



AGENDA

CANBY CITY COUNCIL REGULAR MEETING

December 5, 2012

7:30 PM

Council Chambers

155 NW 2nd Avenue

Mayor Randy Carson

Council President Walt Daniels

Councilor Richard Ares

Councilor Tim Dale

Councilor Traci Hensley

Councilor Brian Hodson

Councilor Greg Parker

CITY COUNCIL REGULAR MEETING

1. CALL TO ORDER

- A. Pledge of Allegiance and Moment of Silence
- B. Community Food & Toy Drive Sponsored by Canby Kiwanis Proclamation Pg. 1
- C. Mayor & Council Election Proclamation Pg. 2
- D. Measure 3-408 Proclamation Pg. 3
- E. Findings, Conclusion & Final Order TA 12-01/ZC 12-02 Pg. 7

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

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

- A. Approval of Minutes of the November 7, 2012 City Council Regular Meeting
- B. Approval of Minutes of the November 21, 2012 City Council Regular Meeting
- C. Appointments to Planning Commission Pg. 19
- D. Change of Ownership Liquor License Application for 76 Food Mart of Canby Pg. 21

7. PUBLIC HEARING

- A. CPA 12-02/TA 12-03 OR 99E Corridor & Gateway Design Plan Pg. 23

8. RESOLUTIONS & ORDINANCES

- A. Res. 1146, Accepting the Results of the November 6, 2012 Election, Proclaiming Annexation into the City of 0.79 Acres Pg. 61
- B. Ord. 1365, Amending Title 16, Chapter 16.41 of the Canby Municipal Code Concerning the Subarea Boundary of the Canby Downtown Overlay Zone (2nd Reading) Pg. 65
- C. Ord. 1367, Authorizing Contract with Kennedy/Jenks Consultants in the amount of \$104,000 for Engineering and Consulting Services to complete the 2013 City of Canby for Stormwater Master Plan Pg. 67
- D. Ord. 1368, Adopting the Canby OR 99E Corridor and Gateway Plan, Amending Canby's Comprehensive Plan Text, Transportation System Plan, and Title 16 of the Canby Municipal Code Pg. 24

9. NEW BUSINESS

- A. Cancellation of December 19, 2012 Meeting

10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

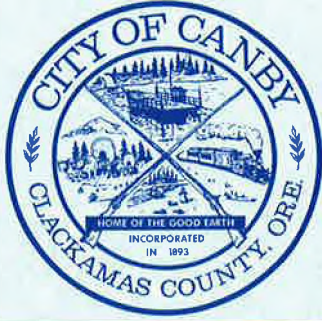
11. CITIZEN INPUT

12. ACTION REVIEW

13. EXECUTIVE SESSION: ORS 192.660(2)(h) Pending Litigation

14. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer, MMC, City Recorder at 503.266.4021 ext. 233. A copy of this Agenda can be found on the City's web page at www.ci.canby.or.us. City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.



Office of the Mayor

Proclamation

Canby Community Food & Toy Drive

Sponsored by Canby Kiwanis

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

WHEREAS, by way of this Proclamation, the City of Canby recognizes that greater public awareness and involvement is needed in order for such programs to achieve their highest potential in providing and promoting joy to each household in this community; and

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

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

NOW, THEREFORE, I, Randy Carson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim December 9 through December 15, 2012 as:

CANBY COMMUNITY FOOD & TOY DRIVE WEEK SPONSORED BY CANBY KIWANIS

and urge all people of the City of Canby to observe this time by participating in this toy and food drive, helping to provide assurance that each family may have a twinkle in their eye this holiday season

Given unto my hand this 5th day of December, 2012.



Randy Carson
Mayor



Office of the Mayor

Proclamation

“Mayor & Council Election”

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 6, 2012, and

WHEREAS, the Clackamas County Elections Department offers the following abstract as an official count of votes as of November 20, 2012:

MAYOR - Brian Hodson - 3,545
 Randy Carson - 2,826
 Write-In - 40
 Over Votes -7
 Under Votes - 789

CITY COUNCIL - Tim Dale - 3,969
 Traci Hensley - 3,935
 Ken Rider - 3,403
 Write-In - 308
 Over Votes - 1
 Under Votes -10,003

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

NOW, THEREFORE, I, Randy Carson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Elections Division dated November 20, 2012.

Dated this 5th day of December 2012.

Randy Carson
Mayor



Canvass Report — Total Voters — Official
Clackamas County, Oregon — General Election — November 06, 2012

Page 64 of 174

11/20/2012 10:40 AM

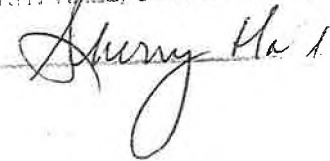
Total Number of Voters: 191,126 of 229,236 = 83.38%

Precincts Reporting 118 of 118 = 100.00%

City of Canby, Mayor

| Precinct | Blank Ballots Cast | Over Votes | Under Votes | Total Ballots Cast | Registered Voters | Percent Turnout | Brian D Hodson | Randy Carson | Write-Ins | Totals |
|----------------|--------------------------|---------------|----------------|--------------------------|----------------------|--------------------|----------------|--------------|-----------|--------------|
| 122 | 0 | 4 | 271 | 2,423 | 2,893 | 83.75% | 1,232 | 896 | 20 | 2,148 |
| 124 | 0 | 0 | 200 | 2,050 | 2,321 | 88.32% | 989 | 851 | 10 | 1,850 |
| 125 | 0 | 3 | 318 | 2,734 | 3,286 | 83.20% | 1,324 | 1,079 | 10 | 2,413 |
| Totals: | 0 | 7 | 789 | 7,207 | 8,500 | | 3,545 | 2,826 | 40 | 6,411 |

CERTIFIED COPY OF THE ORIGINAL
 SHERIFF HALL, COUNTY CLERK

BY: 

RECEIVED
NOV 26 2012
CITY OF CANBY

Canvass Report — Total Voters — Official
Clackamas County, Oregon — General Election — November 06, 2012
 Page 65 of 174

11/20/2012 10:40 AM

Precincts Reporting 118 of 118 = 100.00%

Total Number of Voters: 191,126 of 229,236 = 83.38%

City of Canby, Councilor

| Precinct | Blank Ballots Cast | Over Votes | Under Votes | Total Ballots Cast | Registered Voters | Percent Turnout | Tim Dale | Traci Hensley | Ken Rider | Write-Ins | Totals |
|----------------|--------------------------|---------------|----------------|--------------------------|----------------------|--------------------|--------------|---------------|--------------|------------|---------------|
| 122 | 0 | 1 | 3,261 | 2,423 | 2,893 | 83.75% | 1,373 | 1,359 | 1,157 | 116 | 4,005 |
| 124 | 0 | 0 | 2,868 | 2,050 | 2,321 | 88.32% | 1,126 | 1,119 | 949 | 88 | 3,282 |
| 125 | 0 | 0 | 3,874 | 2,734 | 3,286 | 83.20% | 1,470 | 1,457 | 1,297 | 104 | 4,328 |
| Totals: | 0 | 1 | 10,003 | 7,207 | 8,500 | | 3,969 | 3,935 | 3,403 | 308 | 11,615 |

CEIFIED COPY OF TI ORIGINAL
 CHERRY HALL, COUNTY CLERK

Sherry Hall

RECEIVED

NOV 26 2012

CITY OF CANBY



Office of the Mayor

Proclamation

«Measure 3-408 Election Results»

WHEREAS, the City of Canby, County of Clackamas, Oregon, placed a measure on the General Election ballot on November 6, 2012, to consider the following measure:

MEASURE NO. 3-408

SHALL 0.79 ACRES LOCATED ADJACENT TO THE SOUTH OF HOPE VILLAGE, ON S. IVY STREET, BE ANNEXED INTO CANBY?

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the General Election on November 6, 2012.

YES - 5,418

NO - 1,396

Over Votes - 1

Under Votes - 392

NOW, THEREFORE, I, Randy Carson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 20, 2012.

Dated this 5th day of December, 2012.

Randy Carson
Mayor



Canvass Report — Total Voters — Official
Clackamas County, Oregon — General Election — November 06, 2012
 Page 159 of 174

11/20/2012 10:40 AM

Precincts Reporting 118 of 118 = 100.00%

Total Number of Voters: 191,126 of 229,236 = 83.38%

3-408 City of Canby: Measure approving Annexation of 0.79 Acres into City of Canby

| Precinct | Blank Ballots Cast | Over Votes | Under Votes | Total Ballots Cast | Registered Voters | Percent Turnout | YES | NO | Totals |
|----------------|--------------------------|---------------|----------------|--------------------------|----------------------|--------------------|--------------|--------------|--------------|
| 122 | 0 | 1 | 138 | 2,423 | 2,893 | 83.75% | 1,782 | 502 | 2,284 |
| 124 | 0 | 0 | 98 | 2,050 | 2,321 | 88.32% | 1,628 | 324 | 1,952 |
| 125 | 0 | 0 | 156 | 2,734 | 3,286 | 83.20% | 2,008 | 570 | 2,578 |
| Totals: | 0 | 1 | 392 | 7,207 | 8,500 | | 5,418 | 1,396 | 6,814 |

CERTIFIED COPY OF THE ORIGINAL
 CLACKAMAS COUNTY CLERK

Sherry Hall

RECEIVED
NOV 26 2012
CITY OF CANBY

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

In Re:

| | | |
|--|----------|-----------------------------------|
| Application of Great Basin Engineering, |) | FINDINGS, CONCLUSION & |
| for Text and Map Amendments |) | FINAL ORDER |
| |) | |
| |) | TA 12-01/ZC 12-02/DR 12-03 |
| |) | |

NATURE OF THE APPLICATION

Great Basin Engineering (“Applicant”) seeks three consolidated approvals from the City of Canby (“City”) for (1) Text Amendment #TA 12-01 seeking to adjust the subarea boundary of the Downtown Canby Overlay Zone (“DCO”) from Core Commercial (“CC”) to Outer Highway Commercial (“OHC”) (“Text Amendment”); (2) Zoning Map Amendment #ZC 12-02 corresponding to the requested Text Amendment (“Map Amendment”); and (3) Site Design Review #DR 12-03 for construction of the six unit fuel-dispensing station (“SDR”). The approvals involve property described as Tax Lots 100, 200, 300, 2200, and 2300 in Section 33 of Township 3 South, Range 1 East, Clackamas County, Oregon (the “Property”). The Property is zoned Highway Commercial (“C-2”) under the Canby Municipal Code (“CMC”).

HEARINGS

The Planning Commission considered applications TA 12-01 and ZC 12-02 after duly noticed hearings on July 23, 2012, September 24, 2012, and October 22, 2012. The City Council after duly noticed hearings on November 7, 2012 and December 5, 2012 approved the applications for TA 12-01 and ZC 12-02. These findings and conclusions support the City Council’s decision on TA 12-01 and ZC 12-02. The public hearing for DR 12-03 was deferred pending City Council action on TA 12-01 and ZC 12-02, and will be heard by the Planning Commission at a later date.

CRITERIA AND STANDARDS

CMC 16.88.160(D) Amendments to Text of Title

In judging whether or not this title should be amended or changed, the Planning Commission and City Council shall consider:

1. The Comprehensive Plan of the City, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development.
2. A public need for the change.

3. Whether the proposed change will serve the public need better than any other change which might be expected to be made.
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community.
5. Statewide planning goals.

CMC 16.88.180(D) Comprehensive Plan Map Amendments

In judging whether quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

1. The remainder of the Comprehensive Plan of the city, as well as the plans and policies of the county, state, or any local school or service districts which may be affected by the amendments.
2. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area.

CMC 16.54.040 Zoning Map Amendments

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

1. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development.
2. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

FINDINGS AND CONCLUSIONS

After hearing testimony on November 7, 2012 and taking into consideration the Planning Commission's recommendation, the City Council voted to approve the Applicant's request for ZC 12-02 and TA 12-01. In support of its decision, the City Council adopts the findings set forth in this document and incorporates as additional findings the text amendment staff report for File TA 12-01, Supplemental Recommendations and Findings dated July 12, 2012, and the letters containing findings proposed by Stoel Rives LLP dated September 4, 2012, and October 15, 2012. The City Council adopts the findings and reasons set forth in the above-referenced materials to the extent that they do not conflict with the following supplemental findings contained within this document.

The criteria set forth below require the City Council to consider and weigh certain factors when making its decision. These factors are matters for consideration as part of making the land use approval decision. After considering these factors, the City Council approves TA 12-01 and ZC 12-02 as further discussed below.

The City Council makes the following findings and conclusions:

Findings for Compliance with CMC 16.88.160(D) (Text Amendment):

In judging whether or not this title should be amended or changed, the Planning Commission and City Council shall consider:

1. *The Comprehensive Plan of the City, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development.*

The proposed amendment is limited in scope. The proposal would make the transition from the CC subarea of the DCO to the HC subarea of the DCO approximately 950 feet east of the Ivy Street intersection with Oregon State Highway 99E rather than 1,100 feet. This is a difference of approximately 150 feet over the length of the entire DCO. In the context of the overlays, the amendments are de minimis. It is also located in an area remote from the core of the DCO and thus justifies the amendment. This minor change has a positive effect upon the City's ability to preserve functions and local aspects of land conservation and development and in addition, furthers the objectives of the DCO. To further elaborate, the following findings are made with respect to the City's Comprehensive Plan:

Citizen Involvement: The acknowledged Comprehensive Plan and Zoning Code contain procedures for review and approval of the proposed text and map amendments. The City conducted its review process in accordance with those procedures, including required notices and public hearings, which constitutes compliance with the citizen involvement element. This proposal does not involve any attempt to alter the approved procedures for citizen involvement.

Urban Growth Element: The amendments have no effect upon the urban growth element. The proposal does not redesignate any agricultural or forest land and it simply constitutes an amendment as to the way in which land that is already urbanized is regulated.

Land Use Element: The proposed amendments are consistent with the land use element since they contribute to the orderly and efficient regulation of land. The amendments do not change the underlying zone but simply change the design standards under which development can take place on the Property.

Environmental Concerns Element: The amendments have no effect upon identified natural resources, historical resources or natural hazard areas. They make no change to

the underlying zone and allow for development which is contemplated at the Property by the underlying zone.

Transportation Element: The proposed amendment has no impact upon the transportation demand created by the base zone. It simply regulates the design of the uses that are already allowed within the Property's base zone designation. The CMC provides guidance as to consideration of transportation issues:

CMC 16.08.150(A)

The purpose of this section of the code is to implement Section 660-012-0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards to determine when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what information must be included in a Traffic Impact Study; and who is qualified to prepare the Study.

The amendments do not trigger analysis under the Transportation Planning Rule ("TPR"). The TPR (OAR 660-012-0060) requires analysis and mitigation "[i]f an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility." Here, the amendments do not change the underlying base zone or the overlay zone, but rather simply adjust the boundaries between two design subareas of the overlay zone. The proposal does not change any functional classifications of existing or planned transportation facilities nor does it change the standards implementing the City's functional classification system for roadways.

It also would not change the trip generation potential in the C-2 zone (the underlying base zone), so it would not cause any change in the performance of existing or proposed facilities. Further, the City's findings supporting the adoption of the DCO noted that "all required public facilities and services either exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted in the new [DCO]." This means that there was no change in transportation impact caused by implementing the DCO, meaning there would be no impact in changing the Property from CC to OHC. Thus, the proposed change from CC to OHC (both of which are design subareas of the DCO) will not result in increased traffic potential and therefore will not significantly affect the transportation facility.

Applicant provided a Transportation Impact Analysis ("TIA") for the amendments. The requirements of CMC 16.08.150 have been addressed and are satisfied, and in doing so, the City Council has adequately addressed the Transportation Element.

Public Facilities and Services Element: The amendments have no effect upon public facilities and services. The Property is presently served by adequate public facilities and services, including transportation facilities as described above.

Economic Element: The amendments will make the Property more attractive to development and thereby diversify and improve the economy of the City. This element is met.

Housing Element: The amendments have no effect upon the housing element.

Energy Conservation Element: The DCO fosters energy conservation by concentrating pedestrian-oriented uses within the CC subarea; however, the Property is located far enough from the center of the commercial core to be dilutive rather than contributory as a pedestrian destination. The DCO supports the CC design objectives uses by fostering complementary, but more auto-oriented design features in the OHC subarea. The proposed change conserves energy by bringing such complimentary development conveniently adjacent to the CC subarea, reducing travel distances for vehicle trips to meet the needs of the public.

Since the City's Comprehensive Plan is in compliance with the statewide planning goals, the statewide policies have also been satisfied. See also the statewide planning goal findings set forth below. There are no identified county and local district, service district, or school district policies that are applicable to the proposed amendments. The City Council finds that the 99E Corridor and Gateway Design Plan is not yet adopted and is therefore not a criterion for this application.

2. *A public need for the change.*

The public need for the change is evidenced by the fact that development has not occurred on the Property over many years. The Property is located away from the core area of the City and is on the edge of the OHC. The amendments will make development and private investment on the Property more attractive, and through private investment and redevelopment of the Property, the downtown core will be enhanced. Without the amendments, the attractiveness for the Property is diminished and the parcels are more likely to remain undeveloped within the DCO, which will diminish the ability of the downtown core to prosper. Accordingly, there is a public need for the change.

3. *Whether the proposed change will serve the public need better than any other change which might be expected to be made.*

The amendments make a minor modification to the existing design subareas within the DCO. It is a small change to facilitate development of underutilized land and it responds to a public need. It is the most appropriately-scaled change to facilitate the Property's development. Thus, the amendments will serve the public better than any other change that might be expected to be made.

4. *Whether the change will preserve and protect the health, safety and general welfare of the residents in the community.*

The Property is located in the DCO, which was adopted to, among other things, promote the health, safety, and welfare of the residents in the community. The amendments make the simple change of allowing for the possibility of additional development on the Property by adjusting the boundaries of the OHC and CC design subareas, which will be to the benefit of the citizens. The change is minor and does not change the underlying uses allowed on the Property, consequently the amendments will have no greater impact than what is already allowed on the land. Therefore, the amendments will preserve and protect the health, safety, and general welfare of the residents of the community. See also the findings for the Statewide Planning Goals and the City's Comprehensive Plan.

5. *Statewide planning goals.*

The City Council has considered the statewide planning goals in making its decision when it addressed the goals and policies of the City Comprehensive Plan. However, to further elaborate, the following findings are made with respect to the statewide planning goals.

Goal 1 Citizen Involvement: The acknowledged Canby Comprehensive Plan and Zoning Code contain procedures for review and approval of the amendments. Conduct of the review process in accordance with those procedures, including required notices and public hearings, constitutes compliance with Statewide Goal 1. This proposal does not involve any attempt to alter the approved procedures for citizen involvement.

Goal 2 Land Use Planning: Applicant has analyzed the amendments against the applicable approval criteria, the mechanism for ensuring that the proposed changes maintain consistency with State and City policy frameworks for land use management. The Property is located in an urban area, within the City Urban Growth Boundary and City Limits. No resource land designations are affected, and so there is no need for an Exception to Statewide Goal 2. The proposal is consistent with Statewide Goal 2.

Goal 3 Agricultural Lands and Goal 4 Forest Lands: Goals 3 and 4 are not applicable because the Property is not designated for resource use. The Property is located in an urban area, within the City Urban Growth Boundary and City Limits.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces: No significant Goal 5 resources have been identified within the Property or its immediate vicinity. The proposed amendments will have no impact with respect to Goal 5 resource protections or policies.

Goal 6 Air, Water and Land Resources Quality: The proposed amendments will affect only the 0.75 acre Property and will not alter the range of commercial uses allowed in the Property's C-2 base zoning. Instead, the amendments will primarily affect the set of design and development standards with which the Property must comply when urban

development occurs. No greater impacts will occur than those allowed under the base zone and therefore, the proposed amendments will have no significant impact on air, water and land resources quality.

Goal 7 Areas Subject to Natural Hazards: The Property is not located in an area with known natural hazards. This Goal is not applicable to the Property and is not affected by the proposed change.

Goal 8 Recreational Needs: The Property does not have suitable characteristics for recreational use or destination resort siting. This Goal is not applicable to the Property and is not affected by the proposed change.

Goal 9 Economic Development: The Property is suitable, and is zoned for, urban commercial use. It is adjacent to the primary road through the City, SE 1st Avenue (Oregon State Highway 99E) at the eastern edge of the designated CC design subarea of the DCO. However, development of the 0.75-acre Property has yet to occur. The proposed amendments to place the Property in the OHC design subarea of the DCO can reasonably be expected to spur development and commercial use of the Property, which will contribute to economic development in the Canby community as well as the State of Oregon.

Goal 10 Housing: This Goal is specifically applicable to urban areas zoned for residential use. It is not applicable to the Property and will not be affected by the proposed change.

Goal 11 Public Facilities and Services: Public services are available to serve the Property. Because the proposed change will primarily affect the design requirements that will apply to development of the Property, rather than altering the set of land uses to which it may be put, it will not alter demand for public facilities and services. The amendments will therefore not affect the City of Canby's compliance with this Goal.

Goal 12 Transportation: The Property is located on the south side of Oregon Highway 99E, at the eastern edge of the City CC design subarea of the DCO. Auto-oriented development, including a fuel station, is located to both the east and west of the Property. It is located approximately 1,700 feet east of the City's designated Primary Gateway intersection (Highway 99E and Grant Street), and over 900 feet east of the nearest City-designated Secondary Gateway intersection (Highway 99E and Ivy Street). The Property is relatively far from these critical pedestrian activity centers. Given the nature of development moving farther east and away from the gateway intersections, it seems unlikely for the Property to be able to support pedestrian-oriented uses. Thus, allowing development of the 0.75-acre Property under OHC design requirements will enable the Property to serve the commercial needs of the public, including motorists, without compromising or diluting the City's aspirations for the CC design subarea. The proposed amendments will have no significant effect on transportation network safety or capacity. As additional findings, see the findings under the Transportation Element of City's Comprehensive Plan above, and the findings for CMC 16.88.190.

Goal 13 Energy Conservation: The 0.75-acre Property is located within a designated urban commercial corridor along busy Oregon State Highway 99E. The amendments will affect its design/development standards rather than the set of land uses allowed in its base zone. Therefore, due to its small size and corridor location, the amendments will positively impact patterns of energy consumption or conservation.

Goal 14 Urbanization: The Property is not designated as an Urban Reserve or as a Rural Reserve. It is located within the urban area of the City of Canby.

Goal 15 Willamette River Greenway: This Goal is not applicable because the Property is not located within or near the Willamette River Greenway.

