

# AGENDA

## CANBY CITY COUNCIL MEETING

June 6, 2007, 7:30 P.M.

Council Chambers

155 NW 2<sup>nd</sup> Avenue

*Mayor Melody Thompson*

*Council President Walt Daniels*

*Councilor Teresa Blackwell*

*Councilor Paul Carlson*

*Councilor Randy Carson*

*Councilor Tony Helbling*

*Councilor Wayne Oliver*

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## CITY COUNCIL MEETING

1. **CALL TO ORDER (City Hall - 6:00 PM – The Council will immediately go into Executive Session with the Regular Session following at 7:30 PM in the Council Chambers)**
2. **EXECUTIVE SESSION: ORS 192.660(2)(e) Real Property**
3. **OPENING CEREMONIES (Council Chambers 7:30 PM)**
  - A. Pledge of Allegiance and Moment of Silence
  - B. Employee of the Month Presentation – April 2007

Pg. 1
4. **COMMUNICATIONS**
5. **CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS**

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

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

  - A. Approval of Accounts Payable \$292,914.10
  - B. Approval of Minutes of the May 16, 2007 City Council Work Session & Regular Meeting
  - C. Reappointment to City Budget Committee
  - D. Street Closure Request for N Lupine Street
  - E. Street Closure Request for S Ponderosa Street

Pg. 2  
Pg. 3  
Pg. 6

**9. PUBLIC HEARING**

A. ROW 07-03 (Canby School District) **Continued from 5-16-07**

Pg. 11

**10. RESOLUTIONS & ORDINANCES**

A. Ord. 1238, Vacating Six Hundred Twenty Feet (620') of the Public Right-of-Way on SW 4<sup>th</sup> Avenue East of S Birch Street Fronting Tax Lot 700 of Map 4-1E-04B Pg. 13

B. Ord. 1243, Authorizing Payment of \$350,197.00 from the Sanitary Sewer System Development Charge Fund to the Canby URD for the Hazel Dell Way/ SE 1<sup>st</sup> Avenue Sanitary Sewer Pump Station and Related Sanitary Sewer Lines (2<sup>nd</sup> Reading) Pg. 91

C. Ord. 1244, Authorizing Payments Not to Exceed \$97,712.00 from the Transportation System Development Charge Fund to Sterling Development for the Relocation of a Signal Pole and Utilities at the Intersection of S. Berg Parkway and Hwy. 99E(2<sup>nd</sup> Reading) Pg. 93

D. Ord. 1246, Authorizing Contract with Transpo Group, Inc. Consulting Engineers for Transportation Modeling and Engineering Services Pg. 95

E. Ord. 1247, Authorizing Contract with Nancy McClain for Professional Services for Project Management for the Canby Finance Department Pg.105

F. Ord. 1248, Authorizing Contract with Winstead & Associates to Provide Building Code Services Pg.115

**11. NEW BUSINESS**

**12. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**

**13. CITIZEN INPUT**

**14. ACTION REVIEW**

**15. EXECUTIVE SESSION: ORS 192.660(2)(d) Labor Negotiations and ORS 192.660(2)(h) Pending Litigation**

**16. ADJOURN**

\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233. A copy of this Agenda can be found on the City's web page at [www.ci.canby.or.us](http://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.

April 2007

**City of Canby  
Employee of the Month  
Nomination Form**

Name of Nominee: Nancy Muller

Date: April 18, 2007

Department: Transit

Nominated By: Beth Saul

Which of these criteria describes the reason for your nomination of this person?

- ☒ Improved quality
- ☒ Timely completion of a project
- ☐ Demonstrates exemplary leadership and integrity
- ☒ Excellent customer service (demonstrating exceptional customer service, an on-going commitment to customers, or innovation or creativity in customer service)
- ☒ Overcame adverse obstacles or worked under unusual conditions
- ☒ Increased program effectiveness or efficiency
- ☐ Saves the City time/money
- ☒ Improved levels of cooperation
- ☒ Exceeds performance expectations

Can you please explain in 3 or 4 more detailed sentences, why you think this person should be nominated for "Employee of the Month", especially as it relates to the item(s) you checked above. Please attach an additional sheet if necessary.

*Nancy Muller came to the Transit Department as an Office Specialist about nine months ago, after having been a bus driver for OHAS, the City's contracted bus driving service. Her experience as a bus driver no doubt called upon her excellent people skills daily, and she has brought those skills with her to give excellent customer service in the Transit office. Nancy is also a very cooperative and helpful person, and those traits have been tested as she has taken over the handling of facility maintenance work orders. Nancy has helped to develop a system that "clumps" workorders into categories, such as plumbing or electrical, so that they are handled more efficiently. Nancy's latest test came when support staff help was needed to bid out the Maple and Legacy bathroom construction jobs, and she fearlessly and doggedly figured out the complicated processes needed to meet state purchasing law and get the proper documents from the architect to be advertised. Without her help, this project would have taken much longer than it did, and her willingness to jump in and learn something completely new—and do it successfully and well—is very much appreciated! To sum it all up, Nancy is 100% willing to help make this organization successful in serving the citizens of Canby and will extend herself as far as necessary to do so.*

Please return this form to the Department Director of the nominee.

  
Department Director's Signature

Date

4/18/07

4/18/2007

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

**RECEIVED**

MAY 24 2007

Date: 5/20/07 CITY OF CANBY

Name: Elaina Canutt Occupation: Financial Analyst

Home Address: Canby, OR 97013

Employer: City of Newberg Finance Position: Financial Analyst

Daytime Phone:  Evening Phone:

E-Mail Address: elaina@canutt.net

For which position are you applying? Budget Committee Member

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

Experience and educational background: Assistant Finance Director - City of Newberg 2001-2003, Financial Analyst 2004-present  
past experience auditing cities and special districts w/ CPA firm

Reason for your interest in this position: I want to learn more about the Canby community and to use my experience to be part of the budget process here in my own town.

List any other City or County positions on which you serve or have served: Budget Committee Member City of Canby 2007-08 Budget

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  
182 N Holly Street  
PO Box 930  
Canby, OR 97013

Phone: 503.266.4021 Fax: 503.266.7961

**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.**

9-30-05

May 30, 2007

I'm writing this letter to request to have Lupine St. closed for our 4<sup>th</sup> of July block party. The street would be closed from 10am to 10pm. We have a lot of kids in our new neighborhood, so we thought we would center our activities around them. We will be having a bike and wagon parade in the afternoon, games, and barbequing. Lupine has a few streets that dead end into it, so it would be very safe for fire or police to access. The neighborhood is looking forward to getting together to get to know one another. If you have any questions you can contact me at 503-266-9996.

Thank You,

*Shannon Tacla*  
Shannon Tacla

*all the neighbors affected have signed the back of the street closure form.*

# STREET CLOSURE REQUEST FORM

PO Box 930, 182 N Holly, Canby, OR 97013

503.266.4021 ext. 101 Fax 503.266.7961

\$50.00

*Street Closure Request Forms need to be completed and taken to the Police Department and Fire Department for approval. Once signed, forms are returned to City Hall, along with the fee; they will be scheduled to go before the City Council for approval. Non-Profit events can have fee waived and be given approval from the City Administrator.*

Type of event: Block Party Date of Event: 7/4/07 between SE 19th to SE 21st  
Name of Street(s) to be closed: N. Lupine St. Canby

Time: From 10:00 am pm To: 10:00 am pm Non-Profit Event: ☐ Yes ☐ No  
Event is Sponsored by: N/A

Contact Person: Shannon Tacka Address: 2005 N. Lupine St.

Telephone (Home): (503) 266-9996 Telephone (Work) ( )

Shannon Tacka 5/7/07  
Signature of Responsible Party Date

[Signature] 05/29/07  
Canby Police Department Approval Signature Date

[Signature] 5-29-07  
Canby Fire Department Approval Signature Date

City Administrator/Mayor's Signature Date

## Reservation Checklist: (To be completed by staff)

- Date application and payment received: 5.30.07  
Payment Waived: ☐ Yes ☒ No  
(In order to have the fee waived the following conditions must be in place:  
A. The organization is non-profit and the event is open to the public without an admission charge of any kind.  
B. The event is officially sponsored in part or in whole by the City of Canby.)
- Scheduled to go before City Council on: 6-6-07
- Once approved by Council or City Administrator, signed copies sent to:  
Public Works Supervisor: \_\_\_\_\_ (Date Sent)  
Code Enforcement Officer: \_\_\_\_\_ (Date Sent)  
Police (Attn: Toni) Department: \_\_\_\_\_ (Date Sent)  
Planning Department: \_\_\_\_\_ (Date Sent)  
Fire Department: \_\_\_\_\_ (Date Faxed)
- Confirmation letter sent to applicant: \_\_\_\_\_ (Date Sent)

# N. Lupine St. Residence

1. Shannon Taela 2005 N. Lupine St. *Shannon Taela*
2. Nancy Patton 2021 N. Lupine St. *Nancy Patton*
3. CRAIG M. DAVIDSON 2037 N. LUPINE ST. *Craig M. Davidson*
4. MARY Pustay 2043 N Lupine St *Mary Pustay*
5. Dennis Moore 1890 N. LUPINE *Dennis Moore*
6. Sean Harvey 489 NE 14th Ave. *Sean Harvey*
7. John McKee 1935 N. Lupine St. *John McKee*
8. JEFF MASON 1960 N. LUPINE ST. *Jeff Mason*
9. MIKE FRIOLO 2024 N. LUPINE ST *Mike Frילו*
10. Scott Harvey 2032 N. Lupine St *Scott Harvey*
11. *Mike* 499 NE 18th Ave *Mike*
12. *B.M.* 1985 N. Lupine St. *B.M.*
13. Rosa Angelica Zamora 1965 N. Lupine St. *Rosa Angelica Zamora*
14. Kim 1910 N. Lupine St. *Kim*
15. Emilio Ortiz 496 NE 21st Ave *Emilio Ortiz*

~~202~~ ~~202~~

Douglas and Pamela Thomas  
1427 S. Pepperwood Street  
Canby, OR 97013  
(503)266-8969

May 30, 2007

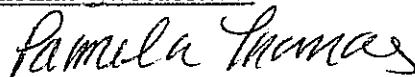

To Canby City Council,

This letter is to request a Street Closure Permit from the City of Canby to block off the area on Ponderosa between 13<sup>th</sup> Street and 14<sup>th</sup> Street (Area 1); in addition to an overflow contingency to an adjacent cul-de-sac area from Ponderosa along 14<sup>th</sup> Street (Area 2). The time period requested is from 5pm to 9pm on June 16<sup>th</sup>, 2007. Attached are the signatures from all of the residences along 14<sup>th</sup> Street (Area 2) to the end of the cul-de-sac that may be affected acknowledging the possibility of the overflow plan. See attachment number 3 for a graphic.

It may be helpful to know that Area 1 has no driveways or access to any of the residences. In addition, there are multiple other street accesses to the all residences in Tofte Farms and if the overflow is needed, traffic will be able to pass through the intersection of 14<sup>th</sup> Street and Ponderosa.

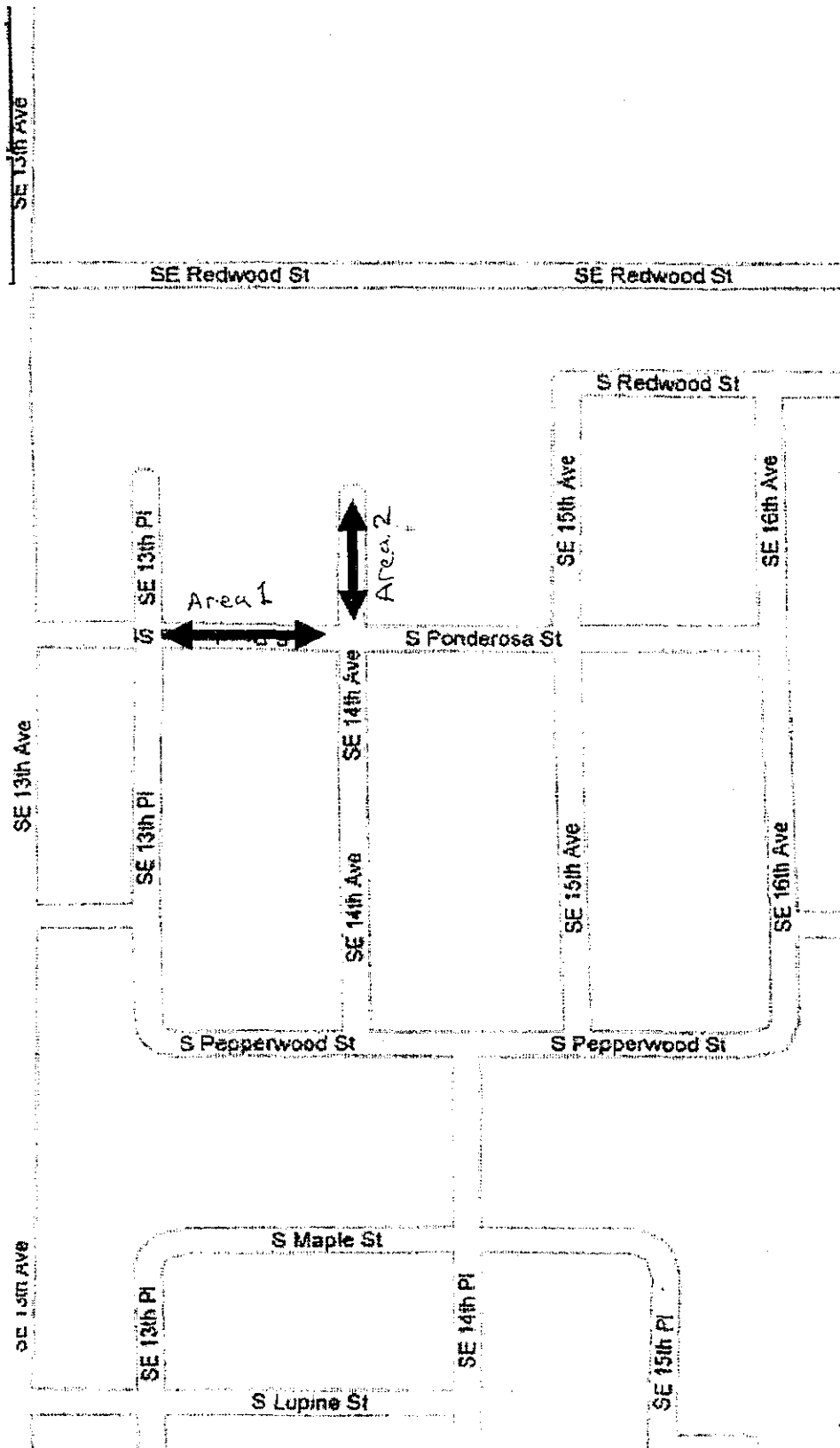
The reason for this request is for residence of Tofte Farms to hold a Neighborhood Block Party. The purpose of the block party is to support interaction among the residents and members of the neighborhood association. Sterling Management is aware and supports this event. Attachment number 2 is the flier announcing the event.

For clarification or any questions contact Pam Thomas at (503)939-8452 or email [pamthomas@wbcable.net](mailto:pamthomas@wbcable.net).

  
Pam Thomas  
Doug Thomas 

Attachment 1: Signature sheet from affected residences  
Attachment 2: Flier announcing event  
Attachment 3: Diagram of proposed area for block party





Attachment 3

# STREET CLOSURE REQUEST FORM

PO Box 930, 182 N Holly, Canby, OR 97013

503.266.4021 ext. 101 Fax 503.266.7961

\$50.00

*Street Closure Request Forms need to be completed and taken to the Police Department and Fire Department for approval. Once signed, forms are returned to City Hall, along with the fee; they will be scheduled to go before the City Council for approval. Non-Profit events can have fee waived and be given approval from the City Administrator.*

Type of event: Block Party Date of Event: June 16 2007

Name of Street(s) to be closed: 13TH Place - Pandara - 14TH Caldesa

Time: From 5 am/pm To: 9 am/pm Non-Profit Event: ☒ Yes ☐ No

Event is Sponsored by: TOFTE Farm

Contact Person: Pam Thomas Address: 1427 S Pepperwood St

Telephone (Home): (503) 266-8969 Telephone (Work) (503) 939-8452

Ramela Thomas 5/30/07  
Signature of Responsible Party Date

[Signature] 05-30-07  
Canby Police Department Approval Signature Date

[Signature] 5/30/07  
Canby Fire Department Approval Signature Date

[Signature]           
City Administrator/Mayor's Signature Date

## Reservation Checklist: (To be completed by staff)

- Date application and payment received: 5/30/07  
Payment Waived: ☐ Yes ☒ No  
(In order to have the fee waived the following conditions must be in place:  
A. The organization is non-profit and the event is open to the public without an admission charge of any kind.  
B. The event is officially sponsored in part or in whole by the City of Canby.)
- Scheduled to go before City Council on: 6/6/07
- Once approved by Council or City Administrator, signed copies sent to:  
Public Works Supervisor: \_\_\_\_\_ (Date Sent)  
Code Enforcement Officer: \_\_\_\_\_ (Date Sent)  
Police (Attn: Toni) Department: \_\_\_\_\_ (Date Sent)  
Planning Department: \_\_\_\_\_ (Date Sent)  
Fire Department: \_\_\_\_\_ (Date Faxed)
- Confirmation letter sent to applicant: \_\_\_\_\_ (Date Sent)

~~Marcel Carber~~

~~Kate Morley~~

~~Sean Lowden~~

~~Darin Sheldstad~~

Nida Lokteff

Nida Lokteff

Cindy Jarmer

Cindy Jarmer

Angela Adams

Angela Adams

~~Ed~~

ED Gonzalez

Jeff Mendenhall

Jeff Mendenhall

Jeff Hart

JEFF HART

Christine German

Christine German

Saturday June 16, 2007

6:00pm - 8:00pm

*Tofte Farms Neighborhood Association*

Presents a

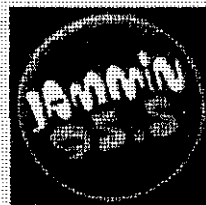
# Summer Block Party

Featuring...

A Neighborhood Potluck Dessert!

*(Plan to bring a treat to share with your neighbors)*

Live Music by



Plus Free Frozen Goody from  
*Tracy's Neighborhood Treats!*

Come get to know your neighbors at this  
summer kick off family activity!

*(Location by the pool)*

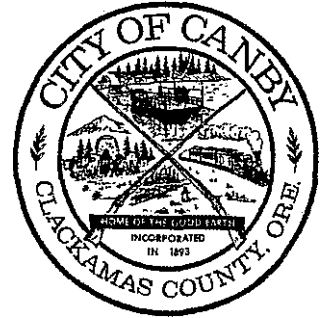
Don't Forget to Enter in our  
**1<sup>st</sup> Annual T.F. Dessert Judging Contest**  
Submit Cookies, Pies, Cakes, and more!

Contact Pam Thomas at 503-266-8969 or [pamthomas@wbcable.net](mailto:pamthomas@wbcable.net) to sign up your dessert and  
bring your yummy creation to the judging table that night. (Judging to be held at 7pm.)



## BONUS

A 50/50 Raffle will be held to help raise funds to plan for  
our next neighborhood event☺



## MEMORANDUM

**TO:** Honorable Mayor Thompson and City Council  
**FROM:** Kevin C. Cook, Associate Planner  
**THROUGH:** John Williams, Community Development & Director  
**DATE:** May 29, 2007

Issue: Adoption of Ordinance 1238 vacating a portion of the SW 4<sup>th</sup> Avenue right-of-way and transferring the land to the Canby School District.

Synopsis: The Canby School District has proposed an expansion of the Canby High School campus. The 17,500 sq. ft. expansion to Canby High School would occur on 2.1 acres of land formerly occupied by the First Student bus yard and would include the area of this proposed right-of-way vacation. The vacation request is for the western 620 feet of SW 4<sup>th</sup> Avenue. The plans call for a new 10,000 sq. ft. building, parking area and student plaza area. The plaza area would be located within the vacated area of SW 4<sup>th</sup> Avenue. The new building is proposed to house additional instructional space, counseling, and administrative offices. The proposed design separates buses and cars and creates new visitor parking to the west. The plan includes a canopy over a portion of the plaza area; the canopy may be added at a later date depending on project costs.

A separate Condition Use Permit and Design Review application have been reviewed and approved by the Planning Commission (see attached draft findings). The Planning Commission reviewed the site design, traffic study, and all pertinent information related to the proposal and held a public hearing on May 14, 2007. This proposal is contingent upon the approval of the CUP and Design Review; that is, the conditions of approval require approval of all three applications including this request to vacate City's right-of-way. Ordinance 1238 contains a provision that requires the right-of-way to revert back to the City in the event the other applications are appealed and do not receive final approval. No work in the right of way, other than utility work, will be permitted until all appeal periods have expired.

Recommendation: Staff recommends that the City Council approve Ordinance 1238.

Rationale: We have followed the requirements of the State in pursuing this request, including posting notice on the property, running ads in the paper, and holding a public hearing. Pursuant to ORS Chapter 271, the applicant has gathered signatures from the affected property owners representing at least two-thirds of the affected area and will pay for all costs associated with the vacation.

