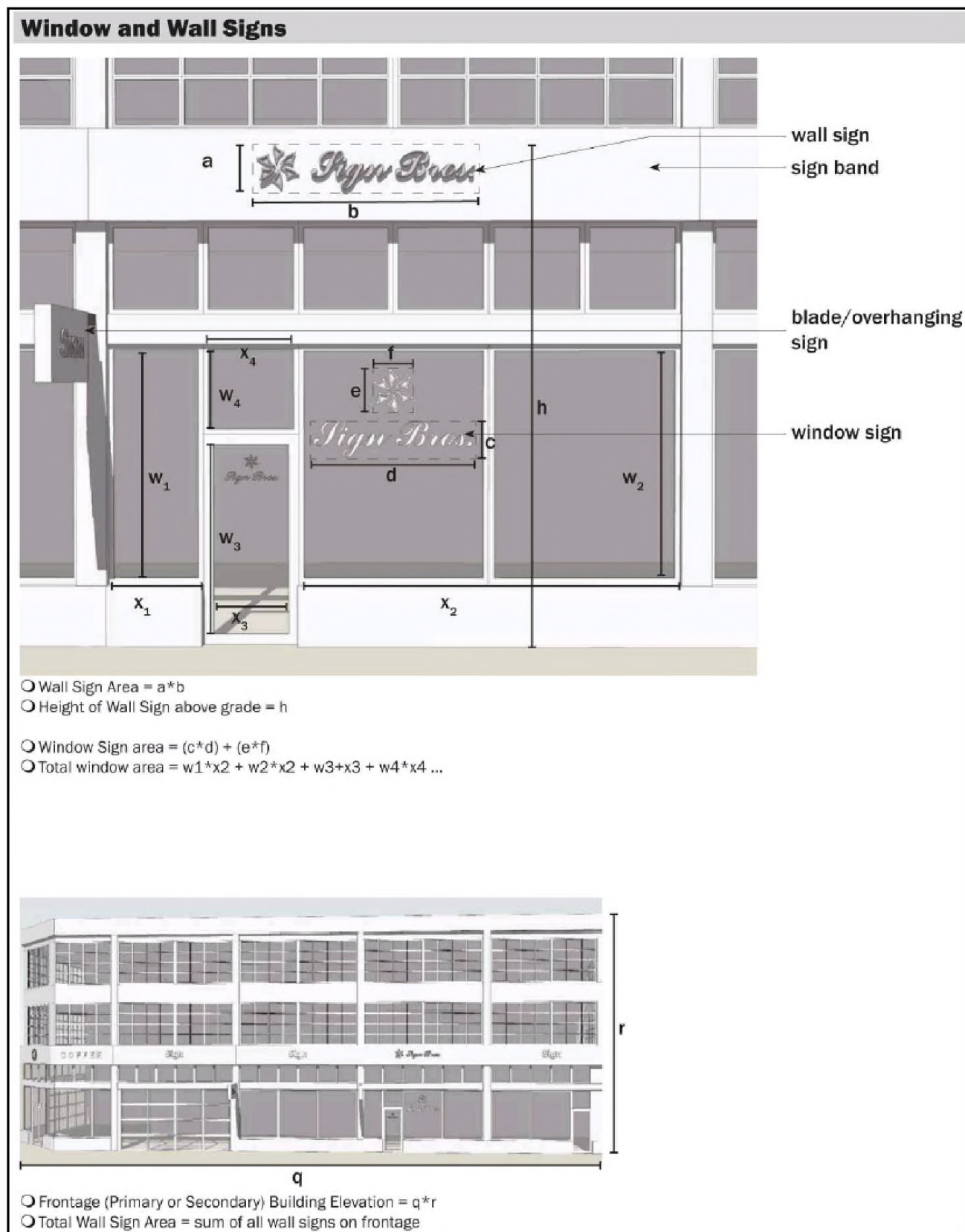


Figure 8





[Figures 1- 8 available as PDF document](#)

(Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989; Ord. 802 section 5, 1987; Ord. 840 section 10.3.40(J), 1984; Ord. 1299, 2008)

16.42.140 Severability

Invalidity of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections. (Ord. 913 section 1[part], 1994; Ord 1237, 2007; Ord. 1299, 2008)

Chapter 16.53

VARIANCES

16.53.015 Minor Sign Variance.

A. Authorization. The City Planner may authorize a Minor Variance from the requirements of this title for signage where variation from the strict application of the regulations of this title is warranted by reason of exceptional circumstances and specified conditions. In granting a Minor Sign Variance, the City Planner may attach conditions which he finds necessary to protect the welfare of the City and otherwise achieve the purposes of this title.

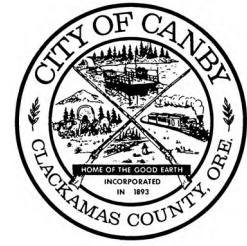
B. Procedure. The following Minor Sign Variance requests shall be reviewed using a Type II procedure as set forth for minor variances in Chapter 16.89. Application shall be made on forms provided by the Planning Department. Following review, a Minor Sign Variance request shall be approved, approved with conditions, or denied, based upon findings of conformance with the criteria set forth in subsection C.

1. Up to a 10 percent variance from a single numeric standard regulating the location, height, or size of a sign.
2. Variance from more than one numeric standard regulating the location, height, or size of a sign, where the sum of all the variance percentages does not exceed ten.

C. Standards and Criteria. A Minor Sign Variance may be granted if the applicant demonstrates all of the following criteria are met:

1. The variance is required due to the lot configuration or other physical conditions of the site;
2. The variance is proposed in order to preserve trees, or will not result in the removal of significant natural resources, including trees;
3. The variance will not reduce allowable lot size, violate landscaping requirements, or result in a violation of other chapters or sections of this ordinance; and
4. The variance will not be materially detrimental to other property within the same vicinity.

D. Major Variance. A request for a variance in excess of the limitations set forth in 16.53.015.B shall be reviewed using a Type III procedure as set forth for major variances in this Chapter and in Chapter 16.89.



PLANNING COMMISSION STAFF REPORT

TITLE: A CANBY MUNICIPAL CODE AMENDMENT, specifically amending the Land Development & Planning Ordinance (Title 16.42) pertaining to Sign Code Regulations

APPLICANT: City of Canby

FILE #: TA 10-03

STAFF: Bryan C. Brown, Planning Director

REPORT DATE: September 1, 2010

HEARING DATE: September 13, 2010

I. APPLICATION SUMMARY

Text Amendment Objective: Planning staff initiated this proposed sign code amendment with acknowledgement from both the Planning Commission and City Council that their would need to be a follow through commitment for a review and evaluation of the new sign ordinance that was completed in December, 2008, adopted by Ordinance No. 1299, and implemented in 2009. This text amendment to the Land Development and Planning Ordinance (Title 16.42) was seen as a necessary and desirable way to address a variety of issues that have arose through the daily application of the regulations within the past year or so.

The stated project objectives of this sign code amendment was to follow through on an evaluation commitment after working with the new code, address administrative issues, improve clarity and consistency, and incorporate recommendations for improvement collected from the business community and residents since using the new code. The proposed revisions address: the number and square footage of commercial tenant wall signage allowed, a change to temporary sign limitations and establishment of a non-cost system for registering temporary signs, a change in marquee sign measurement, an alteration to blade and awning size limitations and to the vertical clearance standard, the addition of a cross reference to the design standards, simplification and clarification of sign right-of-way encroachment requirements, and an improvement and consistency of the graphic representations.

Process: The city obtained assistance in the crafting of the original new sign ordinance from the Angelo Planning consultant group. We felt it would be advantages to solicit their help in this timely follow-up review to address and resolve issues that have arose during implementation of

the code. The revisions proposed have been reviewed and are supported by the Sign Code Committee members, citizens of which were drawn from the membership of the original sign code drafting committee. The committee members included: Bev Doolittle, Bob Westcott, Ryan Oliver, and staff members Matilda Deas, Catherine Comer, Kari Iness, and Bryan Brown. Matt Hastie with Angelo Planning Group solicited a list of issues needing to be addressed from staff and the sign committee members and helped to formulate alternative solutions for evaluation. Upon agreement, he drafted proposed code language revisions for review. The committee met three times and five versions of the draft code amendments have been provided.

On July 26 the Planning Commission held a work session to review Draft 4 of the proposed code amendments. A revised final Draft 5 version was then produced reflecting the following input received by the Planning Commission, which was very positive in moving forward toward adoption:

Determine if we have any limits on the height of balloon signs. If we don't identify appropriate limitations.

Update Figure 7 (measurement of awning signs) to reflect the new size standards for those signs, including defining "primary surface" as needed.

Review proposed new graphics and provide a photo of the Canby Cinema marquee sign as an example of that type of sign.

II. APPLICABLE CRITERIA

A Title 16 text amendment is a legislative land use amendment. In judging whether or not Title 16 should be amended, the Planning Commission and City Council shall consider the following approval criteria:

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; and
5. Statewide planning goals.

III. PUBLIC COMMENT

Notice of the September 13, 2010 Planning Commission meeting and public hearing for TA-10-03 was posted at City Hall and at the Canby Public Library on September 1, 2010. Notice of the public hearing was also published in the September 1, 2010 edition of the Canby Herald. No public comments have been received as of the date of preparation of this staff report.

IV. FINDINGS

Staff recommends that Planning Commission consider the following findings in its review of this proposed Text Amendment:

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.

Citizen Involvement: The proposed text amendment fine tunes the application of the existing sign code. The sign code standards are based upon non-discretionary standards or regulations. Citizen input was a major component of the original adoption of these regulations in December of 2008. Members of the original sign code committee were brought back to review the proposed “fixes” contemplated to the code at this time. No direct citizen involvement is necessary at the time that sign permits are applied for and issued since little to no discretion is involved in determining whether the regulations have been met. The amendment process has included a citizen input component and the sign permit process remains unchanged and continues to align with the Canby Comprehensive Plan citizen involvement policy that “Canby shall strive to eliminate unnecessarily costly, confusing, and time consuming practices in the development review process.” A new business friendly process will eliminate the separate requirement for encroachment permits that hang over the public sidewalk while retaining the ability to have them removed if necessary.

Land Use Planning: The proposed text amendment continues to provide a means for the permitting of signs in a manner unique to the particular base zoning district or overlay district involved. This is in line with the Canby Comprehensive Plan land use policy that “Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.” The land use element of the Plan strives for land use development which is orderly, efficient, aesthetically pleasing, and suitably related to one another. The proposed amendments do not alter this goal of the original sign ordinance, but furthers it with standards unique to the zoning or location in town.

Environmental Concerns: The permitting of signage is not likely to impact environmental regulations, but is not exempt from meeting applicable environmental regulations. This is in line with all of the Canby Comprehensive Plan land use policies regarding environmental concerns.

Transportation: The proposed text amendment continues to regulate proposed signage in a manner that does not adversely impact the Comprehensive Plan transportation element to maintain a transportation system which is safe, convenient and economical. A new more administratively friendly process is proposed for handling signage which extends over the public right-of-way which eliminates an encroachment permit but retains the city’s right of removal and the property owner’s liability and responsibility for the signage over time. This is in line with the Canby Comprehensive Plan transportation policies that “Canby shall work to provide an adequate sidewalk and pedestrian pathway system clear of any obstructions to serve all residents.”

Public Facilities and Services: This comprehensive plan element is not particularly applicable to the proposed text amendment. The sign regulations remain to be designed to insure that they do not impact water, wastewater, storm drainage, or transportation facilities and services.

Economic: The proposed text amendment provides a process for allowing signage which is in line with the Canby Comprehensive Plan economic policy that “Canby shall encourage programs and projects which will lead to an increase in local employment opportunities.” The main issues which brought forward this code amendment was a desire to provide needed relief and greater flexibility to allow wall signs in certain circumstances where they were previously excluded. Through a proposed change that eliminates the maximum overall percentage and square footage limits for wall signs for multi-tenant buildings and specifically allowing each tenant space some signage the potential negative economic impacts of the sign regulations will be ameliorated.

Housing: This comprehensive plan element is not particularly applicable to the proposed text amendment, because the manner in which signage is permitted in different zoning districts will not displace nor affect housing in the City.

There is a public need for the change. It was contemplated that with adoption of the new sign code in December, 2010 that it would be necessary to evaluate how it was achieving the desired goals that went along with its adoption along with an assessment in how responsive the code has been to serving the basic needs of the business community. An evaluation of its administrative efficiency was also deemed useful. The proposed amendments will significantly assist some businesses to obtain necessary wall signage in unique multi-tenant situations, significantly reduce permitting hassles when obtaining sign permits that hang over into the public right-of-way space (downtown sidewalks), improve the enforceability of temporary signage through a registration process, improve consistency and usability for applicants through improved graphics, increase the opportunity for use of temporary signs, allow two wall signs rather than one for large tenant spaces over 20,000 square feet in size, and alter the manner in which marquee signs are measured. The City finds that there is a public need to adopt these proposed sign code standards.

The proposed change will serve the public need better than any other change which might be expected to be made. The standards being altered and other adjustments to the code proposed are the best means of insuring that the City’s sign code is carried out in a manner that is fair to business interests while enhancing the community without creating negative impacts. There is no other change which would better carry out these purposes, as recommended by staff and the sign code committee.

The proposed change will preserve and protect the health, safety, and general welfare of the residents in the community, by maintaining a permitting process and standards in place to regulate and control the type, size, and location of signage so that they are carried out in a manner that enhances the community and does not create negative impacts.

The proposed amendment complies with applicable Statewide Planning Goals, as it is considered to conform to the City’s acknowledged Comprehensive Plan as indicated above. More specifically, this land use code text amendment complies with Goal #1 (Citizen Involvement), Goal #2 (Land Use Planning), Goal 9 (Economic Development), and Goal 12 Transportation.

Goal #1 Citizen Involvement: The proposed text amendment is a Type I application review process for sign permits is based solely upon non-discretionary regulations. Citizen involvement in this text amendment included a sign code review committee and has provided for a public hearing process when the regulations were originally created and as they are now proposing to be amended. This complies with the Statewide Planning Goal concerning citizen involvement. The proposed text amendment provides a means for permitting signs in a manner unique to the particular base zoning district or overlay district involved.

Goal #2 Land Use Planning: The proposed text amendment continues to provide a means for the permitting of signs in a manner unique to the particular base zoning district or overlay district involved. This is in line with the City's development preferences as represented with the land use zoning map and other elements of the Comprehensive Plan. The sign code in general assists in the orderly, efficient, and aesthetically pleasing allowance of signage within the community. This conforms to the intent of the State land use planning goal.

Goal #9 Economic Development: The proposed text amendment provides a process for allowing signage which is in line with the Canby Comprehensive Plan economic policy that "Canby shall encourage programs and projects which will lead to an increase in local employment opportunities." The main issues which brought forward this code amendment was a desire to provide needed relief and greater flexibility to allow wall signs in certain circumstances where they were previously excluded. Through a proposed change that eliminates the maximum overall percentage and square footage limits for wall signs for multi-tenant buildings and specifically allowing each tenant space some signage the potential negative economic impacts of the sign regulations will be ameliorated. The primary impetus for the text amendment is to appropriately address the economic interests of the community with regard to how "wall signage" standards are applied. The results create a more flexible environment that will assist certain business operations in obtaining a wall sign that would have previously been prohibited.

Goal #12 Transportation: The proposed text amendment continues to regulate proposed signage in a manner that does not adversely impact the Comprehensive Plan transportation element to maintain a transportation system which is safe, convenient and economical. A new more administratively friendly process is proposed for handling signage which extends over the public right-of-way which eliminates an encroachment permit but retains the city's right of removal and the property owner's liability and responsibility for the signage over time. This is in line with the Canby Comprehensive Plan transportation policies that "Canby shall work to provide an adequate sidewalk and pedestrian pathway system clear of any obstructions to serve all residents."

V. PROPOSED AMENDMENT

The proposed code amendment language is indicated in Exhibit A attached below. Deleted text is illustrated in strikethrough font, while added text is illustrated with a double underlined format.

VI. RECOMMENDATION

Based upon the findings and conclusions presented in this staff report, and without benefit of a public hearing, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for **TA 10-03**, an amendment to the sign ordinance regulations.

Recommended Motion: *I move that the Planning Commission recommend that City*

Council approve TA 10-03, based on the record of the September 13th Planning Commission public hearing and findings in the September 1, 2010 Planning Commission staff report.

VII. NEXT STEPS

1. Following close of public hearing, Planning Commission will make a recommendation to the City Council concerning adoption of the proposed text amendment, including recommended findings;
2. The City Council will make their decision based on the record of the Planning Commission's hearing and deliberations, and may do so without benefit of a new public hearing (though the Council may hold a public hearing with proper notice if it so chooses).

Exhibit A: Proposed Text Amendment Revisions for CMC Chapter 16.42

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – September 27, 2010
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Dan Ewert, Commissioners Chuck Kocher, Misty Slagle and Randy Tessman

ABSENT: Commissioners Jan Milne, Sean Joyce and John Proctor

STAFF: Bryan Brown, Planning Director; Matilda Deas, AICP, Project Planner; Markus Mead, Associate Planner; Jill Thorn, Planning Staff; Matt Hastie of Angelo Planning Group; Consultant; and Rachel Ferdaszewski, Department of Land Conservation and Development

OTHERS

PRESENT: None

CALL TO ORDER

Bryan Brown introduced Markus Mead, Associate Planner to the Commission.

CITIZEN INPUT **None**

PUBLIC HEARINGS

a. Sign Code Revisions of Chapter 16.42 of Canby Municipal Code TA 10-03 –
The purpose of the proposed sign code amendments is to follow through on an evaluation commitment after working with the new code, address administrative issues, improve clarity and consistency, and incorporate recommendations for improvement collected from the business community since using the new code. Proposed revisions address: number and square footage of commercial tenant wall signage allowed, change to temporary sign limitations and establishment of system for registering same, change in marquee sign measurement, alteration to blade and awning size limitation and vertical clearance, add cross reference to design standards simplify and clarify sign right-of-way encroachment requirements, and improve consistency of graphic representation.

Chair Ewert read the public hearing format.

Bryan Brown, Planning Director, entered the September 1, 2010, staff report into the record. He stated that one written comment had been received from the Oregon Department of Transportation (ODOT) regarding OMIA requirements that signs visible on Highway 99E must be approved by ODOT.

Matt Hastie presented an overview of the proposed changes and modifications.

Commissioner Ewert asked about lighting on digital signs. Mr. Hastie said there had been no changes on electronic message signs and currently there is no color restriction.

Commissioner Ewert asked about the size and brightness of the Canby Cinema sign. Mr. Hastie said that a variance had been granted.

