

AGENDA

CANBY CITY COUNCIL MEETING

May 3, 2006, 7:30 P.M.

Council Chambers

155 NW 2nd Avenue

Mayor Melody Thompson

Council President Teresa Blackwell

Councilor Randy Carson

Councilor Walt Daniels

Councilor Roger Harris

Councilor Tony Helbling

Councilor Wayne Oliver

CITY COUNCIL MEETING

1. CALL TO ORDER

A. Pledge of Allegiance and Moment of Silence

B. Presentation of Hometown Hero Award

C. Poppy Days in Canby Proclamation

Pg. 1

D. Canby Community Month Proclamation

Pg. 2

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 \$ 220,811.41

B. Approval of Minutes of the April 17, 2006 City Council Work Session

C. Approval of Minutes of the April 19, 2006 City Council Work Session, Regular Meeting, and Executive Session

D. La Salsa Mexican Food LLC Change of Ownership Liquor License

Pg. 3

7. RESOLUTIONS & ORDINANCES

A. Res. 920, Declaring the Need to Acquire Property for the Purpose of Establishing, Laying Out, Extending, and Widening city Streets, for that Project Commonly Known as the Berg Parkway Extension Project **(To Be Delivered 4/28/06)**

B. Ord. 1206, Authorizing Contract with Canby Ford for Lease/Purchase of One 2006 Ford Crown Victoria for Police Interceptor (2nd Reading) Pg. 5

8. NEW BUSINESS

A. Fund Exchange Agreement with ODOT Regarding N. Ivy Street Improvements Pg. 7
B. Special Permit 06-02 (Ransom) Pg. 15

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

A. Status Report on Legacy Park

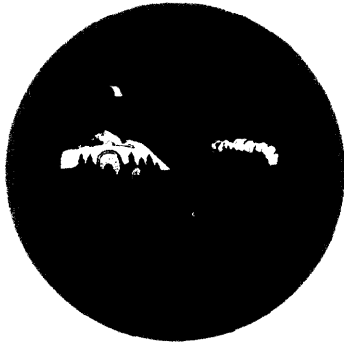
10. CITIZEN INPUT

11. ACTION REVIEW

12. EXECUTIVE SESSION: 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. City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.



OFFICE OF THE MAYOR

Proclamation

“Poppy Days in Canby”

WHEREAS, the American Legion Auxiliary adopted the poppy as its memorial flower which pays tribute to the war dead and serves as a source of aid to surviving veterans and their families; and

WHEREAS, the contributions provided by the American Legion Auxiliary are put to good use in support of the children and youth of the Canby community and toward the rehabilitation and care of veterans; and

WHEREAS, the work of the American Legion Auxiliary through the annual sale of poppies is a proper and fitting tribute to the acts of patriotism and courage made by our nation’s veterans in time of national need.

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim the month of May 2006 as

Poppy Month

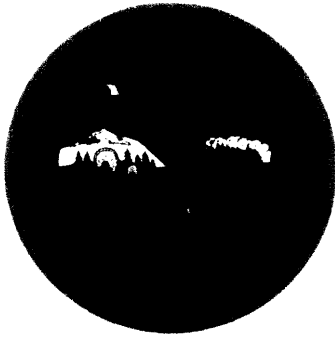
and I do further proclaim the week of May 24 through May 28, 2006 as

Poppy Days in the City of Canby

and urge all citizens of the City of Canby to proudly remember the sacrifices made by the members of our Armed Forces by contributing to the American Legion Auxiliary during the month of May 2006 in support of their service to our country’s veterans.

Given unto my hand this 3rd day of May, 2006.

Melody Thompson
Mayor



Office of the Mayor
Proclamation

“Canby Community Month”

WHEREAS, the students of Ackerman Middle School and Canby High School “think globally, but act locally, to create foster a greater sense of community in Canby;” and

WHEREAS, all Students at these schools, and all schools in our community, should be made to feel safe, secure, happy and engaged in their community; and

WHEREAS, the students of Ackerman Middle School and Canby High School wish to set a good example for their community; and

WHEREAS, all citizens in Canby should be made to feel welcome and a part of our community.

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim the month of May as:

Canby Community Month

and urge all citizens of our community to celebrate this observance by attending the Down by the River Side enhancement project at Canby Community Park on May 20, 2006 and the Third Annual Community Festival to be held at Richard Brown Performing Arts Center on Wednesday, May 31, 2006.

Given unto my hand this 3rd day of May, 2006.