Goals 16-19 are not applicable because the Property is not located in a coastal or estuarine area.

Findings for Compliance with CMC 16.88.180(D) (Comprehensive Plan Map Amendment):

In judging whether quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

1. *The remainder of the Comprehensive Plan of the city, as well as the plans and policies of the county, state, or any local school or service districts which may be affected by the amendments.*

The City Council incorporates the City Comprehensive Plan and Statewide Planning Goals findings set forth above, as well as the findings for CMC 16.88.160(D), to demonstrate that the proposed amendments satisfy CMC 16.88.180(D).

2. *Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area.*

The Property is served by municipal sewer and water services and is supported by an adequate transportation system, as described above in response to CMC 16.18.160 and CMC 16.08.150(A). The proposal does not change the allowed use, only the design standards that apply to the Property. Thus, with the same base zone, the amendments do not impact required public facilities, all of which are available. Appropriate extensions of the public facilities, to the extent necessary, will be required at the time of development.

Findings for Compliance with CMC 16.88.190 (Conformance with Transportation System Plan)

The City finds that CMC 16.88.190 does not apply to the amendments because the proposed amendments would not significantly affect a transportation facility. The City provides the following under CMCM 16.88.190(A) to support its finding.

- A. *A plan or land use regulation amendment significantly affects a transportation facility if it:*
1. *Changes the functional classification of an existing or planned transportation facility;*
 2. *Changes standards implementing a functional classification system;*
 3. *Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or*
 4. *Would reduce the level of service of the facility below that minimum acceptable level identified in the Transportation System Plan.*

As described under the City's findings for CMC 16.88.160(D)(1) and 16.08.150(A), the amendments would not significantly affect an existing or planned transportation facility. The amendments do not change the underlying base zone or the overlay zone, but rather simply adjust the boundaries between two design subareas of the overlay zone. The proposal does not change any functional classifications of existing or planned transportation facilities nor does it change the standards implementing the City's functional classification system for roadways.

It also would not change the trip generation potential in the C-2 zone (the underlying base zone), so it would not cause any change in the performance of existing or proposed facilities. Further, the City's findings supporting the adoption of the DCO noted that "all required public facilities and services either exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted in the new [DCO]." This means that there was no change in transportation impact caused by implementing the DCO, meaning there would be no impact in changing the Property from CC to OHC. Thus, the proposed change from CC to OHC (both of which are design subareas of the DCO) will not result in increased traffic potential and therefore will not significantly affect the transportation corridors. Therefore, the City finds that the amendments are not subject to CMC 16.88.190(B) or (C) and no further analysis is required.

Findings for Compliance with CMC 16.54.040 (Zoning Map Amendment):

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- A. *The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development.*

The goal of the City's Land Use Element is "to guide the development and uses of land so that they are orderly, efficient, aesthetically pleasing, and suitably related to one another." Policy 6 of the Land Use Element requires that the City "recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas." The City identified "Areas of Special Concern" to implement Policy 6. Development proposals, even those that appear to conform with the existing zoning, will be considered to conform with the City Comprehensive Plan only if the proposal also meets the applicable Area of Special Concern requirements. The Property is not located in an Area of Special Concern, therefore only the requirements of the underlying zone control. See Attachment 1 containing the Areas of Special Concern Map from the Comprehensive Plan.

The City incorporates by reference the findings in response to CMC 16.88.160 and 16.88.180 to demonstrate that the amendments comply with the goals and policies of the Comprehensive Plan and Statewide Planning Goals. There are no identified county and local district, service district, or school district policies that are applicable to the proposed amendments. The City Council finds that the 99E Corridor and Gateway Design Plan is not yet adopted and is therefore not a criterion for this application.

- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.*

The amendments would not result in a new zoning designation: the Property would remain within the C-2 base zone and subject to the DCO overlay zone. The proposed change would modify the boundaries of the CC and OHC design subareas to include the Property within the OHC design subarea. Regardless, the City finds, as described in CMC 16.88.180(B), that the Property is served by municipal sewer and water services and is supported by an adequate transportation system. With the same base zone, the amendments do not impact required public facilities, all of which are available. Any extension of public facilities, to the extent necessary, will be required at the time of development.

Findings regarding CMC 16.54.060 Improvement Conditions

- A. In acting on an application for a zone change, the Planning Commission may recommend and the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change. Allowable conditions of approval may include, but are not necessarily limited to:*

- 1. Street and sidewalk construction or improvements;*

2. *Extension of water, sewer, or other forms of utility lines;*
3. *Installation of fire hydrants.*

The City finds that no conditions are warranted under CMC 16.54.060(A) because the amendments will not impact required public facilities, all of which are available to the Property. To the extent that such improvements or extensions may be required, the SDR will address whether conditions for the Property's future development is warranted.

DECISION AND CONDITIONS OF APPROVAL

The Text Amendment and Map Amendment, as described in TA 12-01 and ZC 12-02, are approved as proposed. No conditions of approval are imposed.

ORDER

IT IS ORDERED BY THE CITY COUNCIL of the City of Canby that TA 12-01 and ZC 12-02 is approved with no conditions of approval and is implemented through Ordinance 1365.

I CERTIFY THAT THIS ORDER for TA 12-01 and ZC 12-02 was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 5th day of December, 2012.

Randy Carson
Mayor

Bryan Brown
Planning Director

ATTEST:

ORAL DECISION - November 7, 2012

AYES: Ares, Hensley, Hodson, Parker, Dale

NOES: Daniels

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS - December 5, 2012

AYES:

NOES:

ABSTAIN:

ABSENT:

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

Instructions: By using either your tab key or arrow keys, navigate to each field and type in your information. When complete, save the document to your computer and either mail, fax or email to the addresses listed below.

Date: 1/31/12

Name: Shawn Hensley

Occupation: Metal Fab

Home Address:

Employer: GK Machine Inc.

Position: programmer/job estimator

Daytime Phone:

Evening Phone:

E-Mail Address:

For which position are you applying? Planning Commision

What are your community interests (committees, organizations, special activities)? I am a member of the American Legion, pertisapate in Relay for Life, involved with my church and currently in Ford Institute for comunnity building leadership program.

Experience and educational background: Graduated from Canby High School and have some college experience.

Reason for your interest in this position: To be more involved in the community and it's betterment.

List any other City or County positions on which you serve or have served: none

Information on any special membership requirements:

Referred by (if applicable):

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

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

Please return to: City of Canby
Attn: City Recorder
182 N Holly Street
PO Box 930
Canby, OR 97013

Phone: 503.266.4021 Fax: 503.266.7961 Email: scheaferk@ci.canby.or.us

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

12-4-07

RECEIVED

JAN 31 2012

CITY OF CANBY

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

Instructions: By using either your tab key or arrow keys, navigate to each field and type in your information. When complete, save the document to your computer and either mail, fax or email to the addresses listed below.

Date: 11/7/12

Name: John Savory Occupation: Business Owner

Home Address:

Employer: Southwest Office Supply Position: President

Daytime Phone: Evening Phone:

E-Mail Address:

For which position are you applying? City of Canby Planning Commission Board

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

Making Canby a great place to raise a family

Experience and educational background:

HS: Franklin HS (Portland), University of Oregon, B.S. Pol. Sci, Class of 1972

Reason for your interest in this position:

Canby has been our home for nearly 20 years & I want to see stable, planned growth that benefits all citizens

List any other City or County positions on which you serve or have served: None

Information on any special membership requirements:

Referred by (if applicable):

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

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

Please return to: City of Canby
Attn: City Recorder
182 N Holly Street
PO Box 930
Canby, OR 97013

Phone: 503.266.4021 Fax: 503.266.7961 Email: scheaferk@ci.canby.or.us

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

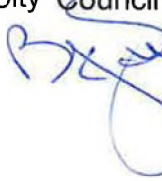
12-4-07

RECEIVED

NOV 08 2012

CITY OF CANBY

Memo

To: Mayor Carson & Members of City Council
From: Bret J. Smith, Chief of Police 
CC: Kim Scheafer, City Recorder
Date: November 28, 2012
Re: Liquor License Application / 76 of Canby

I have reviewed the attached liquor license application completed by the applicant, Mr. Amandeep Virk, for business, The 76 Gas Station of Canby, located at 453 SE First Ave, Canby, Oregon.

In addition, I have spoken with applicant Amandeep Virk and we discussed the laws involving the sale of alcoholic beverages. He told me he is familiar with the Oregon liquor laws, stating he is of the owner of another similar retail store in the City of West Linn, Oregon, that sell alcoholic beverages. He said he has received training regarding the laws involving the serving of alcoholic beverages and he understands the consequences for failure to comply with the rules as set forth by Oregon State law. He said he will continue to work closely with OLCC as it relates to training for his employees on pertinent laws involving alcohol related issues.

Amandeep Virk is requesting a "Change of Ownership" at the business that has a current liquor license.

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



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

RECEIVED

NOV 14 2012

CITY OF CANBY

pd \$15.00
cc print
11/20/12
L

Application is being made for:

LICENSE TYPES

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

ACTIONS

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

CITY AND COUNTY USE ONLY

Date application received: 11/14/12

The City Council or County Commission:

City of Canby
(name of city or county)

recommends that this license be:

☐ Granted ☐ Denied

By: _____
(signature) (date)

Name: Randy Carson

Title: Mayor

OLCC USE ONLY

Application Rec'd by: M. LeClair

Date: 11-14-12

90-day authority: ☐ Yes ☐ No

90-DAY AUTHORITY

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

APPLYING AS:

☐ Limited Partnership ☒ Corporation ☐ Limited Liability Company ☐ Individuals

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

① Virk Petroleum ③ _____

② _____ ④ _____

2. Trade Name (dba): Food Mart of Canby 76 Food Mart of Canby

3. Business Location: 453 SE 1st Ave., Canby, OR
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 453 SE 1st Ave., Canby, OR 97013
(PO box, number, street, rural route) (city) (state) (ZIP code)

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

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

7. If yes to whom: Pacific Northwest Petroleum, Inc. Type of License: Off-Premises

8. Former Business Name: Great Dane Petroleum, Inc.
Great Dane Petroleum

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

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

11. Contact person for this application: Amandeep Virk
(name) (phone number(s))

(address)

(fax number)

(e-mail address)

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

Applicant(s) Signature(s) and Date:

① [Signature] Date 11/11/12 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____



M E M O R A N D U M

TO: *Mayor Carson and City Councilors*
FROM: *Matilda Deas, AICP, Senior Planner*
THROUGH: *Greg Ellis, City Administrator*
DATE: *November 26, 2012 for Council Meeting December 5, 2012*

Issue:

Adoption of the Canby OR 99E Corridor and Gateway Design Plan (Plan) which will update the Comprehensive Plan text, and modify several sections of the City's Land Development and Planning Ordinance and Transportation System Plan in order to implement the Plan.

Summary:

The Canby OR 99E Corridor and Gateway Plan (Plan) was recently completed by the City of Canby and will guide future improvements on the section of OR 99E within city limits. The Plan sets forth streetscape and gateway design elements that reflect the city's "Canby The Garden Spot" theme to enhance motorist awareness as they transition from rural to urban Canby and to support community livability.

The Plan was prepared with public and agency participation and received input from the Gateway Plan Advisory Committee (GPAC), which was formed specifically to advise the City and consultant team on the preparation of the Plan. The Plan also received input from interested citizens through community open houses, workshops and individual stakeholder interviews.

The Plan supplements the recently adopted Updated Transportation System Plan (TSP). It replaces the standard cross-sections for OR 99E within Canby city limits, refines the non-capacity improvements for the designated Special Transportation Area (STA) on OR 99E between Elm and Locust Streets, and identifies additional corridor and improvements outside the STA.

Recommendation:

The Planning Commission held a public hearing on the Plan at their November 21st meeting and voted unanimously to forward a recommendation of approval to the Council with the following amendment to Guiding Principle Objective 5a: *"Provide transportation options that reduce transportation impacts on the environment and cultural resources."* Staff recommends the Council Adopt the Plan with the proposed amendment noted above.

Motion: "I move to adopt the CANBY OR 99E CORRIDOR AND GATEWAY PLAN with the recommended amendment to Guiding Principle Objective 5a.

Attached:

- A: November 21, 2012 Planning Commission Staff Report
- B: Draft Canby OR 99E Corridor and Gateway Plan

ORDINANCE NO. 1368

AN ORDINANCE ADOPTING THE CANBY OR99E CORRIDOR AND GATEWAY PLAN, AMENDING CANBY'S COMPREHENSIVE PLAN TEXT, TRANSPORTATION SYSTEM PLAN, AND TITLE 16 OF THE CANBY MUNICIPAL CODE.

WHEREAS, the Gateway Plan Advisory Committee F recommended that the Planning Commission adopt the Canby OR99E Corridor and Gateway Plan and approve certain amendments to the Land Development and Planning Ordinance, Comprehensive Plan and Transportation System Plan that comply with state requirements and further the goals of the citizens of Canby; and

WHEREAS, the Canby Planning Commission, after providing appropriate public notice, conducted a public hearing on said amendments, during which the citizens of Canby were given the opportunity to come forward to present testimony on these proposed changes; and

WHEREAS, the Planning Commission found that the standards and criteria of Section 16.88.160 and 16.88.180 of the Land Development and Planning Ordinance, concerning Text Amendments and Comprehensive Plan Amendments, were met, and recommended approval to the City Council on a unanimous vote after making certain modifications; and

WHEREAS, the City Council, after reviewing the record of the Canby Planning Commission regarding the subject amendments, concluded that the Planning Commission's findings of fact and the amendment itself are appropriate.

THE CANBY CITY COUNCIL ORDAINS AS FOLLOWS:

- (1) CPA 12-02/TA 12-03 is hereby approved, the Canby OR99E Corridor and Gateway Plan is adopted, and the Land Development and Planning Ordinance, Comprehensive Plan and Transportation System Plan are hereby amended as detailed in Exhibit A.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, December 5, 2012, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days, as authorized by the Canby City Charter; and to come up for final reading and action by the City Council at a regular meeting thereof on January 2, 2013, commencing after the hour of 7:30 p.m. in the Council Meeting Chambers located at 155 NW 2nd Avenue in Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

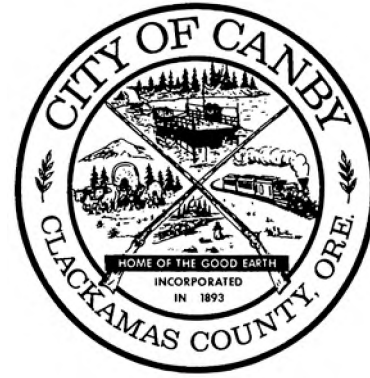
PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on January 2, 2013 by the following vote:

YEAS _____ NAYS _____

Randy Carson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



STAFF REPORT

TITLE: Amendments to selected sections of Canby's Comprehensive Plan, Municipal Code, and Transportation System Plan.

FILE #: CPA 12-02/TA 12-03

STAFF: Matilda Deas, AICP Senior Planner

DATE OF REPORT: October 31, 2012

DATE OF HEARING: November 13, 2012

I. REQUEST

This is a legislative amendment application to adopt The Canby OR 99E Corridor and Gateway Design Plan (Plan), update the Comprehensive Plan text, and to modify several sections of the City's Land Development and Planning Ordinance and Transportation System Plan in order to implement the Plan.

II. APPLICABLE REGULATIONS

City of Canby General Ordinances:

- 16.88.160 Amendments to text of title
- 16.88.180 Comprehensive Plan Amendments (Legislative)

III. MAJOR APPROVAL CRITERIA

Section 16.88.160 Amendments to Text of Title

In judging whether or not this title should be amended or changed, the Planning Commission and City Council shall consider:

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

Section 16.88.180 Comprehensive Plan Text Amendments (Legislative)

In judging whether a legislative plan amendment shall be approved, the Planning Commission and City Council shall consider:

- 1. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment;
- 2. A public need for the change;
- 3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
- 4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
- 5. Statewide planning goals.

IV. FINDINGS

A. Background and Relationships

The Canby OR 99E Corridor and Gateway Plan (Plan) was recently completed by the City of Canby and will guide future improvements on the section of OR 99E within city limits. The Plan sets forth streetscape and gateway design elements that reflect the city's "Canby The Garden Spot" theme to enhance motorist awareness as they transition from rural to urban Canby and to support community livability.

The Plan was prepared with public and agency participation and received input from the Gateway Plan Advisory Committee (GPAC), which was formed specifically to advise the City and consultant team on the preparation of the Plan. The Plan also received input from interested citizens through community open houses, workshops and individual stakeholder interviews.

The Plan supplements the recently adopted Updated Transportation System Plan (TSP). It replaces the standard cross-sections for OR 99E within Canby city limits, refines the non-capacity improvements for the designated Special Transportation Area (STA) on OR 99E between Elm and Locust Streets, and identifies additional corridor and improvements outside the STA.

B. Proposed Amendments

The Plan proposes amendments to sections of the Comprehensive Plan, the Transportation Plan, and the Land Development and Planning Ordinance. This report lists each of the amendments below, and addresses the criteria for approval at the end. All of the following proposed amendments are also in the Draft Canby OR 99E Corridor and Gateway Design Plan Appendix which is provided in your packet.

Language that is **bold and underlined** is text to be added. Text to be deleted is indicated by ~~strike through~~ notation. Staff comments are *italicized*.

Transportation System Plan Amendments:

These recommended amendments to the TSP are intended to adopt the Gateway Plan as an ancillary document and provide reference to the Gateway Plan where appropriate.

Chapter 7. Motor Vehicle Plan

Special Transportation Area (STA) Designation (p. 7-9)

Significant multi-modal improvements should be provided along this section of OR 99E for it to better accommodate pedestrian, bicycle, and transit movement along and across the highway consistent with the desired characteristics of an STA. To this end, the Motor Vehicle Master Plan includes an STA implementation project as a priority project. This project (and the identified cost estimate) would include pedestrian, bicycle, transit, and on-street parking improvement projects along the STA designated section of OR 99E.

To implement the desired improvements on OR 99E associated with the STA, the City worked with ODOT to establish the Canby OR 99E Corridor and Gateway Design Plan. The Gateway Plan refines the design cross-sections for the OR 99E corridor through the STA and identifies projects to improve the streetscape and support safe and attractive, multi-modal travel within the corridor. The Canby OR 99E Corridor and Gateway Design Plan is adopted herein as an ancillary document to the TSP.

~~The City has also expressed interest in working with ODOT to develop a “downtown streetscape” plan for OR 99E in the STA (as well as for the remainder of the OR 99E corridor in Canby). Such a plan would help ensure coordinated efforts between ODOT and the City and also provide guidance to future development along the corridor.~~

Roadway Cross-Section Standards (p. 7-14)

Additional design considerations are required for OR 99E. The state highway design considerations are defined in the Oregon Highway Plan (OHP) and in the Highway Design Manual (HDM). Any deviation from these standards requires approval of a design exception. Design and future improvements to OR 99E must also address ORS 366.215 (Reduction in Vehicle Carrying Capacity) on this national freight network facility. ~~The City also intends to conduct a future OR 99E corridor plan that will refine the cross-sections, roadway features, and cost estimates for highway improvements in Canby~~

ODOT, as well as the state Freight Stakeholders Committee support the proposed OR 99E cross sections and improvements. A “design exception” for non- standard features in the OR 99E STA section has been approved by ODOT.

The City has adopted the Canby OR 99E Corridor and Gateway Design Plan to refine the cross-sections, roadway features, and cost estimates for improvements to the OR99E corridor. The Gateway Design Plan contains OR 99E cross-section standards, including cross sections through the STA between Locust and Elm Streets, which are shown in Figure 7-3. (See page 12 of the Gateway Plan for the above referenced cross sections. These will be the new Figure 7-3)

The **Additional** cross-section standards are provided in Figure 7-3 for of OR 99E, Figure 7-4 for arterial streets, Figure 7-5 for collector streets, and Figure 7-6 for neighborhood routes and local streets.

To ensure suitability for roadway improvements, final cross-section designs must be coordinated with City of Canby staff and are subject to City Staff approval. **Design specifications for improvements on OR 99E must also be approved by ODOT.**

Municipal Code Title 16 Planning & Zoning Amendments:

Many of the improvements identified in the Gateway Plan will take place in public right-of-way and will be constructed by the City or adjacent property owners, particularly improvements to the pedestrian and bicycle elements of the highway facility. Improvements to OR 99E roadway (between the curbs) generally would be constructed by the state except when off-site mitigation is required as conditions of approval for land development. Generally speaking, private properties will be responsible for dedicating right-of-way and constructing building-to- curb improvements (i.e., sidewalks and planting strips) as development or redevelopment occurs. As such, language in the existing code is generally sufficient to support and implement the improvements and design standards identified in the Gateway Plan. This section recommends some amendments intended to eliminate conflicts between standards and implement some specific elements of the Gateway Plan.

Chapter 16.08 GENERAL PROVISIONS

16.08.090 Sidewalks required.

A. In all commercially and industrially zoned areas, the construction of ~~sidewalks and curbs~~ **improvements between the building line and curb line (including sidewalks, planting strips, and curbs** with appropriate **ADA** ramps for the handicapped on each ~~street corner lot~~) shall be required as a condition of the issuance of a building permit for new construction or substantial remodeling, where such work is estimated to exceed a valuation of twenty thousand dollars, as determined by the building code. Where multiple permits are issued for construction on the same site, this requirement shall be imposed when the total valuation exceeds twenty thousand dollars in any calendar year. **Width and design of sidewalk improvements shall be consistent with the cross sections identified in the Canby TSP.**

Chapter 16.22 C-1 DOWNTOWN COMMERCIAL ZONE

16.22.030 Development Standards

F. Other regulations:

2. Sidewalks a minimum of eleven (11) feet in width shall be required in commercial locations unless existing building locations or street width necessitate a more narrow design. **For properties with frontage along OR 99E, sidewalk widths shall be consistent with the cross-sections in Figure 7-3 of the TSP.**

Chapter 16.28 C-2 HIGHWAY COMMERCIAL ZONE

16.28.030 Development Standards

F. Other regulations:

2. Except in cases where existing building locations or street width necessitate a more narrow design, sidewalks eight feet in width shall be required;
 - a. In those locations where angle parking is permitted abutting the curb, and
 - b. For property frontage along Highway 99-E. **However, for properties with frontage along OR 99E within the Gateway Plan area, sidewalk widths shall be consistent with the cross-sections in Figure 7-3 of the TSP.**

Chapter 16.30 CM HEAVY COMMERCIAL MANUFACTURING ZONE

16.30.030 Development Standards

F. Other regulations:

2. Except in cases where existing building locations or street width necessitate a more narrow design, sidewalks eight feet in width shall be required;
 - a. In those locations where angle parking is permitted abutting the curb, and
 - b. For property frontage along Highway 99-E. **However, for properties with frontage along OR 99E within the Gateway Plan area, sidewalk widths shall be consistent with the cross-sections in Figure 7-3 of the TSP.**

Chapter 16.32 M-1 LIGHT INDUSTRIAL ZONE

16.32.030 Development Standards

F. Other regulations:

5. For those properties with frontage along OR 99E within the Gateway Plan area, sidewalks shall be required consistent with the cross-sections in Figure 7-3 of the TSP.

