



**AGENDA**  
**CANBY CITY COUNCIL**  
**Work Session 6:00 PM – Willow Creek Conference Room**  
**Regular Meeting 7:00 PM - Council Chambers**  
**March 4, 2020**  
**222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor**  
**Mayor Brian Hodson**

**Council President Tim Dale**  
**Councilor Trygve Berge**  
**Councilor Traci Hensley**

**Councilor Greg Parker**  
**Councilor Sarah Spoon**  
**Councilor Shawn Varwig**

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**CITY COUNCIL WORK SESSION - 6:00 PM**  
**Willow Creek Conference Room**

**Discussion on Strategic Investment Zone. Pg. 3**

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**CITY COUNCIL MEETING – 7:00 PM**  
**COUNCIL CHAMBERS**

- 1. CALL TO ORDER**
  - A. Invocation
  - B. Pledge of Allegiance
  - C. Oregon Trail Pitchpipers
  - D. 150<sup>th</sup> Celebration
- 2. COMMUNICATION**
- 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. Please complete a testimony/comment card prior to speaking and hand it to the City Recorder. Staff and the City Council will make every effort to respond to questions raised during citizens input before the 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 address.
- 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 February 19, 2020 City Council Work Session and Pg. 67 Regular Meeting.
  - B. Appointment to Bike and Pedestrian Committee. Pg. 76
  - C. Reappointments to the Transit Advisory Committee. Pg. 80
  - D. New Limited On-Premises OLCC Liquor License for Coffee Doodle Doo. Pg. 83

- 7. PUBLIC HEARING**
    - A. Noise Variance Application –North Lake Physical Therapy Gator Grinder Pg. 86  
Triathlon (May 9, 2020 from 8:00 am - 12:00 pm).
  - 8. NEW BUSINESS**
    - A. Discussion on Noise Ordinance specific to fireworks. Pg. 91
  - 9. CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS**
  - 10. CITIZEN INPUT**
  - 11. ACTION REVIEW**
  - 12. ADJOURN**
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\*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 Melissa Bisset at 503.266.0733. A copy of this Agenda can be found on the City’s web page at [www.canbyoregon.gov](http://www.canbyoregon.gov). City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.



# City of Canby

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222 NE 2nd Ave  
Canby, OR 97013

Phone: 503.266.4021  
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www.canbyoregon.gov

## City Council Staff Report

DATE: March 4, 2020

TO: Honorable Mayor Hodson and City Council

THRU: Amanda Zeiber, Interim City Administrator

FROM: Jamie Stickel, Economic Development Director

### Summary

Columbia Distributing submitted a Strategic Investment Zone application for their project in the Canby Pioneer Industrial Park.

### Background

In August 2010, Clackamas County established the Rural Strategic Investment Zone, as part of Business Oregon's Strategic Investment Program. The Rural Strategic Investment Zone was created by Clackamas County and encompasses Canby along with other rural communities across the county. The program was established to assist in the recruitment of large, industrial businesses to Clackamas County.

At the January 15<sup>th</sup>, 2020 City Council meeting, the Canby City Council delayed the decision regarding the standardized agreement to allow for more time for the council to review the Strategic Investment Zone program. Additionally, several questions were posed to city staff and are included in this packet under "Strategic Investment Zone FAQs". After much discussion between Business Oregon, Columbia Distributing, Clackamas County, and the City of Canby, the project was deemed eligible by Business Oregon and the standardized agreement was amended. The new standardized agreement addresses the date the Business Oregon Application was received (July 2<sup>nd</sup>), as well as noting the costs related to the work which began before the application was submitted will be excluded from the Strategic Investment Zone project. This can be found in the attachment "Updated Columbia Distributing Project Description".

Clackamas Board of County Commissioners reviewed the standardized agreement at their February 25<sup>th</sup> policy session. Staff from Business and Community Services and the Assessor's Office presented the standardized agreement, which was approved to move forward to the March 5<sup>th</sup> Board of County Commissioners Business Meeting.

### Discussion

Columbia Distributing is the first company to utilize the Strategic Investment Zone within Clackamas County. The Strategic Investment Zone is an incentive where businesses with a project within the zone will pay full property taxes on the first \$25,000,000 investment. Taxes on the

property in excess of the \$25,000,000 are abated for 15 years. Businesses pay an annual community service fee of lesser of 25% of business tax savings on investments over \$25 million or \$500,000 per year. The community service fee is intended to mitigate direct impacts of the development on the community that are needed over and above the systems development charges collected. Once those needs are addressed, additional revenues will be used to fund high priority projects or programs of the community.

**Attachments**

- Canby, County, Columbia Distributing – Standardized Agreement
- Exhibit A – Columbia Distributing – SIZ application to Business Oregon
- Updated Columbia Distributing Project Description
- Exhibit B – Columbia Distributing site map
- Exhibit C – Columbia Distributing SIZ tax lots
- Exhibit D – Columbia Distributing – SIZ First Source Hiring Agreement
- Exhibit E – Columbia Distributing SIZ First Source Contracting Agreement
- Exhibit F – Community Service Fee
- Strategic Investment Zone FAQ’s

**Fiscal Impact**

None.

**Options**

None.

**Recommendation**

None.

**Proposed Motion**

None.

**CLACKAMAS COUNTY STRATEGIC INVESTMENT ZONE**

**AGREEMENT BETWEEN**

**CLACKAMAS COUNTY AND**

**THE CITY OF CANBY AND**

**COHO DISTRIBUTING LLC, dba COLUMBIA DISTRIBUTING**

**Date: March 5, 2020**

This is an agreement (the “Agreement”) by and between Clackamas County, a duly constituted governmental entity under the laws of the State of Oregon (the “County”) and the City of Canby, an Oregon municipality (the “City”), and Coho Distributing LLC, dba Columbia Distributing, (the “Company”). Its purpose is to define the rights, responsibilities, and obligations of the County, the City, and the Company in terms of the Clackamas County Strategic Investment Zone.

### **RECITALS**

- A. The County, the City, and the Company all agree that it is in their individual and mutual best interests for the Company to locate its business in Clackamas County.
- B. The County, the City, and the Company recognize that the Company is a capital intensive business as to which the elements of a strategic investment zone are especially important. Capital intensive businesses are especially attractive to the County and the City because these businesses invest in developing the skill levels of their employees, pay their employees higher wages, and contribute in other ways to the economic vitality of a region.
- C. Oregon law at ORS 285C.623 through 285C.639 and in rules established by the Oregon Business Development Department and the Oregon Department of Revenue sets out the establishment and operation of strategic investment zones. Key characteristics of strategic investment zones include:
  - 1. Businesses approved as a strategic investment zone project receive a partial property tax exemption under ORS 307.123 under the terms of which the business must pay full property taxes on the first \$25 million invested. The value of property in excess of that amount is exempt from taxation; however, this cap increases by 3% each year.
  - 2. Businesses approved as a strategic investment zone project must pay an annual Community Service Fee equal to the lesser of 25% of exempt taxes or \$500,000.00.
  - 3. Businesses approved as a strategic investment zone project must enter into a First Source Hiring Agreement, which promotes gainful work for persons already residing in the proximate area or region of the approved project.
  - 4. The Department of Revenue and the County shall make income tax distributions in accordance with ORS 285C. 635(3).

5. The term of the benefits of a strategic investment zone to a specific project is temporary, lasting no longer than 15 years.
- D. On August 19, 2010 the County approved co-sponsorship and operation of the Clackamas County Strategic Investment Zone.
- E. On August 4, 2010 the City approved co-sponsorship and operation of the Clackamas County Strategic Investment Zone.
- F. On August 19, 2010 the County and the City entered into an Intergovernmental Agreement in order to co-sponsor the establishment of the Clackamas County Strategic Investment Zone and set out their respective rights and obligations under its operation.
- G. The Company wishes to place its project (the "Project") within the Clackamas County Strategic Investment Zone, and has filed an application (the "Application"). A copy of the Application is attached as Exhibit "A".
  1. The Project is wholly located within the Clackamas County Strategic Investment Zone. The property is contiguous, and is not within an existing strategic investment zone. The Project is shown on the map in Exhibit "B" and described by a list of affected tax lot numbers in Exhibit "C".
  2. Under the terms of the Application, the Company has requested that the Company receive approval for the tax treatment of the Project within a strategic investment zone.
- H. The County, the City, and the Company have agreed to enter into this Standardized Agreement, which is a requirement of the County and City Intergovernmental Agreement and constitutes the local approval necessary for a strategic investment zone project.

NOW, THEREFORE, in consideration of the following mutual promises the County, the City, and the Company all agree as follows:

1. Limitations on Qualification of the Project for Exemption.
  - A. Only that portion of any property that the Business Development Commission has authorized as an eligible Project shall receive the tax exemption under ORS 307.123.
  - B. All other property not authorized for tax exemption according to Section 1 A above, including portions of the Project constructed prior to submission of an application for project determination to the Business Development Commission, shall be subject to the laws as to tax assessment and collection, without regard

to ORS 307.123. The parties expressly acknowledge and agree that certain construction work, including ground work and the pouring of a concrete slab, were performed prior to Company's submission of its project determination application. As such, the parties anticipate that the Business Development Commission will not consider those portions of the project eligible for tax exemption. The parties further acknowledge and agree that Business Development Commission will make the final decision as to what portions of the project are eligible for tax exemption under ORS 307.123.



2. Term.

This Agreement shall take effect on the date the Oregon Business Development Commission formally authorizes the Company's qualification as an eligible Project in a strategic investment zone. It shall continue for the fifteen tax years described in ORS 307.123.

3. The ORS 307.123 Tax Exemption for the Project.

- A. The Company's Application represents that the Project will have a total investment of \$68,277,098.00. The County, City, and the Company agree that the assessed value of the property associated with the Project shall be calculated according to ORS 307.123.
- B. Taxes assessed on the eligible portion of the Project shall be calculated according to ORS 307.123 for fifteen tax years, commencing with the tax year the Company is first eligible for the calculation.
- C. Pursuant to OAR 123-623-1600(4)(d), the Project will not consist of any property formerly or currently exempt under ORS 285C.175 and the Company shall not acquire status as an authorized business firm for any investment at the same location in an enterprise zone.
- D. The Company shall provide timely information to the Oregon Business Development Department, County Assessor, and or the Department of Revenue as may be requested, required, or otherwise necessary under ORS 307.123 or other applicable laws, including but not limited to information as to the date when any taxable property is initially placed in service, occupied, used, or operated.

4. Obligations of the Company.

- A. The Company shall pay a Community Services Fee ("CSF") for community services support that relates to the direct impact of the eligible project on public services as set forth in this section and ORS 285C.623(4) and other applicable law.
  - 1) Amount. For each year the Company shall pay to the County a CSF as provided in ORS 285C.623(4)(b) an amount equal to 25% of the property taxes that would, but for the tax exemption, be due on the exempt property in each assessment year, but not exceeding \$500,000 in instances where the investment is in Rural SIZ #1 and \$2 million where the investment is in Urban SIZ #2, per eligible project in any year.

2) Due Date. On or before October 25 of each year, the County shall provide the Company with a statement describing CSF calculations and the amount due. The Company upon receiving such statement shall pay the amount due by November 15 of the same year. The CSF payment shall be made to:

Tax Collector  
Assessment and Taxation Department  
Clackamas County  
Development Services Building  
150 Beaver Creek Rd.  
Oregon City, OR 97045

3) Adjustments. If the assessed value of the property is adjusted after November 15 of any tax year in such a manner that property taxes due from the Company are reduced, and the reduction reduces the CSF for that year, the County shall pay the amount of the reduction of the CSF to the Company, together with interest at the rate established by law for tax refunds under ORS 311.505(2) from the date of payment of the CSF.

a. If the County does not pay the amount by November 10 of the following year, the Company may withhold the unpaid amount, plus interest as provided in this Section, from subsequent CSF payments due from the Company.

b. If the remaining CSF payments due from the Company are less than the amount owed by the County to the Company under this Section, the County shall pay the amount due to the Company not later than December 15 of the year following the year in which the reduction occurs. An appeal of the assessed value does not defer the CSF payment obligation set forth above. Any adjustments based on the outcome of the appeal shall be in accordance with this Section 4-A-3.

4) Late Payment of CSF. Failure to pay the CSF sum in full by the due date shall result in penalty and interest being charged on the past due balance in the same amount as is provided by law for late payment of ad valorem property taxes.

5) Nonpayment of CSF. If the Company fails to pay the CSF by the end of the tax year in which it is due, the tax exemption shall be revoked and the property shall be fully taxable for the tax year following the tax year in which the fee remains unpaid.

B. First Source Agreements.

1) The Company shall enter into a standardized First Source Hiring Agreement (“FSHA”), a copy of which is attached as Exhibit “D” to this Agreement. Its terms are incorporated by reference into this Agreement.

a. If the County designates a Publicly Funded Training Provider, the Company shall enter into a separate FSHA with the designated Publicly Funded Training Provider under substantially the same terms as set out in Exhibit D.

b. If there is a conflict between this Agreement and Exhibit D, this Agreement shall take precedence. If there is a conflict between Exhibit D and the Public Funded Training Provider First-Source Hiring Agreement, Exhibit D shall control.

2) The Company shall enter into a standardized First Source Contracting Agreement (“FSCA”), a copy of which is attached as Exhibit “E” to this Agreement. Its terms are incorporated by reference into this Agreement.

C. Reporting Obligations.

1) In addition to any other report or filing required by law the Company shall file with the Department of Revenue the information required by ORS 308.290 in the form of the annual industrial property return.

2) In addition to any other report or filing required by law the Company shall file with the Oregon Business Development Department and Clackamas County the annual participation report required by ORS 285C.615, along with any other information related to the terms of this Agreement that the County may require.

D. Payment of Property Taxes

The Company shall pay all property taxes owed on the Project on or before November 15<sup>th</sup> of the tax year in which they were assessed.

5. Obligations of the County and City

The County and the City shall, by action of the respective Commission and Council, affirmatively endorse the Company’s proposed project if the Company

submits a strategic investment zone application in accordance with Oregon statutes, rules, and the County and City strategic investment program.

6. Breach; Default; and Remedy.

A. The County and the City shall each designate a Strategic Investment Zone Manager with the duty to monitor compliance by the Company with the terms of this Agreement. The respective Strategic Investment Zone Managers are:

The County: Strategic Investment Zone Coordinator  
Business and Economic Development Department  
Development Services Building  
150 Beavercreek Rd.  
Oregon City, OR 97045

For the City: Economic Development Director  
City of Canby  
222 NE 2<sup>nd</sup> Ave.  
Canby, OR 97013

Or such other individuals as the City and County may designate from time to time.

B. If either the County or the City has cause to believe that the Company has materially failed to comply with any term of this Agreement, or the FSHA, or the FSCA, and that such failure is not excused, the County and the City shall confer.

1) If, after such consultation and examination, the County continues to believe that the Company has materially failed to comply with one or more terms of this Agreement and the failure is not excused, the County shall notify the Company of this belief and the basis therefore.

2) The Company shall not be deemed to have failed to comply with this Agreement if the failure is caused by a force majeure, as provided under Section 6-I-3 below.

C. Any required notice shall be in writing and shall be sent to the Company at the following address:

Paul Meade, Chief Financial Officer  
Columbia Distributing  
6840 North Cutter Circle  
Portland, OR 97217

Notice sent by regular mail shall be treated as if received on the third day after mailing. Notice hand delivered, sent via electronic mail, or by facsimile transmission shall be treated as having been delivered at the time of transmission, or if the transmission occurred after normal business hours, the next business day, upon confirmation of transmission.

D. Upon receipt of the notice described in Section 5-B above, the Company shall have 45 days to respond in writing. The Company's written response shall be delivered to the County at the address of its Strategic Investment Zone Manager set out in Section 5-A above.

E. The Company's response shall include such supporting documentation as is related to the issues raised by the notice described in Section 5-B above.

1) The County shall have 45 days in which to review and consider the Company's response and to notify the Company in writing if the County believes the Company is not in compliance, and to state the basis for the County's belief.

2) If the County does not give the Company such written notice within 45 days, the matter shall be deemed closed.

F. If the County notifies the Company that the County continues to believe that a failure of performance by the Company has occurred, the matter shall be submitted to mediation in front of a mediator who is an attorney and mutually acceptable to all parties.

1) Such mediation shall take place within 90 days' of a party's receipt of the mediation request, in a neutral location mutually acceptable to all parties.

2) Each party shall be responsible for paying its own costs and expenses (including legal fees, if necessary) for the mediation and share equally the expenses of the mediator.

G. In the event that the mediation is unsuccessful, either party may initiate litigation to resolve the dispute. In the event any arbitration, action or proceeding, including any bankruptcy proceeding, is instituted to enforce any term of this Agreement, each party shall be responsible for its own attorneys' fees and expenses.

H. Notwithstanding the foregoing, any dispute in which specific performance or injunctive relief is sought need not be submitted to mediation, but may instead be immediately brought by the aggrieved party to an appropriate court.

I. A breach shall be deemed to have occurred if:

- 1) The Company acknowledges that it has failed to comply with its obligations under this Agreement; or
- 2) A court of competent jurisdiction or an arbitrator, in a final judgment that is either nonappealable or whose appeal rights have lapsed, determines that the Company failed to comply with its obligations under this Agreement and the associated law.
- 3) The Company shall not be deemed to have failed to comply with this Agreement if the failure is caused by a force majeure.

a. Force majeure is defined as follows:

- 1) Acts of God; strikes, lockouts or other industrial disturbances; acts of the public enemy; orders or restraints of any kind of the government of the United States of America or of the state wherein the County is located or any of their departments, agencies or officials, or any civil or military authority; insurrections; riots; landslides; earthquakes; volcanic eruption; fires; storms; droughts; floods; explosions; breakage or accident to machinery, transmission pipes, or canals; or any similar or different cause or event not reasonably within the control of the Company; and
- 2) Any substantial reduction in market demand for the products produced at the Project which makes it economically infeasible for the Company to operate the Project at a profit and in compliance with this Agreement.

b. To excuse the performance of any obligation of the Company due to force majeure, the Company must notify the County as soon as reasonably possible after the force majeure has occurred and the Company has had an opportunity to determine the effect of the force majeure upon the Company's business and its obligations hereunder.

1) The notice shall state the nature of the occurrence, the anticipated effect of the occurrence on the Company's obligations, and when the Company will be able to resume compliance with this Agreement.

2) If the County, following consultation with the City, does not agree that the Company shall be excused from performance in the manner stated in the Company's notice, the County shall notify the Company within 90 days and the parties shall commence the dispute resolution procedures set out above.

#### J. Sanctions.

1) If the breach relates to a failure of the Company to pay the CSF or any other payment the Company is required to pay to the County under this Agreement or Oregon law, the County shall be entitled to the amount of the delinquency, plus interest in the amount set forth in Section 4 (A)(4), and in addition may recover the following penalties:

a. If the payment is made more than ten days after the payment is due and written demand has been made to the Company for payment, the County shall be entitled to receive a penalty of 10% of the delinquent amount.

b. If the payment is made more than 45 days after the payment is due and written demand has been made to the Company for payment, the County shall be entitled to receive a penalty of 100% of the delinquent amount.

c. If the Company fails to pay by the end of the tax year in which it is due, the tax exemption provided by ORS 307.123 shall be revoked and the property shall be fully taxable for the tax year following the tax year in which the fee remains unpaid.

2) If the breach relates to a failure of the Company to notify the County in accordance with the FSHA of the Company's hiring needs for job openings, the Company shall pay to the County an amount equal to twice the average gross annual salary plus benefits for the median wage paid at the Project by the Company.

If the Company fails to act in good faith to meet its obligations under the FSHA, and the failure results in effective abandonment of the FSHA by the Company, the Company shall pay as an additional payment to the County 75% of the annual payment calculated according to ORS 307.123 for each year the abandonment continues. It shall not constitute an abandonment if the Company's failure is due to nonperformance by the County of its obligations under the FSHA.

3) If the breach relates to a failure of the Company to notify the County in accordance with the FSCA of the Company's contracting opportunities, the Company shall pay as an additional payment to the County an amount equal to twice the cost of the Project, including all overhead and profit.

If the Company fails to act in good faith to meet its obligations under the FSCA, and the failure results in effective abandonment of the FSCA by the Company, the Company shall pay as an additional payment to the County 75% of the annual payment calculated according to ORS 307.123 for each year the abandonment continues. It shall not constitute an abandonment if the Company's failure is due to nonperformance by the County of its obligations under the FSCA.

4) If the breach relates to a failure of the Company to meet its reporting requirements under this Agreement or related law, the Company shall pay to the County twice the amount necessary to have an auditor investigate and prepare any report.

5) Any funds collected under Section 6-J above shall be held in a segregated fund for the Shared Community Services fund set out in Exhibit C to the Clackamas County Strategic Investment Zone #1 Intergovernmental Agreement.