Melody Thompson
Mayor

Memo

To: Mayor Thompson & Members of City Council
From: Chief Greg A. Kroeplin
CC: Kim Scheafer, General Administration
Date: April 25, 2006
Re: Liquor License Application / Ownership Change (La Salsa Mexican Food)

I have reviewed the attached liquor license application completed by the applicant, Manuel Orozco – Martinez. In addition Lt. Tro and I met with the applicant at the business (851 SW 1st) where we discussed laws involving the sale of alcoholic beverages. Mr. Orozco – Martinez told us that he would be working closely with OLCC as it relates to training for his employees on pertinent laws involving alcohol related violations and crimes. In addition he told us that he would appreciate having law enforcement coming in to do "bar checks".

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

Red go day

PD. \$75 4.21.06

3/1

RECEIVED

APR 21 2006

CITY OF CANBY

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION



PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES	ACTIONS
<input type="checkbox"/> Full On-Premises Sales (\$402.60/yr)	<input checked="" type="checkbox"/> Change Ownership
<input type="checkbox"/> Commercial Establishment	<input type="checkbox"/> New Outlet
<input type="checkbox"/> Caterer	<input type="checkbox"/> Greater Privilege
<input type="checkbox"/> Passenger Carrier	<input type="checkbox"/> Additional Privilege
<input type="checkbox"/> Other Public Location	<input checked="" type="checkbox"/> Other <u>CIA</u>
<input type="checkbox"/> Private Club	
<input checked="" type="checkbox"/> Limited On-Premises Sales (\$202.60/yr)	
<input type="checkbox"/> Off-Premises Sales (\$100/yr)	
<input type="checkbox"/> with Fuel Pumps	
<input type="checkbox"/> Brewery Public House (\$252.60)	
<input type="checkbox"/> Winery (\$250/yr)	
<input type="checkbox"/> Other: _____	

Applying as:

<input type="checkbox"/> Individuals	<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Corporation	<input checked="" type="checkbox"/> Limited Liability Company
--------------------------------------	----------------------------------------------	--------------------------------------	---------------------------------------------------------------

P29092
L42704

FOR CITY AND COUNTY USE ONLY

The city council or county commission:
Canby
(name of city or county)

recommends that this license be:
Granted ☐ Denied ☐

By: _____
(signature) (date)

Name: Melody Thompson

Title: Mayor

OLCC USE ONLY

Application Rec'd by: Steve Sander

Date: 4/10/06

90-day authority: ☐ Yes ☐ No

1. Applicant(s): [See SECTION 1 of the Guide]
Manuel Orozco-Martinez La Salsa Mexican Food LLC

2. Trade Name (dba): La Salsa Mexican Food

3. Business Location: 851 SW 15th Ave. Canby Clackamas OR 97013
(number, street, rural route) (city) (county) (state) (ZIP code)

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

5. Business Numbers: (503) 2166-9019 N/A
(phone) (fax)

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

7. If yes to whom: Manuel Orozco-Martinez Type of License: Limited On-Premises Sales

8. Former Business Name: Manuel Taqueria Alonso's

9. Will you have a manager? ☒ Yes ☐ No Name: Manuel Orozco-Martinez
(manager must fill out an individual history form)

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

11. Contact person for this application: Sherry Ruard (503) 890-7775
(name) (phone number(s))
7025 SW Gonzaga St. Tigard, OR, 97223 N/A
(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 Manuel Orozco Date 3/9/06 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

ORDINANCE NO. 1206

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CANBY FORD OF CANBY, OREGON FOR THE LEASE/PURCHASE OF ONE (1) 2006 FORD CROWN VICTORIA POLICE INTERCEPTOR FOR THE CANBY POLICE DEPARTMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby wishes to lease/purchase one (1) 2006 Ford Crown Victoria Police Interceptor with full police equipment package for the Canby Police Department; and

WHEREAS, the cost of the vehicle and equipment will be paid by the Canby Police Department which has budgeted said purchase for the fiscal year 2005-2006 budget; and

WHEREAS, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules as set forth in Ordinance No. 1170 and Resolution No. 897, three written bids were obtained for the purchase of one police interceptor vehicle as follows:

- | | |
|-------------------|--------------|
| 1. Canby Ford: | \$ 22,000.00 |
| 2. Gresham Ford: | \$ 22,360.00 |
| 3. Landmark Ford: | \$ 22,143.00 |

WHEREAS, Canby Ford of Canby, Oregon submitted the lowest quote of \$ 22,000.00 for one (1) vehicle; and

WHEREAS, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this quote, reviewed the staff report and believes it to be in the best interest of the City to purchase this vehicle from Canby Ford; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate lease/purchase contract with Canby Ford of Canby, Oregon for the lease/purchase of one (1) 2006 Ford Crown Victoria Police Interceptor for the quoted amount of \$ 22,000.00.