If the Council approves Ordinance Number 1238, staff will require the property owner to prepare and record new legal descriptions that accurately vacate and rededicate the property and all affected utility and pedestrian easements.

Options:

1. Deny the request. Staff believes that the City does not need to retain this area, and does not recommend denial.
2. Approve the request as proposed or with added conditions. Staff recommends the Council approve Ordinance 1238 with the conditions proposed.

Attached:

1. Ordinance 1238 and Exhibits
2. Application
3. Petition
4. Site maps
5. Responses to request for comments
6. Draft Planning Commission Findings
7. Planning Commission Record for DR 07-01/CUP 07-01

## **ORDINANCE NO. 1238**

### **AN ORDINANCE VACATING SIX HUNDRED TWENTY FEET (620') OF THE PUBLIC RIGHT-OF-WAY ON SW 4<sup>TH</sup> AVENUE EAST OF S BIRCH STREET FRONTING TAX LOT 700 OF MAP 4-1E-04B.**

**WHEREAS**, the City presently owns the portion of SW 4<sup>th</sup> Avenue right-of-way shown in Exhibit "A" fronting Tax Lot 700 of Map 4-1E-04B, and more particularly described in Exhibit "B", both attached heretofore by this reference incorporated herein; and,

**WHEREAS**, a petition for vacation of right-of-way was filed by the Canby School District on February 9, 2007; and,

**WHEREAS**, the petition was reviewed by the City Staff and the petition was found to be complete and more than two-thirds of the affected property owners, by area, consented to the vacation; and,

**WHEREAS**, the vacation is requested in order to fulfill the School District's need to expand the High School's facilities and the vacation is requested in order to provide a measure of safety for students traversing the area of the proposed vacation; and,

**WHEREAS**, as required by law, a notice of public hearing was published for two (2) consecutive weeks in the Canby Herald newspaper and posted on the property; and,

**WHEREAS**, a public hearing was held on this matter before the Canby City Council on June 6, 2007 and all statutory requirements for the vacation were found to be met; and,

**WHEREAS**, the Canby City Council adopts a condition of approval, which states, "Vacation of right-of-way is contingent upon final approval of the Conditional Use Permit and Design Review applications (City file CUP 07-01/DR 07-01) submitted in conjunction with this request for vacation of right-of-way. If the Conditional Use Permit and Design Review applications are not approved, the area of right-of-way shall revert back to the City at no cost to the City."; now therefore

### **THE CITY OF CANBY ORDAINS AS FOLLOWS:**

The public right-of-way as described by the legal description attached as Exhibit "B" shall be vacated and title to the vacated property shall attach to the neighboring property described as Tax Lot 700 of Map 4-1E-04B.

The vacation of said right-of-way described in Exhibit "B", is approved with the following condition: Vacation of right-of-way is contingent upon final approval of the Conditional Use Permit and Design Review applications (City file CUP 07-01/DR 07-01) submitted in conjunction with this request for vacation of right-of-way. If the

Conditional Use Permit and Design Review applications are not approved, the area of right-of-way shall revert back to the City at no cost to the City.

SUBMITTED to the City Council and read the first time at a regular meeting thereof on Wednesday, June 6, 2007; ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the City of Canby Charter and to come before the City Council for final reading and action at the regular meeting thereof on Wednesday, June 20, 2007; commencing after the hour of 7:30 P.M., at the City Council's Chambers at Canby City Hall, Canby, Oregon.

ENACTED by the Canby City Council at a regular meeting thereof on June 20, 2007 by the following votes:

YEAS: \_\_\_\_\_

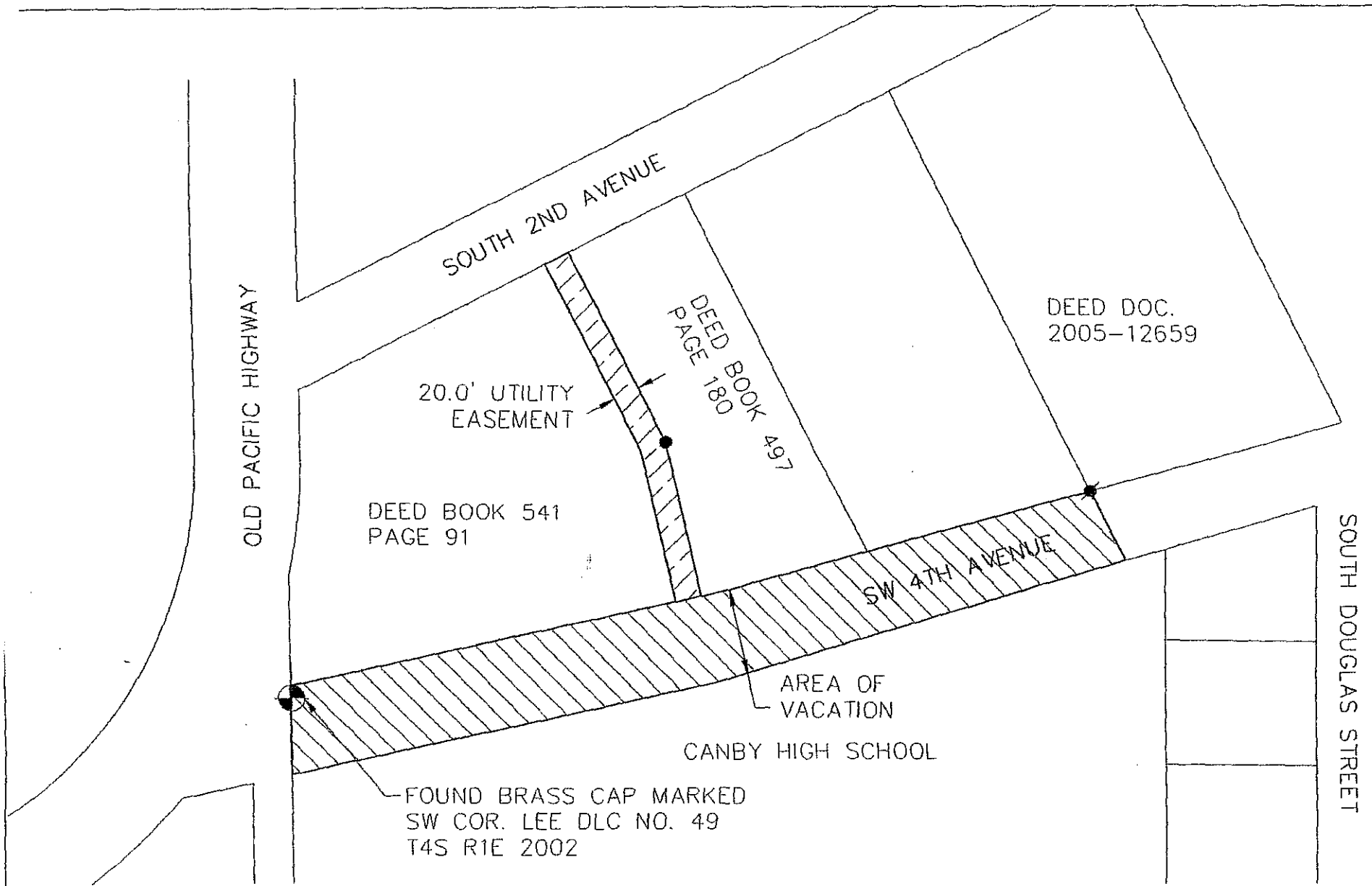
NAYS: \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

ATTEST:


\_\_\_\_\_  
Kimberly Scheafer, City Recorder, Pro Tem





SCALE: 1"=100'

DATE: 12/18/2006
DRAWN BY: RKR
CHECKED BY: JPT
REVISIONS
JOB NO. 683-07B

**WESTLAKE**  
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER  
15115 S.W. SEQUOIA PARKWAY, SUITE 150  
TIGARD OREGON 97224

(503) 684-0852  
FAX (503) 624-0157

EXHIBIT

A

Tables

VACATED AREA DESCRIPTION  
SW 4<sup>th</sup> AVENUE

Project No. 683-07B  
December 19, 2006  
Canby High School  
Page 2 of 2

A tract of land situated in the northwest 1/4 of Section 4, Township 4 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, also being a portion of the Philander Lee Donation Land Claim No. 56 and being more particularly described as follows:

Beginning at the southwest corner of that tract of land described in Statutory Warranty Deed, recorded December 5, 2005 as 2005-12659, said point being on the north right of way SW 4<sup>th</sup> Avenue, which bears 609.89 feet east and 157.52 feet north of the Southwest corner of said Philander Lee Donation Land Claim No. 56:

Thence, South 74° 29' 30" West along the northerly right of way line of SW 4<sup>th</sup> Avenue, 285.68 feet to a point;

Thence, South 77° 57' 12" West, 342.67 feet to a point, which bears 9.62 feet north, and 0.52 feet east of the Southwest corner of said Philander Lee Donation Land Claim No. 56;

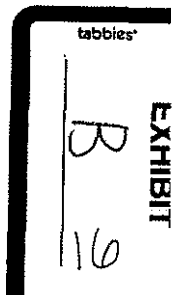
Thence, South 00° 35' 29" East leaving said northerly right of way line, 68.10 feet more or less to a point on the southerly right of way line of said SW 4<sup>th</sup> Avenue;

Thence, North 77° 47' 33" East along the said southerly right of way line, 333.34 feet to a point;

Thence, North 73° 39' 33" East, 323.90 feet to a point;

Thence North 26° 20' 00" West leaving said south right of way, 60.68 feet more or less to the north right of way of said SW 4<sup>th</sup> Avenue and the point of beginning;

Containing 41,256.91 square feet.



**CITY OF CANBY**  
**RIGHT OF WAY VACATION APPLICATION**  
**DEPOSIT - \$500.00**

**OWNERS**

Name Canby School District  
Address 1130 S. Ivy Street  
City Canby State OR Zip 97013  
Phone 503.266.7861 Fax 503.266.0063  
DP. Mobile. 503.969.5454  
E-mail pearsond@canby.k12.or.us

**APPLICANT\***

Name Canby School District  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
E-mail \_\_\_\_\_

Please indicate who is to receive correspondence (i.e. staff reports etc) and what format they are to be sent

<input checked="" type="checkbox"/> Owner	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> US Postal	<input type="checkbox"/> Fax
<input type="checkbox"/> Applicant	<input type="checkbox"/> Email	<input type="checkbox"/> US Postal	<input type="checkbox"/> Fax

OWNER'S SIGNATURE Dennis Pearson, Project Manager.

**DESCRIPTION OF PROPOSAL**

Property address/location 721 SW 4<sup>th</sup> Avenue.

Current zoning \_\_\_\_\_ Comprehensive Plan Zoning \_\_\_\_\_

File number of previous land use decision to be modified \_\_\_\_\_

Summary of proposal The District would like to vacate Fourth Street between  
Douglas Street and Birch Street. This street vacation will  
address safety concerns related to vehicular traffic, bus traffic  
& pedestrian access to new facility being proposed just north  
of the existing main entry to the high school.

**FOR CITY USE ONLY**

File # ROW 07-03  
Date Received 2/9/07 By ST  
Completeness Date \_\_\_\_\_  
Hearing Date \_\_\_\_\_

\*If the applicant is not the property owner, owner must sign this form or applicant must attach documentary evidence of authority to act as agent in submitting this application.

## **CANBY HIGH SCHOOL EXPANSION**

Patrons of Canby School District passed a \$30.8 million dollar bond in May of 2000 that included funds to purchase land for a planned expansion of Canby High School. Four years later, in November 2004, the patrons passed a bond for \$39.7 million that included \$2.5 million for construction of a 17,500 square foot facility\* and \$300,000 for related site work for an expansion of the campus focused on 9th grade transition and career related experiences for high school students.

In support of this planned expansion, Canby School District purchased the property formerly housing the First Student Transportation bus service in 2006. The property is located directly north of and across the street from the current main entrance to Canby High School. The plans currently reflect a freestanding 10,000 square foot building on this property.

The expansion project at Canby High School seeks to resolve three significant issues associated with the existing facility.

### **SAFETY**

Circulation in and around the high school campus has become increasingly dangerous over time. Buses, parents and students in vehicles, new student drivers, and pedestrians (students and staff) all converge on SW Fourth Avenue at the same time both before and after school. During the school day, multiple passing periods occur, causing all students to travel from class to class, building to building. This condition has been and continues to be quite literally "an accident waiting to happen!"

The proposed design successfully addresses this issue by separating the parent pick up/drop off area from the bus pick up/drop off area while creating a safe and secure pedestrian plaza between the existing high school and the new facility. This separation from vehicular traffic and increased safety is made possible by vacating Fourth Avenue from the intersection of Fourth Avenue and South Birch to the west of the parking lot entry at the east end of the campus.

Finally, this proposal reduces traffic at the intersection of South Birch and Highway 99E by requiring all vehicular traffic exiting from the new drive aisle to make a mandatory right hand turn only onto Second Avenue. This requirement forces traffic to South Elm Street and then to the light at Highway 99E for a safer, traffic controlled intersection for access.

## **EXPANDED INSTRUCTIONAL SPACE**

The new 10,000 square foot structure addresses the need for safe transition for all students passing between the main building and the new space. This facility will provide students with counseling and guidance to forecast and plan for their post-secondary education and/or professional careers.

Additionally, this structure will function as a resource to the community. A multi-purpose room is included in the design to provide students, staff, and the community with a conference room and/or meeting space. As a stand-alone building, evening activities in the new space provide a smaller, more readily secured facility for multiple users. State of the art technology will enhance the use of this space and provide opportunities for distance learning and teleconferencing.

## **HIGH SCHOOL IDENTITY**

Canby High School has been an institution in its current location since 1929, serving several generations of the Canby area residents. As a result, the community is intimately familiar with its 'front door' or main entrance. This is not, however, the case for the many first time visitors to the campus. The current entry façade along Fourth Avenue is nondescript and lacks any architectural detailing for a visitor to determine its main entry. This issue, unintentionally, was compounded by the construction of the Applied Technology Center, Canby High's newest structure on campus. Visitors often assume that this new structure is the gateway to the campus and expect to find administrative staff and main office services in that location.

The proposed design creates a new entry and reception area prominently positioned just north of the existing entry facing the new pedestrian plaza. The new canopy, with a projected glass entry lobby and reception area and sculptural steps and ramps leading up to the entry, create additional space and new identity for the main entrance to the high school. In addition, the protracted placement of the reception area and transparency enhance sightlines to the east and west of the vacated Fourth Avenue as well as a pedestrian plaza for increased safety and security at the school.

Convenient parking for visitors has been located immediately west of the main entrance. The street vacation plan, and resulting changes to current parking areas along Fourth Avenue and the new parking area, provides an overall increase in parking capacity on the campus.

Debbie-

I did not investigate ownership of that part of 4<sup>th</sup> Ave south of the Lee DLC – if you need me to look at that let me know (I suspect it is owned either by the city or by the school district).

86-42 UR

SOUTH 2ND

4TH LEE DLO AVE

STREET

SW COR

NO. 49

500 0.77Ac.

400 0.72Ac. 681

300 1.15Ac.

200 1.76Ac. 551

100 0.42Ac. 688

600 0.52Ac.

700 0.23Ac. 110

800 0.14Ac.

2600 535

2700

25

24

MAY 07 2007

## CONSENT FOR VACATION

CITY OF CANBY

We, the undersigned property owners of the property or properties listed opposite our names; do hereby consent to the vacation of the following described area, to wit:

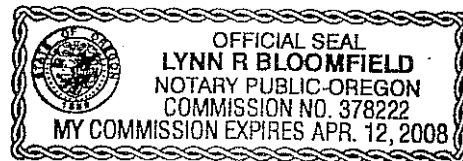
SEE EXHIBIT A – Legal Description

We understand our consent is to be appended to and made a part of a petition presented for vacation of the above described area and that such consent must be given by owners of all abutting property and by owners of not less than two-thirds of the real property affected thereby as shown on the accompanying map.

## AFFECTED PROPERTIES

(Affected properties with signature attached)

County of Clackamas     )  
                                     ) ss  
State of Oregon          )  
                                     )



I, Debra J. Pearson, hereby certify that I notified every property owner and/or contract purchaser in the affected area of the proposed vacation.

Signed Debra J. Penn.

Subscribed and sworn to before me this 1<sup>st</sup> day of May, 2007.

Lynn R Bloomfield  
Notary Public of Oregon  
My Commission Expires April 12, 2008

**Superintendent**  
Deborah L. Sommer

**Business Manager**  
David Moore

**Director of Human  
Resources**  
Hank Harris



**Board of Directors**  
Dick Adams  
Rod Beck  
Guy Gibson  
Mike Harms  
Marty McCullough  
Sandy Ricksger  
Andy Rivinus

1110 S Ivy • Canby • OR • 97013 • 503-266-7861

December 6, 2006

**Re: Canby High School  
Street Vacation**

This petition shall serve as notice that Canby School District has reviewed the proposed Master Plan for Canby High School with adjacent property owners. The master plan includes the proposed vacation of 4<sup>th</sup> Street from Douglas Street to Birch Street. Signatures to this petition indicate review and consent by adjacent property owners.

**Rodney B. Smith**  
681 SW Second Avenue  
Canby, OR 97013  
Tax Lot 400  
Mailing Address: PO Box 713, Aurora, OR 97002

**Jerry Simnitt**  
Tax Lot 300  
Mailing Address: 138 NE 22<sup>nd</sup> Avenue, Canby, OR 97013

---

**Doryne Brummond**  
555 SW 2<sup>nd</sup> Avenue  
Canby, OR 97013  
Tax Lot 200  
Mailing Address: 15675 NE Eilers Rd, Aurora, OR 97002

**Juan J. and Linda Sanchez**  
615 SW 4<sup>th</sup> Avenue  
Canby, OR 97013  
Tax Lot 2500



**Superintendent**  
Deborah L. Sommer

**Business Manager**  
David Moore

**Director of Human Resources**  
Hank Harris



**Board of Directors**

Dick Adams  
Rod Beck  
Guy Gibson  
Mike Harms  
Marty McCullough  
Sandy Ricksgar  
Andy Rivinus

1110 S Ivy • Canby • OR • 97013 • 503-266-7861

March 8, 2007

**Re: Canby High School  
Street Vacation**

This petition shall serve as notice that Canby School District has reviewed the proposed Master Plan for Canby High School with adjacent property owners. The master plan includes the proposed vacation of 4<sup>th</sup> Street from Douglas Street to Birch Street. Signatures to this petition indicate review and consent by adjacent property owners.