C. Comprehensive Plan Consistency Analysis

iv. **TRANSPORTATION ELEMENT**

GOAL : TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT, AND ECONOMICAL.

Policy #12: Canby shall actively promote improvements to state highways and connecting county roads which affect access to the city.

Analysis: The City has a very good relationship with representatives of Clackamas County and the Oregon Department of Transportation. As mentioned, representatives of both of these groups have been involved in the development of the TSP and the Gateway Plan. All jurisdictions are committed to cooperating on street development projects.

v. **PUBLIC FACILITIES AND SERVICES ELEMENT**

GOAL : TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Analysis: Street projects in the City of Canby are a cooperative effort between the Public Works Department, the Planning Department, the City Civil Engineer, the City Traffic Engineer, and other service providers. The collective efforts of all these City groups are joined with County and State interests when appropriate.

Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.

Analysis: Street projects in Canby are financed through the following methods, when applicable: System Development Charges, advanced

financing districts, local improvement districts, Urban Renewal, Street Maintenance Fee, State Highway Fund (gas taxes), Federal Fund Exchange, local gas tax, construction excise tax, street repair fees and erosion control fees, interest revenue, private financing, and grants. A combination of these sources is typically utilized in the completion of improvements to the transportation system.

Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

Staff concludes that the proposed Comprehensive Plan Amendment and text amendments are consistent with the policies of the Comprehensive Plan. Adoption of the Canby OR 99E Corridor and Gateway Design Plan will help to guide future improvements on sections of OR 99E within city limits to reflect the city's "Canby the Garden Spot" theme to enhance motorist awareness as they transition from rural to urban Canby, and support community livability.

IV. CONCLUSION

Most of the Comprehensive Plan's goals and policies are not germane to this application. The proposed plan amendments will not have a negative effect on the City's environment, natural resources, economy, housing supply, transportation system, or public facilities and services. The proposed amendments will, however, help implement the design standards set forth in The Canby OR 99E Corridor and Gateway Plan and will assure that future development along OR 99E within the city limits reflects those standards. The Citizen Involvement Element has been met via the public hearing for this application, and the review and endorsement of these amendments by the Gateway Plan Advisory Committee, the community open houses, stakeholder interviews, the Project Management Team, the Consultants and City staff.

Criteria for Legislative Comprehensive Plan Amendment/Text Amendment

- A. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment;**

The commentary under section C of the staff report addresses the remainder of the Comprehensive Plan.

- B. A public need for the change;**

OR 99E functions as both a gateway and a main street for Canby's business community. However the highway does not accurately reflect the values embodied in the City's theme of "Canby the Garden Spot". The Gateway Plan provides direction for future development to more clearly align OR 99E design elements to reflect "Canby The Garden Spot".

The proposed amendments serve the public by helping to implement the Gateway Plan. The adoption of Plan will aid the City in its search for future funding for improvements identified in the Plan.

C. Whether the proposed change will serve the public need better than any other change which might be expected to be made;

Staff believes that the proposals effectively update and clarify our Transportation System Plan, Municipal Code and Comprehensive Plan.

D. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;

Staff believes this criterion has been met, as detailed above.

E. Statewide Planning Goals.

The following Statewide Planning Goals apply to this application:

Goal 1: Citizen Involvement.

The Planning Commission will make a recommendation on this application in a public hearing. Furthermore, the Plan has been reviewed and approved by the Project Management Team, the Gateway Plan Advisory Committee, the project Consultants, and City staff.

Goal 8: Economic Development

The adoption of the Plan (and proposed amendments) will encourage the revitalization and redevelopment of OR 99E corridor within city limits and thereby provide the citizens of Canby with additional economic and employment opportunities.

Goal 12: Transportation

The amendments to the Transportation System Plan will encourage a safe and convenient environment for pedestrians and bicyclists within the 99E corridor.

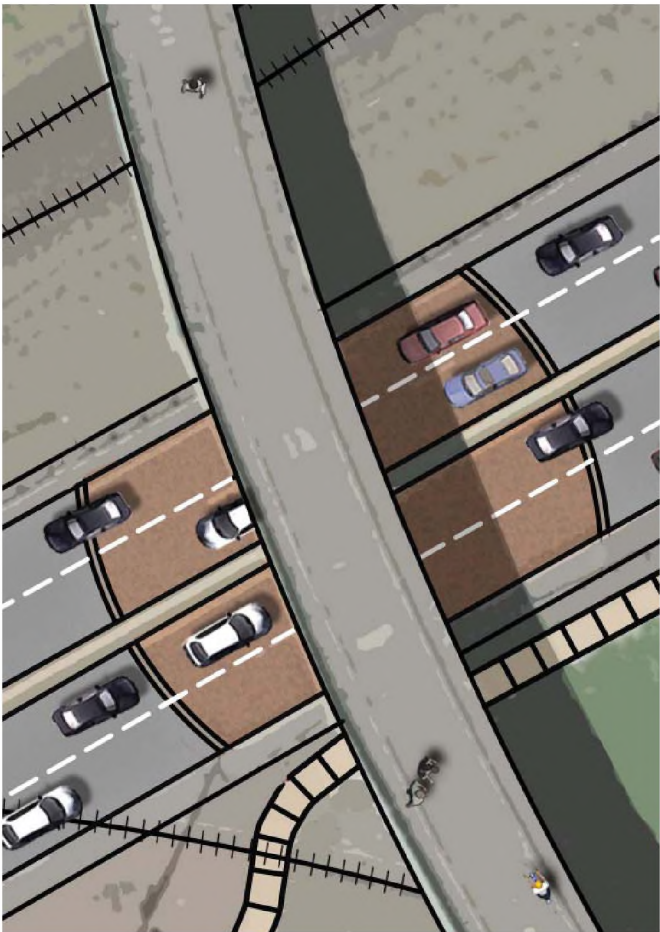
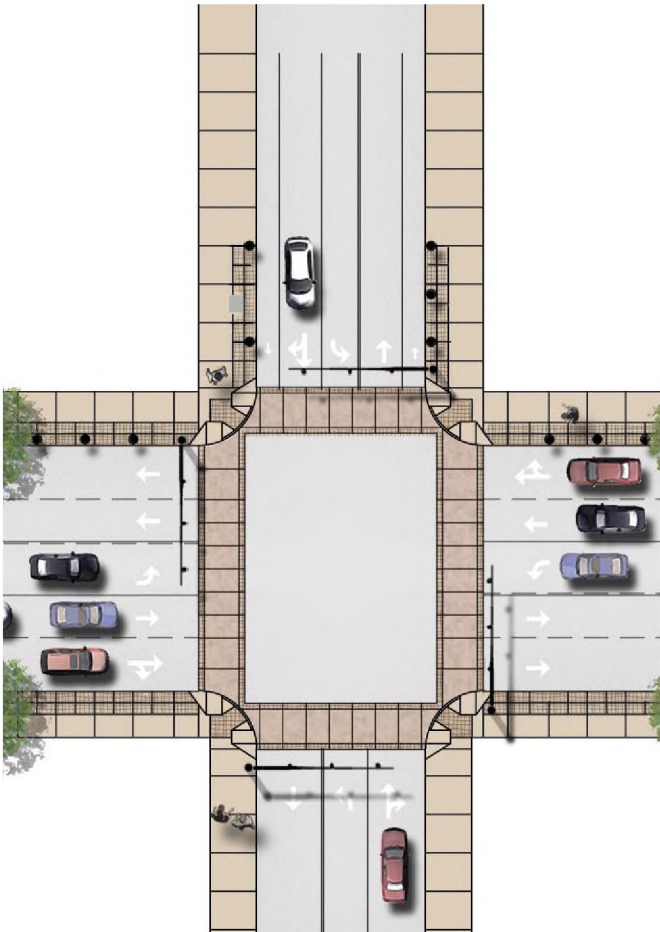
V. RECOMMENDATION

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission advance a recommendation of approval on to the City Council on CPA 12-02/TA 12-03.

Exhibits:

1. Draft Canby OR 99E Corridor and Gateway Design Plan
2. Draft Canby OR 99E Corridor and Gateway Design Plan Appendix

Canby OR 99E Corridor and Gateway Design Plan



City of Canby
OR 99E

June 2012



This Page Intentionally Left Blank

This project was partially funded by a grant from the Transportation Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation (ODOT), and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), local government, and State of Oregon funds. The contents of this document do not necessarily reflect views or policies of the State of Oregon.

This report was prepared through the collective effort of the following people:

PROJECT MANAGEMENT TEAM

Matilda Deas, Community Development and Planning Department

Sonya Kazen, ODOT

Chris Maciejewski, DKS Associates

CONSULTANT TEAM

Chris Maciejewski, Project Manager, DKS Associates

Brad Coy, DKS Associates

Tom Litster, Otak

Kaitlin North, Otak

Emily Leete, Otak

Matt Hastie, Angelo Planning Group

Serah Breakstone, Angelo Planning Group

GATEWAY PLAN ADVISORY COMMITTEE (GPAC)

Greg Parker, City Council

Jan Milne, Planning Commission

John Proctor, Planning Commission

Liz Belz-Templeman, Bicycle and Pedestrian Advisory Committee

Julie Wehling, Canby Area Transit

Ami Keiffer, City of Canby Main Street

Renate Mengelberg, City of Canby

Annie Tran, City of Canby Main Street

Curt McLeod, Curran-McLeod/Canby On-Call Civil Engineer

Charles Burden, Business/Property Wwner

Ron Yarbrough, Business Owner/Chamber Board

Ryan Oliver, Business/Property Owner

Steve Millar, Business Owner

Tom Scott, Property/Business Owner

Loretta Kieffer, ODOT

Zac Marcinkiewicz, Business Owner

Francisco Cardenas, Business Owner

Derek Hill, Business Owner

Brian Hodson, City Council, Chamber, Business Owner

James R. Frackowiak, Business Owner

Gail Wilson, Business Owner

Darren Monen, Business/Property Owner

Curtis A. Hovlnd, Business/Property Owner

CANBY AREA CHAMBER OF COMMERCE

Bev Doolittle

CITIZEN AT LARGE

Roger Skoe, Citizen

This Page Intentionally Left Blank

List of Tables and Figures

TABLES

Table 1 - OR 99E Highway Segments and Associated Cross-Section Standards 11

Table 2 - Planning-level Cost Estimates for Corridor and Gateway Improvements23

FIGURES

Figure 1 – OR 99E Corridor Design Segments 10

Figure 2 – Corridor Segment Cross-Sections 12

Figure 3 – Corridor Gateways 13

Figure 4 – Molalla River Pathway Bridge Gateway Enhancements 14

Figure 5 – Opportunity to add Decorative Fencing 15

Figure 6 – Opportunity to add Decorative Fencing 16

Figure 7 – Lighting Options 17

Figure 8 – Streetscape Enhancements 18

Figure 9 – Potential Future Access - North 19

Figure 10 – Potential Future Access - South 19

Figure 11 – Downtown Gateway 20

Figure 12 – Gateway Arch Study for Grant, Elm, and Ivy Streets 21

Figure 13 – Enhancing an Existing Gateway 22

Table of Contents

Acknowledgements3

Introduction5

Project Overview7

Vision and Guiding Principles8-9

Recommended Design Concepts 10-22

 Corridor Segments and Cross-Sections 10

 Gateways 13

 Molalla River Pathway Bridge Gateway 14

 Molalla River Pathway Bridge Gateway - Decorative Fencing 15

 Molalla River Pathway Bridge Gateway - Lighting 17

 Molalla River Pathway Bridge Gateway - Streetscape 18

 Molalla River Pathway Bridge Gateway - Access Improvements 19

 Downtown Gateway 20

 Berg Parkway Gateway 22

Implementation 23-25

Appendix 26

This Page Intentionally Left Blank

PROJECT OVERVIEW

The Canby OR 99E Corridor and Gateway Plan (Plan) was recently completed by the City of Canby and will guide future improvements on the section of OR 99E within city limits. The Plan illustrates potential highway improvements and design concepts for four segments of the highway and three community gateways along OR 99E. The Plan envisions a safe and efficient multi-modal highway with design elements that reflect the city’s “Oregon’s Garden Spot” theme. Highway design elements enhance motorist awareness as they transition from rural to suburban to urban settings, support community livability, accommodate multi-modal activity, and provide statewide travel and freight movement.

PUBLIC AND AGENCY PARTICIPATION

The Plan was prepared with public and agency participation. It was developed in close coordination with the City of Canby and Oregon Department of Transportation (ODOT) staff and received input and direction from the Gateway Plan Advisory Committee (GPAC), which was formed specifically to advise the City and consultant team in the preparation of this Plan.

The Plan also received input from interested citizens through City staff efforts to visit businesses along the highway, at two public open houses, and at the GPAC meetings, which were open to public attendance and participation. Work sessions and hearings with the Planning Commission and City Council were also held to allow elected officials and citizens to comment on the Plan, make suggestions, voice concerns, and provide feedback.

PLANNING CONTEXT

The Plan supplements the recently adopted *City of Canby Transportation System Plan (TSP)*¹ in three ways. It replaces the standard cross-sections for OR 99E within Canby city limits, refines the non-capacity improvements for the designated Special Transportation Area (STA) on OR 99E between Elm and Locust Streets, and identifies additional corridor improvements outside the STA. Furthermore, the adopted Plan will be forwarded to the Oregon Transportation Commission (OTC) for their approval, as an amendment to the *Oregon Highway Plan (OHP)* as it applies to OR 99E in Canby.

FUNDING THE IMPROVEMENTS

To fund improvements, the City will rely in part on existing sources of revenue identified in the TSP, such as gas taxes, urban renewal funds, and system development charges (SDCs). However, the estimated total cost exceeds that of projected revenue of the City; therefore, additional funding sources will be

necessary. Several potential supplemental sources of funding for transportation improvements include state and county contributions, developer exactions, urban renewal, increases to the City’s transportation SDC, local improvement districts, special assessments, and grants. Some of these, such as ODOT’s Transportation Enhancement (TE) grant may be appropriate for funding improvements identified in the Plan, and could be combined with ODOT highway preservation projects along the highway corridor.

RIGHT-OF-WAY AND CONSTRUCTION

The highway cross-section and gateway design improvement concepts would primarily be constructed within the OR 99E right-of-way and on public structures (such as the Molalla River Pathway Bridge and on lighting and signal poles). However, in some locations, the cross-sections for OR 99E identified in the Plan will require the purchase or dedication of additional right-of-way width (typically ranging from 11- 15 feet) to provide the full build-out of design concepts. Some of this right-of-way acquisition may include easements obtained from private property. Additional right of way may also be needed at intersections to meet standards for truck turning radii. However, to avoid impacting existing development, only partial improvements (for example, narrower sidewalks) could be provided until opportunities arise to acquire additional right-of-way through dedication at the time of site redevelopment or redevelopment.

As properties along OR 99E within the Plan area develop or redevelop, the City’s development code will allow the City to require right-of-way dedication and frontage improvements consistent with the adopted corridor segment cross-sections. When only a small portion of a highway frontage improvements would be modified, and the results would be inconsistent with the surrounding conditions, a fee-in-lieu mechanism is being considered for the City of Canby as an alternative to requiring the improvements. With the fee-in-lieu, the City could charge the development an amount equal to the cost of constructing the improvements and then use those funds at a later date to fund the improvement when the timing is appropriate. Currently, the City does not have a formalized process for accepting in-lieu fees for transportation-related improvements.

TIME FRAME AND PHASING

The Plan is intended to be implemented over 20 years longer. Construction of the improvements identified in the Plan is contingent on the availability of funding and will likely occur incrementally. The timing of corridor property development or redevelopment would also affect project feasibility. For example, if a number of properties along one segment of OR 99E were to redevelop and dedicate right-of-way and fees-in-lieu for frontage improvements, the City could prioritize funding improvements for that segment. Timing may also depend on the availability of state and federal funds.

Informally, the City has identified the Molalla River Pathway Bridge improvements and the Downtown and Molla River Pathway Bridge gateways as priority projects; however, these projects are not proposed to be included on the financially constrained project list in the Canby TSP. The implementation of these priority improvements will be based on funding availability.

GATEWAY PLAN ADVISORY COMMITTEE

The GPAC served as the primary citizen and agency reviewers throughout the project and provided valuable input that informed the conceptual designs. Citizens involved included property owners, business owners, and residents. Representatives from the City’s Planning Commission, City Council, Chamber of Commerce, and Bike and Pedestrian Advisory Committee also participated. Agency involvement included City staff from Planning, Economic Development, Public Works, the Main Street programs, Canby Area Transit (CAT), City Engineer, and ODOT staff.

1 Canby Transportation System Plan (TSP), December 2010.

Vision and Guiding Principles



The Vision and Guiding Principles for the Plan were established to provide direction for the development of the Plan and ensure the final product supports the interests of the City of Canby, ODOT, other stakeholders, and the community at large. They reflect the goals and objectives from prior planning efforts in Canby, such as the TSP², as well as current state and local policies. As part of the project's public involvement effort, the Vision and Guiding Principles were refined based on input from the GPAC and at public meetings. Improvement alternatives and strategies developed through this project were evaluated for conformance with the final Vision and Guiding Principles, as is demonstrated in subsequent chapters.



OR 99E CORRIDOR AND GATEWAY PLAN VISION

The vision for the Plan is a safe and efficient multi-modal highway with design elements that reflect the city's "Oregon's Garden Spot" theme. Highway design elements enhance traveler awareness as the highway transitions from rural to suburban to urban settings, support community livability, accommodate multi-modal travel modes, and provide for regional travel and freight movement.

GUIDING PRINCIPLES

When highway design is integrated with community planning, the result is a balance of technical, functional, and economic considerations that support a "sense of place" for the community. The community is defined by what physically surrounds the roadway because the highway creates both a first and last impression for visitors. To ensure this planning effort achieves its vision, the following guiding principles were developed to serve as evaluation criteria for proposed elements of the Plan. These principles can continue to provide guidance as implementation occurs.

GUIDING PRINCIPLE 1: DESIGN AND CHARACTER

Design OR 99E to tell a story to highway travelers that Canby is "Oregon's Garden Spot" and is an attractive location to live and recreate.

- Objective a. Provide gateways at transition areas or locations that call attention to unique features and destinations.
- Objective b. Protect Canby's "small town" character.
- Objective c. Beautify the corridor by providing aesthetic improvements and addressing maintenance needs.

- Objective d. Promote context-sensitive transportation facility design, which fits the physical context, responds to environmental resources, yet maintains safety and mobility.
- Objective e. Ensure that highway design reflects adjacent land uses and has appropriate transitions from rural to highway commercial to downtown commercial settings.
- Objective f. Improve the aesthetics and operational coordination between OR 99E and the Union Pacific Railroad (UPRR).

GUIDING PRINCIPLE 2: MULTI-MODAL INTEGRATION

Integrate pedestrian, bicycle, transit, and motor vehicle facilities to provide multi-modal access to local destinations and encourage downtown pedestrian activity.

- Objective a. Construct a seamless and coordinated transportation system that is accessible to all members of the community, including children, seniors, and people with low incomes or disabilities.
- Objective b. Provide bikeway and walkway systems that recognize their users as "design vehicles" of the transportation system.
- Objective c. Create pedestrian and bicycle-friendly streetscapes that reflect the transition from rural to urban conditions.
- Objective d. Coordinate with CAT to ensure improvements are consistent with transit plans and objectives, including bus stops and a potential park-and-ride lot or relocated transit center.

GUIDING PRINCIPLE 3: SAFETY

Develop and maintain a safe and secure transportation corridor.

- Objective a. Follow best practices for designing and maintaining safe and secure pedestrian and bicycle ways (or parallel routes) along and across OR 99E and the UPRR.
- Objective b. Follow best practices for designing and maintaining safe motor vehicle facilities.
- Objective c. Increase the safety of bus stops along OR 99E.
- Objective d. Reduce the barrier effect by facilitating bicycle and pedestrian crossings of OR 99E and the UPRR.



² Canby Transportation System Plan (TSP), December 2010.

GUIDING PRINCIPLE 4: ECONOMIC VITALITY

Enhance the economic vitality of the City and local businesses by efficiently funding and constructing transportation improvement projects that both encourage and serve future growth.

- Objective a. Integrate bicycle and pedestrian facility improvements into all street planning, design, construction, and maintenance activities.
- Objective b. Coordinate with ODOT to install landscaping and other aesthetic treatments as part of highway projects or as conditions of adjacent development. Establish City-ODOT maintenance agreements for special roadway features and gateways.
- Objective c. Minimize private property impacts. This includes ensuring that driveway accesses are not impacted by center medians or street trees along OR 99E.
- Objective d. Balance local access with the need to serve regional traffic needs.
- Objective e. Ensure that OR 99E supports existing and planned land uses throughout the city, consistent with the City's Comprehensive Plan.
- Objective f. Identify and develop diverse and stable funding sources to implement recommended projects in a timely fashion and ensure sustained funding for transportation projects and maintenance.

GUIDING PRINCIPLE 5: SUSTAINABILITY

Provide a sustainable transportation corridor that meets the needs of present and future generations.

- Objective a. Provide transportation options that reduce reliance on the automobile and increase the use of other modes to minimize transportation system impacts on the environment and cultural resources.
- Objective b. Practice stewardship of air, water, land, wildlife, botanical, and cultural resources. Take into account the natural environments in the planning, design, construction and maintenance.
- Objective c. Incorporate natural stormwater drainage systems and/or reduce surface storm water run-off where feasible.

GUIDING PRINCIPLE 6: RELIABILITY AND MOBILITY

Develop and maintain a well-connected transportation system that reduces travel distance, improves reliability, and manages congestion.

- Objective a. Plan for the construction of all applicable Financially-Constrained Solutions Package projects identified in the Canby TSP.
- Objective b. Ensure safe, efficient, and continuous operation to allow timely freight movement to, from, and through Canby on OR 99E.