2nd Reading

Section 2. In so much as it is in the best interest of the citizens of the City of Canby, Oregon to provide the Police Department with this vehicle without further delay, and to better serve the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on April 19th, 2006, 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 May 3rd, 2006, 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 second and final reading by the Canby City Council at a regular meeting thereof on the 3rd day of May, 2006, by the following vote:

YEAS _____

NAYS _____

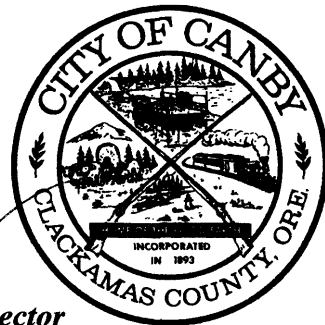
Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer,
City Recorder - Pro Tem

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MEMORANDUM



TO: *Honorable Mayor Thompson and City Council*
FROM: *John R. Williams, Community Development & Planning Director*
DATE: *April 24, 2006*
THROUGH: *Mark C. Adcock, City Administrator*

Issue: Reauthorization of 1999, 2000, 2002, 2003 ODOT Fund Exchange agreements.

Synopsis: The current agreement "reactivates" expired fund exchange agreements from four previous years to allow the City to access remaining funds for those years that will be used to pay bills for the recently completed N. Ivy Street project.

Recommendation: Staff recommends the City Council authorize the mayor to execute the 1999, 2000, 2002, and 2003 Fund Exchange agreement with the Oregon Department of Transportation.

Rationale: { Agreements were already approved by the Council for these years but we have not yet fully utilized the funds. Approval of this agreement will finish out the funds from four previous years and allow ODOT to repay the City for expenditures we have already made.

The City receives an annual allocation of funds from the federal government for road projects. For many years Canby, like most smaller cities, has exchanged this federal money for state money in order to avoid the amount of paperwork and bureaucracy required when using federal funds. Under the Fund Exchange program ODOT takes our federal money and uses it for their projects, giving us state money with far fewer strings attached. ODOT gives us 94 cents for each \$1.00 of federal money.

{ The fund exchange is a good deal for cities because the six percent lost is significantly less than the cost of environmental analyses, hiring regulations, paperwork, etc. if we used the federal money directly – since we do so few projects.

Attached: 1. 1999, 2000, 2002, 2003 Fund Exchange Agreement.

1999, 2000, 2002, 2003 FUND EXCHANGE AGREEMENT
North Ivy Street Improvement Projects

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and the City of CANBY, acting by and through its elected officials, hereinafter referred to as "Agency."

RECITALS

1. North Ivy Street is a part of the city street system under the jurisdiction and control of Agency.
2. By the authority granted in ORS 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. Agency applied for and was granted Fund Exchange funding, through annual agreements, for various street improvement projects on North Ivy Street for the years listed in this Agreement from 1996 to present. All the North Ivy Street Project improvements were completed under their respective agreements. Four of those Fund Exchange agreements have terminated prior to Agency's request for reimbursement. The effected agreements are as follows: 1999 Fund Exchange, No. 17,736, which was also amended to extend the termination date, finally terminated on February 4, 2003; 2000 Fund Exchange, No.18,673, terminated on March 21, 2003; 2002 Fund Exchange, No. 20,495, terminated April 4, 2005; and Fund Exchange, No. 20,902, terminated October 7, 2005. In order to complete the approved Fund Exchange reimbursement to the Agency for the projects in the aforementioned terminated agreements, it is necessary to have an active agreement. The Program and Funding Services Manager considers the original granted approval dates, as cited in the approvals section of this Agreement, page 6, as still active for the purpose of this.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. Agency submitted completed and signed Part 1 of the Project Prospectuses, or a similar document agreed to by State, outlining the schedule and costs associated with all phases of the Projects as listed in Recitals, paragraph 3, hereinafter referred to as "Projects".