David Crosswhite  
CANBY LANDOWNERS/FOUR HILL LLC  
13270 SW Kingston Pl Tigard OR 97223  
Canby, OR 97013  
Tax Lot  
Mailing Address:

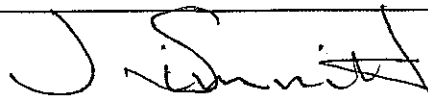
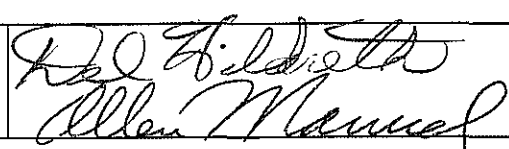
Business Address:  
851 SW 1st  
Canby, OR

JWH Harris review But not consent  
145 S. Birch Canby OR 97013

Canby, OR 97013  
Tax Lot  
Mailing Address:

Canby, OR 97013  
Tax Lot  
Mailing Address:

# **CONSENT TO VACATE A PORTION OF SW FOURTH AVENUE**

<b>Tax Lot Subdivision Block-Lot</b>	<b>Property Owner Address City, State and Zip</b>	<b>Signature(s)</b>
41E04BB TL 00400 681 SW 2nd Ave	Rodney B Smith Trustee PO Box 713 Aurora, OR	
41E04BB TL 00300	Jerry Simnitt 138 NE 22nd Avenue Canby, OR 97013	
41E04BB TL 00200 555 SW 2nd Ave	Doryne Brummond 15675 NE Eilers Road Aurora, OR 97002	
41E04BB TL 00100 608 SW 4th Avenue	Allen Manuel/Del Hildreth 717 SE 1st Avenue Canby, OR 97013	
41E04BB TL 02500	Juan J. and Linda Sanchez 615 SW 4th Avenue Canby, OR 97013	
41E04BA TL 01900 525 SW 4th Avenue	Lawrence Britton 1810 Bergeron Ct. Vancouver, WA 98861	
41E04BB TL 01004 909 SW 1st Avenue	Holland Inc 109 W 17th Street Vancouver, WA 98660	
41E04BB TL 01000/01002 851 SW 1st Avenue	ACC LLC 10804 NE Highway 99 Vancouver, WA 98686	
41E04BB TL 01001 845 SW 1st Avenue	Pacific Bells 1799 Washington St Vancouver, WA 98660	


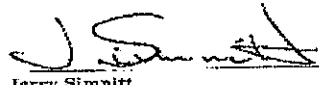


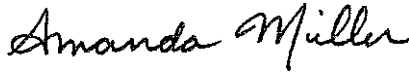
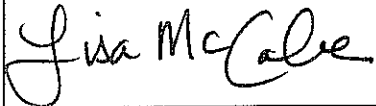
# **CONSENT TO VACATE A PORTION OF SW FOURTH AVENUE**

<b>Tax Lot Subdivision Block-Lot</b>	<b>Property Owner Address City, State and Zip</b>	<b>Signature(s)</b>
41E04B TL 700 721 SW 4th Avenue	Canby School District 1130 S Ivy Street Canby, OR 97013	<i>David C. Moore</i> BUSINESS MANAGER
41E04BB TL 600	Canby School District 1130 S Ivy Street Canby, OR 97013	<i>David C. Moore</i> BUSINESS MANAGER
41E04BB TL 700	Canby School District 1130 S Ivy Street Canby, OR 97013	<i>David C. Moore</i> BUSINESS MANAGER
41E04BB TL 800	Canby School District 1130 S Ivy Street Canby, OR 97013	<i>David C. Moore</i> BUSINESS MANAGER


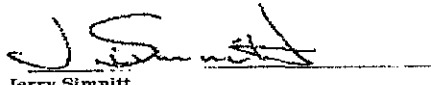


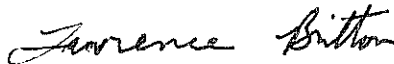
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41E04BB TL 00300	Jerry Simnitt 138 NE 22nd Avenue Canby, OR 97013	
41E04BB TL 00200 555 SW 2nd Ave	Doryne Brummond 15675 NE Eilers Road Aurora, OR 97002	
41E04BB TL 00100 608 SW 4th Avenue	Allen Manuel/Del Hildreth 717 SE 1st Avenue Canby,OR 97013	
41E04BB TL 02500	Juan J. and Linda Sanchez 615 SW 4th Avenue Canby, OR 97013	
41E04BA TL 01900 525 SW 4th Avenue	Lawrence Britton 1810 Bergeron Ct. Vancouver, WA 98861	
41E04BB TL 01004 909 SW 1st Avenue	Holland Inc 109 W 17th Street Vancouver, WA 98660	
41E04BB TL 01000/01002 851 SW 1st Avenue	ACC LLC David Callaham 10804 NE Highway 99 Vancouver, WA 98686	
41E04BB TL 01001 845 SW 1st Avenue	Harvey Tofte 1574 S. Redwood St Canby, OR 97013	<i>Harvey Tofte O'Anne Tofte</i>

# **CONSENT TO VACATE A PORTION OF SW FOURTH AVENUE**

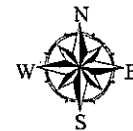
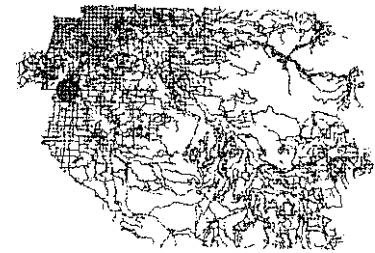
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41E04BB TL 00100 608 SW 4th Avenue	Allen Manuel/Del Hildreth 717 SE 1st Avenue Canby, OR 97013	
41E04BB TL 02500	Juan J. and Linda Sanchez 615 SW 4th Avenue Canby, OR 97013	 Juan J. and Linda Sanchez
41E04BA TL 01900 525 SW 4th Avenue	Lawrence Britton 1810 Bergeron Ct. Vancouver, WA 98861	
41E04BB TL 01004 909 SW 1st Avenue	Holland Inc 109 W 17th Street Vancouver, WA 98660	 Amanda Miller
41E04BB TL 01000/01002 851 SW 1st Avenue	ACC LLC 10804 NE Highway 99 Vancouver, WA 98686	
41E04BB TL 01001 845 SW 1st Avenue	Pacific Bells 1799 Washington St Vancouver, WA 98660	 Lisa McCaleb

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41E04BB TL 01001 845 SW 1st Avenue	Pacific Bells 1799 Washington St Vancouver, WA 98660	

62

# Canby High School Expansion

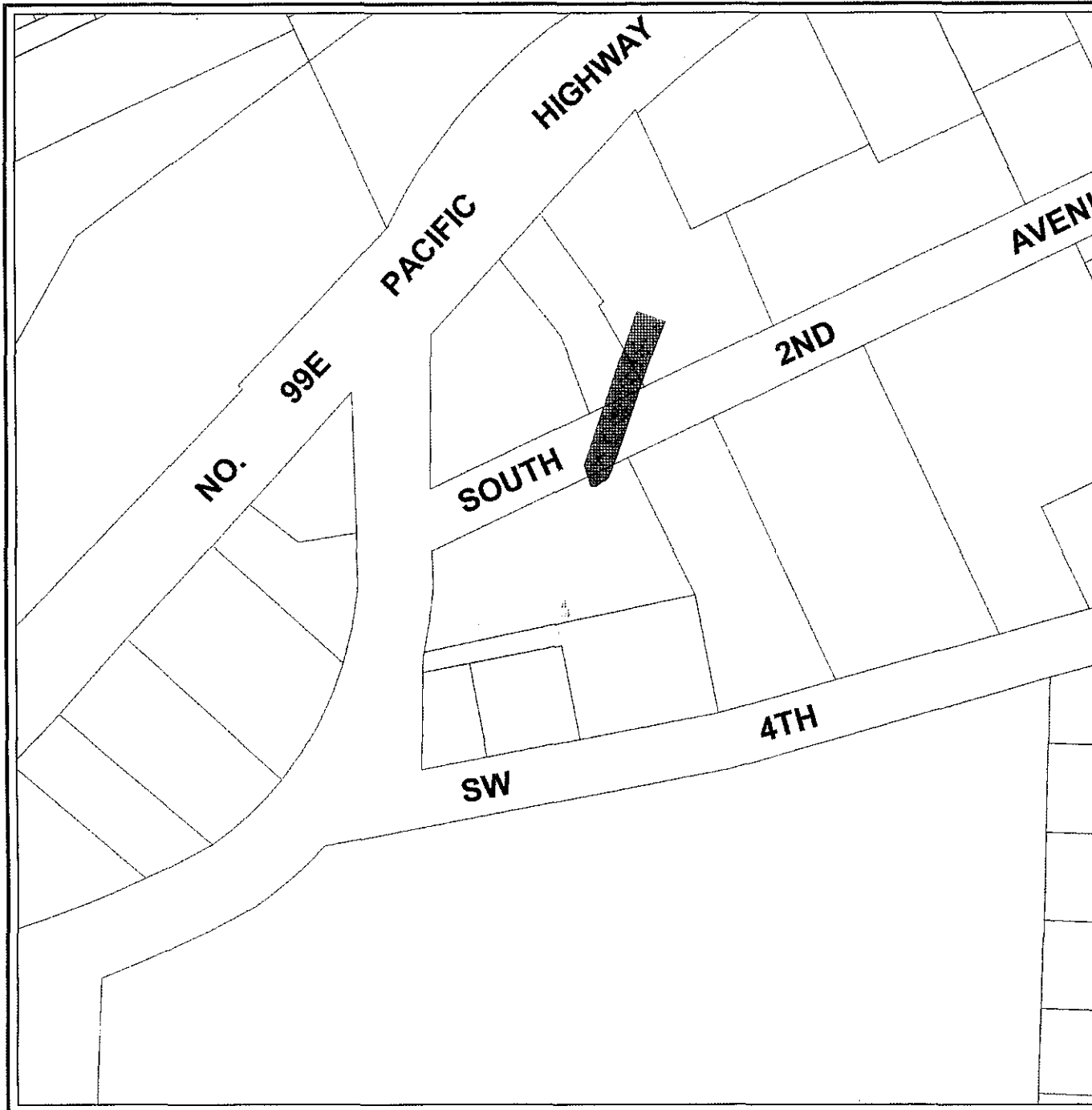


*Clackamas  
County*

**Geographic Information Systems  
121 Library Court  
Oregon City, OR 97045**

This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

February 28, 2007 11:59 AM



OLD PACIFIC HIGHWAY

SOUTH 2ND AVENUE

20.0' UTILITY  
EASEMENT

DEED BOOK 497  
PAGE 180

DEED BOOK 541  
PAGE 91

DEED DOC.  
2005-12659

SW 4TH AVENUE

AREA OF  
VACATION

CANBY HIGH SCHOOL

FOUND BRASS CAP MARKED  
SW COR. LEE DLC NO. 49  
T4S R1E 2002

SOUTH DOUGLAS STREET



SCALE: 1"=100'

DATE: 12/18/2006

DRAWN BY: RKR

CHECKED BY: JPT

REVISIONS

JOB NO. 683-07B

**WESTLAKE**  
CONSULTANTS INC.

ENGINEERING • SURVEYING • PLANNING

PACIFIC CORPORATE CENTER  
15115 S.W. SEQUOIA PARKWAY, SUITE 150  
TIGARD, OREGON 97224

(503) 684-0652  
FAX (503) 624-0157



## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: March 2, 2007

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
<input type="checkbox"/> CANBY ELECTRIC	<input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION
<input type="checkbox"/> CANBY WATER	<input type="checkbox"/> TRAFFIC SAFETY COMMITTEE
<input type="checkbox"/> Darvin Tramel - WTTP	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> Jeff Crowther - WTTP	<input type="checkbox"/> CANBY SCHOOL DISTRICT
<input type="checkbox"/> CITY ENGINEER	<input type="checkbox"/> OREGON DEPT. TRANSPORTATION
<input type="checkbox"/> CTA	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> WILLAMETTE BROADBAND	<input type="checkbox"/> CANBY BUSINESS REVITALIZATION
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> BUILDING OFFICIAL
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received ROW 07-03 (4<sup>th</sup> Street), an application from Canby School District requesting a right of way vacation application to have the City vacate Fourth Avenue between Douglas Street and Birch Street.

Please review the enclosed application and return comments to **Kevin Cook** by **Monday, March 12, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

### Comments or Proposed Conditions:

### Please check one box and sign below:

- ☐ Adequate Public Services (of your agency) are available
- ☒ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: \_\_\_\_\_

Date: 3-5-07

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March 2, 2007

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Please review the enclosed application and return comments to Kevin Cook by Monday, March 12, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

THIS REQUEST IN ADDITION TO PROPOSED CONSTRUCTION  
IN THE IMMEDIATE AREA DOES NOT POSE ANY  
PROBLEMS @ THIS TIME

**Please check one box and sign below:**

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: Ratink [Signature] Date: 3/6/07

Title: Foreman Water Dept. Agency: Canby Utility

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE:** March 2, 2007

**TO:**

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
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Please review the enclosed application and return comments to **Kevin Cook** by **Monday, March 12, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

*I have reviewed The Plans with The High School Principal & I agree that the proposed changes makes the school safer as it relates to traffic.*

**Please check one box and sign below:**

- ☒ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

**Signature:** \_\_\_\_\_ **Date:** 3/6/07

**Title:** LT. **Agency:** Police

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE:** March 2, 2007

**TO:**

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
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Please review the enclosed application and return comments to **Kevin Cook** by **Monday, March 12, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

*This committee would like to see a traffic study done.*

**Please check one box and sign below:**

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- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

**Signature:** Marlene Elmore **Date:** 3-12-07

**Title:** Chairman **Agency:** Traffic Safety Comm.

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE:** March 2, 2007

**TO:**

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<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> BUILDING OFFICIAL
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received ROW 07-03 (4<sup>th</sup> Street), an application from Canby School District requesting a right of way vacation application to have the City vacate Fourth Avenue between Douglas Street and Birch Street.

Please review the enclosed application and return comments to **Kevin Cook** by **Monday, March 12, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

MUST MAINTAIN ACCESS TO UTILITY VAULTS W/ VANS & EQUIPMENT

**Please check one box and sign below:**

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☒ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

**Signature:** David Hill **Date:** 3-5-07

**Title:** ENG MGR **Agency:** Canby Telecom

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March 2, 2007

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
<input type="checkbox"/> CANBY ELECTRIC	<input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION
<input type="checkbox"/> CANBY WATER	<input type="checkbox"/> TRAFFIC SAFETY COMMITTEE
<input type="checkbox"/> Darwin Tramel - WTTP	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> Jeff Crowther - WTTP	<input type="checkbox"/> CANBY SCHOOL DISTRICT
<input type="checkbox"/> CITY ENGINEER	<input type="checkbox"/> OREGON DEPT. TRANSPORTATION
<input type="checkbox"/> CTA	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> WILLAMETTE BROADBAND	<input type="checkbox"/> CANBY BUSINESS REVITALIZATION
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> BUILDING OFFICIAL
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received ROW 07-03 (4<sup>th</sup> Street), an application from Canby School District requesting a right of way vacation application to have the City vacate Fourth Avenue between Douglas Street and Birch Street.

Please review the enclosed application and return comments to Kevin Cook by Monday, March 12, 2007.

Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

Canby Utility is working with the School Dist. on Easements for this project. With easements in place this poses no problems to Canby Utility Elect.

**Please check one box and sign below:**

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☒ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: Shy Stockwell Date: 3-12-07

Title: Line Foreman Agency: Canby Utility Elect.

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**From:** "Troy Buzalsky" <TBuzalsky@canbyfire.org>  
**To:** "Kevin Cook" <CookK@ci.canby.or.us>  
**Date:** 3/13/07 4:48PM  
**Subject:** RE: ROW 07-03

Kevin,

Todd and I met with Debbie Pearson today and have no objections regarding the closure of SW 4th Ave, so long as the closure is tied to the proposed construction project. The proposal which we looked at was dated March 8th, and showed the West access off 4th terminating back to SW 1st Ave via a parking lot. The east entrance off 4th featured a narrow entrance, which we need to make sure is no less than 12 feet wide, and then would allow exiting for fire apparatus through the bus lane. In the event that the bus lane is blocked, the gated area leading to the vacant lot shall be maintained as the Fire Department turn around, with signage and paint to prohibit parking. There were also removable bollards installed to help with certain access issues.

The rest of the project will receive comments when the plans are reviewed.

Respectfully,

Troy Buzalsky

Canby Fire District #62

Division Chief, Fire Marshal

Office 503.266.5851...X 2762

Cell 503.572.5504

Direct Connect 112\*63448\*2

-----Original Message-----

From: Kevin Cook [mailto:CookK@ci.canby.or.us]

Sent: Tuesday, March 13, 2007 3:01 PM

To: Troy Buzalsky

Subject: Re: ROW 07-03

Thank you.

Kevin Cook, Associate Planner  
City of Canby, Community Development  
170 NW 2nd Ave  
PO Box 930  
Canby, OR 97013  
Phone: 503-266-9404  
Fax: 503-266-1574  
www.ci.canby.or.us

>>> "Troy Buzalsky" <TBuzalsky@canbyfire.org> 03/12/07 6:03 PM >>>

Carla and Kevin,

I will be meeting with Debbie Pearson from the School District on Tuesday about what their plan is regarding ROW 07-03. My packet did not include a site plan, so I was not able to adequately evaluate the proposal.

I will weigh in as soon as I have the information I need.

Respectfully

Troy Buzalsky

Canby Fire District #62  
Division Chief, Fire Marshal  
Office 503.266.5851...X 2762  
Cell 503.572.5504  
Direct Connect 112\*63448\*2

**CC:** "Debra J. Pearson" <pearsond@canby.k12.or.us>, <ahlc@ci.canby.or.us>



**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March 2, 2007

RECEIVED

MAR 06 2007

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
<input type="checkbox"/> CANBY ELECTRIC	<input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION
<input type="checkbox"/> CANBY WATER	<input type="checkbox"/> TRAFFIC SAFETY COMMITTEE
<input type="checkbox"/> Darwin Tramel - WTPP	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> Jeff Crowther - WTPP	<input type="checkbox"/> CANBY SCHOOL DISTRICT
<input checked="" type="checkbox"/> CITY ENGINEER	<input type="checkbox"/> OREGON DEPT. TRANSPORTATION
<input type="checkbox"/> CTA	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> WILLAMETTE BROADBAND	<input type="checkbox"/> CANBY BUSINESS REVITALIZATION
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> BUILDING OFFICIAL
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received ROW 07-03 (4<sup>th</sup> Street), an application from Canby School District requesting a right of way vacation application to have the City vacate Fourth Avenue between Douglas Street and Birch Street.

Please review the enclosed application and return comments to **Kevin Cook** by **Monday, March 12, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

SEE ATTACHED COMMENTS

Please check one box and sign below:

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☒ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: \_\_\_\_\_

Date: March 7, 2007

Title: \_\_\_\_\_

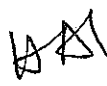
Agency: Curran-McLeod, Inc

CURRAN-McLEOD, INC.  
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210  
PORTLAND, OREGON 97223

March 7, 2007

**MEMORANDUM**

**TO:** Mr. Kevin Cook  
**FROM:** Hassan Ibrahim, PE   
**RE:** **CITY OF CANBY**  
**SW 4<sup>TH</sup> AVENUE (ROW 07-03)**  
**ROW VACATION**

We have reviewed the submitted application to the above mentioned project and have the following comments:

1. We have no objection to the vacation of SW 4<sup>th</sup> Avenue as part of the High School's Master Plan. However, an easement must be maintained over this area for all existing utilities and public street access must be retained for private properties west of Douglas street along SW 4<sup>th</sup> Ave.

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE:** March 2, 2007

**TO:**

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
<input type="checkbox"/> CANBY ELECTRIC	<input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION
<input type="checkbox"/> CANBY WATER	<input type="checkbox"/> TRAFFIC SAFETY COMMITTEE
<input type="checkbox"/> Darvin Tramel - WTTP	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> Jeff Crowther - WTTP	<input type="checkbox"/> CANBY SCHOOL DISTRICT
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<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
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<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> BUILDING OFFICIAL
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received ROW 07-03 (4<sup>th</sup> Street), an application from Canby School District requesting a right of way vacation application to have the City vacate Fourth Avenue between Douglas Street and Birch Street.

Please review the enclosed application and return comments to **Kevin Cook** by **Monday, March 12, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

NW Natural has an existing line on 4th St. and was told by Mark Wharry that an easement would be left to protect the gas line.

**Please check one box and sign below:**

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

**Signature:** Rain Van Immerburg **Date:** 3-9-07

**Title:** Engineering Supervisor **Agency:** NW Natural



# Oregon

Theodore R. Kulongoski, Governor

## Oregon Department of Transportation

ODOT Region 1  
123 NW Flanders St  
Portland, OR 97209 - 4037  
Telephone (503) 731-8200  
FAX (503) 731-8259

Date: 3/12/2007

### ODOT Response to Local Land Use Notification

<b>Project Name:</b> Fourth St Vacation – Canby HS	<b>Applicant:</b> Canby School District
<b>Jurisdiction:</b> Canby, City of	<b>Case #:</b> ROW 07-03
<b>Site Address:</b> 721 SW 4th Ave Canby, OR	<b>Legal Description:</b> <b>Tax Lot(s)</b>
<b>State Highway:</b> OR 99E	<b>Mileposts:</b> 21.76

ODOT recommends that the City review of the proposed SW 4<sup>th</sup> Street vacation be postponed, and considered as part of the Canby High School expansion conditional use review.

ODOT requests to be contacted to provide input on the scope and methodology for the Canby HS transportation impact analysis. We will recommend the analysis include scenarios with and without the vacation of SW 4<sup>th</sup> Street for comparison purposes.

- Please request the applicant contact Jason Grassman, Traffic, R1 to scope the traffic study.

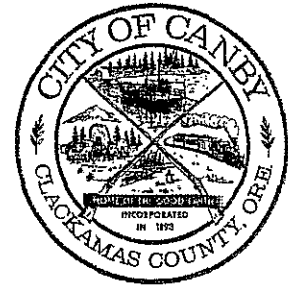
Our records indicate that OR 99E at Elm Street is a high accident location; it is a Top 10% SPIS (Safety Priority Index System) location. Vacation of SW 4<sup>th</sup> would redirect traffic from the Canby HS site to Elm and OR 99E.

In terms of local street connectivity and street spacing, it may be preferable for the majority of high school traffic to utilize SW 4<sup>th</sup> Street rather than SW 2<sup>nd</sup> Street to access Birch St because of the proximity of the SW 2<sup>nd</sup> St - Birch St intersection to the Birch-OR 99E intersection.

Thank you for coordinating with ODOT on this review.

<b>Development Review Planner</b> Sonya Kazen	<b>Phone:</b>
<b>Traffic Contact:</b> Jason Grassman PE	<b>Phone:</b> (503) 731-8221
<b>District 2B Contact:</b> Loretta Kieffer	<b>Phone:</b> (971) 673-6228

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

<b>A REQUEST FOR SITE AND DESIGN</b>	<b>) FINDINGS, CONCLUSION &amp; FINAL ORDER</b>
<b>REVIEW AND CONDITIONAL USE</b>	<b>) DR 07-01/CUP 07-01</b>
<b>APPROVAL FOR EXPANSION TO</b>	<b>) (CANBY HIGH SCHOOL)</b>
<b>CANBY HIGH SCHOOL</b>	<b>)</b>

**NATURE OF APPLICATION**

The Canby School District has proposed a 17,500 sq. ft. expansion to Canby High School. The School District plans the expansion on 2.1 acres of land formerly occupied by the First Student bus yard. The property is located directly across 4<sup>th</sup> Avenue from Canby High School's main entrance. The proposal includes vacating the western 650 feet of SW 4<sup>th</sup> Avenue. The plans call for a new 10,000 sq. ft. building, parking area and student plaza area. The new building is proposed to house additional instructional space, counseling, and administrative offices. The proposed design separates buses and cars and creates new visitor parking to the west. The plan includes a canopy over a portion of the plaza area; the canopy may be added at a later date depending on project costs.