## 7. General Terms.

A. No discrimination: No persons shall be denied or subject to discrimination in receipt of the benefits of any services or activities made possible by or resulting from the Agreement on the grounds of sex, sexual orientation, gender identity, race, color, creed, marital status, age, national origin, mental health or physical handicap, disabled or Vietnam era veteran status (except where there are bona fide occupational qualifications). Any violation of this provision shall be considered a material breach of the Agreement.

B. Public contracts: If applicable, the requirements of the Oregon Revised Statute Chapters 279A and B are incorporated herein by reference. This provision is intended to incorporate only those provisions which are required for all public contracts. The parties acknowledge that other portions of ORS Chapter 279 do not apply; that this Agreement is not one for a public improvement or public work; and the wages and other compensation paid by the Company to its employees are not subject to ORS Chapters 279A and 279B.

C. Governing law: This Agreement shall be governed by the law of the State of Oregon. Any actions or suits commenced in connection with this Agreement shall be in the Clackamas County Circuit Court or Federal District Court for Oregon.

D. Complete Agreement: This Agreement and its attached exhibits are the complete agreement between the parties and supersede all prior agreements or proposals, oral or written. No modifications to this Agreement will be binding on any party except as a written addendum signed by authorized agents of each party.

E. Waiver of Rights: All rights and remedies of each party shall be cumulative and may be exercised successively or concurrently. The foregoing is without limitation to or waiver of any other rights or remedies of either party according to law.

F. ORS 307.123 Payments Not Property Taxes: The parties acknowledge that any payments required under this Agreement do not constitute property taxes and are not subject to the limits under Section 11b, Article XI of the Oregon Constitution.

G. Corporate Dissolution or Bankruptcy: In the event of a corporate dissolution or a bankruptcy proceeding under the Federal Bankruptcy Code, the full real market value of the Project shall be placed on the tax roll as taxable property.

H. Successors and Assigns: Each and every provision of the Agreement is binding on any and all successors in interest to the applicant by virtue of sale, lease, assignment, merger, or any other transfer of any interests in the applicant corporation to any other person or entity, whether voluntary or involuntary

I. Good Faith Tax Contests Permitted: Nothing in this Agreement shall be construed as:

- a. Preventing the Company from contesting in good faith any tax, assessment, fees or charges assessed against it by the taxing authority; or
- b. Granting rights to any employee of the Company.

J. No Third Party Beneficiaries: The obligations of the Company in this Agreement are for the benefit of the County and the City, and for the general benefit of their citizens. No individual or entity not a party to this Agreement shall be treated as a third party beneficiary of this Agreement.

K. Counterparts: This Agreement may be signed in counterparts; when each party has signed a counterpart all parties shall be bound by this Agreement.

L. Debt Limitation. This Agreement is expressly subject to the limitations of the Oregon Constitution and Oregon Tort Claims Act, and is contingent upon appropriation of funds. Any provisions herein that conflict with the above referenced laws are deemed inoperative to that extent.

CLACKAMAS COUNTY

CITY OF CANBY

\_\_\_\_\_  
JIM BERNARD  
Chair

\_\_\_\_\_  
BRIAN HODSON  
Mayor

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

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

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Recorder

Reviewed for legal sufficiency  
and form:

Reviewed for legal sufficiency  
and form:

\_\_\_\_\_  
Counsel

\_\_\_\_\_  
Counsel

COHO DISTRIBUTING LLC, dba COLUMBIA DISTRIBUTING

\_\_\_\_\_  
INSERT NAME OF OFFICER: \_\_\_\_\_

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

INSERT NOTARY BLOCK FOR OFFICER OR OFFICERS



**Strategic Investment Program (SIP)**  
 ORS 285C.600-285C.635 & 307.123

**Application for Project Determination  
 by Business Oregon Commission**

**DUE** before the purchase or lease of property or any on-site work begins that will comprise investments in the project.

**Applicant Business**

|                                                                                |                                                                                    |                                                 |
|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------|
| <u>Coho Distributing LLC dba Columbia Distributing</u><br>Business Name        | <u>6840 North Cutter Circle</u><br>Mailing Address                                 |                                                 |
| <u>Paul Meade</u><br>Contact Person                                            | <u>Chief Financial Officer</u><br>Title                                            | <u>(503) 265-3099</u><br>Phone Number           |
| <u>paul.meade@coldist.com</u><br>Email                                         | <u>www.coldist.com</u><br>Web page with company background, history and financials |                                                 |
| <u>Limited Liability Company</u><br>Form of Organization (e.g., C-corporation) | <u>Oregon</u><br>US State of Incorporation                                         | <u>Portland, Oregon</u><br>Headquarter Location |

**Proposed Investment (the project)**

|                                                                                |                                                                                                                         |                                                               |
|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <u>Columbia Distributing Warehouse</u><br>Project/property name, as applicable | County(s) <u>Clackamas</u> and <u>-choose-</u>                                                                          |                                                               |
| <u>Canby Pioneer Industrial Park</u><br>2525 SE First Avenue, Canby Oregon     | Inside a city's corporate limits?                                                                                       | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| <u>Street Address</u>                                                          | urban growth boundary (UGB) containing a city of 40,000 or more in current population? (if yes, it is an urban project) | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| <u>Attached</u><br>Assessor map, tax lot number(s), etc.                       | Indian reservation (if yes, tribal government assumes county role)                                                      | <input type="radio"/> Yes <input checked="" type="radio"/> No |

**If located in a strategic investment zone (SIZ):**

Canby SIZ  
Name of SIZ, if applicable

If using SIZ to receive SIP tax treatment, check here that standardized SIZ agreement and all other local approval documentation are included here.

Check here—whether using an SIZ or not—that all eligible project property subject to SIP will be newly located inside the SIZ boundary.

**Check below that all eligible project property subject to SIP:**

- Will be newly acquired by the applicant business.
- Has not been part of any previously exempt SIP project.
- Has/will not receive Oregon enterprise zone exemption.

**Anticipated time line—dates for:**

|                                                         |                       |
|---------------------------------------------------------|-----------------------|
| Construction or other project work to commence          | <u>April 2019</u>     |
| Project completion                                      | <u>June 2020</u>      |
| Start of business operations with new facility/property | <u>September 2020</u> |

**Estimated cost of each property type:**

|                                                               |                               |
|---------------------------------------------------------------|-------------------------------|
| Real estate (land and existing structures) to be acquired *   | <u>\$8,716,963.00</u>         |
| New construction/improvements                                 | <u>\$53,597,135.00</u>        |
| Reconstruction, remodeling of existing buildings & structures | <u>\$0.00</u>                 |
| Real property (heavy/affixed) machinery & equipment           | <u>\$5,963,000.00</u>         |
| Personal property (readily movable equipment, etc.)           | <u>\$0.00</u>                 |
| <b>Total</b>                                                  | <b><u>\$68,277,098.00</u></b> |

\* Not applicable if inside an SIZ.

**Application for Project Determination by Business Oregon Commission**

**Project description**

In the space below/attachment, provide a brief narrative regarding building and investment plans consistent with the information above, including but not necessarily limited to facility square footage, construction phases, or potential impacts of construction on public services.  information attached

See attached.

**Local Approval Process (not applicable if using an SIZ)**

Indicate that this application includes executed copies—or the status—of the following:

- Any special report, document, etc., prepared for or provided to local governments regarding project  Yes  Unfinished  N/A
- Evidence of county public hearing (agenda, sign-in sheet, etc.) prior to executing local SIP agreement  Yes  Pending
- Executed local SIP agreement with county and any applicable city  Yes  Pending
- Official action by county commission/court approving project for SIP after executing agreement  Yes  Pending

If any of the above items are still pending/unfinished, check the following to confirm for this project:

- Evidence and information is included demonstrating that the local-county SIP application process has been initiated.
- It is hereby acknowledged that state approval for SIP must await full receipt by Business Oregon of the above items, and that even then, it cannot be guaranteed, so that if commencing construction or other project work in the meantime, the applicant hereby accepts the risk of not receiving local or state approval to receive SIP tax treatment on any such investment.

**Existing Employment**

**Annual average number of full-time equivalent (FTE) employees**—dividing total hours paid over the past 12 months by 2,080—who are subject to withholding taxes by your or any commonly controlled business, and that are located:

At the site, facility or operations, to which the proposed investment will be made 300.0 Anywhere throughout Oregon (estimate) 1,600.0

(NOTE: Also include in the above figures for “retained jobs” the employees of any general contractor that entirely operates any such facility for your business, if applicable, but not those of any other type of contractor, subcontractor, vendor or supplier)

**Implications for existing operations or jobs with your or any commonly controlled business anywhere in Oregon:**

Is there any probability that such jobs will be curtailed during the succeeding year?  Yes  No

Is there any expectation that such operations elsewhere in the state may be transferred to the above site or facility to work with property comprising the proposed SIP project?  Yes  No

Operations currently in Northeast and Northwest Portland are being consolidated into the new facility in Canby. All current employees will be offered the opportunity to relocate but it is anticipated less than half of the employees at these facilities will choose to do so. Additionally approximately 10 jobs currently run out of the Eugene operation will be transferred to Canby. All of these employees will be given the opportunity to relocate also.

Application for Project Determination by Business Oregon Commission

Business Operations with New Facility or Property

In the space below/attachment, describe these operations and goods or services to be produced, and the way in which they are engaged in markets for which national or international competition exists—that is, how do they relate to a traded-sector industry?

Information attached checkbox

Columbia Distributing is a multi-brand beverage distributor. Brands include national brands such as Coors, Pabst and 7 Up and international brands such as Heineken, Corona and Red Bull. Columbia Distributing's primary competition comes in the form of other beverages such as Anheuser-Busch Inbev (Budweiser), Coke and Pepsi. Columbia also distributes many other local, national and international beer, non-alc and wine brands throughout the State of Oregon.

Estimated Future Employment Pursuant to Proposed Investments

Table with 2 columns: Description of jobs and Average annual taxable income to be paid, per job. Values: 300.0 jobs, \$ 57,500.00 income.

In the space below/attachment, describe notable attributes of this workforce, such as major occupations, special training, use of local hires, or anticipated special demands on local public services (e.g., schools).

Information attached checkbox

There will be two primary occupations working out of this facility. The largest occupation is general warehouse work which consists of receiving product, putting away product and picking product. The other primary occupation working out of this facility are delivery drivers. Columbia offers an in-house training program for those interested in obtaining their CDL. It is anticipated that over time the majority of the workforce will live within 15 miles of the warehouse.

General Enclosures for All Projects

Check below that this application includes all of the following as attachments or appendices, in addition to any applicable item above:

- Checklist of enclosures: Filing fee, hiring agreement, map, company background, economic analysis.

General Commitments for All Projects

Check each one below to affirm that you, the applicant business, will do each of the following:

- Checklist of commitments: Hire locally, timely notification, tax responsibility, annual report, additional fee.

Declaration by Applicant

I hereby declare to have examined this application and all included documents. To the best of my knowledge, they are true, correct and complete in every material respect.

Handwritten signature of Paul Meade

Signature (use blue or black ink)

July 1, 2019

Date

Paul Meade

Printed name

Chief Financial Officer

Title of authorized company representative

Submit signed original, non-refundable application fee and all items and information requested here, unless otherwise indicated, to:

SIP Determination
Business Oregon
775 Summer Street NE, Suite 200
Salem OR 97301

## Project Description

Headquartered in Oregon, Coho Distributing LLC, dba Columbia Distributing ("Columbia") has been distributing some of the best-known brands in the beverage business since 1935. Today Columbia Distributing services over 22,000 retail customers covering more than 172,000 square miles in Oregon, Washington and California. Columbia is one of the largest beverage distributors in the U.S. and the largest in the Pacific Northwest region. Columbia's beverage portfolio is made up of over 500 of the finest beverage brands, including craft, domestic and imported beers, wine & spirits and non-alcoholic products. Columbia's success is based on the deep-rooted tradition of delivering quality products, timely service and a genuine concern for customers' needs. This is achieved by providing ongoing, sustainable opportunities and growth for its employees, customers, suppliers, shareholders and communities.

Since Columbia's merger with Mt. Hood Beverage in 2008, Columbia's Portland Metropolitan operation have been conducted primarily out of two facilities located within the Portland City limits. The primary picking facility is located on Swan Island in NE Portland while the backstock facility is located in NW Portland. Since 2008 Columbia has been actively looking for a location to consolidate all operations into one facility.

In early 2019 Columbia reached an agreement with Trammell Crow Company to develop a 530,148 square foot facility in Canby (see bid narrative). Upon completion of the facility Canby East LLC will acquire the facility and Columbia Distributing will enter into a 15-year lease of the facility. The ownership of Canby East substantially reflects the ownership of Columbia Distributing.

Columbia expects to begin moving into the facility in late spring of 2020 and be fully operational by fall of 2020. At this time the facility will serve the entire Portland Metropolitan area along with Salem, a substantial portion of the Columbia Gorge and the Northern Oregon Coast. The facility will also serve as a hub for the Columbia branches located in Medford, Springfield, Bend and Pendleton.

Once fully operational Columbia expects to employ roughly 300 full time employees out of the facility. These employees will receive, pick and deliver in excess of 16 million cases of product per year.

Columbia Distributing prides itself on providing a living wage, outstanding benefits and an inclusive and desirable work environment to its 3,100+ employees whose families live in the communities in which they work.

January 3, 2019

**BRYAN BROWN**

City of Canby  
222 NE 2<sup>nd</sup> Ave. – PO Box 930  
Canby, OR 97013

*via email:* [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov)

**Re: Supplement to DR Narrative**  
**Project: Project Shakespeare – DR 18-10**

Dear Bryan:

In follow up your recent email and our subsequent correspondence, the intent of this letter and the attached exhibits is to present supplemental information regarding concerns raised about the proposed orientation and spacing of the primary access drives for the Shakespeare project.

For clarification purposes, please find attached the following;

- EX1.0 - Updated Site Plan illustrating;
  - Proposed Drive locations along SE 1<sup>st</sup> Ave. with off-set dimensions and stationing
  - Existing Drive locations (primary & secondary) along SE 1<sup>st</sup> Ave. with off-set dimensions and stationing
  - Street cross-sections illustrating proposed improvements at S Walnut, SE 1<sup>st</sup> Ave & S Mulino (NOTE: Cross-sections at SE 1<sup>st</sup> Ave. & Mulino have not been updated to reflect the increased ROW per 12/20/2018 meeting)
- EX1.1 - Enlarged Partial Site Plan illustrating;
  - Drive locations
  - Aerial Photo with drive overlay
  - Photos of existing primary & secondary driveways along SE 1<sup>st</sup> Ave.

**OVERVIEW**

The subject property is located at the NE corner of the Canby Pioneer Industrial Park with frontage along S Walnut St. (west boundary), SE 1<sup>st</sup> Ave. (north boundary) and S Mulino Rd. (east boundary). SE 1<sup>st</sup> Ave. and S Mulino Rd. are currently under the jurisdiction of Clackamas County whereas S Walnut St. is within the City of Canby's jurisdiction. According to the current Canby Transportation System Plan (TSP) Figure 7-1, S Mulino is classified as a 'collector' whereas SE 1<sup>st</sup> Ave. and S Walnut are classified as 'local' streets.

The single family residential properties to the north of SE 1<sup>st</sup> Ave. are within Clackamas County and Clackamas County TSP designates SE 1<sup>st</sup> Ave. as a 'collector' street. Recent planning efforts by the City of Canby have indicated that a future functional class modification to collector may be appropriate for SE 1<sup>st</sup> Ave. to accommodate the future transportation system.



Site topography on the proposed development property slopes from east to west with approximately 30ft of grade change from S Mulino St. to S Walnut St. A cell tower fronting S Walnut St. is also located at the central west side of the property. The orientation of the proposed building has been designed to allow for a secured truck court with loading on both the east and west sides of the building with employee parking occurring along the SE 1<sup>st</sup> Ave. frontage. The siting of the building has been designed to accommodate phased expansions to the South and the potential for redevelopment to accommodate bulk distribution use. Site access includes 3 entrances off SE 1<sup>st</sup> Ave. with the primary truck entrance located approximately 158ft east of Walnut and the two auto drives spaced 203ft and 286ft east of the respective drives.

A detailed traffic impact analysis for the proposed development was completed by DKS Associates and is provided with the Design Review submittal package. The study included an extensive review of the existing conditions surrounding the property, an impact analysis for the proposed development with detailed site plan evaluation and associated mitigation recommendations. The fully developed site (740,000sf with maximized potential of expansion) is anticipated to generate 81 vehicle trips during the AM peak hour and approximately 89 vehicle trips during the PM peak hour.

## **DEVELOPMENT STANDARDS & GUIDELINES**

The site design and development standards for the subject property are outlined in the City of Canby Municipal code. Applicable Roadway and Street design standards are outlined in the City's TSP (Transportation System Plan), Canby Public Works Standards and the Clackamas County Roadway Standards.

Applicable sections to the access management for the proposed development include;

- Ch. 16.35 – Canby Industrial Area Overlay (I-O) zone
- Ch. 16.46 – Access Limitations on Project Density
- Ch. 7 – City of Canby TSP
- Ch. 2 – City of Canby Public Works Standards
- Section 220 – Clackamas County Roadway Design Standards

## **ACCESS CONFIGURATION**

The aforementioned standards recommend locating site access points via lower classified roadways if feasible. Unfortunately, given the site design criterion and the topographic constraints of the property, coordinating the primary access points to serve the property from S. Walnut street will not be practical due to the following;

- Safe & Secured Truck Access & Yard
  - Truck Access needs to be located at the front (office) side of the building
  - Sufficient queuing needs to be provided to allow multiple trucks to stage at the secured access
  - Truck yard needs to be secured for public safety and product security
- Site Topography
  - Retaining walls along the east and west sides of the secured yard would require steeply sloped access drives which will not allow for practical access for large distribution traffic

- Storm drainage & retention systems occur along the west side of the secured yard to provide water quality treatment and retention
- Property dimension/configuration limitations
  - Building width, truck maneuvering / trailer staging and secured yard project criterion dictates the required property width
- Future expansion
  - Warehouse expansion would be encumbered if the truck access were located at Walnut
- Limited redevelopment potential
  - Access drives for emergency egress and future redevelopment of the site are proposed at the SE & SW corners of the property at S Mulino and S Walnut St.
  - The potential demising of the building to accommodate multiple tenants would be limited for distribution uses
- Cell tower encroachment limits access potential
- Cemetery encroachment into ROW limits safe truck access/maneuvering along S Walnut

### **ACCESS SPACING**

The referenced design standards outline access and roadway spacing guidelines with subtle ambiguities. The City of Canby Public Works standards (2.211.g), the City of Canby TSP (Table 7-2) and Section 16.46.030 (Table 16.46.30) of the City's Municipal code all specify 100ft as the requirement for spacing between driveways and roadways/driveways classified as 'collectors' whereas Section 16.35.050.F (Industrial-Overlay design standards) notes a minimum of 200ft spacing between 'designated parkways and collectors'. The Clackamas County Roadway Standards (Table 2-2) recommends a minimum 150ft spacing between intersecting roadways and 100ft between driveways along 'collector' classified roadways. The City's TSP currently classifies SE 1<sup>st</sup> Ave. as a 'local' street which allows for a 10ft driveway to driveway spacing.

The spacing of ALL proposed driveways along SE 1<sup>st</sup> Ave. meets the more restrictive County standards for both drive and roadway/intersection spacing (100ft between driveways and 150ft between intersecting roadways). However, the spacing of the primary truck drive to the Walnut street intersection does not meet the 200ft spacing outlined in the Industrial-Overlay design standard. The access management guidelines outlined in table 16.46.30 also note that the spacing standards should be measured from 'both sides of the street' which appears to be contrary to the respective County and City standards. The County Roadway Standards (220.3.b.1) states that *"the proximity of minor driveways (ADT < 400) are not a consideration of new public and private roadway intersection spacing unless a safety issue would result"*.

Several of the residents on the north side of SE 1<sup>st</sup> Ave. have more than one access drive. We have illustrated these primary and secondary drives on the attached site plans. The potential turning conflicts between existing and proposed driveways would be low with the limited residential ADT (average daily trips) and should not affect traffic safety along the corridor.

### **NUMBER OF ACCESS DRIVES**

To minimize potential conflicts between the trucks and autos entering the site, three separate driveways are proposed. The truck entrance is being designed with a 50ft wide drive and two entrance drive lanes

with approximately 340ft of queuing depth. This will allow trucks to safely enter and exit the site and minimize the potential for traffic conflicts. The two auto driveways will allow for improved dispersion of the employees during shift changeovers.

### **SUMMARY**

The proposed access management for the development meets the intent of the City and County standards by providing reasonable access and balancing the needs of ALL roadway users. The development will include significant improvements to the existing roadways which exceed the current jurisdictional standards. All frontage streets are being designed with bike lanes, sidewalks and street lights that will enhance the surrounding areas and provide for safe and efficient traffic circulation for the existing and future developments.