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Agreement No. 23,239
City of Canby

2. To assist in funding the Projects, Agency has requested State to exchange Federal Funds in the following manner:

Fiscal Year	Federal Funds	Exchange Rate	State Funds Available
1999	\$58,498	94%	Agency Expended \$36,761.66 of the available State Funds total of \$54,988; the remaining balance available to Agency for 1999 is \$18,266.34
2000	\$69,430	94%	\$65,264
2002	\$71,080	94%	\$66,815
2003	\$73,112	94%	\$68,725
Total	\$272,120		\$219,070.34

Agency shall exchange a total of \$272,120 Federal Funds for State Funds at the ratios defined for the years in the above table. State shall reimburse Agency up to the total of the remaining available funds of \$219,070.34 in State Funds for eligible costs incurred.

3. State has reviewed Agency's prospectus, considered Agency's request for the Fund Exchange, and has determined that Agency's Projects are eligible for the exchange funds.
4. This Agreement shall be for two (2) years beginning on the date all required signatures are obtained and shall terminate two calendar years later on the same month and day, unless otherwise extended or renewed by formal agreement of the parties.
5. The parties agree that the exchange is subject to the following conditions:
- A. The federal funds transferred to State may be used by State at its discretion.
 - B. State dollars transferred to Agency must be used for the North Ivy Street Improvement Projects. This Fund Exchange is to provide funding for specific roadway projects and is not intended for maintenance.
 - C. State funds may be used for all phases of the Projects, including preliminary engineering, right of way, utility relocations and construction. Said use shall be consistent with the Oregon Constitution and statutes (Section 3a of Article IX Oregon Constitution). Agency shall be responsible to account for expenditure of state funds.

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- D. This Fund Exchange shall be on a reimbursement basis, with state funds limited to a maximum amount of \$219,070.34. All costs incurred in excess of the Fund Exchange amount will be the sole responsibility of Agency.
- E. State certifies at the time this Agreement is written that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation. Funds available for reimbursement on or after July 1, 2007, are contingent upon the legislatively approved budget of State.
- F. Agency shall be responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement, including but not limited to retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholding.
- G. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof; Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
- H. Agency, or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; purchase all necessary right of way in accordance with current state and federal laws and regulations; obtain all required permits; be responsible for all utility relocations; advertise for bid proposals; award all contracts; perform all construction engineering; and make all contractor payments required to complete the Projects.
- I. Agency shall compile accurate cost accounting records. Agency shall bill State in a form acceptable to State no more than once a month for costs incurred on the Projects. State will reimburse Agency at 100 percent of the billing amount not to exceed \$219,070.34. The cost records and accounts pertaining to the work covered by this Agreement shall be retained for inspection by representatives of State for a period of three (3)

years following final payment. Copies shall be made available upon request.

- J. Agency shall, upon completion of Projects, maintain and operate the Projects at its own cost and expense.
- K. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Agency shall ensure that each of its subcontractors complies with these requirements.
- L. This Agreement may be terminated by mutual written consent of both parties.
 - 1. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - 2. Either party may terminate this Agreement effective upon delivery of written notice to the other party, or at such later date as may be established by the terminating party, under any of the following conditions:
 - a. If either party fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow either party, in the exercise of their reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - b. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or either party is prohibited from paying for such work from the planned funding source.

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3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
- M. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
6. Agency shall enter into and execute this Agreement during a duly authorized session of its City Council.
7. This Agreement may be executed in several counterparts [facsimile or otherwise] all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
8. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year hereinafter written.

The funding for this Fund Exchange program was approved by the Oregon Transportation Commission as follows:

No. 17,736 on October 15, 1997, as a part of the 1998-2001 Statewide Transportation Improvement Program (STIP).

No. 18,673 on October 13, 1999, as a part of the 2000-2003 Statewide Transportation Improvement Program (STIP).

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No. 20,495 on October 13, 1999, as a part of the 2000-2003 Statewide Transportation Improvement Program (STIP).

No. 20,902 on February 13, 2002, as a part of the 2002-2005 Statewide Transportation Improvement Program (STIP).

The Program and Funding Services Manager approved these Fund Exchanges on the following dates:

No. 17,736 on October 5, 1999

No. 18,673 on September 12, 2000

No. 20,495 on June 14, 2002

No. 20,902 on May 19, 2003

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations. Day-to-day operations include those activities required to implement the biennial budget approved by the Legislature, including activities to execute a project in the Statewide Transportation Improvement Program.

SIGNATURE PAGE TO FOLLOW

Agreement No. 23,239
City of Canby

On November 10, 2004, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director delegates to the Deputy Director, Highways the authority to approve and sign agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program or in other system plans approved by the Oregon Transportation Commission such as the Traffic Safety Performance Plan, or in a line item in the biennial budget approved by the Director.