Commissioner Tessman inquired about when a national retailer comes to town, what type of variance is in the code to help them meet the requirements with a national logo. Mr. Hastie said that a change of 10% or less would be a minor variance and the same criteria for a major variance would apply when the issue would be before the Planning Commission.

Commissioner Tessman asked where garage sales signs fit into this code and would directional signs for garage sales be allowed. Mr. Brown said that directional signs are not permitted.

Commissioner Tessman asked about enforcement procedures for people who don't remove garage sale signs after the sale. Mr. Hastie said that was not an issue that was discussed on this round of changes.

Mr. Brown said that code enforcement would be responsible for picking the signs up.

Commissioner Ewert wondered if any changes had been made for "lollipop" signs on Highway 99E. Mr. Hastie stated that in the original sign code revisions, the committee had discussed the issue, but had not made significant changes.

Chair Ewert closed the public hearing.

Commissioner Slagle moved that the Planning Commission recommend to the City Council approval of TA 10-03, based on the record of the September 27th Planning Commission public hearing and findings in the September 1, 2010 Planning Commission staff report and modifications to the language to require garage sale signs to be removed within 24 hours of the close of the sale and clarify in the code the ODOT requirements for sign approval visible on Highway 99E.. It was seconded by Commissioner Tessman. The motion passed 4-0.

b. Canby Municipal Code Amendment TA 10-04 - specifically amending the Land Development & Planning Ordinance (Title 16) pertaining Low Impact Development Standards, Outdoor Lighting Standards, and Fencing Standards.

Chair Ewert read the public hearing format.

Matilda Deas, AICP, Project Planner entered the September 17, 2010 staff report into the record. She also said tools for implementing the code changes would be adopted at a later date and a revised tree ordinance was in the works.

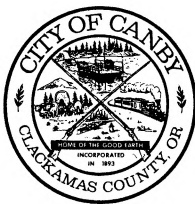
Matt Hastie presented an overview of the proposed changes and modifications.

Commissioner Ewert asked about shared parking on multi-family projects. Mr. Hastie said that was a mistake and would be removed from the chart.

Commissioner Slagle asked if that would refer to mixed use projects. Mr. Hastie said no.

Commissioner Ewert expressed some concerns about alleys and narrow streets. Ms Deas explained they were an option available to applicants.

ADJOURNMENT at 9:00 PM.



MEMORANDUM

DATE: OCTOBER 13, 2010
TO: MAYOR THOMPSON AND CANBY CITY COUNCIL
FROM: KIM SCHEAFER, CMC, CITY RECORDER
RE: RESOLUTION #1074

Issue:

At the October 6 City Council Meeting, staff was directed to add language to the Policies and Operating Guidelines document to include provisions regarding obtaining Council consensus before accepting gifts related to officially designated negotiations or economic development activity, or officially sanctioned trade promotion or fact-finding mission or trips.

Staff has updated language in **Section 10. Gifts and Favors** to reflect this.

Recommendation:

Staff recommends adoption of Resolution 1074.

Attached:

Resolution 1074

RESOLUTION NO. 1074

**A RESOLUTION ADOPTING AN UPDATED DOCUMENT ENTITLED POLICIES
AND OPERATING GUIDELINES FOR THE CANBY CITY COUNCIL TO
REFERENCE AS IT CONDUCTS THE BUSINESS OF THE CITY**

WHEREAS, in 2005 the Mayor and City Council determined that there was a need for a standardized set of polices and operating guidelines to guide the City Council as it deliberates on public policy matters and conducts the business of the City of Canby; and

WHEREAS, on March 16, 2005 Resolution 892 was passed adopting said policies and guidelines; and

WHEREAS, on July 1, 2009 and March 17, 2010 resolutions were passed adopting an updated version of this document; and

WHEREAS, the Canby City Council believes the current Policies & Operating Guidelines document needs to be updated to include provisions regarding obtaining Council consensus before accepting gifts related to officially designated negotiations or economic development activity, or officially sanctioned trade promotion or fact-finding mission or trips.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City of Canby Council that the updated document entitled *Policies and Operating Guidelines*, attached hereto as Exhibit "A" and by this reference incorporated herein, is adopted by the Canby City Council.

This resolution is effective October 20, 2010.

ADOPTED by the Canby City Council on the 20th day of November 2010.

Melody Thompson
Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder



POLICIES & OPERATING GUIDELINES

*For members of Canby City Council,
Boards and Commissions*

Introduction

In January 2003, the newly elected Mayor and City Council determined the need to develop a standardized set of policies and operating guidelines to guide the City Council as it deliberates on public policy matters and conducts the business of the City. In addition, the Mayor and Council believed it was important to articulate a vision of those values and principles that set the cornerstone for the type of governance that the citizens of Canby were entitled to from their elected officials.

The results of that vision for governance are included in the Policies and Operating Guidelines that appear in the following pages. In addition to being the over-riding procedural document for the City Council, these Policies and Operating Guidelines are also intended to assist those volunteer-based advisory boards and commissions that provide the Mayor and City Council with valuable policy recommendations and serve as a sounding board in the community for a wide array of public issues. With this in mind, these Policies and Operating Guidelines were reviewed by those respective City advisory boards and commissions and the City Council actively sought input on the document from these important groups.

Last, but not least, this document is intended to educate the citizens of this community on the mechanism around which the governing body of the City of Canby and its appointed advisory boards and commissions work together to address community issues, develop proactive and responsible public policy and attend to the affairs of the City.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Canby and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Canby City Council, boards and commissions.

2. Comply with the Law

Members shall comply with the laws of the nation, the State of Oregon and the City of Canby in the performance of their public duties. These laws include, but are not limited to: the United States and Oregon constitutions; the Canby City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

5. Conduct of Public Meetings

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not appropriate to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Decorum in Council Meetings

Requirements – while the Council is in session, all persons shall preserve order and decorum. Any person making personal, impertinent, or slanderous remarks, or becoming boisterous shall be barred by the presiding officer from further attendance at said meeting unless permission for continued attendance is granted by a majority vote of the Council

Every member of the public and every Council member desiring to speak shall address the president officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate.

- A. We may disagree, but we will be respectful of one another
- B. All comments will be directed to the issue at hand
- C. Personal attacks should be avoided.

Enforcement – The Chief of Police (or representative) shall act as ex-officio sergeant-at-arms of the Council. The Police Chief shall carry out all orders and instructions of the presiding officer for the purpose of maintaining order and decorum in the Council Chambers.

Upon instructions of the presiding officer it shall be the duty of the sergeant-at-arms or any police officer present to eject from the Council Chambers any person in the audience who uses boisterous or profane language, or language tending to bring the Council or any Council member into contempt, or any person who interrupts and refuses to keep quiet or take a seat

when ordered to do so by the presiding officer or otherwise disrupts the proceedings of the Council.

7. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

8. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

9. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

10. Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

Before any Council member or the Mayor accept gifts related to officially designated negotiations or economic development activity or officially sanctioned trade promotion or fact-finding mission or trips, a consensus of the Council must first be obtained. This consensus can be informal if the gift is time sensitive from being on a City Council Agenda.

11. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

12. Use of Public Resources

Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

13. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of Council should not appear on behalf of the private interests of third parties (i.e. agent for a friend or neighbor) before the Council or any board, commission or proceeding of the City. This does not prohibit a member of the Council from appearing before a board or commission to represent his/her personal interests.

14. Advocacy

Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Canby, nor will they allow the inference that they do.

15. Policy Role of Members

Members shall respect and adhere to the council-manager structure of Canby City government as outlined by the Canby City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff.

Except as provided by the Canby City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

16. Independence of Boards and Commissions

Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

17. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

18. Implementation

As an expression of the standards of conduct for members expected by the City, the Policies & Operating Guidelines is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Canby Policies & Operating Guidelines. In addition, the Policies & Operating Guidelines shall be annually reviewed by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update it as necessary.

19. Compliance and Enforcement

The Policies & Operating Guidelines expresses standards of ethical conduct expected for members of the Canby City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Policies & Operating Guidelines are brought to their attention.

The City Council may impose sanctions on members whose conduct does not comply with the City's ethical standards as set forth in the City of Canby Charter, Chapter IV, Section 2.

A violation of the Policies & Operating Guidelines shall not be considered a basis for challenging the validity of a Council, board or commission decision.

CITY COUNCIL WORKSHOP GUIDELINES

Workshops with our boards and committees should have an agenda, or list of items that are to be discussed.

1. Who leads the meeting and conducts the general discussion of attendees should be established ahead of time.
2. If different staff or leaders will be addressing different points, this should be indicated on the agenda and will greatly help to organize the time and make it efficient.
3. If there are many items to be discussed, setting an “estimated time” of discussion for each point may help to move things along.

Workshop seating should be conducive to group discussion, presentations, and a general feeling of equalization among the boards, commissions, citizens, and council/mayor.

1. Seating arranged in such a way as to diminish “power” roles is a good idea to encourage active participation by all.

The goal is to have Workshops with our boards and committees attended by all (or at least a large majority) of committee members.

The Council, board or commission, or City staff originating the workshop should come to meetings prepared.

1. If boards, committees, or City staff are generating the workshop, the Council would like a few written proposals that we all can discuss and decide on. Likewise, if the Council is presenting material to a group, there should be options or proposals.
2. If a more general, or “big picture” discussion needs to take place, it would still help to have printed discussion items to keep us on track.

The Council, board or commission, or City staff making the presentation should summarize and simplify any handouts, support documentation, statistics, facts and figures that are going to be discussed at the meeting.

1. Any information more than a couple of pages should be distributed in the days prior to the meeting so the Mayor and Council have the opportunity to familiarize itself with the information.

Meetings should end with everyone feeling a sense of accomplishment and a clear direction (even if everyone does not agree with the outcome).

CITY COUNCIL EXECUTIVE SESSION NEWS MEDIA ATTENDANCE POLICY

Oregon public meetings law provides that representatives of the news media shall be allowed to attend certain executive sessions of public bodies, but may be required to not disclose specified information (ORS 192.660(4)).

Because at the time state law relating to media attendance at executive session was adopted “news media” consisted of entities that were institutionalized and structured to support compliance with the requirements of ORS 192.660(4), the law includes no express mechanism for enforcing those requirements.

Technological advances since the time the public meetings law was initially adopted have resulted in development of communication mechanisms allowing virtually any individual or entity to disseminate information widely.

The City of Canby finds that in that absence of a statutory definition of “news media” as that term is used in ORS 192.660(4) it is necessary to adopt a policy that implements the intent of the public meetings law relating to executive session attendance without precluding attendance by Internet-based or other “non-traditional” information disseminators that are institutionalized and committed to compliance with ORS 192.660(4).

The City of Canby recognizes that this policy is solely for the purpose of determining eligibility to attend executive sessions, which requires non-disclosure of specified information from executive sessions, and is not intended to otherwise define “news media” or to determine eligibility to report on City of Canby’s activities or to limit access to other City of Canby meetings by any person.

The City of Canby hereby adopts the following policy:

1. Currently Recognized News Media Organizations. The following entities are hereby recognized as news media organizations eligible to attend executive sessions because they have an established history of meeting the requirements of this policy:
 - a. Canby Herald Newspaper
 - b. Oregonian Newspaper

No other entity shall be permitted to attend an executive session unless it is recognized through the process described in Section 2 below.

2. Recognition of Other News Media Organizations.
 - a. The following entities are recognized as news media organizations eligible to attend executive sessions:
 - i. A general or associate member newspaper of the Oregon Newspaper Publishers Association, a broadcast member of the Oregon Association of Broadcasters or a member of the Associated Press; or
 - ii. A newspaper that the City of Canby uses for publication of public notices and that meets the requirements of ORS 193.020; or
 - iii. An entity recognized by the City of Canby as being a news source that:
 1. is organized and operated to regularly and continuously publish, broadcast, transmit via the Internet or otherwise disseminate news to the public, and that regularly reports on activities of the City of Canby or matters of the nature under consideration by the City of Canby; and
 2. Is determined by the City of Canby to be a business entity that is institutionalized¹ and that is committed to, and is structured to support, the terms of ORS 192.660(4).² In making this determination, the City of Canby may consider and weigh any factors that it deems to be relevant, including, without limitation, the existence of any of the following factors:
 1. The entity has multiple personnel with defined roles within its organizational structure;

2. The names of news-reporting personnel, and responsible entity management personnel, together with addresses and contact telephone numbers, are readily available;
 3. The entity has an available process for correcting errors, including violations of executive session statutes, by a person with authority to take corrective measures.
- b. It shall be the entity's burden to persuade the City of Canby by substantial evidence that it should be recognized as a news media organization meeting the criteria in Section 2(a) of this policy. Such evidence must be submitted [time period] in advance of the first executive session that the entity desires to attend. The City of Canby shall make a determination within [time period] of receiving the evidence submitted by the entity. The City of Canby may elect to forgo this procedure in cases where the City of Canby, in its sole discretion, determines that it can immediately recognize that an entity qualifies under this policy, or in cases where the public body, in its sole discretion, determines that other good cause exists for making an expedited determination. A determination that the entity is not recognized shall be based upon written findings addressing the criteria in Section 2(a).
3. Attendance at Executive Sessions. Representatives of news media organizations recognized pursuant to Sections 1 and 2 of this policy shall be allowed to attend executive sessions, except as described in ORS 192.660(4) and 192.660(5), pursuant to the following process:
- a. The representative must provide substantial evidence persuading the City of Canby, that he or she is a news reporter for the recognized news media organization. In making its determination whether to recognize the person as a representative of the news media organization, the City of Canby shall require:
 - i. A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license); or
 - ii. A recently published news article in the recognized news media organization publication or broadcast, with the person's byline, or a masthead showing the person's name as a member of the news gathering staff of the news media organization, plus proof of identity; or
 - iii. A letter on letterhead from an editor of the recognized news media organization in which the editor states that the reporter is covering the meeting for the news media organization, plus proof of identity.

- b. Representatives of the news media are not permitted to attend executive sessions involving deliberations with persons designated to carry on labor negotiations. ORS 192.660(4). If the executive session is being held for the purpose of conferring with counsel about current litigation or litigation likely to be filed, the City of Canby shall exclude any member of the news media from attending if the member is a party to the litigation to be discussed or is an employee, agent or contractor of a news media organization that is a party to the litigation. ORS 192.660(5).
 - c. The City of Canby may require that a request to attend an executive session be made in writing on a form provided by the City of Canby. The form shall require disclosure of the person's name, and the entity for which he or she is a news reporter, and shall require submission of evidence described in Subsections 3(a) (1), (2) or (3) of this policy. The form shall also include a signature line whereby the person certifies that they are gathering news for a recognized news media organization, that the information given is true and that they agree to comply with ORS 192.660(4).
 - d. The City of Canby may consider any relevant evidence provided or gathered in making its decision as to whether a person shall be recognized as a representative of a recognized news media organization.
4. Recording Devices Prohibited. Cameras, tape recorders and other recording devices shall not be used in executive sessions, except for the official executive session tapes made by City of Canby staff.
 5. Exclusion Based on a Direct Personal Interest. A representative if a news media organization that has a direct personal interest in the subject of the executive session that would frustrate the purpose of the executive session may be barred from attending.
 6. Application to Boards and Commissions. These policies and procedures shall apply to the City of Canby and all of its boards and commissions.

¹ For the purposes of this policy, "institutionalized" means long-established or well-established

² ORS192.660 (4). Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.

MODEL OF EXCELLENCE

Canby City Council, Boards and Commissions

MEMBER STATEMENT

As a member of the Canby City Council or of a Canby board or commission,
I agree to uphold the Policies & Operating Guidelines for elected and appointed officials
adopted by the City and conduct myself by the following model of excellence. I will:

Recognize the worth of individual members and appreciate their individual talents,
perspectives and contributions;

Help create an atmosphere of respect and civility where individual members, City staff and
the public are free to express their ideas and work to their full potential;

Conduct my personal and public affairs with honesty, integrity, fairness and respect for
others;

Respect the dignity and privacy of individuals and organizations;

Keep the common good as my highest purpose and focus on achieving constructive solutions
for the public benefit;

Avoid and discourage conduct which is divisive or harmful to the best interests of
Canby;

Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understood the City of Canby Policies & Operating Guidelines.

Date: _____

Printed Name & Office: _____

Signature: _____

FORM OF GOVERNMENT

The City of Canby operates under the Council-Manager form of government. All Oregon cities over 2,500 population have the Council-Manager form except Portland, Beaverton, Burns, Lakeview and Junction City. The chief characteristic of this form is that the Council appoints a qualified person as City Administrator to take charge of the daily supervision of the City affairs

COUNCIL MEMBERS - At each biennial general election after this Charter takes effect, three Council members shall be elected each for a term of four years; and each biennial general election the number of Council members required to fill vacancies pursuant to Chapter VII. Section 2.

COUNCIL LIAISONS - Council liaisons are selected on an annual basis. The designation is flexible based upon the needs of the Council. Liaisons are encouraged to attend committee meetings on a regular basis. Liaisons will report back to the Council on committee activities not included in the committee minutes. Liaisons are not voting members of committees. Liaisons will clarify personal opinion and differentiate that from Council opinion.

MAYOR - At each biennial general election a Mayor shall be elected for a term of two years.

ADMINISTRATOR, JUDGE, CITY ATTORNEY AND OTHER OFFICERS - Additional officers of the City shall be a City Administrator, Municipal Judge, and City Attorney, each of whom the Council shall appoint, and such other officers as the Council deems necessary. Appointed officers shall hold their office during the pleasure of the Council or until their successors are appointed and qualified. Appointed officers are subject to removal at any time by the Council with or without cause and may be suspended in accordance with the provisions of Chapter V, Section 2(c)(3) of the City of Canby Charter. The duties of all officers not defined in this Chapter may be prescribed by the Council. The Council may combine any two or more appointive offices.

MAYOR - The Mayor shall be chairperson of the Council and preside over its deliberations and shall have no vote on any questions before it except in the case of tie. The Mayor shall have authority to preserve order, enforce the rules of the Council and determine the order of business under the rules of the Council. The Mayor shall appoint the committees provided by the rules of the Council; and shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power. In the Mayor's absence, the President of the Council, shall sign all Ordinances passed by the Council within five days after their passage. After the Council approves a bond of a City officer or a bond for a license, contract or proposal, the Mayor shall endorse the bond.

PRESIDENT OF THE COUNCIL - At its first meeting after this Charter takes effect and thereafter at its first meeting of each odd-number year the Council by vote shall elect a President from its membership. In the Mayor's absence from a Council meeting, the

President shall preside over it. Whenever the Mayor is unable to perform the functions of the office, the President shall act as Mayor.