The development will incorporate the transportation mitigation measures recommended by the traffic impact analysis and complete the ROW improvements as required by the associated jurisdictions. Although both SE 1<sup>st</sup> Ave. and S Mulino are under the County's jurisdiction, the City of Canby is requesting an increase to the County's roadway cross-section standards. As such, the development will be burdened with an additional 7ft of ROW and half street improvements which will also improve safety along these traffic corridors.

Please review the attached drawings and call me should you have questions.

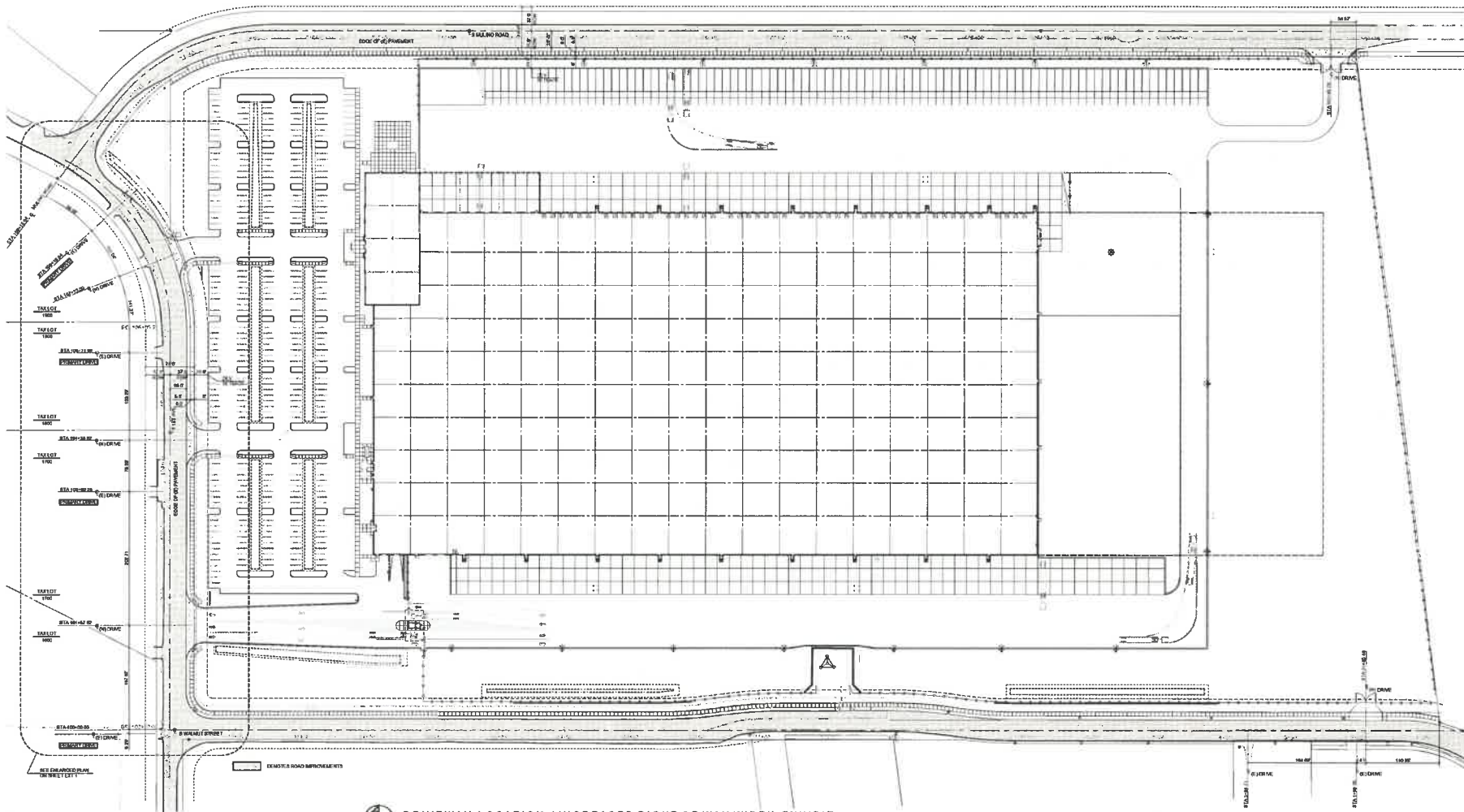


Sincerely,  
VLMK Engineering + Design

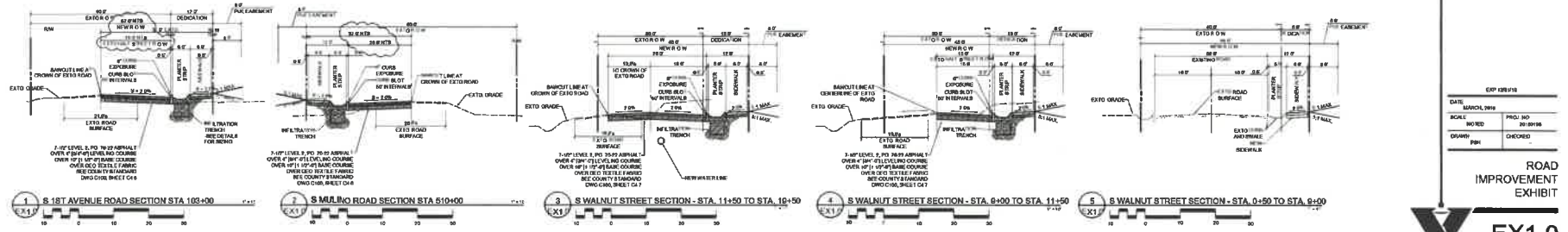
**GREG BLEFGEN, PE/SE**  
Sr. Principal

cc: Steve Sieber, Trammell Crow Development  
Garth Appanaitis, DKS

Attachments: EX1.0 & EX1.1 – Site Plan and Enlarged SE 1<sup>st</sup> Ave Street & Driveway Plan



 DRIVEWAY LOCATION / INCREASED RIGHT OF WAY WIDTH EXHIBIT



OTTEN O'D  
 Landscape Architects, Inc.



PROJECT NAME  
**PROJECT SHAKESPEARE - CANBY PROGRAM**

A NEW DISTRIBUTION FACILITY

2525 SE FIRST AVENUE  
 CANBY, OREGON  
 97013

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ROAD IMPROVEMENT EXHIBIT



**AERIAL STREET PLAN OVERLAY**  
1" = 400'



**TAX LOT 1900 DRIVEWAY  
PRIMARY DRIVE**



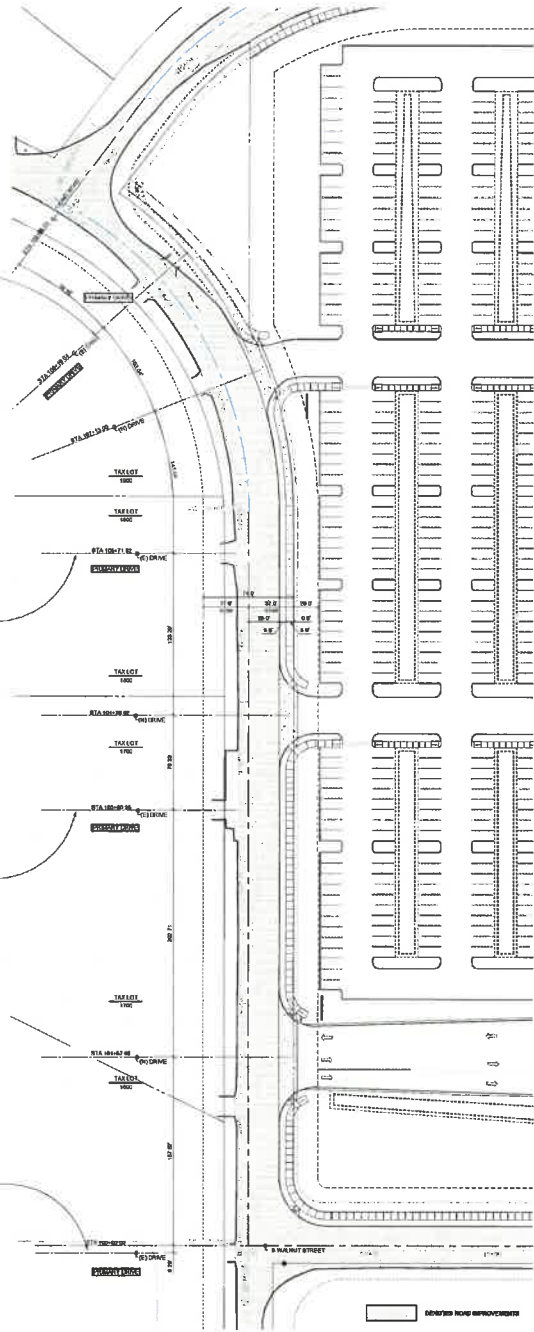
**TAX LOT 1800 DRIVEWAY  
PRIMARY DRIVE**



**TAX LOT 1700 DRIVEWAY  
PRIMARY DRIVE**



**TAX LOT 1600 DRIVEWAY  
PRIMARY DRIVE**



**ENLARGED ROADWAY PLAN**  
1" = 400'

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| DRAWN        | CHECKED   |
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# City of Canby

Planning and Building Department

Sent Via Email

Steve Sieber, [SSieber@trammellcrow.com](mailto:SSieber@trammellcrow.com)

Jennifer Kimura, [jenniferk@vlmk.com](mailto:jenniferk@vlmk.com)

**DATE:** January 29, 2019

**TO:** Steve Sieber, Trammell Crow  
Jennifer Kimura, VLMK

**RE:** Notice of Decision/Final Order for DR 18-10 PROJECT SHAKESPEARE

The Canby Planning Commission hereby provides notice that a decision to approve **DR 18-10 PROJECT SHAKESPEARE** has been rendered. The enclosed Findings, Conclusions and Final Order is your notice of the official action of the City of Canby Planning Commission.

According to Section 16.89.50 (I) of the Canby Municipal Code, this decision may be appealed to the City Council within ten (10) days of the date this notice was mailed. To do so, you must file an application for appeal with the Planning Director. If no appeal is taken within the specified period, and if no appeal is initiated by action of the City Council, the decision of the Planning Commission shall be final.

The application for appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. A \$1,920 fee must be enclosed with your appeal application.

If you have any further questions or concerns, please contact the Planning office at 503-266-7001.

Sincerely,

Bryan C. Brown  
Planning Director

Attachment: Signed Final Findings

**CERTIFICATE OF MAILING**

This Notice of Decision was postmarked and placed in the mail and/or emailed on January 29, 2019 and sent to all parties with standing.

The appeal period will end on February 8, 2019

Bryan C. Brown, Planning Director



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

|                                                                                                                                                                                                                        |                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>A REQUEST FOR SITE AND DESIGN )<br/>         REVIEW AND CONDITIONAL USE )<br/>         PERMIT FOR SHAKESPEARE PROJECT )<br/>         SOUTHWEST CORNER )<br/>         SE 1<sup>ST</sup> AVE AND S. MULINO ROAD )</b> | <b>FINDINGS, CONCLUSION &amp; FINAL ORDER<br/>         DR 18-10/CUP 18-07<br/>         TRAMMELL CROW</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|

**NATURE OF THE APPLICATION**

The Applicant has sought an approval for a Site and Design Review DR 18-10 and Conditional Use Permit CUP 18-07 Project Shakespeare to construct a warehouse building with a total of 531,148 square feet to provide work space and storage space for a distribution business on property addressed as 220 S. Walnut Street, 23397 and 23399 S. Mulino Road otherwise described as Tax Lots 31E3400100, 31E3402101, 31E3402100, 31E3402200, City of Canby, Clackamas County, Oregon. The property is zoned Light Industrial (M-1) and Canby Industrial Area Overlay (I-O) Zone under the Canby Municipal Code ("CMC").

**HEARINGS**

The Planning Commission considered application **DR 18-10/CUP 18-07 Project Shakespeare** after the duly noticed hearing on January 14, 2019 during which the Planning Commission by a 7/0 vote approved **DR 18-10/CUP 18-07 Project Shakespeare**. These findings are entered to document the specifics of the approval.

**CRITERIA AND STANDARDS**

In judging whether or not a Site and Design Review and Conditional Use Permit application shall be approved, the Planning Commission determines whether criteria from the Code are met, or can be met by observance of conditions, in accordance with Chapter 16.49.040 Site and Design Review, 16.50 Conditional Uses and other applicable code criteria and standards reviewed in the Staff Report prepared for and presented at the January 14, 2019 meeting of the Canby Planning Commission.

**FINDINGS AND REASONS**

The Staff Report was presented by staff with a recommendation for approval of the Site and Design Review and Conditional Use Permit applications (without benefit of the public hearing) along with Conditions of Approval in order to ensure that the proposed development will meet all required City of Canby Land Development and Planning Ordinance approval criteria.

After holding the public hearing where written and oral testimony was received from the applicant, other proponents, those who were neutral, and opponents in attendance; the Planning Commission closed the public hearing and moved into deliberation where they utilized the findings and conditions listed in the staff report along with the overall presentation record at the public hearing to make the

following findings beyond those contained in the staff report to arrive at their decision and support their recommended conditions of approval and the exact wording thereof:

- The planning director indicated at the hearing that it is clear that the majority of trucks from the Shakespeare project would utilize SE 1<sup>st</sup> Avenue to Hazel Dell Way to get to 99E until a more alternative industrial access road directly to 99E is constructed.
- This is a top priority for the City to accomplish to preserve the development potential of the Pioneer Industrial Park and would benefit and is desired to serve the Shakespeare project as well.
- S Walnut Street, a local industrial street adjacent to the west side of the project is proposed to be improved at least 20' + in width per the City's standard half-street plus standard to assure two vehicles can pass if necessary on the improved pavement.
- The Director voiced concern that improved industrial road infrastructure had not yet been adequately addressed off-site from the Shakespeare project for that section of SE 1<sup>st</sup> Avenue between S Walnut Street and Hazel Dell Way which has been identified to be the likely primary route for the majority of trucks to use to and from 99E. This section of the road, although now in the City and under the City's control, has never been improved from when it was a narrow county rural road built to serve sparse residential rural vehicle uses. Truck traffic from the proposed project will undoubtedly deteriorate this roadway in short order.
- The director concluded that adequate public street infrastructure was not currently fully in place nor had a plan been put in place to address this necessary off-site improvement. Two options were provided for consideration at the hearing – require a proportional improvement contribution from “the project developer” for improving the substandard roadway segment or restrict truck traffic to use Walnut Street until the segment of SE 1<sup>st</sup> Avenue from S Walnut Street to Hazel Dell Way is improved to adequately accept truck traffic. Upon questions from the Commission to the Director and discussion, it became clear that the restricting access until the necessary improvement is made was the best option due to uncertainty in setting the proportion of contribution by the applicant and ability of the City to construct a timely improvement.
- The Planning Commission choose to restrict truck access to use of Walnut Street until SE 1<sup>st</sup> Avenue is improved to adequately accept truck traffic. Condition #10 in these findings represent these additional findings and decision by the Planning Commission.

#### **CONCLUSION**

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the modifications indicated above, concluded that the Site and Design Review and Conditional Use Permit application meets all applicable approval criteria, and recommended that **DR 18-10/CUP 18-07 Project Shakespeare** be approved with the Conditions of Approval stated below. The Planning Commission decision is reflected in the written Order below.

#### **ORDER**

The Planning Commission concludes that based on the record on file including testimony of the

*DR 18-10/CUP 18-07 Project Shakespeare/Trammel Crow*

*Findings, Conclusion, & Final Order  
Page 2*



applicant and public at the public hearing, that the application will meet the requirements for Site and Design Review and Conditional Use Permit approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **DR 18-10/CUP 18-07 Project Shakespeare** is approved, subject to the following conditions of approval:

**Conditions of Approval**

Staff concludes that, with conditions, the application will meet the requirements for site and design review and conditional use permit approval. The city will not approve the building permit until all applicable conditions of approval are either met or shown to be met on the final construction plans. Staff has concluded the following conditions of approval are appropriate to assure conformance with applicable review criterion:

**Conditions Unique to this Proposal**

1. The applicant shall file a sign permit for any future signs that shall be limited to the size and height standards applicable to the I-O (Canby Industrial Area Overlay Zone) as indicated in Section 16.42.050, Table 7, of the sign ordinance. Proposed signs, after been found to conform to the sign ordinance, must secure a building permit from Clackamas County Building Inspection prior to their installation.
2. **The project must be in conformance with the applicable findings and suggestions outlined by the City Engineer in his memorandum dated December 20, 2018.**

**Procedural Conditions**

**Prior to Issuance of a Building Permit the following must be completed:**

3. The design engineer shall submit to the City of Canby for review and approval at the time of final construction plan approval a storm drainage analysis and report applicable to the defined development area detailing how storm water disposal from both the building and the parking areas is being handled. Any drainage plan shall conform to an acceptable methodology for meeting adopted storm drainage design standards as indicated in the Public Works design standards.
4. A Sediment and Erosion Control Permit will be required from the City prior to commencing site work.
5. Prior to the issuance of a building permit, the installation of public or private utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. A Pre-Construction Conference with sign-off on all final construction plans is required. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, lighting standards, natural gas, telephone, storm water, cable television, and emergency service provisions is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.
6. Construction plans shall be designed and stamped by a Professional Engineer registered in

the State of Oregon.

7. Clackamas County will provide structural, mechanical, grading, and review of Fire & Life Safety, Plumbing, and Electrical permits for this project.


**Prior to Occupancy of the Facility:**

8. Prior to occupancy of the facility, all landscaping plant material indicated on the submitted landscape plan shall either be installed and irrigated with a fully automatic design/build irrigation system as proposed, or with sufficient security (bonding, escrow, etc.) pursuant to the provisions of CMC 16.49.100 (B). The applicant should be aware that the City street tree fee is now \$250 per tree if planted by the City, and the City recommends submittal of a separate Street Tree Plan to assist in the location, species, and total tree count.
9. The applicant shall meet the recommendations of the TIA and as amended by staff as follows:
  - A) Provide a proportionate share (five percent) of the costs for the following off-site transportation improvement:
    - a) New traffic signal at the intersection of S Sequoia Parkway/Hazel Dell Way and associated required stripping improvement outlined by ODOT on Hwy 99E and S Sequoia Parkway.
  - B) Communicate truck route information to drivers, including awareness that they should avoid the following roadways in the vicinity of the project site:
    - a) S Haines Road between the project site and OR 99E to the north
    - b) S Bremer Road east of S Haines Road
    - c) S Mulino Road south of SE 1st Avenue/ S Haines Road
    - d) N Redwood Street north of OR 99E
    - e) Territorial Road as a route to Knights Bridge Road
    - f) Township Road west of Sequoia Parkway
    - g) SE 13<sup>th</sup> Avenue west of Sequoia Parkway
    - h) Access to or from Mulino Road shall be generally limited to extraordinary or emergency use until either (1) the alternative industrial access road to 99E from Mulino Road and/or Walnut Street is constructed and either a suitable roundabout or improvements at the intersection of SE 1<sup>st</sup> Avenue/Haines Road/Mulino Road to a collector standard is completed; or (2) S Haines Road has been brought up to County collector standards to 99E.
  - C) Ensure adequate site-access and circulation:
    - a) Site driveways shall be kept clear of visual obstructions (e.g., landscaping, signing, etc.) that could potentially limit sight distance for exiting drivers. This may require removal of existing vegetation to achieve adequate sight distance for the eastern driveway.

- b) Prior to occupancy, sight distance at any existing access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.
  - D) The City concurs with the County that a left turn lane analysis to determine the need for a left turn lane on SE 1st Avenue will be required prior to approval of a County Development Permit.
  - E) The applicant's development standards with regard to access, street drainage, and improvements along SE 1st Avenue and S Mulino Road frontages shall conform to the recommended conditions of approval in the County memorandum dated Jan. 3, 2019, except where the City's industrial collector street cross section indicated in the 2010 TSP is more stringent in terms of ROW, paving and sidewalk widths. In addition, the applicant shall enter into a maintenance agreement for any water quality facilities located within the public right-of-way for streets under County control.
10. Trucks from the Shakespeare project shall be required to take S Walnut Street to Sequoia Parkway until the segment of SE First Ave from S Walnut Street to Hazel Dell Way is improved to adequately accept those trucks.

I CERTIFY THAT THIS ORDER for DR 18-10/CUP 18-07 PROJECT SHAKESPEARE which was presented to and APPROVED by the Planning Commission of the City of Canby. DATED this 14th day of January, 2019.

