



AGENDA

CANBY CITY COUNCIL MEETING

November 7, 2018

7:00 PM

Council Chambers

222 NE 2nd Avenue, 1st Floor

Mayor Brian Hodson

Council President Tim Dale

Councilor Tracie Heidt

Councilor Traci Hensley

Councilor Greg Parker

Councilor Tyler Smith

Councilor Sarah Spoon

CITY COUNCIL MEETING – 7:00 PM

1. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance
- C. Library Community Survey Results Presentation
- D. FIDO Pet Food Bank Presentation

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

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

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

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

- A. Approval of Minutes of the October 3, 2018 City Council Regular Meeting
- B. Approval of Minutes of the October 17, 2018 City Council Regular Meeting
- C. Reappointment to the Planning Commission

Pg. 3

7. RESOLUTIONS & ORDINANCES

- A. Ord. 1496, Proclaiming Annexation into the City of Canby of 9.99 Acres Including 9.69 Acres of Real Property and Approximately 0.30 Acres of Adjacent N Pine Street Right of Way; Amending the Zoning; and Setting the Boundaries of the Property to be Included Within the City of Canby (**2nd Reading**) Pg. 4
- B. Ord. 1497, Amending Canby Municipal Code Chapter 10.04 City Traffic Code Pg. 16
- C. Ord. 1498, Amending Canby Municipal Code Chapter 2.40.030 and 2.40.040 Regarding the Public Library Pg. 23

8. NEW BUSINESS

- A. Findings, Conclusions and Final Order ANN 18-03/ZC 18-03 (ICON Construction)
- B. Cancellation of November 21, 2018 City Council Meeting

Pg. 27

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

10. CITIZEN INPUT

11. ACTION REVIEW

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

13. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.0733. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.

Canby Public Library Board

October 23, 2018

Honorable Mayor Brian Hodson
Canby City Council Members

Re: Clackamas County Library District
Master Inter-governmental Agreement (IGA), Amendment #3

Dear Mayor and Council Members:

Introduction

City code states that the Library Board shall advise the City Council on matters relating to the operation of the library. The Board and its representatives studied, discussed, and attended meetings pertaining to Measure 3-310, the Library District Master IGA, and its proposed amendments.

The Library Board discussed the issues and their effects on citizens within the Canby Public Library service area. As set forth in the Board's letter of Sept. 27, 2018, to the City Council, the Library Board unanimously recommended a "no" vote on the proposed Amendment #3. The Board had concluded that the amendment was not in the best interest of the citizens of the service area.

Appreciation

The Canby Public Library Board wishes to extend its sincere appreciation to the City Council for supporting the position of the Board.


The Library Board is impressed by the thoroughness, the clarity, and the perspectives of the questions posed by the members of the City Council. We are gratified by the persistence of the questioning to ensure that the county representative understood Canby's thinking and position on this issue.

We want to thank Mayor Hodson and all the Council members for doing their homework.

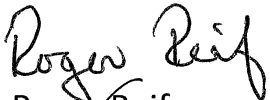
Sincerely,

The Canby Public Library Board

Kathleen Myron, Chair



Linda Warwick, Vice-Chair



Roger Reif



Cameron Jones



Carol Palmer

Cc: Irene Green, Director, Canby Public Library
Rick Robinson, City Administrator, City of Canby
Greg Williams, Deputy Director, Clackamas County Business and
Community Services Department



**CITY OF CANBY
COMMITTEE, BOARD, &
COUNCIL APPOINTMENT APPLICATION**

Date: 9/26/18 Position Applying For: Canby Planning Commission
Name: John Savory Occupation: Business Owner
Home Address: Canby, OR 97013
Employer: SW Office Supply Position: President Emeritus
Daytime Phone: Evening Phone:
E-Mail Address:

What are your community interests (committees, organizations, special activities)?
Growth, traffic - keeping Canby livable

What are your major interests or concerns in the City's programs?
not enough thought being given to the problems associated with rapid growth

Reason for your interest in this position: see above

Experience and educational background: I've been on the Planning Commission for about 8/9 years
& I'm the current Chair.

Education: B.S. PolSci, University of Oregon

List any other City or County positions on which you serve or have served:

Referred by (if applicable):

Please return to:

*City of Canby - Attn: City Recorder
PO Box 930, 222 NE 2nd Avenue, Canby, OR 97013
Phone: 503.266.0733 Fax: 503.266.7961 Email: scheaferk@canbyoregon.gov*

Note: Information on this form may be available to anyone upon a Public Records Request and may be viewable on the City's web page. 5/2017

Date Received: 10.15.2018 Date Appointed: Term Expires: 12.31.2021
Date Resigned: Destruction Date:

ORDINANCE NO. 1496

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 9.99 ACRES INCLUDING 9.69 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 3100, 3200, AND 3201 OF PORTION OF SE ¼, SEC. 28, T.3S., R.1E., W.M. (TAX MAP 31E28DD); AND APPROX. 0.30 ACRES OF ADJACENT N PINE STREET RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST FIVE ACRE (RRFF-5) TO CITY LOW DENSITY RESIDENTIAL (R-1) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS.

WHEREAS, on October 17, 2018, at a public hearing the City Council of the City of Canby approved by a vote of 6 to 0, Annexation (ANN/ZC 18-03) which called for the annexation of 9.99 acres into the City of Canby. The applicant is ICON Construction and Development, LLC with CNS Acres, LLC as owner of Tax Lot 3100 and 3200 of Tax Map 31E28DD and Scott Vandecoevering as owner of Tax Lot 3201 of Tax Map 31E28DD. A complete legal description and survey map of the real property and adjacent N Pine Street right-of-way to be annexed is attached hereto as Exhibit A & B respectively and by this reference are incorporated herein; and

WHEREAS, Pursuant to CMC 16.84.080, the City must proclaim by ordinance or resolution, the annexation of said property into the City and set the boundaries of the property by legal description; and

WHEREAS, the zoning of the annexed land shall be designated as R-1 Low Density Residential to conform with the Canby Comprehensive Plan Map, and such zoning shall be indicated on the official zoning map for the City of Canby; and

WHEREAS, an application was filed with the City by the applicant listed above to change the zoning of three parcels as indicated herein along with one-half of the adjacent road right-of-way where the applicable R-1 Low Density Residential zoning will also apply; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on September 24, 2018 after public notices were mailed, posted and published in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the annexation and accompanying zone change required for annexations by Figure 16.84.040 of Chapter 16.84 of the Land Development and Planning Ordinance at the public hearing and at the conclusion of the public hearing; the Planning Commission voted to recommend that the City Council approve the applications.