CITY ADMINISTRATOR - The City Administrator shall be the administrative head of the government of the City and shall be appointed by the Council without regard to political considerations and solely with reference to executive and administrative qualifications. A City Administrator need not be a resident of the City of Canby or the State at the time of appointment, but promptly thereafter shall become and remain a resident of the City during the term of the office. Before taking office, the City Administrator shall give a bond in such amount and with such surety as may be approved by the Council. The premiums on such bond shall be paid by the City. The Administrator shall be appointed for an indefinite term and may be removed at the pleasure of the Council.

The powers and duties of the Administrator shall be as follows:

- A. Devote full time to the discharge of official duties, attend all meeting of the Council unless excused there from by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City.
- B. See that all Ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are observed.
- C. Hire or remove all City employees and have general supervision and control over them and their work, with power to transfer an employee from one department to another. The administrator shall supervise the departments to the end of obtaining the utmost efficiency in each of them.
- D. Act as purchasing agent for all departments of the City.
- E. Be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as the body requests.
- F. Supervise the operation of all public utilities owned and operated by the City excepting the electric utility department for which the Canby Utility Board has exclusive jurisdiction, control and management as provided in the following Chapter X.
- G. The City Administrator shall have general supervision over all City property.
- H. Perform such other duties as may be prescribed from time to time by the Council

AUTHORITY TO CONTRACT FOR PROFESSIONAL SERVICES - The Council shall have authority to contract for the professional services of those whose professional skills, training and knowledge may be required at any time or from time to time for the administration of City affairs and municipal government. The duties and responsibilities of such persons engaged for their professional skills, knowledge and ability shall be specified in their respective contracts with the City by the contracts for the services of the following persons shall include the following particular duties, services and responsibilities:

- A. Municipal Judge. The Municipal Judge shall hold within the City a court known as the Municipal Court for the City of Canby, Clackamas County, Oregon. All areas

within the City shall be within the territorial jurisdiction of the Court. The Municipal Judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by the Ordinances of the City and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by Ordinances of the City. The Municipal Judge shall have authority to issue process for the arrest of any person accused of an offense against the Ordinances of the City, to commit any such person to jail or admit to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the Court, and to punish witnesses and others for contempt of Court. Men not governed by Ordinances or this Charter, all proceeding in the Municipal Court for the violation of a City ordinance shall be governed by the applicable general laws of the State governing Justices of the Peace and Justice Courts, except that the Municipal Court shall not exercise any civil jurisdiction.

- B. City Attorney. The City Attorney is a legal adviser of the officials of the City of Canby and shall be retained by the Council. It shall be the duty of such Attorney to attend all regular Council meetings and such special meetings as may be required unless excused there from by the Council. The City Attorney shall represent and defend the City in all suits, actions at law and all matters and things in which the City of Canby may be legally interested. The City Attorney, or a deputy appointed by him, shall also represent the City in the Municipal Court including violations of any City Ordinances or for the violation of all other laws under which the Municipal Court has jurisdiction.

Boards, Committees & Commissions

These boards, committees and commissions are advisory to the City Council and assist the Council in forming policy and making law. Committees are encouraged to make an annual presentation to the City Council. Selection of Committee Chairs are decided annually by each committee (except Budget Committee). Committee members who have three unexcused absences from meetings are subject to removal from the committee.

Bike & Pedestrian Committee – The Bicycle and Pedestrian Committee consists of five (5) members. Members serve three (3) year terms. *Members are appointed by City Council upon recommendation by the Committee Chairperson and assigned Council Liaison. The Mayor may vote only when necessary to break a tie.*

The duties of the committee shall include:

- A. Keeping informed about current trends in bicycle and pedestrian services and administration;
- B. Studying growth and needs in the City and its vicinity for bicycle and pedestrian facilities;

- C. Developing long-range plans for bicycle and pedestrian services and facilities, consistent with City priorities;
- D. Investigating sources of funding for bicycle and pedestrian services and facilities;
- E. Recommending policies for the acceptance and use of gifts for bicycle and pedestrian purposes;
- F. Participating in the annual budgetary process of the City as that process pertains to the bicycle and pedestrian facilities and services;
- G. Recommending policies and procedures conducive to efficient and effective operation of the bicycle and pedestrian transportation system;
- H. Reviewing and recommending terms of contracts and working relationships with other public agencies regarding bicycle and pedestrian facilities and services;
- I. Encouraging widespread public support and use of bicycle and pedestrian facilities and services; and performing other duties as authorized by the City Council; and
- J. Performing other duties as authorized by the City Council.

Budget Committee – The Budget Committee consists of the members of the City Council and six (6) citizens-at-large. Members serve three (3) year terms. *Citizens-at-large are appointed and confirmed by the City Council. The Mayor may vote only when necessary to break a tie.*

Canby Public Library Board – The Library Board consists of five (5) members. Not less than three members shall be residents of the City. Members serve four (4) year terms. *Members are appointed by City Council upon recommendation by the Board Chairperson and assigned Council Liaison. The Mayor may vote only when necessary to break a tie.*

The duties of the Library Board shall include:

- A. Keeping informed about current trends in the library services and administration;
- B. Studying library growth and needs in the City and its vicinity;
- C. Developing long-range plans for library service and facilities, consistent with City priorities and with state, regional and national goals pertinent to libraries;
- D. Recommending types of library service for the City and its vicinity;
- E. Investigating sources of funding for library service and facilities;
- F. Recommending policies for the acceptance and use of gifts for library purposes;
- G. Participating in the annual budgetary process of the City as that process pertains to the library;
- H. Recommending policies and procedures conducive to efficient and effective operation of the library;
- I. Reviewing and recommending terms for contracts and working relationships with other public agencies regarding library service;
- J. Encouraging widespread public support and use of the library;
- K. Submitting an annual report to the City Council and the state library; and
- L. Performing other duties as authorized by the City Council.

Canby Urban Renewal Budget Committee – The Urban Renewal Budget Committee consists of members of the Urban Renewal Agency, six (6) citizens-at-large from the City Budget Committee, and one (1) additional citizen-at-large. Members serve three (3) year terms. *Citizens-at-large are appointed and confirmed by the Urban Renewal Agency.*

Canby Utility Board – The Canby Utility Board consists of five (5) members. Members serve three (3) year terms. *Members are appointed by the Mayor and confirmed by the City Council following an interview panel consisting of the Mayor, City Council Liaison, and Canby Utility Board Chairperson. No Board member may serve more than two successive terms. The Mayor may vote only when necessary to break a tie.*

The Board, in the efficient and economical operation of the Electric Department and Water Department, both inside and outside the City limits, may:

- A. Purchase and sell electric power and energy and services to the public and private corporations and to other consumers;
- B. Construct plants, transmission lines and other facilities;
- C. Purchase real estate and franchises in its name;
- D. Enter into all contracts, leases and agreements in furtherance thereof; and
- E. Through an inter-governmental agreement with the City, management of the Water Department and all of its operations and facilities.

The Board may contract with any public or private corporation or any individual, both inside and outside the City limits:

- A. For the joint use of poles and other property belonging either to the Electric Department or to the other contracting party or jointly to both parties; and
- B. For the joint acquisition of real property and franchises and the joint financing, construction and operation of plants, transmission lines and other facilities, whereby any property acquired may become the property of both the Electric Department and other contracting party, for the purchase of energy.

Historic Review Board – The Historical Review Board consists of seven (7) members. Members serve three (3) year terms. *Members are appointed by City Council upon recommendation by the Board Chairperson and assigned Council Liaison. The Mayor may vote only when necessary to break a tie. (This text update will be contained within Title 16 of the Planning Code the next time a text amendment occurs.)*

It is the responsibility of the Historic Review Board to ensure that the purposes of this section are implemented, and to perform the following duties:

- A. Adopt rules to govern its deliberations and decisions, including a method to record its proceedings;
- B. Carry out the duties described for it in this ordinance and assist the Planning Director, Planning Commission and Canby City Council on historic preservation matters;
- C. Maintain and update an inventory of historic resources within the City, as provided under section 16.110.035;
- D. Review and render decisions on all historic landmark and historic district applications, as provided under section 16.110.045;
- E. Review and make recommendations on application of the Historical Protection Overlay Zone, as provided under section 16.110.045;
- F. Review and render decisions on proposals to alter the exterior of a Historic Landmark subject to the procedures and criteria set forth in section 16.110.080;
- G. Review and render decisions on all proposed new construction on property where a Historic Landmark is located, or within a Historic District, subject to the procedures and criteria set forth in section 16.110.080;
- H. Review all requests for demolition of a historic landmark or contributing resource, as provided under section 16.110.075;
- I. Review and make recommendations to the Planning Commission on all Conditional Use applications under section 16.38;
- J. Review and make recommendations on all partitions and subdivisions of designated properties, as provided under section 16.110.085;
- K. Disseminate information to educate the public as to local, state and federal laws protecting antiquities and historic places;
- L. Act as consultant for local preservation groups, educational workshops, signage and monumentation projects, and other similar projects;
- M. Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the City; and
- N. Provide design guidance for historic property owners.

Parks and Recreation Advisory Board – The Parks and Recreation Advisory Board consists of seven (7) members. Members serve for three (3) years. *Members are appointed by City Council upon recommendation by the Board Chairperson and assigned Council Liaison. The Mayor may vote only when necessary to break a tie.*

- A. Keeping informed about current trends in parks and recreation services and administration;
- B. Studying growth and needs in the City and its vicinity for parks and recreation services;
- C. Developing long-range plans for parks and recreation services and facilities, consistent with City priorities;
- D. Recommending types of parks and recreation services for the City and its vicinity, including marketing of such services;
- E. Investigating sources of funding for parks and recreation services and facilities;
- F. Recommending policies for the acceptance and use of gifts for parks and recreation purposes;
- G. Participating in the annual budgetary process of the City as that process pertains to parks and recreation services;
- H. Recommending policies and procedures conducive to efficient and effective operation of parks and recreation services;
- I. Reviewing and recommending terms of contracts and working relationships with other public agencies regarding parks and recreation services;
- J. Encouraging widespread public support and use of parks and recreation services and facilities;
- K. Submitting an annual report to the City Council;
- L. Advising the Planning Department regarding park land dedication and other park planning issues to meet the public needs identified in the Park Master Plan and Park Acquisition Plan; and
- M. Performing other duties as authorized by the City Council.

Planning Commission – The Planning Commission consists of seven (7) members. Members serve three (3) year terms. *Members are appointed by the City Council upon recommendation of the Mayor, Council Liaison, and Planning Commission Chairperson. The Mayor may vote only when necessary to break a tie.*

Except as otherwise provided by law, it shall be the duty of the commission and it shall have power to:

- A. Recommend and make suggestions to the City Council and to all other public authorities concerning laying out, widening, extending, and locating of streets, parking, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishing of zones of districts limiting the use, height, area and bulk of buildings and structures;
- B. Recommend to the City Council and all other public authorities plans for regulation of the future growth, development and beautification of the municipality in respect to

its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the City in order to secure to the City and its inhabitants sanitation, proper service of all public utilities, and transportation facilities;

- C. Act as the City's official citizen involvement entity, hearing any and all comments, criticisms, and suggestions concerning City planning policies, procedures, or regulations as members of the public may wish to convey to the City;
 - D. Do and perform all other acts and things necessary or proper to carry out the provisions of City ordinances and of Oregon Revised Statutes, Chapter 227, and all amendments thereto;
 - E. Study and propose in general such measures as may be advisable for promotion of the public interest, health, safety and welfare of the City and of the surrounding area;
 - F. Perform such acts as are now, or may hereafter be, specified in the Land; and
 - G. Development and Planning Ordinance or otherwise authorized by the City Council.
- (Ord. 740 section 10.2.60, 1984)

Traffic Safety Commission – The Traffic Safety Commission consists of a seven (7) member voting board with non-voting liaisons representing the Canby Police Department, the Public Works Department, and the City Council. Members serve three (3) year terms. *Members are appointed by City Council upon recommendation by the Commission Chairperson and assigned Council Liaison. The Mayor may vote only when necessary to break a tie.*

The Traffic Safety Commission is specifically responsible for, but not limited to the following:

- A. Developing and implementing coordinated traffic safety programs that meet local needs;
- B. Act in an advisory capacity to the City Council in the coordination of traffic safety activities of the official agencies and departments of Canby;
- C. Reviewing and recommending project applications for funding to the City Council;
- D. Serving as liaison between the City of Canby, the Clackamas County Safety Commission, and the Oregon Traffic Safety Commission in developing the State Highway Safety Programs and in meeting the National Highway Safety Programs Standards;
- E. Promoting public acceptance of official programs authorized or instigated by the City;
- F. Fostering public knowledge and support of traffic law enforcement and traffic engineering problems;
- G. Cooperating with Canby schools in promoting educational traffic safety aids; and
- H. Educating the public in traffic safety aids.

Transit Advisory Committee – The Transit Advisory Committee consists of seven (7) members. Members serve three (3) year terms. *Members are appointed by City Council upon recommendation by the Committee Chairperson and assigned Council Liaison. The Mayor may vote only when necessary to break a tie.*

The Canby Transit Advisory Committee is specifically responsible for, but not limited to the following:

- A. Developing and assessing, on an ongoing basis, the transportation needs of the citizens of Canby;
- B. Acting in an advisory capacity to the Transit Director in the coordination of transit services;
- C. Promoting and educating the public regarding acceptance and usage of the transit system; and
- D. Promoting and educating the public regarding special problems associated with the use of the transit system by youth, elderly and disable citizens.

MEMORANDUM

September 30, 2010

To: City Managers of Clackamas County
CC: Cam Gilmour, Diane Gissel & Diana Hallmark, Transportation & Development
From: Steve Wheeler, Clackamas County Administrator
RE: Dog Services code changes acceptance for service delivery

As you may remember, the Board of County Commissioners recently adopted changes to the County's Animal Code; those changes are becoming effective and it is now necessary for those cities wishing the County to continue providing dog field services within their city limits to consent to the new Code so the County continues to be authorized to provide services. Be assured that we are continuing to provide services to ensure a smooth transition. However, if cities do not consent to the County's Animal Code, the Code cannot be applied within the city and the County will no longer have jurisdiction to operate dog field services inside the city limits. *This issue relates only to field services and does not impact shelter services.* If your city wishes to ensure field service continuation, we are requesting the following.

1. Since the new Code language is effective October 1, we ask that you, at your earliest convenience, respond to this memo with an email indicating that your city consents to the new Code and will pursue a resolution of your City Council consenting to the County's Animal Code; and
2. Send your city's signed resolution to Clackamas County Dog Services, once adopted, for our records. We have attached a sample resolution to simplify this process. Resolutions may be submitted via email or postal mail. The addresses for submitting resolutions are:

Department of Transportation & Development
Attn: Diane Gissel, Administration
150 Beaver Creek Road
Oregon City 97045
dianeg@co.clackamas.or.us

Those cities in Clackamas County that have their own dog control regulations or that have not consented to County Code in relation to dog services in the past – City of Lake Oswego, City of West Linn, City of Happy Valley, City of Damascus, and City of Tualatin – do not need to respond unless there is a desire to allow the County to provide services within their city limits. However, all cities that desire continued service should consent to the code in order to ensure the County retains jurisdictions and is able to continue to provide field services (dog control) in their city limits.

The Code changes are primarily housekeeping changes in nature and are not material to how the County responds to enforcement actions requested by cities or residents. City consent to the County's Code is also a housekeeping measure, but an important one to ensure that jurisdictions and authorities are properly recorded in the unlikely event of a complaint. An overview of the County-adopted Code changes is included at the end of this memo.

As you may also recall from a City/County Managers Meeting last July, dog control services are highly subsidized from the County's General Fund and are therefore provided as funds are available. In truth, the County can only afford three field officers to cover the County's entire

1893 square miles. Though service levels are lower than we prefer and are threatened (as are many services) by anticipated further budget reductions, we do strive to be very responsive. Required services of the County include issuing tags to inoculated dogs; impounding dogs known not to have received rabies vaccinations; impounding and microchipping dogs known to have bitten, killed or maimed livestock; and securing the availability of a facility for impounding dogs.

The County is giving serious thought to options to reduce reliance on the General Fund through either fundraising (which of course initially requires more funding) or offering enhanced services on a fee-for-service basis. If your city is interested in pursuing options further in partnership with the County, we would welcome that interest.

Thank you in advance to your prompt attention to this request for an email confirming Code acceptance and a resolution of your City Council. If you do not wish to receive dog services from the County, you need not respond. We are hoping to have all email confirmations by Friday, October 7, 2010 and all resolutions in by Friday, October 29, 2010.

Attachment appended



Title 5, Animals Code – Proposed Amendments

- ✓ Remove Continuous Annoyance
- ✓ Returns Canines involved with Livestock to Code
- ✓ Alter Multiple Dog Licensing – remove Commercial and develop a single Multiple Dog License program that requires inspections
- ✓ Returns keeping a dog in a manner that does not meet minimum care requirements as a violation of code
- ✓ Add violation of failing to maintain current rabies vaccination
- ✓ Add violation of failure to report a dog bite
- ✓ Add violation of failure to follow condition of release.
- ✓ Add provision to permit dogs to be conditionally released to their owners on certain conditions
- ✓ Clarify reclaim time lines for owners
- ✓ Alter stray holding periods to conform with State Statute
- ✓ Minor housekeeping:
 - Provision of false information to a Dog Services Employee
 - Remove numbers limit exemptions (except: litters of puppies under 6 months and continuously licensed since July 2004)

The full text of the Dog Licensing & Services Code can be accessed online at
[County Code Section 5.01](#)

RESOLUTION NO. 1075

A RESOLUTION CONSENTING TO CLACKAMAS COUNTY ADMINISTERING IT'S DOG CONTROL AND LICENSING ORDINANCE WITHIN THE CITY AND REAFFIRMING AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY RELATING TO ENFORCEMENT OF THAT ORDINANCE.

WHEREAS, the City of Canby wishes to have Clackamas County Dog Control administer it's dog control and licensing ordinance, Title 5, Chapter 5.01 as recently amended on 10/01/10 within the City with the exception of section 5.01.050 which defines Dog at Large; and

WHEREAS, the City of Canby wishes to reaffirm an Intergovernmental agreement with Clackamas County entered into in October, 2001, a copy of which is attached hereto as Exhibit "A", for the purpose of adopting a more restrictive definition of Dog at Large to be enforced by Clackamas County Dog Control within the City of Canby pursuant to the consent authorized by this Resolution; and

WHEREAS, ORS 203.040 requires formal consent be given by the City of Canby for a county ordinance to apply within the City; now therefore

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

Section 1. Consent Granted.

The City hereby grants consent to Clackamas County to administer the county's dog control and licensing ordinance, Clackamas County Code Chapter 5.01 as amended on 10/01/10, within the City with the exception of section 5.01.050 which defines Dog at Large.