GUIDING PRINCIPLE 7: PLAN PROCESS AND IMPLEMENTATION

Involve the appropriate stakeholders in the plan process and provide tools to facilitate the implementation of the highway design features.

- Objective a. Coordinate and cooperate with ODOT to develop a unified streetscape design concept for the City of Canby. Ensure the transportation improvements included in the plan benefit and are consistent with the standards of the city, region, and state as a whole.
- Objective b. Advocate for ODOT programming of identified improvements into the State Transportation Improvement Program.
- Objective c. Engage property owners, the public at large, and other stakeholders to obtain feedback and build consensus. Ensure that public input is respected and considered.
- Objective d. Prepare implementation and maintenance plans that are consistent with applicable adopted policies and regulations of the City of Canby and ODOT. Ensure the plans clarify roles and responsibilities.



Recommended Design Concepts

CORRIDOR SEGMENTS AND CROSS-SECTIONS

Four corridor segments of OR 99E were identified and are illustrated in Figure 1. Existing land uses, existing right-of-way and roadway conditions, and posted speeds are the distinguishing characteristics.

SEGMENT 1 - MOLALLA RIVER PATHWAY BRIDGE TO ELM STREET

Segment 1 is located at one end of the STA and is intended to serve the adjacent urban areas while also helping highway traffic transition between the nearby urban-rural areas and downtown Canby. It includes the Berg Parkway Gateway.

SEGMENT 2 - ELM STREET TO LOCUST STREET

The City of Canby TSP recommended the establishment of a Special Transportation Area for OR 99E between Elm Street and Locust Street, which was recently approved by the OTC. The STA designation provides greater flexibility for streetscape design and is supportive of a multi-modal downtown. The City’s vision is for a more pedestrian friendly highway with narrower travel lanes, wider sidewalks, reduced speeds, and features to improve pedestrian crossings.

SEGMENT 3 - LOCUST STREET TO MOLALLA RIVER PATHWAY BRIDGE

Segments 3 is located at one end of the STA and is intended to serve the adjacent urban areas while also helping highway traffic transition between downtown Canby and the nearby urban-suburban areas. It includes the Molalla River Pathway.

SEGMENT 4 - MOLALLA RIVER PATHWAY BRIDGE TO TERRITORIAL ROAD

Segment 4 is located in the suburban-rural transition area on the east side of OR 99E through Canby. There is future development potential along the southeast side of the highway in this section. However, on the northwest side, the UPRR line runs immediately adjacent to the highway and precludes development.

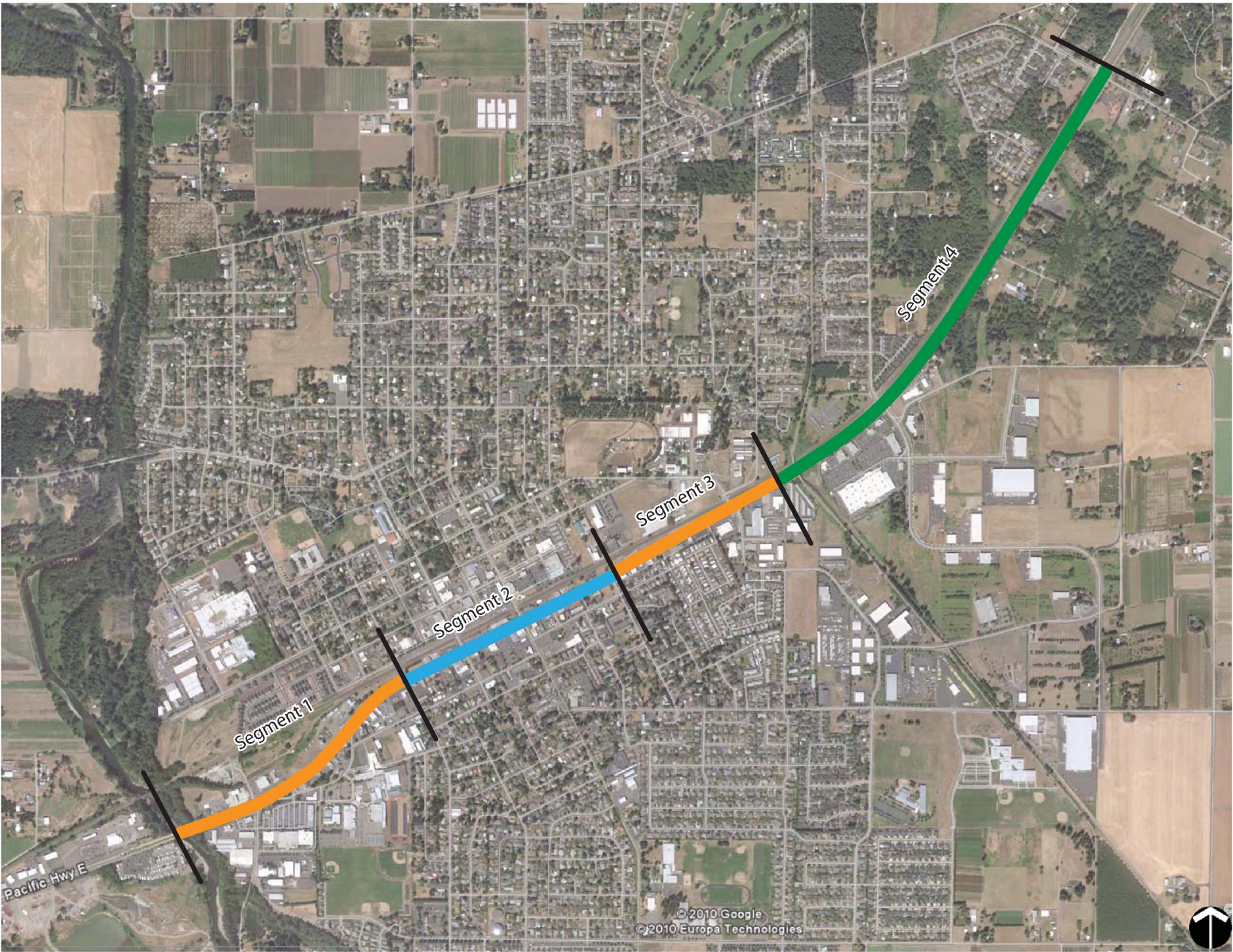


Figure 1 – OR 99E Corridor Design Segments

Recommended Design Concepts

CORRIDOR SEGMENTS AND CROSS-SECTIONS

RECOMMENDED OR 99E CROSS-SECTIONS

Cross-section standards have been developed for each corridor segment. Segment 1 and 3 will have the same cross-section, which is consistent with the *ODOT Highway Design Manual* standard. Segment 2 through the STA will require a design exception, which has received preliminary support from ODOT. Table 1 lists the highway segments and associated cross-section standards.

Table 1: OR 99E Highway Segments

| Highway Segment | Location | General Description | Cross-Section Standard |
|-----------------|--|--|---|
| Segment 1 | West City Limits to Elm Street | Urban area outside the STA | Shoulder Bike Way |
| Segment 2 | Elm Street to Locust Street | STA through downtown | Wide Sidewalks for Pedestrians and Bicycles |
| Segment 3 | Locust Street to the Molalla Forest | Urban area outside STA with adjacent railroad track on north side | Shoulder Bike Way |
| Segment 4 | Molalla River Pathway Bridge to East City Limits | Rural-urban transition area with adjacent railroad track on north side | ODOT Urban Standard for 45 MPH |

CROSS-SECTION DESIGN CONSIDERATIONS

The following design considerations were factors in developing and apply to all three OR 99E cross-sections. They reflect ODOT functional requirements and design standards, community aspirations and preferences for specific design features that were initially proposed.

Bicycle Facilities. State law requires that bicycles be accommodated on arterials and collectors, such as OR 99E, or on approved alternate routes. Using the railroad right-of-way to construct a multi-use trail (as recommended in the City's TSP) subsequently was determined to be infeasible. In addition, while it would be beneficial to accommodate bicyclists on NW/NE 3rd Avenue and SW/SE 2nd Avenue, ODOT staff did not consider these alternate bike routes to be adequate to eliminate bike facility needs on OR 99E. Bikeway-shoulders also provide a place for vehicle breakdowns out of the travel lanes.

Bike facilities along OR 99E considered include standard bike lanes, buffered bike lanes, a cycle track (which is located on one side of the road and serves two-way bicycle traffic), or wide sidewalks. Based on public and ODOT feedback, the recommendation is to accommodate bicycles by providing a wide sidewalk

on the north side in the STA and bike lanes-shoulders on the other segments. Crossing treatments (to connect the eastbound bike lanes on the south side of OR 99E to the wide sidewalk on the north side of OR 99E) and bike ramps between the bike lanes and sidewalks (which may require additional sidewalk width) will need to be provided at Elm Street and Locust Street.

Freight Accommodations. OR 99E is a freight route on the national highway system. The ODOT Freight Advisory Committee has reviewed and approved the recommended OR 99E cross-sections, and the ODOT Region 1 Freight Mobility liaison has been engaged. To ensure that there are no freight capacity reductions introduced by highway improvements, all curb-to-curb distances must be greater than the existing pinch points that exist at the Molalla River Pathway Bridge on the west end of town. In addition, adequate turning radii must be provided where City truck routes intersect OR 99E (e.g., Elm Street, Pine Street, and Sequoia Parkway).

On-street parking. ODOT would allow on-street parking in sections of OR 99E where speeds are at or below 35 mph. The community did not support on-street parking on OR 99E due to the motor vehicle speed and heavy truck volumes.

Transit. Bus pull-outs may be incorporated into the cross-sections in the future, but no specific locations have been identified at this time.

Railroad Quiet Zone. The City is working with Union Pacific to obtain a Quiet Zone designation through town. Therefore, planned railroad crossings improvements should facilitate achieving a quiet zone. Additional discussion regarding a Quiet Zone is provided in the Canby TSP.³

Overhead Utilities. The goal is to replace overhead utility poles and power lines by underground power lines when feasible with highway reconstruction (i.e., it can be coordinated with utility providers and accommodated within project budget). However, this is not expected to be feasible for the high-voltage steel utility poles on the north (railroad) side of OR 99E, where poles are expected to be located within or next to the sidewalk area.

Medians. The community did not generally support raised medians on the highway as they would limit driveway access. There was, however, support for a pedestrian refuge island at Locust Street to provide safer crossing opportunities and for a short median as part of the Berg Parkway Gateway.

Bioswales. The community did not express interest in incorporating bioswales to manage and treat stormwater run-off within the OR 99E right-of-way.



Segment 1



Segment 2



Segment 3

³ Canby Transportation System Plan (TSP), December 2010.

Recommended Design Concepts

CORRIDOR SEGMENTS AND CROSS-SECTIONS

OR 99E is a state highway so development of proposed roadway cross-sections was coordinated with multiple ODOT disciplines (e.g., preliminary design, bicycle and pedestrian program, freight mobility, planning, and District 2B). Their technical review was necessary to define the mobility parameters, highway speeds, design speeds, baseline over-dimensional freight, and highway classifications for OR 99E that affect design of any new features within the right-of-way. Coordination included formal meetings with ODOT staff and continued meetings and correspondence with ODOT design staff to review cross-section alternatives—with special emphasis placed on the STA—that would be acceptable to ODOT. The graphics to the right show the recommended cross-section for each of the corridor segments that would be supported by ODOT. Additional information about the cross-section is provided in the notes.

SEGMENTS 1 AND 3 - URBAN AREAS OUTSIDE THE STA

In these segments, the roadway cross-section needs to facilitate transitions into the downtown focused STA as well as back out of the urban business environment and into a more rural highway context. How to accommodate bicycle travel was one of the primary design considerations. Buffered bike lanes were initially considered for these highway segments, and supported by ODOT. However, due to increased right-of-way needs, the GPAC did not support the buffered bike lanes option. The roadway shoulder, which serves as a break-down lane for temporarily disabled vehicles, will provide the bikeway.

SEGMENT 2 - SPECIAL TRANSPORTATION AREA

The recommended STA cross-section has a 14-foot wide sidewalk on the north (railroad) side of the highway and is expected to best meet the City’s objectives for the STA. ODOT has reviewed the concept and indicated their support of a design exception needed to eliminate the standard shoulder-bikeway. Two other potential cross-sections for the STA were identified during the course of the project and were also approved by ODOT for the City’s consideration (see Evaluation Report in the Technical Appendix provided as a separate document). One option was to use the standard STA cross-section indicated in the TSP. A second option was to add a 2-foot striped buffer to the bike lanes. However, the improvements supported by the GPAC and community input are reflected in Figure 2.

SEGMENT 4 - RURAL-URBAN TRANSITION

The recommended cross-section for this highway segment is based on higher vehicle speeds. The wider and striped bike lane for cyclists and the clear zone setback for vertical elements such as street trees are both reflections of safety concerns at posted highway speeds of 45 mph. This corridor segment is likely to see the adjacent land to the south develop in the future. No other optional cross-sections were considered during the planning process.

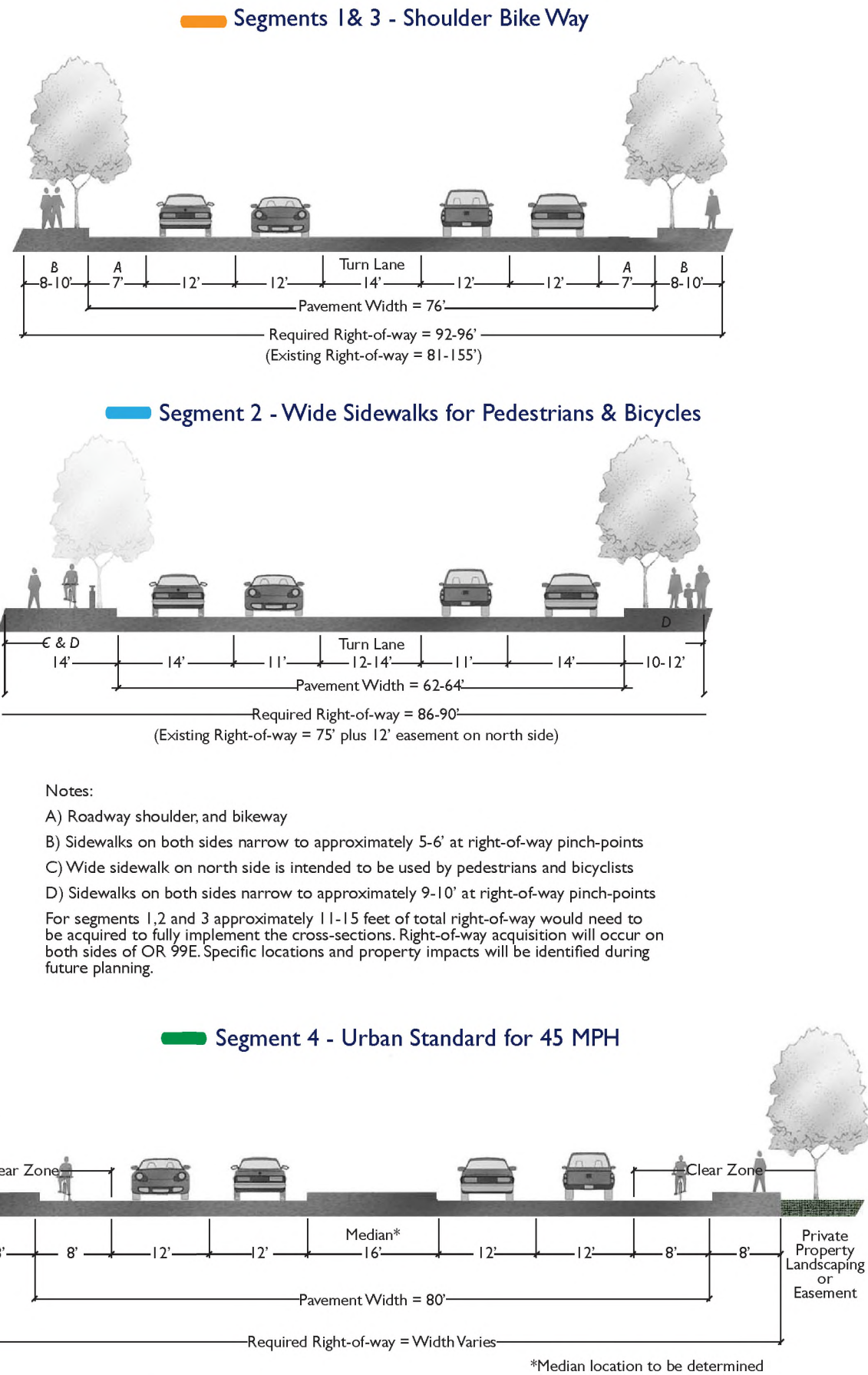


Figure 2 – Corridor Segment Cross-Sections

Recommended Design Concepts

GATEWAYS

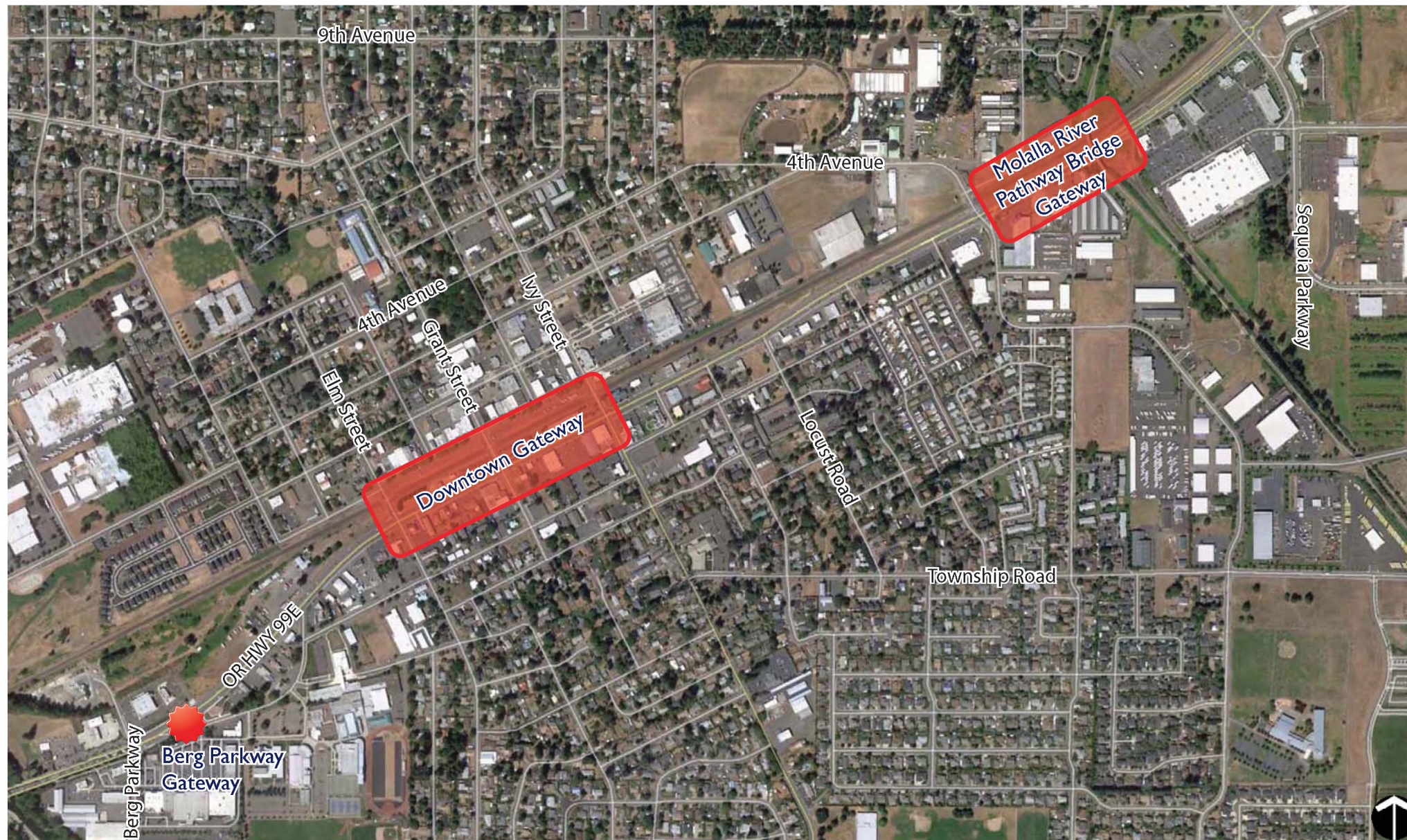


Figure 3 – Corridor Gateways

The highway offers locations for two types of gateway treatments for Canby. Community gateways are best located near the city limits on the rural-to-urban transitional segments. For travelers, these gateways will announce arrival into the community and become highway landmarks over time. A Downtown Gateway will be a visual marker for the uniqueness of the STA segment and can reinforce awareness of downtown. The following themes for OR 99E gateway locations were developed with community input:

Garden Spot Theme. Highlights Canby as “The Garden Spot” using landscaping as an important element, provided a stable maintenance funding source can be identified.

Downtown Gateway. Gateway features should be consistent with styles used in other City design projects, particularly the NW 1st Avenue improvements and on decorative fencing for the railroad right-of-way. Use simple designs and continuous elements.

Size of Features. The scale of the gateway features needs to match vehicle speeds, allowing them to be seen while not distracting drivers.

Community Art. The artistic elements of the gateways could be prepared by local artists, through a submission and selection process that involves interested citizens.

Maintenance. Maintenance of landscaping and other non-standard features will be City of Canby’s responsibility. This should be carefully considered when any gateway improvements are made, and a funding source should be identified.

Implementation Priorities. The Downtown Gateway should be constructed first if funding becomes available. However, if funding specific to Molalla River Pathway Bridge Gateway is identified first, then it should be constructed while funding for the Downtown Gateway is sought. The Berg Parkway Gateway is lowest priority.



Existing Berg Parkway Gateway



Existing Downtown Gateway



Existing Molalla River Pathway Bridge Gateway

Recommended Design Concepts

MOLALLA RIVER PATHWAY BRIDGE GATEWAY

The Molalla River Pathway Bridge (also known as the Logging Road Trail Bridge Path - see Figure 10) provides an exceptional opportunity to create a new community gateway on the east side of Canby. The gateway will alert motorists that they are entering Canby and should prepare for a business and downtown environment. Pedestrians and cyclists routinely use the pathway, which enhances the gateway significance. The bridge needs to be re-painted, so it would be beneficial for the gateway treatments to be installed at the same time as the bridge painting if the necessary funding sources are available.

