

# **AGENDA**

## **CANBY CITY COUNCIL MEETING**

**April 4, 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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## **WORK SESSION**

**6:30 P.M.**

**City Hall Conference Room**

**182 N Holly**

**The City Council will be meeting in a Work Session to discuss revisions to the City Council Goals & Program of Work document.**

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## **CITY COUNCIL MEETING**

### **1. CALL TO ORDER**

A. Pledge of Allegiance and Moment of Silence

B. Employee of the Month Presentation – February

Pg. 1

### **2. COMMUNICATIONS**

### **3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS**

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

### **4. MAYOR'S BUSINESS**

### **5. COUNCILOR COMMENTS & LIAISON REPORTS**

### **6. CONSENT AGENDA**

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

A. Approval of Accounts Payable \$248,511.83

B. Approval of Minutes of the March 14, 2007 City Council Work Session

C. Approval of Minutes of the March 21, 2007 City Council Regular Meeting and Executive Session

- D. Change of Ownership Liquor License for TNT Market Pg. 2
- 7. RESOLUTIONS & ORDINANCES**
- A. Res. 948, Establishing New Salary Compensation Schedules for Management Level Employees of the City of Canby Pg. 4
- B. Res. 949, Establishing Additional Non-Salary Benefits for Management Level Employees Pg. 7
- C. Ord. 1232, Authorizing Amendment No. 1 to the Agreement for Engineering Services with Curran-McLeod, Inc. Consulting Engineers for Design and Construction Engineering of South Berg Parkway Extension (2<sup>nd</sup> Reading) Pg. 8
- D. Ord. 1237, Amending Title 16 of the Canby Municipal Code (2<sup>nd</sup> Reading) Pg. 10
- 8. NEW BUSINESS**
- A. Discussion Regarding North Baker Drive Pg. 12
- B. Request for Water Service at 1575 N Pine Street Pg. 39
- C. Discussion Regarding SB 366 Pg. 46
- 9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**
- 10. CITIZEN INPUT**
- 11. ACTION REVIEW**
- 12. EXECUTIVE SESSION: ORS 192.660(2)(d) Labor Negotiations and ORS 192.660(2)(h) Pending Litigation**
- 13. ADJOURN**

\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 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.

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

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Name of Nominee: Melissa York

Date: March 7, 2007

Department: Administration

Nominated By: Kim Scheafer

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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
- 

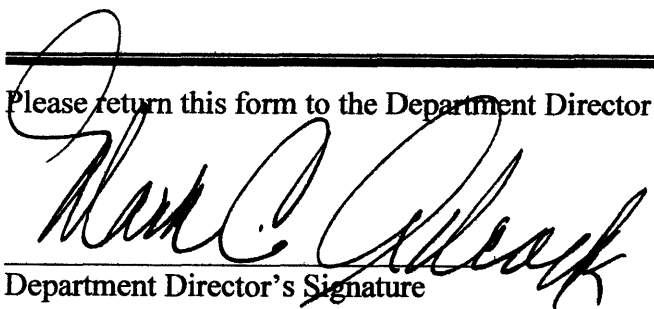
Can you please explain in 3 or 4 more detailed sentences, why you think this person should be nominated for "Employee of the Month", especially as it relates to the item(s) you checked above. Please attach an additional sheet if necessary.

*Melissa consistently demonstrates excellent customer service with staff and citizens. If she does not know the answer to a question, she works diligently to find it out. Her bilingual skills have been a great asset to City Hall.*

*Melissa has taken on many new responsibilities over the last six months. She is a true "team player" and is always coming up with ways to increase efficiency while balancing the workload.*

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

  
Department Director's Signature

3/8/07  
Date

3/7/2007

# Memo

To: Mayor Thompson & Members of City Council  
From: Chief Greg A. Kroeplin  
CC: Kim Scheafer, General Administration  
Date: March 20, 2007  
Re: Liquor License Application / TNT Market

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I have reviewed the attached liquor license application completed by the applicant, Ok Soon Kim. In addition, I met with the applicant at the business (164 SE 1<sup>st</sup> Avenue) where we discussed laws involving the sale of alcoholic beverages. Ms. Kim told us that she would be working closely with OLCC as it relates to training for her employees on pertinent laws involving alcohol related violations and crimes.

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

RECEIVED

OREGON LIQUOR CONTROL COMMISSION  
LIQUOR LICENSE APPLICATION  
CITY OF CANBY

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

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

ACTIONS

- ☒ Change Ownership  
☐ New Outlet  
☐ Greater Privilege  
☐ Additional Privilege  
☐ Other \_\_\_\_\_

P15427  
L75748

Applying as:

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

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By:

(signature)

(date)

Name:

Title:

OLCC USE ONLY

Application Rec'd by: HUDSON

Date: 3/12/07

90-day authority: ☐ Yes ☒ No

1. Applicant(s): [See SECTION 1 of the Guide]

① \_\_\_\_\_, WHK, INC \_\_\_\_\_ ③ \_\_\_\_\_

② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): TNT Market

3. Business Location: 164 SE 1st Ave. Canby Clackamas OR 97013  
(number, street, rural route) (city) (county) (state) (ZIP code)

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

5. Business Numbers: 503-266-2020 503-266-2135  
(phone) (fax)

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

7. If yes to whom: KHP-1, Inc Type of License: Off-Premises Sales

8. Former Business Name: TNT Market

9. Will you have a manager? ☐ Yes ☒ No Name: N/A  
(manager must fill out an individual history form)

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

11. Contact person for this application: Wonae Kim 7  
(name) (phone number(s))  
(address) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

① OK Wonae Kim Date 1/24/07 ③ \_\_\_\_\_ Date \_\_\_\_\_  
② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_ Date \_\_\_\_\_

1-800-452-OLCC (6522)  
www.olcc.state.or.us

Canby pd check  
OK 3/19/07 #3

Receipt 1806 pt. 75.00 3.15.07  
Take these attached forms to the governing body in which your business is located for Endorsement.

## **RESOLUTION NO. 948**

### **A RESOLUTION ESTABLISHING NEW SALARY COMPENSATION SCHEDULES FOR MANAGEMENT LEVEL EMPLOYEES OF THE CITY OF CANBY, AND DIRECTING THE CITY ADMINISTRATOR TO PLACE INCUMBENT EMPLOYEES WITHIN THE APPROPRIATE CLASSIFICATION**

WHEREAS, the City of Canby passed Resolution No. 895 on April 20, 2005 establishing salary compensation schedules for management level employees;

WHEREAS, the Canby City Council finds that certain equity adjustments need to be made in the salary structure and hereby repeals Resolution No. 895 in its entirety.

**IT IS HEREBY RESOLVED** by the City of Canby as follows:

1. That Attachment "A" is attached to this Resolution as Non-Represented Salary Schedule Attachment "A", and is hereby adopted effective April 1, 2007.
2. That Attachment "B" is attached to this Resolution as Non-Represented Salary Schedule Attachment "B", and is hereby adopted effective July 1, 2007, which incorporates a 2.6% cost of living increase based on 2006 CPI-U Portland-Salem.
3. That the management level employees as a group shall not be precluded by any language in this Resolution from bringing future requests for salary increases to the City Council.
4. The City Administrator is directed to take the necessary action to place incumbent employees within the appropriate range and step effective April 1, 2007 and may, in his discretion, move a management level employee more than one-step if necessary to keep that employee's salary above any subordinate employee he/she may supervise.

ADOPTED this 4th day of April, 2007 by the Canby City Council.

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Melody Thompson  
Mayor

ATTEST:

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Kimberly Scheafer  
City Recorder Pro Tem

**ATTACHMENT A****Non-Represented Salary Schedule (Management, Supervisory & Confidential)**

Effective April 1, 2007

| Classification  | Range | 5% steps |        |        |        |        | 3% steps |        |        |
|---|-------|----------|--------|--------|--------|--------|----------|--------|--------|
|   |       | Step 1   | Step 2 | Step 3 | Step 4 | Step 5 | Step 6   | Step 7 | Step 8 |
|   | 1     | 2,544    | 2,671  | 2,805  | 2,945  | 3,092  | 3,185    | 3,281  | 3,379  |
|   | 2     | 2,900    | 3,045  | 3,197  | 3,357  | 3,525  | 3,631    | 3,740  | 3,852  |
|   | 3     | 3,306    | 3,471  | 3,645  | 3,827  | 4,019  | 4,139    | 4,263  | 4,391  |
| Senior Accountant<br>Supervisor (Dept Specific)               | 4     | 3,736    | 3,923  | 4,119  | 4,325  | 4,541  | 4,677    | 4,818  | 4,962  |
| Executive Asst/City Recorder<br>PW Supervisor I               | 5     | 4,110    | 4,315  | 4,531  | 4,757  | 4,995  | 5,145    | 5,299  | 5,458  |
| PW Supervisor II  | 6     | 4,479    | 4,703  | 4,939  | 5,186  | 5,445  | 5,608    | 5,776  | 5,950  |
|   | 7     | 4,614    | 4,845  | 5,087  | 5,341  | 5,608  | 5,776    | 5,950  | 6,128  |
| WWTP Supervisor   | 8     | 4,845    | 5,087  | 5,341  | 5,608  | 5,889  | 6,065    | 6,247  | 6,435  |
|   | 9     | 5,232    | 5,494  | 5,768  | 6,057  | 6,360  | 6,550    | 6,747  | 6,949  |
| HR Director<br>General Services Director<br>Police Lieutenant | 10    | 5,598    | 5,878  | 6,172  | 6,481  | 6,805  | 7,009    | 7,219  | 7,436  |
| Finance Director  | 11    | 5,934    | 6,231  | 6,542  | 6,870  | 7,213  | 7,429    | 7,652  | 7,882  |
| Community Development Dir<br>Police Chief                     | 12    | 6,290    | 6,605  | 6,935  | 7,282  | 7,646  | 7,875    | 8,112  | 8,355  |

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**ATTACHMENT B**

Non-Represented Salary Schedule (Management, Supervisory &amp; Confidential)

Effective July 1, 2007

Includes a 2.6% COLA Increase, based on 2006 CPI-U Portland-Salem

| Classification  | Range | 5% steps |        |        |        |        | 3% steps |        |        |
|---|-------|----------|--------|--------|--------|--------|----------|--------|--------|
|   |       | Step 1   | Step 2 | Step 3 | Step 4 | Step 5 | Step 6   | Step 7 | Step 8 |
|   | 1     | 2,610    | 2,741  | 2,878  | 3,021  | 3,172  | 3,268    | 3,366  | 3,467  |
|   | 2     | 2,975    | 3,124  | 3,280  | 3,444  | 3,617  | 3,725    | 3,837  | 3,952  |
|   | 3     | 3,392    | 3,562  | 3,740  | 3,927  | 4,123  | 4,247    | 4,374  | 4,505  |
| Senior Accountant<br>Supervisor (Dept Specific)               | 4     | 3,833    | 4,025  | 4,226  | 4,437  | 4,659  | 4,799    | 4,943  | 5,091  |
| Executive Asst/City Recorder<br>PW Supervisor I               | 5     | 4,216    | 4,427  | 4,648  | 4,881  | 5,125  | 5,279    | 5,437  | 5,600  |
| PW Supervisor II  | 6     | 4,596    | 4,825  | 5,067  | 5,320  | 5,586  | 5,754    | 5,926  | 6,104  |
|   | 7     | 4,734    | 4,970  | 5,219  | 5,480  | 5,754  | 5,926    | 6,104  | 6,287  |
| WWTP Supervisor   | 8     | 4,970    | 5,219  | 5,480  | 5,754  | 6,041  | 6,223    | 6,409  | 6,602  |
|   | 9     | 5,368    | 5,636  | 5,918  | 6,214  | 6,525  | 6,720    | 6,922  | 7,130  |
| HR Director<br>General Services Director<br>Police Lieutenant | 10    | 5,744    | 6,031  | 6,332  | 6,649  | 6,981  | 7,191    | 7,407  | 7,629  |
| Finance Director  | 11    | 6,088    | 6,393  | 6,712  | 7,048  | 7,400  | 7,622    | 7,851  | 8,086  |
| Community Development Dir<br>Police Chief                     | 12    | 6,453    | 6,776  | 7,115  | 7,471  | 7,844  | 8,080    | 8,322  | 8,572  |



**RESOLUTION NO. 949**

**A RESOLUTION ESTABLISHING ADDITIONAL NON-SALARY BENEFITS FOR  
MANAGEMENT LEVEL EMPLOYEES FOR THE CITY OF CANBY, OREGON**

WHEREAS, the City of Canby passed Resolution No. 896 on April 20, 2005 establishing non-salary benefits for management level employees.