Section 2. IGA with Clackamas County Reaffirmed.

The City Administrator is hereby authorized to reaffirm the IGA, attached as Exhibit "A", by and between the City and Clackamas County, for the purpose of adopting a more restrictive definition of Dog at Large to be enforced within the City of Canby.

This Resolution shall take effect immediately upon passage.

Adopted this 20th day of October, 2010 by the Canby City Council.

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

EXHIBIT "A"

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF CANBY AND CLACKAMAS COUNTY
FOR THE ENFORCEMENT OF DOG LICENSING AND CONTROL**

THIS AGREEMENT is made this 3rd day of October, 2001, by and between the City of Canby, Oregon, hereinafter referred to as "City," and Clackamas County, Oregon, hereinafter referred to as "County," pursuant to the provisions of the Intergovernmental Cooperation Act, ORS 190.003 – 190.250.

WHEREAS, the City in accordance with City of Canby Resolution No. 764, wishes to have Clackamas County Dog Control administer Clackamas County Code, Title 5, chapter 5.01 "Dog Licensing and Control," within the City, with the exception of section 5.01.050D of that code which defines "Dog at Large";

WHEREAS, the City wishes to exclusively apply Canby Municipal Code definition of "Running at Large" as found in Canby Municipal Code, chapter 6.12, section 6.12.010B in lieu of Clackamas County Code, chapter 5.01, section 5.01.050D "Dog at Large";

WHEREAS, the County agrees to provide all services as available and necessary to enforce dog licensing and control within the City of Canby as set forth in this agreement;

NOW THEREFORE, in consideration of the mutual promises herein contained, the parties agree as follows:

Section 1. The County agrees to provide services as available to enforce Clackamas County Code, Title 5, Chapter 5.01, Dog Licensing and Control, and Canby Municipal Code, chapter 6.12, section 6.12.010B within the City, including but not limited to investigation, citation and

hearing. In this regard the County shall set and collect fines, fees and payments in accordance with County Code and Dog Control department policy and shall retain all revenue generated.

Section 2. The City agrees to reimburse the County at the rate of \$60 per hour for any appearance made by the County at a hearing before a County Hearings Officer on a citation for violation of Canby Municipal Code, chapter 6.12, section 6.12.010B. The County may evaluate this appearance fee annually and may propose an increase and amendment in accordance with Section 5 of this agreement.

Section 3. Either party may elect notice of termination of this agreement by giving 60 days written notice to the other party.

Section 4. Services shall commence upon the execution of this agreement and shall continue until such time either party terminates the agreement.

Section 5. This agreement may be amended by joint agreement of the parties. To be effective, all amendments shall be in writing and signed by an authorized representative of each party.

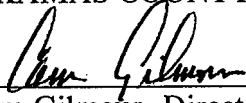
Section 6. Subject to the limits of the Oregon Tort Claims Act and Article II, Section 10 of the Oregon Constitution, the County agrees to defend, indemnify and save the City, its officers, agents and employees, harmless from and against any and all loss, damage, injury liability and claims caused by the negligence of County employees and resulting directly or indirectly from the performance of this agreement.

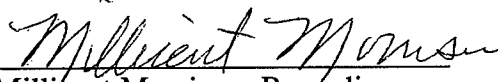
Section 7. Subject to the limits of the Oregon Tort Claims Act, the City agrees to defend, indemnify and save the County, its officers, agents and employees, harmless from and against

any and all loss, damage, injury liability and claims caused by the negligence of City employees and resulting directly or indirectly from the performance of this agreement.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their duly authorized officers on the dates hereafter written.

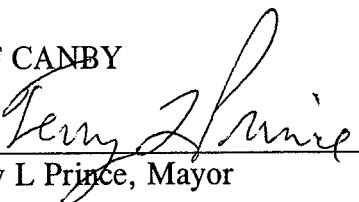
CLACKAMAS COUNTY

By: 
Cam Gilmour, Director
Department of Transportation
and Development

Attest: 
Millicent Morrison, Recording
Secretary

Date: November 14, 2001

CITY OF CANBY

By: 
Terry L Prince, Mayor

Date: October 3, 2001

ORDINANCE NO. 1336

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 12.36 REGARDING TELECOMMUNICATION FACILITIES; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby provides regulation of Telecommunication Facilities that operate within the City rights-of-way as set forth in Canby Municipal Code (CMC) Chapter 12.34; and

WHEREAS, certain sections of the current Code need to be amended due to changes in telecommunication technology; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Section 12.36.030 **Definitions** is amended to read as follows;

1. “Telecommunications means the transmission between and among points specified by the user of information of the user’s choosing, without change in the form or content of the information as sent and received.” is hereby deleted from the definitional section.
2. “Telecommunication Service” is hereby amended to read:

“Telecommunication Service means the transmission for hire, of information in electromagnetic frequency, electronic or optical form, including, but not limited to voice, data or information, whether or not the transmission medium is owned by the provider itself. Telecommunication service includes all forms of telephone services and voice, video, data or information transport, but does not include: (1) cable service; (2) open video system service, as defined in 47 C.F.R. 76; (3) private communications system services provided without using the public rights of way; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act; and (6) commercial mobile radio services as defined in 47 C.F.R. 20”.

2nd Reading

Section 2. Emergency Declared. In order to better promote the safety, health and welfare of the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, September 15, 2010 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 Wednesday, October 20, 2010, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on October 20, 2010, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

2nd Reading

ORDINANCE NO. 1338

AN ORDINANCE AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE CONCERNING LOW IMPACT DESIGN STANDARDS

WHEREAS, the City of Canby initiated an application for an amendment to the text of Title 16 to address Low Impact Development Standards, Outdoor Lighting Standards, and Fencing Standards, and

WHEREAS, the Planning Commission, after providing appropriate public notice, conducted a public hearing on September 27, 2010, 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 section 16.88.160 of the Land Development and Planning Ordinance concerning Text Amendments were met, and recommended by a vote of 4-0 to forward a recommendation of approval to the City Council, and

WHEREAS, the City Council, after reviewing the text amendment application, the record of the Planning Commission hearing on September 27, 2010 and Planning Commission recommendation to adopt the amendments, hereby finds that the proposed amendment complies with the Comprehensive Plan of the city; the plans and policies of the county, state, and local districts; that they will preserve 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; that it complies with the Statewide Planning Goals; NOW THEREFORE

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The City Council hereby approves Text Amendment 10-004 to Title 16 of the Canby Municipal Code.

Section 2. Title 16, the Land Development and Planning Ordinance of the City of Canby, is amended as detailed in Exhibit 1 attached to this Ordinance.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, October 6, 2010 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 Wednesday, October 20, 2010, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 N.W. 2nd Avenue, Canby, Oregon.,

2nd Reading

Kimberly Scheafer
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on October 20, 2010 by the following vote:

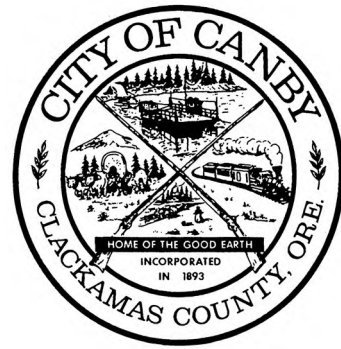
YEAS _____ NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

2nd Reading



CITY COUNCIL STAFF REPORT

TO: *Honorable Mayor Thompson and City Council*
FROM: *Bryan Brown, Planning Director*
DATE: *October 4, 2010*
THROUGH: *Greg Ellis, City Administrator*
SUBJECT: *Extraterritorial Water Service Request*

Issue: Request for City (CUB) water service to an existing residence outside the city limits and the UGB from Mr. Don Fuchs for property located at 2474 NE Dutch Vista Lane.

Synopsis: In August 2002 the City Council approved the extension of city water service to four tax lots served by Dutch Vista Lane. Four water meters were authorized at that time. These properties, including the Fuchs property, are located outside of the city limits and the city's defined Urban Growth Boundary. The Fuchs property was later created from a partition of one of the lots previously granted a water meter. In November 2003 the Johnsons requested approval to connect one additional home and lot where a previous triplex on one lot was being turned into two single family houses on two separate lots. The Council voted 6-0 to deny the request to add a fifth water connection at that time. The Fuchs property is currently utilizing well water, and would like improved water quality, reliability, and to eliminate the long-term maintenance impacts that results from the effects of the "hard" well water use.

Recommendation: Staff has provided alternatives to either approve or deny this request, finding a reasonable basis for either decision in the record. If approved, the Council should approve sending a letter from the Mayor requesting the County's concurrence on the City's grant of extraterritorial water service to the Fuchs property.

Rationale: This is a discretionary decision by the Council. The Council should utilize their knowledge of the general intent of State Land Use Planning Goals that deal with growth and development and the extension of public facilities and services, the guidance provided by the city's acknowledged Comprehensive Plan which implements those State goals for Canby, the Councils own policy for extraterritorial extension of water and sewer services set in October 2001, their past actions on similar requests for water and sewer extensions for areas beyond the City limits, and their Urban Growth Management Agreement with the County to assist in arriving at decision on this request. Past Council actions do not provide a clear indication of what may be considered an appropriate response to this request at this time. Staff believes there is evidence available to support either presented alternative.

Background: The original request to serve the grouping of four homes on Dutch Vista Lane

with City water came shortly after extending a new water line along the south side of Territorial Road and across 99E. The tax lots comprising the five different home sites now existing in the Dutch Vista grouping are not part of a subdivision that is known to the County. Tax lots 1000, 1100, 1200 and 1300 were created before 1968, the date after which the County has lot records. The subject property, Tax Lot 1101, was created by a County partition plat in 2005.

An attorney for Canby Utility previously determined with the original request to provide 4-water meters to the Dutch Vista Lane homes in 2002 that there was no legal restriction that would prevent the utility board and the City from choosing to allow the extension of water service to un-annexed properties lying outside of the defined UGB for Canby. Normally, it is good practice to either require the annexation of properties for which city services are to be extended or to have them agree to future annexation. The Dutch Vista properties previously granted water service are not contiguous to the city limit boundary nor are they even in the UGB. This does not lend itself well to consideration of annexation at this time if water service were to be extended. An attached memorandum from staff summarizes the known extraterritorial water and sewer connection requests that have been made and acted upon by the Council since setting a policy in 2001.

The City's Urban Growth Management Agreement between the City and Clackamas County (attached) technically does not apply to the subject property which lies outside of Canby's UGB (Urban Growth Boundary) the UGMB (Urban Growth Management Boundary) with the County as indicated by Attachment A to the Urban Growth Management Agreement, and the shared planning coordination area identified within the Comprehensive Plan. However, in the spirit of 6.D. of the agreement "the City shall not extend sewer or water to any unincorporated areas within the UGMB or vicinity without annexation to the City, except for "health hazard areas when the appropriate authority determines a health hazard exists, or unless mutually agreed to otherwise by the City and County. So the City should obtain evidence that the County also approves and concurs should the City decide to provide and extension of water service to this property.

The applicant has indicated that Canby Utility has no problem or issue with serving the property with an additional water meter. City staff has requested that the applicant obtain a written letter indicating this for the record. The private water service line to the property and the connection to the house is the responsibility of the home owner. The City will not incur any costs honoring this request, and Canby Utility will collect system development charges, receive payment for the meter set, and obtain monthly revenue from the new water customer.

No sewer service is proposed. Functioning septic systems exist to the properties in this area. In fact, the applicant has indicated that the septic field effectively prevents the possibility of drilling an alternative water well.

A draft letter to the Clackamas County Board of Commissioners is at-

tached for use by the City Council should they look favorably upon this request. The letter conveys the Council's decision to the Board and requests their action on this item. If the Council denies the request a letter will not be needed.

The State land use planning goals and administrative rules clearly discourage the extension of public services and utilities outside of defined Urban Growth Boundary areas in an attempt to guide growth away from valuable resource based lands. The City's Comprehensive Plan emphasizes the use of annexation as a tool to determine which areas will become urbanized and which will not. The decision to extend utility services is one of the most powerful growth directing determinants. Studying the growth needs and where and how to extend public facilities is done within the context of the UGB. We have little basis or analysis to rely on when extending services outside of the UGB.

The Council's own policy for extraterritorial service extensions indicates that applications should be viewed more favorably when:

- Heath or environmental hazards are to be mitigated by providing the service,
- Areas of "dead or still water" within the City water system can be alleviated by the water service connection,
- The property is situated to be annexed as a part of or as a condition of the service provision,
- An overall infrastructure master plan is in place for an area so as to reduce possible future conflicts in the location of the extended services.

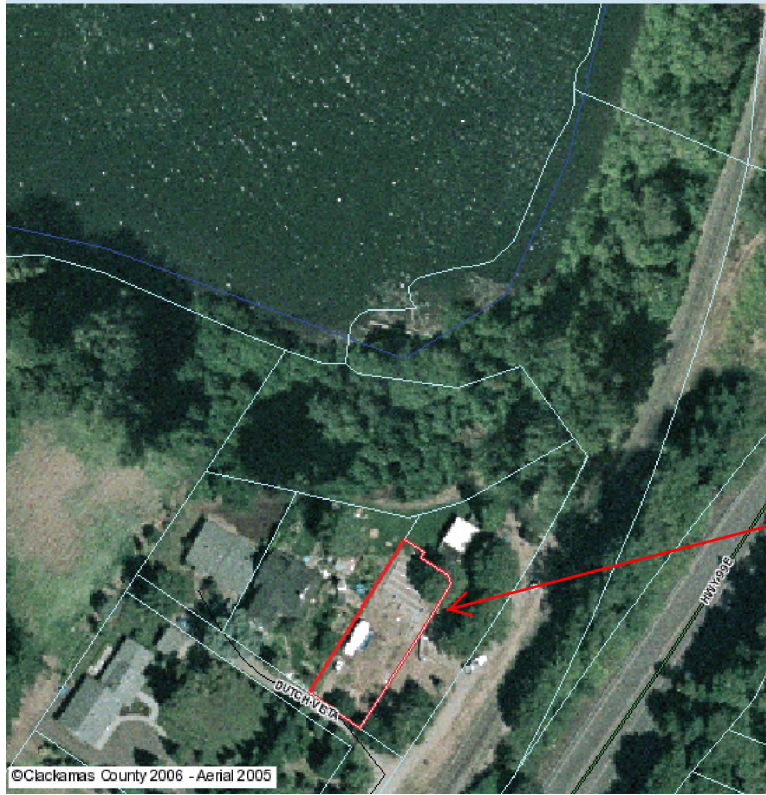
The Council should review its past decision and rational for denying this same request previously (See Attachment H). It should be noted that in a practical sense, honoring this request does not promote further urbanization as the additional lot was legally created by the county in 2005 and the home is existing. It should be noted that precedent for service has already been set with the four adjacent lots and homes already being served with individual private water service lines from meters which have been set near the north side of Territorial Road. This request will add one additional meter to the grouping of four that already exist.

Alternatives: **1. Deny City Water Service.** If the Council does not wish to grant water service through approval of an additional water meter to a property located outside of the defined UGB, then it should deny the application. State planning goals, the Comprehensive Plan, the City Council's existing policy, and past Council action provide a basis for this decision.

2. Approve City Water Service. If the Council finds it appropriate to grant water service they can site that precedent has already been set for serving this group of existing homes, no new home or subdivision will result from this action as service is to an existing home, aspects of the Council's extension policy are applicable, no public cost is experienced, and the requestor is benefited.

Attachments:

- A. Property Vicinity Maps
- B. Applicant's letter of Request for Water Service.
- C. Canby Utility letter Agreeing to Provide Water Service (To be obtained by Applicant and presented at Council Meeting)
- D. Current Council Policy on Water & Sewer Connections beyond the City limits (October 8, 2001 Memo)
- E. Urban Growth Management Agreement between Canby and Clackamas County (Resolution No. 519 – Exhibit 1 - Attachment A)
- F. Summary of Extraterritorial Service Extension Requests
- G. Original Dutch Vista Homeowners Water Service Request Letter, Canby Utility Response, and City Council Action (Minutes – August 2002)
- H. Previous Council Action on this Request (Minutes – November 2003)
- I. Draft letter from Mayor to CCBC Requesting Concurrence



Subject Parcel
Boundary with
2005 Photography

Attachment A



Ap-

Approximate
Subject Parcel
Boundary with
2010 Photography

Image Source: GoogleMaps

10.20.10

RECEIVED

AUG 04 2010

CITY OF CANBY

September 30, 2010

Don & Sandie Fuchs
2474 Dutch Vista Ct
Canby, Oregon 97013
503 413 948

Canby City Council
P.O. Box 930
Canby, Oregon 97013

SU: Water Meter Installation

Dear Council,

This letter is to request your permission to have a water meter installed for service to our home. There are 5 homes in this area but only 4 meters.

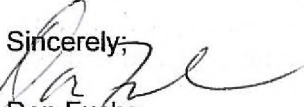
Currently we get our water from a community well located on our neighbors property. This is the same well that was of concern to the original 4 home owners who approached the council in 2001 seeking permission to access city water. The council agreed with their concerns and allowed 4 meters to be installed. Those concerns are still an issue today. The water is very high in iron content and contains a bacteria that periodically emits a rotten egg smell that can only be eliminated by bleaching the whole system.

Of equal concern is what happens should this well go dry or the water becomes completely unpalatable? We cannot drill a new one on our property or our neighbors due to drain field setbacks. The one neighbor that would have room, Steve and Linda Workman, have expressed a desire to discontinue the community well so it is unlikely they would permit a new one.

We purchased this property in 2004 from Ferrel & Bach Johnson after they had secured a lot partition from Clackamas County. We were aware of the water history including the Johnsons 2003 request to the council to bring water to the lot. That council determined not to allow the added meter as they did not want to support development outside the city limits. The Johnsons did secure the partition and we purchased the property with the belief that with proper water treatment we could live with its poor quality. After 5 years of living with the problem we are yelling "uncle" and asking for your help.

We hope the council will understand our predicament and allow us access to city water just as you previously did for our neighbors.

Sincerely;



Don Fuchs

cc: Bryan Brown, Canby Planning
cc: Larry Hepler, Canby Utility

Attachment B



October 5th, 2010

Bryan Brown
Canby Planning
PO Box 930
Canby, Oregon 97013

Re: Request for connection to Canby Water Distribution System, 2474 Dutch Vista Ct.

Bryan,

Concerning the request before you from Mr. Fuchs to allow an out of service area water connection to the water distribution system, Canby Utility would have no objection to the approval of this request.

Additional usage at this point on the water distribution system would tend to enhance water quality as it would occur near the end of a large dead-end line. This line requires regular flushing to maintain water quality. In effect, water used at this location reduces the amount of water we have to periodically flush from that part of the system.