The design should reflect artful blending of two themes: Canby as “The Garden Spot” and as a “gateway.” It should include the following design elements:

- Continue the decorative railroad fencing and traditional theme from the Clackamas County Fairgrounds to the bridge (agricultural/garden motifs);
- Pedestrian-scale lighting on the bridge walkways and along the pathway approaches to the bridge;
- Architectural accent lighting for the bridge structure;
- Column decoration using stonework (similar to the Clackamas County Fairgrounds sign)⁴ with possible architectural lighting on the columns;
- Enhance the bridge with artistic metal work consistent with “The Garden Spot” theme (using a competitive artistic design process);
- Decorative paving consistent with other gateways (ensure simple designs and durable materials); and
- Landscaping⁵ (removal of the existing vegetation around the bridge abutments and replacement with attractive gateway landscaping).

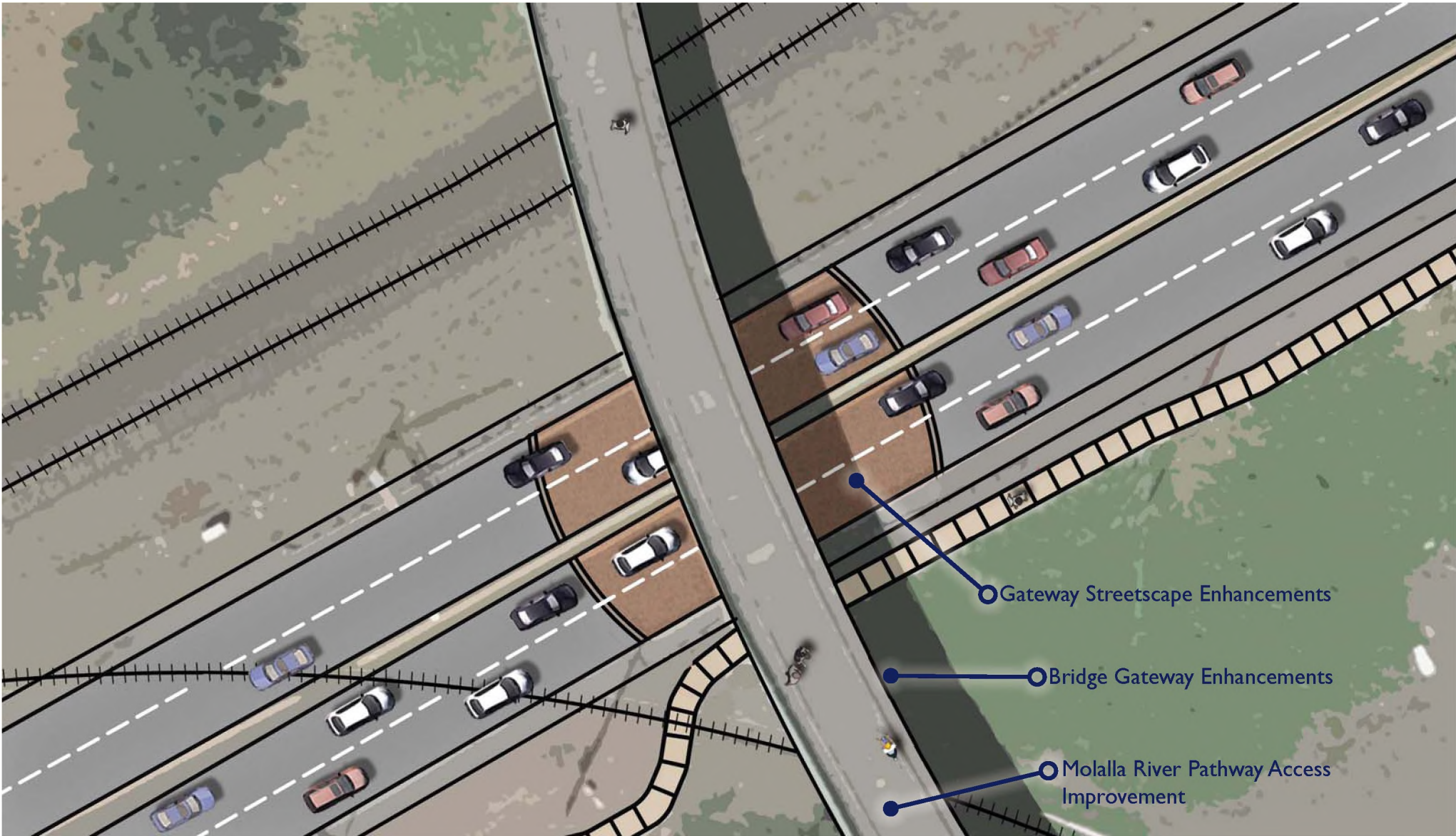


Figure 4 – Molalla River Pathway Bridge Gateway Enhancements

⁴ Confirmation would be needed that applying this type of material to the bridge would not compromise any structural or seismic qualities or impeded visual inspections of the bridge's condition.

⁵ Implementation of new landscaping should take place only when an on-going maintenance fund has been identified and approved by City Council.

Recommended Design Concepts

MOLALLA RIVER PATHWAY BRIDGE GATEWAY - DECORATIVE FENCING



Figure 5 – Opportunity to add Decorative Fencing

TRADITIONAL DESIGN ELEMENTS

The addition of decorative fencing to the existing bridge barrier is a key opportunity to create a gateway presence at the trail bridge over OR 99E. Many styles of fencing were presented by the consultant team and considered by the GPAC and the public. A traditional looking, picket-style fence, fabricated from tubular steel, was the most widely supported option. The fence should be designed and sized with details that are complementary to ornamental steel fencing installed along the railroad tracks. This style of fencing will also be cognitively consistent with many of the traditional downtown design elements along NW 1st and NW 2nd Streets. Once the design and materials for the fencing have been selected, the bridge barrier can be repainted in a complementary color.

TRADITIONAL DESIGN ELEMENTS AND MATERIALS



Picket style fencing similar to railroad fencing



Architectural iron work added to picket style fencing

Recommended Design Concepts

MOLALLA RIVER PATHWAY BRIDGE GATEWAY - DECORATIVE FENCING

GARDEN DESIGN ELEMENTS

The theme of Canby as “The Garden Spot” also inspired several options for ornamental bridge fencing. One approach was to express that by referencing the agricultural history, perhaps including elements of a covered bridge. However, there was preference for elements more suggestive of garden flowers and vines. It was suggested that these elements could be better integrated with the more simple design and proportions of the traditional fence. Some consideration was also given to using metal flower-design sculpture for “landscaping” around the bridge, especially if actual landscaping around the bridge abutments could not be included due to lack of stable maintenance funding.



Figure 6 – Opportunity to add Decorative Fencing

DECORATIVE FENCING WITH GARDEN OR ARTISTIC THEMES



Flower and vine metal work



Agriculture metal work



Metal decorative additions



Metal decorative silhouettes

Recommended Design Concepts

MOLALLA RIVER PATHWAY BRIDGE GATEWAY - LIGHTING

CREATING A NIGHTTIME PRESENCE FOR THE GATEWAY

Aesthetic lighting of bridge features has grown in popularity, both regionally and nationally. While lighting was once primarily used on bridges over waterways, aesthetic lighting is becoming as more common feature along highway overcrossings, even freeway interchanges. It is a way for communities to say “Welcome to Town, the Lights are On.” For the Molalla River Pathway Bridge Gateway, two types of special lighting will create a distinctive presence. Pedestrian-scale lighting with a traditional and ornamental style for the poles and fixtures will be placed on the bridge as pathway lighting. This lighting will improve user safety and comfort, as well as illuminating the decorative fencing. Also, soft glow uplights will be used to accentuate the bridge substructure. Light-emitting diodes (LED) lamps will be used throughout to increase longevity and reduce electricity consumption and maintenance. The exact color scheme and array of fixtures will be determined during design of the gateway.



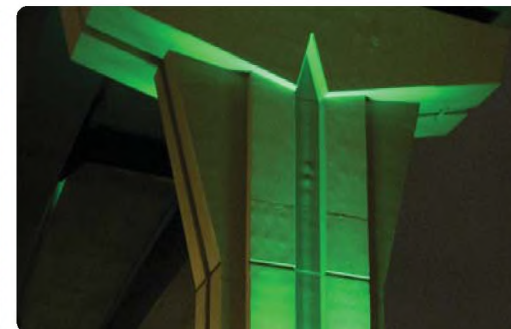
Figure 7 – Lighting Options

PEDESTRIAN SCALE LIGHTING

ARCHITECTURAL ILLUMINATION



Ornamental pathway lighting



Lighting for bridge structures



Recommended Design Concepts

MOLALLA RIVER PATHWAY BRIDGE GATEWAY - STREETSCAPE



Figure 8 – Streetscape Enhancements

SIDEWALK ENHANCEMENTS

DECORATIVE PAVING

COLUMN DECORATION

LANDSCAPING



Muted color paving



Event Center stonework

Attractive landscape design creates a good fit between highway and content. Whenever motorists are surveyed, they consistently cite landscaping as important to their perception of attractiveness.

The existing vegetation around the bridge abutments will be removed and replaced with attractive gateway landscaping. The chosen design should reflect the Canby as “The Garden Spot” theme. Implementation of new landscaping should take place only when an on-going maintenance fund has been identified and approved by City Council.

Recommended Design Concepts

MOLALLA RIVER PATHWAY BRIDGE GATEWAY - ACCESS IMPROVEMENTS



Figure 9 – Potential Future Access to Molalla River Pathway to the North of OR 99E

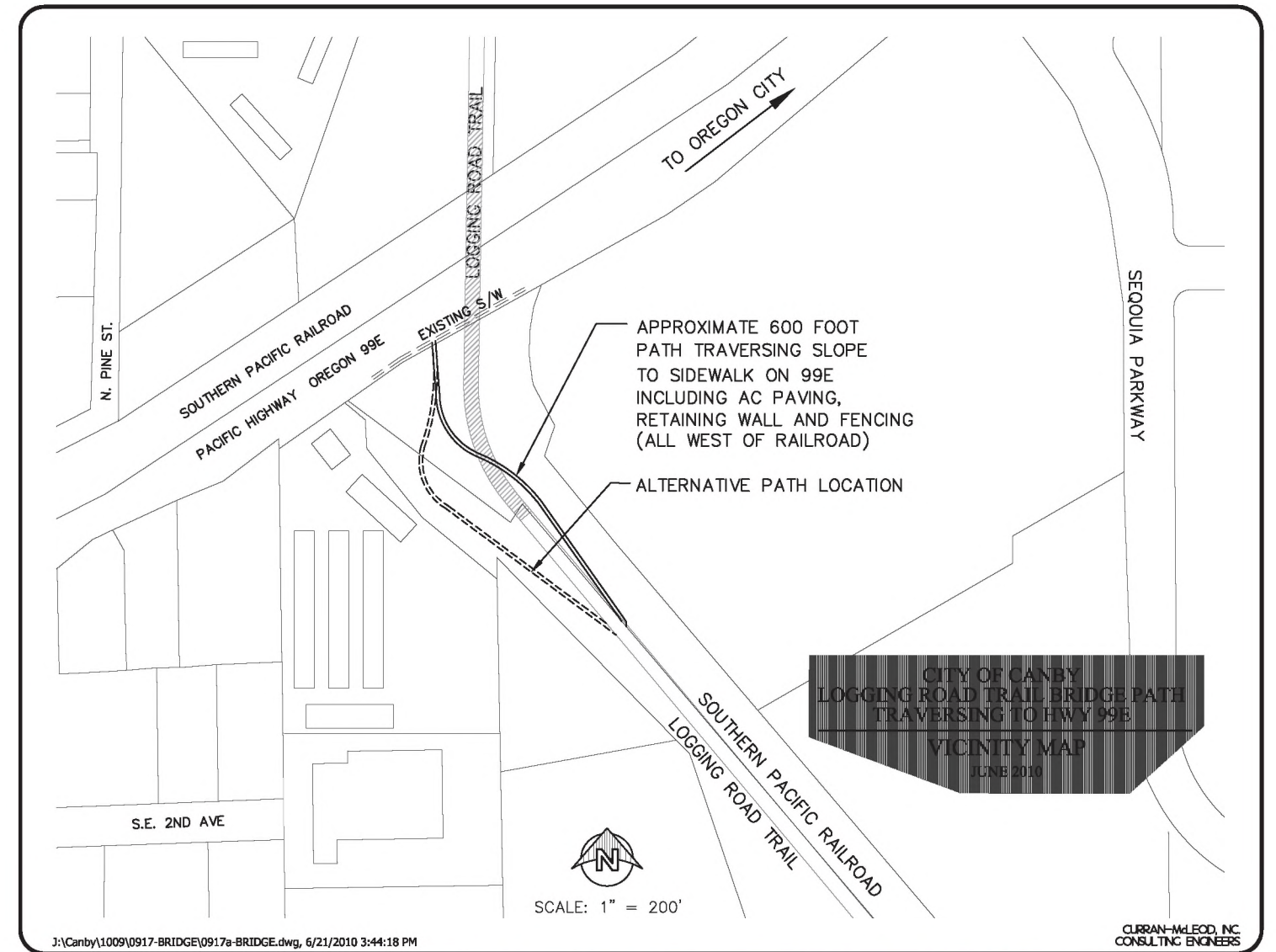


Figure 10 – Potential Future Access to Molalla River Pathway to the South of OR 99E

FUTURE TRAIL ACCESS IMPROVEMENTS

The trail does not have a useable connection directly to the highway. The City is currently planning to provide access between the south side sidewalk on OR 99E and the Molalla River Pathway by constructing the planned 600-foot path, which will require a retaining wall and fencing due to the slope traversal (two trail alignment options have been identified). Gateway improvements should also provide access to the north side of the Molalla River Pathway. This access could be developed in conjunction with the Pine Street improvements recommended in the TSP and the relocation of the Depot Museum.

Molalla River Pathway Access Improvements

- Provide access to the north side of the Molalla River Pathway in conjunction with the Pine Street improvements and the relocation of the Depot Museum
- Provide access between the south side sidewalk on OR 99E and the Molalla River Pathway by constructing the planned 600-foot path, which will require a retaining wall and fencing due to the slope traversal (two trail alignment options have been identified)

Bridge ornamentation that suggests covered bridges or agricultural practices were considered but not widely supported by the GPAC or through public comment. The preference was for elements more suggestive of garden flowers and vines integrated with the traditional look of the decorative fencing. Some consideration was also given to using metal flower-design sculpture for “landscaping” around the bridge. The consensus preference was for actual landscaping subject to available maintenance funding.

Recommended Design Concepts

DOWNTOWN GATEWAY

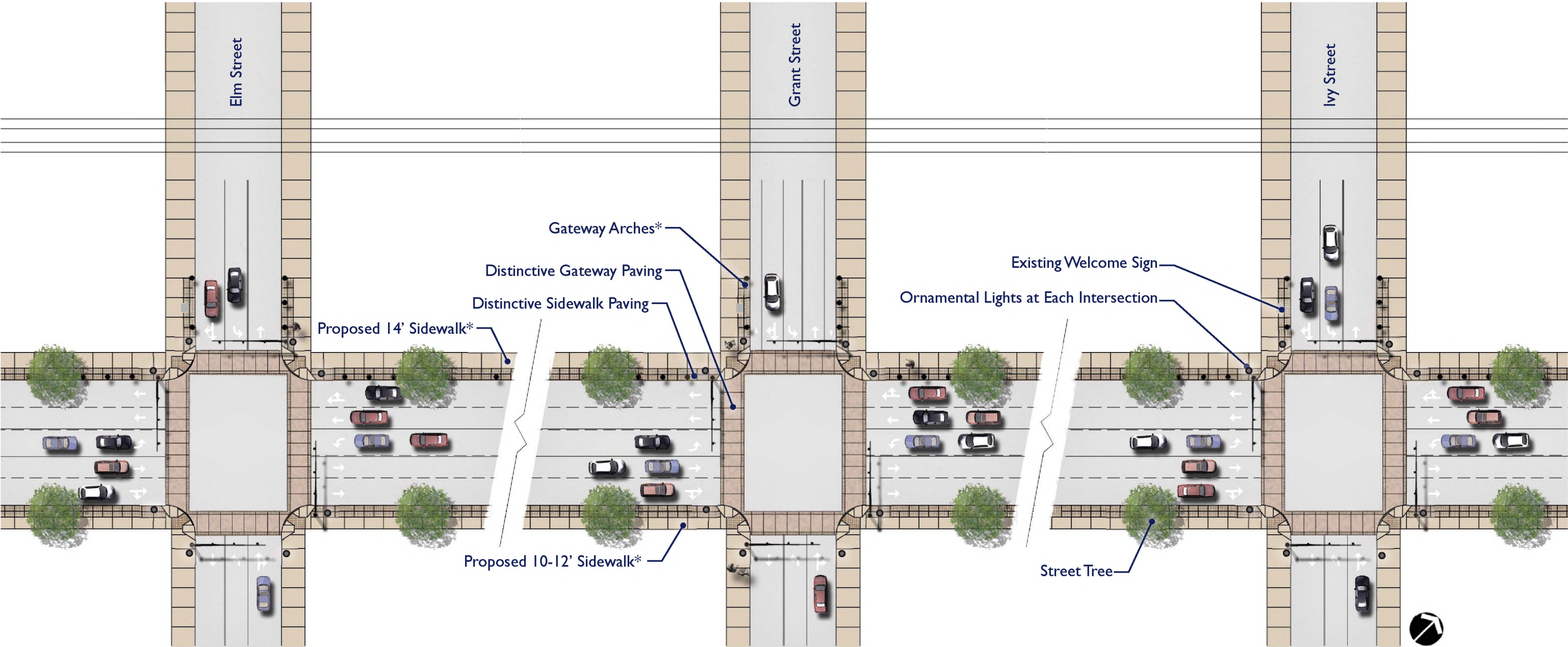
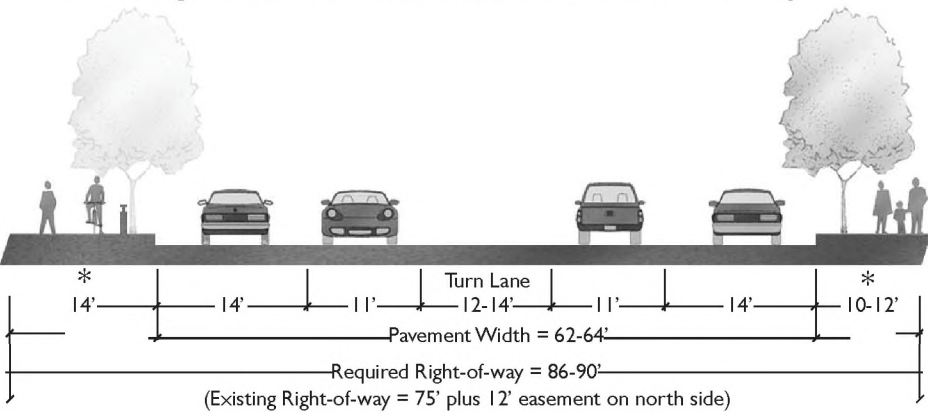


Figure 11 – Downtown Gateway

Segment 2 - Wide Sidewalks for Pedestrians & Bicycles



Bollard examples

- * Notes:
- Gateway arch location and final concept to be determined.
 - Proposed sidewalks on both sides narrow to approximately 9-10' at right-of-way pinch-points.
 - Wide sidewalk on north side is intended to be used by pedestrians and bicyclists.
 - For this segment approximately 11-15 feet of total right-of-way would need to be acquired to fully implement the cross-section. Right-of-way acquisition will occur on both sides of OR 99E. Specific locations and property impacts will be identified during future planning.

Recommended Design Concepts

DOWNTOWN GATEWAY

CONTINUOUS STREETScape FEATURES AS A GATEWAY

The Downtown Gateway is a continuous a streetscape design within the STA segment of the highway from Elm Street to Ivy Street. Concern was expressed by local businesses along NW 1st Avenue that the large pine trees on the north (railroad) side of OR 99E block visibility to their storefronts. If possible, the Downtown Gateway elements should support motorists in finding businesses located just off the highway. For example, with the 1st Avenue improvements there may be opportunities to use the back side of the new parking lot fence for placing signs to attract highway traffic to downtown, though permissions would be needed.

The concept builds on the roadway cross-section recommended for this segment and the design features being proposed for the NW 1st Avenue Improvement Project. Key features include:

- Distinctive gateway paving (consistent with other gateways)
- Distinctive sidewalk paving and ornamental bollards (simple designs with potential for lighting at night)
- Potential gateway arches or other vertical elements on Grant Street, Ivy Street, and or Elm Street (consistent with the final NW 1st Avenue improvements)

Revisions to the concept may be needed based on coordination with the NW 1st Avenue project.

GATEWAY ARCH STUDY FOR GRANT, ELM AND IVY STREETS

Community discussion about arches over streets has been part of multiple planning processes for downtown. Most of those discussions have been focused on some kind of gateway arch over Grant Street, near the intersection with OR 99E. Community outreach for this project expanded that discussion to include the possibility of arches over all three of the gateway streets (Elm, Grant and Ivy). The support for arches as gateway element was mixed. It is the recommendation of this plan that continued community discussion about gateway arches should be facilitated. The discussion should include location, design character and materials based on the constructed design of NW 1st Avenue.