WHEREAS, the City Council finds that additional non-salary benefits need to be incorporated.

**IT IS HEREBY RESOLVED** that the City of Canby approves the following non-salary benefits for the management level employees to take effect July 1, 2007:

1. The addition of 40 hours non-accruing Administrative Leave shall be granted to middle management level employees each fiscal year.
2. The addition of 55 hours non-accruing Administrative Leave shall be granted to Director level positions each fiscal year. Director level positions include: Community Development & Planning Director, Finance & Court Services Director, Police Chief, Human Resources Director, General Services Director and City Recorder.

This resolution shall take effect July 1, 2007.

ADOPTED this 4th day of April, 2007 by the Canby City Council.

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Melody Thompson  
Mayor

ATTEST:

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Kimberly Scheafer  
City Recorder Pro Tem

**ORDINANCE NO. 1232**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT FOR ENGINEERING SERVICES WITH CURRAN-McLEOD, INC. CONSULTING ENGINEERS FOR DESIGN AND CONSTRUCTION ENGINEERING OF SOUTH BERG PARKWAY EXTENSION; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the CITY OF CANBY has heretofore advertised and received proposals for municipal engineering services, completed oral interviews and selected CURRAN-McLEOD, INC. for the City's Engineer of Record; and

**WHEREAS**, CURRAN-McLEOD, INC. has provided preliminary planning, preliminary engineering and cost estimates for engineering construction for the extension of South Berg Parkway to connect into SW 13<sup>th</sup> Avenue; and

**WHEREAS**, the CITY OF CANBY anticipates the need to complete the construction of South Berg Parkway to SE 13<sup>th</sup> Avenue within calendar year 2007; Now therefore,

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

Section 1. The Mayor and City Administrator are hereby authorized and directed to execute, and declare in the name of the CITY OF CANBY and on its behalf, the attached Amendment Number 1 to the Agreement For Engineering Services with CURRAN-McLEOD, INC. to increase the design budget by \$7,300 to a maximum fee of \$50,200, and establish a construction phase budget not to exceed \$65,000. A copy of Amendment Number 1 with CURRAN-McLEOD, 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.

THIS HAS BEEN REVIEWED  
BY THE FINANCE DIRECTOR

*Chauvin, David*

*2nd Reading*

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, March 21, 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, April 4, 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 4<sup>th</sup> day of April, 2007, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

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

ATTEST:

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

## **ORDINANCE 1237**

### **AN ORDINANCE AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE.**

**WHEREAS**, periodic revisions of Canby's Land Development and Planning Ordinance are needed to ensure consistency, functionality, and legality; and

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

**WHEREAS**, the Planning Commission found that the standards and criteria of section 16.88.160 of the Land Development and Planning Ordinance, concerning Text Amendments, were met, and unanimously recommended approval to the City Council after making certain modifications; and

**WHEREAS**, the City Council, after reviewing the Planning Commission's findings of fact regarding the subject amendments, concluded that the Planning Commission's findings of fact and the amendments were appropriate; now therefore

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

- 1) The City Council hereby adopts the Planning Commission's findings of fact, as detailed in Exhibit 1, and approves Text Amendment 07-01; and
- 2) Title 16, the Land Development and Planning Ordinance of the City of Canby, is modified as detailed in Exhibit 2.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, March 21, 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, April 4, 2007, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

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

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on April 4, 2007 by the following vote:

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

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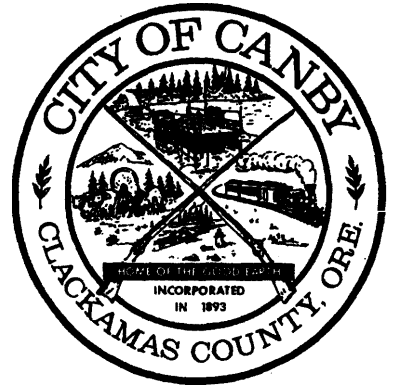
Melody Thompson, Mayor

ATTEST:

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Kimberly Scheafer  
City Recorder Pro Tem

# MEMORANDUM



**TO:** City Council  
**FROM:** Matilda Deas, AICP, Project Planner  
**DATE:** March 21, 2007  
**RE:** N. Baker Drive Recommendations

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On February 26<sup>th</sup>, 2007 the Canby Planning Commission considered several alternatives for addressing citizen concerns regarding issues associated with the narrow, curved roadway that connects N. Baker to 6<sup>th</sup> Avenue. Residents and industrial park tenants presented their concerns and proposed solutions. The Planning Commission discussed the information presented and agreed on a set of formal recommendations to forward to the City Council for their consideration. Those recommendations are set forth in the report section of this memorandum

## Background

In November of 2005 the City of Canby received a petition from a large number of homeowners in the residential area north of Johnson Controls to close the curved access road between N. Baker Drive and NW 6<sup>th</sup> Avenue. The petition cited several concerns:

- ♦ The access road was narrow, unlit and dangerous
- ♦ Increased vehicular traffic generated from the new 127 lot subdivision on NW 3<sup>rd</sup> Ave.
- ♦ Semi-truck and trailers not using the City's designated truck route (driving illegally through their residential neighborhood)

Staff presented the initial proposal to the Planning Commission as a new business item at the January 23<sup>rd</sup> regular meeting. After much discussion the Commission instructed staff to have the City Engineer come up with a drawing using traffic calming devices and bring them back to the Planning Commission for future discussion.

The City Engineer drew up a design for a cul-de-sac and one way treatment for the end of N. Baker. However, the City does not have the right-of-way to build this solution as it would require over 100 feet and we have only 40 to 60 feet. Johnson Controls did not support this option as:

- 1) They can't spare the land we would need for the right of way, and
- 2) They thought it would create a place for kids to hang out and spin circles.

Additionally, the large cul-de-sac would have a significant impact on the house across from Johnson Controls.

At this juncture Staff recommended the Planning Commission consider the following measures at the regularly scheduled May 22<sup>nd</sup> Planning Commission meeting:

- ♦ Make the road one-way south bound
- ♦ Post prominent "No Truck Traffic" signs on either side up to Knight's Bridge Rd.
- ♦ Install additional street lighting to improve safety and minimize vandalism
- ♦ Recommend traffic calming measures if speeding is an issue

At the May 22<sup>nd</sup> meeting, many citizens expressed frustration that no satisfactory solution had been identified. The Commission directed Staff to go back for additional neighborhood input and return with a more concrete proposal.

Staff proceeded as described in the introduction above. The draft compromise proposal included the following four recommendations (full report is attached):

1. Install clearly visible "Truck Route" signs on Knights Bridge Rd. at the point where vehicles head up from the hill from crossing the bridge; and at Knights Bridge Rd. at Holly (the City's designated truck route)
2. Install "No Trucks Allowed" or similarly worded signs a N. Ash, N. Aspen and N. Cedar where they intersect Knights Bridge Rd.
3. Sign N. Baker as "One Way – Do Not Enter". The signage would be on N. Baker before the curved section that connects N. Baker to NW 6<sup>th</sup> Avenue. N. Baker would be one way going south from NW 6<sup>th</sup> toward N. Baker. The stop sign at the intersection of N. Baker and NW 6<sup>th</sup> would no longer be necessary. The hedge that is maintained by Mr. Ewert could remain, but should be trimmed so that the head of an average height person would be visible above the hedge, or to the City's vision clearance standards.
4. Install "No Truck Parking-Tow Away Zone" signage on N. Baker from NW 3<sup>rd</sup> Avenue to the proposed one way portion of N. Baker at the curve.

Staff received no requests for changes to the draft document from residents. Staff did receive a letter dated November 15, 2006 (see attached) from a group of industrial park tenants who had met on several occasions to discuss the draft proposal. The group agreed with points 1 and 2, and requested point 4 be modified as follows:

Eliminate the word truck from the signage and make the sign read "No Unattended Parking-Tow Away Zone".

The group disagreed with the 3<sup>rd</sup> point and recommended the following:

- Leave the street two way
- Improve and straighten the road
- Eliminate the hedge.

The industrial tenants prefer the roadway be improved regardless of whether the road remains two-way or is changed to one-way.

At the February 26<sup>th</sup> Planning Commission meeting, residents and industrial tenants expressed their concerns to the Commission once again, regarding traffic and safety issues associated with N. Baker. The Commission discussed possible solutions in light of citizen concerns and made the following recommendations:

- Install "Truck Route" signs on Knights Bridge Rd at the point where vehicles head up the hill from crossing the bridge, and at Knightsbridge Rd at Holly. Staff will work with Public Works to determine if we need additional signage.
- Install clearly visible "No Trucks Allowed" or similarly worded signage at N. Ash, N. Aspen, and N. Cedar where they intersect Knights Bridge Rd.
- Make N. Baker a one-way, 12 foot wide ingle travel lane southbound, with a sidewalk on one side.
- Install stop signs on N. Baker and N.W. 6<sup>th</sup> Avenue where they intersect, north of the N. Baker curve. (See attached map illustrating location of suggested improvements)
- Install Speed Tables if necessary on N. Ash, N. Aspen, N. Baker (north of NW 6<sup>th</sup> Ave.) and NW 6<sup>th</sup> Avenue. The speed tables may not be necessary if implementing the above actions remedy traffic related concerns in the neighborhood.
- Install "No Unattended Parking-Tow Away Zone signs on N. Baker

#### **Options**

1. Adopt Planning Commission recommendations listed above
2. Adopt recommendations from the original petition request
3. Adopt compromise recommendations
4. Adopt industrial tenant recommendations (modification of compromise recommendations)
5. Identify and adopt an alternative set of recommendations determined by the Council

#### **Process**

All residential and industrial participants and petitioners have been notified of the March 21 meeting.

#### **Attachments**

Past staff memos; Planning Commission meeting minutes; initial citizen petition; compromise proposal, industrial tenant response, map of Planning Commission recommendations



**MINUTES**  
**CANBY PLANNING COMMISSION**

7:00 PM – February 26, 2007  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

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**PRESENT:** Chair Jim Brown, Vice Chair Dan Ewert, Commissioners John Molamphy, Bruce Holte and Jared Taylor

**ABSENT:** Janet Milne

**STAFF:** John Williams, Community Development and Planning Director; Matilda Deas, Project Planner; Kevin Cook, Associate Planner; and Jill Thorn, Planning Staff

**OTHERS:** Shirley Tessman, Bob Westcott, Randy Tessman, Barbara LaBaron,  
**PRESENT:** Frank Russell, Cherrol Pacholl, Harold Blessing, Eleanor Blessing, Bruce LaBaron, Beth Anne Cacka, Job Cacka, Mary Balcom, Pat Ewert, Michelle Stevens, George Johnson, R J Larios, Tom Kotzian, Walt Daniels, and Russ Daniels

**I. CITIZEN INPUT** None

**II. NEW BUSINESS**

Commissioner Taylor reported he had read the staff reports and records of the meetings for the North Baker Drive and the DR 06-10 application and would be participating in the discussion of the items.