**CRITERIA AND STANDARDS FOR SITE AND DESIGN REVIEW**

In judging whether or not a Site and Design Review application shall be approved, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the proposed location and, to approve such use, shall find that the following criteria are either met, can be met by the application of conditions, or are not applicable:

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
  - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and

Conclusion and Final Order  
DR 07-01  
CUP 07-01  
Page 1 of 8

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- B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
  - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
  - D. The Board shall, in making its determination of compliance with subsections B and C above, use the Design Review matrix outlined in Section 16.35 to determine "compatibility". An application is considered to be "compatible", regarding subsections B and C above, if the minimum score in each category is met for the entire development.
  - E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development.
- 2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
  - 3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
  - 4. As part of the Site and Design Review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

#### **CRITERIA AND STANDARDS FOR CONDITIONAL USE**

In judging whether or not a conditional use permit shall be approved, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the proposed location and, to approve such use, shall find that the following criteria are either met, can be met by the application of conditions, or are not applicable.

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements, and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

## **FINDINGS AND REASONS**

The Planning Commission, after holding a public hearing on May 14, 2007 and considering the May 3, 2007 staff report deliberated and reached a decision approving the applicant's request for site and design review and conditional use. The Commission discussed the layout and design of the site and adopted the findings and conclusions contained in the May 3, 2007 staff report, with conditions modified as written in the Order below and the following supplemental findings:

- The Commission finds that the design of the proposed double-stacked bus loading area could make emergency service response to this area difficult. Condition #25 requires the development of an emergency plan and is necessary in order to ensure that all required public facilities and services become available to the development.
- The Commission finds that additional review of the design and impacts of a potential westbound turn lane is required. Condition #21 has been modified from staff's original proposal to require additional review by staff and the Planning Commission. This is necessary in order to ensure that all required public facilities and service become available to the development.

## **CONCLUSION REGARDING SITE AND DESIGN REVIEW**

The Planning Commission concludes that, with the application of certain conditions:

- 1A. The proposed development of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- 1B. The proposed design of the development is compatible with the design of other development in the vicinity; and
- 1C. The location, design, size, color, and materials of the exteriors of structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
- 1D. The proposal is deemed compatible given that staff allocated a minimum or higher number of points per category on the design review matrix; and
- 1E. All required public facilities and services exist or can be made available to adequately meet the

**Conclusion and Final Order**

**DR 07-01**

**CUP 07-01**

**Page 3 of 8**

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- needs of the proposed development.
2. Public utility and service providers have indicated that the existing proposal can be made to comply with applicable standards.
  3. The proposed development will not increase the cost of housing in Canby.
  4. The property owner is not applying to remove street trees.

## **CONCLUSION REGARDING CONDITIONAL USE**

The Planning Commission concludes that, with the application of certain conditions:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements, and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

## **ORDER**

**IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **DR 07-01/CUP 07-01** is approved, subject to the following conditions:

1. Approval of this plan is contingent upon approval of the proposed right-of-way vacation of SW 4<sup>th</sup> Avenue. No building permits and/or utility work shall be permitted prior to the approval of the proposed right-of-way vacation (final recordation of Ordinance 1239 vacating right-of-way). If the proposed right-of-way vacation is not approved, this Site and Design Review approval shall be null and void.
2. Prior to the issuance of a building permit and/or any site work other than rough site grading, the design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by the appropriate utility provider.
3. Prior to the issuance of a building permit and/or any site work other than rough site grading, a pre-construction meeting shall be held. Twelve copies of the construction plans shall be given to the City for review and approval by Canby Utility, Canby Telephone, Willamette Broadband, the



City, and other required utility providers prior to the pre-construction meeting. The construction plans shall reflect all conditions of approval and shall include, as appropriate, the plans for street design, storm water, sewer, water, fire hydrants, electric, cable, telephone, natural gas, street lights, and mail boxes.

4. After completion of the pre-construction meeting, the applicant shall provide a revised set of construction plans to be signed by all affected agencies and City departments as determined by the Planning Dept. No building permits nor any site work other than rough site grading shall be allowed until the required signed construction set is submitted to and accepted by the Planning Department.
5. A sign permit application shall be submitted for all proposed signs.
6. Exterior lighting is required to provide a minimum of 0.5 footcandles with a 4:1 uniformity ratio over the entire site. All site lighting shall be "hooded" or "cutoff" so as not to direct light skyward or towards any public road.
7. A detailed landscape construction plan shall be submitted with the building permit application. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans. The landscape plan shall reflect the approved landscape plan submitted with the Design Review application.
8. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. Trees are to be a minimum of 3-inch caliper.
9. Wheel stops shall not be required in areas where sidewalks are at least 8 feet in width and in areas where landscaping within 2 feet of the curb is limited to ground cover and will not be damaged by vehicle overhangs. Wheel stops shall be provided for all parking spaces located adjacent to landscaping or walkways that do not meet the above criteria. The wheel stops shall be placed 2 feet in front of the end space.
10. All sidewalks and access-ways shall be a minimum of five (5) feet in width.
11. Bicycle parking shall be located in a well-lit, secure location within 50 feet of the primary building entrance per CMC 16.10.100. Bicycle parking shall meet all other applicable criteria.
12. All stormwater shall be disposed of on site. Prior to the issuance of a building permit, the design of storm water facilities shall be approved by the City Engineer, the Public Works Department, and the Oregon Department of Environmental Quality. No building permits shall be issued prior to obtaining necessary approvals from DEQ for proposed stormwater facilities and/or discharges.

13. Prior to the issuance of a building permit, an erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
14. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
15. ADA Ramps shall be provided as necessary as determined by the Public Works and Building Departments.
16. This approval is based upon the submitted site plan. Changes to this plan are subject to review and approval by the City through the City's approval modification process or through a new Design Review application.
17. Half-street improvements for the parcels full frontage along S. Birch St. and SE 2<sup>nd</sup> Ave. Full width improvements shall be made to portions of SW 4<sup>th</sup> Avenue that will remain within City right-of-way. Street improvements shall be completed to the satisfaction of the City Engineer and Public Works. Five-foot wide sidewalks shall be completed along all street frontages adjacent to the site.
18. The proposed future building addition will require separate review and approval by the Planning Commission.
19. Appropriate signage shall be installed at all private accesses. Directional signs indicating "bus only", "one way", "do not enter" and "end of publicly maintained street" shall be installed to the satisfaction of the Public Works Department. Additional, signage may be required by emergency service providers.
20. All public utilities and public sanitary sewer lines shall be placed within a utility easement. Additional utility easements shall be recorded for easements that would otherwise be located outside of an existing easement. Easement width and configuration is subject to approval by Canby Utility and the Canby Public Works Department.
21. A westbound left-turn lane shall be installed on SW 2<sup>nd</sup> Avenue at the bus-only entrance if required by the city. Left turn lane design is subject to the approval of the City Engineer, Public Works Department, and the Planning Department. The SW 2<sup>nd</sup> Avenue design plan shall be submitted to the Canby Planning Commission for review and approval prior to installation.
22. The new bus pick-up/drop-off area shall be designed to accommodate a minimum of sixteen buses in order to minimize the chance of a queue forming on SW 2<sup>nd</sup> Ave.
23. The applicant shall submit a landscape maintenance plan that provides for the regular pruning of low growing branches on trees; particularly those trees that could potentially conflict with the maneuverability of emergency service vehicles.

24. School busses shall not turn onto S Birch Street directly from Highway 99E; alternative routes shall be employed instead.
25. An emergency plan shall be submitted to the Planning Commission for review and approval; the plan shall indicate access to the school bus loading area and shall meet with the approval of the Canby Fire District.

I CERTIFY THAT THIS ORDER approving DR 07-01/CUP 07-01 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 29<sup>th</sup> day of May, 2007.

---

James R. Brown  
Chairman, Canby Planning Commission

---

Kevin C. Cook  
Associate Planner

**ATTEST:**

**ORAL DECISION – May 14, 2007**

AYES: Brown, Holte, Milne, Molamphy, Taylor

NOES: Ewert

ABSTAIN: None

ABSENT:

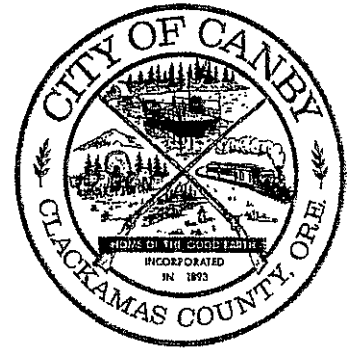
**WRITTEN DECISION – May 29, 2007**

AYES:

NOES:

ABSTAIN:

ABSENT:



## **- STAFF REPORT -**

**APPLICANT:**

Canby School District.  
1110 S Ivy Street  
Canby, OR 97013

**FILE NO.:**

DR 07-01/CUP 07-01  
(Canby High School Expansion)

**OWNER:**

Canby School District  
1110 S Ivy Street  
Canby, OR 97013

**STAFF:**

Kevin C. Cook  
Associate Planner

**LEGAL DESCRIPTION:**

Tax Lots 500, 600, 700, 800  
of Tax Map 4-1E-04BB

**DATE OF REPORT:**

May 3, 2007

**LOCATION:**

2.1 acres bounded by  
SW 4<sup>th</sup> Avenue, SW 2<sup>nd</sup> Ave,  
And S Birch St. The site is  
west of S Elm St.

**DATE OF HEARING:**

May 14, 2007

**COMP. PLAN DESIGNATION:**

C-M – Heavy Commercial/Manufacturing

**ZONING DESIGNATION:**

CM – Commercial/Manufacturing

### ***I. APPLICANT'S REQUEST:***

The Canby School District has proposed a 17,500 sq. ft. expansion to Canby High School. The School District plans the expansion on 2.1 acres of land formerly occupied by the First Student bus yard. The property is located directly across 4<sup>th</sup> Avenue from Canby High School's main entrance. The proposal includes vacating the western 650 feet of SW 4<sup>th</sup> Avenue. The plans call for a new 10,000 sq. ft. building, parking area and student plaza area. The new building is proposed to house additional instructional space, counseling, and administrative offices. The proposed design separates buses and cars and creates new visitor parking to the west. The plan includes a canopy over a portion of the plaza area; the canopy may be added at a later date depending on project costs.

3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

**16.50.010 Authorization to Grant or Deny Conditional Uses**

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

#### **IV. FINDINGS:**

##### **A. Background and Relationships:**

Canby High School is seeking to expand their facilities. The proposal includes a 10,000 square foot building that will incorporate additional classroom space, and offices. The plan calls for separate facilities for cars and busses. The vacation of SW 4<sup>th</sup> Avenue would create a pedestrian-only plaza that would afford safe passage to students traveling between the proposed building and the main campus. The road vacation will be reviewed separately by the City Council. Approval of the current plan is contingent upon approval of the proposed road vacation by the City Council (see Condition 1). There is a potential future phase II shown on the site plan; the future phase would be located within the lawn area north of the currently proposed building. The future phase is not covered by this application.

##### **B. Evaluation regarding Conditional Use Permit**

###### **1. Comprehensive Plan Consistency Analysis**

###### **LAND USE ELEMENT**

**GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.**

###### *Applicable Policies:*

Policy #1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.

*Analysis:* *The proposal would expand the existing school campus.*

Policy #3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

*Analysis:* *No burdening of public services is anticipated. The use will be similar to surrounding uses and will take advantage of existing services. Public facility and service providers were asked to comment on this application (see discussion under Public Facilities and Services Element).*

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

*Analysis: Emergency service providers received notice of the proposed development. The proposed use is not anticipated to generate any emergency service issues.*

## **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.**

### Applicable Policies:

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

*Analysis: Public Facility and Service received a Request for Comment. Responding agencies indicate that services are available or will become available to serve the site.*

*The City Engineer indicates that half-street improvements are required (Condition 17) and that utility easements should reflect all utility locations (Condition 20).*

*Traffic Safety Committee recommends the completion of a traffic study.*

*The City Traffic Engineer completed a traffic study for the proposal on May 2, 2007 (see Exhibit 3). Several important issues were addressed:*

- *In the morning peak period nearly all busses currently use the parking area to the west.*
- *Most morning drop-offs occur on SW 4<sup>th</sup> Ave. in front of the school.*
- *During the morning peak period, a westbound queue forms on SW 4<sup>th</sup> Avenue at the intersection with S Birch St.*
- *During the morning peak, nearly all northbound traffic on S Birch St makes a right turn onto Hwy. 99E.*
- *Vehicles seeking a left turn onto Hwy. 99E likely divert to the traffic signal at S Elm St.*
- *The morning peak period lasts about 15 minutes.*
- *During the afternoon peak, volumes on SW 4<sup>th</sup> are not as heavy as the morning peak.*



Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

*Analysis: The applicants' proposal provides the Canby School District with needed facilities.*

**CONCLUSION REGARDING CONSISTENCY WITH THE POLICIES OF THE CANBY COMPREHENSIVE PLAN:**

Staff review of the goals, policies, and implementation measures of the Comprehensive Plan indicates that the proposed conditional use is consistent with Canby's Comprehensive Plan.

**3. Evaluation Regarding Conditional Use Approval Criteria**

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.

*With the conditions noted below, this application complies with the Comprehensive Plan and with other applicable city policies.*

- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.

*The site is surrounded by urbanization. The site is well-suited for the proposed use.*

- C. All required public facilities and services exist to adequately meet the needs of the proposed development.

*Required Public Facilities and Services exist to serve the site.*

- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

*No negative impacts are anticipated from the proposed use. The use is compatible with the existing high school campus and surrounding business district.*

**3. Access**

The proposal creates 2 new accesses on SW 2<sup>nd</sup> Avenue, which is classified as a collector in the City's Transportation System Plan. The access spacing standards for collectors normally require 150 feet between accesses. The proposed accesses will be located approximately 70 feet apart and 115 feet from the nearest intersection (SW Birch St. to the west). Section 16.46.035 allows the City to grant an exception to the spacing standards when access is restricted to certain turning movements. In this case, the auto access onto SW 2<sup>nd</sup> is limited to right-out only, and the bus access is limited to left-in only. The traffic study conducted by Lancaster Engineering indicates that this configuration will work provided that the recommended turn lanes are installed on SW 2<sup>nd</sup> (Condition 21) and the bus loading area is capable of storing 16 buses at one time (Condition 22). Staff recommends approval of the proposed access configuration on SW 2<sup>nd</sup> Avenue with the added conditions proposed in the Lancaster study.

**4. Architecture and Signs**

The proposed school design exceeds Canby's minimum design standards and is compatible with existing adjacent school structures. Signs will be reviewed through the City's sign application process.

**5. Availability of Adequate Public Facilities and Services**

All utility providers were sent a Request for Comments. Utility and service providers stated that adequate public facilities are available or will become available through the development.

**6. Compatibility**

The proposed development is compatible with the surrounding neighborhood and is in keeping with the existing adjacent school development. The building design provides a pedestrian scale gateway to the High School. In order to be considered "compatible", an application must meet at least 65% of the total number of points possible.

- *See Design Review Matrix above and scoring on the following page:*

**Proposed Score with Bonus Points:**

**34/39 = 87%**

\* The proposed design exceeds the minimum 65% required for consideration.

or will become available through the development, to adequately meet the needs of the proposed development.

***Public facilities and services are available to service the development.***

- F. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

***All utilities exist or can be modified to adequately serve the site.***

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

***This proposal is not expected to impact the cost of needed housing in Canby.***

- H. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

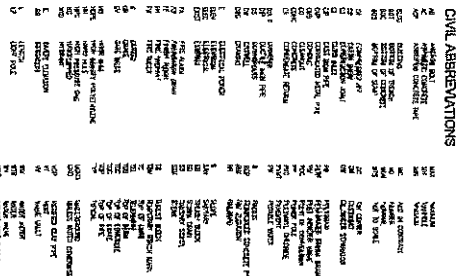
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5. A sign permit application shall be submitted for all proposed signs.
6. Exterior lighting is required to provide a minimum of 0.5 footcandles with a 4:1 uniformity ratio over the entire site. All site lighting shall be "hooded" or "cutoff" so as not to direct light skyward or towards any public road.
7. A detailed landscape construction plan shall be submitted with the building permit application. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans. The landscape plan shall reflect the approved landscape plan submitted with the Design Review application.
8. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. Trees are to be a minimum of 3-inch caliper.
9. Wheel stops shall not be required in areas where sidewalks are at least 8 feet in width and in areas where landscaping within 2 feet of the curb is limited to ground cover and will not be damaged by vehicle overhangs. Wheel stops shall be provided for all parking spaces located adjacent to landscaping or walkways that do not meet the above criteria. The wheel stops shall be placed 2 feet in front of the end space.
10. All sidewalks and access-ways shall be a minimum of five (5) feet in width.
11. Bicycle parking shall be located in a well-lit, secure location within 50 feet of the primary building entrance per CMC 16.10.100. Bicycle parking shall meet all other applicable criteria.
12. All stormwater shall be disposed of on site. Prior to the issuance of a building permit, the design of storm water facilities shall be approved by the City Engineer, the Public Works Department, and the Oregon Department of Environmental Quality. No building permits shall be issued prior to obtaining necessary approvals from DEQ for proposed stormwater facilities and/or discharges.

22. The new bus pick-up/drop-off area shall be designed to accommodate a minimum of sixteen buses in order to minimize the chance of a queue forming on SW 2<sup>nd</sup> Ave.
23. The applicant shall submit a landscape maintenance plan that provides for the regular pruning of low growing branches on trees; particularly those trees that could potentially conflict with the maneuverability of emergency service vehicles.
24. School busses shall not turn onto S Birch Street directly from Highway 99E; alternative routes shall be employed instead.

**Exhibits:**

1. Applicant's narrative
2. Project plan
3. Traffic study
4. Responses to Request for Comments



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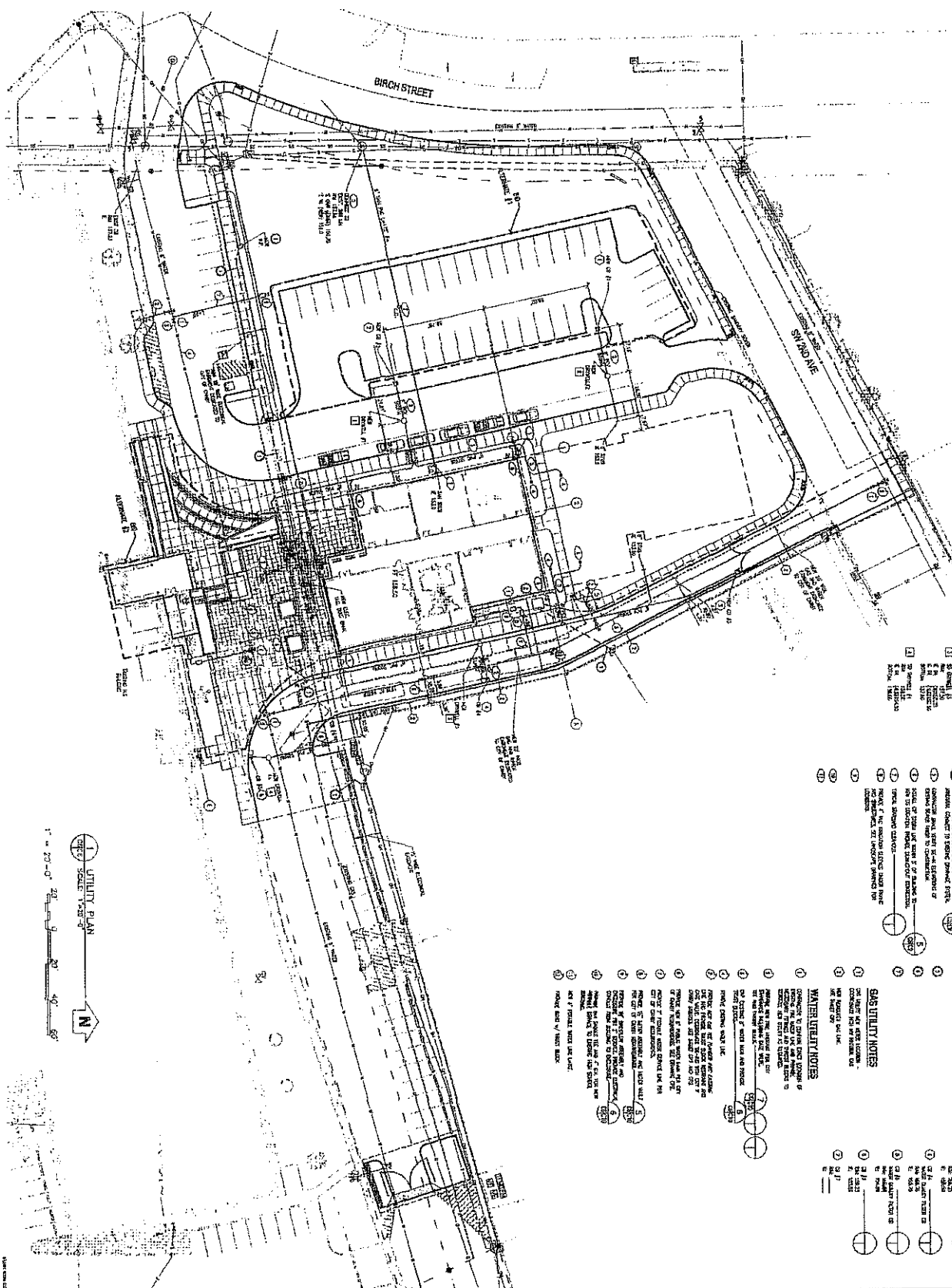
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- ① CONSIDER THE DATA AND DETERMINE  
IF THERE IS A PROBLEM. IF THERE IS NO PROBLEM, THERE IS NO NEED TO INVESTIGATE. IF THERE IS A PROBLEM, INVESTIGATE THE PROBLEM.
- ② ANALYZE THE PROBLEM. DETERMINE THE CAUSE OF THE PROBLEM. DETERMINE THE EFFECT OF THE PROBLEM. DETERMINE THE SCOPE OF THE PROBLEM. DETERMINE THE SEVERITY OF THE PROBLEM.
- ③ DEVELOP A PLAN. DETERMINE THE ACTION PLAN. DETERMINE THE RESOURCES NEEDED. DETERMINE THE TIMELINE.
- ④ IMPLEMENT THE PLAN. DETERMINE THE ACTION PLAN. DETERMINE THE RESOURCES NEEDED. DETERMINE THE TIMELINE.
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**STB**  
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WASHINGTON, D.C. 20004  
202-638-1000 FAX 202-638-1001