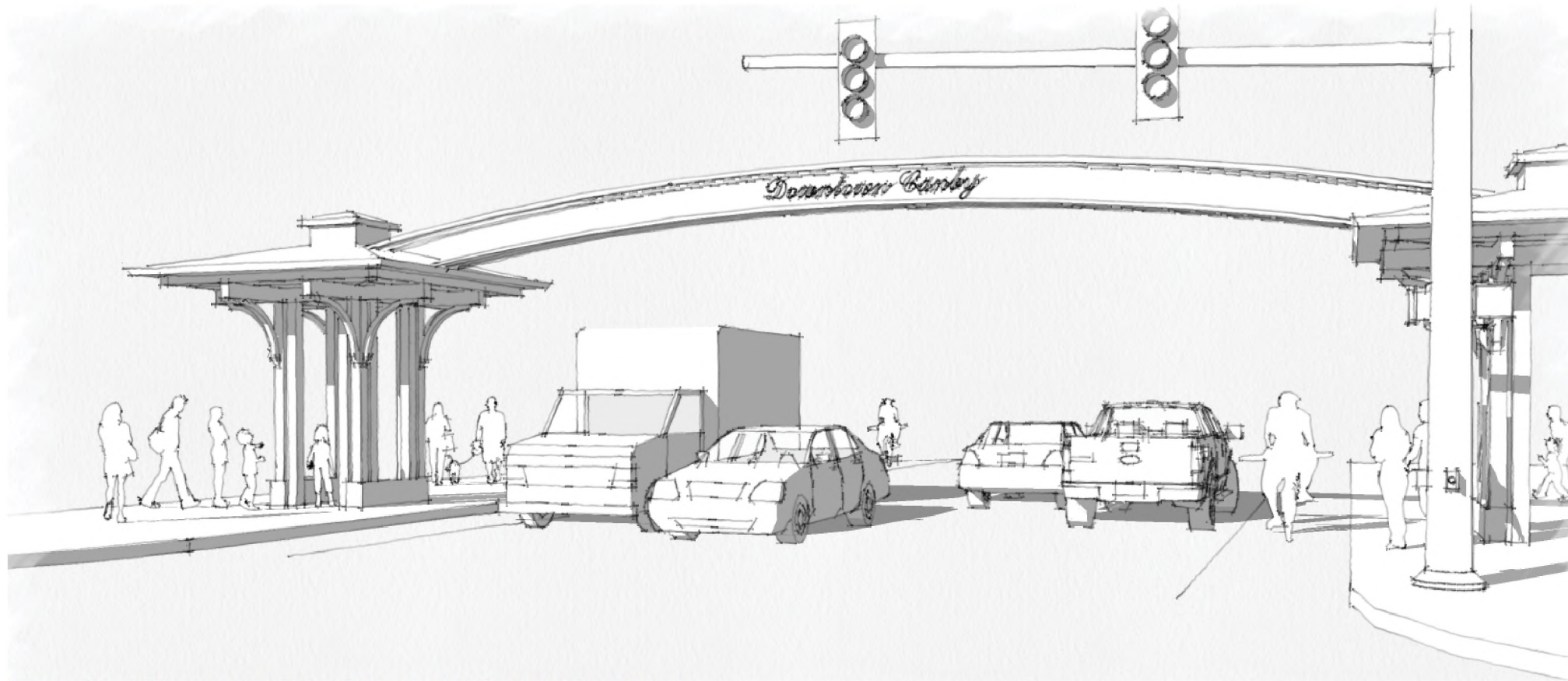


Figure 12 – Gateway Arch Study for Grant, Elm, and Ivy Streets



Ornamental street light



Distinctive gateway paving



Proposed NW 1st Avenue improvements

Recommended Design Concepts

BERG PARKWAY GATEWAY

ENHANCING AN EXISTING GATEWAY

The concept for a Berg Parkway Gateway builds on an existing gateway at that location. The gateway elements should be designed to avoid impacting the OR 99E/Berg Parkway intersection, and consideration should be given to whether they would affect a planned future Berg Parkway bridge.

Recommended features are:

- Distinctive gateway paving (consistent with other gateways);
- Planted or paved median with optional columnar or vase-shaped street trees or low landscaping;⁶
- Replace existing ornamental street lights with poles and fixtures consistent with those used in the downtown core
- Future speed reduction (from 45 mph to 35 mph)

The median is critical to the design. It creates a sense of passage into a more urban environment. The median would prohibit left-turns from being made directly into the Panda Express site, but vehicles coming from the west would have access to the site via the signalized intersection at Berg Parkway. There were some concerns raised about eliminating the ability for a two-stage left turn out of the Safeway site onto OR 99E with the proposed median, but that site has an alternate access to Berg Parkway. The GPAC also discussed the high volume of pedestrian crossings that this location (including high school students) and wondered if the median could be designed as a pedestrian refuge island; however, a refuge island is not likely to be permitted by ODOT due to the proximity to the signalized crossing at Berg Parkway.



Planted median example



Paved median example

⁶ All proposed features within the OR 99E right-of-way are subject to ODOT approval. Median street trees should be used with posted speeds of 35 miles per hour (mph) or less and conform to all other requirements in the Highway Design Manual (HDM).

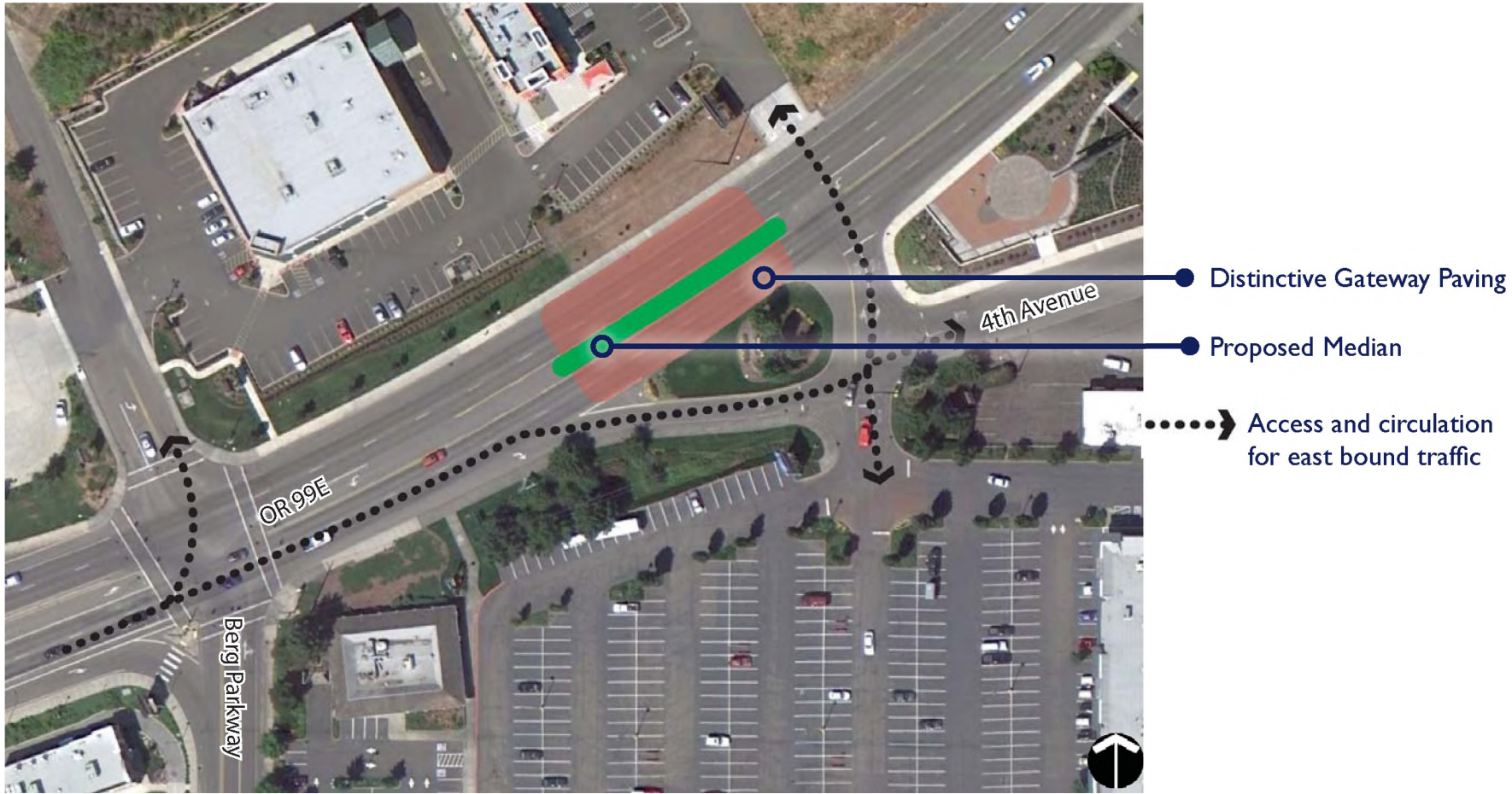


Figure 13 – Enhancing an Existing Gateway

The recommended strategies to implement the Plan include:

- Planning-level cost estimates
- Funding strategies
- Recommended time frame and phasing for improvements
- Actions to protect and obtain right-of-way for future improvements
- Recommended amendments to the Canby TSP and *Canby Municipal Code* (CMC) as needed to implement the Plan.

ODOT regulates access to OR 99E, supported by City TSP policies. No new policies or standards for access management are being considered as part of this Plan.

PLANNING LEVEL COST ESTIMATES

Planning level cost estimates were prepared for the improvements proposed in the Plan and are listed in Table 1. The cost estimates are intended to assist the City in obtaining funds and allocating budget for the projects and were developed using similar assumptions as the Canby TSP. They are based on general unit costs for transportation improvements, but do not reflect many of the unique project elements that could significantly increase project costs. As projects are pursued, each of these project costs will need further refinement to determine right-of-way requirements, costs associated with special design details, maintenance, and other project-specific needs.

Many of the Downtown Gateway elements consist of ornamental or decorative upgrades that would be installed as part of the OR 99E Segment 2 (STA) corridor improvements. To account for the upgrades, the Downtown Gateway cost estimates provided in Table 1 only include the difference in costs between the decorative items and the standard design features. Higher costs would be

incurred if the Downtown Gateway improvements were to be constructed separately from the OR 99E Segment 2 (STA) corridor improvements because they would require removal and replacement of infrastructure.

FUNDING STRATEGIES

Table 7-6 of the Canby TSP lists the financially constrained motor vehicle projects and includes non-capacity improvements to OR 99E between Elm and Locust Streets associated with the STA designation for this portion of OR 99E. Those improvements include repaving the highway and providing bikeway shoulders and sidewalks. To fund the projects on the TSP financially constrained projects list, the City will rely in part on existing sources of revenue such as gas taxes, urban renewal funds, and SDCs. However, the TSP notes that the estimated total cost for the financially constrained project list exceeds that of projected revenue and therefore, additional funding sources will be needed. Furthermore, the corridor improvements identified in the Plan outside the STA are not included in the financially constrained package, meaning additional funding sources will be needed to implement those improvements.

The TSP (p. 9-8) identifies several potential supplemental sources of funding for transportation improvements; these include state and county contributions, developer exactions, urban renewal, increase to the City’s transportation SDC, local improvement districts, special assessments, and grants. Some of these may be appropriate for funding improvements identified in the Plan, as follows:

Developer exactions and fee-in-lieu. As properties along the OR 99E corridor develop or redevelop, the City will have the ability to require right-of-way dedication and frontage improvements consistent with current practice (and provided for in Chapters 16.49 and 16.86). Frontage improvements typically include sidewalks and curbs, planting strips, street trees, associated drainage and any other improvements specified between the curb and building lines. If a development is anticipated to contribute a high volume of traffic to OR 99E intersections, the City may also be able to exact roadway (adjacent or off-site) improvements proportionate to the anticipated impacts on the facilities. Examples include traffic signal upgrade, new or lengthened turn lanes, traffic channelization or pedestrian crossing enhancements. As an alternative to requiring actual construction of the improvement, the City could require a fee in-lieu equal to the cost of constructing the improvements. The City could use those funds at a later date to fund the improvement when the timing is right. Currently, the City does not have a formalized process for accepting in-lieu fees for transportation-related improvements. City staff has expressed interest in incorporating fee-in-lieu language in the CMC. Therefore, a section from the City of Milwaukie’s development code is included as an example in the Technical Appendix.

Table 2: Planning-level Cost Estimates for Corridor and Gateway Improvements

| Improvement Project | Description | Cost Estimate |
|--|--|--------------------------|
| Corridor | | |
| OR 99E Segment 1: West City Limits to Elm Street (0.6 miles) | Typical lane widths with shoulder bikeway | \$5,100,000 |
| OR 99E Segment 2 (STA): Elm Street to Locust Street (0.5 miles) | Narrow lane width with wide sidewalks on north side for pedestrians and bicycles (TSP Motor Vehicle Project N1) | \$4,700,000 ^a |
| OR 99E Segment 3: Locust Street to Molalla River Pathway Bridge (0.5 miles) | Typical land widths with shoulder bikeway | \$3,900,000 |
| OR 99E Segment 4: Molalla River Pathway Bridge to Territorial Road (1.1 miles) | Typical lane widths with shoulder bikeway and wide center median (ODOT Urban Standard for 45 miles per hour) | \$8,800,000 |
| Gateway | | |
| Berg Parkway Gateway | Decorative street paving, planted or paved median with street trees or low landscaping, and ornamental lights | \$600,000 |
| Downtown Gateway | Decorative intersection paving and sidewalk treatments; ornamental traffic signal poles, street lights, and bollards; and a potential gateway arch | \$900,000 ^b |
| Molalla River Pathway Bridge Gateway | Decorative street paving, railroad fencing, bridge railing, and columns; pedestrian-scale and architectural lighting; and landscaping | \$900,000 |
| Other | | |
| Molalla River Pathway Access Improvements | Provide access between the south side sidewalk on OR 99E and the Molalla River Pathway (TSP Pedestrian Project T1) | \$360,000 ^c |
| Total Cost | | \$25,250,000 |

^a Costs for the OR 99E Segment 2 (STA) corridor improvements (Motor Vehicle Project N1) were identified in the Canby TSP. However, a higher cost is now assumed because additional information is known regarding right-of-way needs on the north side of OR 99E (due to an existing easement). In addition, this project will construct the crosswalk and ramp improvements identified in the TSP at the three signalized intersections (see Pedestrian Projects C1, C2, and C3).

^b Costs of Downtown Gateway improvements are based on construction of decorative upgrades at the time of OR 99E Segment 2 (STA) corridor improvements.

^c Costs for the Molalla River Pathway Access Improvements (TSP Pedestrian Project T1) were identified in the Canby TSP.

Implementation

Advance financing. The City also has an advance financing option for funding public improvements (CMC Chapter 4.12). This option allows the City to require that new development pay for and construct public improvements which need to be in place to accommodate site traffic, but that will also benefit multiple surrounding properties. As the surrounding properties develop or redevelop, the City can require them to contribute their proportionate share of the improvement, which the City then conveys to the developer who funded the construction. Some improvements identified in the Plan could be required by the Planning Commission (upon assessment and recommendation by the Public Works Department) as a condition of approval for a subdivision, land partition or conditional use application. The City may only require improvements that are shown on an approved master planning document such as the TSP. Sections 4.12.030 through 4.12.080 contain language that describes the process for approving advance financing, the rates of reimbursement, and collection of fees.

State and Federal Grants. The City could pursue federal and state grants, a number of which are described in the Canby TSP Implementation Strategy. One such opportunity is the federal TE grant program which funds projects that expand transportation choices and enhance the transportation experience through 12 eligible activities relating to surface transportation. Eligible activities include pedestrian and bicycle infrastructure and safety programs, scenic and historic highway programs, landscaping and beautification, historic preservation, and environmental mitigation. Many of the improvements identified in the Plan could qualify for this program.

Urban renewal. An urban renewal district (URD) is a tax-funded district within the City that is supported by the incremental increases in property taxes resulting from the construction of applicable improvements. As directed by the City and its URD board, the funds raised by a URD can be used for transportation projects located within the URD boundaries.

The City currently has a URD for its downtown core and the Canby Pioneer Industrial Park, including OR 99E and properties on either side of the highway between approximately Birch Street and the Molalla River Pathway Bridge. The primary purpose for the URD is “to eliminate blighting influences found in the Renewal Area, to implement goals and objectives of the *City of Canby Comprehensive Plan*, and to implement development strategies and objectives for the Canby Urban Renewal Area.” The *Canby Urban Renewal Plan* indicates that projects eligible for funding include street and sidewalk improvements and acquisition of necessary right-of-ways. The City could use urban renewal funds to cover a portion of the costs of improvements already within the URD boundary and/or consider expanding the URD boundary to include Plan transportation projects outside the URD boundary.

Local improvement districts (LID). The City may set up LIDs to fund specific capital improvement projects within defined geographic areas, or zones, of benefit. LIDs impose assessments on properties within its boundaries and

may only be spent on capital projects within the geographic area. LIDs may not fund ongoing maintenance costs, therefore they require separate accounting. Furthermore, because citizens representing 33 percent of the assessment can terminate a LID and overturn the planned projects, LID projects and costs must meet with broad approval of those within the LID boundaries to be implemented.

Statewide Transportation Improvement Program (STIP). When ODOT programs a pavement preservation project on OR 99E, it may be an opportunity for the City to simultaneously implement some of the Plan improvements, with potential cost savings for combining projects.

TIME FRAME AND PHASING

The Plan is intended to be implemented over 20 or more years. Construction phasing of the improvements identified in the Plan is contingent on the availability of funding, and will likely occur incrementally. The timing of corridor property development or redevelopment will also affect project feasibility. For example, if a number of properties along one segment of OR 99E were to redevelop and dedicate right-of-way and fees-in-lieu for frontage improvements, the City could prioritize funding improvements for that segment. Timing may also depend on the availability of state and federal funds.

Informally, the City has identified the Molalla River Pathway Bridge improvements and the Downtown and Molalla River Pathway Bridge Gateways as priority projects.; however, these projects are not proposed to be included on the Canby TSP’s financially constrained project list. Timing of these priority improvements will be primarily based on funding availability.

ACTIONS TO PROTECT AND OBTAIN RIGHT-OF-WAY

The cross-sections for OR 99E identified in the Plan will require additional right-of-way width (typically ranging from 11- 15 feet) in order to be constructed. Additional right of way may also be needed at intersections in order to provide adequate radii for truck maneuvers.⁷ As properties along OR 99E within the Plan area develop or redevelop, the City will require dedication of adequate right-of-way consistent with the corridor segment cross-sections identified in the Plan and consistent with ODOT highway design standards in place at the time of construction.

CMC Chapter 16.86.020, VII Street Alignments will allow the City to protect and obtain right-of-way for the cross-sections identified in the Plan (which will also be adopted into the City’s TSP). It contains the following language that requires dedication of right-of-way at the time of development and prohibits development within identified future roadway alignments:

⁷ Turning radii standards are located in Canby’s Public Works Standards and not in the CMC. The City should review those public works standards to ensure they will support and implement the improvements indicated in the Plan.

- A. *The Transportation System Plan shall be used to determine which streets are to be arterials, collectors, and neighborhood connectors. All new streets are required to comply with the roadway design standards provided in Chapter 7 of the TSP. The city may require right-of-way dedication and/or special setbacks as necessary to ensure adequate right-of-way is available to accommodate future road widening projects identified in the TSP.*
- B. *Right-of-way widths and cross section standards for new streets shall be in conformance with the Canby Transportation System Plan and the Public Works Design Standards.*
- C. *The Public Works Director shall be responsible for establishing and updating appropriate alignments for all streets.*
- D. *No building permit shall be issued for the construction of a new structure within the planned right-of-way of a new street, or the appropriate setback from such a street as established in Division III.*
- E. *Existing structures which were legally established within a planned road alignment or abutting setback shall be regarded as nonconforming structures.*

The above requirements would be triggered by any project that requires a building permit. In practice, the City will only require right-of-way dedication for projects that also trigger site design review, which typically include new development and remodels representing 60 percent or more of the assessed tax value of a building. For smaller projects, right-of-way dedication will likely not be required; however, the project will have to comply with (D) above which prohibits new structures from being built within future street alignments.

If the City or ODOT develops a project to construct an improvement for which adequate right-of-way has not yet been dedicated by all abutting properties, then the agency conducting the project would need to purchase right-of-way from impacted property owners.

RECOMMENDED PLAN AND CODE AMENDMENTS

This section contains suggested *City of Canby Comprehensive Plan* and *Canby Municipal Code* amendments that are intended to support and implement the Plan. Recommended amendments include:

- New language in the TSP to adopt and reference the Plan.
- TSP language to clarify or replace cross-sections for OR 99E through the Plan area.
- Language in several sections of the zoning code to implement sidewalk improvements and eliminate conflicts in sidewalk width standards.

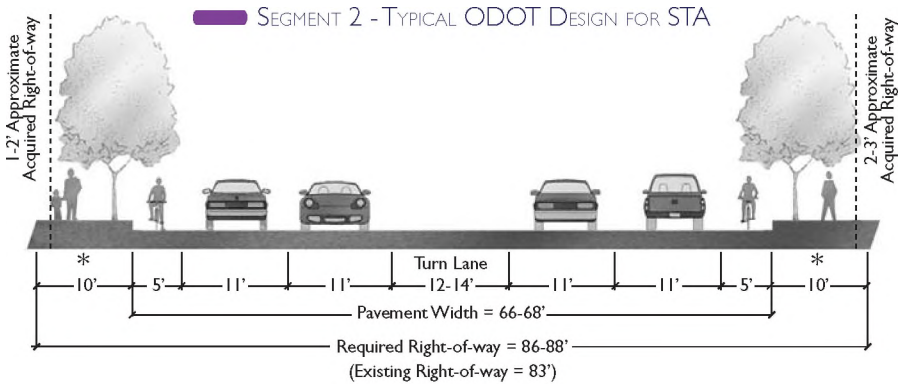
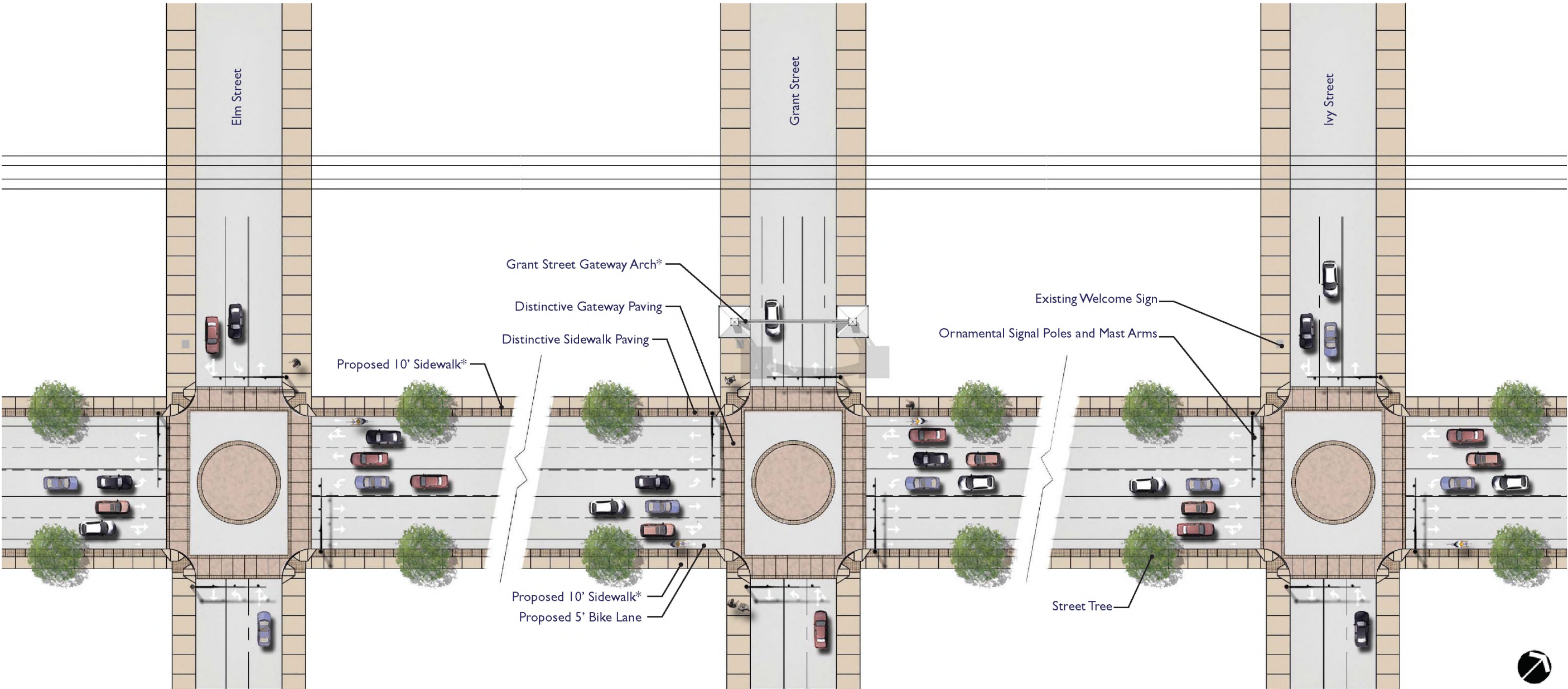
The recommended new language and deleted language are shown in the Technical Appendix.