**North Baker Drive Update** – Commissioner Dan Ewert said that as an adjoining property owner he felt it better if he not sit on the Commission for this agenda item and left the Commission dais.

On September 13, 2006 staff met with a group of citizens who had participated in previous discussions regarding traffic, safety and parking issues on N. Baker Drive and adjacent residential streets. Participants discussed previously reviewed options and then generated a list of recommendations they believed the majority of both residents and industrial tenants in the area would support. These recommendations reflected compromises made by both residents and industrial tenants attending the meeting.

Matilda Deas reported the draft compromises included four recommendations:

1. Install clearly visible "Truck Route" signs on Knights Bridge Road at the point where vehicles head up from the hill from crossing the bridge; and at Knights Bridge Road at Holly.
2. Install "No Trucks Allowed" or similarly worded signs at North Ash and North Aspen and North Cedar where they intersect Knights Bridge Road.
3. Sign North Baker as "One Way – Do Not Enter". The signage would be on North Baker before the curved section that connects North Baker to NW 6<sup>th</sup> Avenue.

4. Install "No Truck Parking – Tow Away Zone" signage on North Baker from NW 3<sup>rd</sup> Avenue to the proposed one way portion of North Baker at the curve.

Ms Deas said the residents and industrial park tenants had tentatively agreed on the four proposals.

Staff did receive a letter from a group of industrial park tenants stating that they agreed on points 1 and 2, and requested point 4 be modified for signs to read "No Unattended Parking – Tow Away Zone". The group disagreed with point 3 and requested it be left as a two way street, straightened and improved to City street standards.

Commissioner Molamphy asked who would pay for the changes.

Ms Deas said the City would have to identify funding sources.

Chair Brown reminded the Commission that the Commission would be making a recommendation to the City Council who would make the final decision.

Randy Tessman of 601 N Baker Drive presented a Power Point presentation on many of the issues and concerns of the residents of the area. He gave the Commission a copy of a traffic count of vehicles who exited onto NW 6<sup>th</sup> and N Baker between 3:30 PM to 5:30 PM. Forty vehicles turned left onto Knightsbridge at Ash and left town while only two turned right onto Knights Bridge at Ash.

Dan Ewert of 596 N Baker Drive said the hedge at the edge of his property was to stop the trucks from using the unsafe street. He felt many people used the area as a short cut and this had never been the intended use. He stated he was willing to lower the hedge if the area was to become a one-way street.

Cherrol Pacholl of 725 N Baker Drive stated she was in favor of the one way traffic plan and felt speed is a big issue.

Job Cacka of 620 N Baker Drive stated the bank behind Mr. Tessman's home was fragile because of the type of soil, very sandy loam. He suggested that a sign like one in Tualatin that was 4' x 4' stating there was no through truck access ahead.

Bob Wescott of 1825 NE 21<sup>st</sup> Avenue and owner Wesco Parts Cleaners said he had hoped the compromise would be accepted by the industrial park businesses, but that did not happen. He said there were concerns about not having access to the area when the street was closed for work to be done as recently happened when it was closed for a day and vehicles could not get in and out of the area except through the N Baker area.

Walt Daniels of 687 N Ash stated there were many safety issues and the Ash had not been designed for trucks.

Elizabeth Cacka of 620 N Baker Drive expressed concern about speeding and small children. She liked the idea of the one way street and speed bumps.

Pat Ewert of 596 N Baker Drive spoke to the dangerous intersection and felt safety was important.

Eleanor and Howard Blessing of 751 N Baker Drive spoke about their concerns in crossing the street to get the newspaper as cars come around the bend too fast.

Frank Russell of 692 N Baker Drive suggested the buffer strip should become a street which then would relieve the traffic in the neighborhood.

Commissioner Taylor stated he wondered about the same area.

Ms Deas responded that it was a special buffer identified in the City of Canby's Comprehensive Plan as an "area of special concern" and could not be used for a street.

Commissioner Holte said he was in favor of a one-way road; additional signage and speed tables. He was not in favor of widening the narrow street.

Commissioner Molamphy said he was opposed to speed bumps but okay with speed tables. He did not want to improve the street as it was not designed for that type of use. He was in favor of the proposed signage.

Commissioner Taylor said he was in favor of the speed tables and liked the idea of a 4' x 4' sign out on Knights Bridge to let truck drivers know the route that was to be used. He felt the idea of a one-way street heading south. He would like to see pedestrian access off of the road.

Chair Brown stated he was in favor of the signage options. He liked the one-way connection and suggested that the road be improved for a single lane 12 feet wide with curbs and a sidewalk on one side for pedestrians. He also said he was not a fan of speed tables.

John Williams said the next step was that the comments received tonight would be passed to the City Council who would make the final decision.

Chair Brown thanked those who attended and encouraged them to attend the City Council meeting and express their concerns to the Council. Chair Brown said anyone who signed the Sign In sheet would receive notice of the City Council meeting.

**Tree Plan for DR 06-11 – Knott Commons** – Kevin Cook presented the proposed plan to the Commission. There were no concerns expressed by the members of the Planning Commission.

**Election of a Vice Chair** - Commissioner Molamphy nominated Commissioner Ewert. Commissioner Holte seconded. Motion carried 5-0.

### **III. PUBLIC HEARINGS**

**MLP 06-16/VAR 07-01 – Willamette Valley Country Club** – The hearing has been rescheduled for March 26, 2007 in order to notify all adjacent property owners.

**DR 06-10 – 1410 S. Township Road**– Site and Design Review approval for a two-story warehouse building. The hearing had been continued from January 8, 2007 and February 12, 2007.

Chair Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commissioners.

Kevin Cook presented the staff report. The City had received a revised site plan for the proposed Larios Building. The new plan shows a reduced building size of 9,600 sq. ft. (10,200 previously proposed). The proposed floor area consists of 4,800 sq. ft. of office space and 4,800 sq. ft. of warehouse space.

The parking requirement is for 22 parking stalls, which is what the applicant is now proposing on the revised plan.

A trash enclosure has been added to the site plan west of the parking area. The paved area is approximately 10,056 sq. ft. and the proposed landscaping is 4,523 sq. ft. (45%). Two drywells are shown on site.

It is recommended that all conditions of approval from the original staff report remain with the exception of condition 5. Staff will require detail sheets of the lighting plan, landscaping, and stormwater to be submitted with the construction plans at the time of pre-construction meeting.

**Applicant:** R J Larios said that new plans had been submitted based on the comments and suggestions received at the last hearing and felt the changes were good for the project. Mr. Larios said an easement would be given as requested and that a portable loading dock was being added for possible future tenants of the building.

Commissioner Ewert thanked Mr. Larios for taking seriously the suggestions the Commission had made at the previous hearing and felt such actions made the job of the Planning Commission much easier.

Commissioner Ewert asked Mr. Larios if the findings were conditioned that a future owner of the building would have to come back to the Commission to discuss the loading dock and future uses of the building would there be any problem.

Mr. Larios responded there was no problem.

Chair Brown asked about the color of the roof of the building that was shown on the drawings.

Mr. Larios responded that it was the intention to use shades of brown on the exterior of the building.

**Proponents:** None

**Opponents:** None

**Rebuttal:** None

Chair Brown closed the public hearing.

Chair Brown felt the design of the project was so much better and thanked Mr. Larios for following through on the suggestions made at the previous hearing.

Chair Brown suggested that the colors for the building exterior be reviewed by the staff,

It was moved by Commissioner Ewert to approve DR 06-10 as amended with Condition 22 that the staff is to review the final building colors. It was seconded by Commissioner Holte. Motion carried 4-0-1 with Commissioner Holte abstaining.

**TA 07-01 – Miscellaneous Minor Amendments to the Community Development Code.**

Chair Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. No questions were asked of the Commissioners.

John Williams presented the staff report. This application contains many fairly minor modifications to Canby's Land Development & Planning Ordinance (Canby Municipal Code Title 16). Some of the modifications fix typographical errors or inconsistencies, others are more substantive changes recommended by staff. The last similar application was processed in 2002.

Staff's intent with applications like this is to keep the subject matter fairly routine and uncontroversial, separating out items that may generate more interest or require additional public process. A variety of "more significant" code changes are needed at this time. They include updates to code sections dealing with storm water disposal, site lighting, parking standards, public street design standards, sign regulations, subdivision design, and annexations. These items were purposefully left out of the current application to simplify and target discussion of the more complex issues.

The proposals were reviewed in detail by the Planning Commission at a workshop on February 12, 2007. The Commission made about a dozen changes, which were reflected in the draft proposal before the Commission.

Commissioner Ewert asked if schools were included in the minor public facilities section. Mr. Williams clarified that schools were included for minor public facilities that would not add capacity or traffic to a school.

Commissioner Ewert voiced concerns about eliminating the requirement for garages on manufactured homes in the R-1 zone.

Chair Brown said that even if there was no garage, the applicant still had to provide two off street parking places.

Commissioner Taylor said that some people don't need a garage and should not have to bear the cost of building a garage. He felt there were people who did not drive or used public transportation as a life style choice.

Commissioner Holte felt the two off street parking places was appropriate.

Mr. Williams said that based on comments received at the work session on February 12<sup>th</sup> he had crafted language for Chapter 16.35.050 K. It was suggested to add at the end of the sentence "as approved by the Planning Commission".

Mr. Williams noted that recently it had come to staff's attention that Chapter 16.32.010 W listed an official interpretation hearing and there was no such process. He suggested that be eliminated.

Chair Brown closed the public hearing.

Chair Brown said the application met the criteria and thanked Mr. Williams for all the work in putting the application together.

It was moved by Commissioner Molamphy to approve TA 07-01 as amended on Chapter 16.35.050 K adding "as approved by the Planning Commission" at the end of the sentence and Chapter 16.32.010 W removing "through an official interpretation hearing". It was seconded by Commissioner Holte. Motion carried 5-0.

#### **IV. FINDINGS**

None

#### **V. MINUTES**

**February 22, 2007** - Commissioner Molamphy moved to approve minutes of February 22, 2007 as presented. Motion seconded by Commissioner Taylor and passed 5-0.

#### **VI. DIRECTOR'S REPORT**

Mr. Williams announced there were no public hearings scheduled for the March 12, 2007 meeting.

#### **VII. ADJOURNMENT**



# MEMORANDUM

**TO:** *Planning Commission*  
**FROM:** *Matilda Deas, AICP, Project Planner*  
**DATE:** *February 16, 2007*  
**RE:** *N. Baker Drive*

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On September 13<sup>th</sup>, 2006 staff met with a group of citizens who had participated in previous discussions regarding traffic, safety and parking issues on N. Baker Drive and adjacent residential streets. Participants discussed previously reviewed options and then generated a list of recommendations they believed the majority of both residents and industrial tenants in the area would support. These recommendations reflected compromises made by both residents and industrial tenants attending the meeting. Bob Wescott volunteered to circulate the draft recommendations among the local industrial park tenants along N. Baker, and Randy Tessman focused on the residential sector. The intent was to garner a broad base of support for the draft proposal. A group of industrial park tenants met to review the recommendations and submitted a revised version of the circulated document. A summary of both positions is presented in the report section of this document.

## Background

In November of 2005 the City of Canby received a petition from a large number of homeowners in the residential area north of Johnson Controls to close the curved access road between N. Baker Drive and NW 6<sup>th</sup> Avenue. The petition cited several concerns:

- ♦ The access road was narrow, unlit and dangerous
- ♦ Increased vehicular traffic generated from the new 127 lot subdivision on NW 3<sup>rd</sup> Ave.
- ♦ Semi-truck and trailers not using the City's designated truck route (driving illegally through their residential neighborhood)

Staff presented the initial proposal to the Planning Commission as a new business item at the January 23<sup>rd</sup> regular meeting. After much discussion the Commission instructed staff to have the City Engineer come up with a drawing using traffic calming devices and bring them back to the Planning Commission for future discussion.