  
 John Savory  
 Planning Commission Chair

  
 Bryan Brown  
 Planning Director

  
 Laney Fouse/Attest  
 Recording Secretary

**ORAL DECISION: January 14, 2019**

| Name              | Aye | No | Abstain | Absent |
|-------------------|-----|----|---------|--------|
| John Savory       | x   |    |         |        |
| Larry Boatright   | x   |    |         |        |
| Derrick Mottern   | x   |    |         |        |
| Andrey Chernishov | x   |    |         |        |
| J. Ryan Adams     | x   |    |         |        |
| Jeff Mills        | x   |    |         |        |
| Jennifer Trundy   | x   |    |         |        |

**WRITTEN DECISION: January 28, 2019**

| Name              | Aye | No | Abstain | Absent |
|-------------------|-----|----|---------|--------|
| John Savory       | ✓   |    |         |        |
| Larry Boatright   | ✓   |    |         |        |
| Derrick Mottern   | ✓   |    |         |        |
| Andrey Chernishov | ✓   |    |         |        |
| J. Ryan Adams     | ✓   |    |         |        |
| Jeff Mills        | ✓   |    |         |        |
| Jennifer Trundy   | ✓   |    |         |        |



**STRATEGIC INVESTMENT ZONE APPLICATION FORM**

Date: June 26, 2019

**APPLICANT INFORMATION**

Business Name: Coho Distributing LLC, dba Columbia Distributing

Applicant's Name + Title: Paul Meade, Chief Financial Officer

Mailing Address: 6840 North Cutter Circle  
Portland, OR 97217

Phone: 503-265-3099 Email: paul.meade@coldist.com

**PROPERTY INFORMATION**

Property Address: 2525 SE 1st Avenue, Canby, OR 97013

Name(s) of owners: Canby East Associates, LLC

**PROJECT INFORMATION**

Estimated timeline for project construction/occupancy/start-up operation:

See project timeline attached.

Estimated amount of investment (building and land):

Building and Land - \$62,314,098

Equipment - \$5,963,000

See budgets attached.

Number of Jobs:

Approximately 300 employees will be working out of the facility.

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PROJECT DESCRIPTION *(add attachments as necessary)*

See attachments:

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Project Description

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Bid Narrative

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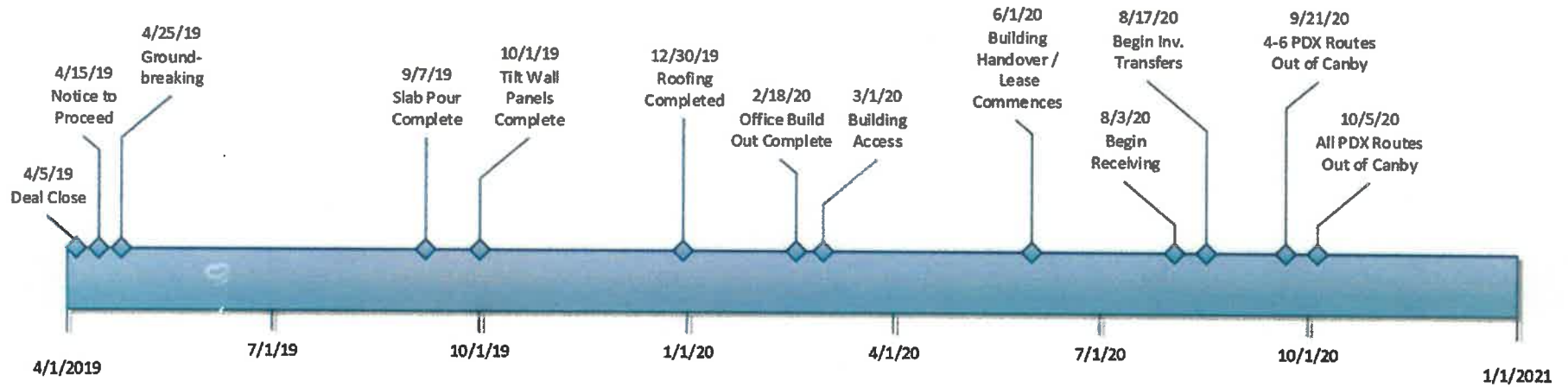
**For more information, please contact:**

Jamie Stickel, *Economic Development Director*

503.266.0701

[StickelJ@CanbyOregon.gov](mailto:StickelJ@CanbyOregon.gov)

# Project Milestones



| Year: | Date:                      | Milestone:                                 |
|-------|----------------------------|--------------------------------------------|
| 2019  | ✓ April 5 <sup>th</sup>    | Deal Close                                 |
|       | ✓ April 15 <sup>th</sup>   | Notice to Proceed                          |
|       | ✓ April 25 <sup>th</sup>   | Ground-Breaking                            |
|       | October 1 <sup>st</sup>    | Tilt Panel Wall Installation Complete      |
|       | December 30 <sup>th</sup>  | Roofing Installation Complete              |
| 2020  | February 18 <sup>th</sup>  | Office Build-out Completed                 |
|       | March 1 <sup>st</sup>      | Building Access Granted                    |
|       | March – May                | Racking Installation                       |
|       | March – July               | IT, Office, & WH Infrastructure Fit-up     |
|       | June 1 <sup>st</sup>       | Lease Commencement                         |
|       | August 3 <sup>rd</sup>     | Begin Receiving                            |
|       | August 17 <sup>th</sup>    | Begin Inventory Transfers                  |
|       | September 21 <sup>st</sup> | 4-6 Initial Routes out of Canby            |
|       | October 5 <sup>th</sup>    | Full WH & Delivery Operations out of Canby |

## Project Budget

|                                                    | <b>Budget</b>        |
|----------------------------------------------------|----------------------|
| Land or Building Purchase                          | \$ 8,716,963         |
| Off-site Improvements                              | 560,000              |
| Site & Building Shell                              | 36,257,996           |
| Tenant Improvement - Office TI Allowance           | 2,500,000            |
| Tenant Improvement - Tenant Rep Services Allowance | 765,950              |
| Tenant Improvement - Tenant Change Allowance       | 1,000,000            |
| Design, Engineering and Other Consultants          | 1,347,687            |
| Legal                                              | 605,000              |
| Insurance                                          | 131,031              |
| Taxes                                              | 101,640              |
| Testing & Inspection                               | 318,800              |
| Agency & Utility Fees (Permits & SDCs)             | 2,523,641            |
| Bonds                                              | 20,000               |
| Leasing Commissions                                | 1,628,254            |
| Development Fee                                    | 1,911,105            |
| Finance Fees                                       | 475,750              |
| Interest Expense                                   | 966,726              |
| Development Contingency                            | 2,483,555            |
| <b>Total Building &amp; Land</b>                   | <b>\$ 62,314,098</b> |

|                        | <b>Budget</b>       |
|------------------------|---------------------|
| Racking                | \$ 3,841,000        |
| Information Technology | 1,233,000           |
| Security Systems       | 727,000             |
| Battery Charging       | 162,000             |
| <b>Total Equipment</b> | <b>\$ 5,963,000</b> |



## **Project Description**

Headquartered in Oregon, Columbia Distributing has been distributing some of the best-known brands in the beverage business since 1935. Today Columbia Distributing services over 22,000 retail customers covering more than 172,000 square miles in Oregon, Washington and California. Columbia is one of the largest beverage distributors in the U.S. and the largest in the Pacific Northwest region. Columbia's beverage portfolio is made up of over 500 of the finest beverage brands, including craft, domestic and imported beers, wine & spirits and non-alcoholic products. Columbia's success is based on the deep-rooted tradition of delivering quality products, timely service and a genuine concern for customers' needs. This is achieved by providing ongoing, sustainable opportunities and growth for its employees, customers, suppliers, shareholders and communities.

Since Columbia's merger with Mt. Hood Beverage in 2008, Columbia's Portland Metropolitan operation have been conducted primarily out of two facilities located within the Portland City limits. The primary picking facility is located on Swan Island in NE Portland while the backstock facility is located in NW Portland. Since 2008 Columbia has been actively looking for a location to consolidate all operations into one facility.

In early 2019 Columbia reached an agreement with Trammell Crow Company to develop a 530,148 square foot facility in Canby (see bid narrative). Upon completion of the facility Canby East LLC will acquire the facility and Columbia Distributing will enter into a 15-year lease of the facility. The ownership of Canby East substantially reflects the ownership of Columbia Distributing.

Columbia expects to begin moving into the facility in late spring of 2020 and be fully operational by fall of 2020. At this time the facility will serve the entire Portland Metropolitan area along with Salem, a substantial portion of the Columbia Gorge and the Northern Oregon Coast. The facility will also serve as a hub for the Columbia branches located in Medford, Springfield, Bend and Pendleton.

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## BID NARRATIVE

|               |                                                                                                                                                                                                                                                                                                                              |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project:      | Project Shakespeare                                                                                                                                                                                                                                                                                                          |
| Site:         | Address: 2525 SE 1st Ave, Canby OR<br>Tax Lot: Tax Lots #100 (Zimmer Parcel) and #2100, #2101, and #2200 (Borg Parcels). Approximately 42.0 acres total                                                                                                                                                                      |
| CrossStreets: | South Mulino Road at Southeast 1st Avenue                                                                                                                                                                                                                                                                                    |
| Proposal:     | The project will develop approximately 36 acres for the construction of a new 530,148sq. ft. distribution warehouse with accommodations for a 2 phased future warehouse expansion. The developed site will include both auto and truck trailer parking, secured truck entry with loading docks on each side of the building. |

### OVERVIEW:

This document will provide a general overview and brief narrative of the project to assist contractors in understanding the project scope. Please refer to the detailed instructions to bidders as prepared by Trammell Crow Company (TCC) for specifics on the schedule and outline for the RFP.

TCC will be developing the site to accommodate the proposed build to suite distribution facility. Off-site improvements will include half street improvements along the property frontages at S. Walnut St., SE 1<sup>st</sup>. Ave and S. Mulino Rd. Building construction consists of concrete tilt up perimeter walls with steel roof structure providing a minimum 36ft clear height and supported on a conventional foundation. The warehouse will include an approximate 53,000sf cooler with accommodations for a future 30,000sf expansion. The facility will have an approximate 16,648sf class A office with ancillary spaces on the site and within the warehouse as illustrated on the bid plans provided.

VLMK Engineering + Design has been retained by TCC as the engineer of record for the project. In this capacity, we are providing site planning, civil & structural engineering, design and general project coordination services for the site and building shell. LRS Architects is providing the space planning and interior design for the office, MKE is providing design-assist consulting services for the plumbing, mechanical & electrical systems and The Harrington Group is providing a base design for the fire protection & fire alarm systems. The cooler and refrigeration system will be bidder designed to meet the minimum general requirements outlined in this narrative and outline specifications as provided by Permacold Engineering.

GeoDesign has prepared Preliminary & Final Geotechnical reports for the project and a supplemental addendum to their report to address additional infiltration testing within the street ROW. The soils are moisture sensitive and will require stabilization with wet weather construction. Surcharging the building pad is not anticipated to be required.

### SITE CONDITION & JURISDICTION

The subject 42.0 acre property contains 4 separate parcels which will be consolidated into a single lot. The properties are currently occupied by at least 3 different residents which have all been in agriculture use for the last several decades. The cell tower located at the central west portion of the property will remain. Site topography slopes east to west with upwards of 28ft of grade change.

The property is located within the City of Canby's Pioneer Industrial Park. Site & Design Planning Review and the Walnut half street improvements will be reviewed by the City of Canby whereas the building permit and half street improvements along SE 1<sup>st</sup> Ave. and S. Mulino Rd. will be reviewed by Clackamas County. Canby Utility will serve the property with power, water and sanitary services with natural gas provided by NW Natural gas. The existing PGE services at Walnut will be replaced with underground services provided by Canby Utility whereas the PGE OH power poles and service lines along SE 1<sup>st</sup> Ave. will be relocated with new services provided to the associated residents.

#### BID NARRATIVE

The following will provide a generalized summary of the improvements associated with the site, building and off-site improvements;

#### 1. General Sitework

- a. Strippings and Excess Material – Contractor may place strippings on the undeveloped property to the south providing that the toe of the stockpiles are setback a minimum of 10ft from the property to the south, 100ft from the surrounding street frontages, placed in a neat and orderly manner with uniform side slopes with accommodations for surface drainage and exposed surfaces protected from erosion with BMP's as required by the local jurisdictions. Excess structural fill may also be placed in the undeveloped area providing that the underlying surface is stripped, compacted and fill is placed in a uniform manner in strict accordance with GeoDesign's recommendations. If structural fill material is required within the developed area, suitable fill material may be excavated from the undeveloped area providing that the borrow area is graded uniformly, compacted and rough seeded in accordance with VLMK's directives.
- b. Wet weather site protection – Contractor shall incorporate BMP's to ensure that the site is protected through wet weather conditions.
- c. Pavement Sections – Contractor shall assume that the pavement sections will include cement treatment of the subgrade.
- d. Allowances – Contractor shall outline all site work related allowances to include temp drainage, boulder allowances, etc....
- e. Site security – Contractor shall provide site security as appropriate to protect the site throughout the construction duration
- f. Site and Civil Plans – The plans attached with the bid package are approximately 90% complete and have not been reviewed by the jurisdictions. Additional items required but not illustrated or specified within these plans shall be incorporated into the bid as required and appropriate for the project.

#### 2. Site Demolition

- a. Existing structures, wells, UST/AST's & septic systems. – Contractor shall coordinate required testing of materials and remove/dispose of all debris off site in accordance with jurisdictional requirements. Trammell Crow has coordinated environmental reviews, soil management plan (SMP) and proposals for well abandonment, underground/above ground tank removal and septic system decommissioning. This information is included in Addendum No. 1.

#### 3. Street Improvements

- a. S. Walnut St. (City of Canby) – Half street improvements will be required along the entire frontage and will be limited to sidewalk, landscape plantings and driveway south of the cell tower with full half street improvements north of the tower. The full half street improvements will include paving, sidewalk, stormwater treatment/retention planter strip, landscape plantings and street lights with water, power, gas, phone and cable extending to SE 1<sup>st</sup>. Ave. The existing PGE power poles which serve a single 1.5acre parcel south of the cemetery on the west side of Walnut will be removed and replaced with a new Canby PUD service. Contractor will need to coordinate directly with Canby PUD and include adequate scope for trenching, conduit/vault placement (to include power, street lighting, telephone, cable & natural gas), multiple trench backfills and coordination efforts with the associated utilities.
- b. SE 1<sup>st</sup> Ave. (Clackamas County) – Half street improvements will be required along the entire frontage and will include paving, sidewalk, stormwater treatment/retention planter strip, landscape plantings and street lights with phone and cable extending to the end of the property. The existing PGE power poles/service lines will be relocated within the new planter strip. These efforts will need to be coordinated directly with PGE. Contrary to the current plans a new 12” water line will be extended form Walnut St. along the length of the SE 1<sup>st</sup> St. improvement AND the street lighting will need to meet the City of Canby standards with service provided by Canby PUD. Contractor will need to coordinate directly with Canby PUD and include adequate scope for trenching, conduit/vault placement (to include power, street lighting, telephone, cable & natural gas), multiple trench backfills and coordination efforts with the associated utilities.
- c. S. Mulino Rd. (Clackamas County) – Half street improvements will be required along the entire frontage and will be limited to sidewalk, landscape plantings, stormwater treatment/retention planter strip and driveway.

#### 4. Foundations & Superstructure

- a. Slab & Foundations – Building foundations will consist of continuous reinforced concrete footings at the perimeter walls with isolated spread footings at the interior columns. An 8” reinforced concrete slab on grade will occur throughout the warehouse with vapor barrier provided at the office and cooler areas. A subsurface heating system at the cooler area will not be required.
- b. Roof Structure – The roof structure at the warehouse, office, side load & patio canopies will consist of metal decking supported by open-web steel joists and girders. The underside of the metal decking at the warehouse will be pre-primed with white paint. The roof structure at the cooler area will be designed with sufficient collateral load to support the suspended cooler system and associated refrigeration units (evaporative coolers & condensing units) from the roof structure.
- c. Roofing - The roofing at the warehouse and office will consist of a mechanically fastened 60mil TPO membrane overlying protection board and 2 layers of rigid insulation with minimum R-values of R20 and R30 respectively. The roofing over the side load and patio canopies will consist of a metal roof sheeting overlaying condensation insulation. Walking pads will extend from 2 roof hatches (located above the electrical room and office area) to provide access to all mechanical roof top units.
- d. Lateral Resisting System – The metal roof deck will transfer out of plane loads into the concrete tilt panels and interior BRBF’s (Buckling Restrained Braced Frames) within the warehouse.

## 5. Exterior Walls & Finishes

- a. Refrigerated Storage Standards – Finishes and appurtenances throughout the warehouse will be required to meet minimum ASI Food Safety standards for refrigerated storage. At a minimum, this will include rodent strips/stripes around the building perimeter, patching of all interior panel pick points, and sealant installed at the interior floor and wall panel joints.
- b. Warehouse slab - The warehouse floor will have a hard steel trowel finish to achieve a minimum OAFF/OAFL = 50/35 respectively. Contractors shall protect the slab/joints throughout the construction duration, re-saw and fill all doweled control joints with epoxy, all other sawcut control joints with sealant and scrub/seal the floor with a densifier/hardener prior to turnover. Additional floor scrubbing will be required throughout the construction as noted in the general housekeeping specifications.
- c. Exterior Walls – Exterior walls will contain form liners and multiple reveals of varying sizes extending around the building perimeter. All exposed panel joints and edges at openings will be chamfered and/or tooled with surfaces patched, ground and voids filled to provide a smooth and uniform finish prior to paint. Panel joints at the interior concrete wall panels will be sealed and painted up to the underside of the roof structure. Paint scheme at the perimeter wall panels will include 3-4 complimenting body and accent colors
- d. Interior Columns – Interior columns and braces will be painted safety yellow/red in accordance with the specifications. The base of all building columns not located within the confines of the racking will be protected with 30” dia. X 4ft reinforced concrete surrounds anchored into the foundations and painted safety yellow.

## 6. Cooler

- a. Cooler System – The cooler system will be a design-build system as coordinated by the general contractor to provide a consistent 35deg +/- 1deg temperature setting. Condensing units will be roof mounted with fan-coils suspended from the roof structure via suspension through the ceiling panels. A ventilation system shall be designed above the ceiling panels to provide sufficient air movement below the roof structure. The minimum clear height of the cooler ceiling shall be maximized to provide a minimum 36ft clear height. Lights shall be held tight to the ceiling with fan coils aligned with the rack aisles to minimize impacts to the clear height.
- b. Insulated ceiling and wall panels – For budgeting purposes, insulated ceiling and wall panels shall meet the specifications of the Kingspan 300 Series Minor Rib panel system with 24ga finish at both interior and exterior faces. Ceiling and wall panels will be a minimum of 5” and 6” thickness respectively and supported from the bottom chords of every other roof joist with maximum spans of no more than 16ft oc. Seismic bracing of the panels shall consist of compression struts, seismic plates and aircraft cable bracing connected to the top chords of the roof joist and uniformly spaced to meet site specific seismic loading requirements.
- c. Ceiling penetrations – All penetrations through the cooler ceiling panels shall be properly sealed to minimize condensation potential. Threaded rods shall have thermal breaks with insulation wrap extending 24” above the ceiling and penetrations filled with insulating foam. Building column penetrations shall be wrapped with vapor tape and encased with insulated panels extending 4ft below and 1ft above the ceiling.

- d. Wall panel anchorage & protection curbing – Wall panels shall be attached to the floor with two continuous beads of butyl and support angles installed with legs extending outward (not beneath) panel. Prior to installing wall panels, slab shall be sawcut ¾” wide x 2” dp at the centerline of the panel and filled with insulating foam and butyl sealant. The base of the wall panel shall be protected with a continuous concrete curb at both the interior and exterior of the panel with a minimum 8”w x 16”h curb tapering to 12” at the outside face and finished with a continuous bead of butyl sealant at the panel interface. Curbs shall be anchored to the slab with #5 dowels spaced at 24” oc and reinforced with (2)-#4 cont. rebar with control joints located at 10ft oc and expansion joints aligning with the slab control joints. Curbs shall be finished smooth and painted safety yellow.
- e. Cooler doors and protection – Cooler shall be provided with (2) freezer style man doors and a minimum of (5) 8x10 high speed vertical lift FasTrax High Performance Doors as manufactured by Rite-Hite or approved equal. Doors shall be equipped with GUI (graphic user interface) operators and protected at the interior and exterior with steel pipe goal post (inverted U-type) bollards embedded 3ft into 24” dia. Concrete footings.
7. Racking and MHS
- a. Racking & MHS – PDC will be providing all steel racking and MHS systems as contracted directly by the user. A preliminary racking plan is included within the drawing package.
8. Dock Equipment & Barricades
- a. Dock loading package – All dock doors will be equipped with 7x8x40,000lb capacity air-bag actuated dock levelers with communicating chock style vehicle restraints, master control panel, z-guards at the door rails, dock shelters, steel faced dock bumpers and LED dock lights.
9. Office Improvements
- a. Office Interior – LRS Architects is in the process of preparing a DD level set of drawings for the office interiors. Contractors shall include the TI allowance for the interior finishes and office build out as referenced in the Addendum No. 1 and provide clarification for MEP systems included with the base bid.
10. Guard shack/canopy and smokers shelter
- a. Guard Shack – The guard shack will be an approximate 9x17 pre-fabricated modular unit with restroom and equipped with all required plumbing and mechanical systems (ductless split system for HVAC). Contractor shall construct the building pad and extend all services to the unit.
- b. Canopy – Canopy at guard shack/truck entrance will be a pre-engineered system supported by 2 columns located adjacent to the guard shack with cantilevered roof construction to provide an approximate roof coverage of 24ftx36ft with 16ft clear height. Canopy will incorporate drainage and lighting within a concealed metal ceiling system. Contractor shall coordinate the procurement, design and installation of the canopy, construct the foundations and extend all services to the canopy.
- c. Smokers Shelter – A pre-fabricated covered smoking shelter with approximate plan dimension of 10x15 will be provided at the NE corner of the exterior patio area. The shelter shall include lighting, ventilation and built in seating with vision panels at the perimeter.
11. Plumbing & Site Utilities

- a. Domestic Water – A 2” water meter set with 3” service line will extend domestic water into the fire riser/pump room.
- b. Fire Water – The Harrington Group has provided a base design system and outline specifications for the design-build fire protection and fire alarm systems. Refer to the plans and specifications for additional information.
- c. Sanitary – Sanitary service to the building will be extended from the existing lateral in Walnut street. The City will likely require a sampling vault prior to connection to the public line.
- d. Stormwater – All storm water run-off from the site will be retained on the property via 3 separate pods of drywells. The depth of the drywells will extend approximately 5ft into the dense gravel zone which is anticipated to occur at approximately 25ft at the pod on the east side of the building, 20ft at the pod north of the cell tower and 13ft at the pod on the south side of the cell tower. Roof run off will drain directly into the drywells whereas the run off from the paved surfaces will be treated with storm filter cartridges contained within a vault at the east truck yard and vegetated swales at the employee parking area along the backside of the future trailer parking at the west truck yard.