The Planning Commission written Findings, Conclusions and Order was approved with acknowledgement of the accompanying Annexation Development Agreement to memorialize

2nd Reading

provisions to apply to the eventual residential development subdivision to be submitted for future development of the property; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on October 17, 2018; and

WHEREAS, the Canby City Council, after considering the applicant's submittal, the staff report, the Planning Commission's hearing record and their recommendation documented in their written Findings, Conclusions and Order and after conducting its own public hearing; voted to approve the annexation and associated zoning designation for the properties.

WHEREAS, the written Findings, Conclusions and Order of the Council action is to be approved by the City Council at the next regular Council meeting on November 7, 2018; and

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. It is hereby proclaimed by the City Council of Canby that 9.99 acres of property described, set, and shown in Exhibit A & B and attached hereto, is annexed into the corporate limits of the City of Canby, Oregon.

Section 2. The annexed land shall be rezoned from the county Rural Residential Farm Forest (RRFF-5) to city Low Density Residential (R-1) as reflected on the Canby's Comprehensive Plan Map and as indicated by Tax Lot and legal description and survey in this Ordinance. The Mayor, attested by the City Recorder, is hereby authorized and directed to have the zone change made to the official zoning map for the City of Canby.

Section 3. The City Council hereby approves the Development Agreement by and between the City of Canby and Applicants, attached hereto as Exhibit C to this ordinance for which the City Administrator is hereby authorized and directed to sign the final Development Agreement at which time the "Applicant" is hereby authorized to record the signed Development Agreement with the official records of Clackamas County within seven (7) calendar days from the 2nd reading of this ordinance.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, October 17, 2018, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, November 7, 2018, commencing at the hour of 7:00 p.m. in the Council Meeting Chambers located at 222 NW 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on November 7, 2018 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045
P. 503-650-0188 F. 503-650-0189

Exhibit "A"
Annexation
Legal Description

A Tract of land being a portion of Lots 62 and 63, "Canby Gardens", Plat No. 230, Plat Records of Clackamas County, located in the Southeast one-quarter of Section 28, Township 3 South, Range 1 East of the Willamette Meridian, City of Canby, County of Clackamas, State of Oregon, being more particularly described as follows:

BEGINNING at a 5/8" iron rod with a red plastic cap marked "Centerline Concepts" found at the southeast corner of "Caitlyns Place" (Plat No. 4488), Plat Records of Clackamas County; thence along the east line of said "Caitlyns Place", and continuing along the west lines of said Lots 62 and 63, North 00°00'23" East, 659.92 feet to the southwest corner of Lot 61 of said "Canby Gardens"; thence along the south line of said Lot 61, South 89°58'56" East, 660.00 feet to the southeast corner thereof; thence along the centerline of N. Pine Street (County Road No. 2580), being 20.00 feet east of the west right of way line thereof when measured at right angles, being coincident with the east line of said Lots 62 and 63 of said "Canby Gardens", South 00°00'46" East, 659.80 feet to the southeast corner of said Lot 63; thence along the south line of said Lot 63, being coincident with the north line of "Amrine Addition" (Plat No. 1752), Plat Records of Clackamas County, North 89°59'34" West, 660.22 feet to the **POINT OF BEGINNING**.

Contains 435,582 square feet.

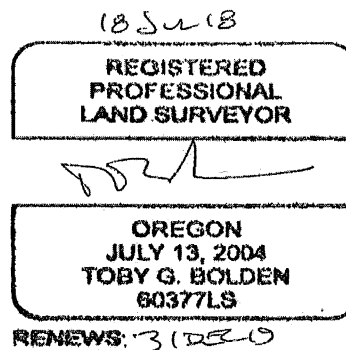
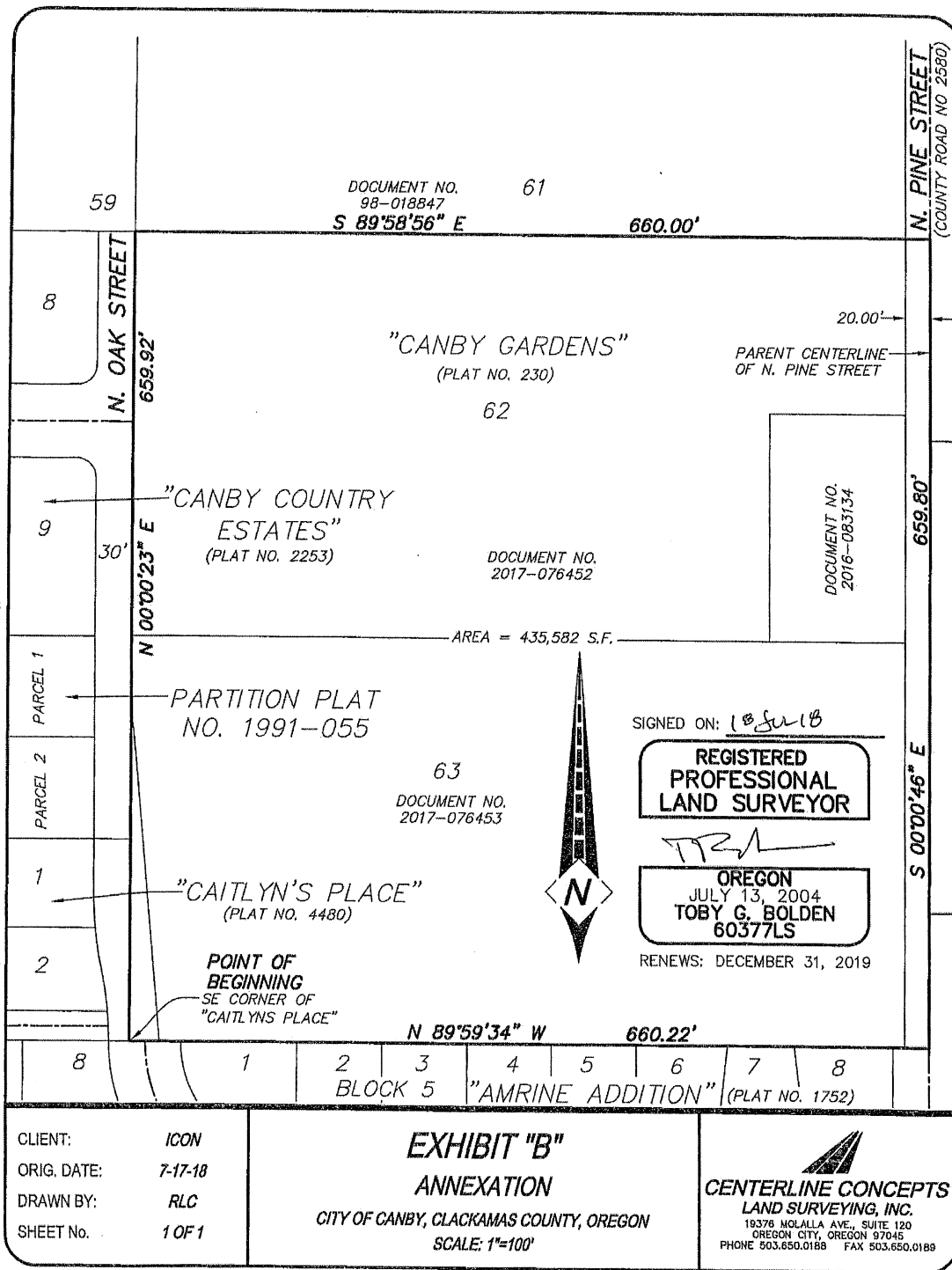