The City Engineer drew up a design for a cul-de-sac and one-way treatment for the end of N. Baker. However, the City does not have the right-of-way to build this solution as it would require over 100 feet and we have only 40 to 60 feet. Johnson Controls did not support this option as:

- 1) They can't spare the land we would need for the right of way, and
- 2) They thought it would create a place for kids to hang out and spin circles.

Additionally, the large cul-de-sac would have a significant impact on the house across from Johnson Controls.

At this juncture Staff recommended the Planning Commission consider the following measures at the regularly scheduled May 22<sup>nd</sup> Planning Commission meeting:

- ♦ Make the road one-way south bound
- ♦ Post prominent "No Truck Traffic" signs on either side up to Knight's Bridge Rd.
- ♦ Install additional street lighting to improve safety and minimize vandalism
- ♦ Recommend traffic calming measures if speeding is an issue

At the May 22<sup>nd</sup> meeting, many citizens expressed frustration that no satisfactory solution had been identified. The Commission directed Staff to go back for additional neighborhood input and return with a more concrete proposal.

### Report

Staff proceeded as described in the introduction above. The draft compromise proposal included the following four recommendations:

1. Install clearly visible "Truck Route" signs on Knights Bridge Rd. at the point where vehicles head up from the hill from crossing the bridge; **and** at Knights Bridge Rd. at Holly (the City's designated truck route)

*Participants agreed that this was an important step to take as the truck route is not clearly marked, and if drivers did a Map Quest or Google search for a business located on N. Baker in the industrial park they would be routed along N. Aspen, not on Holly, the designated truck route.*

*Participants also discussed the importance of notifying Map Quest and Google of the City's designated truck routes. All agreed it was a good idea to do so, but that there could be a significant time lag before the request would be incorporated into the Google and Map Quest programs. Therefore signage would be a very important initial step.*

2. Install "No Trucks Allowed" or similarly worded signs a N. Ash and N. Aspen where they intersect Knights Bridge Rd.

*Participants agreed that these signs, in conjunction with the "Truck Route" signs would help discourage truck traffic on these neighborhood streets.*

3. Sign N. Baker as "One Way – Do Not Enter". The signage would be on N. Baker before the curved section that connects N. Baker to NW 6<sup>th</sup> Avenue. N. Baker would be one way going south from NW 6<sup>th</sup> toward N. Baker. The stop sign at the intersection of N. Baker and NW 6<sup>th</sup> would no longer be necessary. The hedge that is maintained by Mr. Ewert could remain, but should be trimmed so that the head of an average height person would be visible above the hedge, or to the City's vision clearance standards.



*Participants agreed that streets designated and signed as "One Way – Do Not Enter" would be more effective in prohibiting truck traffic than signs stating "No Trucks Allowed". In addition, by prohibiting north bound traffic on this section of N. Baker, the on going problem with drivers ignoring the stop sign at the intersection of N. Baker and NW 6<sup>th</sup> Avenue would be resolved. The hedge maintained by Mr. Ewert could remain if trimmed as noted above, because the most serious visibility issues surrounding the hedge primarily affects north bound traffic on N. Baker. A reduced hedge height would resolve visibility issues for south bound traffic.*

4. Install "No Truck Parking-Tow Away Zone" signage on N. Baker from NW 3<sup>rd</sup> Avenue to the proposed one way portion of N. Baker at the curve.

*Participants agreed that truck trailers parked along N. Baker make it very difficult, and sometimes impossible for other trucks with trailers to navigate this portion of N. Baker.*

Staff received no requests for changes to the draft document from residents. Staff did receive a letter from a group of industrial park tenants who had met on November 15, 2006 to discuss the draft proposal. The group agreed with points 1 and 2, and requested point 4 be modified as follows:

*Eliminate the word truck from the signage and make the sign read "No Unattended Parking-Tow Away Zone". Johnson Controls does not support the elimination of parking on N. Baker.*

The group disagreed with the 3<sup>rd</sup> point and recommended the following:

- Leave the street two way  
*Tenants are concerned that traffic would proceed north beyond NW 5<sup>th</sup> Place and then discover there is no turn around. They may then enter Johnson Control's northern driveway and attempt to get back out onto NW Baker by passing through their parking lot and exiting through the southern driveway. They believe this is an especially critical point if all truck parking is disallowed on N. Baker, as it will increase congestion on Johnson Control's property.*
- *Tenants propose that the City owned property be used to improve and straighten the road, and eliminate the hedge to address the following safety concerns:*
  1. The road is used frequently by pedestrians and runners, including high school students. The current configuration makes it impossible for drivers to see pedestrians and/or other vehicles, thereby increasing the risk for vehicular and pedestrian/vehicular accidents.
  2. The current configuration impedes the ability of emergency vehicles (especially large ones) to access the industrial park.

The industrial tenants prefer the roadway be improved regardless of whether the road remains two way or is changed to one-way.

## Options

Since residents and industrial tenants agree on points 1 and 2 of the draft proposal, and staff received no negative feed back from residents regarding the industrial tenants proposed modification to point 4, staff recommends the following actions **regardless** of what other actions are agreed upon:

- Install clearly visible "Truck Route" signs on Knights Bridge Rd. at the point where vehicles head up the hill from crossing the bridge, **and** at Knights Bridge Rd. at Holly. Notify Map Quest and Google of the City's truck routes.
  - Install "No Trucks Allowed" or similarly worded signs at N. Ash and N. Aspen where they intersect Knights Bridge Rd.
  - Install "No Unattended Parking-Tow Away Zone" signs on N. Baker.
1. Sign N. Baker as "One Way-Do Not Enter" as described in point 3 of the draft proposal.
    - Trim hedge to average person height or vision clearance standard.

*The Canby Fire District does not have a problem with this. The industrial tenants do not support this.*
  2. Keep N. Baker two way, but improve the roadway.
    - Straighten the curve
    - Remove the hedge.
    - Install street lighting along curve.

*The industrial tenant group supports this, but many residents don't. This was not proposed in the original petition submitted by residents. Many residents feel that improving the roadway would only encourage additional vehicular traffic through their neighborhood. Straightening the road would also make it easier for trucks to navigate the curve, encouraging additional cut through illegal truck traffic in their neighborhoods. The Canby Fire District has no problems with this option.*
  3. Keep N. Baker two way.
    - Trim hedge
    - Do not straighten roadway
    - Install "no trucks allowed" signs
    - Install speed **table** on NW 6<sup>th</sup> Avenue to calm traffic.
    - Install speed **humps** on N. Baker (between curve and Knights Bridge Rd.) to calm traffic.
    - Install street lighting along curve

*If N. Baker remains two way, residents prefer the actions listed under option 4. Canby Fire Department said they would most likely use NW 6<sup>th</sup> Avenue, so a speed table would be less of an issue for them, as Emergency Vehicles can navigate speed tables without the discomfort to patients often caused by speed humps.*

*The industrial tenant group does not prefer this option.*

4. Keep the road open in its current state.

*Neighbors have had problems with the area for years. Neighbors are concerned that the new subdivision on NW 3<sup>rd</sup> Avenue will generate an increase in traffic through their neighborhood. Industrial tenants also expressed concerns regarding traffic generated by the new subdivision.*

**Process**

All residential and industrial participants and petitioners have been notified of the February 26 meeting.

The Planning Commission is the advisory body to the City Council on issues like this under CMC 16.06.120(A), but does not have any funding authority, so any decisions requiring funding would require Council approval.

**Attachments**

Past staff memos; Planning Commission meeting minutes; initial citizen petition; compromise proposal, industrial tenant response.

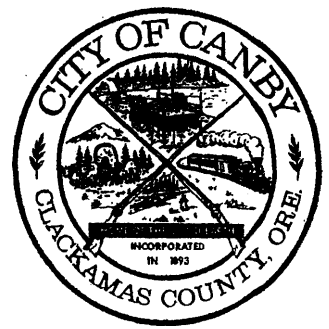
Our neighbors:

As Canby grows we are faced with situations that change almost on a daily basis now. Our City government works hard to make Canby a safe and comfortable place to raise our children and live our lives but they are only aware of some situations if they are brought to their attention. Last year a new subdivision was approved to be built at the corners of Cedar and 3<sup>rd</sup>. This area, which used to be known as the "Honda Pits", will soon be the new home for approximately 127 new homes. Already the homes are going up and that is the reason for this petition. When the new development was heard at the Planning Commission its recommendation was to close the narrow, dangerous and unimproved connection from Baker Dr. (at the connection of 6<sup>th</sup> St.) to the industrial park. This connection develops hundreds of trips in and out of our neighborhood every day by those going to and from the industrial park, both vehicle trips and semi truck and trailer trips. With 127 new homes going in this "walking path" and our already deteriorating streets will become the new I-5 connection for the industrial park and the new homes. The path is not lit in any way at night and is also an area that the police are called to frequently. The proposal is to put a gated fence at the intersection of Baker and 6<sup>th</sup> and another fence just past the entrance to the city yard located around the 90-degree corner allowing city crews access to the yard. The Police and the Fire Department will access these gates as needed in case of an emergency in our neighborhood or the Industrial area. The City is now considering this closure and we would like to let them know that the neighborhood is in agreement with the Planning Commission that this section of Baker Drive be closed to limit the traffic in our neighborhood.

ORIGINAL PETITION

92





# MEMORANDUM

**TO:** *Planning Commission*  
**FROM:** *John R. Williams*  
**DATE:** *March 30, 2006*

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I'd like to get some additional input from the Planning Commission on the N. Baker Drive situation at your next meeting. But, I don't have a final proposal to bring you yet, so we haven't done any public notice for this discussion. Here's where we stand:

Following your discussion the City Engineer drew up a plan for a cul-de-sac and one-way treatment for the end of Baker (attached). It was designed to address both the trucks going north and minimize the small vehicle traffic through the alley. Unfortunately, we don't have the right-of-way to build this solution (even a smaller version of it) as we only have 40 to 60 feet and need over 100. Johnson Controls has informed us that they do not support this solution anyway. They feel that it will create a nuisance area where kids will hang out and spin circles (we agree). Plus, they say they cannot spare the land we would need. Also, the circle as shown would have a significant impact on the house across from JCI.

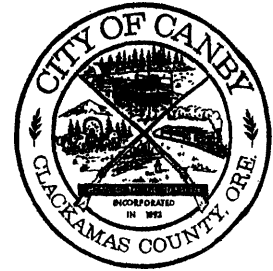
So, we are looking for alternative solutions. Right now, staff would recommend the following:

- Make the road one way (south-bound only?), and posting very prominent "No Truck Traffic" signs on either side (and as far up as Knight's Bridge Road).
- Install additional street lighting to improve safety and minimize vandalism.
- Ask Matilda's Traffic Calming Committee to recommend a design solution if speeding concerns need to be addressed.

If you feel like this plan would address the concerns we heard, we'll work up a map showing the proposal and send it out to everyone involved in advance of your second meeting in April. If not, please let us know what other ideas you have in mind.

*Note:* We are also working on solutions for NW 3<sup>rd</sup> Avenue. The intersection of 3<sup>rd</sup> & Cedar is being realigned to facilitate truck movements. We'll also keep our eyes on 2<sup>nd</sup> & Cedar – if a four-way stop is needed that can be done as well. Finally, we're considering a suggestion by Johnson Controls to eliminate all parking on the north side of 3<sup>rd</sup> (currently only truck trailers are prohibited).

We can discuss all this under Director's Report on April 10 – or send me an email before then with your thoughts. Thanks.