**CANDY HIGH SCHOOL EXPANSION**  
CANDY, CHEROKEE  
COUNTY

**boora**

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120 4th Washington St. SOC. Pharm., ON #7285  
T 804, 204, 1575 F 808, 311, 7519

UTILITY PLAN

Books

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1100 W. 10th St., Suite 100  
Anchorage, Alaska 99501  
Tel: 907.561.1234 Fax: 907.561.1235  
www.boora.com

CANBY HIGH SCHOOL EXPANSION  
CANBY, OREGON  
2007



CONDITIONAL USE

**SJO**  
CONSULTING ENGINEERS  
ARCHITECTS  
WILSONVILLE, OREGON  
1970 PROFESSIONAL FIRM IN  
GOOD STANDING  
FIRM NO. 12345

REVISION HISTORY DATE

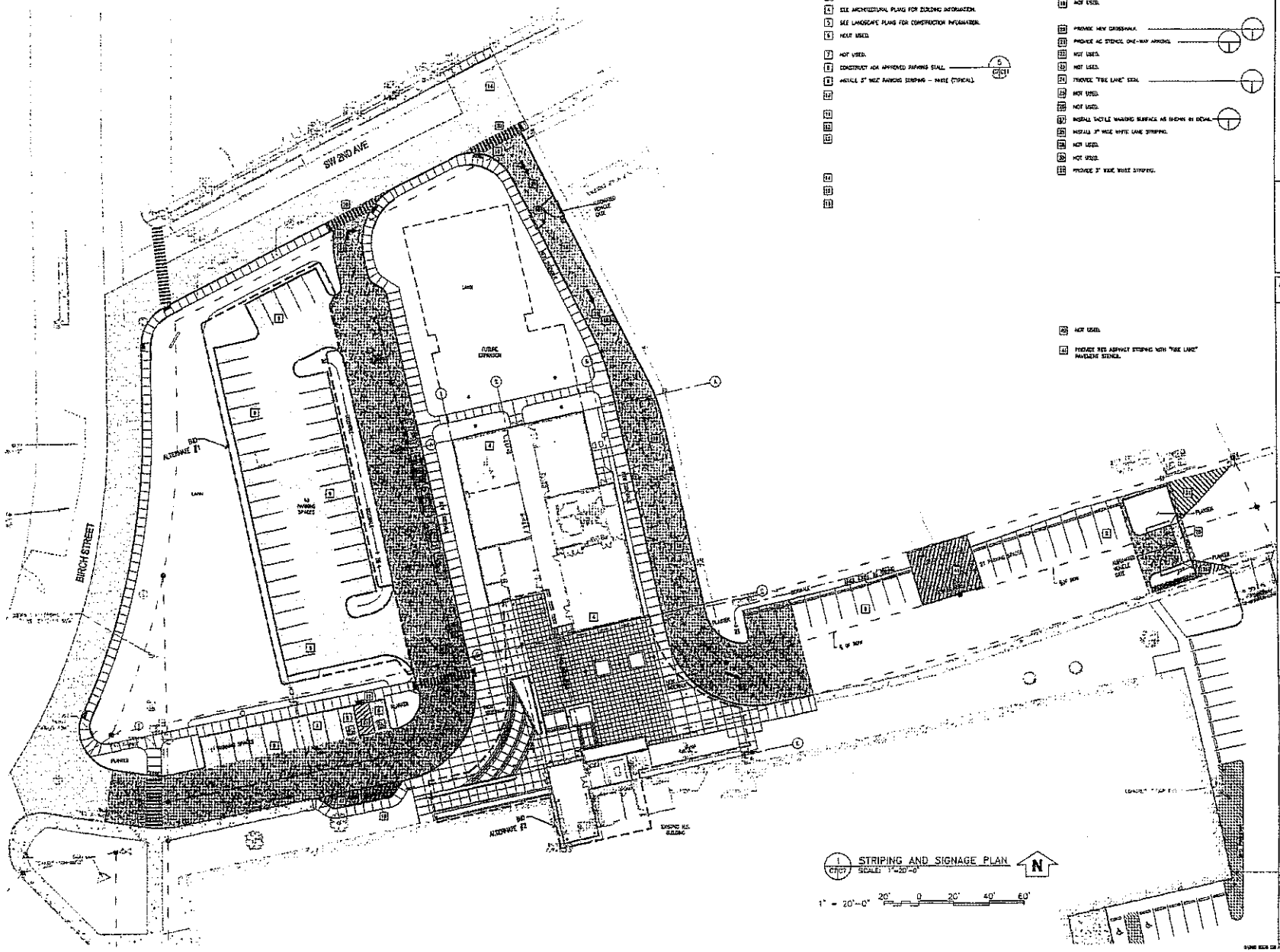
**STRIPING AND SIGNAGE PLAN**

Scale  
Drawn By  
Issued  
JANUARY 06, 2007

C7

**STRIPING AND SIGNAGE NOTES**  
(NOTE: NOT ALL NOTES USED ON THIS PLAN)

- 1 NOT USED.
- 2 NOT USED.
- 3 NOT USED.
- 4 SEE ARCHITECTURAL PLAN FOR BUILDING INFORMATION.
- 5 SEE LANDSCAPE PLAN FOR CONSTRUCTION INFORMATION.
- 6 NOT USED.
- 7 NOT USED.
- 8 CONSTRUCT AND APPROVED PARKING SIGN.
- 9 PROVIDE 2" WIDE PARKING STRIPING - WHITE (TYPICAL).
- 10 NOT USED.
- 11 NOT USED.
- 12 NOT USED.
- 13 PROVIDE NEW CROSSWALK.
- 14 PROVIDE AC SIGNAGE ONE-WAY ARROWS.
- 15 NOT USED.
- 16 NOT USED.
- 17 PROVIDE "TREE LINE" SIGN.
- 18 NOT USED.
- 19 NOT USED.
- 20 INSTALL SLOTTED WALKING SURFACE AS SHOWN IN DETAIL.
- 21 INSTALL 12" WIDE WHITE LINE STRIPING.
- 22 NOT USED.
- 23 NOT USED.
- 24 PROVIDE 2" WIDE WHITE STRIPING.
- 25 NOT USED.
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- 42 NOT USED.
- 43 NOT USED.
- 44 PROVIDE RED ASPHALT STRIPING WITH "TREE LINE" PAVEDSIDE STRIPING.



1 STRIPING AND SIGNAGE PLAN  
SCALE: 1"=20'-0"  
1" = 20'-0" 20' 0 20' 40' 60'

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CANBY HIGH SCHOOL EXPANSION  
CLARK, OREGON

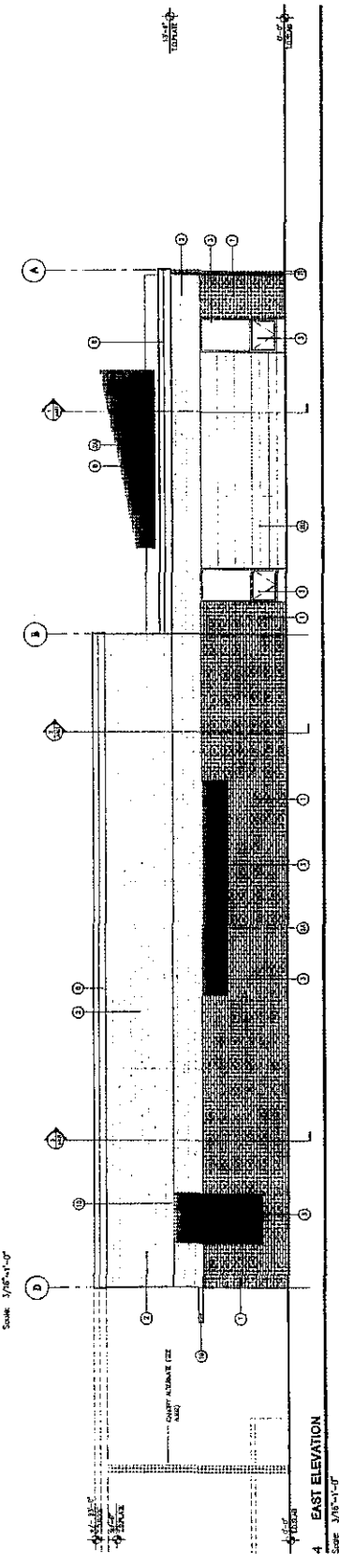
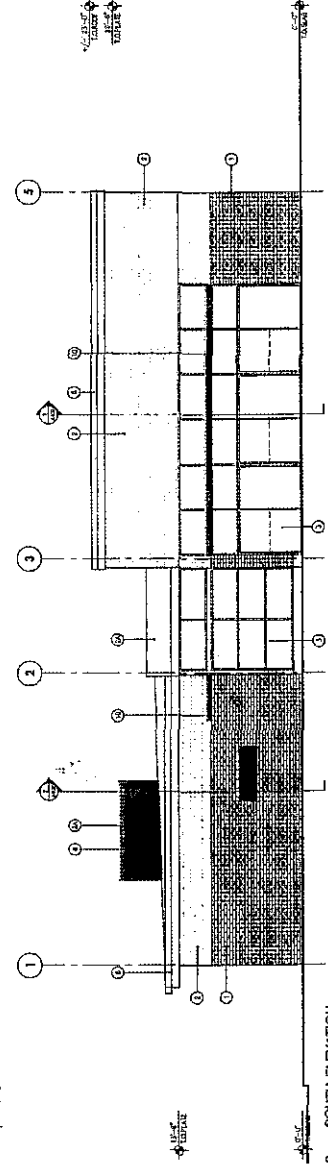
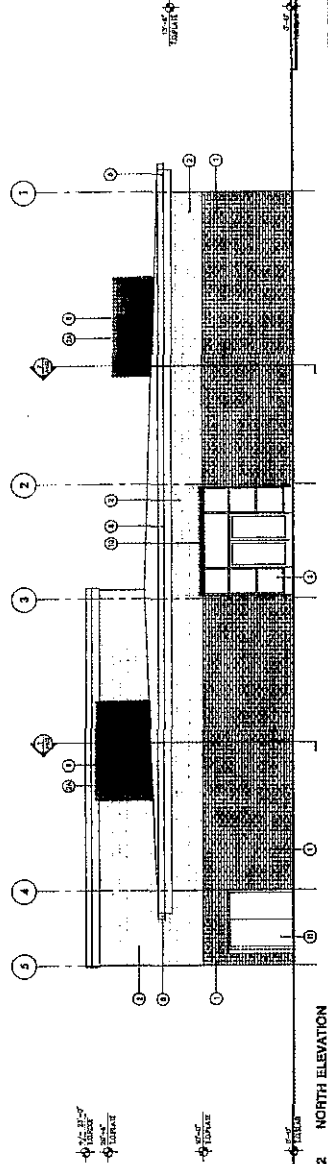
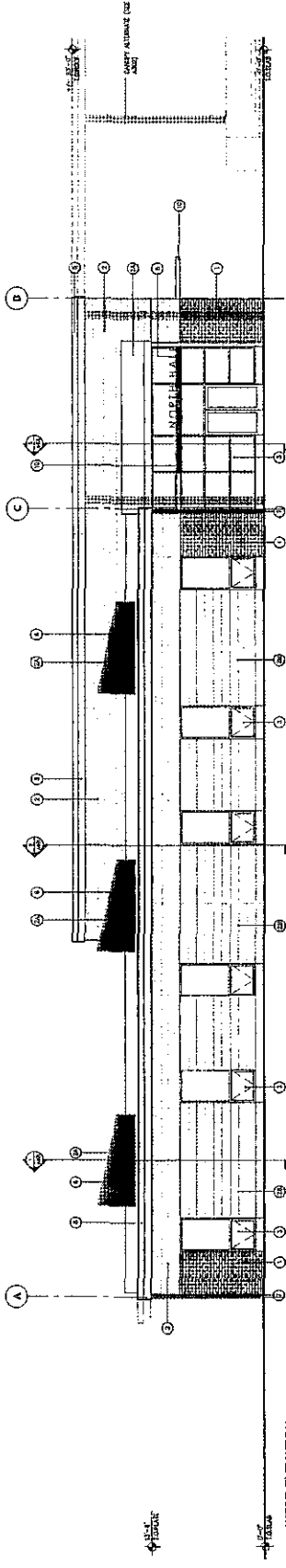
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503.228.1111

DESIGN DEVELOPMENT

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EXTERIOR ELEVATIONS

Drawn By  
Checked By  
Date  
A301







May 2, 2007

Kevin Cook  
City of Canby Planning  
170 NW 2<sup>nd</sup> Avenue  
Canby, OR 97013



*RE: Canby High School – SW 4<sup>th</sup> Avenue Vacation*

Dear Kevin:

We have reviewed the site plan for the proposed street vacation of SW 4<sup>th</sup> Avenue for the expansion of Canby High School.

Canby High School is located on the south side of SW 4<sup>th</sup> Avenue between S Birch Street and S Douglas Street. The subject site is located on the north side of SW 4<sup>th</sup> Avenue opposite the school. The site was formerly occupied by a bus barn, which has since been relocated. The site is proposed to be developed with school facilities. The expansion is not intended to accommodate additional students, but rather to upgrade existing facilities.

Because the expansion will occur on the property across SW 4<sup>th</sup> Avenue from the existing school buildings, a street vacation has been proposed for the section of SW 4<sup>th</sup> Avenue along the school frontage.

School administrative staff had indicated that some of the school buses pick up and drop off students in the parking area to the west, while others pick up and drop off students on SW 4<sup>th</sup> Avenue. There are parking spaces on SW 4<sup>th</sup> Avenue for parents to pick up and drop off students. Administrative staff also indicated that some parents use the parking lot to the west.

Development of the parcel to the north would provide separate pick up/drop off areas for parents and buses. The buses that pick up and drop off students in the parking area would continue to use the parking area. The only buses that would use the new pick up/drop off area would be the buses that currently use SW 4<sup>th</sup> Avenue.

It is expected that although a separate area would be provided for parents, only those parents who currently use SW 4<sup>th</sup> Avenue would use the new parking area. The parents who



Kevin Cook  
May 2, 2007  
Page 2 of 8

pick up and drop off students in the parking lot would continue to use the parking lot. The street vacation is expected to have the greatest impact on traffic on SW 4<sup>th</sup> Avenue near the school.

### *Field Observations*

Field observations were made during the school peak periods in the morning and afternoon. Schools typically have a brief, but intense, peak traffic period shortly before the start of school and a slightly longer, but less intense, peak period when school ends.

#### *-- Morning Peak Period --*

Traffic volumes near the school were low before the beginning of the school peak period. There were very few buses observed to drop off students along the school frontage. Nearly all of the school buses used the parking area to the west. Since the buses did not arrive simultaneously, the bus queue did not extend outside of the parking area at any time during the observations.

The majority of the parental drop offs occurred at the school frontage on SW 4<sup>th</sup> Avenue. Eastbound traffic would stop at the curb to let off students, while westbound traffic stopped in the travel lane. It appeared that few of the parents used the parking spaces along SW 4<sup>th</sup> Avenue for dropping off students. There was generally a short queue of westbound vehicles and when the first vehicle in the queue dropped off a student, all of the vehicles in the queue let off their students. The vehicles then proceeded to the intersection of SW 4<sup>th</sup> Avenue and S Birch Street, arriving simultaneously at the intersection. This meant a westbound queue developed at the intersection. During the heaviest drop-off period, which lasted for about five minutes, the westbound queue at the SW 4<sup>th</sup> Avenue/S Birch Street intersection maintained about eight to nine vehicles.

A significant portion of the eastbound traffic came from SW 2<sup>nd</sup> Avenue. The observed westbound volumes on SW 2<sup>nd</sup> Avenue and SW 4<sup>th</sup> Avenue were roughly equal, although there appeared to be more eastbound traffic on SW 4<sup>th</sup> Avenue than on SW 2<sup>nd</sup> Avenue. The counts taken on SW 2<sup>nd</sup> Avenue confirm that the peak periods for this road occur during the school peak periods. It was also observed that of the traffic coming from the east, most of the drivers used SW 2<sup>nd</sup> Avenue instead of Highway 99E.



Kevin Cook  
May 2, 2007  
Page 3 of 8

It was also observed that nearly all of the exiting school traffic that traveled northbound on S Birch Street made a right turn at Highway 99E. This implies that drivers wishing to go left on the highway used another intersection for their left turns. The intersection of S Birch and Highway 99E is unsignalized and delays for left-turning vehicles would be high. It is likely that these left turns were made at Elm Street, which is a signalized intersection.

In brief, the major transportation issue observed during the morning period was the westbound queue observed on SW 4<sup>th</sup> Avenue at S Birch Street. Although traffic was heavy and most of the school intersections (SW 4<sup>th</sup> Avenue at S Birch Street and the parking lot access driveways on SW 4<sup>th</sup> Avenue) were affected by the volumes, the peak traffic period only lasted about 15 minutes before traffic operations normalized again.

-- Afternoon Peak Period --

Traffic volumes on SW 4<sup>th</sup> Avenue were not as heavy during the afternoon period as during the morning. It was noted that nearly all of the parking spaces on SW 4<sup>th</sup> Avenue were taken and some parents arriving just before school let out parked at the Taco Bell parking lot across S Birch Street and in a gravel area on the east side of S Birch Street near SW 2<sup>nd</sup> Avenue. There was a vehicle parked on SW 4<sup>th</sup> Avenue in a no-parking area. Six vehicles total parked in these non-marked areas to wait for students.

When the observation period began, it was observed that four of the school buses had arrived at the school frontage. These buses left before school let out. Sixteen buses lined the entire school frontage at one point, although the earlier buses were leaving the school as the later buses arrived. At one point, a school bus was not able to complete the southbound left-turn from S Birch Street onto SW 4<sup>th</sup> Avenue due to the buses waiting at the curb. This bus blocked the intersection operation for a brief period. By this point, about half of the waiting buses had left and the queue moved forward enough to allow the last bus to complete the intersection turn and park.

The parking lot also filled with buses. At one point, the parents and the students who drove were leaving the parking lot along with the school buses. Traffic was heavy enough that a flagger was used to halt traffic on SW 4<sup>th</sup> Avenue to allow the buses to exit the parking lot. This was the only time the flagger was needed for traffic operation. Nearly all of the exiting buses used S Birch Street to Highway 99E. While traffic on SW 4<sup>th</sup> Avenue was halted, queues





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developed in both directions on SW 4<sup>th</sup> Avenue and on S Birch Street. The southbound queue on S Birch Street extended for about 75 feet and did not at any time interfere with traffic on Highway 99E. The southbound queue on S Birch Street and eastbound queue on SW 4<sup>th</sup> Avenue dissipated quickly, although the westbound queue on SW 4<sup>th</sup> Avenue (which is stop-controlled at S Birch Street) took somewhat longer to dissipate since this traffic yields to all other movements.

In brief, passenger vehicle parking was a minor concern during the afternoon period. With the parking lot and SW 4<sup>th</sup> Avenue parking spaces filled, some parents parked in areas not intended for parking. The school buses waiting along the school frontage exceed the length of frontage available. And since traffic had to be halted to allow the buses to exit the parking lot, queues became a problem, although the operational problems were brief.

#### *Highway 99E*

SW 2<sup>nd</sup> Avenue does not provide as convenient a route from the residential neighborhoods to the shopping areas as SW 4<sup>th</sup> Avenue. Diverting the traffic from SW 4<sup>th</sup> Avenue to SW 2<sup>nd</sup> Avenue would slightly increase the travel time since the route is somewhat longer. Both the intersection of SW 4<sup>th</sup> Avenue at S Elm Street and SW 2<sup>nd</sup> Avenue at S Elm Street are all-way stop-controlled. Diverting from SW 4<sup>th</sup> Avenue to SW 2<sup>nd</sup> Avenue would not greatly increase the travel time since the delay at either of these intersections would be expected to be relatively low.