Sincerely,

Larry Hepler
Operations Superintendent
Canby Utility

Attachment C

M E M O R A N D U M

TO: *Honorable Mayor Prince and City Council*

FROM: *Mark C. Adcock, City Administrator*

DATE: *October 8, 2001*

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

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

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

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

Attachment D

RESOLUTION NO. 519

A RESOLUTION ADOPTING AN URBAN GROWTH MANAGEMENT AGREEMENT BETWEEN THE CITY OF CANBY AND CLACKAMAS COUNTY, AND PROVIDING EFFECTIVE DATES.

WHEREAS, ORS 190.003 to 190.030 allows units of local government to enter into agreements for performance of any or all functions and activities which such units have authority to perform; and

WHEREAS, Statewide Planning Goal #2, Land Use Planning, requires that City, County, State and Federal agency and special district plans and actions shall be consistent with the Comprehensive Plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission (LCDC) requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary will be implemented; and

WHEREAS, the City of Canby and Clackamas County have a mutual interest in coordinated comprehensive plans, compatible land uses and coordinated planning of urban services and facilities; and

WHEREAS, the City and County, to ensure coordination and consistent comprehensive plans, consider it mutually advantageous to establish:

1. A site-specific Urban Growth Management Boundary (UGMB) with the Urban Growth Boundary (UGB) within which both the City and County maintain an interest in comprehensive planning and development; and
2. A process for coordinating land use planning and development within the UGMB; and

Attachment E

3. Policies regarding comprehensive planning and development proposals within the UGMB; and
4. A process for amending the Urban Growth Management Agreement; and

WHEREAS, OAR 660-11-015 requires the responsibility for the preparation, adoption and amendment of the public facility plan to be specified within an urban growth management agreement; and

WHEREAS, Statewide Planning Goal #11, Public Facilities and Services, requires that each city in the State of Oregon assess its long-term needs for public facilities; and

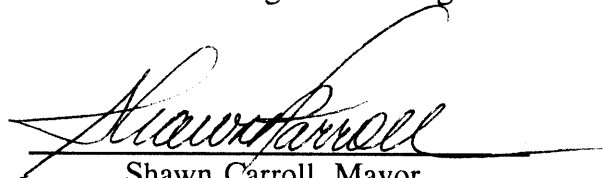
WHEREAS, the City of Canby and Clackamas County propose that the City be responsible for the preparation, adoption and amendment of the public facility plan within the City's urban growth management boundary; and

WHEREAS, the City will coordinate the preparation of its Public Facilities Plan with Clackamas County; and

CANBY CITY COUNCIL RESOLVES AS FOLLOWS:

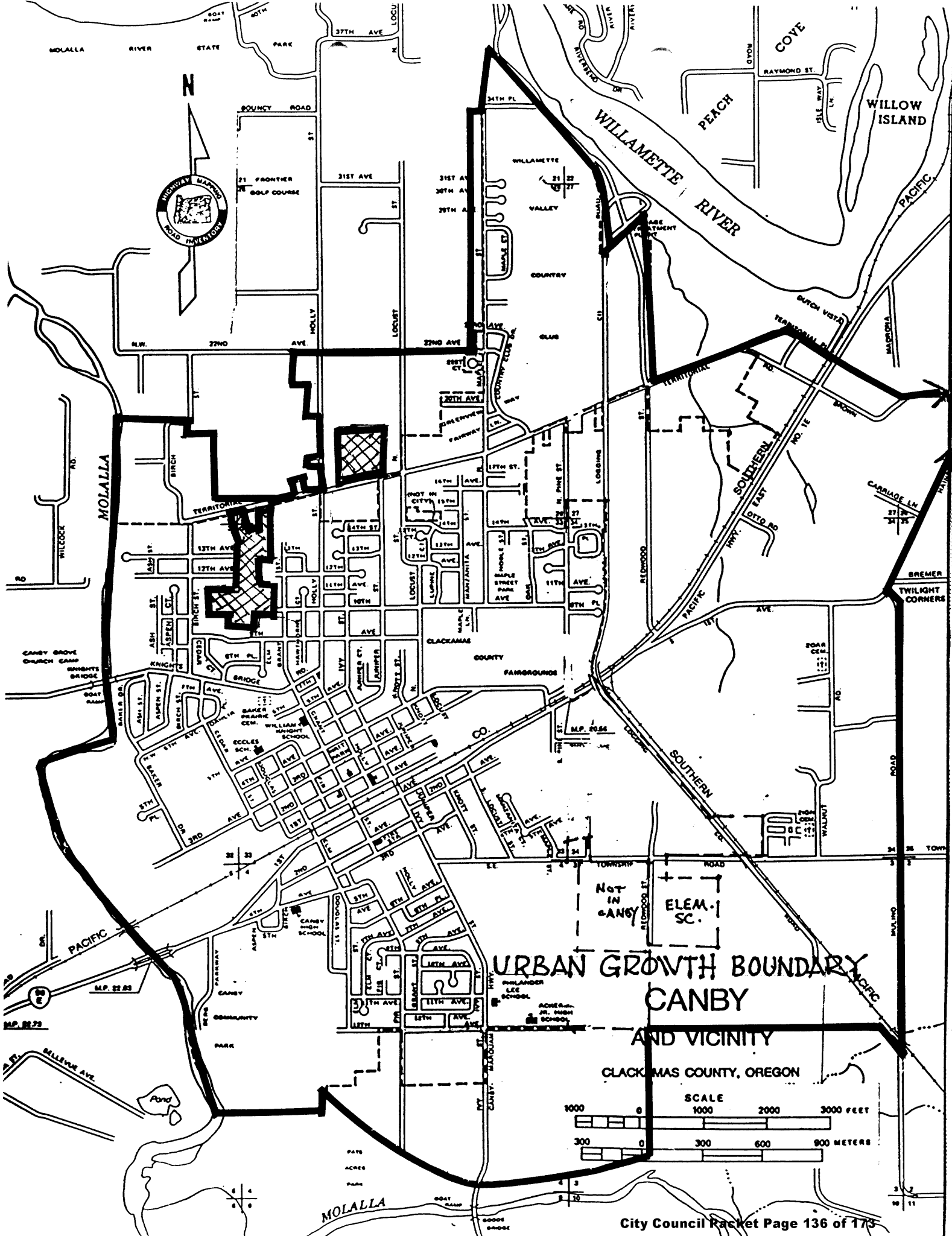
That the Clackamas County-Canby City Urban Growth Management Agreement, which is attached to this Ordinance as Exhibit 1, is hereby approved and adopted; provided, however, that such adoption shall not be effective until after Clackamas County has adopted the same Agreement, and the Mayor is authorized to sign such agreement.

ADOPTED BY THE CANBY CITY COUNCIL at a regular meeting thereof on September 23, 1992.


Shawn Carroll, Mayor

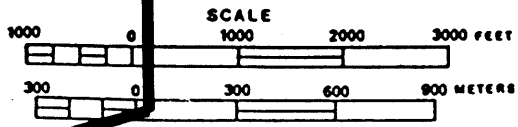
ATTEST:


Marilyn K. Perrett
City Recorder



URBAN GROWTH BOUNDARY
CANBY
AND VICINITY

CLACKAMAS COUNTY, OREGON



CLACKAMAS COUNTY - CITY OF CANBY
URBAN GROWTH MANAGEMENT AGREEMENT

Whereas, the City of Canby and Clackamas County have a mutual interest in coordinated comprehensive plans, compatible land uses and coordinated planning of urban public facilities; and

Whereas, the City and the County will make a good faith effort to reconcile any differences that may emerge from the above mutual interest; and

Whereas, information exchanges should concentrate on issues that may have a significant impact on either party and should not entail cumbersome procedural requirements that may increase the time necessary to expedite decision-making; and

Whereas, OAR 660-03-010 requires management of unincorporated areas within an urban growth boundary to be set forth in a statement submitted to the Land Conservation and Development Commission (LCDC) at the time of acknowledgment request; and

Whereas, Statewide Planning Goal 2 requires coordination between City and County in comprehensive planning,

NOW, THEREFORE, THE CITY AND COUNTY AGREE AS FOLLOWS:

1. **Boundary**

- A. The Urban Growth Boundary Management Boundary (UGMB) shall include unincorporated land within the Urban Growth Boundary (UGB) and adjacent to the City, as shown on map Attachment "A" to this agreement.

2. **Comprehensive Planning, Plan Amendments and Public Facilities Planning for Lands in Unincorporated UGMB**

- A. The further development of a comprehensive plan and comprehensive plan changes for the unincorporated areas within the UGMB shall be a coordinated City-County planning effort. The City shall be responsible for preparing all legislative comprehensive plan amendments in the UGMB. The County shall adopt the City land quasi-judicial comprehensive plan amendments in the UGMB. The County shall adopt the City land use plan designations for all unincorporated lands within the UGMB. All quasi-judicial comprehensive plan amendments for lands within the unincorporated UGMB shall be approved by the City prior to County adoption.

"EXHIBIT I"

- B. City shall be responsible for the preparation, adoption, and amendment of the public facilities plan within the UGMB required by OAR Chapter 660, Division II, Public Facilities Planning. Preparation and amendment of such public facilities plan shall provide for coordination with and participation by the County, County Service and any other special districts within the UGMB which may exist.
- C. The City and County acknowledge that they will mutually be exploring whether there is a need for an Urban Reserve Area adjacent to the Canby UGMB and need for public facility planning for such area.

3. **Development Proposals for Unincorporated UGMB Areas**

- A. The County's zoning shall apply to all unincorporated lands within the UGMB. The County shall zone all unincorporated lands within the UGMB to the appropriate Future Urbanizable Zone category. The current zoning categories include EFU-20, RRFF-5, and GAD, which may require some modification in the future to an appropriate category such as FU-10. With provision for City input, the County shall retain responsibility and authority for all implementing regulations and land use actions for all unincorporated lands within the UGMB unless the City and County execute a separate agreement for specific areas within the UGMB.
- B. The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB. For areas zoned FU-10 within the UGMB, the County shall issue no permit or otherwise authorize extension or connection of public facilities and services in violation of the FU-10 Zone.
- C. The County shall not form any new County service districts or support the annexation of land within the unincorporated UGMB to such districts or to other service districts without City approval.

4. **County Notice to and Coordination with the City**

- A. The County shall provide notification to the City at least 35 days prior to the first scheduled public hearing on all land use actions, quasi-judicial actions, proposed legislative changes to the County comprehensive plan or its implementing ordinances affecting land within the UGMB.
- B. The County shall provide notification to the City at least 15 days prior to staff decision on applications for administrative actions as provided for in the County's Zoning and Development Ordinance for applications within the UGMB.
- C. The County shall notify and invite City staff to participate in pre-application meetings on significant development proposals or Design Review Committee meetings on development proposals within unincorporated areas of the UGMB.

"EXHIBIT I"

These meetings shall be set by the County after consultation with City staff on mutually agreeable meeting time. All meetings shall occur within thirty (30) days from the date the city is contacted unless agreed otherwise.

- D. Any amendments proposed by the County to the UGB within one mile of the UGMB as shown on Attachment "A" will be jointly reviewed by the City and the County prior to submission to the State (DLCD).
- E. The County shall enter all written comments of the City into the public record and shall consider the same in the exercise of its planning and plan implementation responsibilities.

5. City Notice to and Coordination with the County

- A. The City shall provide notification to the County at least twenty (20) days prior to the first public hearing on all proposed annexations, capital improvement plans or extraterritorial service extension into unincorporated areas.
- B. The City shall provide notification to the County at least twenty (20) days prior to the first public hearing on all land use actions, proposed legislative changes to the City comprehensive plan or quasi-judicial actions adjacent to or in close proximity to unincorporated areas.
- C. Any amendments proposed by the City to the UGB within one mile of the UGMB, as shown on Attachment "A", will be jointly reviewed by the City and the County prior to submission to the State (DLCD).

6. City Annexations and Sewer, Water and Road Service

- A. The City may undertake annexations in the manner provided for by law within the UGMB. City annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. The County shall not oppose such annexations.
- B. For newly annexed areas, upon annexation, the City shall assume jurisdiction of County roads and local access roads except arterials that are within or abutting the area annexed. As a condition of jurisdiction transfer for County roads and local access roads not built to City street standards on the date of the final decision on the annexation, the County agrees to pay to the City a sum of money equal to the cost of a two (2") inch asphaltic concrete overlay with the width of the then-existing pavement; however, if the width of pavement is less than twenty (20) feet, the sum shall be calculated for an overlay twenty (20) feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of the City and County. Arterial roads will be considered for transfer on a case-by-case basis.

Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions. The above described provisions are not intended to prevent alternative arrangements where mutually agreed to by the City and County.

- B. The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB. For areas zoned FU-10 within the UGMB, the County shall issue no permit or otherwise authorize extension or connection of public facilities and services in violation of the FU-10 Zone.
- C. Public water and/or sewer shall generally be provided to unincorporated areas by the City to health hazard areas when the appropriate authority determines a health hazard exists. Needed service shall only be provided to health hazard areas by service districts if annexation to and service by the City is not possible.
- D. The City shall not extend sewers or water to any unincorporated areas within the UGMB without annexation to the City, except for "C" Health Hazard Areas described above, or unless mutually agreed to otherwise by the City and County.

7. **Terms of Agreement**

It is hereby understood that this agreement may be amended in writing by the concurrence of both the City and County. Either party may terminate this agreement at any time after one-hundred twenty (120) days written notice to the other party.

IN WITNESS WHEREFORE, the respective parties have caused to be signed in their behalf to make and enter into this agreement this ____ day of _____, 1992.

CITY OF CANBY

By 

**CLACKAMAS COUNTY
BOARD OF COMMISSIONERS**

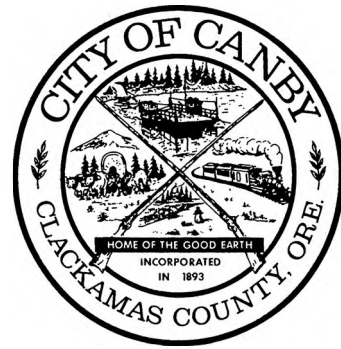
By _____

ATTEST:

By 

By _____

By _____



M E M O R A N D U M

TO: *Honorable Mayor Thompson and City Council*
FROM: *Bryan Brown, Planning Director*
DATE: *October 4, 2010*
THROUGH: *Greg Ellis, City Administrator*
SUBJECT: *Summary of Extraterritorial Extension Requests*

The following is a summary of known requests for the connection of water and/or sanitary sewer services outside of the City limits since application of Council policy in 2001 dealing with this issue:

May, 2001. Council approved a request for water service outside the city limits but inside the UGB to serve the New Life Foursquare Church located at 2350 SE Territorial Road.

August, 2001. Council approved a request for sanitary sewer service outside the city limits and the UGB to replace a failing septic system for the Three Sisters Ranch located at 1570 NE Territorial Road.

August, 2001. Council denied a request for water service outside the city limits and inside the UGB to replace an inadequate well for Wayne & Sheila Job's property located at 2483 E. Territorial Road.

May, 2002. Council approved a request for water service outside the city limits and inside the UGB where Canby Utility stated that the additional service line would relieve an area of "dead water" in the existing line for the Seventh-Day Adventist Church located at 2180 NE Territorial Road.

August, 2002. Council approved a request for four water service connections outside the city limits and the UGB to replace an inadequate well for four lots and homes located on Dutch Vista Lane.

November, 2003. Council denied a subsequent request for a water service connection outside the city limits and the UGB to replace an inadequate well for one additional new residential lot and home located on Dutch Vista Lane.

March, 2005. Council denied a request for water and sanitary sewer services outside the city limits and inside the UGB to serve a proposed subdivision on the Dodd's property located at 1882 N. Holly Street.

January, 2007. Council approved a request for water service outside the city limits and inside the UGB to serve the Canby Chapel Church of the Nazarene located at 2323 SE Territorial Road.

April, 2007. Council approved a request for water service outside the city limits and inside the UGB where Canby Utility stated that an area of "still water" would be alleviated by the additional service connection from Scott & Jennifer Vandecoeveing for a home located at 1575 N. Pine Street.

Attachment F

Homeowners of Dutch Vista Road
2424 Dutch Vista Road
Canby, OR 97013
503-263-2186(H)
503-231-9990(O)

July 1, 2002

Mayor Terry Prince
Members of the City Council
City of Canby
PO Box 930
Canby, OR 97013

Re: Request to Connect to City Water

Dear Mayor Prince and Members of the City Council:

We, the homeowners of Dutch Vista Road, respectfully request that we be allowed to connect to the City water line consistent with the City's decision to allow the Canby Seventh-Day Adventist Church to connect to City water.

Dutch Vista Road has for over 40 years been a community of four homes located just outside the Canby city limits. We rely on a single community well as our sole source of water. The water is of very poor quality. It contains high levels of iron and other minerals, making it very hard. Each household uses bottled water for drinking water.

Due to the iron and other minerals in the water, we have had to replace all well pipes on a regular basis. The water lines within each home and the lines between the well and the homes become plugged with iron bacteria and require

Attachment G

regular maintenance to keep them operational. The minerals and hardness of the water over time destroy plumbing fixtures inside the homes and discolor sinks, tubs and toilets to the point that they must be replaced.

The pressure in the water lines is not constant and we frequently must curtail consumption in one or more households so the others can use the water system.

Connecting the residents of Dutch Vista Road to City water would not be difficult. The City water line already abuts Dutch Vista Road at East Territorial Road near the Canby Seventh Day Adventist Church. We would simply need to extend the water line north on Dutch Vista Road and connect to each of the four homes. Since the City has purchased the State parkland to our west and south and the riverbank to our north, the City now surrounds us on three sides.

We believe that it would not adversely affect the City of Canby, the Canby Utility Board or Clackamas County if we were allowed to connect to City water. We would of course abide by the requirements set by the Canby Utility Board regarding installation requirements.

In summary, we respectfully request that the residents of Dutch Vista Road be allowed to connect to City water because of the considerable hardship caused by the continued use of a single community well of poor water quality, limited pressure and damaging effect to our homes and unreasonable cost of maintenance.

City of Canby
July 1, 2002
Page three

Thank you for your consideration of our request.

Sincerely,



Linda I. Workman
2424 Dutch Vista Road



Linda I. Workman
2435 Dutch Vista Road



Richard Hands
2452 Dutch Vista Road



Bock Soon Brunner
2486 Dutch Vista Road

Cc: John L. Williams, City of Canby, Planning Director
Karl Hansen, Assistant General Manager, Canby Utility
Board



August 8, 2002

Mayor Terry Prince
Members of the City Council
City of Canby
P.O. Box 930
Canby, OR 97013

RE: Request of the Homeowners of Dutch Vista Road to Connect to City Water

Honorable Mayor Prince and City Council Members:

Canby Utility has reviewed the letter, dated July 1, 2002, in which four property owners on Dutch Vista Road are respectfully requesting to be allowed to connect to the recently installed waterline on NE Territorial Road. The Dutch Vista Road property owners have purposed to install an approximately 1,500-foot dead end lateral water line running, north form Territorial Road on Dutch Vista Road, to serve four properties that are currently having their water supplied by a private community well. All four properties are outside the city limits and the urban growth boundary.