City of Canby, by and through its
elected officials

By _____
Mayor

Date _____

By _____
Recorder

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Agency Counsel

Date _____

Agency Contact:

John Williams
PO Box 930
Canby, OR 97013

STATE OF OREGON, by and through
its Department of Transportation

By _____
Deputy Director, Highways

Date _____

APPROVAL RECOMMENDED

By _____
Region 1 Manager

Date _____

By _____
Technical Services Manager/Chief Engineer

Date _____

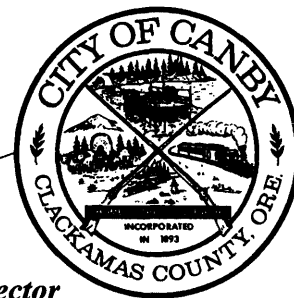
**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date _____

MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *John R. Williams, Community Development & Planning Director*
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *April 25, 2006*



Issue:

SP 06-02, a Temporary Special Permit application, would allow for the placement of a temporary dwelling on a residential lot in the Low Density Residential Zone.

Synopsis:

The Ransom family's house at 1517 N. Locust Street was recently damaged in a fire, and they are requesting approval to live on their property in a 32'x14' 5th wheel RV for 10 to 12 weeks while repairs are made. Under CMC 16.44.090, the City Council may approve a permit for up to six months in such cases.

Recommendation:

Staff recommends that the City Council ***approve SP 06-02 and authorize staff to issue a temporary permit for the proposed dwelling.*** Staff recommends issuing the permit, with the conditions recommended by the Fire District, for three months with up to three one-month extensions possible if the work takes longer than anticipated.

Background/Rationale:

The City Council is authorized to allow temporary permits in any zone under Section 16.44.090 of Canby's Municipal Code. Under this section of code no advance neighborhood notice is provided (presumably to allow for emergency situations such as this one). The Council does have to find that the use "will have no significant adverse impacts on the value or appropriate development of nearby properties." The permit can be revoked at any time by the Council upon a finding that the use "is a menace to public health or is resulting in a public nuisance."

The Ransom family has a large lot and the RV would meet all minimum setbacks. The RV would be located in the side yard behind a fence, 7 feet from the side property line and 45 feet from N. Locust Street (see attached plot plan).

As required by code, the Canby Fire District was asked to review the application. They have no objections to the request but require a temporary address for emergency service provision. Staff believes that the use will have no significant adverse impacts on the value or development of nearby properties. If any concerns do arise from the neighborhood, the Council may revoke the permit.

If the Council approves this permit, staff will send notice to neighbors within 100' of the subject property advising them of your decision.

Options:

- 1) If the council finds that this proposal will have no significant adverse on the value or appropriate development of nearby properties, the following motion would be appropriate:

I move that the City Council approve Special Permit application SP 06-02 with the recommended conditions.

These conditions are:

- a. The permit is valid for a period of three months from issuance, with three additional one-month extensions allowed based on a finding by city staff that reconstruction work on the applicant's main home is incomplete but moving forward appropriately.
 - b. Prior to issuance of the temporary permit the applicant shall sign an affidavit agreeing to cease using the RV when the hardship situation is ended or the permit expires.
 - c. The RV must meet setback requirements of the zone.
 - d. A temporary address must be installed prior to occupancy with letters that are six inches in height and contrast with their background. The address must be installed at or near the access point of the location in a manner that will assist emergency responders in quickly locating the temporary housing.
- 2) Deny the application. Staff does not recommend this option because it appears, without benefit of a public hearing, that the application meets applicable criteria.

Attachments:

Application
Site and vicinity maps
Letter from Canby Fire District

SPECIAL PERMIT APPLICATION

FEE \$100.00

OWNER

APPLICANT*

Name Kim Ransom

Name Kim Ransom

Address 1517 N Locust

Address 1517 N Locust

City Canby State OR Zip 97013

City Canby State OR Zip 97013

OWNER'S SIGNATURE [Signature]

PHONE 503-720-6123

Address 1517 N Locust St

Lot Size _____

Tax Map 31E 28 CD

Tax Lot 103

PROPERTY OWNER LIST

Attach a list of the names and addresses of the owners of properties located within 100 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2" x 11" sheet of mailing labels (1" x 2-5/8"), just as you would address an envelope.