Minor-street left-turning delays at a signalized intersection can be high, particularly for an ODOT highway where the major-street through movements are heavily favored. If traffic diverts to Highway 99E, travel time would be increased as drivers have to wait at the traffic signal for the left-turn. Therefore, it is unlikely that the drivers who currently use SW 4<sup>th</sup> Avenue would divert to Highway 99E. It is expected that the impact of the diverted school traffic to the Highway 99E/Elm Street intersection would be minor.

Very few vehicles were observed to make the northbound left-turn from S Birch Street onto Highway 99E. It is likely that most drivers needing to make this turn used the traffic signal at S Elm Street. If these vehicles are already making the turn at the traffic signal, closing SW 4<sup>th</sup> Avenue would not increase the northbound left-turning volumes at the signal.



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#### *Traffic Volumes - SW 2<sup>nd</sup> Avenue*

SW 2<sup>nd</sup> Avenue is classified as a *Collector*. The City of Canby does not have adopted volume standards for a *Collector*, but an upward limit of 5,000 to 10,000 vehicles per day is typical for *Collector Streets* in other jurisdictions. Currently, the roadway serves about 2,000 vehicles per day.

SW 4<sup>th</sup> Avenue is a *Local Street*. Typical traffic volumes for a *Local Street* are up to 1,000 vehicles per day, although the roadway has the physical capacity to carry volumes much greater than 1,000 vehicles per day. Volumes on a *Local Street* are generally restricted in order to avoid livability issues. SW 4<sup>th</sup> Avenue becomes S Fir Street east of the school. A recent traffic study in the area of S Fir Street and SW 13<sup>th</sup> Avenue showed traffic volumes of about 300 vehicles per day on S Fir Street near SW 13<sup>th</sup> Avenue. Volumes on SW 4<sup>th</sup> Avenue were assumed to be higher, but were not assumed to be excessive. For a conservative analysis, it was assumed that the current volumes on the roadway near the school are close to 1,000 vehicles per day. These volumes would divert to SW 2<sup>nd</sup> Avenue with the closure of SW 4<sup>th</sup> Avenue. Because SW 2<sup>nd</sup> Avenue does not directly access the residential neighborhoods, most of the traffic in the outlying residential areas would not be affected by the street closure.

The street layout shown in the site plan would force passenger vehicle traffic to enter SW 4<sup>th</sup> Avenue from the west. It appears that about half of the traffic is already coming from this direction. The street vacation would not affect this portion of the traffic on the streets. Only the traffic that would otherwise be westbound on SW 4<sup>th</sup> Avenue would be affected by the closure. The high school generates about 3,000 vehicles per day, although it was observed that less than one-quarter of these vehicles used SW 4<sup>th</sup> Avenue at the school frontage. Based on this, it was assumed about 375 vehicles per day would divert to SW 2<sup>nd</sup> Avenue.

The closure of SW 4<sup>th</sup> Avenue at the school frontage could result in volumes of about 3,500 vehicles per day on SW 2<sup>nd</sup> Avenue. This projected traffic volume is appropriate for a roadway classified as a *Collector*.



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### *Traffic Operations*

Volumes on S Birch Street are moderately heavy during the school peak periods. Westbound traffic on SW 2<sup>nd</sup> Avenue would experience delays at the SW 2<sup>nd</sup> Avenue/S Birch Street intersection. Since the volumes on SW 2<sup>nd</sup> Avenue would increase after the street closure, westbound volumes would be high and westbound queues would develop at the intersection of SW 2<sup>nd</sup> Avenue and S Birch Street. Since the exiting passenger vehicle traffic must turn right from the pick-up/drop-off area, the exiting vehicles will not contribute to the queue length. S Birch Street and the bus entrance are separated by about 190 feet. The observed westbound queue on SW 4<sup>th</sup> Avenue was about 225 feet at its peak. It is likely that the westbound queue would extend past the bus entrance during the morning peak period and buses in the westbound queue would not be able to make the turn into the entrance until the vehicles in front had gone through the S Birch Street/SW 2<sup>nd</sup> Avenue intersection. Since there were only two buses observed using SW 4<sup>th</sup> Avenue during the morning observations, the westbound queues may not greatly affect the buses that use the bus entrance.

If more buses are to use the new bus pick-up/drop-off area during the morning, mitigation will be needed on SW 2<sup>nd</sup> Avenue to prevent the westbound traffic queues from interfering with the bus movements. Installing a westbound left-turn lane on SW 2<sup>nd</sup> Avenue at the bus entrance would give buses a separate turn lane from which to make their turn. It would not be advisable to make SW 2<sup>nd</sup> Avenue a three-lane section with a continuous center lane since the majority of the vehicles in the westbound queue were assumed to make a left turn at S Birch Street and would use any center lane provided for them.

Westbound queuing on SW 2<sup>nd</sup> Avenue is not expected to be a concern since vehicles arrive over a longer period of time, so they do not become concentrated at the intersections. However, the westbound left-turn lane at the bus entrance is still recommended to avoid slowing the traffic on SW 2<sup>nd</sup> Avenue unduly.

Installing a westbound left-turn lane on SW 2<sup>nd</sup> Avenue at S Birch Street would not provide a significant benefit to the transportation system since there are very few right-turning vehicles at this intersection that would use a right-turn lane.

During the afternoon peak period, there were sixteen buses observed at one point using the school frontage. The new bus pick-up/drop-off area should be designed to accommodate at least sixteen buses so that the bus queues do not extend onto SW 2<sup>nd</sup> Avenue.



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Since the parking spaces on SW 4<sup>th</sup> Avenue are heavily utilized, the number of parking spaces that will be removed with the street closure should be replaced in the new parking area. Most of the parking spaces on SW 4<sup>th</sup> Avenue will remain. The spaces to the west will be public parking and the spaces to the east will be available for the teachers. The parking spaces that will be removed will be replaced in the new lot.

It should be noted that the effective capacity of a small surface parking lot is 85 percent. When 85-percent of a parking lot is filled, drivers typically begin to park in no-parking or overflow areas. This is a possible explanation for the drivers who were observed to park in no-parking areas during the afternoon period. Providing additional parking may relieve some of this parking congestion. However, if these drivers parked in the no-parking areas to avoid walking, providing additional parking spaces would not eliminate the vehicles in the no-parking areas. The new parking lot design appears to provide adequate spaces to serve the school's parking demand. If vehicles continue to park in the no-parking areas, enforcement of the parking restrictions will be needed.

There is congestion on SW 4<sup>th</sup> Avenue and S Birch Street during the school peak periods, although the congestion clears quickly. This type of congestion is typical for intersections near schools and cannot be easily mitigated. Very little non-school traffic was observed on SW 4<sup>th</sup> Avenue, so it is expected that non-school traffic would avoid SW 2<sup>nd</sup> Avenue during the peak periods.

Some of the school buses were observed to enter SW 4<sup>th</sup> Avenue from Highway 99E by making a left-turn from the highway onto S Birch Street. With the closure of SW 4<sup>th</sup> Avenue, these buses would need to make a left-turn at SW 2<sup>nd</sup> Avenue. If northbound volumes on S Birch Street are too high to allow sufficient gaps, southbound traffic on S Birch Street could queue behind the buses. There is 150 feet between SW 2<sup>nd</sup> Avenue and Highway 99E; this distance does not provide much space for queuing. Installing a southbound left-turn lane on S Birch Street at SW 2<sup>nd</sup> Avenue would allow the southbound through traffic to move around any left-turning queue that may develop. Buses are the predominant vehicle expected to use the left-turn lane during the school periods. Most passenger vehicle traffic is expected to enter at SW 4<sup>th</sup> Avenue, although the parents could conceivably enter SW 2<sup>nd</sup> Avenue from S Birch Street, drop students at the curb, then continue eastbound on SW 2<sup>nd</sup> Avenue. There is insufficient distance between SW 2<sup>nd</sup> Avenue and Highway 99E for back-to-back left-turn lanes. If a southbound left-turn lane is installed, the left-turn lane should extend to Highway 99E. S Birch



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would become a three-lane section between Highway 99E and SW 2<sup>nd</sup> Avenue and a two-lane section south of SW 2<sup>nd</sup> Avenue. There is sufficient connectivity in the area that the northbound left-turns could be made at other nearby intersections. The drawing attached to this letter shows a potential left-turn lane design. If the bus routes are changed so that buses do not access the school via Highway 99E at S Birch Street, the southbound left-turn lane would become unnecessary.

S Birch Street and SW 4<sup>th</sup> Avenue near the parking lot is free-flowing. Other than the period where traffic on SW 4<sup>th</sup> Avenue was halted to allow the buses to leave the parking lot, there is little congestion expected on S Birch Street. The southbound queues that formed on S Birch Street when the traffic was halted for the buses did not extend to Highway 99E; therefore, it is not expected that the congestion resulting from the school's traffic control would affect the operation of the ODOT highway.

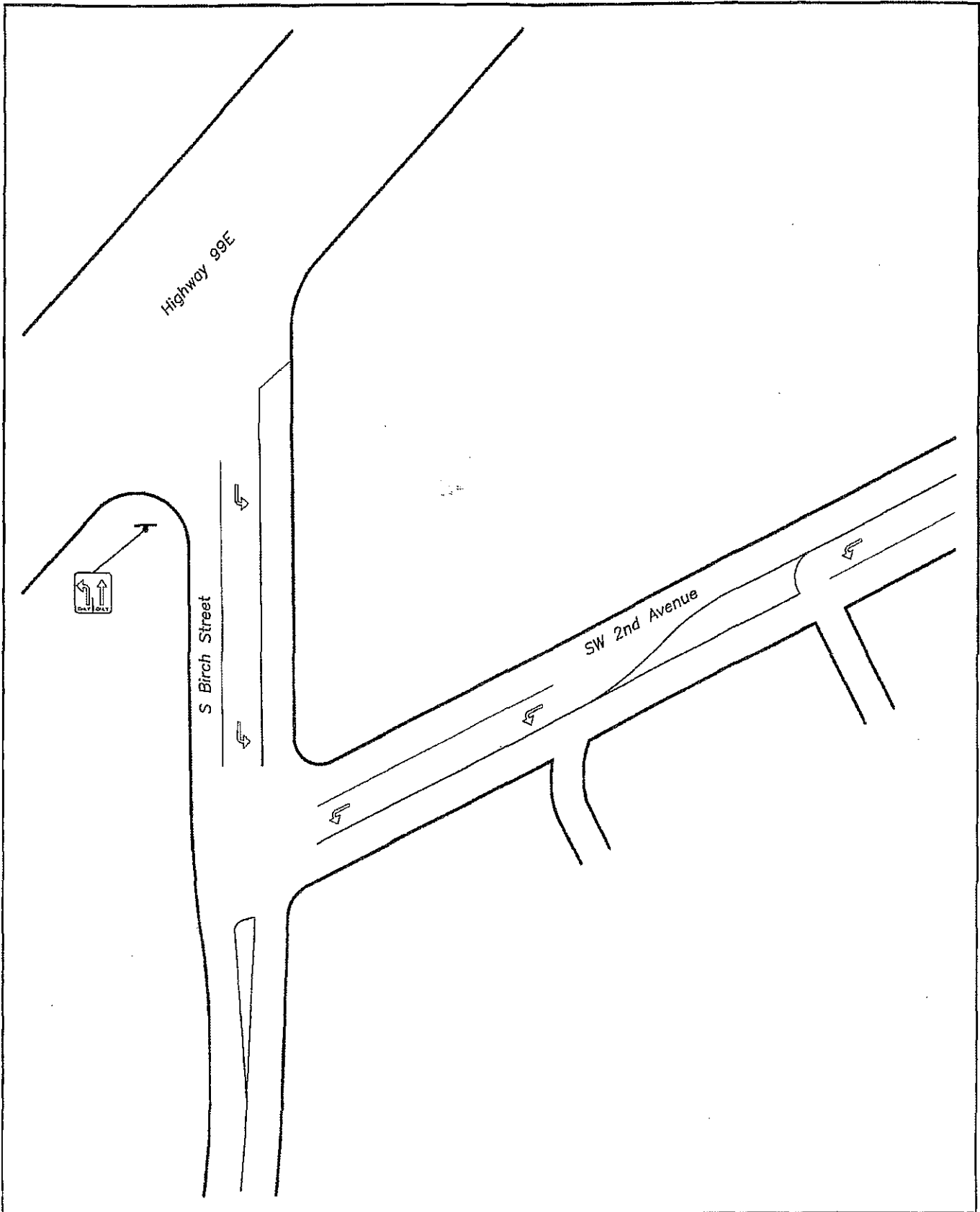
If you have any questions about this letter, please don't hesitate to call me.



Yours truly,

Catriona Sumrain  
Transportation Analyst

cc: Sonya Kazen ODOT  
Jason Grassman, ODOT

Attachment: Potential Striping and Signing Plan



	SW 2nd Avenue & S Birch Street Potential Striping and Signing	 no scale	FIGURE 1
			APPENDIX

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE:** March 19, 2007

**TO:**

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
<input type="checkbox"/> CANBY ELECTRIC	<input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION
<input type="checkbox"/> CANBY WATER	<input type="checkbox"/> TRAFFIC SAFETY COMMITTEE
<input type="checkbox"/> WWTP - Darvin Trammel	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> WWTP - Jeff Crowther	<input type="checkbox"/> CANBY SCHOOL DISTRICT
<input type="checkbox"/> CITY ENGINEER	<input type="checkbox"/> OREGON DEPT. TRANSPORTATION
<input type="checkbox"/> CTA	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> WILLAMETTE BROADBAND	<input type="checkbox"/> CANBY BUSINESS REVITALIZATION
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input checked="" type="checkbox"/> <u>BUILDING OFFICIAL</u>
<input type="checkbox"/> PGE	<input type="checkbox"/> <u>OTHER</u>

The City has received CUP 07-01/DR 07-01 (721 SW 4<sup>th</sup> Ave), an application from Canby School District requesting a conditional use permit and site and design review for building. The property is zoned R-1 (Low Density Residential). The property is located at 721 SW 4<sup>th</sup> Ave.

Please review the enclosed application and return comments to **Kevin Cook** by **Friday, April 6, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

CURRENTLY IN PLAN REVIEW

**Please check one box and sign below:**

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

**Signature:** RG **Date:** 3.19.06

**Title:** Building Official **Agency:** CANBY

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

503J 266-7001

FAX 266-1574

**DATE:** March 19, 2007

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**Comments or Proposed Conditions:**

*Good as proposed - J D Serugga*

**Please check one box and sign below:**

- ☒ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

**Signature:** *J D Serugga* **Date:** *20 Mar 07*

**Title:** \_\_\_\_\_ **Agency:** \_\_\_\_\_



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## Comments or Proposed Conditions:

*Notification @ start of project.*

## Please check one box and sign below:

- ☒ Adequate Public Services (of your agency) are available
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- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: \_\_\_\_\_

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

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

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**Comments or Proposed Conditions:**

*Good Plan!*

**Please check one box and sign below:**

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- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

**Signature:** \_\_\_\_\_

**Date:** 3/22/07

**Title:** LS

**Agency:** \_\_\_\_\_

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE:** March 19, 2007

**TO:**

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<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
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**Comments or Proposed Conditions:**

ALTHOUGH THE PROPOSED SCHOOL EXPANSION IS NOT EXPECTED TO INCREASE THE STUDENT  
BODY INITIALLY, THE CLOSURE OF SW 4<sup>th</sup> AVE <sup>MAY</sup> HAVE A SIGNIFICANT IMPACT ON THE  
TRAFFIC CIRCULATION IN THE AREA. A DETAILED TRAFFIC STUDY WOULD BE NEEDED TO  
DETERMINE IF ANY OF THE IMPACTS WOULD HAVE A DETRIMENTAL EFFECT ON THE  
ROADWAY SYSTEM.

**Please check one box and sign below:**

- ☐ Adequate Public Services (of your agency) are available
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**Signature:** \_\_\_\_\_

**Date:** 3/22/07

**Title:** ENGINEERING ANALYST

**Agency:** LANCASTER ENGINEERING

# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

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DATE: March 19, 2007

- TO:
- |   |  |
|---|--|
| <input type="checkbox"/> FIRE                     | <input type="checkbox"/> CANBY POST OFFICE               |
| <input type="checkbox"/> POLICE                   | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR       |
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| <input type="checkbox"/> CANBY WATER              | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE        |
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| <input type="checkbox"/> WWTP - Jeff Crowther     | <input type="checkbox"/> CANBY SCHOOL DISTRICT           |
| <input type="checkbox"/> CITY ENGINEER            | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION     |
| <input type="checkbox"/> CTA                      | <input type="checkbox"/> ODOT/REGION 1/DIST 2B           |
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| <input type="checkbox"/> WILLAMETTE BROADBAND     | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION   |
| <input type="checkbox"/> CANBY DISPOSAL           | <input type="checkbox"/> PARKS AND RECREATION            |
| <input type="checkbox"/> CITY ATTORNEY            | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER    |
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- ☐ Adequate public services are not available and will not become available

Signature: Patrick PlanteDate: 3/22/07Title: Water Dept. Foreman

Agency: \_\_\_\_\_

Canby Water  
CUB

82

# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March 19, 2007

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
<input type="checkbox"/> CANBY ELECTRIC	<input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION
<input type="checkbox"/> CANBY WATER	<input type="checkbox"/> TRAFFIC SAFETY COMMITTEE
<input type="checkbox"/> WWTP - Darwin Trammel	<input type="checkbox"/> CLACKAMAS COUNTY
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<input type="checkbox"/> CTA	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> WILLAMETTE BROADBAND	<input type="checkbox"/> CANBY BUSINESS REVITALIZATION
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> BUILDING OFFICIAL
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received CUP 07-01/DR 07-01 (721 SW 4<sup>th</sup> Ave), an application from Canby School District requesting a conditional use permit and site and design review for building. The property is zoned R-1 (Low Density Residential). The property is located at 721 SW 4<sup>th</sup> Ave.

Please review the enclosed application and return comments to Kevin Cook by Friday, April 6, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

## Comments or Proposed Conditions:

We are currently working with the School District on  
relocating existing Electrical facilities in this area.

## Please check one box and sign below:

- ☐ Adequate Public Services (of your agency) are available
- ☒ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: *Andy Woodruff*Date: 3-21-07Title: Line Foreman

Agency: \_\_\_\_\_

~~Confidential~~  
Canby Electric  
City Shops

83

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE: March 19, 2007**

**TO:**

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
<input type="checkbox"/> CANBY ELECTRIC	<input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION
<input type="checkbox"/> CANBY WATER	<input type="checkbox"/> TRAFFIC SAFETY COMMITTEE
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Please review the enclosed application and return comments to **Kevin Cook** by **Friday, April 6, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

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**Please check one box and sign below:**

- ☐ Adequate Public Services (of your agency) are available
- ☒ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

**Signature:**  **Date:** 3-23-07

**Title:** ASSOCIATE ENG. **Agency:** CANBY TELCOM

# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March 19, 2007

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
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Please review the enclosed application and return comments to Kevin Cook by Friday, April 6, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

## Comments or Proposed Conditions:

None

## Please check one box and sign below:

- ☐ Adequate Public Services (of your agency) are available
- ☒ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: Darvin TrammelDate: 3/21/07Title: Wastewater SupervisorAgency: WWTP

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

MAR 21 2007

P.O. Box 930, Canby, OR 97013

GUMM-MCLEOD  
[503] 266-7001 FAX 266-1574

DATE: March 19, 2007

- TO:
- |   |  |
|---|--|
| <input type="checkbox"/> FIRE                     | <input type="checkbox"/> CANBY POST OFFICE               |
| <input type="checkbox"/> POLICE                   | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR       |
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| <input type="checkbox"/> CANBY ELECTRIC           | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY WATER              | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE        |
| <input type="checkbox"/> WWTP - Darwin Trammel    | <input type="checkbox"/> CLACKAMAS COUNTY                |
| <input type="checkbox"/> WWTP - Jeff Crowther     | <input type="checkbox"/> CANBY SCHOOL DISTRICT           |
| <input checked="" type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION     |
| <input type="checkbox"/> CTA                      | <input type="checkbox"/> ODOT/REGION 1/DIST 2B           |
| <input type="checkbox"/> NW NATURAL               | <input type="checkbox"/> STATE OF OREGON/REVENUE         |
| <input type="checkbox"/> WILLAMETTE BROADBAND     | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION   |
| <input type="checkbox"/> CANBY DISPOSAL           | <input type="checkbox"/> PARKS AND RECREATION            |
| <input type="checkbox"/> CITY ATTORNEY            | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER    |
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| <input type="checkbox"/> PGE                      | <input type="checkbox"/> OTHER _____                     |

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Please review the enclosed application and return comments to **Kevin Cook** by **Friday, April 6, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

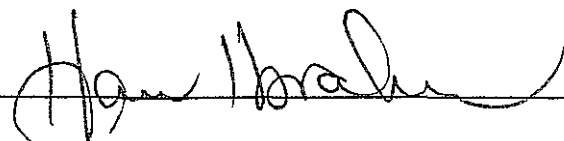
Comments or Proposed Conditions:

SEE ATTACHED COMMENTS

Please check one box and sign below:

- ☐ Adequate Public Services (of your agency) are available
- ☒ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature:



Date:

March 23, 2007

Title:

PROJECT ENGINEER

Agency:


Gumm-McLeod, Inc



March 23, 2007

**MEMORANDUM**

**TO:** Mr. Kevin Cook

**FROM:** Hassan Ibrahim, PE 

**RE:** **CITY OF CANBY**  
**SW 4<sup>TH</sup> AVENUE (CUP 07-01/DR 07-01)**

We have reviewed the submitted application to the above mentioned project and have the following comments:

1. The applicant should construct half street improvements on S. Birch Street and SE 2<sup>nd</sup> Ave to include concrete curbs and sidewalks, utilities as necessary, landscaping and street lighting.
2. An easement must be maintained for all existing utilities and public street access for private properties west of S. Douglas Street along SW 4<sup>th</sup> Ave.