Canby Utility focused on two specific concerns in analyzing this request. The first is whether Canby Utility can legally provide service to properties outside the urban growth boundary and secondly, determining what benefit, if any, Canby Utility's water system would receive from serving these properties.

The first concern is addressed in a memorandum from our attorneys Hutchison, Hammond & Walsh, who performed an investigation to determine the legality of serving customers outside the urban growth boundary. Attached to this letter, is a memorandum from David F. Doughman, Deputy Board Attorney, who basically summarized that there are no legal impediments that would prevent Canby Utility from serving the Dutch Vista Road property owners and that the determination is ultimately at the discretion of the City Council to allow connection.

The second concern regarding what benefit to the water system Canby Utility's would receive from these connections is a more complicated issue. We have found that the Dutch Vista Road property owners proposal of installing a 1,500-foot, eight (8) inch ductile iron (Canby Utility minimum standard pipe size), dead end waterline to these four properties would be of no operational benefit to the utility and in fact, would compound an existing flow problem in the area. Due to the location of these properties the purposed

waterline could not be looped back into the system which will cause the excess water to stand idle in this piping for long periods of time. This purposed new water line would require extra maintenance and flushing in order for Canby Utility to be in compliance with health standards.

An alternative to the Dutch Vista Road property owners proposal would be to treat these properties in the same way that flag lots within the city limits are currently connected to Canby Utility's water system. Four individual water service taps could be made on the existing NE Territorial Road water line serving four individual water meters located out of the traveled right-of-way at the intersection of Dutch Vista Road and Territorial Road. It would then be the responsibility of the individual property owners to install, own and maintain correctly sized water lines from the purposed water meter locations to their individual properties. This type of connection would increase water flows in the existing waterline without adding additional flow problems to the immediate area.

If you need any additional information or clarification regarding this issue, I will be available to come before you and the Council at your request.

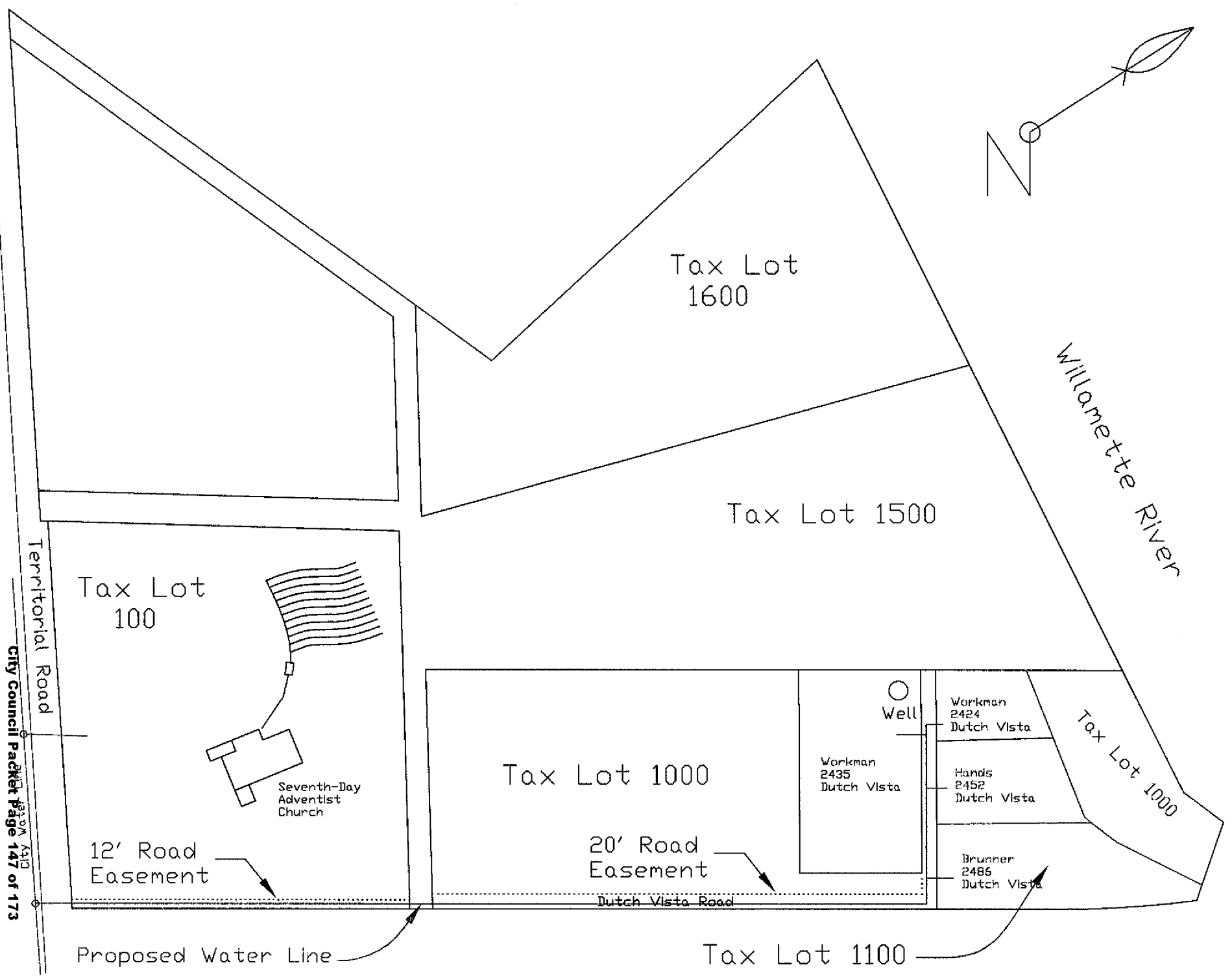
Respectfully,



Karl R. Hansen
Assistant General Manager

Attachments

cc: Dirk Borges, General Manager
Bob Westcott, Canby Utility Board of Directors Chairman
Randy Carson, City Liaison
John Williams, City of Canby Community Development & Planning Director
Steve Workman, 2424 Dutch Vista Road



CANBY CITY COUNCIL
REGULAR SESSION
AUGUST 21, 2002

Mayor Terry Prince presiding. Council members present: Jean Tallman, Walt Daniels, Patrick Johnson, Shirley Strong, Randy Carson, and Teresa Blackwell.

Also present: Community Development and Planning Director John Williams, City Attorney John Kelley, Transit Director Margaret Yochem, Police Chief Ken Pagano, Finance Director Chaunee Seifried, Marty Moretty, Le Roy Raper, Craig Finden, Melody Thompson, Karl Hansen, Georgia Newton, Jim Newton, Terry Tolls, Steven Amick, Linda and Steve Workman, Curtis and Lila Gottman, Lisa Weygandt, Craig Lewelling, Lt. Greg Kroepelin, Wayne Oliver, Jamie Johnk, David Howell, Bev Doolittle and R.C. Hands.

Mayor Prince called the regular session to order at 8:01 p.m., followed by the opening ceremonies and a moment of silence for our troops.

CITIZEN INPUT ON NON-AGENDA ITEMS: None.

CONSENT AGENDA: ****Councilor Strong moved to approve the Minutes of the Regular Session of August 7, 2002; Accounts Payable of \$588,386.86; and a Request for Use of City Parking Lot by Canby High School Dance Team. Motion was seconded by Councilor Carson and passed 6-0.**

COMMUNICATIONS: City Administrator Mark Adcock stated that a letter was received from Anne Martin after the packet went out, requesting a cul-de-sac street closure of NE 12th Way, for a block party on Sunday, August 25, 2002 from noon to 5 p.m.

****Councilor Daniels moved to approve the street closure on Sunday, August 25, 2002 from noon to 5 p.m. on NE 12th Way and to coordinate barricades with the City. Motion was seconded by Councilor Strong and passed 6-0.**

NEW BUSINESS: New Liquor License Application for Safeway, Inc. - Police Chief Pagano's memorandum was reviewed which recommended approval of the application.

****Councilor Carson moved to forward a recommendation of approval to the Oregon Liquor Control Commission for a new liquor license application for Safeway, Inc. Motion was seconded by Councilor Tallman.**

Councilor Daniels asked if a license was necessary for wine, because he noticed they were already selling it. Attorney Kelley said they most likely had a temporary license while they waited for this one to be approved.

****Motion passed 6-0.**

Street Closure/Parking Request for Wait Park Police-Fire Remembrance Event - Police Chief Ken Pagano said as a result of Ackerman Middle School students working with Congresswoman Darlene Hooley and Tony Crawford, a teacher at Ackerman Middle School, the school would be receiving a relic of the World Trade Center, an 125 pound piece of one of the main beams. There would be two scheduled events, one on September 3 at Wait Park and the other on September 11 at Ackerman Middle School. The relic would be transported on September 3 to Wait Park by Canby fire and police personnel and several law enforcement and fire agencies would surround the park. The event would be from noon to 1 p.m. They wanted to close the parking surrounding the park next to the curb area only, not completely closing off the streets. On September 11, at 7 a.m. there would be a public procession of the relic from the Canby High School softball field to Ackerman Middle School. At 8:15 a.m. there would be a ceremony to enter the relic in their peace garden.

****Councilor Tallman moved to limit the parking around Wait Park on September 3, 2002 between noon and 1 p.m. The motion was seconded by Councilor Blackwell and passed 6-0.**

Mayor Prince thanked Mr. Crawford for all his work on this.

Request for Hardship Permit (Raper) - Community Development Director John Williams introduced Jodie Buchanan, the new Planning Department Technician, who prepared the staff report and had just been with the City for one month. Mr. Williams stated that the Council was allowed in the code to approve temporary dwellings in case of hardship. Applicants submitted a letter from a doctor certifying there was a need for the dwelling and they had to meet five criteria. The property was a lot of about a half acre located at the corner of South Fourth and Elm and was in the Highway Commercial Zone. Staff recommended approval of the temporary hardship permit. They also recommended a few conditions: that it would be approved on a yearly basis, the dwelling would be removed when it was no longer needed, and they would get utility connections and foundations as required. They sent public notice to those living 100 feet from the property, and they got two letters of response, one from Allen Manuel who had a few concerns and the other from a neighbor in support. Staff recommended not to adopt any conditions suggested by Mr. Manuel as the concerns were already addressed by the code.

Councilor Blackwell said that she did have a question after reading Mr. Manuel's concerns, but felt that Mr. Williams addressed it already. Mr. Williams said Mr. Manuel wanted the applicant to be restricted to residential setbacks which were not standard in this zone, he wanted an automatic expiration of the permit, and he thought the applicant should forgo the right to remonstrate against any proposal Mr. Manuel had on his adjacent property, which was not appropriate.

Councilor Carson asked what the size of the dwelling would be and Mr. Raper said that it would be a 28 foot wide manufactured home and was anticipating that it would be somewhere around 36 feet long.

****Councilor Daniels moved to approve SP 02-01 and authorize staff to issue a temporary hardship permit for the proposed dwelling for one year following conditions as proposed by staff. Motion was seconded by Councilor Johnson and passed 6-0.**

Request for City Water Service Connection from Dutch Vista Road Homeowners - Community Development Director John Williams said that the Council created policy for these kind of applications— to consider these on a case-by-case basis. In general new water and sewer connections

outside the City limits were discouraged, but if a few conditions existed they would view the application more favorably. They had an existing street there, and a connection going down that road would not interfere with future infrastructure.

Councilor Tallman asked if they had ever gone out of the Urban Growth Boundary before? Mr. Williams said they had not, and Canby Utility's lawyer looked at that issue. They believed they could go beyond the UGB. They had approved a sewer extension outside the UGB, but never water.

Steve Workman, resident of 2424 Dutch Vista Road, said the neighborhood had been in existence for 40 years and they wanted City water because they had one community well which had hard water and high levels of iron, bacteria, and other minerals. The water damaged their faucets, sinks, toilets, etc., and on a regular basis they replaced components of the well including the lines. They needed better water pressure as well. They thought it was a hardship, and they wanted to be a part of the City water system.

Councilor Tallman asked for their specific location. Mr. Workman said they were north of the Seventh Day Adventist Church on NE Territorial off of Highway 99E and west of the railroad tracks.

Councilor Blackwell said there was not a lot of urban development at that location since it was out of the Urban Growth Boundary.

Councilor Carson asked if their water system changed in the last few years, or had it always been this way? Mr. Workman said it had been this way for a long time, but they had more difficulty in recent years especially in regard to pressure.

Mayor Prince said Canby Utility claimed in their letter that since this was not a loop system that this would require extra maintenance and flushing to be in compliance. Mr. Workman said they also suggested setting up meters at E. Territorial to run lines out to their homes and that would eliminate the problem.

Karl Hansen, Assistant General Manager of Canby Utility, said that this was the first request for service outside the Urban Growth Boundary, and the legal opinion was that it was possible through the Council's discretion. They put in the water for the Foursquare Church, which was within the Urban Growth Boundary and identified in their water master plan. This proposal was not addressed in their master plan since there was no growth anticipated in that direction. They had a large 16 inch pipe that went from Territorial to the Foursquare Church without a lot of flow in it that did cause operational problems. Running a line to the Dutch Vista neighborhood would compound the problem and would burden the utility to flush it and maintain it. Also part of the property would be on railroad right of way. However an alternative would be metering off of the main line at Territorial Road, and maintenance issues would be left to each property owner. This was the best solution in his opinion.

Councilor Carson asked if more people were to connect, would it help with the flow? Mr. Hansen said it would definitely help.

Councilor Johnson asked if they put in the water meter and in the future there were more homes built out there, how difficult would it be to switch back to the main line? Mr. Hansen said it wouldn't be a

huge undertaking depending on where the line were to end up, if it paralleled with the existing services. Councilor Johnson said in the motion, should they outline which option or should they leave it up to Canby Utility? Mr. Hansen thought it would be better if it were specific.

Councilor Blackwell asked if Canby Utility needed a memo of understanding with these folks concerning the maintenance? Mr. Hansen said they did not, the utility was only responsible to the point of delivery which was at the meter.

Councilor Carson said the alternate was to run four individual water service lines out, would it be advantageous to run from the first property a larger line and tap off of that for the other houses but the City would only be responsible up to the meter? Mr. Hansen said that would take a memorandum of understanding or contract agreement as it would be master metering. That option had problems as well.

Councilor Blackwell said the most simple resolution would be to put in the meter at Territorial and let the homeowners do the maintenance.

Councilor Carson asked if they would consider annexation. This would be a long term solution. Linda Workman, a homeowner in Dutch Vista, said she called several years ago about getting on City water because the water quality was so bad. This was a long standing problem for them. As far as annexation, that was a separate issue.

Councilor Johnson said that in the recent past, the City denied an application that was outside the City limits. He thought it was important to be consistent. The City owned parkland up against this property and if there was a chance that other houses could be developed, would this be a conflict of interest?

Mayor Prince said it was not a conflict of interest but that something in the future may make this property a benefit that wasn't there before. Councilor Johnson thought if they sold the property to the developer and City water was just next door, it increased the value.

Councilor Carson said the one they denied previously was the Job property across from the Foursquare Church and lack of master planning had been the issue.

Councilor Daniels said that this situation was different and that the line ran along Territorial right by their homes.

Councilor Strong said her concern was that they were going outside the UGB and would be opening the door for others to do the same.

Councilor Johnson asked if this area was master planned as far as water was concerned? Mr. Hansen said this area had not been since it was outside the UGB.

Councilor Tallman said the issue was if it were considered a health issue, because they were deciding each application on its own merits. When the water was this bad, it was a hardship and she was sympathetic to the problem. It was legal to do, and Canby Utility said it could be done.

****Councilor Daniels moved to grant the request from the Dutch Vista Road Homeowners to connect to City water service with the placement of a water meter at Territorial Road and Dutch Vista Road. Motion was seconded by Councilor Tallman.**

Councilor Johnson said he thought they should stay consistent in their decisions and did not support the request.

Councilor Daniels said in defense of the motion, they were two different applications. For this application, the line was going by the location and it would serve four homes.

****The motion passed 4-2 with Councilors Johnson and Strong voting nay.**

UNFINISHED BUSINESS: Findings, Conclusion, and Final Order for Tofte ANN 02-01 - Planning Director John Williams said the Council found that the annexation failed on four of the ten criteria. This would be the final vote on the issue, and it was for denial. Once the findings were approved, the applicant had three weeks to appeal to the Land Use Board of Appeals.

****Councilor Tallman moved to approve the findings, conclusion, and final order denying the Tofte annexation, ANN 02-01. Motion was seconded by Councilor Strong and passed 4-3 with Councilors Johnson, Carson, and Blackwell voting nay and Mayor Prince breaking the tie.**

Discussion re: Proposed Modification of Public Safety Levy - City Administrator Adcock said in early 2002, the Budget Committee discussed the need for a levy to improve Police Department funding. The City Council approved the recommendation and put the matter before the voters in May. This levy failed by approximately 360 votes. On June 11, the Budget Committee met again and discussed the levy and the Committee developed a recommendation that the City again go out to the electorate for a levy in the amount of \$1.40 per 1,000 assessed valuation. The Council accepted the recommendation and staff worked to put it before the voters in November. Chief Pagano expressed concerns he heard from the community as to the amount of the police levy, and based on that they put together an alternative. The revised levy would be \$.79 per 1,000 assessed valuation.

Chief Pagano thanked the Council and staff for their work on the levy. He recommended they lower the levy to the \$.79 per 1,000. Other departments were going out for levies, and the previous \$1.40 was just too much according to citizens. He thought at \$.79 he could still get some growth in the Police Department in all the areas he needed, which were administration, patrol, records, detectives, and code enforcement. They lost five positions from the budget cuts and in this levy they would add eight positions. This would expand the hours of public access to the Police Department and add the 800 MHZ radio system. All of Clackamas County was going to the 800 MHZ system in January and communication was extremely important.

Councilor Carson said this did not take care of the total long term needs of the department, but was a short term fix.

Councilor Strong asked what the cost per thousand would be if they just did the 800 MHZ radio?

Chief Pagano said it would be \$.15 per 1,000.

Councilor Tallman felt that it would be more realistic to go with the \$.79.

Councilor Strong said several elderly people approached her who were concerned that this would force them to sell their homes because they couldn't afford the levy. She could not support any levy that would do that.