EXHIBIT "B"



Plotted: 7/18/2018 - 10:56am, M: \PROJECTS\ICON-PINE ST-N-1467\dwg\ANNEXATION.dwg, Layout: LAYOUT

Exhibit "C"

AFTER RECORDING RETURN TO:

Attn: City Recorder
City of Canby
P O Box 930
Canby OR 97013

UNTIL REQUESTED OTHERWISE,
SEND TAX STATEMENTS TO:

CNS Acres, LLC
9925 S. Carriage Lane
Canby, OR 97013

Scott Vandecoevering
1575 N. Pine Street
Canby, OR 97013

DEVELOPMENT AGREEMENT (ANNEXATION)

RECITALS:

1. CNS Acres, LLC and Scott Vandecoevering hereinafter referred to as "APPLICANTS", own real property commonly described as 1467 and 1575 N Pine Street, Canby, OR 97013 and more particularly described in the attached Exhibit A and depicted on a survey attached as Exhibit B.
2. The City of Canby, hereinafter referred to as "CANBY", is an Oregon municipal corporation.
3. The property described in Exhibit A and depicted on Exhibit B is located within the boundaries of a designated annexation "Development Agreement Area" as shown on the City of Canby Annexation Development Map (City of Canby Municipal Code Title 16, Figure 16.84.040).
4. CANBY procedures for annexation specify the Planning Commission shall conduct a public hearing to review any proposed annexations and determine the appropriate zoning designation upon annexation. The Planning Commission shall furnish its recommendation concerning annexation and assigned zoning to the City Council. The City Council will determine whether the applicable standards and criteria of Canby Municipal Code 16.84.040 are met and will determine appropriate zoning for the property based on the criteria set forth in the Canby Municipal Code 16.54.040.
5. The purpose of this Annexation Development Agreement is to satisfy the requirements of Canby Municipal Code 16.84.040 including providing adequate public information and information evaluating the physical, environmental, and related social effects of a proposed annexation. The proposed annexation does not require the statutory development agreement of ORS 94.504 et seq.

NOW, THEREFORE, it is hereby agreed:

I. CANBY MUNICIPAL CODE 16.84.040 APPLICABLE PROVISIONS.

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

B. Scope of annexation request. In addition to the property owned by APPLICANTS and described in Exhibit A, APPLICANTS' annexation application shall include the western portion of the N Pine Street right-of-way and the eastern portion of the N. Oak Street right-of-way that are presently outside of the city limits and adjacent to the APPLICANTS' property. The western portion of the N Pine Street right-of-way and eastern portion of the N. Oak Street right-of-way shall be as described in Exhibit A and depicted on Exhibit B. APPLICANTS agree to dedicate street right-of-way for N Pine Street and N. Oak Street to meet the standards of the City of Canby with future land use actions on the property as part of the development approval process.

C. Timing for Recording. APPLICANTS shall have seven (7) calendar days from the date the City Council takes final action approving this Agreement, the annexation, the zone change request, to record this Agreement. A condition of approval will be attached to the annexation and zone change approval imposing this requirement.

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

E. Street construction/layouts, utilities, right of ways/dedications, and lots. At the time of development, City required public street improvements will be constructed to Canby Municipal Code specifications by APPLICANTS. Specifically, APPLICANTS agree to improve the western one-half of the N Pine Street and eastern one-half of the N. Oak Street rights-of-way along the frontage of the property. APPLICANTS will also be responsible for the dedication and construction of new street within APPLICANTS' property to Canby Municipal Code specification. Street cross section layouts, public utilities, franchise utilities, and right-of-way-widths/associated dedications will be determined at the time of development in conformance with the Canby Municipal Code and Canby Public Works Design Standards. The submitted Conceptual Site Plan A, dated July, 2018, in conjunction with the ANN/ZC 18-03 applications is for general reference only and is non-binding. Lot sizes and layouts will be determined at the time of development and are contingent upon street cross sections and right-of-way widths.