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE:** March 19, 2007

**TO:**

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
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Please review the enclosed application and return comments to **Kevin Cook** by **Friday, April 6, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

*Good plan for closing 4<sup>th</sup> Ave but we have concerns about the traffic on S.W. 2<sup>nd</sup>. We hope a traffic study was done.*

**Please check one box and sign below:**

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**Signature:** Marlene Elmer **Date:** 3-30-07

**Title:** Chairman **Agency:** Traffic Safety Comm



**Oregon**  
Theodore R. Kulongoski, Governor

**Oregon Department of Transportation**

ODOT Region 1  
123 NW Flanders St  
Portland, OR 97209 - 4037  
Telephone (503) 731-8200  
FAX (503) 731-8259

Date: 3/12/2007

**ODOT Response to Local Land Use Notification**

<b>Project Name:</b> Fourth St Vacation – Canby HS	<b>Applicant:</b> Canby School District
<b>Jurisdiction:</b> Canby, City of	<b>Case #:</b> ROW 07-03
<b>Site Address:</b> 721 SW 4th Ave Canby, OR	<b>Legal Description:</b> <b>Tax Lot(s)</b>
<b>State Highway:</b> OR 99E	<b>Mileposts:</b> 21.76

ODOT recommends that the City review of the proposed SW 4<sup>th</sup> Street vacation be postponed, and considered as part of the Canby High School expansion conditional use review.

ODOT requests to be contacted to provide input on the scope and methodology for the Canby HS transportation impact analysis. We will recommend the analysis include scenarios with and without the vacation of SW 4<sup>th</sup> Street for comparison purposes.

- Please request the applicant contact Jason Grassman, Traffic, R1 to scope the traffic study.

Our records indicate that OR 99E at Elm Street is a high accident location; it is a Top 10% SPIS (Safety Priority Index System) location. Vacation of SW 4<sup>th</sup> would redirect traffic from the Canby HS site to Elm and OR 99E.

In terms of local street connectivity and street spacing, it may be preferable for the majority of high school traffic to utilize SW 4<sup>th</sup> Street rather than SW 2<sup>nd</sup> Street to access Birch St because of the proximity of the SW 2<sup>nd</sup> St - Birch St intersection to the Birch-OR 99E intersection.

Thank you for coordinating with ODOT on this review.

<b>Development Review Planner</b> Sonya Kazen	<b>Phone:</b>
<b>Traffic Contact:</b> Jason Grassman PE	<b>Phone:</b> (503) 731-8221
<b>District 2B Contact:</b> Loretta Kieffer	<b>Phone:</b> (971) 673-6228



**Oregon**  
Theodore R. Kulongoski, Governor

**Oregon Department of Transportation**

ODOT Region 1  
123 NW Flanders St  
Portland, OR 97209 - 4037  
Telephone (503) 731-8200  
FAX (503) 731-8259

File code: PLA9-2B -81  
ODOT Case No: 2721

May 08, 2007

City of Canby  
Planning Dept.  
PO Box 930  
Canby, OR 97013

Attn: Kevin Cook, Assoc. Planner

Re: **ROW 07-03: Fourth Street Vacation**  
**CUP07-01, DR07-01: Canby High School**

Dear Kevin,

ODOT staff have considered the proposal to vacate a portion of 4<sup>th</sup> Avenue at OR 99E to facilitate expansion of the Canby High School.

We have no objection to the proposed high school expansion or street vacation. However, we have some concerns that, due to the short section of Birch Street between OR 99E and 2<sup>nd</sup> Avenue (150 feet) there is potential safety hazard due to the potential for school buses and vehicles to queue back onto the highway.

Lancaster Engineering and ODOT are in agreement that prohibiting school buses from accessing the campus via OR 99E at Birch Street would address this potential traffic safety problem. Therefore, we recommend the City impose a condition of approval on the referenced reviews to prohibit the use of Birch St. by school buses.

Please let me know if you have questions on the above recommendation. Please forward a copy of the decision when it has been issued. Thank you.

Sincerely,

Sonya Kazen, Sr. Planner

**ORDINANCE NO. 1243**

**AN ORDINANCE AUTHORIZING A PAYMENT OF \$350,197.00 FROM THE SANITARY SEWER SYSTEM DEVELOPMENT CHARGE FUND TO THE CANBY URBAN RENEWAL DISTRICT FOR THE HAZEL DELL WAY/SE 1<sup>ST</sup> AVENUE SANITARY SEWER PUMP STATION AND RELATED SANITARY SEWER LINES; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Canby Urban Renewal District has paid up-front for the installation of the Hazel Dell Way/SE 1<sup>st</sup> Avenue sanitary sewer pump station and related sewer lines on SE 1<sup>st</sup> Avenue in order to expedite the construction and opening of new businesses on Hazel Dell Way; and

**WHEREAS**, this project is listed within the City's Capital Improvement Plan and is an eligible use of sanitary sewer system development charge funds; and

**WHEREAS**, the City Council and Urban Renewal Agency have previously discussed this project and agreed to utilize System Development Charges; Now therefore,

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The City Council hereby authorizes a payment of \$350,197.00 from Sanitary Sewer System Development Charge Improvement revenues to the Canby Urban Renewal District.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to authorize this payment within the 2006-2007 fiscal year, 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, May 16, 2007; ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, June 6, 2007, commencing at the hour of 7:30 pm at the Council Meeting Chambers at the Canby City Hall, 182 N. Holly, Canby, Oregon.

\_\_\_\_\_  
Kimberly Scheafer, City Recorder Pro-Tem

*2nd Reading 91*

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 6<sup>th</sup> day of June, 2007, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, City Recorder Pro-Tem

**ORDINANCE NO. 1244**

**AN ORDINANCE AUTHORIZING PAYMENTS NOT TO EXCEED \$97,712.00 FROM THE TRANSPORTATION SYSTEM DEVELOPMENT CHARGE FUND TO STERLING DEVELOPMENT FOR THE RELOCATION OF A SIGNAL POLE AND UTILITIES AT THE INTERSECTION OF S. BERG PARKWAY AND HIGHWAY 99E; AND DECLARING AN EMERGENCY.**

**WHEREAS**, in order to complete their own required frontage improvements on S. Berg Parkway and on Highway 99E, Sterling Development is relocating a traffic signal pole and utilities at the intersection of S. Berg Parkway and Highway 99E; and

**WHEREAS**, the pole relocation and resultant utility work is necessitated by the City's Berg Parkway improvement project and is listed within the City's Capital Improvement Plan and is an eligible use of transportation system development charge funds; and

**WHEREAS**, the City Council has agreed to fund the Berg Parkway improvement project using Transportation System Development Charges; now therefore,

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The City Council hereby authorizes payments not to exceed \$97,712.00 from Transportation System Development Charge Improvement funds to Sterling Development Corporation of La Jolla, CA.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to authorize this payment within the 2006-2007 fiscal year, 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, May 16, 2007; ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, June 6, 2007, commencing at the hour of 7:30 pm at the Council Meeting Chambers at the Canby City Hall, 182 N. Holly, Canby, Oregon.

\_\_\_\_\_  
Kimberly Scheafer, City Recorder Pro-Tem

2nd Reading  
93

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 6<sup>th</sup> day of June, 2007, by the following vote:

YEAS \_\_\_\_\_

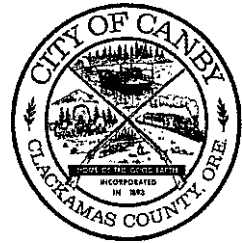
NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, City Recorder Pro-Tem





# MEMORANDUM

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *John R. Williams, Community Development & Planning Director*  
**THROUGH:** *Mark C. Adcock, City Administrator*  
**DATE:** *May 14, 2007*  
**RE:** *Ordinance 1246*

---

## Summary

Ordinance 1246 awards a \$15,083.00 contract to the Transpo Group to complete traffic modeling and planning work.

## Recommendation

Staff recommends that the Council approve Ordinance 1246.

## Rationale

Transpo has been working for the City for over a year to create a model of current and future year traffic patterns in Canby. The next phase of the project will use this model to create a transportation project list for use in the City's Transportation System Plan and Capital Improvement Plan. Using the same consultant will ensure coordination and cost efficiency. Andy Mortenson, the lead at Transpo, has been doing modeling and engineering services for the city for over 10 years.

## Background

This work is required by the City's periodic review work order (in fact it's the last part of periodic review) and will be funded by System Development Charge revenues. The project also includes a policy review of Canby's current codes and Comprehensive Plan.

**Options:** 1. Seek alternative consultants or modify the work list. Staff did not recommend these options because this consultant has been working effectively for the City on this project and because the work list is dictated largely by the State of Oregon.

**Attached:** 1. Ordinance 1246 & proposed contract.

Finance Department review: Chauvne Seymour

**ORDINANCE NO. 1246**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH THE TRANSPO GROUP, INC. CONSULTING ENGINEERS FOR TRANSPORTATION MODELING AND ENGINEERING SERVICES; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the CITY OF CANBY requires transportation modeling and engineering services related to an update of the City's Comprehensive Plan and Transportation System Plan; and

**WHEREAS**, THE TRANSPO GROUP, INC. has been providing this service since 2004 however the contract amount now requires an ordinance of the City Council; and

**WHEREAS**, the CITY OF CANBY anticipates the need to complete the engineering work within calendar year 2007; Now therefore,

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The Mayor is hereby authorized and directed to execute, and declare in the name of the CITY OF CANBY and on its behalf, the attached Personal Services Contract with TRANSPO GROUP, INC. for \$15,083.00. A copy of the agreement with TRANSPO GROUP, INC. 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, June 6, 2007; ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, June 20, 2007, commencing at the hour of 7:30 pm at the Council Meeting Chambers at the Canby City Hall, 182 N. Holly, Canby, Oregon.

---

Kimberly Scheafer, City Recorder Pro-Tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 20<sup>th</sup> day of June, 2007, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, City Recorder Pro-Tem

## PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between the CITY OF CANBY (City) and TRANSPOR GROUP (Contractor).

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

The Parties Agree as Follows:

- 1. Scope of Services. Contractor's services under this Agreement are set forth in Exhibit "A", attached hereto.
- 2. Contractor Identification. Contractor shall furnish to City its employer identification number as designated by the Internal Revenue Service, or Contractor's Social Security Number, as City deems applicable. Contractor understands it is required to obtain a City of Canby business license for conducting business in the City.
- 3. Compensation:
  - A. City agrees to pay Contractor according to the proposed rate schedule submitted with the Contractor's proposal. See Exhibit "A" attached hereto. Contractor agrees that \$15,083.00 is the not to exceed price of this contract, without prior written approval from the City.
  - B. City agrees to pay Contractor within 30 days after receipt of Contractor'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. Contractor is Independent Contractor.
  - A. Contractor's services shall be provided under the general supervision of the City Administrator. Contractor 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. Contractor 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. Contractor 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 Contractor, either directly or indirectly, in connection with the letting or performance of this contract, except as specifically declared in writing.
5. Subcontractors and Assignment. Contractor 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 Contractor. Any subcontract between Contractor 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 Contractor under this Agreement shall be the property of the City. City agrees that the Contractor may use its work in other assignments if all City of Canby data and references are removed.
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 Contractor by certified mail, or in person, under any of the following:
      - a. If Contractor 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. Contractor 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 Contractor with the following limits:
  - A. Liability - \$1,000,000.00 combined single limit, including automobile coverage for any vehicle used for City business. Property damage per occurrence, \$250,000.00.
  - B. Professional liability – errors and omissions - \$1,000,000.00.

The City may require current copies of insurance certificates. Procuring of such required insurance shall not be construed to limit Contractor's liability hereunder. Notwithstanding said insurance, Contractor shall be obligated for the total amount of any damage, injury or loss caused by Contractor's negligence or neglect connected with the Agreement.

9. Legal Expense. In the event legal action is brought by City or Contractor 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 therefrom.
10. Modifications. Any modification of the provisions of this Agreement shall be in writing and signed by the parties.
11. 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.

CITY: John R. Williams  
City of Canby  
PO Box 930  
182 N. Holly Street  
Canby, OR 97013

CONTRACTOR: Andy Mortensen  
The Transpo Group, Inc.  
11730 118th Avenue N.E., Suite 600  
Kirkland, WA 98034

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

CONTRACTOR:

CITY OF CANBY:

By: *[Signature]*

By:

Date: 5/18/07

Date:

Approved as to form:

*[Signature]*

Reviewed -  
*[Signature]* 5/21/07

## EXHIBIT A - SCOPE OF WORK

### Update Canby Transportation System Plan

The following Scope of Work outlines the specific tasks and the estimated number of hours and cost to assist the City of Canby in updating the Canby Transportation System Plan. Deliverables are described following their associated tasks. Our proposed budget is summarized in **Table 1**. We anticipate the TSP Update (following project meetings at the discretion of City Staff) to be complete by August 31, 2007.

### Tasks and Deliverables

**Task 1 Metro Travel Model Refinements.** Task 1 includes the update and refinement of data including base and future year population and employment as input into the new METRO Travel Demand Model, TAZ structure and roadway network (emme/2) development and refinement, and assimilation of traffic counts for calibration. The Canby UGB and Comprehensive Plan forecasts will be reconciled with METRO population/employment forecasts, requiring coordination with City staff. This task will also include coordination with METRO to review and check the initial METRO model findings and suggest refinements for local enhancements.

#### *Deliverables*

- *Coordination and input to METRO model development, including:*
  - ✓ *Refinements to TAZ system*
  - ✓ *Establish demographic base year and future year projections (housing and employment)*
  - ✓ *Definition of emme/2 network attributes*
  - ✓ *Review and evaluation of emme/2 assignments, post-processing (intersection turn movements, direction volumes, etc)*
  - ✓ *Confirming model results (performance measures)*
- *Identification or confirmation of needed City and State transportation plan improvement projects.*

**Task 2 Update Canby TSP.** Elements from all of the individual work tasks (Tasks 3-5 below) will be packaged into updating the 2000 Draft Canby TSP. The updating of existing text, figures and tables of the 2000 Draft Canby TSP will be the primary work element for this task. The City will provide the Consultant with original WORD and EXCEL files of the 2000 Draft TSP from which this work will be completed. City Staff will also be responsible for updating the City's GIS maps as part of the 2000 TSP update (estimated at about 18 maps), based on the Consultant's mark-ups. Another significant portion of this task will be updating the TSP project list and costs in Chapter 5, including: (a) removing projects that have been completed since 2000, (b) revising and updating base year units costs, and, (c) adding new projects and cost estimates for the revised 20-year planning horizon.

#### *Deliverables*

- *CD with Updated Draft TSP Chapters "Transportation System Plan" (Chapters 1-6) and supporting Appendices – original WORD and EXCEL files for text and tables only.*
- *Review of City-prepared graphics based on Consultant mark-ups*



**Task 3 Establish UBA/STA Designation for Hwy 99E.** Task 3 includes development of conceptual plan options for designating 99E as a UBA (or STA), particularly within the core area of Canby. Findings of these options will be presented and discussed with ODOT and Clackamas County.

*Deliverables*

- Assimilation of Task findings in Final TSP.

**Task 4 Update TPR Compliance Section of TSP.** Revise Draft TSP Appendix summarizing Transportation Planning Rule compliance based on measures already completed and adopted by city since Draft TSP development and adoption (2000).

*Deliverables*

- Assimilation of Task findings in Final TSP.

**Task 5 Revise Hwy 99E Bike Facility Plan.** Task 5 includes development of conceptual plan options for bicycle facilities along 99E in Canby, including the following options: (1) reduced widths of travel lanes on 99E to include bike lane (re-striping) without highway widening, (2) "Sharrow" travel lane markings and posting (shared lane), (3) Widening 99E to accommodate new bicycle lanes, and (4) Do Nothing. These options will be presented and discussed with ODOT, Clackamas County, Advisory Group member and City Staff to identify best-fit option for inclusion in final TSP.

*Deliverables*

- Assimilation of Task findings in Final TSP.

**Task 6 Project Meetings.** Our Scope of Work includes two TSP project meetings to be determined and confirmed with City Staff. These meetings would be held to communicate and get feedback of the findings and recommendations for the Canby TSP Update.

*Deliverables*

- *Preparation and attendance at two TSP project Meetings.*
- *Monthly progress reporting and communication of critical issues throughout the project.*

## **Estimate of Hours**

Our estimate to complete the Canby TSP Update is summarized in **Table 1**, which also indicates the individual consultant staff hours, and the lead consultant staff for each of the major work tasks. We have estimated a total of 56 consultant hours to complete the Canby TSP, at a cost estimated at approximately \$15,083.

**Table 1**

**Canby TSP Update**

Project Team and Respective Billing Rates				
	Project Manager	Project Engineer	CAD-GIS/ Graphics	Project Admin
initials	AJM	JCP	LDK	JDP
billing rate	\$170	\$135	\$85	\$90

**Labor:**

Work Task					Hours	Cost
1 - Metro Travel Model Refinements						\$6,233
2 - Update Draft CanbyTSP & SDC Project List & Documentation	20			8	28	\$4,120
3 - Establish STA/UBA Designation for Hwy 99E	4				4	\$680
4 - Update TPR compliance findings	8				8	\$1,360
5 - Revise Hwy 99E Bicycle Plan Designation (bike lanes vs shared-lane)	4	2		2	8	\$1,130
6 - Meetings (2)	8				8	\$1,360
<b>Total Hours: Tasks 1-6</b>	<b>44</b>	<b>2</b>	<b>0</b>	<b>10</b>	<b>56</b>	
<b>Labor Costs</b>	<b>\$7,480</b>	<b>\$270</b>	<b>\$0</b>	<b>\$900</b>		<b>\$14,883</b>

**Miscellaneous Expenses:**

Item	Total Cost
Federal Express / Courier	\$0
Phone	\$0
Fax	\$0
Postage	\$0
Graphic supplies	\$0
Photography	\$0
Travel expenses	\$200
Reproduction (simulation CD's)	
Traffic counts	\$0
Traffic accident data	\$0
Spec. MPS model run	\$0
Transportation Concurrency Application	\$0
Travel Time analysis	\$0
<b>Misc. Expenses Costs</b>	<b>\$200</b>

**Subconsultants:**

	Firm	Total Cost
1		\$0
2		\$0
3		\$0
4		\$0
5		\$0

**Subconsultants \$0**

**TOTAL COSTS : \$15,083**

# **M E M O R A N D U M**

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Chaunee Seifried, Finance and Court Services Director*  
**CC:** *Mark Adcock, City Administrator*  
**DATE:** *June 6, 2007*  
**RE:** *Ordinance #1247*

---

Issue: AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH NANCY MCCLAIN FOR PROFESSIONAL SERVICES FOR PROJECT MANAGEMENT FOR CANBY FINANCE DEPARTMENT.

Background: The Finance Department has been short staffed since June of 2006. There are a lot of projects that need to be completed. Nancy McClain has done some contract work for the City's Finance Department.

Recommendation: That council adopt ORDINANCE #1247 authorizing the Mayor and City Administrator to execute a contract with Nancy McClain for professional services for project management for Canby Finance Department.

Fiscal Impact: This is budgeted under professional services in the 07-08 budget

Attached: Ordinance #1247

THIS HAS BEEN REVIEWED  
BY THE FINANCE DIRECTOR  
*Chaunee Seifried*

**ORDINANCE NO. 1247**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH NANCY MCCLAIN FOR PROFESSIONAL SERVICES FOR PROJECT MANAGEMENT FOR THE CANBY FINANCE DEPARTMENT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby currently has a need for project management services for Canby Finance Department; and

**WHEREAS**, the City wishes to employ Nancy McClain, as an independent contractor under a personal services contract for the purpose of carrying out the these financial projects; and

**WHEREAS**, Nancy McClain has proposed a personal services contract which is acceptable to the City; and

**WHEREAS**, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules set forth in Ordinance No 1170 and Resolution No. 897, Exhibit A, Section 6 B (7), the city may enter into personal service contracts not exceeding \$75,000.00 by direct appointment without competition; and

**WHEREAS**, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this proposal, reviewed the staff report and finds that the contract is in the best interest of the City to enter into; now therefore,

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The Mayor and 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 Nancy McClain, the copy of said contract is attached hereto and marked as Exhibit "A" and by this reference fully incorporated herein.

Section 2. Emergency Declared.

It being necessary for the health, safety, and general welfare of the citizens of Canby that this master plan be completed as soon as possible, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment after final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, June 6, 2007, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, June 20, 2007, commencing at the hour of 7:30 PM in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

\_\_\_\_\_  
Kimberly Scheafer, City Recorder Pro-tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 20<sup>th</sup> day of June 2007, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, City Recorder Pro-tem

## **CITY OF CANBY, OREGON PERSONAL SERVICES CONTRACT**

A CONTRACT between THE CITY OF CANBY, OREGON ("City"), and Nancy M. McClain ("Provider").