Councilor Johnson didn't like the idea of putting critical services on five year funding plans. He was in support of the \$1.40, but felt that the \$.79 would be the best short term solution until they could do some long range financial planning. He also heard from elderly citizens who were concerned about the \$1.40, and that was why he supported reducing it. He had concerns about identity theft and gang tagging which had increased in the City, and he applauded staff who reduced it to \$.79.

Councilor Daniels said as Chairman of the Budget Committee, they felt that there was a need and that was why they recommended \$1.40. He understood the hardship on those who were retired. They kept voting in annexations, yet there was not enough police personnel to handle the growth. He did not want people to think that there was excess in the first proposal of \$1.40, the \$.79 was an interim band-aid and would not address all the need. He thought staff and the Chief had done an excellent job in reducing the amount.

****Councilor Carson moved to approve Resolution 808, A RESOLUTION OF THE CITY OF CANBY, OREGON, CALLING AN ELECTION TO SUBMIT TO THE VOTERS OF CANBY A FIVE YEAR, LOCAL OPTION LEVY FOR POLICE SERVICES AT THE RATE OF \$.79 PER \$1,000.00 ASSESSED VALUE BEGINNING IN FISCAL YEAR 2003/2004. Motion was seconded by Councilor Tallman.**

Councilor Blackwell also thanked the Chief for listening to the citizens as she thought the \$1.40 was a bit high and now it would go to the voters.

Councilor Tallman emphasized the fact that Canby's population increased while the number in the Police Department decreased, which did not make sense. They had to keep up with growth.

****Motion passed 5-0 with Councilor Strong abstaining.**

ORDINANCES & RESOLUTIONS:

Ordinance 1104 - Administrator Adcock said these street lights would be used along Second Avenue and North Ivy streetscape project. Staff recommended approval of the ordinance for \$36,480 to Sternberg Vintage Lighting.

****Councilor Daniels moved to adopt Ordinance 1104, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH STERNBERG VINTAGE LIGHTING OF NILES, ILLINOIS TO PURCHASE 30 STREET LIGHTS, AND**

DECLARING AN EMERGENCY to come up for second reading on September 4, 2002. Motion was seconded by Councilor Blackwell.

Councilor Carson said these street lights would compliment their new Ivy Street and Second Avenue streets when they were completed.

Mayor Prince said due to staff diligence, the street lights would each cost \$50 a piece less than originally planned.

****The motion passed 6-0 on first reading.**

Ordinance 1105 - Administrator Adcock said they requested that this ordinance be pulled for later discussion.

MANAGERS' REPORT: A Budget Committee Meeting was announced by Administrator Adcock on August 28, 2002 at 7 p.m. in the Canby Utility Board Room to discuss long term financial planning.

Request from Planning Commission for a Joint Workshop - Administrator Adcock said the Planning Commission proposed a joint workshop for October 2 to discuss the next steps in the park acquisition plan. Council gave consensus to meet on that date.

CITIZEN INPUT: Leonard Walker, resident of 1526 N Plum Court, Canby, said they were trying to establish a neighborhood association in the Northeast portion of town and their first meeting would be August 27 at the City Shops at 7 p.m.

COUNCILORS' ISSUES: Councilor Tallman said at the Fireman and Police Appreciation Dinner in February, she donated some money to get a second dog for the Police Department, and that new dog had arrived. All the money for the dog was donated, with Canby Rotary giving a large amount. Kiwanis was in the process of buying a bullet-proof vest for the dog. Police Officer Lisa Panoff-Jamison was currently "bonding" with her new partner.

Councilor Daniels added to bring the "White Paper" to the upcoming Budget Committee meeting.

Councilor Blackwell was excited that this was the second neighborhood group that was forming. She also thanked Mr. Craig Lewelling for his attendance at the IAA/Agency meetings.

Councilor Johnson complimented staff for a great transit celebration yesterday and especially thanked John Williams, Margaret Yochem, and Mark Adcock.

Mayor Prince announced that the buses would officially start running on Sunday, September 1, with the dial-a-ride program. The next day was the Labor Day holiday, September 2, in which they would not be running, so the first fully operational day would be on Tuesday, September 3. There were bus schedules at City Hall. Joyce Peters also announced that the current bus schedule and routes were on the City web page. The Mayor added that there had been a broad range of citizens to help set up the routes.

ACTION REVIEW:

1. Approving the consent agenda.
2. Approving Ord. 1104 to come up on second reading on September 4, 2002.
3. Forwarding a recommendation for approval to OLCC for the liquor license for Safeway, Inc.
4. Approving the Raper request for a Hardship Permit.
5. Approving the request for City water service connection from Dutch Vista Road Homeowners.
6. Accepting the Findings, Conclusion, and Final Order for Tofte ANN 02-01.
7. Setting a joint Council/Planning Commission workshop for October 2, 2002 to discuss park acquisition issues.
8. Approving Martin request for street closure for a block party on August 25, 2002.
9. Approving parking restriction request for Wait Park remembrance event on September 3, 2002.
10. Approving Res. 808 with accompanying ballot language and explanatory statement..

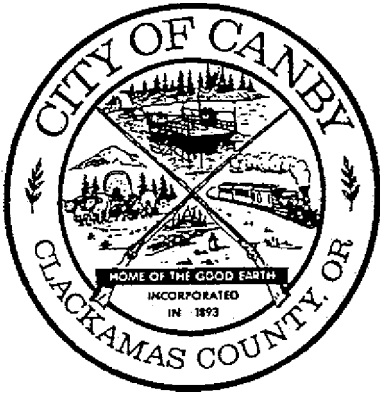
There was no Executive Session.

Mayor Prince adjourned the regular Council meeting at 9:26 p.m.

Chaunee F. Seifried
City Recorder pro tem

Terry L Prince
Mayor

Prepared by Marty Moretty
and Susan Wood
Office Specialists



City of Canby

Office of Community Development Director

August 23, 2002

Jay Bacon
Interim Director, Clackamas County WES
9101 SE Sunnybrook Blvd., Suite 441
Clackamas, OR 97015

Re: Concurrence for Extension of Water Service to Dutch Vista Road

Dear Mr. Bacon:

The Canby City Council approved a request for City water service at its meeting of August 21, 2002. The subject properties are located on Dutch Vista Road, northeast of Canby and outside city limits and the Urban Growth Boundary. Canby Utility's attorney confirmed that we can legally serve these properties. The Council's only condition was that the connection must be made at NE Territorial Rd., as proposed by Canby Utility. The City now requests your concurrence on this service extension, as we have done in the past for properties within the UGB.

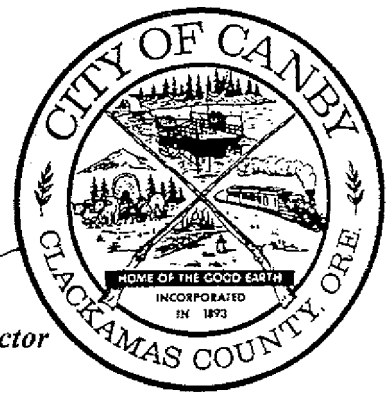
I have included the homeowners' request and Canby Utility's staff analysis for your review. If you require any further information, please contact me at (503) 266-9404.

Sincerely,

John R. Williams
Community Development & Planning Director

Cc: Karl Hansen, Canby Utility Board ✓
Steve Workman, Dutch Vista Road Homeowners

KARL HANSEN



MEMORANDUM

TO: Honorable Mayor Thompson and City Council
FROM: John R. Williams, Community Development & Planning Director
THROUGH: Mark C. Adcock, City Administrator
DATE: November 13, 2003

Issue: Water extension to NE Dutch Vista Court.

Synopsis: In August 2002 the City Council approved the extension of city water service to four houses on Dutch Vista Court. Farrel and Bock Johnson are now requesting approval to connect another line at this location. They are turning a triplex on one lot into two single family houses on two lots by demolishing the center unit. Therefore, the number of units overall will remain the same but a new water connection is desired.

Recommendation: Staff recommends that the Council approve the request and authorize the mayor to sign a letter to Clackamas County requesting their concurrence.

Rationale: Staff has recommended approval because the Council approved the original request in 2002 and the number of residential units is being decreased.

Background: The property is located outside City limits and outside the Urban Growth Boundary. Canby can legally serve this property, at the discretion of the City Council.

Options: 1. Deny the application. This would be appropriate if the Council wishes to limit the creation of additional parcels with separate homes in this area.

Attached: Letter from the Johnsons; map; County staff report conditionally approving partition of lot.

KARL— I CHANGED MY MIND ON
REALIZING THAT THEY'RE NOT
BUILDING ANY NEW UNITS —
JUST TEARING ONE DOWN.
WHAT DO YOU THINK? *John*

Farrel & Bock Johnson
2486 NE Dutch Vista Court
Canby, OR 97013
503 515-9194

November 10, 2003

Mayor Melody Thompson
Members of the City Council
City of Canby
PO Box 930
Canby, OR 97013

Re: Request to Connect a Fifth House to Canby City Water

Dear Mayor Thompson and Members of Canby City Council:

In Aug 2002 the City Council approved city water service to four houses on Dutch Vista Court. We are requesting the addition of another water connection to a fifth house.

Clackamas County has given an approval to partition our one lot into two parcels. The property currently has a three-unit triplex and the county will require the middle unit to be removed. This will leave two single-family units each on its own lot.

Clackamas County has given approval to partition based on certain conditions being met. One of which is that both houses must be connected to Canby City water. See condition 10 on page 7 of the Partition Approval.

Thank you for your consideration.

Sincerely,



Farrel & Bock Johnson

Dutch Vista

project was the best infill project currently available. This time they would do a better job at explaining the benefits of the project.

Mayor Thompson read from their letter some reasons for allowing this.

Councilor Newton asked if this would be on the May ballot. City Attorney Kelley said it would. Mayor Thompson asked about the timeline for filing annexations. Community Development and Planning Director John Williams explained it.

Councilor Johnson asked about another annexation in which the deadline was waived, and Mr. Williams said it had also failed at the ballot.

Councilor Carson said the Council would be having some public meetings in the next few months to talk about why the annexations were being turned down. This was an infill project, and the property surrounding it was already in the City. Councilor Daniels said they were not the only City with this problem, the City of Salem had recently had annexations turned down.

Councilor Johnson said he would not support this because the voters had already said no to it. Mayor Thompson said if annexations were declined at the ballot, they had to go through the same process to be approved again. Councilor Oliver said that he would support this due to the fact that it was infill and was a small parcel and that the form for filing deadlines was confusing. Councilor Daniels said that he would support this as it fit the criteria, and they should send it back to the voters. Councilor Blackwell said they should stay with the Ordinance. Councilor Newton didn't have a problem with the project but would stay with the Ordinance and time requirements. Councilor Carson also thought they should stay with the Ordinance.

****Councilor Daniels moved to waive the timeline for the annexation applicant. Motion was seconded by Councilor Oliver and failed 4-2 with Councilors Daniels and Oliver in favor.**

NEW BUSINESS: Water Extension on NE Dutch Vista Court – Community Development and Planning Director John Williams said in August of 2002, an application was made on Dutch Vista for four water connections. Since that time, one of those residents applied to the County for a partition of their property, and the County wanted them to change the triplex currently on the land to a duplex, each unit on its own lot, and they needed another water service to the extra lot.

****Councilor Johnson moved to approve the request and authorize the Mayor to sign a letter to Clackamas County requesting their concurrence. Motion was seconded by Councilor Blackwell.**

Councilor Newton asked if the hookups were needed because of poor water quality and health issues. She was having problems with the City supplying services outside the City Limits and UGB.

Karl Hansen, Assistant General Manager of Canby Utility, said in 2001 a waterline was approved to be extended on Territorial Road and across 99E to New Life Foursquare Church.

The Dutch Vista folks came in 2002 and requested an emergency water hook-up for health reasons but because of the costs to the homeowners, only two hookups had been completed. Mayor Thompson asked if they were still using the wells, and Mr. Hansen said that was correct.

Councilor Carson asked if they put five lines in anticipating they would need to add another? Mr. Hansen said that was correct.

Mayor Thompson asked about the hook up fees. Mr. Hansen explained them.

Mayor Thompson asked if they provided a recommendation that it could be done. Mr. Hansen said they did.

Jim Newton, Canby Utility Board member, said their policy was not to serve outside of the UGB, but they would evaluate a request and allow the Council to decide. Councilor Daniels said this was a case of a health issue. Councilor Newton asked if there was still a health issue.

Ms. Bock Johnson, resident of 2486 NE Dutch Vista, said they were waiting for the County to hook up to know where the pipes would go because of the construction to the sites.

Councilor Carson said they could take both of the connections already there and use them. He thought they should ask the applicant to take out the extra unit before they hooked up to the water. Mayor Thompson said this was a delicate decision, as they usually got tax revenue that they provided services to, but that was not the case in this situation. She understood there was a health issue, but some people had not hooked up.

Councilor Johnson said he was confused why this was an issue since the damage was already done and water service was already out there. Councilor Carson said he felt taken advantage of that some people did not hook up.

Councilor Oliver asked where CUB was financially? Mr. Hansen said they were in the hole, because they were dealing with the County and extended construction to get all four ready to go prior to actual funds being paid. They didn't want to open the road several times as it was more expense.

Councilor Newton said this felt more like a development process and she did not feel comfortable supporting it. Councilor Daniels said at the time they saw a health hazard and it bothered him that they did not know they were doing construction out there.

****Councilor Carson amended the motion to allow the approval of the hook up, with the condition that the Hands hook up and they would pay for any extra costs. Councilor Oliver seconded.**

Mr. Bock said the Hands would not hook-up.

Mayor Thompson said she felt they needed direction from the Canby Utility Board. Mr. Hansen said direction should come from the Council. They looked at what would benefit the City, but this was outside the City and UGB. They needed to make policy through the Board.

****The amended motion failed 5-1 with Councilor Carson in favor.**

Councilor Johnson withdrew his original motion and Councilor Blackwell concurred.

****Councilor Daniels moved to deny the request to extend the water service extension. Motion was seconded by Councilor Johnson.**

Mr. Kelley clarified that this was for a fifth water line.

Motion passed 6-0.

UNFINISHED BUSINESS: None.

RESOLUTIONS & ORDINANCES:

Ordinance 1127 - ****Councilor Johnson moved to adopt Ordinance 1127, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A LEASE/PURCHASE AGREEMENT WITH GRESHAM FORD OF GRESHAM, OREGON AND FORD MOTOR CREDIT COMPANY FOR THE LEASE/PURCHASE OF TWO (2) 2004 FORD CROWN VICTORIA POLICE SEDANS WITH EMERGENCY EQUIPMENT PACKAGES, AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Carson and passed 6-0 by roll call vote.**

Ordinance 1128 - Councilor Blackwell asked what happened if they spent this money and they wanted to switch it to land fill or burning? WWTP Supervisor Darvin Tramel said these types of rulings that came from the EPA took years, and to stop applying biosolids would be in the far future and they kept track of it. Currently this was the most practiced use, and the only other option was incineration, which would cost several millions of dollars to do it. Councilor Blackwell just wanted to be sure they would get their money's worth out of the equipment. Mr. Tramel said there were a lot of options, but they went low budget. He thought this would last 10 years. Councilor Johnson asked how the spreader box worked, and Mr. Tramel explained it. He said the phase 2 project was coming to an end, and the machinery was working well. Mayor Thompson thought they should do a tour of the plant. Councilor Daniels asked if they would have less odor complaints with this new system, and Mr. Tramel said that was one reason they went with this new system. It reduced the odor, amount of time traveling, and cost less.

****Councilor Johnson moved to adopt Ordinance 1128, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH DAVAN ENTERPRISE OF CANBY, OREGON FOR THE PURCHASE OF A SOLID WASTE SPREADER BOX AND THE INSTALLATION OF THE SPREADER BOX AND P.T.O. KIT FOR THE CITY OF CANBY WASTEWATER TREATMENT DEPARTMENT; AND DECLARING AN EMERGENCY to come up for second reading**

**CANBY CITY COUNCIL
REGULAR SESSION
November 19, 2003**

Mayor Melody Thompson presiding. Council members present: Walt Daniels, Georgia Newton, Wayne Oliver, Randy Carson, Patrick Johnson, and Teresa Blackwell.

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development & Planning Director John Williams, Library & Parks Director Beth Saul, Transit & General Services Director Margaret Yochem, Administrative Specialist Kim Scheafer, WWTP Supervisor Darvin Tramel, Fleet Service Supervisor Joe Witt, Office Specialist Suzan Duffy, Library Coordinator Marty Moretty, Curtis & Lila Gottman, Jim Newton, Bev Doolittle, David Howell, Karl Hansen, Farrel and Bock Johnson, and Jill Marie Wiles.

Mayor Thompson called the regular session to order at 7:30 p.m., followed by the opening ceremonies.

PRESENTATION: Employee of the Month - City Administrator Mark Adcock presented Joe Witt from Fleet Services with an Employee of the Month certificate along with a gift certificate.

CITIZEN INPUT ON NON-AGENDA ITEMS: Bev Doolittle, Director of the Canby Area Chamber of Commerce, spoke on behalf of the Canby Rotary. Ms. Doolittle and Councilor Carson presented the City of Canby Park Department with a check for \$12,000 from the Rotary to be used toward playground equipment at the Canby Community Park.

Ms. Doolittle showed the City Council the new Chamber Christmas ornament featuring General Canby. The downtown holiday open house would be during the weekend of November 29th.

Brian Rash, resident of 332 SE 7th Way, said for his political action project for school, he was proposing a project of putting up a welcome sign, flowers, and trees across from Fred Meyer to beautify the entrance to the City. He had a sketch of what he was proposing. The Council would discuss the idea.

CONSENT AGENDA: ****Councilor Carson moved to approve the Minutes of the Workshop and Regular Meeting of November 5, 2003 and Accounts Payable of \$465,255.40. Motion was seconded by Councilor Blackwell and passed 6-0.**

COMMUNICATIONS: Letter from John Meredith Regarding 1.6 Acre Annexation - Mr. Adcock said that the letter asked for the 1.6 acre annexation to be put on the ballot again next spring.

Karl Mawson of Compass Engineering, 6465 Lake Rd, Milwaukie, spoke on behalf of Mr. Meredith and said when the annexation request was denied by voters, they found that the deadline for filing for the next election had already passed. Mr. Mawson said they were pretty certain it would pass the first time, and had not realized that the timelines were so short. The Council had seen the project and there were no changes to it. The votes were close, and this

Attachment H

project was the best infill project currently available. This time they would do a better job at explaining the benefits of the project.

Mayor Thompson read from their letter some reasons for allowing this.

Councilor Newton asked if this would be on the May ballot. City Attorney Kelley said it would. Mayor Thompson asked about the timeline for filing annexations. Community Development and Planning Director John Williams explained it.