## MEMORANDUM

**TO:** *NW Canby area residents & businesses*  
**FROM:** *John R. Williams, Community Development & Planning Director*  
**DATE:** *May 10, 2006*  
**RE:** *Traffic calming & safety measures in your area*

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### **NW 6<sup>th</sup> & Baker**

The Canby Planning Commission has been discussing the narrow access road between N. Baker Drive and NW 6<sup>th</sup> Avenue in response to neighborhood concerns. The Commission has looked at a lot of different ways to reduce problems on this road and is considering the following steps:

- Making the road one-way southbound (into the industrial area) and posting good signs warning of this change;
- Posting signs on Knight's Bridge Road at Ash and Aspen preventing through trucks from entering the neighborhood.

These steps will preserve emergency service response into the industrial area while minimizing conflicts. A street light is being added for safety as well.

The Planning Commission will be discussing this area and potential solutions at their May 22, 2006 meeting, beginning at 7:00 PM at the City Council Chambers, 155 NW 2<sup>nd</sup> Avenue. You are invited to attend this meeting and participate in the discussion. If you can't make the meeting, you can submit letters in advance by email to [williamsj@ci.canby.or.us](mailto:williamsj@ci.canby.or.us) or by mail to the Canby Planning Department, 170 NW 2<sup>nd</sup> Avenue, Canby OR 97013.

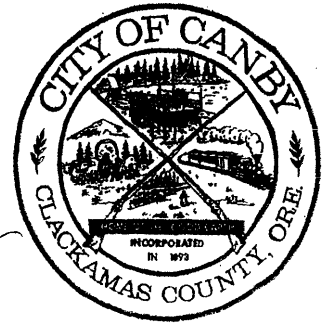
### **Other projects**

We also wanted to let you know about other traffic calming and traffic safety projects in this area. The City is responding to neighborhood concerns about problem intersections and increased traffic from new developments.

- *Concerns about conflicts between trucks, small cars, and pedestrians on NW 3<sup>rd</sup> Avenue.* The City Council has directed that NW 3<sup>rd</sup> Avenue be posted as a no parking zone to eliminate these conflicts and improve safety on the street. Also, the City is realigning the intersection of NW 3<sup>rd</sup> Avenue and N. Cedar Street to make it easier for everyone to get through.
- *Problems on N. Elm Street at 2<sup>nd</sup> Avenue and at Highway 99E.* The City is looking at possible solutions for both of these intersections. We would like to make it easier and safer for everyone to use this street. No specific proposals are available yet but we thought it was important to let you know this area is being worked on.

The map on the back of this page shows this area with some of the projects being considered. If you have any questions or suggestions, please contact the Planning Department at (503) 266-9404. Thank you.

# MEMORANDUM



**TO:** *Planning Commission*  
**FROM:** *John R. Williams, Community Development & Planning Director*  
**DATE:** *January 12, 2006*

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The City has received a petition from many homeowners in the residential area north of Johnson Controls to close the small curving access road between N. Baker Drive and NW 6<sup>th</sup> Avenue (see attached photo). They're concerned about increased traffic levels on this piece of road, which has a very narrow roadway and tight turns. There have also been complaints about low lighting and concerns about vandalism.

The City would like to resolve this issue before traffic starts being generated by the new subdivision at 3<sup>rd</sup> & Cedar, and so we've scheduled your review for the January 23 meeting.

## **Background**

This roadway is actually a tax lot owned by the City, not deeded right-of-way. It's a little unclear how this came about, but now we have a parcel with a roadway on it. The road surface is narrow and winding, although it could be widened within the existing lot to create a full-sized street with a right-angle turn similar to that already found on NW 6<sup>th</sup> Avenue.

Because of the existing layout, trucks are discouraged from taking the route and it is currently used by smaller vehicles only.

## **Report**

To understand our range of options, we asked utility and service providers for comments on this issue. Here's a summary of the results (full comment forms attached):

### *No concerns about closing road:*

Canby Police Department  
Lancaster Engineering (road network capacity issues)  
Canby Disposal

### *Opposed to closing road:*

Canby Fire District  
Canby Public Works Department  
Canby Post Office  
Traffic Safety Committee

### *Willing to have road closed if easements remain and access is preserved through gates or bollards:*

NW Natural  
Canby City Engineer



Canby Utility Electric  
Canby Utility Water  
Canby Telephone Association  
Wastewater Treatment Plant  
Bicycle and Pedestrian Committee (?)

### **Options**

Because of the concerns expressed in the responses and services located under the roadway, it's clear that the street must remain accessible to utility providers. Therefore, the choices available to the city are:

1. Keep the road open in its current state. Neighbors and some service providers do not support this. The road is very narrow, and the visibility and lighting are poor. Neighbors have had problems with the area for years and we've had reports of accidents or near accidents. Neighbors are concerned that with the addition of 136 homes at 3<sup>rd</sup> & Cedar, traffic will continue to increase.
2. Close the road to vehicle traffic by installing bollards or crash gates. This would allow emergency service and utility access for those infrequent times when it's needed, but prevent pass-through traffic. The Canby Fire District does not support this approach. Because of the street configuration in this area, they would like the road to remain open and be usable without delays. The Fire District does not favor a proliferation of gated routes in Canby. If the Commission chooses this option, we will need to seek approval from the Council to expend the funds to build the gates.
3. Build a standard road section with sidewalks and lighting. This is the option preferred by the Fire District and Traffic Safety Committee. However, area residents would not prefer this plan due to the increase in traffic that would follow. Also, industrial businesses on N. Baker would not be pleased to see the big increase in residential traffic going through their area. However, this would distribute trips more evenly in the area and provide a safer route for what is obviously a "demanded route." As with option #2, we would need to garner approval from the City Council to fund this road construction project.

### **Process**

This issue arose after area residents submitted a petition. They have been notified of the January 23 meeting. Businesses on N. Baker have also been notified and we will bring any responses from them to the meeting. We have notified utility providers as described above.

The Planning Commission is the advisory body to the Council on issues like this under CMC 16.06.120(A), but does not have any funding authority, so any decision requiring funding would require Council approval.

### **Attachments**

Maps and aerial photo; Residents' petition & letter from Mr. Harry Brogioli; service provider request for comments responses.

# **MINUTES**

## **CANBY PLANNING COMMISSION**

7:00 PM May 22, 2006  
City Council Chambers, 155 NW 2<sup>nd</sup>

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**PRESENT:** Chairman Jim Brown, Commissioners John Molamphy, Randy Tessman, Geoffrey Manley and Dan Ewert.

**STAFF:** Matilda Deas, Project Planner, Kevin Cook, Associate Planner, Carla Ahl, Planning Staff

**OTHERS PRESENT:** Charles Burden, Terry Tolls, Jeff McCollum, Chuck Curry, Lee Gellinger, Clayton Vorse, Elmer Gilbertson, Jan Milne, Sharon Henry, Tom Feller, Terry Kirsch, Carl Curry, Chuck Curry, Warren Bueller, Bill Moss Don Burden Dave LaRue, Pam Rockwood, Dan Leishner, Mary Rock, John Linkey, Gale Williams, Anthony Davis, Jan Ashland, Joseph O'Connel, Bernie Levi, Jeff Egli, Scott Beck, Kevin Cappell, Mr. Lawrence, Frank Russell, Larry Schonberg, Mr. Wescott, Paul Thalhofer

**I. CITIZEN INPUT** None

### **II. OLD BUSINESS**

North Baker Street traffic calming

Mr. Brown explained the options that were discussed at the last meeting regarding the Baker Street closure. He explained that most speed bumps are not approved by Emergency Responders but there are several that they would be wider than the traditional speed bump and not as objectionable as the old ones. There was a discussion to close the access all together, and one to make N. Baker a one way option going southbound only.

Mr. Brown explained that the Planning Commission will listen to the issues and then forward to the City Council a recommendation. The final decision would be made by the Council.

Kevin Cappell stated he works for Willamette Plastic and uses Baker Dr. He believed that it should be made into a two lane road. He questioned if this issue as a conflict of interest for two of the Commissioners that live on either side of the intersection. And he believed that Mr. Ewert would gain the property for his yard if the intersection was closed.

Mr. Cappell stated that closing the intersection would not stop speeding on the street, it would require stronger enforcement. He agreed the wide type of speed bumps could make a difference.

Mr. Cappell did not believe closing the intersection would be a good solution because it would leave just one way in and out of the industrial park. He stated that

*Planning Commission May 22, 2006*

Baker and 3rd are heavily congested with truck traffic and that the intersection at 6th is needed.

Mr. Brown explained that for there to be a conflict of interest a Commissioner would need to receive a gain. But there has been no conversation by the City to vacate the property.

Mr. Brown stated that most of the Planning Commissioners have served on the Commission for many years. The Commission asks for citizen input to help them make decisions and this shouldn't be a contentious process.

Mr. Lawrence stated the tall hedge is a hazard because it prevents drivers from seeing around the corner. He suggested using a "bang bar" to prevent trucks from using the road and place Truck Route signs that drivers can't miss.

Frank Russell stated his concerns that there will be an increase of traffic from the subdivision at the Honda Pits. He believed that Berg Parkway should be extended to 3rd Ave to allow better emergency access.

Mr. Brown explained that connection has been looked at and is in the 20 year plan. He stated that the Arndt Road connection was looked at last year and the estimated cost was 22 million dollars. Mr. Brown explained that the Commission has no funding authority.

Mr. Brown believed there was no consensus on the issue and question what process there was for going forward to find alternative solutions. Mr. Manley believed it would be appropriate to go back to the neighborhood for suggestions.

Mr. Tessman stated the intention at the beginning was to close the intersection. Trucks are parking on both sides of the street. Employees are using Baker to come and go to work; they ignore the stop sign and speed through the neighborhood.

Mr. Brown stated he would like to have a concrete proposal brought back to the Planning Commission.

Mr. Ewert addressed the audience and explained that he has no gain in what ever solution that is decided on and doesn't care what the solution is, he has had concerns about this area since Darcy's Country Estates was approved and doesn't want residential traffic to mix with the truck traffic. He stated he had nothing to gain either way.

Mr. Tessman stated that N. Baker is not a street it is City Property. Mr. Westcott explained that when he was on the City Council there was a trade for the property so it could be right-of-way for the purpose of building a street. Mr. Brown explained there is only enough funding in the budget for improvements to 4 blocks a year. So the N. Baker intersection has never been funded.

### **III. NEW BUSINESS**

## N. Baker Compromise Proposal

On September 13 staff met with a group of citizens who had participated in previous discussions regarding traffic and parking issues on N. Baker Street. Participants reviewed previously discussed options and then crafted a recommendation they believed the majority of both residents and businesses in the area could support. The recommendations are as follows:

- ☐ Install clearly visible "Truck Route" signs on Knights Bridge Rd. at the point where vehicles head up the hill from crossing the bridge; **and** at Knights Bridge Rd at Holly Street.

*Participants agreed that this was an important step to take as the truck route is not clearly marked, and if drivers did a Map Quest or Google search for a business located on N Baker in the industrial park they would be routed along N Aspen, not on Holly, the designated truck route.*

*Participants also discussed the importance of notifying Map Quest and Google of the City's designated truck route. All agreed it was a good idea to do so, but that there could be a significant time lag before the request would be incorporated into the Google and Map quest programs. Therefore signage would be a very important initial step.*

- ☐ Install "No Trucks Allowed" or similarly worded signs at N. Ash and N. Aspen where they intersect Knights Bridge Rd.

*Participants agreed that these signs, in conjunction with the "Truck Route" signs, would help discourage truck traffic on these neighborhood streets.*

- ☐ Sign N. Baker as "One Way-Do Not Enter". The signage would be on N Baker before the curved section that connects N. Baker to NW 6<sup>th</sup> Avenue. N. Baker would be one way going South from NW 6<sup>th</sup> toward N Baker. The stop sign at the intersection of N Baker and NW 6<sup>th</sup> would no longer be necessary. The hedge that is maintained by Mr. Ewert could remain, but should be trimmed so that the head of an average height person would be visible above the hedge, (or to City's vision clearance standard).