F. Utility availability. At the time of development, APPLICANTS agree to ensure that utilities and infrastructure are available to serve the property described in Exhibit A at densities currently authorized in the R-1 zone. To the extent that additional utility or service infrastructure is required to serve the property in the future, APPLICANTS agree to provide

those utilities and services in a way that is commensurate with the impacts from development and consistent with the City's Code. APPLICANTS also agree to allow connection to APPLICANTS' constructed public facilities by adjacent property owners.

G. Water and Sewer. At the time of development, APPLICANTS agree to install public waterlines in all new or extended public streets and sewer lines in new City streets as is needed to serve the development. CANBY agrees that APPLICANTS can connect to the public water system and that APPLICANTS can connect the existing public sanitary sewer. CANBY agrees that no new sewer main is needed in N. Pine Street along the frontage of the APPLICANTS' properties.

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

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

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

II. OTHER CONSIDERATIONS.

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

B. Recording. Within seven (7) calendar days after the City Council makes a final decision approving ANN/ZC 18-03, APPLICANTS shall record this agreement with the Clackamas County Recorder's Office and provide a copy of the recorded agreement to the City Attorney.

C. Cancellation. This Development Agreement shall not be cancelled.

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

Dated this _____ day of _____, 2018.

CNS Acres, LLC

Scott Vandecoevering

CITY OF CANBY, OREGON

By: _____
Richard Robinson, City Administrator

Dated: _____

APPROVED AS TO FORM:

By: _____
Joseph Lindsay, City Attorney

Dated: _____

APPROVED BY ACTION OF THE CANBY CITY COUNCIL ON November 7, 2018 and
Adopted by Ordinance 1496.

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2018

Personally appeared before me, CNS Acres, LLC, and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2018

Personally appeared before me, Scott Vandecoevering, and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2018

Personally appeared before me, RICHARD ROBINSON, as the City Administrator of the City of Canby, Oregon.

Notary Public for Oregon
My Commission Expires: _____



19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045
P. 503-650-0188 F. 503-650-0189

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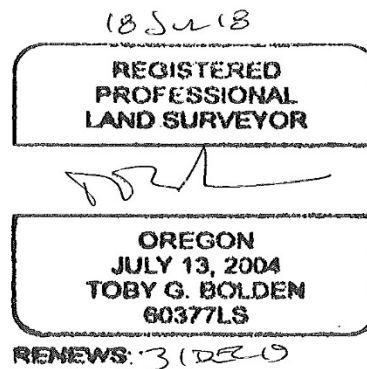
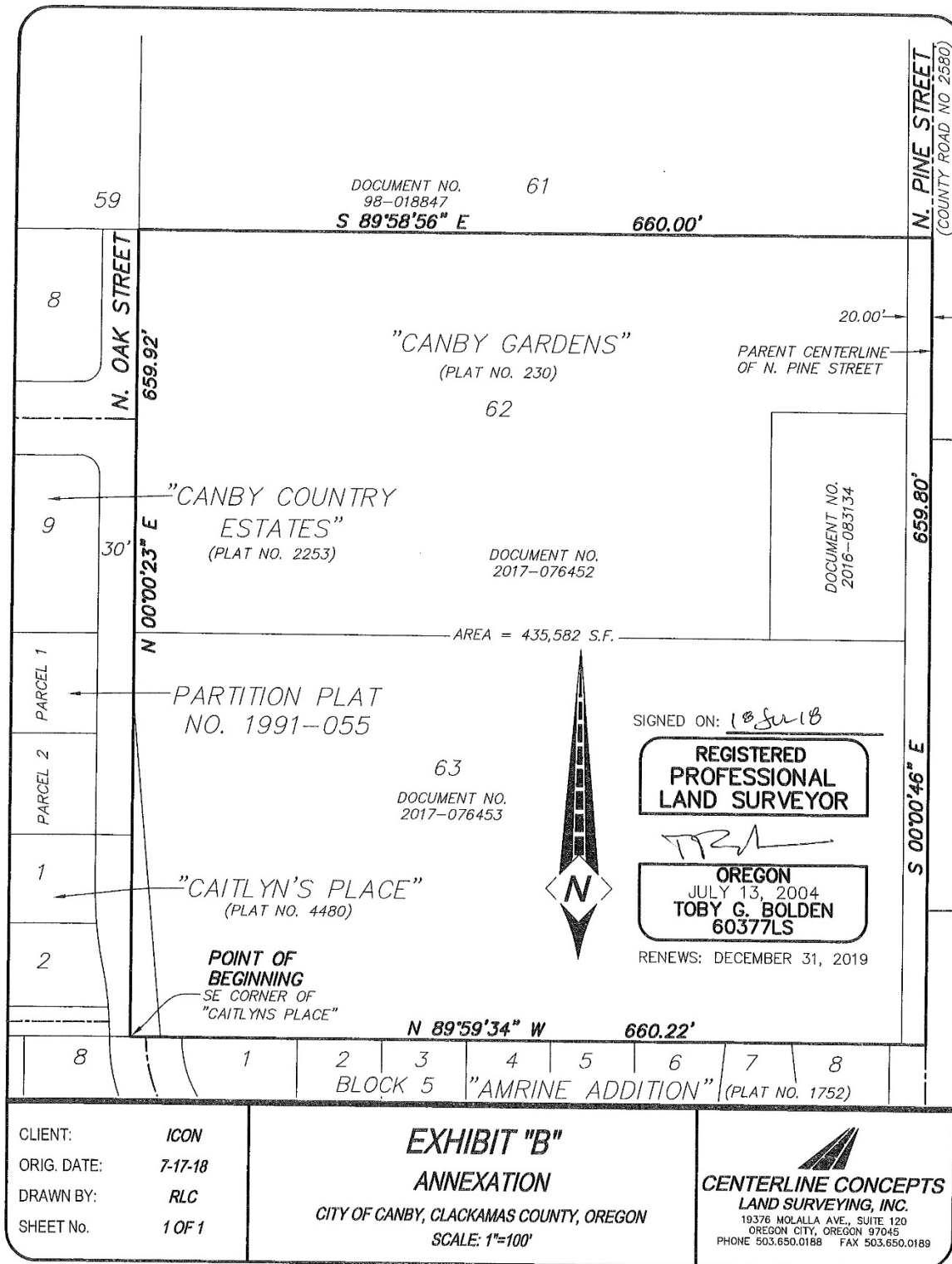