ALTERNATIVE CONCEPT PLANS

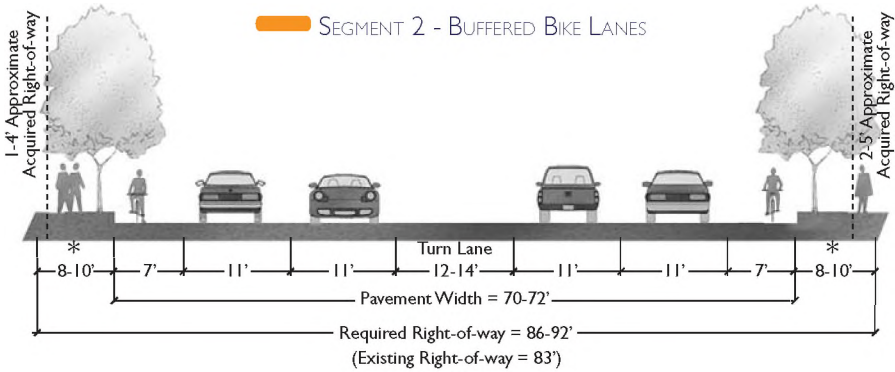
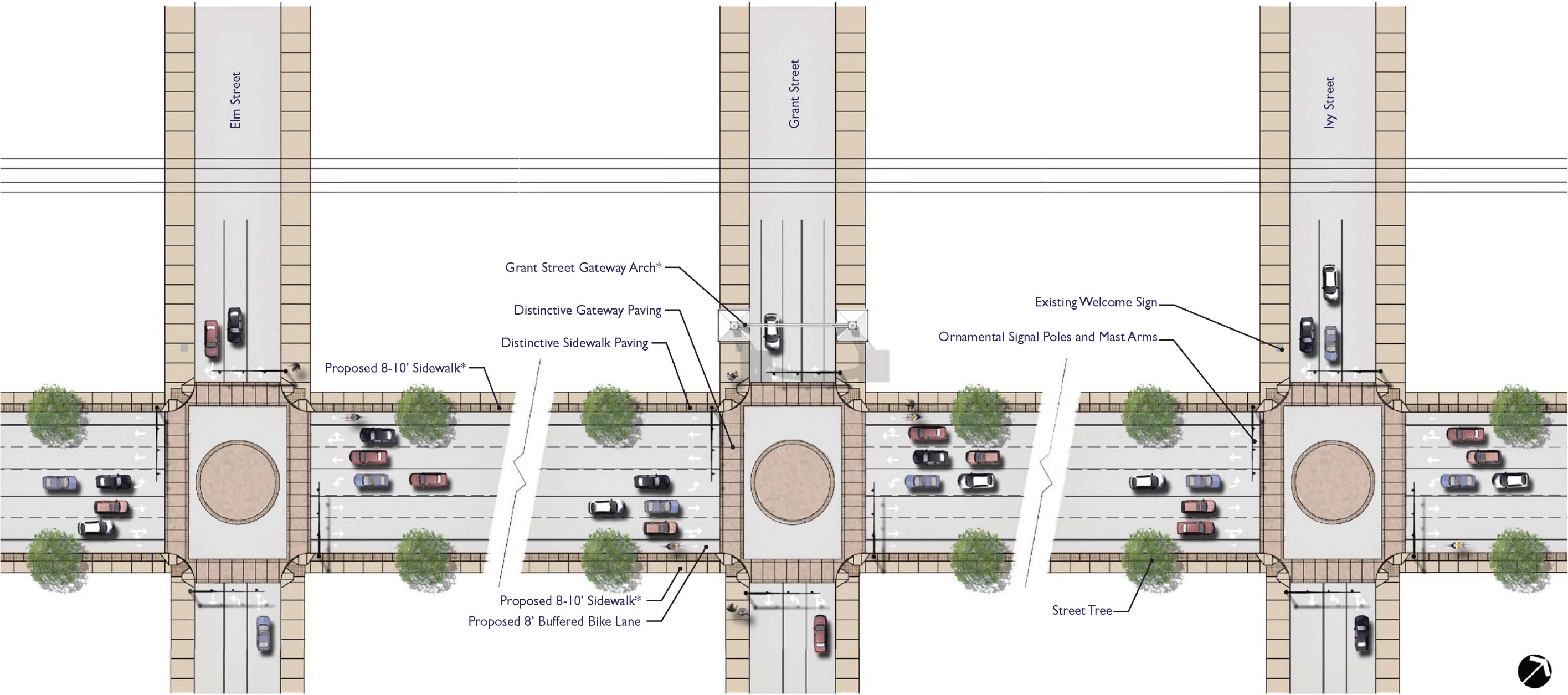
The preferred concept for the Downtown Gateway is illustrated on page 20. Two other alternatives were developed and considered by the GPAC during the course of the project, and have been included on the following pages. Each alternative reflects roadway cross-sections for the STA segment of OR99E proposed during concept design development for the project. A primary reason that these alternatives were not preferred is that both include an on-street bicycle lane in this segment, which was not the strongly supported by the GPAC or other community input.

Appendix

DOWNTOWN GATEWAY - OPTION A



- * Notes:
- Grant Street Gateway Arch Location and final concept to be determined.
 - Proposed 10' sidewalks on both sides narrow to approximately 7-8' at right-of-way pinch-points.



- * Notes:
- Grant Street Gateway Arch Location and final concept to be determined.
 - Proposed 8-10' sidewalks on both sides narrow to approximately 5-6' at right-of-way pinch-points.

RESOLUTION NO. 1146

A RESOLUTION ACCEPTING THE RESULTS OF NOVEMBER 6, 2012 ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF 0.79 ACRES DESCRIBED AS TAX LOTS 1100 and 1101 OF TAX MAP 4S-1E-4D LOCATED ADJACENT TO AND WEST OF THE 1600 BLOCK OF S. IVY STREET AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.

WHEREAS, on November 6, 2012, at a special election, the voters of the City of Canby approved by a vote of 5,418 to 1,396, Measure No. 3-408 which called for the annexation of 0.79 acres into the City of Canby. Clackamas County Elections Department certified the above election results as accurate on November 20, 2012. Applicant for the property is Robert Price on behalf of the owners, Hope Village, Inc., of tax lots 1100 and 1101 of Tax Map 4S-1E-4D located adjacent to and west of the 1600 block of S. Ivy Street. A complete legal description of the tax lot is attached hereto as Exhibit "A", and a map showing the location of the tax lot is attached hereto as Exhibit "B" and by this reference are all incorporated herein; and

WHEREAS, the zoning of the annexed land shall be designated as R-2 High Density Residential, which conforms with the Canby Comprehensive Plan as a result of approval a concurrent comprehensive plan map amendment approved by the City Council, and such zoning shall be indicated on the official zoning map for the City of Canby; and

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

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby that the Election Results as set forth in the abstract dated November 20, 2012, are official and accepted by the Council of Canby; and

IT IS HEREBY PROCLAIMED by the Council of Canby that 0.79 acres of property described in Exhibit "A" and shown on Exhibit "B" is annexed into the corporate limits of the City of Canby, Oregon. Said boundaries of the property are set by the legal descriptions set forth in Exhibit "A". The zoning of the annexed land shall be designated as R-2 High Density Residential and indicated as such on the official zoning map for the City of Canby.

This Resolution shall take effect on December 5, 2012.

ADOPTED this 5th day of December, 2012, by the Canby City Council.

Randy Carson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.

Ronald b. Sellards, P.E.

3737 SE 8th Ave.

Portland, OR 97202

503-235-8795

FAX: 503-233-7889

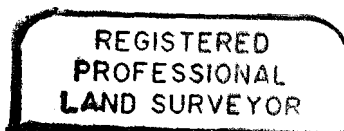
Email: chris@ztecengineers.com

Hope Village – Pendell Property Annexation

A Tract of land located in the Southeast one-quarter of Section 4, Township 4 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows:

Commencing at a stone with a hole on top, found at the South one-quarter corner of said Section 4; thence North 00°23'26" East, along the center of section line, a distance of 1309.37 feet to the Northwest corner of the Southwest one-quarter of the Southeast one-quarter of said Section 4; thence South 88°55'42" East, along the North line of said Southwest one-quarter of the Southeast one-quarter, a distance of 1056.00 feet (16 chains) to the Southeast corner of that Tract of land described in that Deed recorded as Document No. 2004-022661, Clackamas County Deed Records, thence South 00°23'26" West, parallel with said center of section line, a distance of 9.00 feet to the true point of beginning of the Tract of land herein described; thence North 00°23'26" East, parallel with said center of section line, a distance of 174.01 feet to the Northeast corner of said Document No. 2004-022661 Tract, said point being on the South line of Parcel 4 of Partition Plat No. 1997-003; thence South 88°55'42" East, along said South line, a distance of 206.48 feet to a point on the West right of way line of South Ivy Street; thence South 00°31'30" West, along said West right of way line, a distance of 172.26 feet to a point on the South line of that Tract of land described in that deed recorded as Document No. 84-1881, Clackamas County Deed Records; thence North 89°24'56" West, along said South line, a distance of 206.06 to the true point of beginning of the Tract of land herein described.

Said Tract of land contains a area of 35,111 square feet (0.8198 acres) more or less.



Chris Fischborn

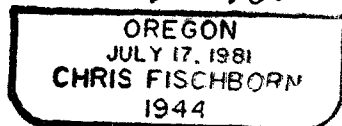


Exhibit "B"

PARCEL 4
PARTITION PLAT NO. 1997-003

LOT 9

"HOPE
CAMPUS"

CENTER OF SECTION
FD. 1/2"x2" IRON BAR
(HELD)

FD. 5/8" I.R. WITH
"ZTEC" CAP (HELD)

DOCUMENT NO.
2011-064834

500.48'

30' | 30'

S 88°55'42" E
206.48'
T.L. 1101
17,748 SQ. FT.
N 88°55'42" W

86.00'
S 00°23'26" W
165.00'

206.28'
T.L. 1100
17,963 SQ. FT.
N 89°24'56" W

86.00'
86.26'
SN(1) & (M)

172.26'
S 00°31'30" W

S 88°55'42" E 1056.00' DEED (1) & HELD

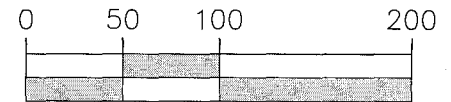
SOUTH LINE OF THE N.W. 1/4
OF THE S.E. 1/4 OF SECTION 4

N.W. CORNER OF THE S.W. 1/4
OF THE S.E. 1/4 OF SECTION 4

POINT OF BEGINNING

9.00' SN(1) & (M)

GRAPHIC SCALE



(IN FEET)

1 INCH = 100 FEET

SN(1) = SN 20446
TOTAL AREA = 35.711 SQ. FT. (0.8198 AC.)
DEED (1) = DOCUMENT NO. 2004-022661
PP(1) = PARTITION PLAT NO. 1996-049

LOCATED IN THE S.E. 1/4 OF SECTION 4, T.4S., R.1E., W.M., CLACKAMAS COUNTY

1/4 CORNER
FD. STONE

POINT OF COMMENCEMENT

| | |
|-------------------------------|----------------------|
| TITLE: EXHIBIT DRAWING | |
| DATE: 11-8-12 | PLOT DATE: 11-15-12 |
| DWG BY: JHH | CHK BY: CCF |
| SHEET: 1 OF 1 | FILE: S15632EXH2.DWG |

| | |
|--|--|
| ZTec ENGINEERS, INC. 3737 S.E. 8TH AVE. PORTLAND, OREGON 97202 (503) 235-8795 City Council Packet Page 64 of 85 | |
| CLIENT: HOPE VILLAGE, INC. | |

ORDINANCE NO. 1365

AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.41 OF THE CANBY MUNICIPAL CODE CONCERNING THE SUBAREA BOUNDARY OF THE CANBY DOWNTOWN OVERLAY ZONE

WHEREAS, Great Basin Engineering, representing Fred Meyer Stores, Inc., applied for a text amendment and zone change to alter Chapter 16.41, Downtown Canby Overlay Zone (DCO) in order to change the subarea boundary of the Downtown Overlay Zone on taxlots 3S1E33DC00100, 00200, 00300, 02200 & 02300 from Core Commercial (CC) to Outer Highway Commercial (OHC), as shown in Exhibits “A” and “B”, and

WHEREAS, the Planning Commission held public hearings on July 23, 2012, September 24, 2012, and October 22, 2012 during which the citizens of Canby and their representatives were given the opportunity to present testimony on these proposed changes; and

WHEREAS, the Planning Commission found that the standards and criteria of the Canby Comprehensive Plan and the Canby Land Development and Planning Ordinance concerning text amendments and zone changes were not satisfactorily met, and therefore recommended by a vote of 3-1 to forward a recommendation of denial to the City Council, and

WHEREAS, the City Council, after reviewing the text amendment and zone change applications, supporting materials, and testimony on November 7, 2012, found that the proposed amendment complies with the Canby Comprehensive Plan and the Canby Land Development and Planning Ordinance, and the plans and policies of the county, state, and local districts and will preserve the function and local aspects of land conservation and development; that there is a public need for the change; that the amendment will serve the public need better than any other change which might be expected to be made; that the amendment preserves and protects the health, safety, and general welfare of the residents in Canby; and that it complies with the Statewide Planning Goals; and therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

- 1) The City Council hereby approves Text Amendment and Zone Change files TA 12-01 and ZC 12-02; and
- 2) Title 16, Chapter 16.41 of the Land Development and Planning Ordinance of the City of Canby, is modified as detailed in Exhibit “A.”

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, November 7, 2012 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on December 5, 2012, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 N.W. 2nd Avenue, Canby, Oregon.,

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on December 5, 2012 by the following vote:

YEAS _____ NAYS _____

Randy Carson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

2nd Reading

MEMORANDUM

THIS HAS BEEN REVIEWED
BY THE FINANCE DIRECTOR

Haley J.



TO: *Honorable Mayor Carson and City Council*
FROM: *Darvin Tramel, Environmental Services Manager*
DATE: *November 28, 2012*
RE: *Ordinance No. 1367 An Ordinance authorizing the City of Canby to Enter into a contract with Kennedy/Jenks Consultants to provide engineering services to complete the 2013 City of Canby Stormwater Master Plan for \$104,000; and Declaring an Emergency*

Issue: Whether or not to adopt Ordinance 1367, a contract with Kennedy/Jenks Consultants for engineering services to complete the Stormwater Master Plan.

Synopsis: Whereas the need for this contract is based on the many changes to the regulatory framework concerning stormwater. The Stormwater Master plan directs and guides the City on how to incorporate capital improvements, update fees and manage the stormwater system now and in the future. In 1994, the City of Canby completed its first Stormwater Master Plan with the assistance of Curran-McLeod, Inc. Consulting Engineers. Since 1994, the regulatory framework regarding Underground Injection Control devices (UICs) has changed and the updated Stormwater Master plan for 2013 will need to reflect the newly adopted regulatory requirements concerning UICs.

Currently the City owns and operates over 350 UICs, which will be regulated in accordance with the City Water Pollution Control Facilities (WPCF) permit. The City of Canby has currently applied for a WPCF permit for the UIC's with DEQ, and the City is expected to receive its first WPCF permit issued by DEQ late in the year 2013.

In order to meet the regulatory requirements of the new WPCF permit and the City of Canby Total Maximum Daily Load (TMDL) Implementation Plan, the City is required to update its Stormwater Master plan. The Stormwater Master Plan is designed to serve as a guide for the City in the development of a ***comprehensive Stormwater/UIC Management Plan***, which will provide multiple benefits to the city and its residents.

Meeting the requirements of the WPCF permit for UICs and addressing other water quality and regulatory concerns in the region, including TMDLs, will ensure that the community retains the character and quality of life that attracts people to the city, while maintaining a balance between growth and conservation of resources.

Recommendation: Staff recommends the Council adopt Ordinance 1367.

Attached: Ordinance NO. 1367 and attachments.

Motion: "I move to approve Ordinance No. 1363: AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A CONTRACT WITH KENNEDY/JENKS CONSULTANTS TO PROVIDE ENGINEERING SERVICES FOR THE COMPLETION OF THE 2013 STORMWATER MASTER PLAN; AND DECLARING AN EMERGENCY."

ORDINANCE NO. 1367

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH KENNEDY/JENKS CONSULTANTS IN THE AMOUNT OF \$104,000.00 FOR ENGINEERING AND CONSULTING SERVICES TO COMPLETE THE 2013 CITY OF CANBY STORMWATER MASTER PLAN; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby has heretofore advertised and received proposals for municipal engineering services from four (4) engineering firms and selected Kennedy/Jenks Consultants to complete the 2013 City of Canby Stormwater Master Plan; and

WHEREAS, the notice of call for a Request For Proposals (RFP) was duly and regularly published in the Oregon Daily Journal of Commerce on September 28, 2012; and

WHEREAS, the proposals were received and opened on October 19, 2012 and then distributed to five members of a City proposal selection committee for scoring and evaluation to determine the most qualified engineering firm for this project:

WHEREAS, the City proposal selection committee scored the Stormwater Master Plan proposal from Kennedy/Jenks Consultants the highest and therefore proceeded to move forward with contract negotiations on November 20, 2012. The negotiated and finalized Scope and Fee proposal from Kennedy/Jenks Consultants is attached herein as a part of Exhibit "A"; and

WHEREAS, the Canby City Council, acting as the City's Contract Review Board, met on Wednesday, December 5, 2012, and considered the proposal, reports and recommendations of the City staff; and

WHEREAS, the Canby City Council determined that the most qualified selection for engineering services to complete the 2013 City of Canby Stormwater Master Plan was that of Kennedy/Jenks Consultants of Portland Oregon; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and/or City Administrator are hereby authorized and directed to make, execute, and declare in the name of the City of Canby and on its behalf, an appropriate contract with Kennedy/Jenks Consultants to complete the 2013 City of Canby Stormwater Master plan in the amount of \$104,000.00. A copy of the contract with Kennedy/Jenks Consultants is attached hereto and marked as Exhibit "A" and by this reference incorporated herein.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to complete this project as soon as possible, 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 therefore on Wednesday, December 5, 2012; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, January 2, 2013, after the hour of 7:30 pm at the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 2nd day of January 2013 by the following vote:

YEAS _____ NAYS _____

Randy Carson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

**EXHIBIT “A”
PERSONAL SERVICES AGREEMENT**

**THIS AGREEMENT is between the CITY OF CANBY (City) and
KENNEDY/JENKS CONSULTANTS INC. (Consultant).**

- A. City requires services which Consultant is capable of providing, under terms and conditions hereinafter described.
- B. Consultant is able and prepared to provide such services as City requires, under those terms and conditions set forth.

The Parties Agree a Follows:

- 1. Scope of Services. Consultant’s services under this Agreement are set forth in Exhibit “A”, attached hereto.
- 2. Consultant Identification. Consultant shall furnish to City its employer identification number as designated by the Internal Revenue Service, or Consultant’s Social Security Number, as City deems applicable. **Consultant understands it is required to obtain a City of Canby business license for conducting business in the City. Consultant agrees to obtain a Canby business license prior to commencing work under this contract.**
- 3. Compensation:
 - A. City agrees to pay Consultant according to the proposed rate schedule submitted with the Consultant’s proposal. See Exhibit “A” attached hereto. Consultant agrees that \$104,000.00 is the not to exceed price of this contract, without prior written approval from the City.
 - B. City agrees to pay Consultant within 30 days after receipt of Consultant’s itemized statement. Amounts disputed by the City may be withheld pending settlement.
 - C. City certifies that sufficient funds are available and authorized for expenditure to finance costs of the Agreement.
- 4. Consultant is Independent Contractor.
 - A. Consultant’s services shall be provided under the general supervision of the Planning Director. Consultant shall be an independent contractor for all purposes and shall be entitled to no compensation other than the compensation provided for under Paragraph #3 of this Agreement.
 - B. Consultant certifies that it is either a carrier-insured employer or a self-

insured employer as provided in Chapter 656 of the Oregon Revised Statutes.

- C. Consultant hereby represents that no employee of the City, or any partnership or corporation in which a City Employee has an interest, will or has received any remuneration of any description from Consultant, either directly or indirectly, in connection with the letting or performance of this contract, except as specifically declared in writing.

- 5. **Subcontractors and Assignment.** Consultant shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from City. City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to Consultant. Any subcontract between Consultant and subcontractor shall require the subcontractor to comply with all applicable OSHA regulations and requirements.

- 6. Work is Property of City. All work performed by Consultant under this Agreement shall be the property of the City. City agrees that the Consultant may use its work in other assignments if all City of Canby data and references are removed. Reuse of consultant's work product by City for other than its intended purpose under this agreements shall be at City's sole risk.

- 7. Term.

- A. This Agreement may be terminated by:

- 1. Mutual written consent of the parties.
- 2. Either party, upon thirty (30) days written notice to the other, delivered by certified mail or in person.
- 3. City, effective upon deliver of written notice to Consultant by certified mail, or in person, under any of the following:
 - a. If Consultant fails to provide services called for by this Agreement within the time specified or any extension thereof.
 - b. If services are no longer required.