## 12. HVAC

- a. Design-Build – The mechanical systems will be design-build as coordinated by the general contractor with systems designed in accordance with the attached outline specifications as provided by MKE. See attached concept drawing and outline spec under separate cover.
- b. Warehouse – The warehouse will be heated for freeze protection only via gas fired space heaters with make up air provided with roof top fan units. Electric wall mounted heaters will be provided in the electrical room & warehouse bathrooms. A small unit heater will be provided at the fire pump/riser room and a ductless split system will be provided at the Will-Call area.
- c. Office – The office will be conditioned with gas fired packaged roof top units designed in accordance with the referenced outline specification. The IT server room will be conditioned with a dedicated unit.

## 13. Fire Protection

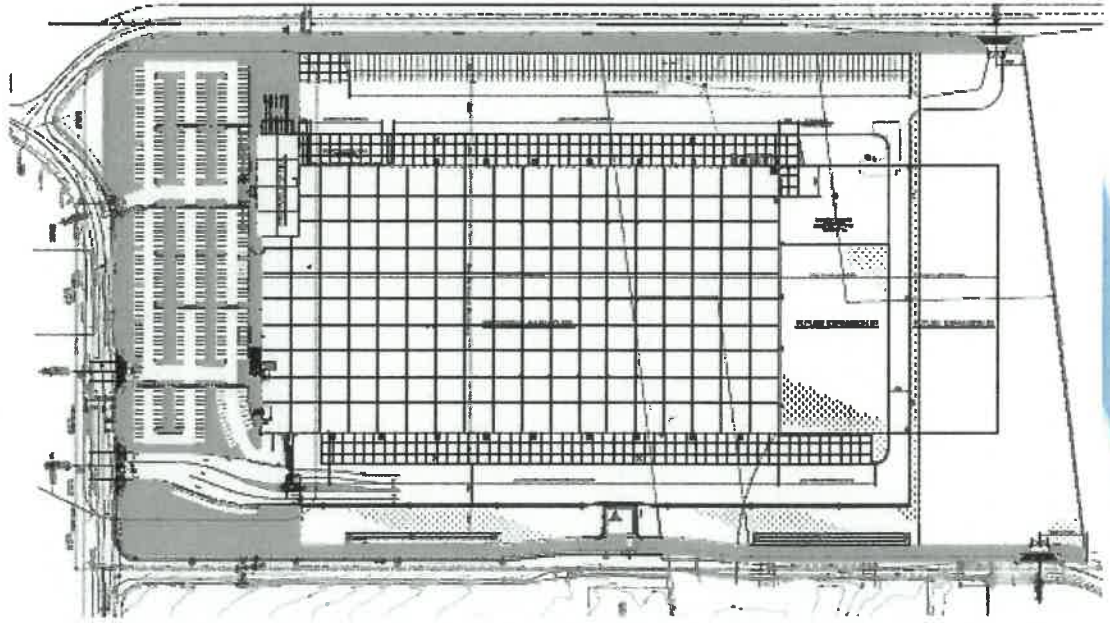
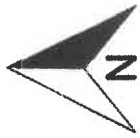
- a. Design-Build – The fire protection systems will be design-build as coordinated by the general contractor with systems designed in accordance with the attached outline specifications as provided by The Harrington Group. See base design drawings and specifications.
- b. Warehouse – The warehouse will be protected with an ESFR system and pressurized with an electric motor driven fire pump. The pump will have back up power provided by the diesel fired emergency generator. Dry systems will be required at the cooler and exterior canopies (side load canopy at truck dock and patio canopy). The space above the cooler will be protected by conventional sprinkler heads via the ESFR system.
- c. Office – The office will be protected by a conventional fire protection system within the ceiling systems as proposed by the office interiors consultant. Refer to the general pricing notes as provided by LRS under separate attachment for specifics regarding the proposed ceiling systems.

## 14. Electrical

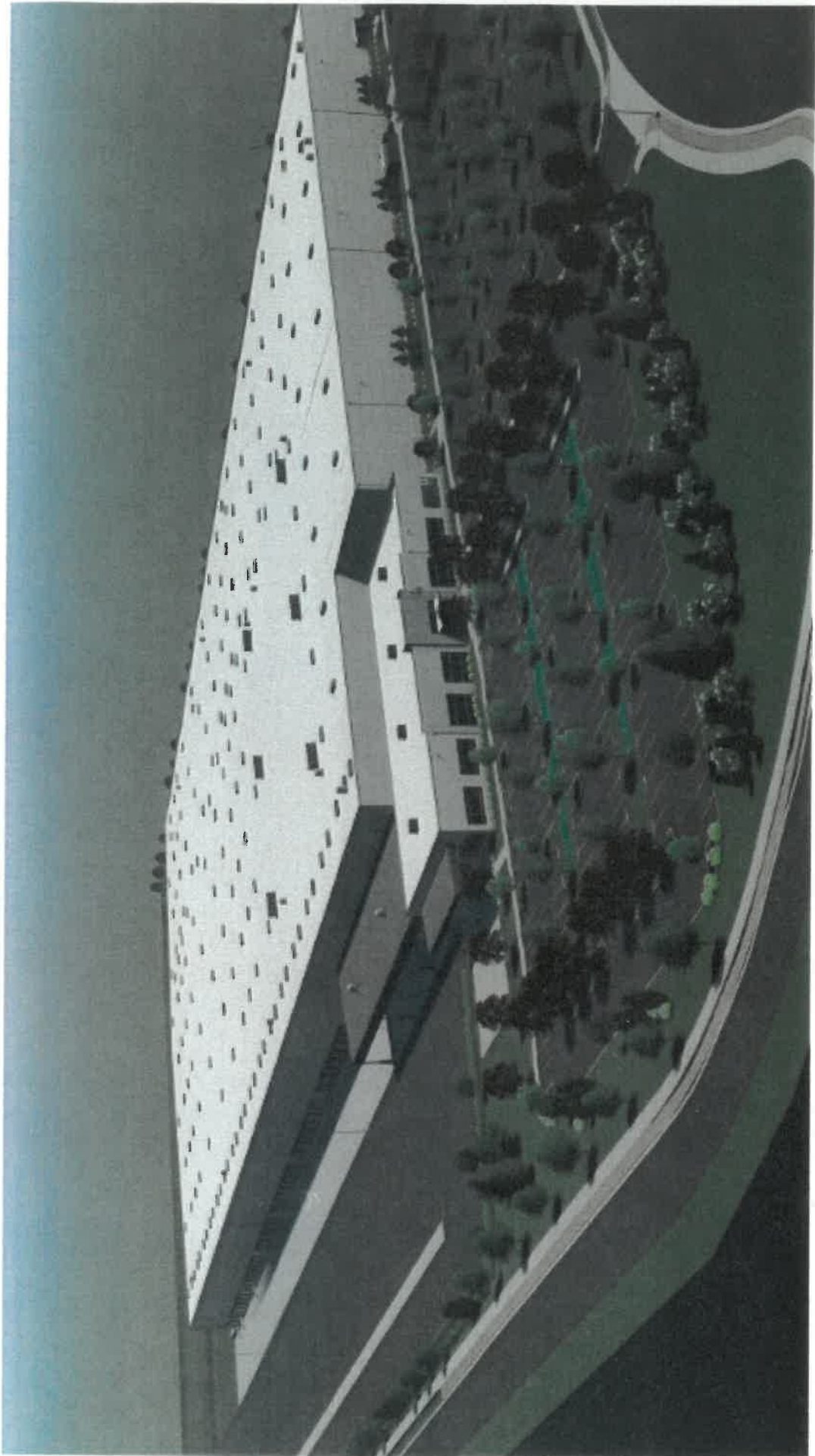
- a. Design-Build – The electrical systems will be design-build as coordinated by the general contractor with systems designed in accordance with the attached outline specifications as provided by MKE. See outline spec under separate cover.
- b. Power – Service to the building will be extended from the new Canby PUD service line extension within Walnut st. Power requirements to serve the initial phase of the development are anticipated to require a minimum of 3000A of 3phase 277/480V service. Contractor shall design the system to accommodate future expansions and shall provide all trenching and back fill for the service extension to include transformer vault, pad as well as the primary and secondary conduits.
- c. Emergency Power – Contractor shall design an emergency power system of sufficient size to operate all systems with the initial and future phases of the development with exception of the refrigeration system for the cooler as outlined in the specifications.
- d. Lighting – All lighting systems shall be LED and designed to achieve the minimum level of photometrics as noted in the outline spec and illustrated in the plan provided by MKE. Site and warehouse fixtures shall be the luminaires as specified on the MKE drawings.



# Project Description









## **Project Description (revised February 26, 2020)**

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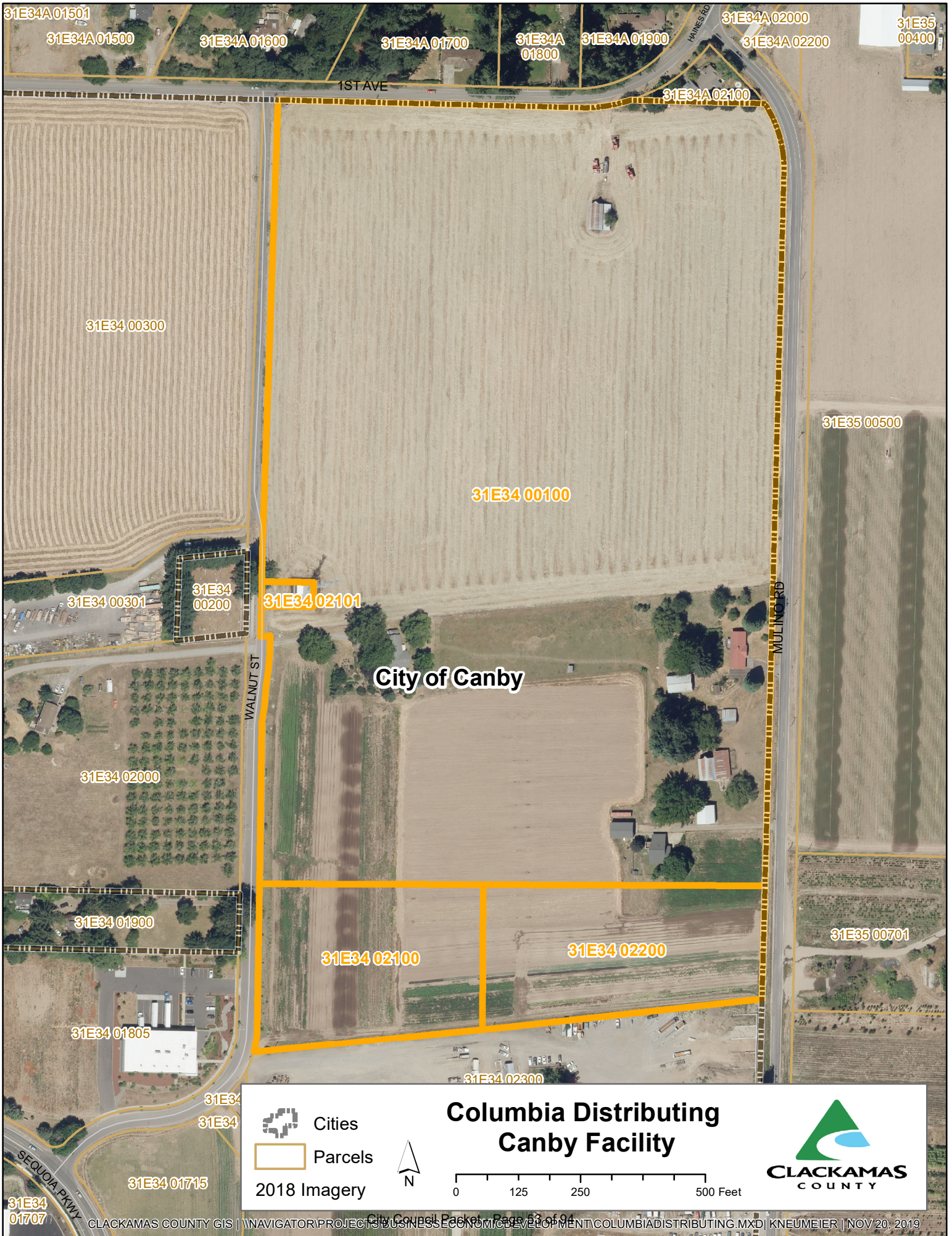
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As of the strategic investment zone (SIZ) application date, total cost for the project was anticipated to be \$68,277,098, consisting of \$8,716,963 in land, \$53,597,135 in new construction and \$5,963,000 in other real property, machinery & equipment, and personal property. Broken down further, the new construction costs consist primarily of design, permitting, development fee, site work, building shell

(foundation, walls, roof), refrigeration and other tenant improvements. The other real and personal property consists primarily of racking, cabling, furniture and other office improvements.

As of the July 2, 2019, the date of the SIZ application, the land had been purchased, design and permitting was largely complete, and work on the site and foundation had begun. It is anticipated that costs related to these activities will be excluded from the SIZ project. Costs related to activities begun subsequent to the application date, are anticipated to be included in the SIZ project. These activities and related costs generally consist of walls, roof, refrigeration, HVAC, electrical, racking and other material handling equipment, landscaping, cabling, security and other building improvements.



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31E34 02300  
31E35 00701  
1ST AVE  
WALNUT ST  
MULINO RD  
SEQUOIA PKWY  
HAINES RD  
City of Canby  
Columbia Distributing  
Canby Facility  
CLACKAMAS COUNTY  
0 125 250 500 Feet  
2018 Imagery  
CLACKAMAS COUNTY GIS | NAVIGATOR PROJECTS | BUSINESS ECONOMIC DEVELOPMENT | COLUMBIADISTRIBUTING.MXD | KNEUMEIER | NOV 20, 2019  
City Council Packet, Page 23 of 94

## Columbia Distributing - Canby Facility

| MAP TAXLOT # | PARCEL # | SITUS ADDRESS   | ASSESSED VALUE | ACRES |
|--------------|----------|-----------------|----------------|-------|
| 31E34 00100  | 797828   | 2525 SE 1ST AVE | 4525883        | 36.32 |
| 31E34 02100  | 798051   | 2525 SE 1ST AVE | 325043         | 3.25  |
| 31E34 02101  | 798060   | 202 S WALNUT ST | 15508          | 0.12  |
| 31E34 02200  | 798079   | 2525 SE 1ST AVE | 349359         | 3.23  |





**State of Oregon**  
**FIRST-SOURCE HIRING AGREEMENT**

**Clackamas County Rural Strategic Investment Zone**

This First Source Agreement for referral of qualified job applicants is entered into between WorkSource Oregon (Oregon Employment Department, (OED)), 7995 SW Mohawk Street, Tualatin, OR., 97062 hereinafter referred to as "OED," which coordinates job referrals for and represents the publicly funded job training fund administrator, for Clackamas County WIB (Workforce Investment Board) CLACKAMAS WORKFORCE PARTNERSHIP and their training providers for the area covered in the Interagency Agreement under OAR 123-070-12100, hereinafter referred to as "PROVIDER", and the following business firm located in this geographic area, Columbia Distributing ID#197565 (from iMatchskills) hereinafter referred to as the 'EMPLOYER.'

The EMPLOYER is or will be receiving benefits from the following program or programs (check those that apply):

Rural Strategic Investment Zone: Specify  **yes** or  **no** - \_\_\_\_ if seeking an extended exemption period (up to five years)

Other: specify \_\_\_\_\_.

**I. GENERAL TERMS**

Under this First Source Agreement, the EMPLOYER will use the OED as its first source for referral of Qualified Applicants for all external job openings of the EMPLOYER at the following location(s) COMPANY ADDRESS such that the EMPLOYER agrees to the following:

To provide the EMPLOYER'S designated internal liaison, if they are not the APPROVED contract signer on this FSH Agreement, and who will serve as the single point of contact for communications with OED related to job openings. Employer will notify OED immediately of any change for this internal liaison.

**II. AS JOBS ARE OPENED, THE EMPLOYER AGREES TO:**

Effectively notify OED of all external job openings, no later than when notification is received by any other job referral source external to the EMPLOYER or any public announcement for the job opening, throughout the term of this agreement;

That each such notice to OED shall include job qualifications and a deadline for referrals;  
To ensure that the OED and the PROVIDERS will have:

Sufficient lead time (minimum lead time is 10 (CAN VARY DEPENDING ON TERMS) business days before the job application close date, (except in temporary or emergency situations); and complete information to make meaningful referrals for jobs that will be filled by the EMPLOYER;

That all job information may be shared with all PROVIDERS for which referrals are coordinated by the OED; and

That all job openings shall be listed in the PUBLIC LABOR EXCHANGE SYSTEM of the state Employment Department, insofar as a local office of that State agency is a PROVIDER.

For purposes of this Agreement long-term jobs will be defined as those positions 180 days or more in duration. Jobs lasting less than 180 days will be considered temporary and will not be subject to the terms of this Agreement.

Positions filled by internal transfers, promotions or recall of laid off employees on recall status will not be subject to the terms of this Agreement.

Give permission for OED to share the job posting and hire information with the **Clackamas County** Economic Development Program Representative. Other than the above permission, it is understood that OED will hold all information regarding the company and the job seekers in the strictest confidence.

### **III. UPON RECEIPT OF THE JOB OPENING NOTIFICATION, OED AGREES TO:**

That to the extent Qualified Applicants are available through OED and among the relevant PROVIDERS, to refer those individuals to the EMPLOYER for job openings; and

To facilitate and implement the listing of all job openings in the "PUBLIC LABOR EXCHANGE SYSTEM", in cooperation with other PROVIDERS (though, not necessarily to the exclusion of other referral methods).

To provide OED's designated internal liaison, if they are not the APPROVED contract signer on this FSH Agreement, and who will serve as the single point of contact for communications with the EMPLOYER'S related to job openings.

### **IV. UPON RECEIPT OF REFERRALS FROM WORKSOURCE, THE EMPLOYER AGREES TO:**

Fully consider for employment any Qualified Applicant referred by the OED by the referral deadline;

Notify OED with the name of the Qualified Applicant when a Qualified Applicant is hired by the EMPLOYER; and

Provide after-the-fact information to the OED about applicable overall hiring and job vacancies in a prescribed manner, or as requested by OED, in accordance with OAR 123-070-1900(1) to (3).

Comply with all relevant laws regarding employment of Qualified Applicants of this State or the Federal Government, including but not limited to not discriminating on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, sexual orientation, physical or mental disability, or any other reason prohibited by such laws.

The EMPLOYER will make all final decisions on hiring new employees. After the EMPLOYER has hired the employees, the EMPLOYER assumes full responsibility for them as employees.

All persons hired under this Agreement are subject to the EMPLOYER's regular personnel policies and procedures and have no special or additional rights arising from this Agreement.

If the terms of this Agreement conflict with the provisions of a collective bargaining agreement to which the EMPLOYER is a party, the bargaining agreement shall prevail.

Both OED and EMPLOYER agree to attempt to resolve all areas of misunderstanding, disagreement or dissatisfaction with each other as soon as they arise. If the parties are unable to resolve the issue, either may:

Initiate a meeting between the EMPLOYER and either OED, all of the PROVIDERS; or request assistance from the Oregon Economic and Community Development Department.