WHEREAS, the City and Provider believe it in their mutual interest to enter into a written contract setting out their understandings concerning Providers provision of services of Consultant to the City,

### **1. Term**

The term of this contract shall be from July 1, 2007 until no longer needed unless sooner terminated under the provisions of this contract.

### **2. Providers Service**

The scope of Provider's services and time of performance under this contract are set forth in Exhibit A. All provisions and covenants contained in said Exhibit are hereby incorporated by reference and shall become a part of this contract as if fully set forth. Any conflict between this written contract and Provider's Proposal (if any) shall be resolved first in favor of this written contract. Provider will, in the rendering of its services to the City, use its best efforts and due diligence and provide such personnel as are necessary to successfully provide the services covered under this contract and Exhibit "A"

### **3. Provider Identification**

Provider shall furnish to City Provider's employer identification number, as designated by the Internal Revenue Service, or, if the Internal Revenue Service has designated no employer identification number, Provider's Social Security number. Contractor understands it is required to obtain a City of Canby business license for conducting business in the City.

### **4. Compensation**

City agrees to pay Provider at the times and in the amount(s) set out in and in accordance with Exhibit

### **5. Project Managers**

City's Project Manager is Chaunce Seifried, Treasurer Finance Director. Provider's Project Manager is Nancy M. McClain. Each party shall give the other written notification of any change in their respective Project Manager.

### **6. Project Information**

Provider agrees to share all Project information, to fully cooperate with all corporations, firms, contractors, governmental entities, and persons involved in or associated with the Project. No information, news, or press releases related to the Project shall be made to representatives of newspapers, magazines, television and radio stations, or any other

news medium without the prior authorization of City's Project Manager.

7. Duty to Inform

Provider shall give prompt written notice to City's Project Manager if, at any time during the performance of this contract, Provider becomes aware of actual or potential problems, faults, or defects in the project, any nonconformity with the contract, or with any federal, state, or local law, rule, or regulation, or has any objection to any decision or order made by City. Any delay or failure on the part of City to provide a written response to Provider shall constitute neither agreement with nor acquiescence in Provider's statement or claim, and shall not constitute a waiver of any of City's rights.

8. Provider is Independent Contractor

Provider is an independent contractor for all purposes and shall be entitled to no compensation other than the compensation expressly provided by this contract. Provider hereby expressly acknowledges that as an independent contractor, Provider is not entitled to indemnification by the City or the provision of defense by the City under the terms of ORS 30.285.

9. Overtime

Any person employed on work under this contract, other than a person subject to being excluded from the payment of overtime pursuant to either ORS 653.010 to 653.261 or 29 USC 201 to 209, shall be paid at least time and a half for all overtime worked in excess of 40 hours in any one week.

10. Indemnity and Insurance-WAIVED

i. Indemnity: Provider acknowledges responsibility for any and all liability arising out of the performance of this contract and shall hold City harmless from, indemnify and defend City for any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim resulting or allegedly resulting from Provider's acts, omissions, activities or services in the course of performing this contract.

ii. Liability Insurance: Provider shall maintain occurrence form commercial general liability and automobile liability insurance for the protection of Provider, the City, its Commissioners, directors, officers, agents, and employees. Coverage shall include personal injury, bodily injury (including death) and broad form property damage, including loss of use of property, occurring in the course of or in any way related to Provider's operations, in an amount not less than \$1,000,000 combined single limit per occurrence. Such insurance shall name the City as an additional insured.

iii. Workers Compensation Coverage: Provider certifies that Provider has qualified for State of Oregon Workers Compensation coverage for all Provider's employees who are subject to Oregon's Workers' Compensation statute, either as a carrier—insured employer as provided by ORS 656.407 or as a self-insured employer. Provider shall provide to City within 10 days after contract award a certificate of insurance evidencing coverage of all subject workers under Oregon's Workers Compensation statutes insured by an insurance company.

satisfactory to City, if any. The certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to City. A copy of the certificate of self-insurance issued by the State shall be provided to City if the Provider is self-insured.

iv. Professional Errors and Omissions: Provider shall provide City with evidence of professional errors and omissions liability insurance for the protection of Provider and its employees, insuring against bodily injury and property damage and arising out of or resulting from Providers negligent acts, omissions, activities or services, in an amount not less than \$1000000 combined single limit per occurrence. Such insurance shall be endorsed to include contractual liability.

v. Certificates: Provider shall furnish the City certificates evidencing the date, amount, and type of insurance required by this contract. All policies will provide for not less than thirty (30) days' written notice to the City before they may be canceled,

vi. Primary Coverage: The coverage provided by insurance required under this contract shall be primary, and any other insurance carried by City- shall be excess.

#### 11. Work is Property of City.

All work, including but not limited to documents, drawings, papers, computer programs, and photographs, performed or produced by Provider under this contract shall be the property of City.

#### 12. Law of Oregon.

The contract shall be governed by the laws of the State of Oregon. Venue shall be in Clackamas County, Oregon.

#### 13. Successors and Assignments

i. Each party binds itself, and any partner, successor, executor, administrator, or assign to this agreement.

ii. Neither the City nor the Provider shall assign, or transfer their interest or obligation hereunder in this agreement without the written consent of the others. Provider must seek and obtain the City's written consent before subcontracting any part of the work required of Provider under this contract. Any assignment, transfer, or subcontract attempted in violation of this subparagraph shall be void.

#### 14. Records

i. Provider shall retain all books, documents, papers, and records that are directly pertinent to this contract for at least three years after the City makes final payment on this contract and all other pending matters are closed.

ii. Provider shall allow the City, or any of its authorized representatives, to audit, examine, copy, take excerpts from, or transcribe any books, documents, papers, or records that are subject to the foregoing retention requirement.

#### 15. Breach of Contract



- i. Provider shall remedy any breach of this contract within the shortest reasonable time after Provider first has actual notice of the breach or the City notifies Provider of the breach, whichever is earlier. If Provider fails to remedy a breach in accordance with this paragraph, the City may terminate that part of the contract affected by the breach upon written notice to Provider, may obtain substitute services in reasonable manner, and may recover from Provider the amount by which the price for those substitute services exceeds the price for the same services under this contract.
- ii. If the breach is material and Provider fails to remedy the breach in accordance with *this* paragraph, the City may declare Provider in default and pursue any remedy available for a default.
- iii. Pending a decision to terminate all or part of this contract, the City unilaterally may order Provider to suspend all or part of the services under this contract. If the City terminates any or part of the contract pursuant to this paragraph, Provider shall be entitled to compensation only for services rendered prior to the date of termination, but not for any services rendered after the City ordered suspension of those services. If the City suspends certain services under this contract and later orders Provider to resume those services, Provider shall be entitled to reasonable damages actually incurred, if any, as a result of the suspension.
- iv. To recover amounts due under this paragraph, the City may withhold from any amounts owed by the City to Provider, including but not limited to amounts owed under this or any other contract between Provider and the City.

#### 16. Mediation

Should any dispute arise between the parties to this Agreement it is agreed that such dispute will be submitted to a mediator prior to any litigation, and the parties hereby expressly agree that no claim or dispute arising under the terms of this Agreement shall be resolved other than first through mediation and, only in the event said mediation efforts fail, through litigation. The parties shall exercise good faith efforts to select a mediator who shall be compensated equally by both parties. Mediation will be conducted in Portland, Oregon, unless both parties agree in writing otherwise. Both parties agree to exercise good faith efforts to resolve disputes covered by this section through this mediation process. If a party requests mediation and the other party fails to respond within ten (10) days, or if the parties fail to agree on a mediator within ten (10) days, a mediator shall be appointed by the presiding judge of the Washington County Circuit Court upon the request of either party. The parties shall have any rights at law or in equity with respect to any dispute not covered by this Section.

#### 17. Termination for Convenience

The City may terminate all or part of this contract at any time for its own convenience by written notice to Provider. Upon termination under this paragraph, Provider shall be entitled to compensation for all services rendered prior to actual notice of the termination or the receipt of the City's written notice of termination, whichever is earlier, plus Providers reasonable costs actually incurred in closing out the contract.

18. Intellectual Property

The interest in any intellectual property, including but not limited to copyrights and patents of any type, arising from the performance of this contract shall vest in the City. Provider shall execute any assignment or other documents necessary to affect this paragraph. Provider may retain a nonexclusive right to use any intellectual property that is subject to this paragraph. Provider shall transfer to the City any data or other tangible property generated by Provider under this contract and necessary for the beneficial use of intellectual property covered by this paragraph.

19. Payment for Labor or Material

Provider shall make payment promptly, as due, to all persons supplying to Provider labor or material for the prosecution of the work provided for in this contract. (ORS 279.312)

20. Contributions to the Industrial Accident Fund

Provider shall pay all contributions or amounts due the Industrial Accident Fund from Provider incurred in the performance of this contract, and shall ensure that all subcontractors pay those amounts due from the subcontractors. (ORS 279.312)

21. Income Tax Withholding

Provider shall pay to the Oregon Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

22. Payment of Claims by the City

If Provider fails, neglects, or refuses to make prompt payment of any claim for labor or services furnished to Provider or a subcontractor by any person in connection with this contract as the claim becomes due, the City may pay the claim to the person furnishing the labor or services and charge the amount of the payment against funds due or to become due to Provider pursuant to this contract. The City's payment of a claim under this Paragraph shall not relieve Provider or Provider's surety, if any, from responsibility for those claims. (ORS 279.314)

23. Workers Compensation

Provider is a subject employer that will comply with CR5 656.017. Provider warrants that all persons engaged in contract work and subject to the Oregon workers compensation law are covered by a workers compensation plan or insurance policy that fully complies with Oregon law. Provider shall indemnify the City for any liability incurred by the City as a result of Provider's breach of the warranty under this Paragraph. (ORS 279.120)

24. Medical Care for Employees

Provider shall make payment of all sums to any person, co-partnership, association or corporation, furnishing medical, surgical and/or hospital care incident to the sickness or injury of Provider's employee(s), all sums which Provider agrees to pay for such services and all moneys and sums which Provider collected or deducted from the wages of employees pursuant to any law, contract or *agreement* for the purpose of providing or paying for such service. (ORS 279.320)

25. Modification

Any modification of the provisions of this contract shall be reduced to writing and signed by the parties.

26. No Waiver of Legal Rights

A waiver by a party of any breach by the other shall not be deemed to be a waiver of any subsequent breach.

27. Integration

This contract contains the entire agreement between the parties and supersedes all prior written or oral discussions or agreements regarding the same subject.

PROVIDER:

CITY OF CANBY, OREGON

Nancy M. McClain, Consultant

Mark Adcock, City Administrator

Date

PD Box 22349

Milwaukie, DR 97269

503-539-8109

503-652-8827 Fax

Date

PO Box 930

Canby, OR 97013

503-266-4021

503-266-1977 Fax

*Approved as to form:  
J. Kelley*

**Proposal  
For a Consultant  
For the City of Canby, OR  
July 1, 2007**

**Purpose:**

The City of Canby, is requesting a proposal for a consultant to provide professional financial assistance services to the City's finance staff and departments.

**Scope of Work:**

The Consultant will provide professional financial assistance to the City's finance staff, management and departments as required. This will include but not limited to grant accounting, internal controls, management reporting and other fiscal matters as may be appropriate. Oversee the delivery of all financial services assigned to the division, including the administration of accounts receivable, accounts payable, payroll, utility billing, general ledger, financial reporting and contracting. Oversee preparation of financial statements. Coordinates the work related to an independent audit. Provide technical budgetary assistance.

**Duration:**

The current projected time frame is when the projects are completed. However, the duration is considered temporary in nature and can be changed by the City of Canby or the consultant at any time.

**Proposed work plan:**

Consultant to work on finance projects designated by the finance director as needed.

**Schedule of Compensation:**

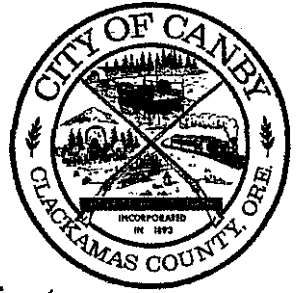
\*Professional Services will be billed at an hourly rate of \$80 per hour.

Travel expenses will be billed at 1.5 hours per week at the rate of \$40 per hour.

Mileage will be billed at the current established IRS allowance per trip

\*Professional Services do not include the attendance at City Council meetings or other City business meetings after normal working hours. Required attendance will be billed at 1.5 per hour rate (\$120 per hour) and will not be counted toward the daily assistance required by the City's financial department.

\*\*The actual schedule may vary due to holidays and schedules. Billings will be only for actual time plus expenses as noted herein. Billings will be twice a month (on the 1st and 15th) for services rendered to date including associated travel expenses.



# MEMORANDUM

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *John R. Williams, Community Development & Planning Director*  
**DATE:** *May 29, 2007*  
**THROUGH:** *Mark C. Adcock, City Administrator*

---

Issue: Ordinance 1248 – renewing the contract for Building Department plan review and inspection services agreement with Winstead and Associates of Oregon City.

Synopsis: Winstead and Associates provides site inspections and expedited plan review services when we have a backlog. They are conveniently located in Oregon City and have always offered professional and prompt services at excellent rates. The current contract needs to be renewed.

Recommendation: Staff recommends that the City Council approve Ordinance 1248.

Rationale: Winstead and Associates is one of a very small number of building code contract agencies available in Oregon. Most building departments have more than one official/inspector and do not require contract inspection services as we do. We are fortunate to have this full-feature firm right next door and know of no reason to not approve this contract. When we reviewed available firms several years ago, this was by far the most affordable and professional option for us.

Background: The City Council has for years approved a budget line item for contract inspection services when Bob Godon, our Building Official, is out of the office. The contract includes set fees for this service (\$60 per hour plus mileage). In addition, we now offer an expedited plan review service through this firm as part of our customer service goals. The charge for this is 70% of the plan review fee that we collect in advance from customers. Therefore, we run no risk of not having funds to pay this contract.

Options: 1. Seek more estimates for these services. Staff does not recommend this route because we are satisfied with the current firm's rates and service.

Attached: Ordinance 1248 and contract.

Finance Department Review:

**ORDINANCE NO. 1248**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH WINSTEAD AND ASSOCIATES TO PROVIDE BUILDING CODE SERVICES.**

**WHEREAS**, the City of Canby has heretofore had a contract with Winstead and Associates to provide building inspections and plan check services; and

**WHEREAS**, this contract needs to be renewed for another year; and

**WHEREAS**, the City Council has reviewed the proposed contract and found it appropriate and in the best interests of the City of Canby; now therefore

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The Mayor and 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 Winstead and Associates. A copy of the contract with Canby 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 required plan review services 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, June 6<sup>th</sup>, 2007; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, June 20<sup>th</sup>, 2007, after the hour of 7:30 pm at the Council Chambers at the Canby City Hall, 182 N. Holly, Canby, Oregon.

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 20<sup>th</sup> day of June, 2007, by the following vote:

YEAS \_\_\_\_ NAYS \_\_\_\_

\_\_\_\_\_  
Melody Thompson  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer  
City Recorder Pro Tem

## PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between the CITY OF CANBY (City) and Winstead and Associates (Contractor) and shall be valid until July 1, 2008.

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

The Parties Agree as Follows:

1. Scope of Services. Contractor's services under this Agreement are set forth in Exhibit "A," attached hereto. WA shall complete the scope of services as follows:
  - Residential plans deemed simple within seven (7) working days.
  - Commercial plans may vary depending on the complexity, however a normal plan review time will be within ten (10) working days.
  - Inspections requested must be received within 24 hours of the inspection and will be conducted on the day requested.
2. Obligations of City. The CITY shall, to the extent reasonable and practicable, assist and cooperate with WA in the performance of WA services hereunder. Such cooperation and assistance shall include, but not be limited to, (a) providing two sets of plans and documents to WA at their designated office; (b) obtaining from the applicant the necessary items to allow plan checking to be completed expeditiously – such items shall include complete plans, construction specifications, soils reports, energy calculations, structural calculations, name, address, and telephone number of the applicant or his designee and similar items necessary for a particular project; (c) providing the valuation for proposed construction or requesting that WA calculate the valuation; and (d) providing WA with copies of any CITY ordinances that modify the standard regulations of review.
3. Contractor Identification. Contractor shall furnish to City its employer identification number as designated by the Internal Revenue Service, or Contractor's Social Security Number, as City deems applicable. Contractor understands it is required to obtain a City of Canby business license for conducting business in the City.
4. Compensation:

- A. City agrees to pay Contractor according to the proposed rate schedule submitted with the Contractor's proposal. See Exhibit "B" attached hereto.
  - B. City agrees to pay Contractor within 30 days after receipt of Contractor'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.
5. Contractor is Independent Contractor.
- A. Contractor's services shall be provided under the general supervision of the Building Official. Contractor 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. Contractor 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. Contractor 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 Contractor, either directly or indirectly, in connection with the letting or performance of this contract, except as specifically declared in writing.
6. Subcontractors and Assignment. Contractor 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 Contractor. Any subcontract between Contractor and subcontractor shall require the subcontractor to comply with all applicable OSHA regulations and requirements.
7. Work is Property of City. All work performed by Contractor under this Agreement shall be the property of the City. City agrees that the Contractor may use its work in other assignments if all City of Canby data and references are removed.
8. 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 Contractor by certified mail, or in person, under any of the following:
  - a. If Contractor 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. Contractor 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 Contractor with the following limits:
  - A. Liability - \$1,000,000.00 combined single limit, including automobile coverage for any vehicle used for City business. Property damage per occurrence, \$250,000.00.
  - B. Professional liability – errors and omissions - \$1,000,000.00.

The City may require current copies of insurance certificates. Procuring of such required insurance shall not be construed to limit Contractor's liability hereunder. Notwithstanding said insurance, Contractor shall be obligated for the total amount of any damage, injury or loss caused by Contractor's negligence or neglect connected with the Agreement.
9. Legal Expense. In the event legal action is brought by City or Contractor 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 therefrom.
10. Modifications. Any modification of the provisions of this Agreement shall be in writing and signed by the parties.
11. 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.

CITY: John R. Williams  
City of Canby  
PO Box 930  
170 NW 2<sup>nd</sup> Street  
Canby, OR 97013

CONTRACTOR: Stephen Winstead  
Winstead and Associates, Architecture and Building  
Code Services, PC  
714 Main Street  
Oregon City, OR 97045

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

CONTRACTOR:

CITY OF CANBY:

By:

By:

Date:

Date:

*Approved as to form:  
J. H. Kelley*

**EXHIBIT A**  
**STATEMENT OF SERVICES**

Winstead and Associates, Architecture and Building Code Services, PC. will provide professional services for the review of proposed building plans for conformance to regulations contained in the State mandated Specialty building and mechanical codes, as those codes are amended by the CITY or State; in State laws governing energy conservation in buildings, provisions for access to buildings by disabled persons.

**I. PLAN CHECKING SERVICES:**

In providing plan review services, WA will do the following:

Item 1. Perform traditional life-safety plan review of submitted plans to determine compliance with the most recent CITY adopted:

Oregon Residential Specialty Code, latest edition  
Oregon Structural Specialty Code, (OSSC)  
Oregon Mechanical Specialty Code  
City of Canby Municipal Codes

Item 2. Provide the applicant (or their designee) and the CITY, a typed list of items needing clarification or change to achieve conformance with the above regulations.

Item 3. Perform all necessary liaison with the applicant's designee, either by phone, mail, or meetings in WA office, and perform one re-check. If any additional re-checks are necessary, they shall be performed by the CITY.

Item 4. Perform all necessary liaison with the Building Official or his designee, either by mail, phone or in meetings to insure compliance with the OSSC and other applicable codes to insure compliance with local policy interpretations.

**II. BUILDING INSPECTION SERVICES:**

In providing building inspection services, WA will do the following:

Item 1. Perform traditional building inspection services to determine compliance with approved plans and documents and the most recent City of Canby adopted building codes and regulations.

Item 2. Furnish State Certified inspection personnel. The City of Canby shall have the right to interview and approve the qualifications of each inspector assigned by WA.

Item 3. Perform traditional building inspections in accordance with established policies and procedures, including preparation and keeping of inspection records, logs, and notices.

Item 4. Attend meetings related to building inspection projects.

Item 5. Perform inspections during the normal working hours and days as performed by regular inspectors or as otherwise agreed.

Item 6. Building Finals and Occupancy Permits shall only be issued by prior approval of the Building Official or designee.

**EXHIBIT B**  
**FEE SCHEDULE**

The fee for WA services will be calculated as follows:

1. Compensation for work performed under Part I, Item 1-4, of the Statement of Services shall be at the rate of 70% of the plan review fee collected by the City of Canby.
2. Compensation: Compensation for work performed under Part II, Item 1-6, of the Statement of Services shall be at the rate of \$60 per hour for each inspector furnished by WA with a minimum of four (4) hours per day. In addition, mileage shall be paid at the most current government mileage reimbursement rate for travel between City offices and inspection projects and between inspection projects.
3. No additional charges shall apply unless specifically authorized by agreement of both parties.