*Participants agreed that streets designated and signed as "One Way-Do Not Enter" would be more effective in prohibiting truck traffic than signs stating no trucks allowed. In addition, by prohibiting north bound traffic on this section of N. Baker, the on going problem with drivers ignoring the stop sign at the intersection of N Baker and NW 6<sup>th</sup> Avenue would be resolved. The hedge maintained by Mr. Ewert could remain, if trimmed as noted above, because the most serious visibility issues*

*surrounding the hedge primarily affects north bound traffic on N. Baker. A reduced height hedge would resolve visibility issues for south bound traffic.*

- ☐ Install "No Truck Parking-Tow Away Zone" signage on N. Baker from NW 3<sup>rd</sup> Avenue to the proposed one way portion of N. Baker at the curve.

*Participants agreed that truck trailers parked along N. Baker make it very difficult, and sometimes impossible for other trucks with trailers to navigate this portion of N. Baker.*

November 15, 2006

## N. Baker Proposal

### Industrial Park Tenants Meeting Notes

|            |                   |                      |                                 |
|------------|-------------------|----------------------|---------------------------------|
| Attendees: | Bob Westcott      | Wesco Parts Cleaners | NW 5 <sup>th</sup> Ct           |
|            | Stephan Westcott  | Wesco Parts Cleaners | NW 5 <sup>th</sup> Ct           |
|            | Paul DuPont       | Willamette Plastics  | NW 5 <sup>th</sup> Ct           |
|            | Tony Helbling     | Wilson Const. Co.    | NW 3 <sup>rd</sup> (& N Baker)  |
|            | Steve Plant       | Hot Off the Press    | NW 3 <sup>rd</sup>              |
|            | Scott Scarborough | Potters Industries   | N Baker                         |
|            | Tom Kotzian       | Johnson Controls     | N Baker (& NW 3 <sup>rd</sup> ) |
|            | Russ Daniels      | MEC NW               | NW 3 <sup>rd</sup> (& N Baker)  |

The group reviewed the document entitled "N. Baker Proposal" provided by Matilda Dees from the Canby Planning Department;

- The group concurred with the first bullet point.
- The group concurred with the second bullet point.
- The group disagreed with the third bullet point and recommends the street remain two way. This is primarily due to the concern of the traffic that would proceed Northerly, beyond NW 5<sup>th</sup> Place and then discover there is no turn around. It is anticipated they could possibly enter JCI's northern driveway and attempt to get back onto NW Baker by passing through the JCI parking lot and exiting through the southern driveway. This is especially critical if all truck parking is removed from NW Baker as it will increase congestion on JCI property. Furthermore, the group understands there is a difference between city right of way where the current "S" curves sit and the city owned property upon which the bushes and the yard sit. It is the feeling of the group that the city-owned property should be used to improve and straighten the road, thereby reducing the risk of vehicle: vehicle or vehicle: pedestrian accidents.
  - Regardless of whether the street becomes a one-way or not, it is the position of the group that the current "S" curve should be straightened and the hedge eliminated as described above in order to address safety concerns:
    1. The road is used frequently by pedestrians and runners, including high school students. The current configuration makes it impossible for drivers to see through the curve to see where pedestrians are, making it too risky that a pedestrian could be hit.
    2. The visibility problem also makes vehicle to vehicle collisions likely, especially if the road remains a two-way.

3. The current configuration impedes the ability of emergency vehicles to access the industrial park, especially large fire engines.
- The group concurred with the fourth bullet with an exception: eliminate the word "Truck" from the signage and make the sign "No Un-Attended Parking, Tow Away Zone". JCI does not support the elimination of parking on N Baker.

**From:** "Robert Backstrom" <Bback@canby.com>  
**To:** "Matilda Deas" <deasm@ci.canby.or.us>  
**Date:** 3/26/2007 11:50:55 AM  
**Subject:** N. Baker Street

Matilda: Per your recommendation, I am submitting arguments against making N. Baker Street one way. I thank you for forwarding this to the city council. Though we don't always agree, I respect your expertise and hard work on behalf of our fair city.

Please note that I have sent copies of this to Mayor Thompson, Traffic Safety Liaison Paul Carlson, Traffic Safety Commissioners, City Planner John Williams, and Riverside Neighborhood Association members.

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Dear Certain Residents and Officials of Canby:

As you probably know, the Canby City Council will hear a request at its next meeting, on April 4, to make N. Baker Street one way south at the "S" curve near NW 6th. This is in response to neighborhood concerns that there is too much traffic there and that the "S" curve is dangerous. While we certainly applaud any Canby neighborhood for trying to solve its problems, we must respectfully disagree with this proposed solution, for the following reasons:

1. This request came last year to the City of Canby Traffic Safety Commission which thoroughly studied the issues, visited the site numerous times, held discussions and finally recommended to the city planners that closing off this street to north bound traffic was not the best solution. The commission felt that there was not sufficient evidence of a problem and that the solution, if one was needed, was not to move any additional traffic over to N. Cedar. The commission recommended, instead, to make larger, clearer signs and post fines for any trucks coming through that curve, post reduced speed limits, and possibly placing speed bumps at each end of the "S" curve.
2. Closing off N. Baker to all traffic would force all northbound cars on N. Baker to turn around and use N. Cedar instead. Both Traffic Safety Commissioners and Riverside Neighborhood Association members have conducted many informal traffic counts on N. Cedar and N. Baker and the difference in traffic volume is astronomical. N. Baker has an average of 15 - 20 cars per hour during the busiest time of day, compared to 250 cars, trucks and buses on N. Cedar. This move would be terribly unfair and dangerous to the residents on N. Cedar, given the fact that hundreds of children live there in addition to an elementary school and the very popular ball fields that are in use every day.
3. The Riverside Neighborhood Association, at its most recent meeting two weeks ago, took formal action and voted unanimously to not make N. Baker one way. The reasons for this decision are stated above. RNA also encourages the city to find alternate solutions.

I encourage the City of Canby to conduct objective, professional traffic studies in both neighborhoods at varying but simultaneous times of the day and then to provide solutions that do not pass N. Baker Street problems to N. Cedar Street residents. We believe that this can be accomplished so that both neighborhoods come out as winners.

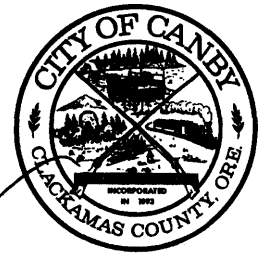
I also recommend that the city attempt to monitor, control and REDUCE, not INCREASE the volume of traffic on N. Cedar Street, given the additional growth going on in that area of the city and the already extant traffic problems on that street.

Thank you. Bob Backstrom

Traffic Safety Commissioner, City of Canby  
Chair, Riverside Neighborhood Association, City of Canby  
Member, City of Canby Street Maintenance Fee committee



# MEMORANDUM



**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *John Williams, Community Development & Planning Director*  
**DATE:** *March 22, 2007*  
**THROUGH:** *Mark C. Adcock, City Administrator*

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**Issue:** Extension of water service to 1575 N. Pine Street.

**Synopsis:** Scott & Jennifer Vandecoevering, who live just outside city limits but within Canby's Urban Growth Boundary, are requesting to connect to an existing water line. Extension of city services outside of city limits requires approval from the City Council and concurrence from Clackamas County.

**Recommendation:** Staff recommends that the City Council approve the extension of water service to 1575 N. Pine Street and approve a letter from the Mayor requesting the County's concurrence on this extension.

**Rationale:** In October 2001 the Council approved a policy covering the review of extraterritorial service requests (attached). The policy states that an application may be viewed favorably if there is an area of "still water" which can be alleviated by a proposed water service extension. As documented in the attached letter from Canby Utility, the dead-end water line in this area is in need of more use. Therefore, staff recommends approval of this application.

**Background:** The Vandecoevering's home is currently 960 square feet and they are working with Clackamas County on an addition, which would cover the existing well. Under County rules, the property is too small to relocate the well due to the existing drainfield. Their property is 0.49 acres and could potentially be divided upon eventual annexation, but staff does not believe the proposed connection to the public line would create any problems with any future development.

**Options:**

1. Deny the application. Although one of the criteria has been met, several others are lacking: no direct health hazards have been reported and no annexation request is pending nor has any been proposed.
2. Require an application for annexation prior to approving the request. The Council has previously indicated a preference for providing urban services only to properties within the City, although this step has not been required of other recent properties.

**Attached:** Letter from Vandecoeverings; property & vicinity maps; October 2001 policy statement; email from Canby Utility; draft letter to Clackamas County.

Scott & Jennifer Vandecoeving  
1575 N Pine Street  
Canby, OR 97013  
(503) 807-2681 (home)  
(503) 673-4954 (work)

Canby Planning Commission  
Attn: John Williams

RE: Proposal for Canby water service for 1575 North Pine Street

To Whom It May Concern:

The purpose of this proposal is to request Canby water service for the property of 1575 N Pine Street. This property is in a small island of Clackamas County that is completely surrounded by Canby. The water and septic are currently provided by an on-site well and on-site septic system.

I would like to add additional square footage to this house, which requires me to replace the drain field per current septic system requirements. The existing septic drain field and well do not meet the 100-foot separation requirements. The well is currently located in the center of the property. Due to the size of the lot, I'm unable to re-locate the drain field in the property and maintain the 100-foot separation requirement.

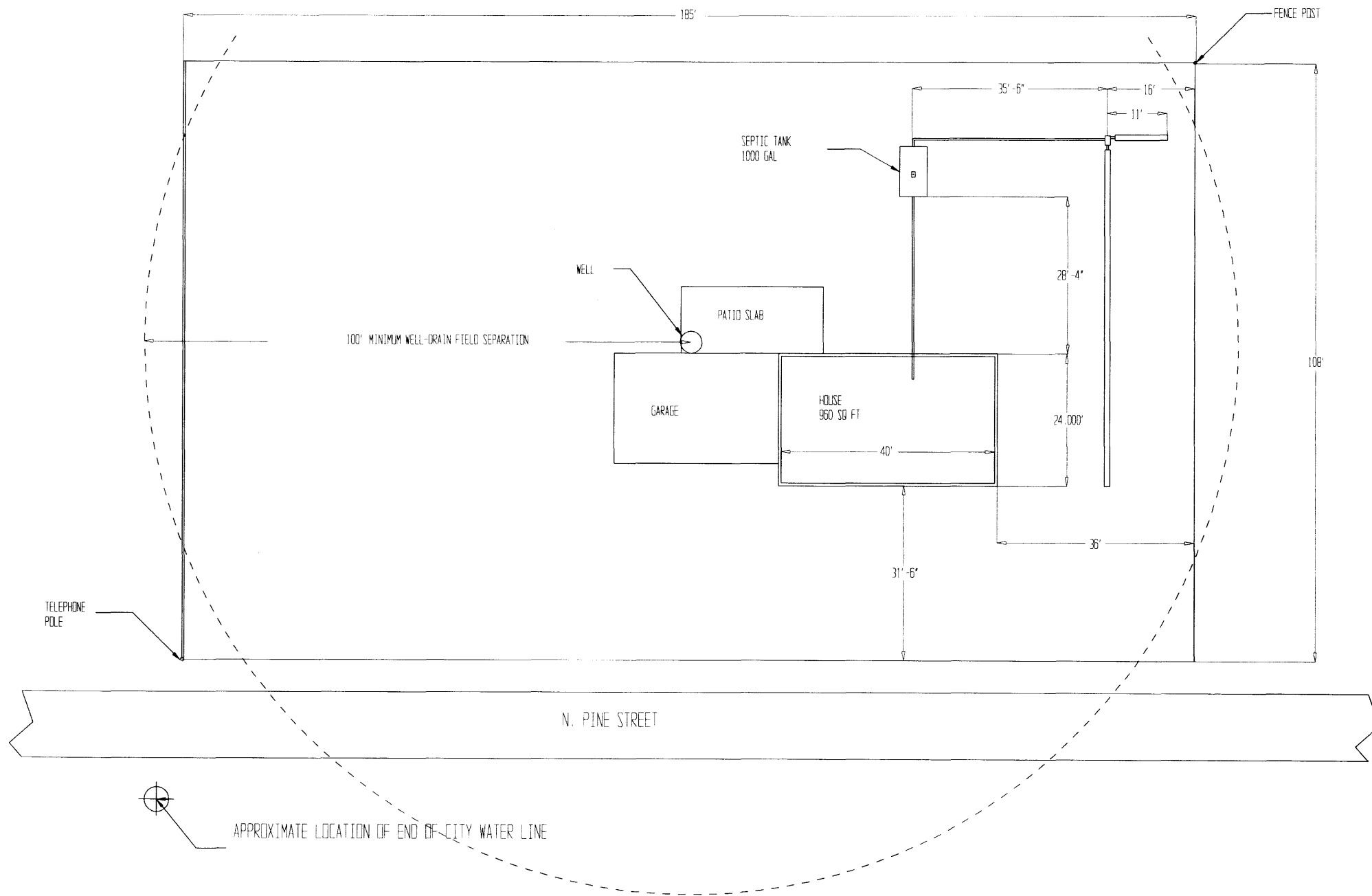
If the home can be supplied water by the City of Canby, I will be able to abandon the current well and relocate the drain field on the property in a manner that meets current septic requirements.