USE OF PROPERTY

Existing House - Garden Shed

Proposed 32 Travel Trailer occupy 2 1/2 - 3 months

Existing Structures House - Garden Shed

PROJECT DISCRIPTION

Construction Due to Fire Damage

FOR CITY USE ONLY

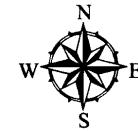
File # SP 06-02

Date Received 4-24-06 Received by CJA

Pre-App Meeting _____

* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making this application.

Special Permit 06-02 Vicinity Map

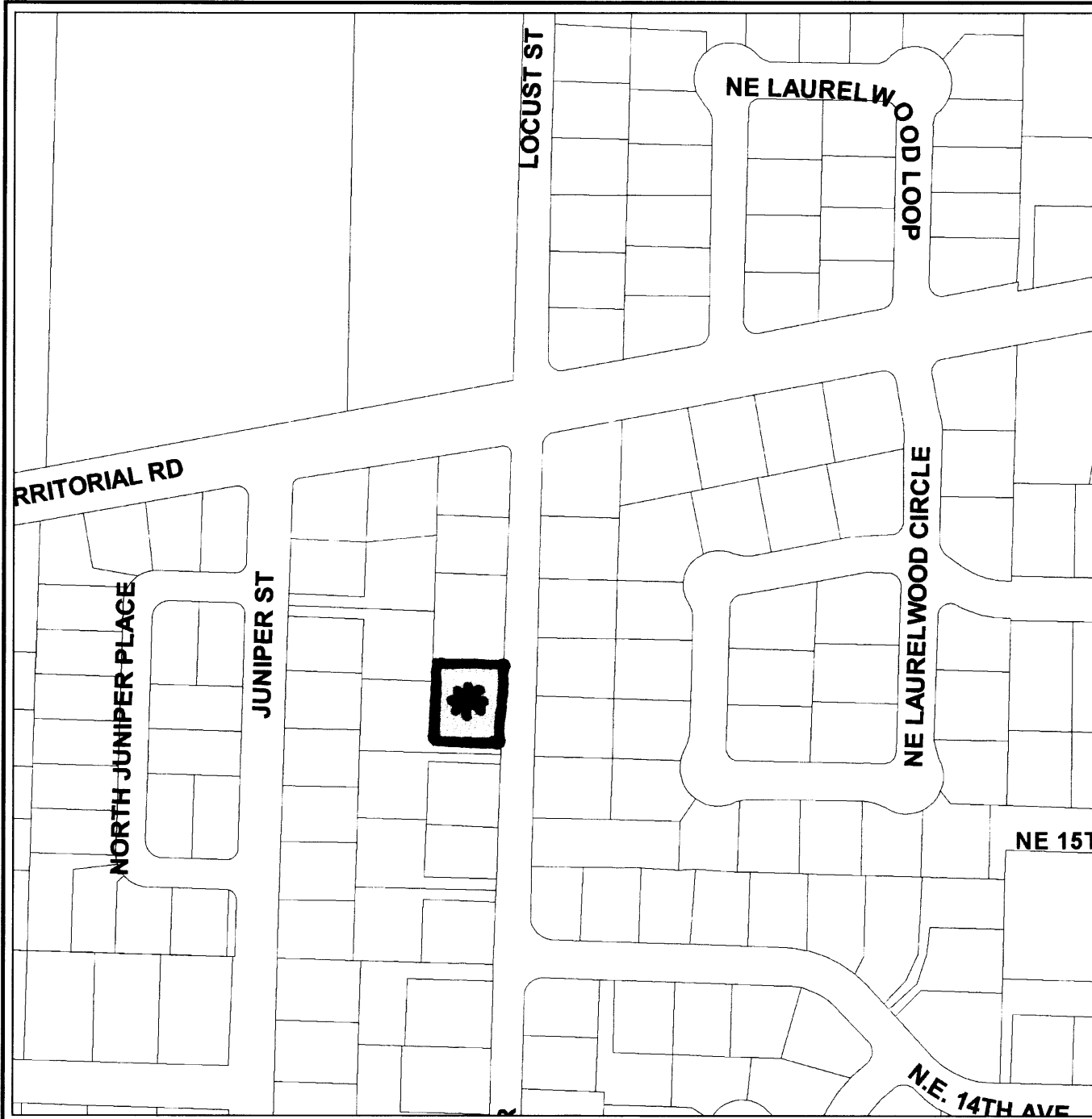


*Clackamas
County*

Geographic Information Systems
121 Library Court
Oregon City, OR 97045

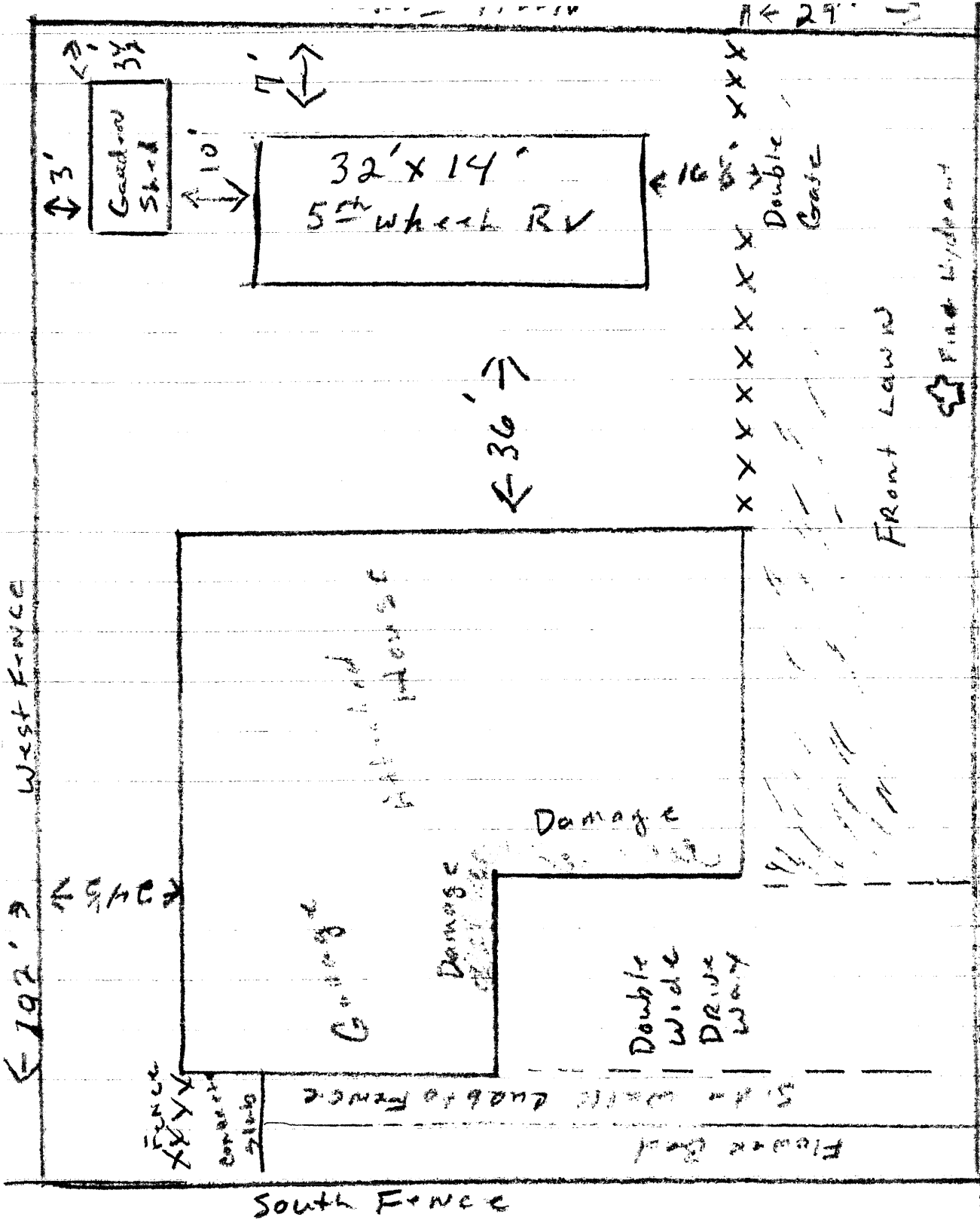
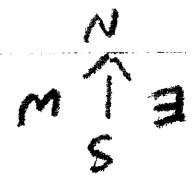
This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to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

April 26, 2006 06:00 AM



Hout RV Sales Connect
 with West Coast and others
 Running business
 Address 20 Visalia

Ramsey
 1517 N Locust
 Darby Jan 97/12





Canby Fire District

221 S. Pine Street
P.O. Box 909
Canby, OR 97013
Bus. 503-266-5851 Fax 503-266-1320

Kim Ransom
1517 N Locust
Canby, Oregon 97013

April 24, 2006

To whom it concerns,

The Ransom family suffered a tragic fire on the morning of April 20, 2006. Their home has suffered considerable damage and they will not be able to occupy the home until the necessary repairs are made.