Councilor Johnson asked about another annexation in which the deadline was waived, and Mr. Williams said it had also failed at the ballot.

Councilor Carson said the Council would be having some public meetings in the next few months to talk about why the annexations were being turned down. This was an infill project, and the property surrounding it was already in the City. Councilor Daniels said they were not the only City with this problem, the City of Salem had recently had annexations turned down.

Councilor Johnson said he would not support this because the voters had already said no to it. Mayor Thompson said if annexations were declined at the ballot, they had to go through the same process to be approved again. Councilor Oliver said that he would support this due to the fact that it was infill and was a small parcel and that the form for filing deadlines was confusing. Councilor Daniels said that he would support this as it fit the criteria, and they should send it back to the voters. Councilor Blackwell said they should stay with the Ordinance. Councilor Newton didn't have a problem with the project but would stay with the Ordinance and time requirements. Councilor Carson also thought they should stay with the Ordinance.

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****Councilor Johnson moved to approve the request and authorize the Mayor to sign a letter to Clackamas County requesting their concurrence. Motion was seconded by Councilor Blackwell.**

Councilor Newton asked if the hookups were needed because of poor water quality and health issues. She was having problems with the City supplying services outside the City Limits and UGB.

Karl Hansen, Assistant General Manager of Canby Utility, said in 2001 a waterline was approved to be extended on Territorial Road and across 99E to New Life Foursquare Church.

The Dutch Vista folks came in 2002 and requested an emergency water hook-up for health reasons but because of the costs to the homeowners, only two hookups had been completed. Mayor Thompson asked if they were still using the wells, and Mr. Hansen said that was correct.

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****The amended motion failed 5-1 with Councilor Carson in favor.**

Councilor Johnson withdrew his original motion and Councilor Blackwell concurred.

****Councilor Daniels moved to deny the request to extend the water service extension. Motion was seconded by Councilor Johnson.**

Mr. Kelley clarified that this was for a fifth water line.

Motion passed 6-0.

UNFINISHED BUSINESS: None.

RESOLUTIONS & ORDINANCES:

Ordinance 1127 - ****Councilor Johnson moved to adopt Ordinance 1127, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A LEASE/PURCHASE AGREEMENT WITH GRESHAM FORD OF GRESHAM, OREGON AND FORD MOTOR CREDIT COMPANY FOR THE LEASE/PURCHASE OF TWO (2) 2004 FORD CROWN VICTORIA POLICE SEDANS WITH EMERGENCY EQUIPMENT PACKAGES, AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Carson and passed 6-0 by roll call vote.**

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on December 3, 2003. Motion was seconded by Councilor Blackwell and passed 6-0 on first reading.

MANAGER'S REPORT: Mr. Adcock said that City Attorney Kelley had done research on the anti-smoking laws request. The bottom line was they were pre-empted by state law from doing this unless they had done it before July 1, 2001. They would pass along the information to the students who brought up the subject.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES: Councilor Carson said the Canby Urban Renewal Agency would be having a workshop on December 3 with the IAA to discuss the routing and information on Hazeldell Way. There was also an Agency meeting with the Fire Board on December 10. Mayor Thompson said they also had a workshop with the Planning Commission on Monday to discuss the annexation priority system.

Councilor Johnson thanked Officer Spencer on writing two successful grants for the Police Department.

Mayor Thompson thanked the volunteers that were at the Police Outreach Center Open House on November 15. Councilor Carson said that Clackamas County was also going to have their victims advocacy office located there also.

ACTION REVIEW:

1. Approving the Consent Agenda.
2. Denying the request for the waiver of time for the Meredith annexation.
3. Denying the request for the water extension on NE Dutch Vista Court.
4. Approving the second reading of Ordinance 1127.
5. Bringing back Ordinance 1128 for second reading on December 3, 2003.
6. Following up on the high school students' government projects.

There was no executive session.

Mayor Thompson adjourned the session at 8:55 p.m.

Chaunee F. Seifried

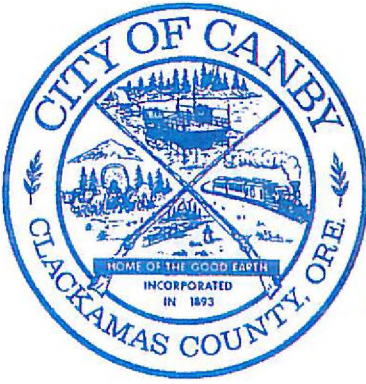
Chaunee F. Seifried
City Recorder pro tem

Kim Scheafer

Prepared by Kim Scheafer
and Susan Wood Office Specialists

Melody Thompson

Melody Thompson
Mayor



City of Canby

Melody Thompson, Mayor

October 20, 2010

Lynn Peterson, Chair
Clackamas County Board of County Commissioners
2051 Kaen Road
Oregon City, OR 97045

Re: Concurrence for Extension of Water Service to 2474 NE Dutch Vista Court

Dear Chair Peterson:

The Canby City Council approved Don and Sandie Fuchs request to provide City water service to their existing home located at 2474 NE Dutch Vista Court at its meeting of October 20, 2010. Their property is outside of the city limits of Canby and outside of our defined Urban Growth Boundary. It was previously determined that Canby can legally serve this property, at the discretion of the Council. Under the terms of the Clackamas County-City of Canby Urban Growth Management Agreement dated November 4, 1992, Clackamas County's concurrence is required for this service to be installed. Therefore, the City requests your concurrence with our decision to provide water service to this property.

This approval follows a similar previous request, approved in 2002 to provide service to a grouping of four tax lots with existing homes located on NE Dutch Vista Court. Four meters were set at that time near the City's water main near Territorial Road and individual private water lines were extended up to Dutch Vista Court. The City Council believes municipal water service to this property is appropriate, provides direct benefits to our community, and is in the best interest of the County and the City. We have included our staff report, including the exhibits, for your benefit and review.

Thank you in advance for your time and consideration. If you require any further information, please contact Bryan Brown, Planning Director, at (503) 266-7001 or Brownb@ci.canby.or.us.

Respectfully,

Melody Thompson
Mayor

Attachment I



DATE: October 12, 2010

TO: Greg Ellis, Canby City Administrator

FROM: Matt Michel, Canby Utility General Manager

SUBJECT: Request for a City Letter of Commitment for a FEMA Pre-Disaster Mitigation Grant

In October 2009, the City of Canby updated their addendum to the Clackamas County Multi-Jurisdictional Natural Hazards Mitigation Plan that was approved by the Federal Emergency Management Agency (FEMA). This plan enables the city to apply for federal grants such as the Pre-Disaster Mitigation (PDM) grant program.

To seek funding through this program, Canby Utility must apply to the State under the name of City of Canby and provide a letter of commitment. Cities and counties are all considered sub-grantees to the State of Oregon. The State – through Oregon Emergency Management – will then determine which grant applications they will submit to FEMA for consideration.

In 2003 Canby Telcom applied for and was awarded PDM funding to seismically retrofit one of their facilities through this same process, including a letter of commitment.

Canby Utility has identified a project that would qualify under the PDM grant program. The 2-million gallon concrete water reservoir on Southwest 13th Avenue is in the planning stage of rehabilitation. The reservoir will undergo maintenance, repairs and aesthetic enhancements; however, we also decided to have the reservoir evaluated for structural stability and seismic risk. It was determined that the reservoir is operating as designed but would greatly benefit from being wrapped with pre-stressed wire with shotcrete applied to improve its performance during a seismic event. Staff is currently evaluating the options and costs associated with this project.

When we submit the grant application, we must have a letter of commitment signed by the Mayor or another authorized signor for the City committing to the 25% cost match and committing to maintain the reservoir for the life of the structure. Canby Utility is prepared to enter into an agreement with the City to fulfill this contractual obligation if we are awarded funding. Canby Utility has sufficient funds in its water fund reserves to meet the 25% matching fund requirement.

If the City Council approves our request, I will prepare a letter for signature prior to November 1.

October 20, 2010

Chuck Robbins, Director
Clackamas County Community Development Division
2051 Kaen Road – Suite 245
Oregon City, Oregon 97045

Dear Mr. Robbins:

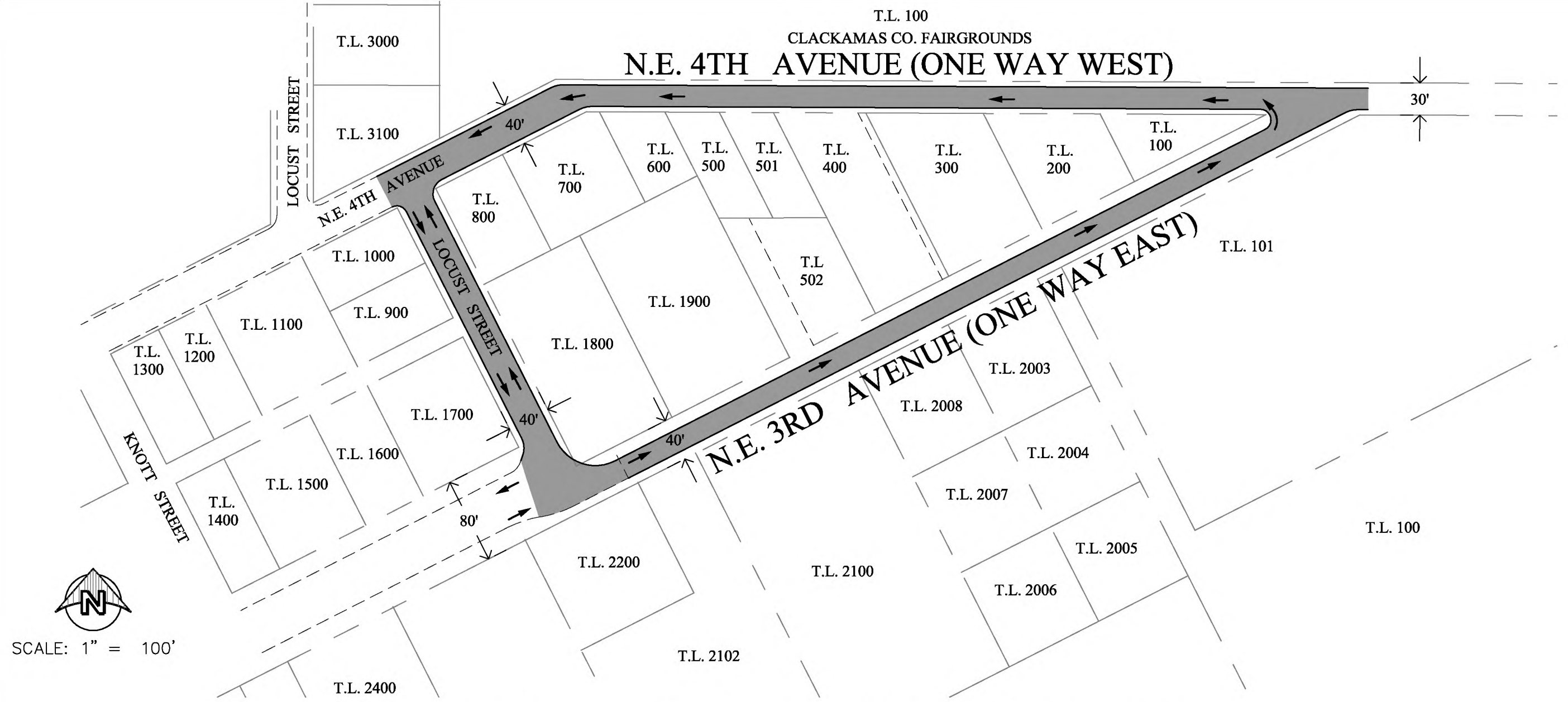
On behalf of the City Council, I am writing to express our support for the newly prioritized sidewalk project for NE 3rd and NE 4th Avenues in Canby. We had previously submitted an improvement project for NW 3rd Avenue. However the City has just completed an Update to our Transportation System Plan which included an extensive public input component. As a result of that year long process, we identified high priority bike and pedestrian projects that would greatly benefit our community. The NE 3rd and NE 4th Avenues sidewalk project topped the list of critical bike and pedestrian improvements for our community.

Currently there are no sidewalks or bike lanes on either NE 3rd or NE 4th Avenues within the project boundary. Both streets are highly traveled corridors for pedestrians and bicyclists. The lack of public sidewalks creates an unsafe situation for pedestrians and restricts the mobility and accessibility of the elderly and handicapped persons to buildings, facilities and improvements. The proposed project would remove the architectural barriers to safety and access and remedy the above deficiencies.

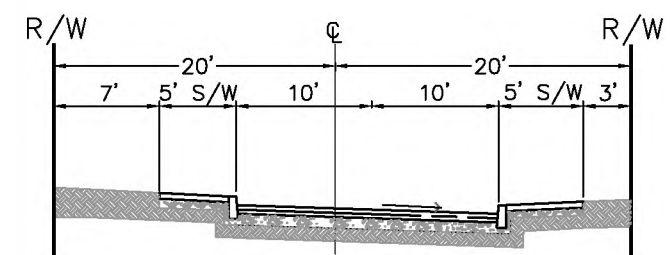
The CDBG program has been extremely important to Canby over time. We appreciate your support of our 2009-2011 revised proposal and look forward to working with you on this more pressing project.

Sincerely,

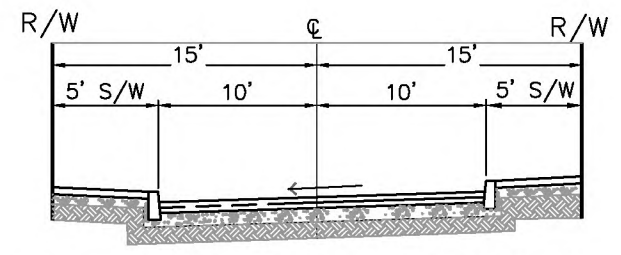
Melody Thompson,
Mayor



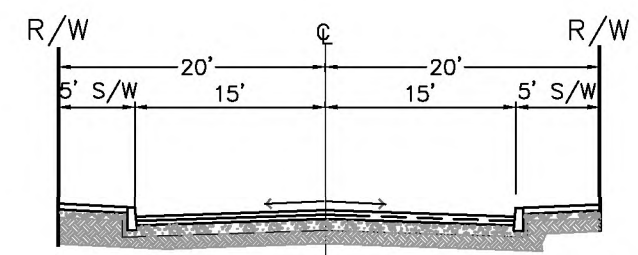
1 NE 3RD & 4TH AVE - PROPOSED ONE WAY GRID



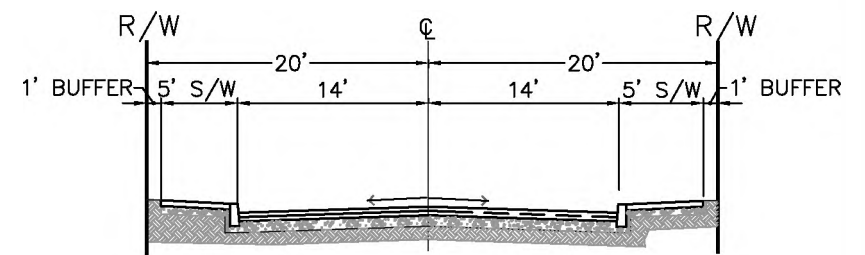
2 NE 3RD AVE
SCALE: NTS



3 NE 4TH AVE - 30' R.O.W.
SCALE: NTS



4 NE 4TH AVE - 40' R.O.W.
SCALE: NTS



5 N. LOCUST STREET
SCALE: NTS

Management Team Meeting Minutes
October 4, 2010
2:00 PM
City Hall Conference Room

In attendance: Greg Ellis, Catherine Comer, Eric Laitinen, Amanda Klock, Sue Engels, Darwin Tramel, Bryan Brown, Julie Wehling, and Kim Scheafer.

Amanda Klock

- Flu Shot Clinic will be held on October 19
- Public Works recruitment closes this week. May leave it open until filled.
- A police officer resigned last week

Bryan Brown

- Renewed contract with DKS to finish work on TSP

Greg Ellis

- Darwin spoke about Public Works projects on the OCTS show City Views

Darvin Tramel

- Receiving Station is up and running
- Biosolids dryer is scheduled to be on-site October 25
- Waiting for Knights Bridge Road asphalt to cure so it can be striped
- Canby Utility is now submitting Street Cutting Permits
- Need clarification on waiver of fees
- Leaf clean-up is starting

Julie Wehling

- Still in testing mode with new software
- Transit Center is almost completed
- Grant application season is starting

Sue Engels

- Auditors will be back the week of October 25
- Auditors need to know the number of easements that the City has

Catherine Comer

- Preliminary architectural reports for the proposed library, police department, and transit center will be reviewed at the November 10 URA meeting. The 10 year plan will also be discussed.
- Met with a potential client for the industrial park last week

Minutes taken by Kim Scheafer

Management Team Meeting Minutes
October 11, 2010
2:00 PM
City Hall Conference Room

In attendance: Greg Ellis, Penny Hummel, Eric Laitinen, Amanda Klock, Sue Engels, John Kelley, Bret Smith, Bryan Brown, Julie Wehling, and Kim Scheafer.

Kim Scheafer

- Reviewed Agenda for the October 20 City Council Meeting
- Now supervising Municipal Court in addition to Administration
- Observed morning and afternoon court last Thursday along with video arraignments
- Dana will be attending the Court Clerk's Conference in Bend October 17-19
- Valerie has the City Newsletter completed that will be mailed out at the end of the month

Julie Wehling

- Road in front of Transit Center will be paved on an upcoming Saturday
- By end of week everyone should be trained on new software
- Attending OTA Conference October 23-27

Bryan Brown

- Was contacted by two mobile home park owners to add units
- Received application for a new residential memory care structure
- New solar code went into effect October 1

Amanda Klock

- On-site Flu Shot Clinic will be held October 19
- Holiday luncheon will be held December 14
- Keeping Public Works Director position open until filled
- Attending an Employment Law Briefing on October 13

Greg Ellis

- Million dollar grant was awarded for the Canby Ferry
- Amanda emailed out the employee to supervisor ratio numbers
- Looking at a business incubator with Catherine on Wednesday
- Sludge dryer at WWTP should go active at end of the month

Bret Smith

- Handed out a flyer regarding synthetic marijuana
- Attending IACP Conference October 22- 29
- Still reviewing information to make sure size is appropriate of proposed police facility
- Lateral police officer position opened last week

Eric Laitinen

- Free admission to pool with two cans of food for public and lap swim sessions November 1 through December 12

Penny Hummel

- New railroad series started at Library
- Working on planning proposed library
- Working with a fundraising consultant
- Waiting to hear on grant from the State for a bilingual librarian

Minutes taken by Kim Scheafer