I have attached a plot map the shows the current location of the house, well, and septic system. The plot map also shows the approximate location of the end of the Canby water line.

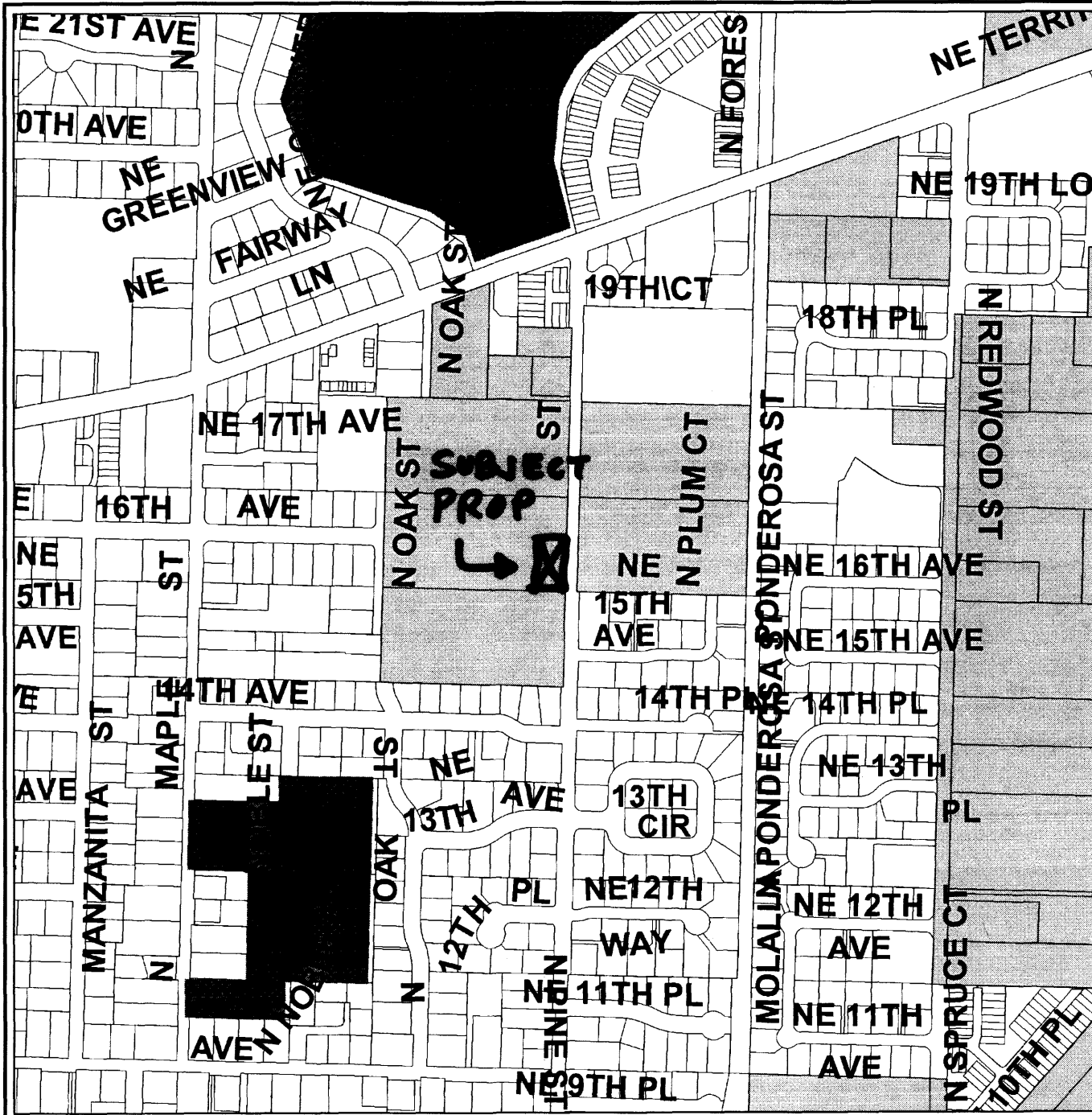
Please contact me any time if I can provide any additional information that would be helpful in evaluating this proposal.

Thank you for your consideration.

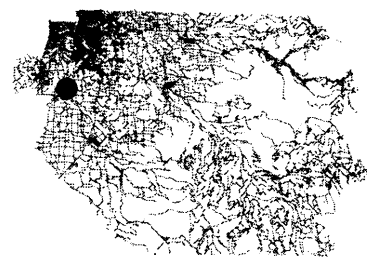
Scott & Jennifer Vandecoeving



27



# Water Service Application



*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.

March 23, 2007 11:31 AM

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

**TO:** *Honorable Mayor Prince and City Council*

**FROM:** *Mark C. Adcock, City Administrator*

**DATE:** *October 8, 2001*

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



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

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

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

**From:** "Larry Hepler" <lhepler@CANBYUTILITY.ORG>  
**To:** "John Williams" <WilliamsJ@ci.canby.or.us>  
**Date:** 3/21/07 1:05PM  
**Subject:** RE: Proposal for water service for 1575 N Pine St.

John, Pat and I visited this site this morning. The line we would use to serve this property is a dead end 6" line approximately 200' long that extends north on the east side of N. Pine from NE 15th Ave to approximately the southerly property line of 1575 N Pine. This line section has no customers on it, and is in fact still water. This line is small enough that this potential customer's usage would be adequate to maintain fresh water in this line section. Therefore, CU sees no adverse operational effect from the connection of this customer to the end of this line section and potentially a benefit. The customer would be subject to the usual service hook up fee of \$725 and system development charge of \$2,752.

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

From: John Williams [mailto:WilliamsJ@ci.canby.or.us]  
Sent: Wednesday, March 21, 2007 9:30 AM  
To: Larry Hepler; Pat Thurston  
Subject: Fwd: Proposal for water service for 1575 N Pine St.

Pat, Larry:

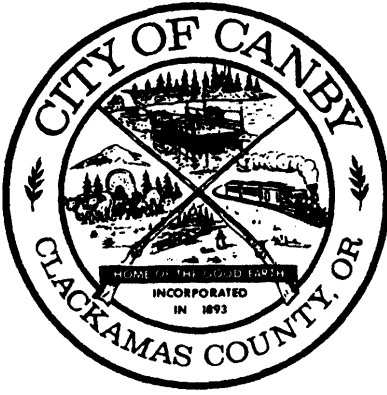
I think this gentleman talked to one of you about accessing water service at 1575 N. Pine Street. Can you please get me a memo per usual on this extension so I can pass on to the Council?

As you know, our policy states that extensions like this will be viewed more favorably if there's "an area of still water which can be alleviated" by the proposed extension, or if there's other reasons CU supports it. So, please let me know what you think for the record.

Thanks,  
John

John R. Williams  
Community Development &  
Planning Director  
City of Canby, OR

Tel: 503.266.7001  
Fax: 503.266.1574



# City of Canby

General Administration Office

April 4, 2007

Martha Schrader, Chair  
Clackamas County Board of County Commissioners  
2051 Kaen Road  
Oregon City, OR 97045

Re: Concurrence for Extension of Water Service to 1575 N. Pine Street

Dear Chair Schrader:

The Canby City Council approved Scott & Jennifer Vandecoevering's request for City water service at its meeting of April 4, 2007. Their property is outside city limits but is inside Canby's Urban Growth Boundary. Under the terms of the Clackamas County-City of Canby Urban Growth Management Agreement dated November 4, 1992, Clackamas County's concurrence is required for this service to be installed. Therefore, the City requests your concurrence with our decision to provide water service to this property.

This follows a similar previous requests, including one earlier this year on Territorial Road. The City Council believes municipal water service to this property is appropriate, provides direct benefits to our community, and is in the best interest of the County and the City. We have included our staff report, including the exhibits, for your benefit and review.

Thank you in advance for your time and consideration. If you require any further information, please contact John Williams, Canby's Community Development & Planning Director, at (503) 266-7001.

Sincerely,

Melody Thompson  
Mayor, City of Canby



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## MEMORANDUM

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**DATE:** MARCH 22, 2007  
**TO:** MARK ADCOCK, CITY ADMINISTRATOR  
**FROM:** KIM SCHEAFER, EXECUTIVE ASSISTANT/CITY RECORDER PRO TEM  
**RE:** SB 366

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I spoke with Andy Shaw at the League of Oregon Cities regarding SB 366. He said that the League of Oregon Cities is not taking a position on this bill. Cities are of mixed views about increasing the scope of SDCs or impact fees.

*To: Mayor &  
City Council -  
F4I  
MCS*





Stand for Children

## **Senate Bill 366: School Impact Fees**

**Chief Sponsor: Senator Kurt Schrader (D, Canby)**

***Oregon's fastest-growing districts are badly overcrowded, and older districts often have outmoded, unsafe buildings.***

Across Oregon, overcrowded schools mean many students have to stand, or sit on windowsills, in their classes. Some spend their days in trailers (aka "portables") without bathrooms or windows. Overcrowding means some students' lunch starts at 10:20 am and lasts only 25 minutes. High school chemistry labs built for 25 students now hold 33, forcing them to watch experiments instead of directly participating. In some aging school buildings, student health is compromised by mold and pest infestations, and wood rot. Computer access is limited by outmoded electrical systems that cannot support more than a handful of computers at a time. Common sense tells us we must begin addressing this problem, and research shows that student achievement is improved by healthy learning environments.<sup>1</sup>

***School Impact Fees are an important tool for improving school facilities, and building trust with taxpayers who rightly feel that developers should do their part to address the school overcrowding problems caused by new development.***

Senate Bill 366 allows local school districts to charge a School Impact Fee on new residential permits. School districts determine the level of fee, up to the level of the cap by creating a growth impact statement that establishes a relationship between new residential development and the cost of needed improvements and growth of the local schools. The cap is adjusted biennially to account for increases in land and construction costs. (The cap in SB 366 is currently set at \$6,500 but is open for further debate.)