This agreement shall take effect on the date of the last signature by the contracting parties below, and shall be in full force and effect until DECEMBER 31 OF THE LAST YEAR OF THE EXEMPTION PERIOD (for Enterprise Zone Businesses) or, until the end of the term, period or periods as described in OAR 123-070-1600

### APPROVING PARTIES


#### WorkSource Oregon

Name: Tracy Calderon  
Title: Office Manager, Tualatin  
Address: 7995 SW Mohawk St.  
Tualatin, OR 97062  
Phone: 503.612.4240 FAX 503.612.4250  
Email: Tracy.K.Calderon@oregon.gov

Signature   
Date 7-22-2019


#### OED INTERNAL LIAISON

Name: Michelle Higgins  
Title: Regional Business Specialist  
Address: 7995 SW Mohawk St.  
Tualatin, OR 97062  
Phone: 971.235.4914  
Email: michelle.d.higgins@oregon.gov

Signature   
Date 7/22/19

Federal Employer ID Number 26-2863088  
State Business ID Number: 01365449-5

Name: Paul Meade  
Title: CEO  
Address: 6840 N. Cutler Circle  
Portland, OR 97217  
Phone: 503-265-3099  
Email: paul.meade@coldist.com

Signature   
Date 7/26/19

#### EMPLOYER INTERNAL LIAISON

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Signature \_\_\_\_\_  
Date \_\_\_\_\_





## **CLACKAMAS COUNTY STRATEGIC INVESTMENT ZONE FIRST SOURCE CONTRACTING AGREEMENT**

This First Source Agreement for referral of qualified contractors is entered into between Clackamas County, hereinafter referred to as the “CONTACT AGENCY,” which coordinates contractor referrals, hereinafter referred to as “PROVIDERS,” and the following business firm located in this geographic area, hereinafter referred to as the “EMPLOYER.” (Insert name of SIZ project here).

The EMPLOYER is or will be receiving benefits from the Clackamas County Strategic Investment Zone program. Under this First Source Agreement, the EMPLOYER will use the CONTACT AGENCY as its first source for external referral of qualified contractors for all local construction, operations, training, and suppliers of the EMPLOYER:

Such that the EMPLOYER agrees to the following:

- To effectively notify the CONTACT AGENCY of all contracting opportunities with the company no later than when notification is received by any other referral source external to the EMPLOYER or any public announcement for the contracting opportunity, throughout the term of this agreement;
- That each such notice to the CONTACT AGENCY shall include contractor qualifications and a deadline for referrals;
- To ensure that the CONTACT AGENCY and the PROVIDERS will have sufficient lead time (minimum lead time is \_\_\_ business days) before the contractor bid closing date, except in temporary or emergency situations); and information to make meaningful referrals for contracting opportunities that will be filled by the EMPLOYER;
- That all contracting information may be shared with all PROVIDERS for which referrals are coordinated by the CONTACT AGENCY; and

The CONTACT AGENCY agrees to the following:

- That to the extent that Qualified contractors are available among the relevant PROVIDERS, to refer those firms to the EMPLOYER for contracting opportunities; and

The EMPLOYER agrees to:

- Fully consider for employment any Qualified contractor referred by the CONTACT AGENCY by the referral deadline;

- Notify the CONTACT AGENCY when a Qualified contractor is retained by the EMPLOYER; and
- Provide after-the-fact information to the CONTACT AGENCY about applicable overall contracting arrangements annually to include name of contractor, amount of contract, jobs created, and other economic indicators on request.

Comply with all relevant laws regarding contracting for goods and services of this State and the Federal government, including but not limited to not discriminating on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, sexual orientation, physical or mental disability, or any other reason prohibited by law.

The EMPLOYER will make all final decisions on contracting arrangements.

The CONTACT AGENCY, the EMPLOYER and the contractor agree to attempt to resolve all areas of misunderstanding, disagreement or dissatisfaction with each other as soon as they arise

This agreement shall take effect on the date of the last signature by the contracting parties below, and shall be in full force and effect until DECEMBER 31 of the last year of the fifteen year exemption period or early closure or relocation of the business.

**APPROVED**

CONTACT AGENCY

EMPLOYER

Name  
Title  
Address

Name  
Title  
Address

Phone

Phone

\_\_\_\_\_  
Signature and Date

\_\_\_\_\_  
Signature and Date

## **EXHIBIT C: Community Service Fee and Income Tax Revenue Share Distribution**

Clackamas County will collect Community Service Fees of 25% of abated taxes, income tax payments of 50% of personal income tax paid by employees of the company and any other future revenue sources associated with the SIZ annually and distribute funds based on the distribution approach below.

### **Option A: Address Business Impacts and Community Priorities**

For the Cities of Sandy, Canby and Milwaukie, all Community Service Fees and Revenue Share proceeds will be managed by the City Council. Revenues associated with the SIZ program will be allocated first to mitigate direct impacts of the development on the community that are needed over and above systems development charges collected. Once those needs are addressed, additional revenues will be used to fund high priority projects or programs of the community.

### **Option B: Support Local Taxing Districts**

For cities of Estacada, Lake Oswego and unincorporated Clackamas County, revenues associated with the SIZ program will be allocated on a pro rata share to all affected taxing districts to partially compensate them for lost property tax revenue on SIZ investments over \$25 million in rural areas and \$100 million in urban areas. Taxing districts are encouraged to meet soon after a business application has been submitted and periodically thereafter to discuss the potential of pooling resources to invest in projects of mutual interest that have a bigger impact on the community.

In unincorporated Clackamas County and other jurisdictions that so choose, an affected taxing district may apply to Clackamas County for reimbursement of its direct costs associated with the review and inspection of the proposed development or specific investment needed to accommodate specialized response.

### **Option B (1): Support of Local Taxing Districts Through Committee Direction**

For the City of Molalla, a special advisory committee to the city council will examine the impacts of the SIZ investment on taxing districts and specifically advise the council on how to address those impacts. If no specific impacts are identified revenues associated with the SIZ program will be allocated on a pro rata share to all affected taxing districts.

**Dispute resolution:** In the event the County, the City and other affected taxing districts do not agree as to the allocation of revenues, the matter shall be submitted to mediation before a mediator that is mutually acceptable to all parties. Such mediation shall take place within 60 days of a party's request for mediation in a neutral location mutually acceptable to all parties. Each party shall be responsible for paying its own costs and expenses (including legal fees, if necessary) for the mediation and share equally the expenses of the mediator.

The mediator shall issue his or her decision within 10 days of the mediation. In the event that the mediation is unsuccessful, the Oregon Business Development Commission shall determine the formula for distribution of the fee according to ORS 285C.609 (6) (b).

## ***Strategic Investment Zone FAQs***

### **Process**

**Process and timeliness of application?** Art Fish, Business Oregon, explained in February 11<sup>th</sup> email, “The city and county officials execute a technically updated version of the attached standardized agreement for the strategic investment zone (SIZ) with the business in a reasonably expedient manner. Last August, I was in Canby discussing technical redrafts. The business would use an executed copy of the agreement to Business Oregon to complete its Strategic Investment Program (SIP) Application for Project Determination by Business Oregon Commission.

In general, the application was timely filed with the exception (as we now know) of the concrete slab or foundation; site preparation was never relevant. Attached is a revised project description, which I have joined to our application file from the business, thanks to the assistance of Mr. Meade of Columbia Distributing. From Counsel in communication with Clackamas County and the Oregon Department of Revenue, we understand that the completed application could be brought before the Oregon Business Development Commission, and that the OBDC in its determination of the project’s eligibility could thusly set the foundation aside as a structure, for which work was already underway on July 2, 2019, and clearly describe all other property at the site, for which construction or installation commenced after that date, as constituting the eligible project.”

**Who owns the land?** The land is owned by Canby East Associates, LLC. Canby East Associates is the same as the ownership for Columbia Distributing. Per the lease, Columbia Distributing is responsible for all property taxes.

**What happens if the City takes no action?** Art Fish said, “If neither the city nor county take action to execute the agreement, then the Oregon Business Development Commission could neither entertain nor take action on the application from Columbia Processing, which would then not enjoy SIP tax treatment under ORS 307.123. I do not know the consequences, but such local inaction would seem to contravene sponsor duties and commitments by the city under Clackamas Rural SIZ #1 as designated, and it might run counter to representations made to Columbia Processing.”

**There seems to be a difference between the IGA approved in the 2010 Council packet and the current version?** After discussing the 2010 Council packet with Clackamas County, it is assumed the 2010 packet may have been an earlier draft. The recorded intergovernmental agreement uses the same wording as the standardized agreement.

**Timeline of Contact with Columbia?** Conversations began in February 2018 when the project was still titled Project Shakespeare. According to emails from the previous Economic Development Director, it would appear the Canby Strategic Investment Zone handout was provided April 6, 2018. It is not known if the strategic investment zone was mentioned previously. City staff is unclear of a nondisclosure agreement or any notes taken at previous meetings.

**First Source Hiring and Contracting?** Cindy Moore, Clackamas County, explained, “The First Source Contracting Agreement (FSCA) will go into effect at the same time as the approval of Columbia Distributing’s Strategic Investment Zone application by the Oregon Business Development Commission. They are executing the FSCA and the First Source Hiring Agreement (FSHA) contemporaneously with execution of the RSIZ agreement.



In addition, we are in the process of determining the process in which this FSCA will be managed by the County as this is the first applicant. Once the documents are executed, the applicant will be expected to follow the FSCA and any guidelines the County subsequently provides.”

**List of local suppliers and contractors?** Please see attached. Paul Meade, Columbia Distributing, noted they strive to use local vendors and the list was as complete as possible.

### **Financial Impacts**

**Community Service Fee project value and gain share?** The Clackamas County Assessor’s Office explained that while the program is for the first \$25,000,000 of real market value, the program works off of assessed value which is why the taxable portion is less. Art Fish explained the income tax revenue (also known as gain share) “...payments to the county would last two years under current law, and I would not hazard even a guess at how much, but they would tend to be around 0.5% of total payroll in 2022 and 2023.”

Based on the original estimated value, taxes that will be received by local taxing entities on the first \$25,000,000 is approximately \$425,000. Another roughly \$85,000 a year will be collected through the community service fee.

**Has the City received any payments to date from Columbia on the community service fee?** No fees have been collected other than SDC fees and the contribution to the light, as outlined below.

**City expenses incurred to support Strategic Investment Zone?** The City of Canby has spent staff time processing the Strategic Investment Zone. No other expenses have been incurred.

### **Community Service Fee Participants**

**Community Service Fee?** It has been indicated the special taxing districts, not including education, are the entities that participate in the Community Service Fee discussion, with the main entities being County, City, and the Fire District. All taxing entities were mailed a letter regarding the Strategic Investment Zone on Friday, January 24<sup>th</sup>.

### **Traffic**

**SDC Fees and Signal Contribution?** Canby East Associates, LLC paid \$31,993.32 as a contribution to the signal at Sequoia Parkway and Hazel Dell Way. Additionally, \$1,149,200.96 was paid in System Development Charges.

# List of Contractors and Sub-Contractors

## Columbia Distributing Canby, OR WH Construction Project

February 12, 2020

| Vendor Name                          | Contractor                       | Main Location                   | Work Category                        |
|--------------------------------------|----------------------------------|---------------------------------|--------------------------------------|
| CSP                                  | Columbia Distributing            |                                 | IT / Security Systems                |
| Christiansen Electric                | Columbia Distributing            | Portland, OR                    |                                      |
| Wave Networks                        | Columbia Distributing            | Seattle, WA (Portland office)   | IT / Security Systems                |
| Northwest Mat'l Handling Systems     | Columbia Distributing            | Portland, OR                    | WH Racking Contractor                |
| LS Networks                          | Columbia Distributing            | Portland, OR                    | IT / Security Systems                |
| B&B Erectors                         | Northwest Mat'l Handling Systems | Terrell, TX                     | Racking Installation Sub-Contractor  |
| Compunet                             | Columbia Distributing            | Tigard, OR                      | IT / Security Systems                |
| Johnson Controls                     | Columbia Distributing            | Cork, Ireland (Portland Office) | IT / Security Systems                |
| West Coast Paper                     | Columbia Distributing            | Kent, WA (Portland Office)      | Wrap Machines                        |
| Pacific Construction                 | Columbia Distributing            | Portland, OR                    | Air Compressor/Air Lines             |
| WESSO                                | Columbia Distributing            | Conroe, TX                      | Exterior Compactors                  |
| NW Traffic                           | Northwest Mat'l Handling Systems | Portland, OR                    | WH Floor Striping                    |
| Convergence Networks                 | Columbia Distributing            | Portland, OR                    | IT / Security Systems                |
| AFP Systems Inc.                     | Perlo Construction, LLC          | Tualatin, OR                    | Fire Protection TI and Shell         |
| AirView Cinematography LLC           | Perlo Construction, LLC          | Portland, OR                    | Photography                          |
| A-Line Concrete Cutting LLC          | Perlo Construction, LLC          | Vancouver, WA                   | Concrete Cutting                     |
| American Welding Services Inc.       | Perlo Construction, LLC          | Oregon City, OR                 | Structural Steel TI                  |
| Anning-Johnson Company               | Perlo Construction, LLC          | Wilsonville, OR                 | Gypsum Board Assemblies TI           |
| Associated Plumbing Company          | Perlo Construction, LLC          | Gresham, OR                     | Plumbing TI and Shell                |
| B.I.G. Enterprises                   | Perlo Construction, LLC          | South El Monte, CA              | Guard Shelter                        |
| Bell Hardware of Portland, Inc.      | Perlo Construction, LLC          | Portland, OR                    | Doors Frames Hardware TI             |
| Brennock, Inc.                       | Perlo Construction, LLC          | Tigard, OR                      | ADA and Code Signage TI              |
| Brightway Cleaning Inc.              | Perlo Construction, LLC          | Portland, OR                    | Slab Cleaning TI                     |
| Cadman Materials Inc.                | Perlo Construction, LLC          | Vancouver, WA                   | Cement                               |
| CDI Commercial Décor Inc.            | Perlo Construction, LLC          | Vancouver, WA                   | Window Covering TI                   |
| Clean World Maintenance Inc.         | Perlo Construction, LLC          | Vancouver, WA                   | Final Cleaning TI                    |
| Consurco Inc.                        | Perlo Construction, LLC          | Meridian, ID (Portland Office)  | Specialty Concrete TI                |
| Current Electrical Construction Co.  | Perlo Construction, LLC          | Portland, OR                    | Electrical TI and Shell              |
| Dennis' Seven Dees Landscaping, Inc. | Perlo Construction, LLC          | Portland, OR                    | Landscaping                          |
| Drake's Striping and Painting Inc.   | Perlo Construction, LLC          | Lake Oswego, OR                 | Exterior Surface Striping / Painting |
| Eagle Elsner Inc.                    | Perlo Construction, LLC          | Sherwood, OR                    | Asphalt Paving                       |
| Engineered Products, A Pape Company  | Perlo Construction, LLC          | Tigard, OR                      | Glass Roll-Up Door TI                |
| Envirocrete Inc.                     | Perlo Construction, LLC          | Vancouver, WA                   | Concrete Polishing                   |
| Environmental Services, Inc.         | Perlo Construction, LLC          | Portland, OR                    | Wastewater / Stormwater Systems      |
| Farwest Steel Reinforcing Company    | Perlo Construction, LLC          | Vancouver, WA                   | Steel Manufacturing                  |
| GeoDesign Inc.                       | Perlo Construction, LLC          | Wilsonville, OR                 | Geotechnical Engineering Services    |
| Hard-Core Contractors Inc.           | Perlo Construction, LLC          | Hubbard, OR                     | Drywall Installation                 |
| Hoosier Flags, LLC                   | Perlo Construction, LLC          | Muncie, IN                      | Flag Pole                            |
| HVAC Inc.                            | Perlo Construction, LLC          | Milwaukie, OR                   | HVAC TI and Shell                    |
| Interior Technology Inc.             | Perlo Construction, LLC          | Oregon City, OR                 | Operable Partition TI                |
| IRS Environmental of Portland Inc.   | Perlo Construction, LLC          | Hillsboro, OR                   | Demolition Services                  |
| K & E Excavating Inc.                | Perlo Construction, LLC          | Salem, OR                       | Site Preparation and Earthwork       |
| Key Mechanical Co. of WA             | Perlo Construction, LLC          | Portland, OR                    | Refrigeration Systems                |
| Kingspan Light + Air LLC             | Perlo Construction, LLC          | Lake Forest, IL                 | Skylight Manufacturer                |
| KO Custom Fab Inc.                   | Perlo Construction, LLC          | Boring, OR                      | Misc. Steel FOB TI and Shell         |
| Mid-Columbia Caulking Co., Inc.      | Perlo Construction, LLC          | Vancouver, WA                   | Caulking TI                          |
| North West Handling Systems Inc.     | Perlo Construction, LLC          | Portland, OR                    | Dock Doors and Leveler Systems       |
| Northwest Surveying Inc.             | Perlo Construction, LLC          | Beaverton, OR                   | Land Surveying                       |
| Octagon Services Incorporated        | Perlo Construction, LLC          | Laurel, MD                      | Underground Tank Removal             |
| Pacific Fence & Wire Company         | Perlo Construction, LLC          | Clackamas, OR                   | Fencing                              |
| Panelized Structures Inc.            | Perlo Construction, LLC          | Salida, CA                      | Metal Deck TI and Shell              |
| Perlo Structures LLC                 | Perlo Construction, LLC          | Tualatin, OR                    | TI and Shell                         |
| Protamp Associates, HVAC             | Perlo Construction, LLC          | Milwaukie, OR                   | HVAC                                 |

## List of Contractors and Sub-Contractors

### Columbia Distributing Canby, OR WH Construction Project

February 12, 2020

| Vendor Name                          | Contractor              | Main Location   | Work Category                  |
|--------------------------------------|-------------------------|-----------------|--------------------------------|
| RC Building Specialties, LLC         | Perlo Construction, LLC | Tukwila, WA     | Fire Protection                |
| Resource Maintenance & Flooring Inc. | Perlo Construction, LLC | Clackamas, OR   | Flooring and Tile TI           |
| RMC Masonry Inc.                     | Perlo Construction, LLC | Aurora, OR      | Masonry                        |
| Saris Cycling Group, Inc.            | Perlo Construction, LLC | Fitchburg, WI   | Bike Rack System               |
| Sawtooth Caulking Inc.               | Perlo Construction, LLC | Lafayette, OR   | Caulking TI                    |
| SDB Inc.                             | Perlo Construction, LLC | Hillsboro, OR   | Construction Services          |
| Sign Wizards Inc.                    | Perlo Construction, LLC | Portland, OR    | Signage TI                     |
| Skyles Drilling, Inc                 | Perlo Construction, LLC | Oregon City, OR | Site Drilling                  |
| Skyline Sheet Metal Inc.             | Perlo Construction, LLC | Troutdale, OR   | Arch. Sheet Metal TI & Shell   |
| Spectrum Custom Interiors, LLC       | Perlo Construction, LLC | Canby, OR       | Finish Carpentry TI            |
| Vaughn's Services, Inc.              | Perlo Construction, LLC | Salem, OR       | Janitorial & Cleaning Services |
| W.B. Painting & Decorating Inc.      | Perlo Construction, LLC | Gresham, OR     | Painting TI and Shell          |
| W.B. Sprague Co. Inc.                | Perlo Construction, LLC | Tacoma, WA      | Pest Control                   |
| W.H. Cress Company Inc.              | Perlo Construction, LLC | Portland, OR    | Toilet Partitions/Access. TI   |
| Weatherguard Inc.                    | Perlo Construction, LLC | Longview, WA    | Roofing TI and Shell           |
| Willamette Valley Steel              | Perlo Construction, LLC | Sherwood, OR    | T.I. Architect                 |
| LRS Architects                       | Trammel-Crow Company    | Portland, OR    | WH Office Architects           |
| Perlo Construction, LLC              | Trammel-Crow Company    | Tualatin, OR    | Project General Contractor     |
| VLMK                                 | Trammel-Crow Company    | Portland, OR    | Project Architects             |

| Category | Headquarter Location |
|----------|----------------------|
|----------|----------------------|

**Transportation**

|          |                     |
|----------|---------------------|
| Convoy   | Seattle, WA         |
| Sprinter | Winston, OR         |
| Gulick   | Vancouver, WA       |
| Superior | Portland, OR        |
| Sound    | Tacoma, WA          |
| Blinsky  | Terrace Heights, WA |

**Operational Supplies**

|     |              |
|-----|--------------|
| WCP | Portland, OR |
|-----|--------------|

**Office Supplies**

|           |              |
|-----------|--------------|
| J. Thayer | Portland, OR |
|-----------|--------------|

**Promotional Discounts**

|                  |           |
|------------------|-----------|
| Fairway Mortgage | Canby, OR |
|------------------|-----------|

**Operational Maintenance**

|                    |              |
|--------------------|--------------|
| Pape               | Eugene, OR   |
| Northwest Handling | Portland, OR |
| Les Schwab         | Bend, OR     |

**Apparel**

|                    |               |
|--------------------|---------------|
| TJ Marketing       | West Linn, OR |
| The Marshall Group | Portland, OR  |
| Inspired Results   | Portland, OR  |

**Waste Disposal**

|                          |                      |
|--------------------------|----------------------|
| <b><u>Truck Wash</u></b> | All Locally Supplied |
|--------------------------|----------------------|

**Printing**

**CANBY CITY COUNCIL WORK SESSION**  
**February 19, 2020**

**PRESIDING:** Mayor Brian Hodson.

**COUNCIL PRESENT:** Trygve Berge, Greg Parker, Traci Hensley, Tim Dale, Shawn Varwig, and Sarah Spoon.

**STAFF PRESENT:** Amanda Zeiber, Assistant City Administrator/HR Director; Joseph Lindsay, City Attorney; Julie Blums, Finance Director; Jerry Nelzen, Public Works Lead; and Melissa Bisset, City Recorder.