- 8. Professional Standards. Consultant shall be responsible to the level of competency presently maintained by others practicing the same type of work in City's community, for the professional and technical soundness, accuracy and adequacy of all work and materials furnished under this authorization.

9. Insurance. Insurance shall be maintained by the Consultant with the following limits:
- A. For General Liability Insurance, Consultant shall provide a Certificate of Insurance naming the City of Canby as an additional insured showing policy limits of not less than \$1,000,000 Combined Single Limit for Bodily Injury/Property Damage on an occurrence basis.
 - B. For Automobile Insurance, Consultant shall provide a Certificate of Insurance naming the City of Canby as an additional insured showing policy limits of not less than \$1,000,000 Combined Single Limit for Bodily Injury/Property Damage on an occurrence basis for any vehicle used for City business or use otherwise related to this contract.
 - C. For Professional Liability—errors and omissions—a \$1,000,000 Combined Single Limit for Bodily Injury/Property Damage limit. **(Required for Architects, Appraisers, Attorneys, Consultants, Engineers, Planners, Programmers, etc.).** For purposes of professional liability, Consultant shall provide proof of a Certificate of Insurance naming the City of Canby as a Certificate Holder.
 - D. For Worker's Compensation, Contractor shall provide a Certificate of Insurance naming the City of Canby as a Certificate Holder showing Worker's Compensation Insurance with statutory limits of coverage.
- Procuring of such required insurance at the above-stated levels shall not be construed to limit the Contractor's liability hereunder. Notwithstanding said insurance, Contractor shall be obligated for the total amount of any damage, injury, loss, or related costs caused by or related to Contractor's negligence or neglect connected with this Agreement.
10. Legal Expense. In the event legal action is brought by City or Consultant against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorneys fees, costs, and expenses as may be set by the court both at trial and all appeals there from.
11. Modifications. Any modification of the provisions of this Agreement shall be in writing and signed by the parties.
12. Notices. Any notice, bills, invoices, reports, or other documents required by this Agreement shall be sent by the parties by United States mail, postage paid, or personally delivered to the address below. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing unless sooner received.
13. Entire Agreement. This Agreement contains the entire understanding of the parties regarding the subject matter of this Agreement and supersedes all prior

and contemporaneous negotiations and agreements, whether written or oral, between the parties with respect to the subject matter of this Agreement.

14. Savings Clause. Should any provision of this Agreement be found to be in conflict with any federal or Oregon state law, or final controlling decision of any Court of competent jurisdiction, or ruling or decision of any controlling administrative agency, all other provisions of this Agreement shall remain in full force and effect.

CITY: Greg Ellis, City Administrator
City of Canby
PO Box 930
182 N. Holly Street
Canby, OR 97013

CONSULTANT: Gordon Monroe
Kennedy/Jenks Consultants Inc.
200 S.W. Market Street, Suite 500
Portland, OR 97201

Please submit invoices to: **Attn: Lisa Potter**
City of Canby
PO Box 930
Canby, OR 97013
potterl@ci.canby.or.us

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers.

CONSULTANT: CITY OF CANBY:

By: By:

Date: Date:

Approved as to Form:

Joseph Lindsay, City Attorney

Exhibit “A”

CITY OF CANBY AND KENNEDY/ JENKS CONSULTANTS INC. SCOPE OF SERVICES AND SCHEDULE

KENNEDY JENKS will perform professional services described herein as requested by the City of Canby. Services may include review of documents, preparation of documents, regulatory support, studies, design, technical assistance, development review, funding assistance, environmental assistance, general engineering advice, or other tasks as requested by the City.

Scope of Work

Task 1 – Project Management

Objective: Manage the team and project.

Product: Project administrative plan, meeting summaries, internal meetings, QC reviews.

Activities

1.1 Project Administration

Develop the project administration plan to direct, coordinate and monitor the project.

1.2 Meetings

Conduct conference calls and/or meetings with the City to review the progress of the project, discuss issues, review findings, and discuss alternative solutions. This will also be a time to review the schedule, timing of public meetings, and adjustment to scope.

Meetings with the City will be conducted at the Kennedy/Jenks office, and will occur once per month.

1.3 Quality Assurance and Quality Control Review

Kennedy/Jenks develops a QA/QC for every project that we work on. This includes identification of the appropriate reviewers, identification of QC review schedule and budget. There will be a minimum of three formal review points: 20% to calibrate the work, draft plan and final plan.

1.4 Team Coordination

Direct and manage the team members and experts to maintain an understanding of the objectives, deliverables and schedule. Provide a single conduit to the City for communication of challenges and issues as they occur during the work.

Task 2 – Data Gathering

Objective: Gather data from the city which will be used to evaluate the stormwater system.

Product:

- Start up meeting summary
- Data request list
- Summary of current data
- Gap survey
- Infiltration tests (city will provide data from development)

Activities

2.1 Start Up Meeting

Conduct the start up meeting which will include an introduction of the team members and their tasks, an over view of the scope of work, review of the schedule, review of the objectives, and assignment of initial tasks.

This will occur at the Kennedy/Jenks office and will constitute the first monthly meeting (Task 1.2).

2.2 Data Request

Kennedy/Jenks will develop a list of material and information needed for the project which will include record drawings, monitoring data, soils investigations, well logs, UIC registrations, repair reports, etc. This will also include a list of key questions for the City that will help to focus the work. This list is typically sent to the City prior to the start up meeting to facilitate discussion.

2.3 Interviews

Conduct interviews with City personnel to collect information on the stormwater system such as operation and maintenance issues, known deficiencies, system condition and age, locations of facilities, information for the modeling effort, and history of the system. This will also include site visits of the facilities. Maintenance policies will also be discussed with regards to public and private facilities, location of facilities with regard to right-of-way, easements and tracts, and preference for type of facilities. At a minimum this will include: Darvin Tramel, Curt McLeod, Jerry Nelzen, Chris Goetz and Dan Mickelsen.

It is intended that all the interviews will occur on one day.

2.4 Review of Data

The information provided by the City will be reviewed to determine if it is complete and sufficient for the work. Where there are data gaps, Kennedy/Jenks and the City will work together to gather the required information.

2.5 Site Investigations

The City has surveyed the UIC's and will provide location data, rim elevation and bottom elevation. It is anticipated that some additional survey work will be required, which will be performed by Kennedy/Jenks.

It is anticipated that the City will collect existing infiltration tests that have been performed around the community by various developers. Two additional test may need to be performed if the existing tests are not close to the existing retention basin and proposed wetland area.

If required by the DEQ, the City will collect up to four storm water samples and send them to a laboratory for testing. Otherwise the existing sampling data will be used.

Task 3 – Flow Projections for Surface Discharging Systems

Objective: Determination and calculation of the system evaluation criteria.

Product:

- Capacity evaluation of pipe
- Flow projections
- Update of the drainage basins

Activities

3.1 Capacity Evaluation

A spreadsheet evaluation of the collection system that discharges to surface water will be prepared based upon the record drawings. This will provide the capacity of individual pipes.

3.2 Identify Drainage Basins

The drainage basins that flow into the collection system will reviewed and verified based upon the existing storm water master plan. The characteristics of the basin will then need to be defined such as the amount of existing impervious area, the projected future impervious area, the soil types, and the groundcover.

Note that the City only takes storm water run-off from the public right-of-way. All storm water from private lots (except the downtown core area including 1st, 2nd and 3rd Street) are dealt with on-site.

3.3 Flow Projections

Flow projections will be developed for the existing and projected future conditions for the six discrete drainage basins where the storm water is discharged to surface water. This will be done for the water quality storm event and the storm events required by the City Design Standards.

Task 4- Retrofit Analysis

Objective: Identification of UIC's that require retrofit, and provide solutions.

Product:

- Identification of compliant and non-compliant UIC's
- Identify options for bringing the noncompliant UICs into compliance. This includes description and cost.

Activities

4.1 Identify UICs

Identify UICs for structural retrofit or additional protectiveness demonstration based on the July 2012 UIC WPCF permit and results of the GWPD models (saturated and unsaturated zone) (Task 5).

4.2 Evaluation

These UICs will be evaluated to determine if they could be brought into compliance by additional protectiveness demonstration approaches such as being located downstream of the water well.

4.3 LID Retrofit Evaluation

Develop a list of retrofit options that can be used for the UIC's. At a minimum this will include: pervious pavement, swales, rain gardens, shallow up the UIC, horizontal UIC, cyclones, filters, abandonment and redirection of storm water. This will consist of a table identifying the options and a conceptual level opinion of probable cost.

The proposed solution for each UIC to be retrofit will be identified.

Task 5 – UIC Analysis

Objective: Evaluate the UIC's through modeling to determine the risk of each, and which UIC's are recommended to be retrofit.

Products:

- Map showing depth to seasonal high groundwater
- Table showing results of City-wide assessment, including vertical separation distance at each UIC and horizontal setback distance between UICs and water wells.
- Completed fate-and-transport model and table of model output
- Letter report describing the model input and model results

Activities

5.1 Groundwater Map

Develop a depth to seasonal high groundwater map covering the UIC area in the City. The depth to groundwater map primarily will be based on groundwater levels recorded on driller's logs, a summary of which has already been performed by the City. The data will be converted to a seasonal high groundwater level (which typically occurs in the spring) using information from the U.S. Geological Survey (USGS) on seasonal groundwater fluctuations.

5.2 Assessment

Conduct a City-wide assessment of UICs within the City's jurisdiction. The City-wide assessment will be a tabulation of vertical separation distance between UICs and the seasonal high groundwater and horizontal setbacks between UICs and water wells. We have assumed that the City will provide GSI with UIC and water well locations in electronic format (i.e., GIS files).

5.3 Meeting

Meet with the City to discuss city-wide assessment results (this will be one of the monthly meetings in Task 1.2). We will review the city-wide UIC assessment with the City and collaboratively determine the most cost-effective path forward for the GWPDs.

5.4 Unsaturated Zone GWPD

Conduct risk modeling to bring the UICs into compliance with the UIC WPCF permit. Using a previously developed unsaturated zone model, GSI will conduct a fate- and-transport assessment to evaluate protectiveness at City UICs. Specific activities include the following:

- Review geologic and hydrogeologic information for the area to obtain the geology of the unsaturated zone, which will be segmented in geologic-specific areas. Some of the information that will be reviewed includes maps from USGS and the Oregon Department of Geology and Mineral Industries (DOGAMI), driller's well logs, and hydrogeologic reports.
- Obtain information about the City's stormwater total organic carbon (TOC) content based on limited samples collected by City staff from UICs identified by GSI, combine the City's TOC data with regional TOC data in stormwater, and use the information to develop model input parameters.
- Collect infiltration tests (see Task 2.5).
- Develop input parameter values for different modeling scenarios, including physical and chemical information, local geologic and hydrogeologic conditions, rainfall amounts, and soil chemistry to run the fate-and-transport model.

- Document model results in a letter report that includes a table showing input parameters, justification for input parameters, model calculations, and recommended separation distance.

The unsaturated zone GWPD will be used to demonstrate groundwater protectiveness, to recommend alternate Table 1 and Table 2 action levels in the UIC WPCF permit, and to develop a protectiveness look-up table for pollutant concentrations in stormwater.

The UIC's will be rated high, medium and low risk.

Task 5.5 – Saturated Zone GWPD

Task 5.5 involves demonstrating protectiveness at UICs that do not have the minimum vertical separation distance to groundwater. Protectiveness is demonstrated by delineating a Waste Management Area (WMA) using a numerical groundwater model that simulates pollutant transport from UICs. Numerical simulations will be conducted with the objectives of (1) estimating the distance necessary for pollutant concentrations to attenuate to below background concentrations (i.e., zero, method reporting limits) and (2) evaluating protectiveness of receptors (i.e., drinking water wells) for UICs in the City.

Model simulations will include a WMA from a single UIC. The approach for this task is to construct a 3-dimensional numerical groundwater model that simulates solute fate and transport for stormwater discharges from wet-feet UICs. The model will be constructed using the USGS finite difference groundwater flow model MODFLOW to simulate groundwater flow, and the solute transport code MT3D to simulate pollutant fate and transport. Most model input parameters will have been developed as a part of unsaturated zone GWPD modeling.

WMA results will be documented in a letter report summarizing model input values, model setup, and model results.

Task 6 – Stormwater Management Plan Assistance

Objective: Provide the City with assistance developing the SWMP. Kennedy/Jenks will provide the following: a) system assessment, b) BMP's c) QC review of the plan.

Product: ▪ City to produce the Stormwater Management Plan (per the RFP)

Activities

6.1 Plan Assistance

Kennedy/Jenks will provide a QC review of the stormwater management plan developed by the City.

It is anticipated that information from the UIC Analysis, permitting information as well as general information from the master plan can be used in the management plan. Specifically, the system wide assessment and structural controls portion of the master plan will be incorporated into the management plan. These will be performed as other tasks of the plan.

Kennedy/Jenks team will also be able to provide the City examples of appropriate UIC monitoring and decommissioning plans.

Task 7 – System Documentation & Assessment

Objective: Based upon the results of Tasks 2 and 4 evaluate the stormwater system.

Product:

- Documentation of the system
- Identification of deficiencies
- Identification of improvements
- Sizing and design criteria for the wetlands

Activities

7.1 System Documentation

Based upon the data gathered the comprehensive map identifying the elements of the storm system will be updated. Documentation will include location, size, age, pipe capacity, detention pond capacity, condition as available from the City.

7.2 System Assessment

The elements of the system will be evaluated to determine if they are adequate to meet the existing and future needs. This will be done through site investigations, staff interviews, and engineering evaluations.

It is assumed based upon input from the City that the capacity of the pipe system is adequate. This assessment will focus on condition, age and known deficiencies of the pipe system. It will also include the capacity of the pond/swale system near the Police Office, capacity of the two cyclones, and the ability to monitor and measure the six outfall locations. Sizing a future wetland near the WWTP will also be included in the assessment.

7.3 Improvement Plan

Based upon the results of the system documentation and assessment, an improvement plan for the surface water discharge portion of the system will be developed. The plan will include repairs, rehabilitation, replacement and new systems. A cost estimate will be developed for each improvement, and a schedule for improvements will be developed. Each improvement will also be ranked with regards to priority.

It should be noted that schedule and priority may not match. A facility may need to be upgraded soon; however, there may be very little impact if the work is not done. Therefore, the improvement may be low priority.

Task 8 – Stormwater System Capital Improvement Plan

Objective: Provide the City with a plan for moving forward with stormwater system improvements.

Product:

- Develop a CIP for both the surface water discharge and UIC retrofits
- Develop a map showing the location of the CIP elements

Activities

8.1 Develop the CIP

The results of the system evaluation for both the UIC's and the surface water discharge system will be compiled into a single capital improvement plan. There will be four main elements of the plan.

- The planning level cost estimate will be defined, such as the standard amounts allocated for engineering and contingency, the year the data is based upon and the general accuracy.
- A CIP will be developed that identifies the improvement, the cost, the schedule and the priority.
- CIP items from the initial Stormwater Master Plan that have not been completed will be included in the new CIP. The cost will be adjusted for inflation.

A map will be developed showing where the improvements are located.

Task 9 – Stormwater Master Plan

Objective: Document the findings and recommendations from the system evaluation and develop a completed stormwater master plan.

Product:

- Draft Plan
- Final Plan
- City Council presentation

Activities

9.1 Draft Plan

The information developed from tasks 1 through 9 will be formulated into a draft stormwater master plan that includes a executive summary, chapters for the major elements, tables, figures, maps, documentation of the evaluations, system description, description of alternatives, justification for recommendations, CIP and other supporting documentation. The draft plan will be submitted to the city for review in both hard (3 copies) and digital format.

9.2 Review Meetings

When the draft plan is submitted, Kennedy/Jenks will meet with the City to present the plan and review the major elements of the plan. The City and Kennedy/Jenks will meet a second time to review the City comments on the draft plan.

These two meetings will occur at the Kennedy/Jenks office.

9.3 Final Plan

Based upon the City comments Kennedy/Jenks will finalize the plan and provide both hard (10) and digital copies to the City.

9.4 Public Meetings

Kennedy/Jenks shall attend one meeting that includes a city council work session followed by a city council meeting.

SUMMARY OF PRODUCTS – the following is a brief summary of the tasks, products and who will perform the work. For a full description refer to the scope.

| Product of Task | Kennedy/Jenks | GSI | City |
|--|---------------|----------|----------|
| Task 1 - Project management: Project administrative plan, meeting summaries, internal meetings, QC reviews | X | | |
| Task 1 – Project meetings | X | X | X |
| Task 2 – Data Gathering: Start up | X | X | X |

| Product of Task | Kennedy/Jenks | GSI | City |
|---|---------------|-----|------|
| meeting | | | |
| Task 2 – Data Gathering: Start up meeting summary, data request list, summary of current data | X | | |
| Task 2 - Data Gathering: record drawings, survey, infiltration tests, stormwater samples* | | | X |
| Task 2 - Gap survey | X | | |
| Task 2 - Staff interviews | X | | X |
| Task 3 – Surface Systems: Capacity evaluation of pipe, Flow projections, Update of the drainage basins | X | | |
| Task 4 – Retrofit: List of UIC's based on model results, location evaluation | | X | |
| Task 4 – Retrofit: Table of BMP's and cost, recommendations for specific UIC's | X | | |
| Task 5 – UIC Risk Assessment: groundwater map, unsaturated and saturated model | | X | |
| Task 6 – SWMP: Develop plan chapters | X | | X |
| Task 6 – SWMP: Provide system analysis, BMP's and QC | X | | |
| Task 7 – System Documentation & Evaluation: Documentation of the system, Identification of deficiencies, Identification of improvements, Sizing and design criteria for the wetlands | X | | |
| Task 8 – CIP: Develop CIP and CIP map | X | | |
| Task 9 – Master Plan: develop draft stormwater master plan, final plan, city council presentation | X | | |

*May not be required depending upon DEQ.

Kennedy/Jenks Consultants

Engineers & Scientists

200 S.W. Market Street, Suite 500

Portland, Oregon 97201-5715

503-295-4911

503-295-4901 (Fax)

27 November 2012

Darvin Tramel
Environmental Services Manager
City of Canby
P.O. Box 930
Canby, OR 97013

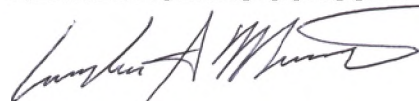
Subject: Scope & Fee – Stormwater Master Plan, City of Canby

Dear Darwin:

Kennedy/Jenks has developed a scope and fee for the Stormwater Master Plan based upon the request for proposal, our proposal and subsequent meetings and discussions with you. The scope and fee are attached. The proposed fee is \$104,000.

We are excited about the opportunity to provide assistance to the City of Canby and welcome the opportunity to begin work.

Very truly yours,
KENNEDY/JENKS CONSULTANTS



Gordon Munro, PE
Project Manager



Heather Stephens, PE
Water Environment Group Manager

| CITY COUNCIL / URA MEETING FOLLOW-UP ITEMS | | | | |
|--|---|---|---------------------------|--------------------------|
| ORIG. CC / URA MTG. DATE | ITEM | STATUS | ASSIGNED TO | FOR CC OR URA MTG. OF |
| 10/12/2011 URA | Entrance Sign Power Agreement - ODOT | Contact appropriate person at ODOT | Dan Drentlaw | TBD |
| September 12, 2012 | Industrial Property Sale | Underway | Renate Mengelberg | December 2012 latest |
| May, 2011 | Hwy 99E Corridor & Gateway Plan | Completed | Matilda Deas | December 5, 2012 |
| October 10, 2012 | Industrial Area GIS Mapping | Begun | Renate Mengelberg | December 12, 2012 |
| Several Mtgs. | Economic Development Plan | Underway | Renate Mengelberg | January 9, 2013 |
| Community Driven | Code Amendment Improvement Package | Underway | Bryan Brown/Angie Lehnert | January 16, 2013 |
| TSP Update Driven | Parks/Transportation SDC Methodology & Fee Update | Completed | Matilda Deas | January 16, 2013 |
| | Clackamas County Coordinated Population Forecast | Underway | Bryan Brown | February 6, 2013 |
| | Northwoods Park Playground Construction Contract | Design Completed | Matilda Deas | January, 2013 |
| March 14, 2012 | Urban Renewal Plan Annual Report | Not started | Renate Mengelberg | March 13, 2013 |
| July 11, 2012 | Retail Business Recruitment Update | Not started | Jamie Stickel | March 13, 2013 |
| | Dog Park Construction Contract | Concept Plan Completed | Matilda Deas | April, 2013 |
| | New Tree Ordinance | Underway | Matilda Deas/Sol Jacobsen | May, 2013 |
| July 11, 2012 | Main Street Annual Report | Not started | Jamie Stickel | June 12, 2013 |
| | Stormwater Master Plan Contract Award | Proposals Due 10.19.12 | Darvin Tramel | December 5, 2012 |
| | Stormwater Master Plan Adoption | Not started (Waiting for Selection of Consultant) | Darvin Tramel | June, 2013 |
| | Buildable Land Needs Study | Not started (Waiting for Population Forecast) | Matilda Deas | August, 2013 |
| | NE Canby Master Plan | Not started | Matilda Deas | December, 2013 |
| | N Redwood Master Plan | Not started (Need Funding) | Matilda Deas | June, 2014 |

| OTHER STAFF ITEMS | | | | |
|-------------------|--|---|---------------------------------|------------------|
| DATE | ITEM | STATUS | ASSIGNED TO | TARGET DATE |
| | Maintain Police Accreditation - Police | On-Going | Melody Thompson & Lt. Jorge Tro | |
| | Selling Property Partitioned Next to Maple Street Park (former location of Marshall House) | Waiting for better econmic times to sell property | | |
| | Participate as member of N.W. Regional Computer Forensic Laboratory - Police | Not started | Bret J. Smith | TBD |
| | Develop Citizen's Academy - Police | Underway | Bret J. Smith | Feb - March 2013 |
| | Develop Dept Website - Police | Underway | Melody Thompson & Lt. Jorge Tro | January, 2013 |
| | Formalize Volunteer Program - Police | Underway | Melody Thompson & Lt. Jorge Tro | January, 2013 |
| | Identify Dept Mission Statement, Values and Vision Statement | Underway | Bret J. Smith | January, 2013 |
| | Move Muni Court and Court Staff to Police Facility - Police | Underway | Bret J. Smith | January, 2013 |