EXHIBIT "B"



Plotted: 7/18/2018 - 10:56am, M: \PROJECTS\ICON-PINE ST-N-1467\dwg\ANNEXATION.dwg, Layout: LAYOUT



City of Canby

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

MEMORANDUM

TO: *Honorable Mayor Hodson and City Council*
FROM: *Jennifer Cline, Public Works Director*
DATE: *November 7, 2018*
THROUGH: *Rick Robinson, City Administrator*

Issue: The current City of Canby Traffic Code in place for vehicles on public rights of ways does not address or define restricted streets and trucks routes. City staff recommends approving code amendments allowing Public Works to erect signing that permits or restricts trucks or commercial vehicles as defined in ORS 801.208. This Code amendment would allow the Police Department to properly enforce commercial vehicles in violation on appropriately signed restricted streets.

This change will allow the City to address the concerns of the Traffic Safety Advisory Committee and other concerned citizens. Where commercial vehicle or truck traffic utilizes SE 13th Avenue, not a designated truck route, from S. Ivy to Sequoia Parkway imposing safety concerns for the adjacent elementary school and neighboring homes. Restricted streets will be signed "NO TROUGH TRUCKS, LOCAL DELIVERY ONLY".

Fiscal Impact: Manufacturing and posting of street signs as needed.

Recommendation: *Staff recommends the Council approve Ordinance No. 1497.*

Motion: **"I move to approve Ordinance No. 1497: AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 10.04 CITY TRAFFIC CODE to come up for second reading on December 5, 2018."**

Attachments:

- Ordinance No. 1497

ORDINANCE NO. 1497

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 10.04 CITY TRAFFIC CODE

WHEREAS, the City of Canby currently has a City Traffic Code ordinance that deals with parking, storage, and abandoning of vehicles on streets and public rights of way; and

WHEREAS, the City of Canby desires to amend the ordinance to add Section 10.04.145 and supporting Definitions for appropriate traffic signing on restricted streets and truck routes.

NOW, THEREFORE, THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

Section 1. The Canby Municipal Code (CMC) Chapter 10.04.100 is hereby amended to read as follows:

CHAPTER 10.04: CITY TRAFFIC CODE

Section

10.04.010	Applicability of state traffic laws.
10.04.020	Definitions.
10.04.030	U-turns.
10.04.040	Sleds behind cars.
10.04.050	Removing glass and debris after accidents.
10.04.060	Parades and processions.
10.04.070	Method of parking.
10.04.075	Parking time limits.
10.04.080	Prohibited parking; failure to pay fines and post bail.
10.04.085	Failure to pay; notice of hearing; order to immobilize vehicle.
10.04.090	Boot installation.
10.04.095	Boot removal.
10.04.100	Storage or abandoning of vehicles on streets.
10.04.125	Penalty.
10.04.130	Public Works Director; duties.
10.04.140	Existing signs.
10.04.145	Trucks prohibited on restricted streets.

§ 10.04.010 Applicability of state traffic laws.

A. Violations of provisions in O.R.S. Chapters 153, 743 and 801 through 823, inclusive as now constituted, is an offense against the city.

B. If an ordinance or provision thereof of the city is in conflict with the motor vehicle laws of the state, the motor vehicle laws of the state shall prevail.

C. Violation of a provision identical to a state statute is punishable by a fine or imprisonment not to exceed the penalty prescribed by the state statute.

§ 10.04.020 Definitions.

In addition to the definitions contained in the Oregon Revised Statutes, including all amendments, the following words and phrases, when used in this chapter, shall have the following meaning, except where the context clearly indicates a different meaning:

Highway, as used in this chapter and in the sections of the state motor vehicle laws, includes all streets and alleys in the city.

Loading Zone, means that space adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Local Delivery Only, means Truck deliveries permitted only to on street adjacent properties or properties connected by a driveway access.

Parking means to stop and stand, with or without a driver, or to leave a motor vehicle upon any street, alley or public place in the city.

Truck, means any Commercial Motor Vehicle with a gross combination weight rating over 26,001 pounds or more, and as defined in ORS 801.208.

Truck route, means any street as designated by signing upon which the unrestricted use of trucks is permitted

§ 10.04.030 U-turns.

It shall be unlawful for any person to reverse the direction of any motor vehicle by making a U- turn upon any street in the city except at street intersections; provided, however, that no reverse turns shall be made by the driver of any vehicle at any street intersection where any type of sign or marker is erected prohibiting any such reverse turn.

§ 10.04.040 Sleds behind cars.

It shall be unlawful for any person to tie to any motor vehicle which is operated on the streets of the city any sled, toboggan or similar contrivance or thing; and it shall be unlawful for the operator of any motor vehicle to permit any sled, toboggan or similar contrivance or thing to be attached or tied to any motor vehicle being driven by the operator; provided, that the provisions of this section shall not apply to trailers, bus trailers or pole or pipe dolly, nor to cars being towed, when the same are attached or towed in accordance with this chapter.

§ 10.04.050 Removing glass and debris after accidents.

Any party to a collision or other motor vehicle accident upon any street, alley or public place in this city shall immediately remove or cause to be removed from the street, alley or public place all glass and foreign substance resulting from the collision or accident, as well as the motor vehicle which the party was driving at the time of the collision or accident.

§ 10.04.060 Parades and processions.

A. During parades, the police may clear the streets and prohibit vehicles and pedestrians from crossing the streets.

B. No pedestrian or vehicle shall break through the line of a funeral procession.

§ 10.04.070 Method of parking.

A. Whenever any motor vehicle is parked upon any street in the city, it shall be headed as though proceeding upon the right side of the street.