The Fire District has been asked to review a site plan which would allow a 5th wheel trailer to be placed on the side-yard of the property to serve as a temporary residence during the construction process.

The Fire District has no objections to this request, however requires that a temporary address with letters that are 6 inches in height and contrast with the background be installed. The address must be installed at or near the access point of the location in a manner that will assist emergency responders in quickly locating the temporary housing.

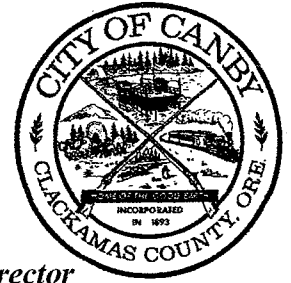
If we can be of any other assistance please do not hesitate contacting myself, or Deputy Fire Marshal Todd Gary.

Respectfully,

A handwritten signature in cursive script, reading "Troy A Buzalsky".

Troy A Buzalsky
Fire Marshal
Canby Fire District #62

MEMORANDUM



TO: *Honorable Mayor Thompson and City Council*
FROM: *John R. Williams, Community Development & Planning Director*
John Kelley, City Attorney
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *May 1, 2006*

Issue: Resolution 920, regarding right-of-way on S. Berg Parkway.

Synopsis: The City has been working to acquire right-of-way to allow the S. Berg Parkway project to move forward. Resolution 920 makes a declaration that certain property is needed for public purposes, and would be the first step towards acquisition of the property through condemnation, should that step be needed. Staff is presenting this resolution as directed by the Council.

Recommendation: Following Council's prior direction, staff recommends that the City Council approve Resolution 920.

Background: Resolution 920 indicates the Council's finding that property along S. Berg Parkway is "needed and required." The resolution directs staff to attempt to come to agreement with the owners of the property on acquisition or move forward with necessary steps towards public ownership of the property.

The Berg Parkway project is being funded by a \$1.23 million grant from the State of Oregon. The remainder of the project comes from local funds, divided between Urban Renewal and Transportation System Development revenues.

Options: 1. Do not approve Resolution 920 and continue with negotiations. Staff did not recommend this option because the City Council has directed staff to prepare this resolution.

Attached: Resolution 920 with attachments.

RESOLUTION NO. 920

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY, OREGON, DECLARING THE NEED TO ACQUIRE PROPERTY FOR THE PURPOSE OF ESTABLISHING, LAYING OUT, EXTENDING, AND WIDENING CITY STREETS, FOR THAT PROJECT COMMONLY KNOWN AS THE BERG PARKWAY EXTENSION PROJECT

WHEREAS, Section 1 of Chapter IX of the Canby City Charter grants the City authority to acquire land for public purposes; and

WHEREAS, the City of Canby is authorized by state statute as follows:

To appropriate any private real property to any public or municipal use or for the general benefit and use of the people of the city, ORS 223.005;

To direct proceedings to be taken under the general laws of this state to procure private property for the purpose of establishing, laying out, extending or widening streets, or other public highways in places within the city, ORS 223.105; and,

To purchase, acquire, enter upon and appropriate, in or in connection with establishing, laying out, widening, enlarging or extending roads, streets or highways, land and property immediately adjoining the proposed boundaries of such roads, streets or highways, ORS 35.605, and

WHEREAS, for the public purposes of establishing, maintaining, improving, and widening certain City streets for the health, safety, benefit, and general welfare of the public, the City Council has deemed necessary the acquisition of certain property for that project commonly known as the Berg Parkway Extension Project;

NOW, THEREFORE, BE IT RESOLVED that:

Section 1: The City of Canby City Council does hereby find and declare that there is needed and required to establish, maintain, improve and widen certain City streets, the following property interests: those sections of the property located at 1144 SW Berg Parkway, TL 4 1E 04B 00900 as shown on attached Exhibit "A".

Section 2: The Property is required and is being taken as necessary in the public interest and the improvements to the Property will be planned, designed, located, and constructed in a manner that will be most compatible with the greatest public benefit and the least private injury.

Section 3: The Canby City Administrator, or his designee, is authorized to attempt to agree with the owners and other persons in interest in the Property as to the compensation to be paid for its appropriation, and, in the event that no satisfactory agreement can be reached, proceedings as may be necessary to possess and acquire the Property are authorized to the extent provided by law.

This Resolution shall take effect on May 3, 2006.

Adopted this 3rd day of May 2006, by the Canby City Council.

Melody Thompson
Mayor

ATTEST:

Kimberly Scheafer
City Recorder Pro Tem

[illegible]