Currently, 19 states have school impact fees to address their facilities needs. While school impact fees are not a silver bullet solution, they provide a predictable, reasonable source of revenue that enables local school districts to better plan for and address their local facilities needs.

### ***A Capped School Impact Fee: A Sensible Alternative***

The capped School Impact Fee in SB 366 is the best mechanism to allow local school districts to offset the cost of growth. Consider the alternatives:

- House Bill 2525, Uncapped System Development Charges (SDCs) for schools: There are three major issues with this bill: (1) SDCs will only benefit high-growth districts—leaving districts with population shifts that affect school capacity unaided. (2) Under an uncapped SDC, districts could make a case for a \$15,000 + fee per home, which could dramatically impact home prices. (3) The Oregon Home Builders Association has indicated a willingness to put any uncapped fee on the ballot and run a vigorous campaign to defeat it.
- Senate Bill 45, Capped Parks-Schools Systems Development Charge: Any effort to combine parks with schools and cap parks will face fierce opposition from parks advocates and localities that currently utilize their parks SDC. Beyond this political challenge, any parks-schools combination faces unresolved implementation challenges because parks districts and school districts do not neatly overlap. The Salem-Keizer school district, for example, overlaps four distinct parks districts with different existing SDCs. There is also a House Bill that creates a Capped Parks-Schools Impact Fee.

<sup>1</sup> "Students in classrooms with sustainable design features perform better on standardized tests – up to 26% better." Washington High Performance School Buildings, Report to the Legislature, January 31, 2005.

## Senate Bill 366

Sponsored by Senator SCHRADER; Representative TOMEI (Presession filed.)

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Authorizes school district to establish impact fee on creation of lot or parcel. Directs county recording officer to assess and collect impact fee before recording subdivision or partition plat. Authorizes county recording officer to charge separate fee to recover administrative costs.

### A BILL FOR AN ACT

Relating to school impact fee.

Be It Enacted by the People of the State of Oregon:

#### **SECTION 1. As used in sections 1 to 3 of this 2007 Act:**

(1) "Affordable housing" means housing units made available to families with a household income that is less than or equal to 80 percent of the area-wide median household income, as determined by the Housing and Community Services Department, for families with the same number of members and for which the monthly housing payment does not exceed 30 percent of the monthly income of the family.

(2) "Capital improvement" includes, but is not limited to, acquisition of land, construction, reconstruction, renovation or improvement of school facilities, acquisition or installation of new technology or other capital expenditures that improve a school district's ability to educate students. "Capital improvement" does not include costs of the operation or routine maintenance of school facilities.

(3) "School district" has the meaning given that term in ORS 330.003.

**SECTION 2. (1) A school district may adopt by resolution an impact fee on the creation of new lots or parcels as provided in this section.**

(2) Prior to the adoption of an impact fee, the school district shall:

(a) Prepare a facilities plan that contains a list of the capital improvements the school district intends to fund, in whole or in part, with moneys collected for the impact fee and the estimated cost of and proposed timing for each capital improvement; and

(b) Hold a public hearing at which the school district provides interested persons an opportunity to comment on the adoption of the impact fee.

(3) In the resolution establishing an impact fee, the school district shall include:

(a) The methodology for calculating the impact fee; and

(b) Findings demonstrating that:

(A) The new capital improvements are needed to meet the demands placed on school facilities by the new lots or parcels; and

(B) The impact fee is calculated with due consideration given to the estimated cost of and timing for the capital improvements identified in the facilities plan that are needed to meet the demands placed on school facilities by the new lots or parcels.

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

1 (4) A school district shall exempt lots or parcels dedicated to the development of afford-  
 2 able housing from the assessment and collection of the impact fee authorized under this  
 3 section.

4 (5) An impact fee collected pursuant to this section may not exceed \$6,500 per new lot  
 5 or parcel, plus an amount not to exceed one percent of the impact fee to recover the ad-  
 6 ministrative costs of the county recording officer to assess and collect the impact fee, but  
 7 the school district may annually adjust the impact fee based on the higher of:

8 (a) The percentage increase in the real market value for the period, as provided by the  
 9 county assessor, of the land in the school district, excluding buildings, structures and im-  
 10 provements; or

11 (b) The Engineering News-Record Construction Cost Index for the period.

12 (6) A school district that adopts an impact fee resolution pursuant to this section shall  
 13 transmit the resolution to the county recording officer responsible for recording a subdivi-  
 14 sion or partition plat, pursuant to ORS 92.120, within the boundaries of the school district.

15 (7) A school district may use moneys collected as an impact fee only to pay:

16 (a) For capital improvements to school facilities that are needed to meet the demands  
 17 placed on the facilities by the new lots or parcels;

18 (b) The administrative costs of the school district to implement the impact fee authorized  
 19 under this section; and

20 (c) The administrative costs of the county recording officer to assess and collect the  
 21 impact fee.

22 (8) If the impact fee does not include an amount to recover the administrative costs of  
 23 the county recording officer to assess and collect the impact fee, the recording officer that  
 24 assesses and collects the impact fee may establish a separate fee to recover those costs, in  
 25 an amount that does not exceed one percent of the impact fee.

26 (9) The county recording officer:

27 (a) Shall assess and collect the impact fee before recording a subdivision or partition plat  
 28 pursuant to ORS 92.120;

29 (b) May, if the impact fee does not include an amount to recover the costs of the county  
 30 recording officer to assess and collect the impact fee, collect a fee pursuant to subsection  
 31 (8) of this section; and

32 (c) Shall deliver the moneys collected for the impact fee, minus the amount retained to  
 33 recover administrative costs, to the appropriate school district.

34 **SECTION 3.** A school district that adopts an impact fee pursuant to section 2 of this 2007  
 35 Act shall annually prepare a report relating to the collection and expenditure of moneys  
 36 generated by the impact fee, make the report available to the public and file a copy of the  
 37 report with the Secretary of State no later than June 30 of each year for the preceding year.  
 38



**Stand for Children**  
Grassroots Solutions. Lasting Change.

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**Testimony to Senate Revenue Committee  
Regarding Senate Bill 366:  
Capped Impact Fees for Schools**

Tom Olson, Stand for Children Volunteer  
Canby, Oregon  
Friday, March 2<sup>nd</sup>, 2007

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Chair Deckert and members of the Committee: thank you for the opportunity to present on behalf of Stand for Children on Senate Bill 366, Capped Impact Fees for Schools.

My name is Tom Olson. I'm a retired grandparent and great-grandparent of 14 (soon to be 15!). I'm also a proud volunteer with Stand for Children. Prior to my recent retirement, I served as a strategic planning advisor for 15 different state reform efforts and hundreds of school districts in the US and outlying Pacific region. I've helped many districts deal with and overcome crowded conditions due to rapid growth. Impact fees for districts such as Vancouver, Washington, one of my major clients over the years, have been a very important piece of the puzzle of coping successfully with growth.

I want to clarify exactly what this bill does and explain why we think it's the best alternative available among the bills with similar concepts.

***Senate Bill 366 is a very moderate, reasonable piece of addressing our school facilities needs.*** And it's very simple. It is a "local option" approach. SB 366 allows local school boards to pass a reasonable fee on new homes. The county collects this fee, then puts the money into the school district's capital account. School districts determine the level of fee, up to the level of the cap by creating a growth impact statement that documents the relationship between the new residential development and the cost of needed improvements and growth of the local schools. Developers of affordable housing are exempted from assessment of impact fees.

Passing Senate Bill 366 will move Oregon in line with 11 other states (including California and Washington) that have school impact fees and use them sensibly. Furthermore, this bill will end Oregon's current situation of having only 1 mechanism, local bonds, to pay for school facilities.

No individual bill will provide a silver bullet solution to our school facilities problems—Impact Fees are no exception. However, they are one piece of a functional system, and

they provide a predictable, reasonable source of revenue that enables local school districts to better plan for and address their local facilities needs. And impact fees are a legitimate way for developers to pay a fair share of additional costs that their developments bring to a local community. For example, over the past 15 years, Vancouver, Washington successfully passed over \$500 million in local capital construction/remodeling bond levies to totally rebuild their World War II-era facilities. That was due to great leadership; but it was also significantly enhanced by impact fees, removing some of the burden from the local taxpayers. I observed first hand a strong sense of partnership among Vancouver developers, the school district and the broader community in meeting the needs brought by dramatic growth.

***Senate Bill 366 is not a “giveaway” to local school districts. It requires accountability.***

First, a local district must document the need they face, prepare a plan, and conduct a public hearing to get citizen input on the plan and the proposed fee. And the Bill requires the district to report annually to the public and Secretary of State on how they spend the impact fee money. Finally, it requires using impact fee dollars for capital improvements only.

***A Capped School Impact Fee is the most sensible alternative on the table.*** The capped School Impact Fee in SB 366 is the best mechanism to allow local school districts to offset the cost of growth. Consider the alternatives:

- House Bill 2525, Uncapped System Development Charges (SDCs) for schools: Stand for Children has four concerns with this bill: (1) SDCs will only benefit high-growth districts—leaving districts with significant population shifts that affect school capacity unaided. (2) Under an uncapped SDC, districts could make a case for a \$15,000 + fee per home, which could begin to impact affordability. (3) The Oregon Home Builders Association has indicated a willingness to put any uncapped fee on the ballot and run a vigorous campaign to defeat it. (4) We have been counting, and this approach does not have the necessary votes to pass on the Senate floor.
- Senate Bill 45, Capped Parks-Schools Systems Development Charge (There is also a House Bill that creates a Capped Parks-Schools Impact Fee): Any parks-schools combination faces unresolved implementation challenges because parks districts and school districts do not neatly overlap. The Salem-Keizer school district, for example, overlaps four distinct parks districts with different existing SDCs. Many communities that currently see parks and schools working together to plan joint facilities may see a disintegration in that relationship when forced to compete for the same pool of money. It's just bad public policy. Beyond these practical challenges, any effort to combine parks with schools and cap parks will face fierce opposition from parks advocates and localities that currently utilize their parks SDC to build healthy communities. This bill also lacks the votes to pass on the Senate Floor.

It's long overdue to establish Oregon policy that clearly recognizes our public school facilities as a critical part of our communities' and State's infrastructure. Senate Bill 366 makes a very important step in that direction by providing a reasonable and accountable model to help support the costs of growth. The Bill is a conservative approach to finally asking developers to bear a small and fair share of the school facilities costs of growth. It is good and needed public policy. We encourage your strong support and leadership in passing this bill.

We do recommend two minor adjustments to the current draft of the bill. Both are in Section 2:

**(5) An impact fee collected pursuant to this section may not exceed \$6,500 \$4,000 per new lot or parcel, plus an amount not to exceed one percent of the impact fee to recover the administrative costs of the county recording officer to assess and collect the impact fee, but the school district may annually adjust the impact fee based on the higher of:**

**(9) The county recording officer:**

**(a) Shall assess and collect the impact fee ~~before recording a subdivision or partition plat pursuant to ORS 92.120~~ at the time the land is permitted;**

Thank you.

**Questions you should be prepared to answer**

Won't another fee on homes increase already un-affordable home prices?

What do you think about charging this fee when the home is occupied, rather than at the permitting stage? This way the Homebuilder won't have to carry debt on so many fees.

Wouldn't having a parks-schools cap encourage parks & schools to do more joint planning and build more joint facilities?

Isn't this more work for cities & counties? How can we expect them to collect the fees?

Why don't we just tax every new baby that's born—they're the ones really having the impact on school capacity?

Isn't this unfairly penalizing elderly people who move into new homes?



**Stand for Children**  
Grassroots Solutions. Lasting Change.

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**Testimony to Senate Revenue Committee  
Regarding Senate Bill 366:  
Capped Impact Fees for Schools**

Tom Olson, Stand for Children Volunteer  
Canby, Oregon  
Friday, March 2<sup>nd</sup>, 2007

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