B. Where parking space markings are placed on a street, in a parking lot or in a parking structure, no person shall stand or park a vehicle other than in the indicated direction,

other than in a marked space and, unless the size or shape of the vehicle makes compliance impossible, other than within a single marked space.

C. Where no mode of parking is indicated by a painted stripe or other marking, any and all vehicles parked in any unmarked area shall be parked parallel with the street curb, and with the tires or wheels on the right-hand side of the vehicle within 12 inches of the curb.

D. Whenever the operator of a vehicle discovers that his or her vehicle is parked close to a building to which the Fire Department or ambulance service has been summoned, the operator shall immediately remove the vehicle from the area unless otherwise directed by police, ambulance or fire officers.

§ 10.04.075 Parking time limits.

A. 1. The lawful time allowed for parking vehicles other than motor trucks engaged in the actual loading or unloading of freight or merchandise shall, in any section of any street, be as indicated by lettering upon the face of painted signs placed at the top of standards placed along the curblane of any section of any street or by parking meters. The time limits and the indication thereof may be changed from time to time by the City Administrator. The time limits shall mean the continuous aggregate of time of all parking of any 1 vehicle within any 1 block or any blocks adjacent thereto within the daily time limits.

2. This shall not prohibit removing a vehicle from the above designated area and returning the vehicle to the area after expiration of 1 hour.

B. Time limits shall be applicable between the hours of 8:00 a.m. and 6:00 p.m. These time limits shall not apply on Sundays, New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving or Christmas.

C. It is unlawful to erase, remove or obliterate any marking that has been placed on a vehicle for the purpose of monitoring parking time limits.

§ 10.04.080 Prohibited parking; failure to pay fines and post bail.

No operator shall stand or park a vehicle and no owner shall allow a vehicle to stand or park on a street, city property, property controlled by the city or property for which the city is contracted to enforce parking regulations, when there are 3 or more unpaid parking violations of this code and the time for appearing or posting bail in Municipal Court specified on the citation(s) has passed or the time for payment of the fine has passed.

§ 10.04.085 Failure to pay; notice of hearing; order to immobilize vehicle.

A. Upon the failure of the owner or operator of a vehicle to pay unpaid bail, fines or a combination of bail or fines for 3 or more parking violation(s) under this chapter, notice of the delinquency shall be given to the registered owner of the vehicle as shown by the Department of Motor Vehicles by certified mail. The registered owner will be given 15 days from the date of the notice to either post the bail, pay the fine(s), or request a hearing before the Municipal Judge to contest the parking citation(s) received.

B. Upon failure of the registered owner to post bail, pay the fine(s), or request a hearing within 15 days, the Municipal Judge shall issue an order directing the parking control officer or any other police officer so designated to immobilize the vehicle should the vehicle be found on a city street, city property, property controlled by the city, or property for which the city is contracted to enforce parking regulations as provided in this chapter.

§ 10.04.090 Boot installation.

A. When a driver, owner or person in charge of a vehicle is cited for violation of § 10.04.080, fails to respond to notice given as required above, and an order authorizing immobilization has been signed by the Municipal Judge, the parking officer or any police officer so designated shall:

1. Immobilize the vehicle temporarily until 11:00 a.m. of the following day by installing on or attaching to the vehicle a device designed to restrict the normal movement of the vehicle;

2. Conspicuously affix to the vehicle the written notice prescribed in division B. of this section; and

3. Unless release of the vehicle is arranged by 11:00 a.m. of the following day, remove the vehicle from the street or other public property as provided in this chapter.

B. The notice required by division A. of this section shall contain:

1. The name of the Municipal Judge ordering the temporary immobilization;

2. A description of the vehicle and its location;

3. A statement of the reason for the temporary immobilization of the vehicle, including a reference to the section of this chapter violated;

4. Where to go and how to obtain release of the vehicle;

5. The date and time when the city will have the vehicle towed and stored at the owner's expense, resulting in the sale of the vehicle to satisfy these expenses and unpaid bail and fines if the owner fails to redeem the vehicle; and

6. The statement that attempting to remove the immobilization device or removing it, or attempting to remove or removing the vehicle before it is released as authorized by this chapter, is an offense.

C. The parking restrictions of the city shall not apply to a vehicle that has been temporarily immobilized as provided in this section.

D. There shall be assessed a charge for booting a vehicle in addition to any outstanding fines or other expenses assessed against the vehicle. This fee shall be set forth by resolution.(Am. Ord. 1327, passed 5-19-2010)

§ 10.04.095 Boot removal.

A. No person other than an officer of the city may remove or attempt to remove a temporary immobilization device, or move or attempt to move the vehicle, before it is released by the Police Department or the Clerk of the Municipal Court in accordance with this section.

B. A vehicle shall be released and the temporary immobilization device removed when the owner, operator or person in charge of the vehicle either:

1. a. Posts bail and pays all fines and bail for parking citations issued against the vehicle, its operator or owner; and

b. Pays the booting charge.

2. Presents clear and convincing information to any employee of the city designated by the Municipal Judge to receive the information, that the present owner of the vehicle did not own the immobilized vehicle at the time the parking citations were issued that established the violation of § 10.04.080, or that the bail and fines for parking citations that establish the violation of § 10.04.080 have been paid before the vehicle was temporarily immobilized.

C. The city employee designated by the Municipal Judge as provided in division B. of this section may for good cause extend the time limit the temporary immobilization device is

left attached to a vehicle before it is towed and stored, provided the owner, in writing, assumes all risk of damage to the vehicle while it remains immobilized. The extension of the time limit shall not exceed an additional 24 hours, excluding Sundays and holidays.

D. In lieu of proceeding under divisions B. and C. of this section, the owner, operator or person in charge of the vehicle may request that the Municipal Judge rather than his or her designee conduct a hearing in regard to the relevant issues contained in divisions B. and C. hereof. The hearing shall be conducted in an informal manner and as promptly as the court's docket permits.(Am. Ord. 1327, passed 5-19-2010)

§ 10.04.100 Parking, storage or abandoning of vehicles on streets.