**OTHERS PRESENT:** Mindy Montecucco and Bob Cambra.

Mayor Hodson read the Work Session statement and called the Work Session to order at 6:00 p.m. in the Willow Creek Room to discuss street priorities, the Ivy Street project, and Quiet Zone funding.

Jerry Nelzen, Public Works Lead, discussed the street capital improvement needs and funding sources.

Mayor Hodson asked if they were keeping up with the Pavement Condition Index and yearly revenue to cover what needed to be done for street maintenance. Mr. Nelzen said yes, they were on track. He thought they should have a better plan to coordinate with Canby Utility so they could do more.

There was discussion regarding how the master plans for the City and Canby Utility could be better coordinated.

Mr. Nelzen said they were moving forward with the S Ivy from 99E to SW 12<sup>th</sup> sidewalks project. It was the priority project, then it would be N Locust/N Knott Street improvements from NE 4<sup>th</sup> to NE 10<sup>th</sup> including widening to 28 feet, parking on both sides, and sidewalks on one side. The next was N Pine roadway realignment from NE 4<sup>th</sup> to NE 8<sup>th</sup>, which would require getting jurisdiction from the County and funding. The County would only give the City funds for a two inch overlay. The next priority was the second phase of 10<sup>th</sup> Avenue from N Locust to N Maple, and then the third phase from N Maple to N Pine. Next it was S Ivy to SW 12<sup>th</sup> to Goods Bridge curbs, phase one of NE 10<sup>th</sup> from N Ivy to N Locust sidewalk improvements, NE 12<sup>th</sup> from N Ivy to the cul-de-sac street improvements, NE Territorial and N Redwood intersection improvements, SE 1<sup>st</sup> and S Walnut traffic circle, S Ivy and S 18<sup>th</sup> traffic circle, and N Pine from NE 8<sup>th</sup> to NE 10<sup>th</sup>.

Julie Blums, Finance Director, had run projections on the funding sources for the projects. It was very doable to do all of these projects in the next 10 years.

Councilor Parker asked about the S Ivy project, would the County be running this project completely. Mr. Nelzen said yes, they would be taking care of the public notices as well.

Councilor Parker thought the City should work with the County on the public outreach and the outreach should be started early in the process.

There was discussion regarding working with Canby Utility, County, and the City on this project and confirmation that this project would happen.

Mr. Nelzen explained the benefits of roundabouts over signalized intersections and what a modern roundabout would look like. For the one proposed on Ivy and Township, one downside was the land that would need to be acquired for the roundabout.

There was discussion regarding signals vs. roundabouts.

Councilor Spoon did not think this was the right place for a roundabout due to the existing properties and buildings.

Councilor Hensley said people had been talking about putting in a signal here for years and she thought there was funding for a signal.

Councilor Varwig was concerned about the look of the roundabout.

Mayor Hodson was concerned about the amount of real estate a roundabout would take up.

Mr. Nelzen said the question was whether they wanted the County to spend money pursuing a roundabout option.

There was consensus that this was not the right place for a roundabout.

Councilor Parker discussed his idea of looking into adding the Walnut Street extension at the Industrial Park and possibly bond for the project and use the County Vehicle Registration Fee to pay it back.

There was consensus for staff to do the research on the idea and bring back the information to Council.

Ms. Blums said regarding the Quiet Zone, there was funding to do the project. They could split it between the Streets and Urban Renewal funds or it could be done all out of Urban Renewal.

There was consensus to only use Urban Renewal funds for the project.

Mayor Hodson adjourned the Work Session at 6:57 p.m.

Melissa Bisset, CMC  
City Recorder

Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
February 19, 2020**

**PRESIDING:** Mayor Brian Hodson.

**COUNCIL PRESENT:** Tim Dale, Greg Parker, Trygve Berge, Traci Hensley, Shawn Varwig, and Sarah Spoon.

**STAFF PRESENT:** Amanda Zeiber, Assistant City Administrator/HR Director; Joseph Lindsay, City Attorney; Bryan Brown, Planning Director; Ryan Potter, Associate Planner; Jamie Stickel, Economic Development Director; Jerry Nelzen, Public Works Lead; and Melissa Bisset, City Recorder.

**OTHERS PRESENT:** Jim Dippman, Louis Boesel, Martin Lackner, Betty Crawford, Sarah Crawford-Dietz, Jason Dietz, Mary Walsh, Sarah Rodriguez, Muriel Jordan, Adam Ericksen, Rayah Dickerson, Zane Forrester, Rose and Mark Drenkhahn, David Thorndike, Crystal Thorndike, Lulu Wills, Julie Wills, Olivia Coburn, Dah Goodman Greiner, Rayne Wills, Diana Cerasin, Geanne Horne, Leslie Carroll, Larry Horne, Joli Shempert, Lynnetta Spurling, Terry N. Tolls, Celesta Graves, Pat Schauer, Kristi Smith, Howard Thomas, Scott Sprager, Cathyleen Polly (Burden), Staci Sprague, Jason Sprague, Matt Weber, Sam Caruso, Bob Cambra, Mindy Montecucco, Paul Ylvisaker, Craig Harris, Irene Breshears, and Matt English.

**CALL TO ORDER:** Mayor Hodson called the Regular Meeting to order at 7:07 p.m. in the Council Chambers followed by the opening ceremonies.

Mayor Hodson explained Resolution 1330 had been removed from the agenda and would be brought back for a work session.

**PROCLAMATION:** Iwo Jima Remembrance Day – Mayor Hodson read a proclamation proclaiming February 22, 2020 as Iwo Jima Remembrance Day and presented it to U.S. Marine Martin Lackner.

Mr. Lackner discussed the event, which would celebrate the 75<sup>th</sup> anniversary of the end of World War II. He presented the Mayor with a plaque in appreciation of his contributions towards the restoration of the helicopter at the Vietnam Memorial.

**COMMUNICATIONS:** None

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Amira Stanley, Canby resident, sent the Mayor two emails this week asking again for a proclamation for Transgender Day in March and also about the meeting with high school students regarding issues at the school. She also sent the Mayor a pamphlet and had a sample proclamation.

Sarah Rodriguez, Canby resident, requested a proclamation for Transgender Day. This was a world-wide observation for raising awareness of the discrimination that transgender people faced every day. Trans people worked in the community, were neighbors and members of families, participated in all faiths and community groups, and represented all racial classes and backgrounds and felt it was time to adjust to the new us. Public denial fostered anger, fear, and anti-transgender stigma. It led to violence, with members denied services, and trans youth afraid to use bathrooms at school. She was asking for City values to align with community values and that the leaders of the City to set the standard in practicing these values.

Adam Ericksen, Canby resident, was a pastor. He stood with the transgender community and their request that the City go forward with the proclamation. The most important command in scripture was to love God and to love all of our neighbors. He also pointed out in the Constitution it stated, "We the people". It meant all of the people, including transgender. This proclamation would acknowledge transgender people and let them know that they were loved.

Lulu Wills, Canby resident, discussed how things really needed to change. They explained how they had been harassed at school regarding going to the bathroom. They asked that the Trans Day be allowed.

Julie Wills, Canby resident, discussed how her children didn't want to go to school because a boy was following them to the bathrooms to watch them in the stall. Visibility was crucial to their treatment. She implored the Council to engage in the conversation. There needed to be a positive movement going forward regardless of personal feelings. She would like to start the conversation now.

Olivia Coburn, Canby resident, was a veteran of the United States Coast Guard and asked if they were really going to ignore the plight of citizens so they could be discriminated against because they thought it was unimportant and asked the Council to stand with them on Transgender Day on March 31. Who did they really represent and would they stand with them?

Paul Ylvisaker, Canby resident, read the paper last week about the possibility of the closure on the fireworks at the high school. He asked if it was moving to an affirmative end or were they considering something else.

Mayor Hodson responded that he had asked about opening up the topic of the noise ordinance as it pertained to the fireworks, but the Council had decided not to open up the topic again. They would continue to discuss the issue with the School District regarding potential alternatives. It would be the decision of the School District to make any other changes.

Mr. Ylvisaker stated the less percussive fireworks were still harmful, discriminatory, and unwanted in the neighborhood. He would like the Council to rescind the variance.



Celesta Graves, Canby resident, was a member of the Canby Transgender Alliance (CTA) and would love to see the City support Transgender Day.

Dah Goodman Greiner, Canby resident, was on the board of the CTA. Recognition on a larger scale led to personal acceptance and increased their safety. They did not need to approve of their existence, but they deserved to be safe in the community and their accomplishments were worthy of recognition. Every trans person had value. Any attempts to silence them would only increase visibility both of bigotry and their resilience.

Joli Shempert, Canby resident, stood in solidarity with the CTA. She was a member of the Canby community. Many in the conservative Christian community had pushed hateful ballot measures to curtail LGTBQ rights. Transgender were invisible at that time as they had not gained enough notice to be actively and vocally hated. It took her a long time to know who she was and to embrace her whole self. A Transgender Day back then could have saved a lot of wasted years. They were in the midst of a new cultural moment, one in which transgender people were finally being seen and heard. Recognizing Transgender Day would state clearly that the most vulnerable were welcome. It could be the difference between life and death for an isolated trans person showing them they were not alone. Many people hated and feared transgender. They were not the people they should be afraid of. She urged Canby to be better.

Diana Cerasin, Canby resident, stated that she was proud of the community. Last year members of the community came together regarding the Transgender Day proclamation. In response to the pushback the Canby Transgender Alliance was formed. This group gained over 100 members the first day it was formed. They had created a transgender friendly clothing closet. The CTA had helped cover the costs of rent, gas, and electricity. She asked everyone to think about the amazing people in the community. They were improving the community and should get the recognition wherever possible.

Mayor Hill thanked everyone who came and spoke.

Councilor Parker stated in the Charter the Mayor had the authority to decide on proclamations. If he had the authority he would issue a proclamation. He stated that they had his support, love, understanding of government, willingness to work with the library and police for outreach and programs, and continued discussions with the Mayor.

Councilor Spoon thanked those present for attending. Being a safe city did not include gender, and a proclamation would validate that. Canby Transgender Alliance was making a huge impact in the community. She was happy that they were here and personally disagreed with the current policy on proclamations.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Parker said the Canby Adult Center was a busy place. They had recruited more people to help volunteer with taxes and

all of the spots filled up in 4 days. There were a lot of people using their services and enjoying the activities.

Councilor Hensley stated the final community leader meeting for the Canby Suicide Prevention Task Force would be tomorrow evening.

Councilor Varwig stated the Friends of the Library meeting was tomorrow night. The Library was bringing red crates to the schools for children to return library books at the schools. The Library was also doing training for the census in March.

Councilor Spoon said they still had open spots on the Transit Advisory Committee.

**CONSENT AGENDA: \*\*Councilor Dale moved to adopt the minutes of the February 5, 2020 City Council Work Session and Regular Meeting, appointment of Melody Thompson to the Budget Committee, annual liquor license renewals, and new wholesale malt beverage and wine OLCC liquor license for Dragonberry Produce. Motion was seconded by Councilor Hensley and passed 6-0.**

**PUBLIC HEARING: Appeal (APP 20-01) of Condition(s) of Approval of the Planning Commission Decision for Caruso Produce (DR 19-02) –**

Councilor Parker said the Planning Commission made a decision on this application, and after that meeting there was a discussion with the County Transportation Department and new information came forward.

Ryan Potter, Associate Planner, explained staff had clarified the County's requirements for improvements to Mulino. They were comfortable deferring to the City to decide when those improvements could be made. The original staff report allowed those to be deferred until another parcel developed.

Councilor Parker stated his preference was to remand it back to the Planning Commission for them to consider the new information. When discussions took place that might influence a decision, he would like a signed document from someone with authority explaining the information.

Mr. Potter said from staff's perspective it was clarification. The County hadn't wavered from the fact that improvements in this location would need to be installed at some point, but it was a clarification on the timing and who would be responsible.

Joe Lindsay, City Attorney, explained because the Planning Commission closed their hearing, there was no way for the Planning Commission to revisit it without a remand. He clarified the fee for the hearing was waived.

Councilor Parker thought Council should take appeals and review the process, but not consider a change of facts. That role was at the Planning Commission.

Bryan Brown, Planning Director, thought it could go on the next Planning Commission meeting's agenda which would be March 9. There were two Planning Commissioners who did not seem to make their decision on requiring the Mulino Road improvements based on the County's memorandum in the record. They cited other reasons why it was important, such as the road was going to become a lost cause and not taken care of either by the City or County and it would never be improved. That was what seemed to carry the decision making. It didn't seem to be because of the memo from the County recommending that the improvements be made. He was not sure if it would change anything to remand it back.

**\*\*Councilor Parker moved to remand the decision back to the Planning Commission at the earliest possible date. Motion was seconded by Councilor Spoon.**

Councilor Spoon thought it should go back to the Planning Commission due to the new information.

Mr. Lindsay clarified the remand would only be for the two conditions that were on appeal, not the approval of the application.

Councilor Berge was in favor of the remand as well. It was the cleanest and easiest way to take care of the issue.

Councilor Varwig asked if this would delay the project. Mr. Brown said yes, and the developer would prefer that the Council make a decision on it tonight and to be as expedient as possible.

Mayor Hodson thought it should be vetted by the Planning Commission.

**\*\*Councilor Parker amended his motion to remand the two conditions that were on appeal only. Amendment seconded by Councilor Spoon and passed 4-3 with Councilors Hensley, Dale, and Varwig opposed and Mayor Hodson breaking the tie.**

**ORDINANCES & RESOLUTIONS: Ordinance 1522 – \*\*Councilor Spoon moved to adopt Ordinance 1522, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO ITS CONTRACT WITH MV TRANSPORTATION, INC. OF DALLAS, TEXAS FOR PROVIDING TRANSIT OPERATIONS FOR CANBY AREA TRANSIT (CAT). Motion was seconded by Councilor Varwig and passed 6-0 by roll call vote.**

Resolution 1331 – Mr. Lindsay explained the Public Works design standards were last updated in 2012. Over the years the laws had changed and the standards needed to be updated to reflect current law.

Jerry Nelzen, Public Works Operations, discussed how these changes would make it easier and clearer for staff, citizens, and developers.

**\*\*Councilor Parker moved to adopt Resolution 1331, A RESOLUTION ADOPTING THE 2020 REVISED PUBLIC WORKS DESIGN STANDARDS AND REPEALING RESOLUTION 1135. Motion was seconded by Councilor Hensley and passed 6-0.**

**CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** None.

**CITIZEN INPUT:** Sarah Rodriguez, Canby resident, stated that the statistics for suicide were shocking and alarming for transgender youth. LGTBQ youth who were accepted by their family and community were eight times less likely to attempt suicide and six times less likely to suffer depression. Currently 1 in 3 trans youth attempted suicide and 1 in 3 were victims of sexual violence. She gave some comparisons of cisgender and transgender youth in attempted suicide and depression. She asked if this information could be taken to the Suicide Prevention Task Force and encouraged them to support the LGTBQ youth in this town.

Councilor Hensley said the current public service announcement included members of the LGTBQ community.

**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Remanded APP 20-01 to the Planning Commission.
3. Adopted Ordinance 1522.
4. Adopted Resolution 1331.

Mayor Hodson recessed the Regular Meeting at 8:26 p.m. Mayor Hodson reconvened the Regular Meeting at 8:28 p.m.

**\*\*Councilor Dale moved to go into executive session pursuant to ORS 192.660 (2)(b) to consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing. Motion was seconded by Councilor Hensley and passed 6-0.**

Mayor Hodson reconvened the Council into an open session.

**\*\*Councilor Dale moved to exercise the no cause clause in the City Administrator's contract, and to thank Mr. McClure for his service and wish him all the best. Motion was seconded by Councilor Varwig and passed 5-1.**

The meeting adjourned at 8:40 p.m.

Melissa Bisset, CMC  
City Recorder

Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood

DRAFT



# City of Canby

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

Phone: 503.266.4021  
Fax: 503.266.7961  
www.canbyoregon.gov

## City Council Staff Report

DATE: March 4, 2020  
TO: Honorable Mayor Hodson and City Council  
THRU: Amanda Zeiber, Interim City Administrator  
FROM: Melissa Bisset, City Recorder  
ITEM: Bike and Predestination Committee Appointment

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### Summary

Doug Rykken resigned from the Bike and Pedestrian Committee creating a vacancy. The position was advertised and four applications were received and interviews were conducted.

### Background

The Bike and Pedestrian Committee was established through Ordinance and is detailed in the [Canby Municipal Code Chapter 2.64](#). The Committee has several duties including recommending policies and procedures conducive to efficient and effective operation of the bicycle and pedestrian transportation system. The Committee is made up of seven members who serve three year terms. Canby Municipal Code § 2.64.020 explains that members are appointed by the City Council upon recommendation of the Committee Chair and Council Liaison to the Committee.

### Discussion

Doug Rykken resigned effective November 6, 2019. Mr. Rykken's term was set to expire on June 30, 2022. Four candidates applied for the vacancy and all were invited to interview with members of the Bike and Pedestrian Committee on February 10<sup>th</sup>. They noted that all the applicants are enthusiastic, thoughtful and extremely well qualified. Their skills, insights and ideas could very much benefit the City of Canby and this committee. The recommendation is that Britt Ash be appointed to fill the unexpired term of Mr. Rykken.

### Attachments

Britt Ash's Application

### Fiscal Impact

None.

### Options

1. Appoint Britt Ash to the Bike and Pedestrian Committee.
2. Take no action.

**Recommendation**

The Council Liaison and Committee Chair recommend that Britt Ash be appointed to the Bike and Pedestrian Committee.

**Proposed Motion**

This item is under the consent agenda and one motion will be made to approve the consent agenda unless this item is moved off of the consent agenda for discussion.



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

Date: January 5, 2020      Position Applying For: Bicycle and Pedestrian Committee

Name: Britt Ash      Occupation: Research Nurse

Home Address: [REDACTED] Canby, OR 97013

Employer: Kaiser Permanente Center for Health Research      Position: RN Clinical Research  
Coordinator

Daytime Phone: [REDACTED]      Evening Phone: [REDACTED]

E-Mail Address: [REDACTED]

What are your community interests (committees, organizations, special activities)? My main interest is in encouraging and facilitating activities in our beautiful outdoors. A more active community is a healthier and happier community. My passion for cycling, running, and hiking in the Canby area and the whole Northwest has fortunately spread to other community members. I have participated in the community bike rides for years, and have gotten others to try it and get hooked on cycling. If I can help encourage this kind of activity on a larger scale, it will have a positive impact on the community.

What are your major interests or concerns in the City's programs? I'd like to make it easier for people to get off the couch and get outside and move more. We live in a beautiful area, and it would be fantastic if there can be more ways for people to enjoy it.

Reason for your interest in this position: Over the last 8 years, I've enjoyed exploring the countryside of the Northwest by bicycle, and sharing that passion with others who are new to cycling. I relish the opportunity to help create an inviting, beautiful pathway between Canby and Molalla. Cycling, running, or walking on the pathway can be enjoyed by all, regardless of age and background. I frequently use the logging road, and understand what an asset it would be to the community, and the whole state, if it were extended all the way to Molalla. Not only will it help make our local population healthier, it will also benefit visitors. I have travelled to places around the world which have paved pathways which range from 12-50 miles, and observed how much they positively impact their communities.

Experience and educational background: I have a Bachelor of Arts degree in English from Mt. Holyoke College, and a Bachelor of Science in Nursing degree from Linfield College. I've worked in the healthcare industry for over 25 years, and have seen the positive effects of an active vs. sedentary lifestyle in the health of my patients. I am a trail runner and cyclist, and currently work



with a variety of patients, most of whom have diabetes. I understand the main barriers to leading a healthy and active lifestyle. Lack of motivation is often the biggest hurdle. If we can help create an environment more conducive to outdoor activity, it will be a motivator, and thus a success. I have always been a strong proponent of Newton's First Law, which essentially states, "a body in motion stays in motion."

List any other City or County positions on which you serve or have served: None, other than helping to get numerous Canby residents to try the community bike ride and get hooked on cycling. I've also helped coordinate the Memorial Day bike ride at St. Josef's Winery.