A. 1. No person, firm or corporation shall park, store or permit to be stored on a street or other public property, without the permission of the City Police Department, a vehicle or personal property therein, for a period in excess of 72 hours. The continuity of the time shall not be deemed broken by movement of the vehicle elsewhere on the block unless the movement removes the vehicle from the block where it is located before it is returned.

2. No person, firm or corporation shall abandon a vehicle upon a street or upon any other public or private property.

B. When a vehicle is found in violation of division A. of this section, the officer responsible for the enforcement of this section shall follow the procedures provided in O.R.S. Chapter 819 dealing with the custody, removal and disposal of vehicles. (Am. Ord. 1485, passed 7-18-2018)

§ 10.04.125 Penalty.

A. Violation of any provision of this chapter shall be punishable by a fine not to exceed \$500 for each violation.

B. For a second or subsequent conviction within 1 year, a person shall be punished by a fine of not more than \$750.

C. Violation of a provision identical to state statute is punishable by a fine not to exceed the penalty prescribed by the state statute.

§ 10.04.130 Public Works Director; duties.

Subject to the approval of the City Council by resolution or motion, the Public Works Director shall:

- A. Designate stop streets;
- B. Designate 1-way streets;
- C. Designate crosswalks, safety zones and traffic lanes;
- D. Designate areas in which no parking shall be permitted and areas in which the time of parking is to be limited;
- E. Direct the placing and maintenance of those traffic signs, markers and signals as may be reasonably necessary to carry the above powers into effect and for the regulation and safety of traffic;
- F. Exercise a general supervision over the administration and enforcement of all traffic ordinances; and
- G. Require the pruning or trimming of trees and shrubs along streets and highways so that they will not obstruct the view for traffic; and order the removal or alteration of any signs, fences or other objects along streets and highways that are an obstruction of the view for traffic.

§ 10.04.140 Existing signs.

All official traffic signs, signals and markers existing at the time of the adoption of this chapter shall be considered official under the provisions of this chapter; provided, however, that the City Council may by resolution or motion at any time have the official traffic signs, signals or markers removed or changed, or the same may be done at the direction of the Public Works Director; and provided further, that any additional official traffic signs, signals or markers erected, installed or painted shall first be authorized by resolution or motion of the City Council or by order of the Public Works Director.

§ 10.04.145 Trucks Prohibited on Restricted Streets.

A. Streets or parts of streets in the City that are appropriately signed for no truck, local delivery only or with a gross vehicle weight restriction are designated as restricted streets.

B. When appropriate signs are erected on streets establishing a truck route, no person shall operate, drive or cause or permit to be operated or be driven, any truck on any restricted street.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, November 7, 2018; ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, December 5, 2018, commencing at the hour of 7:30 PM in the Council Chambers located at 222 NE 2nd Avenue, 1st Floor Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on December 5, 2018 by the following vote:

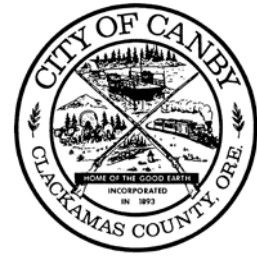
YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

MEMORANDUM



TO: *Honorable Mayor Hodson and City Council*
FROM: *Irene Green, Library Director*
DATE: *10/29/18*
THROUGH: *Rick Robinson, City Administrator*

Issue: The Canby Municipal Code Chapter 2.20.030 currently specifies the Library Board shall consist of 5 members appointed by the City Council upon recommendation of the Board Chairperson and the City Council liaison to the Library Board. It also states that not less than 3 members of the Board shall be residents of the city. Currently, all 5 library board members are residents of the city. According to the 2009 Cooperative Intergovernmental agreement (IGA) between the Library District of Clackamas County and the City of Canby for Capital Contribution, Section 2.4: "The City shall provide fair representation of served library patrons on the City's library board, including patrons from unincorporated Clackamas County." The County has interpreted "fair" to mean proportional representation of unincorporated residents on local library boards, in numbers roughly equal to the share of unincorporated patrons served by that library. Presently, unincorporated residents are not represented on the Library Board. The Library Board's proposal is to add 2 additional, voting positions, designated solely for residents of the unincorporated areas.

This amendment also seeks to include the addition of a Canby High School student, as a non-voting member, to assist the library's efforts to reach a broader segment of the community.

Synopsis: At the October 2018 Library Board reviewed notes from the Library District Advisory Committee (LDAC) concerning representation of unincorporated residents on city library boards. Currently no board members live in the unincorporated area serviced by the Canby Library. According to Clackamas County's Library District FY 17-18 Distribution Formula FY 18-19 Estimate, Canby Public Library's service population is 23,984. The city's population is 16,420 and the number of unincorporated residents served is 7,564 (32% of the service population). Fair representation on a 5 member board would be 1.6 (2 members). Fair representation on a 7 member board would be 2.24 (2 members).

The Library Board also voted unanimously to add a position reserved for a Canby High School student. The board agreed that adding a student member would diversify their perspective, assist their efforts to reach a broader segment of community, and improve the planning and decision-making processes. From the student perspective, it will provide exposure and experience in city governance and library program and services. Additionally, the student will acquire hours for the community service graduation requirement and accomplishments that will

strengthen their college application. The proposal was reviewed and approved by City Administrator Rick Robinson and Canby High School Principal Greg Dinse. Given that this creates an even number of members, this would be a non-voting position. The student's term would end upon graduation.

Recommendation: Staff recommends the Council to increase the number of library board voting members from 5 to 7 so the library can immediately recruit members of the unincorporated area and fulfill the intent of the IGA. The positions would remain vacant until filled, showing "good faith" effort.

Staff also recommends adding one non-voting high school position.

Rationale: In the past, it has been difficult to recruit library board members, however, with the new library and its position within the community, there are now several interested candidates.

Options:

1. Keep the Library Board 5 members, as currently stated in the Municipal code, and wait until 2 members terms are up and replace them with residents of the unincorporated area.
2. Increase the number of board members to 7 and immediately recruit 2 new residents from Canby's unincorporated area.
3. Create a non-voting position on the library board for a high school student.
4. Do not include a position for a high school student.

Fiscal Impact: This recommendation would have no fiscal impact.

Recommended

Motion: ***"I move to approve Ordinance 1498, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 2.20.030 AND 2.20.040, REGARDING THE PUBLIC LIBRARY to come up for second reading on December 5, 2018.***

Attachments: Ordinance 1498.

ORDINANCE NO. 1498

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 2.20.030 2.20.040, REGARDING THE PUBLIC LIBRARY

WHEREAS, Chapter 2.20 of the Canby Municipal Code established the Public Library for the City of Canby; and

WHEREAS, the Library Board and staff have proposed changes to Chapter 2.20.030 and 2.20.040 so it is current with the 2009 Cooperative Intergovernmental Agreement (IGA) between the Library District of Clackamas County and the City of Canby for Capital Contribution and current practices regarding membership and terms of office.

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Chapter 2.20.030 of the Canby Municipal Code is amended to read as noted. All other sections, shall remain in full force and effect as they presently appear.

§ 2.20.030 Library Board.

The Library Board shall consist of ~~5~~ **7 voting** members appointed by the City Council upon recommendation of the Board Chairperson and the City Council liaison to the Library Board. The Mayor may vote only to break a tie, if necessary. **An additional non-voting member shall be a High School Student, residing within the Canby School District boundary. In accordance with the IGA, the city shall provide fair representation of unincorporated residents equal to the share of unincorporated patrons served by the Canby Public Library. Therefore, two of the 7 voting members must reside outside the Canby city limits. The other 5 members shall be residents of the city.** ~~Not less than 3 members of the Board shall be residents of the city.~~ No member of the Library Board shall have any financial interest, either directly or indirectly, in any contracts to which the library is a party, nor shall any member receive a salary or any payment for any materials or for any services rendered the Board. Board members may be reimbursed for expenses incurred in the performance of their duties. (Am. Ord. 1137, passed 4-21-2004)

§ 2.20.040 Term of office; vacancies.

Appointees shall hold office for 4-year terms from July 1 in the year of their appointment. At the expiration of the term of a Board member, the City Council shall appoint a new member or may reappoint a member for a term of 4 years. Members shall be limited to 2 consecutive terms. **The High School Student's term shall end upon graduation.** If a vacancy occurs, the City Council shall appoint a new member to complete the unexpired term. Procedure for all appointments by the City Council shall follow § 2.20.030 above. Any Board member failing to attend 3 consecutive Board meetings without approval of the Board chairperson may be removed by the City Council and a new member appointed to complete the unexpired term. Library Board members serve at the pleasure of the City Council and are subject to removal at any time by the Council with or without cause. (Am. Ord. 1137, passed 4-21-2004; Am. Ord. 1433, passed 3-2-2016)

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, November 7, 2018 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 December 5, 2018 commencing at the hour of 7:00 PM in the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

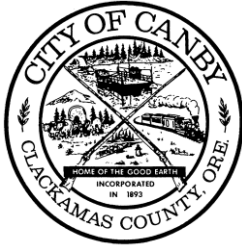
PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on December 5, 2018 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



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

A REQUEST FOR APPROVAL OF)	FINDINGS, CONCLUSION & FINAL ORDER
ANNEXATION AND ZONE CHANGE)	ANN 18-03/ZC 18-03
FOR PROPERTY LOCATED AT 1467 AND)	N PINE ANNEXATION
1575 N. PINE STREET)	ICON CONSTRUCTION AND DEVELOPMENT, LLC

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change applications City File# ANN 18-03/ZC 18-03, N Pine Annexation to annex 9.61 acres of real property described as Tax Lots 31E28DD03100, 03200 and 3201, Clackamas County, Oregon. The property is zoned Clackamas County RRFF-5 and is requested to be zoned City R-1, Low Density Residential.

HEARINGS

The Planning Commission considered applications City File# ANN 18-03/ZC 18-03 N Pine Annexation after the duly noticed hearing on September 24, 2018 during which the Planning Commission recommended by a 5/0 vote that the City Council approve ANN 18-03/ZC 18-03 per the recommendation contained in the staff report.

CRITERIA AND STANDARDS

In judging whether or not the annexation and zone change applications shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the Planning Commission staff report dated September 12, 2018 and presented at the September 24, 2018 public hearing of the Planning Commission.

FINDINGS AND REASONS

The Planning Commission considered applications City File# ANN 18-03/ZC 18-03 N Pine Annexation at a public hearing held on September 24, 2018 during which the staff report was presented, including all attachments. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed annexation, new zoning designation and recording of the proposed development agreement.

After hearing public testimony, and closing the public hearing, the City Council made no additional findings beyond those contained in the staff report to arrive at their decision and support their recommendation for approval of the annexation and re-zone of the property in accordance with the Comprehensive Plan Map land use designation

CONCLUSION

In summary, the City Council adopted the findings contained in the staff report, concluded that the annexation and zone change meets all applicable approval criteria, and approved Files ANN 18-03/ZC 18-03 N Pine Annexation as stated below. The City Council's order is reflected below.

ORDER

Based on the application submitted and the facts, findings, and conclusions of the staff report, and the supplemental findings from the public hearing, the City Council approved the annexation and zone change applications and proposed annexation development agreement City File# **ANN 18-03/ZC 18-03 N Pine Annexation** and upon annexation, that the zoning of the subject property be designated as R-1 as indicated by the Canby Comprehensive Plan Map and the development agreement be recorded upon execution by the applicant.

I CERTIFY THAT THIS ORDER approving City File# **ANN 18-03/ZC 18-03** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED THIS 7th day of November 2018

Brian Hodson
Mayor

Bryan Brown
Planning Director

ORAL DECISION – October 17, 2018

AYES: Smith, Parker, Hensley, Dale, Heidt & Spoon

NOES: None.

ABSTAIN: None.

ABSENT: None.

WRITTEN FINDINGS – November 7, 2018

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Kimberly Scheafer, MMC
City Recorder