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: [bissetm@canbyoregon.gov](mailto:bissetm@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.** 10/2019

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Date Received: \_\_\_\_\_ Date Appointed: \_\_\_\_\_ Term Expires: \_\_\_\_\_  
Date Resigned: \_\_\_\_\_ Destruction Date: \_\_\_\_\_



# City of Canby

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

Phone: 503.266.4021  
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## City Council Staff Report

DATE: March 4, 2020  
TO: Honorable Mayor Hodson and City Council  
THRU: Amanda Zeiber, Interim City Administrator  
FROM: Melissa Bisset, City Recorder

---

### Summary

Elizabeth Chapin and Carol Luce's terms on the [Transit Advisory Committee](#) are set to expire on March 31, 2020. Ms. Chapin and Ms. Luce both wish to be reappointed.

### Background

The Transit Advisory Committee was established through Resolution No. 790 in 2002. It assesses transportation needs, acts in an advisory capacity to the Transit Director, promotes and educates the public regarding the acceptance and usage of the transit system and special problems associated with the use of the system by youth, elderly and disabled citizens. The Commission is made up of seven members who serve three year terms.

### Discussion

Ms. Chapin and Ms. Luce would like to continue to serve on the Transit Advisory Committee. Ms. Chapin has been serving since 2015 and Ms. Luce has been serving since 2012.

Council will need to vote on the reappointment.

### Attachments

Applications of Ms. Chapin and Ms. Luce.

### Fiscal Impact

None.

### Options

1. Reappoint Elizabeth Chapin and Carol Luce to the Transit Advisory Committee.
2. Take no action.

### Recommendation

Reappoint Elizabeth Chapin and Carol Luce to the Transit Advisory Committee.

### Proposed Motion

I move to approve the reappointment of Elizabeth Chapin and Carol Luce to the Transit Advisory Committee for a term expiring March 31, 2023.



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

Date: Feb 3, 2020 Position Applying For: Cat Council Committee member

Name: Carol Luce Occupation: Retired

Home Address: [Redacted] Canby

Employer: N/A Position: N/A

Daytime Phone: [Redacted] Evening Phone: Same

E-Mail Address: N/A

What are your community interests (committees, organizations, special activities)?

I participate actively at the Canby Adult Center and I am currently on the Cat Advisory Committee

What are your major interests or concerns in the City's programs? Continued Cat Series

and downtown improvements

Reason for your interest in this position: I have enjoyed my experience

and would like to continue on the Committee.

Experience and educational background: I have served on the committee

since 2012.

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

Referred by (if applicable):

Please return to:

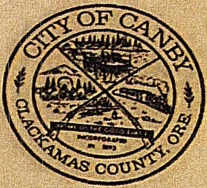
**City of Canby - Attn: City Recorder  
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5/2017

Date Received: 2/6/2020 <sup>MB</sup> Date Appointed: \_\_\_\_\_ Term Expires: \_\_\_\_\_

Date Resigned: \_\_\_\_\_ Destruction Date: \_\_\_\_\_



Reappointment

CITY OF CANBY  
COMMITTEE, BOARD, &  
COUNCIL APPOINTMENT APPLICATION

Date: Jan 22, 2020 Position Applying For: (TRANSIT) CAT COMMITTEE MEMBER  
Name: Elizabeth (Liz) Chapin Occupation: Student transit for Assist  
Home Address: [REDACTED] Canby OR 97013  
Employer: Assist Transcription Inc Position: Driver of Students  
Daytime Phone: [REDACTED] Evening Phone: Same  
E-Mail Address: [REDACTED]

What are your community interests (committees, organizations, special activities)?  
In a book club for 12 years. Lived here for 16 years. On Ford Foundation Leadership team, CAT Committee for 2 or 3 terms.

What are your major interests or concerns in the City's programs? I ~~the~~ am interested in helping CAT find ways to get more people using it. The system we have is great, the community needs to be aware of it.

Reason for your interest in this position: I like to serve the City in this capacity. I am interested in transit and how it has evolved and continues to evolve as Canby grows.

Experience and educational background: I have served at least 2 or 3 terms on CAT Committee previously I have a B.S. in Business. I drive for a living, where I drive students in my own car.

List any other City or County positions on which you serve or have served: None other than 3 terms on CAT + the bike racks project for Canby Ford Foundation Leadership program

Referred by (if applicable): Julie Wehling

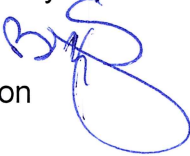
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Note: Information on this form may be available to anyone upon a Public Records Request and may be viewable on the City's web page. 5/2017

Date Received: 1/22/20 Date Appointed: \_\_\_\_\_ Term Expires: \_\_\_\_\_  
Date Resigned: \_\_\_\_\_ Destruction Date: \_\_\_\_\_

# Memo

To: Mayor Brian Hodson & Members of City Council  
From: Bret J. Smith, Chief of Police   
CC: Melissa Bisset, General Administration  
Date: February 19, 2020  
Re: Liquor License Application / Limited On-Premises, Coffee  
Doodle Doo, 264 SE 1<sup>st</sup> Avenue, Canby, Oregon

---

I have reviewed the attached liquor license application completed by Susan Stein, for the business, "Coffee Doodle Doo", located at 264 SE 1<sup>st</sup> Avenue, Canby, Oregon.

On February 19, 2020, I spoke with Susan Stein and we discussed the expectations and responsibilities involving the sale of alcoholic beverages.

As noted in the application, Susan Stein is the Vice President of Stein Oil Co. Inc., and currently holds five (5) liquor licenses for their five (5) convenience stores. She explained, as business, everyone is very experienced in respect to the sale of alcoholic beverages and aware that any employee selling alcoholic beverages must know the laws regulating the sale of alcoholic beverages to include the consequences for failure to comply with rules as set forth by Oregon State Law. She said all staff will be trained on the OLCC laws.

It is my recommendation the Canby City Council approve this application to the Oregon Liquor Control Commission (OLCC).



OREGON LIQUOR CONTROL COMMISSION  
**LIQUOR LICENSE APPLICATION**

2/14/20  
pd \$100.00  
√ #9606  
E.

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

| License Applied For:                                               | CITY AND COUNTY USE ONLY                                                                        |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Brewery 1st Location                      | Date application received and/or date stamp:                                                    |
| <input type="checkbox"/> Brewery 2nd Location                      | Name of City or County:                                                                         |
| <input type="checkbox"/> Brewery 3rd Location                      | Recommends this license be:<br><input type="checkbox"/> Granted <input type="checkbox"/> Denied |
| <input type="checkbox"/> Brewery-Public House 1st Location         | By: _____                                                                                       |
| <input type="checkbox"/> Brewery-Public House 2nd Location         | Date: _____                                                                                     |
| <input type="checkbox"/> Brewery-Public House 3rd Location         | OLCC USE ONLY<br><b>RECEIVED</b><br>Date application received: <u>FEB 07 2020</u>               |
| <input type="checkbox"/> Distillery                                |                                                                                                 |
| <input type="checkbox"/> Full On-Premises, Commercial              | By: _____ Initials: <u>g</u>                                                                    |
| <input type="checkbox"/> Full On-Premises, Caterer                 | Oregon Liquor Control Commission                                                                |
| <input type="checkbox"/> Full On-Premises, Passenger Carrier       | License Action(s):                                                                              |
| <input type="checkbox"/> Full On-Premises, Other Public Location   | <u>N/O</u>                                                                                      |
| <input type="checkbox"/> Full On-Premises, For Profit Private Club |                                                                                                 |
| <input type="checkbox"/> Full On-Premises, Nonprofit Private Club  |                                                                                                 |
| <input type="checkbox"/> Grower Sales Privilege 1st Location       |                                                                                                 |
| <input type="checkbox"/> Grower Sales Privilege 2nd Location       |                                                                                                 |
| <input type="checkbox"/> Grower Sales Privilege 3rd Location       |                                                                                                 |
| <input checked="" type="checkbox"/> Limited On-Premises            |                                                                                                 |
| <input type="checkbox"/> Off-Premises                              |                                                                                                 |
| <input type="checkbox"/> Off-Premises with Fuel Pumps              |                                                                                                 |
| <input type="checkbox"/> Warehouse                                 |                                                                                                 |
| <input type="checkbox"/> Wholesale Malt Beverage & Wine            |                                                                                                 |
| <input type="checkbox"/> Winery 1st Location                       |                                                                                                 |
| <input type="checkbox"/> Winery 2nd Location                       |                                                                                                 |
| <input type="checkbox"/> Winery 3rd Location                       |                                                                                                 |
| <input type="checkbox"/> Winery 4th Location                       |                                                                                                 |
| <input type="checkbox"/> Winery 5th Location                       |                                                                                                 |

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

Stein Oil Co. Inc. \_\_\_\_\_ (Applicant #2)  
 \_\_\_\_\_ (Applicant #1) \_\_\_\_\_ (Applicant #3)  
 \_\_\_\_\_ (Applicant #4)

3. Trade Name of the Business (Name Customers Will See)

Coffee Doodle Doo (DBA)

4. Business Address (Number and Street Address of the Location that will have the liquor license)

264 SE 1st Ave

|       |           |          |
|-------|-----------|----------|
| City  | County    | Zip Code |
| Canby | Clackamas | 97013    |



OREGON LIQUOR CONTROL COMMISSION

# LIQUOR LICENSE APPLICATION

|                                                                                                                                                                            |                 |                                                            |          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------------------------------------------------|----------|
| 5. Trade Name of the Business (Name Customers Will See)<br>Coffee Doodle Doo                                                                                               |                 |                                                            |          |
| 6. Does the business address currently have an OLCC liquor license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                    |                 |                                                            |          |
| 7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                 |                 |                                                            |          |
| 8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your mail)<br>13001 Clackamas River Dr. STE #200 (Corporate Office of Stein Oil Co. Inc.) |                 |                                                            |          |
| City<br>Oregon City                                                                                                                                                        | State<br>Oregon | Zip Code<br>97045                                          |          |
| 9. Phone Number of the Business Location<br>(503) 263-1159                                                                                                                 |                 | 10. Email Contact for this Application<br>sue@steinoil.com |          |
| 11. Contact Person for this Application<br>Susan L. Stein (VP of Stein Oil Co. Inc.)                                                                                       |                 | Phone Number<br>503.656.0375                               |          |
| Contact Person's Mailing Address (if different)<br>Same as Corporate Office of Stein Oil Co. Inc.                                                                          | City            | State                                                      | Zip Code |

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is **prohibited** on the licensed premises.

I attest that all answers on all forms, documents, and information provided to the OLCC are true and complete.

**Applicant Signature(s)**

- Each individual person listed as an applicant must sign the application.
- If an applicant is an entity, such as a corporation or LLC, at least one person who is authorized to sign for the entity must sign the application.
- A person with the authority to sign on behalf of the applicant (such as the applicant's attorney or a person with power of attorney) may sign the application. If a person other than an applicant signs the application, please

Signature authority  


(Applicant#3)

(Applicant#4)



# City of Canby

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

Phone: 503.266.4021  
Fax: 503.266.7961  
www.canbyoregon.gov

## City Council Staff Report

DATE: March 4, 2020  
TO: Honorable Mayor Hodson and City Council  
THRU: Amanda Zeiber, Interim City Administrator  
FROM: Melissa Bisset, City Recorder  
ITEM: Request for Noise Variance

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### Summary

A request has been received from the Canby Gators Swim Club for a noise variance on May 9<sup>th</sup> from 8:00 a.m. – 12:00 p.m.

### Background

The variance is being requested for the North Lake Physical Therapy Gator Grinder Triathlon that will be held on May 9<sup>th</sup>. Noise variances have previously been granted for this event the last several years. No complaints were received after last year's event.

### Discussion

Per [Canby Municipal Code Section 9.48.050B](#), at least 10 days prior to the public hearing a notice was mailed to property owners within 200 feet of the location of the variance, published in the Canby Herald, and posted in various locations around the City. The applicant provided addresses for an area within 600 feet of the event. Section 9.48.050B allows the Council to approve a variance after certain criteria which would apply to the facts of the requested variance are considered by the Council. In granting a variance, the Council shall consider:

- a. The protection of health, safety and welfare of citizens as well as the feasibility and cost of noise abatement;
- b. The surrounding type of existing land uses;
- c. The acoustical nature of the sound emitted; and
- d. Whether variance from the provision would produce a benefit to the public.

If, after review of the evidence submitted by the applicant and hearing any testimony from the public, the Council chooses to allow the variance as requested, a motion to grant the variance would be appropriate.

### Attachments

Letter  
Noise Variance Application  
Public Hearing Notice



**Fiscal Impact**

None

**Options**

1. Approve the Noise Variance Application.
2. Deny the request.

**Recommendation**

Staff recommends Council approve the Noise Variance Application.

**Proposed Motion**

I move to grant a Noise Variance to Canby Swim Club for the North Lake Physical Therapy Gator Grinder Triathlon on May 9<sup>th</sup> from 8:00 a.m. – 12:00 p.m.

1-24-2020

Dear City of Canby,

This is our noise variance application for the 2019 North Lake Physical Therapy Gator Grinder Triathlon.

The event will again be based at the Canby Swim Center on Saturday May 9<sup>th</sup>, 2020 from 7:30 am to 12:00 pm.

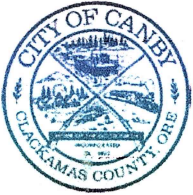
The event is a major fundraiser for the local Canby Swim Club (the Gators) **a non-profit organization**. This is the 16<sup>th</sup> year we have held the event and we have had music at all but the first 2 or 3. The main sound will be created by a DJ who will play music held in the parking lot of the pool during the race hours. The music is usually a combination of Classic Rock/ Oldies and is played at a level where a conversation can be easily held. We are a family event; thus, the music is fitting for all ages, i.e. no profanity etc.

The permit application attached asked for addresses within 200 ft. of the event. There are not a lot of houses in the area due to the schools and vacant lots, so we have secured addresses for an area within 600 ft.

Please let me know if there are any questions or concerns.

Thank you for considering our application.

Steve Pierson – Race Director  
503-708-8601  
spierson@northlakpt.com



**CITY OF CANBY  
NOISE VARIANCE  
APPLICATION  
\$75.00**

|              |     |
|--------------|-----|
| Receipt No:  |     |
| Date Paid:   | N/A |
| Amount Paid: | N/A |

Attn: City Recorder - PO Box 930 -222 NE 2<sup>nd</sup> Avenue - Canby, OR 97013 - 503.266.0733

Applicant Name Steve Pierson [Redacted]

Address [Redacted]

City Canby State OR Zip 97013 Phone [Redacted]

Address of Noise Variance Request Canby Pool 1150 S. Ivy St.

Name of Property/Business Owner of Variance Request Canby Pool, Canby

Type of Event Gator Grinder Triathlon

Date(s) of Event May 9<sup>th</sup> Time of Event 7am Requested Hours of Variance 8-12 Noon

Date(s) of Event \_\_\_\_\_ Time of Event \_\_\_\_\_ Requested Hours of Variance \_\_\_\_\_

Date(s) of Event \_\_\_\_\_ Time of Event \_\_\_\_\_ Requested Hours of Variance \_\_\_\_\_

Acoustical Nature of Sound to be Emitted PA for Awards and Music

Will you be continually present at this activity  Yes  No If No is marked, who is to be the contact should the need arise? \_\_\_\_\_

Additional Comments \_\_\_\_\_

*A list of property owners and their addresses within 200' of the location of the noise variance must be submitted with this application. Canby Municipal Code Chapter 9.48 requires that any person who owns, controls or operates any source which violates provisions of that chapter apply to the City Council for a noise variance.*

*By signing below, I acknowledge that I have read the attached Canby Municipal Code Chapter 9.48 and understand that violations of this chapter are subject to a fine of \$500. Signature of Police Chief or Designee must be obtained prior to submitting Application for Council Approval.*

[Redacted Signature] \_\_\_\_\_  
Signature of Applicant

1-27-20 \_\_\_\_\_  
Date

\_\_\_\_\_  
Police Chief or Designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

# CITY OF CANBY NOTICE OF PUBLIC HEARING - NOISE VARIANCE

**Date and Time Requested for**

**Variations:**

May 9, 2020

8:00 a.m. – 12:00 p.m.

**Address of Variance:**

1150 S Ivy

**Name of Applicant:**

Canby Swim Club

A public hearing conducted by the Canby City Council will be held on Wednesday, March 4, 2020 at 7:00 p.m. in the City Council Chambers located at 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor, Canby, Oregon. The purpose of this hearing is to consider the granting of a Noise Variance to the Canby Swim Club for the North Lake Physical Therapy Gator Grinder Triathlon on May 9, 2020 from 8:00 a.m. – 12:00 p.m.

Dated this 7<sup>th</sup> day of February, 2020.

Melissa Bisset, CMC  
City Recorder



# City of Canby

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## City Council Staff Report

DATE: March 4, 2020  
TO: Honorable Mayor Hodson and City Council  
THRU: Amanda Zeiber, Interim City Administrator  
FROM: Melissa Bisset, City Recorder  
ITEM: Discussion on Noise Ordinance specific to fireworks

---

### Summary

Mayor Hodson brought up the Noise Ordinance briefly on February 5<sup>th</sup>, 2020 to see if there was interest from the Council in opening it up for changes. Council felt that they would like to have discussion on the topic specific to fireworks at a future meeting.

### Background

A Noise Ordinance was first adopted in Canby in 1962. In 1995 the noise ordinance was codified in the [Canby Municipal Code](#) Chapter 9.48 through Ordinance No. 937. It has been amended by the following Ordinances: 1373, 1450, 1465 and 1489 (not included in online code- See attachment).

### Attachments

Ordinance No. 1489.

## ORDINANCE NO. 1489

### AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 9.48.050(A) REGARDING NOISE VARIANCE EXCEPTIONS; AND DECLARING AN EMERGENCY

WHEREAS, the City of Canby currently has a noise variance ordinance; and

WHEREAS, the City of Canby desires to amend the ordinance to add language exempting sounds, including the discharge of fireworks and other explosive devices, created from City, Canby Fire District or Canby School District sanctioned events from the requirement of obtaining a noise variance.

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

**Section 1.** The Canby Municipal Code (CMC) Chapter 9.48.050(A) is hereby amended to read as follows:

§ 9.48.050 Exceptions and variances.

- A. Exceptions. The following sounds are exempted from the provisions of this chapter:
1. Sounds caused by the performance of emergency work, vehicles and/or equipment;
  2. Aircraft operations in compliance with applicable federal laws or regulations;
  3. Railroad activities as defined in Subpart A, Part 201 of Title 40, CER of the Environmental Protection Agency's railroad emission standards, incorporated herein by reference;
  4. Sounds produced by sound-amplifying equipment at activities, **including fireworks and other explosive devices at football games**, sponsored by Canby School District between 7:00 a.m. and ~~12:00 p.m.~~ midnight, local time;
  5. Sounds created by refuse pickup operations during the period of 6:00 a.m. to 10:00 p.m., local time;
  6. Sounds created by domestic power tools during the period 7:00 a.m. to 10:00 p.m., local time, provided sound-dissipating devices on tools so equipped are maintained in good repair;
  7. Sounds made by warning devices operating continuously for 5 minutes or less;
  8. Idling motor vehicles, including compressors on refrigerated trailers, within a Gross Vehicle Weight Rating (CVWR) of 8,000 pounds or greater between the hours of 7:00 a.m. to 10:00 p.m., local time, provided

- they are equipped with an exhaust system which is in good working order and in constant operation;
9. Sounds created at the Clackamas County Fairgrounds as a result of events sanctioned by the Clackamas County Fair Board;
  10. Sounds caused by business operations in the commercial and industrial zones, provided the sounds result from lawful commercial business activity or manufacturing operations;
  11. Construction activities during the period of 7:00 a.m. to 10:00 p.m., local time, provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order; and
  12. Sounds caused by city maintenance equipment between the hours of 7:00 a.m. and 10:00 p.m.; and
  13. Sounds created from city sanctioned events in the Downtown Commercial zone; and
  14. Sounds, including the discharge of fireworks and other explosive devices, created from City and Canby Fire District sanctioned events.

**Section 2.** Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to enact this ordinance as soon as possible due to events scheduled in early September, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, August 1, 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, August 15, 2018, commencing at the hour of 7:00 p.m. in the Council Meeting Chambers located at 222 NW 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor, Canby, Oregon.

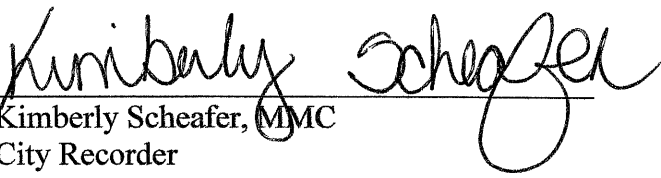
  
Kimberly Scheafer, MMC  
City Recorder

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on August 15, 2018 by the following vote:

YEAS 5 NAYS 1

  
\_\_\_\_\_  
Brian Hodson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder