

# **AGENDA**

## **CANBY CITY COUNCIL MEETING**

**November 1, 2006, 7:30 P.M.**

**Council Chambers**

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

***Mayor Melody Thompson***

***Council President Teresa Blackwell***

***Councilor Randy Carson***

***Councilor Walt Daniels***

***Councilor Roger Harris***

***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 a proposed reorganization of city functions.

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## **CITY COUNCIL MEETING**

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

- A. Pledge of Allegiance and Moment of Silence
- B. Presentation by Canby Livability Coalition

### **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 \$214,896.90
- B. Approval of Minutes of the October 11, 2006 City Council Special Meeting
- C. Approval of Minutes of the October 18, 2006 City Council Work Session and Regular Meeting

7. **OLD BUSINESS**
  - A. Findings, Conclusion & Final Order ZC 06-02 Pg. 1
8. **RESOLUTIONS & ORDINANCES**
  - A. Ord. 1225, Amending the Zoning Map of the City of Canby, Clackamas County, Oregon for Tax Lots 804 and 800 of Tax Map 3-1E-33DA and Tax Lot 500 of Tax Map 3-1E-34C (2<sup>nd</sup> Reading) Pg. 4
9. **NEW BUSINESS**
  - A. Conversion of Part-Time Parks Department Position to Full-Time Pg. 6
  - B. Wait Park Sidewalk Repair Pg. 7
10. **CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**
11. **CITIZEN INPUT**
12. **ACTION REVIEW**
13. **EXECUTIVE SESSION: ORS 192.660(2)(a) Employment of Public Officer and ORS 192.660(2)(h) Pending Litigation**
14. **ADJOURN**

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

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

<b>A REQUEST TO CHANGE THE ZONING ) FROM LOW DENSITY RESIDENTIAL ) TO MATCH THE CANBY ) COMPREHENSIVE PLAN ZONING )</b>	<b>FINDINGS, CONCLUSION &amp; FINAL ORDER ZC 06-02</b>
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**NATURE OF APPLICATION**

The applicants are seeking to change the zoning for three separate parcels, all currently zoned R-1, Low Density Residential. The zone change would be from the current R-1 zoning district to Comprehensive Plan designation for the properties, which breaks down as follows:

- 221 S. Pine, owned by the Canby Fire Dist. would change to C-2, Highway Commercial.
- 883 SE 1<sup>st</sup> Ave., owned by Ray Hellhake would change to C-2, Highway Commercial; this property is currently split zoned and the portion fronting Highway 99E is already zoned C-2 and contains a Space Age service station.
- 254 S Pine, owned by Greg Page would change to M-1, Light Industrial.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting of June 26, 2006. The City Council held a public hearing and considered this application at its meeting of October 18, 2006.

**CRITERIA AND STANDARDS**

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

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

## **FINDINGS AND REASONS**

After holding a public hearing and considering the June 11, 2006 staff report, the Planning Commission's record, and subsequent supplemental testimony and evidence submitted to the record, the City Council deliberated and reached a decision on October 18, 2006 to approve the applicant's request for zone change. The City Council found that the applicant's request is in compliance with the Comprehensive Plan of the City of Canby and the Council adopted the findings and conclusions contained in the July 10, 2006 Planning Commission Findings insofar as they do not conflict with the following City Council findings:

***Finding:*** *The City Council finds that the following conditions of approval adequately address concerns surrounding future impacts to the surrounding road system; in particular the future functioning of the intersection of Pine Street and Highway 99E:*

***Condition #1:*** *The proposed zone change is approved provided that any change in the intensity or use of the affected properties is reviewed with the benefit of a thorough traffic study addressing all ODOT and City concerns raised at the time of the proposed change in use and/or intensity. Further, any mitigation recommended as a result of the outcome of a traffic study shall be made a condition of any approval. The requirement for a traffic study may be waived only if deemed unnecessary by the City and ODOT.*

***Condition #2:*** *Tax Lot 804 shall continue to be used for the provision of fire and other emergency services. Private retail and commercial uses will not be allowed on Tax Lot 804, until such time appropriate mitigation is applied to the intersection of South Pine Street and Highway 99E as required by way of the approval of any future Modification application. A Modification application will require new findings addressing the Transportation Planning Rule at the time of application.*

***Finding:*** *This application is in compliance with all elements of the Comprehensive Plan of the City, including Policy 6 of the Land Use Element, and the plans and policies of the County, state and local districts.*

***Finding:*** *All required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation. This finding is based upon expectation of no undue impacts to the local road system as referred to in Finding 1.*

## **DECISION**

**THE CITY COUNCIL** of the City of Canby hereby approves **ZC 06-02**.

**ORDER**

**I CERTIFY THAT THIS ORDER** approving **ZC 06-02** was presented to and **APPROVED** by the Canby City Council.

DATED this 1<sup>st</sup> day of November, 2006.

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Melody Thompson, Mayor  
Canby City Council

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Kevin C. Cook  
Associate Planner

**ATTEST:**

**ORAL DECISION – October 18, 2006**

AYES: Blackwell, Oliver, Harris, Daniels, Carson, Thompson

NOES:

ABSTAIN:

ABSENT: Helbling

**WRITTEN FINDINGS – November 1, 2006**

AYES:

NOES:

ABSTAIN:

ABSENT:

## **ORDINANCE NO. 1225**

### **AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOTS 804 AND 800 OF TAX MAP 3-1E-33DA AND TAX LOT 500 OF TAX MAP 3-1E-34C.**

**WHEREAS**, an application was filed with the City by the Canby Fire District, Ray Hellhake, and Greg Page to change the zoning of a single 1.98 acre parcel known as Tax Lot 804 of tax map 3-1E-33DA from Low Density Residential (R-1) to Highway Commercial (C-2), a 1.64 acre parcel known as Tax Lot 800 of tax map 3-1E-33DA from Low Density Residential (R-1) to Highway Commercial (C-2), a single 0.59 acre parcel known as Tax Lot 500 of tax map 3-1E-34C from Low Density Residential (R-1) to Light Industrial (M-1); and

**WHEREAS**, a public hearing was conducted by the Canby Planning Commission on June 26, 2006 after public notices were mailed, posted and printed in the Canby Herald, as required by law; and

**WHEREAS**, the Canby Planning Commission heard and considered public testimony regarding the proposed zone change at the public hearing. At the conclusion of the public hearing, the Planning Commission voted 4-0 to recommend that the City Council approve the application provided that the final traffic study prepared by Lancaster Engineering will not identify any insurmountable burden(s) to the local road system. The Findings, Conclusions and Order was approved by the Planning Commission and forwarded to the Council with its recommendation; and

**WHEREAS**, the Canby City Council considered the matter and the recommendation of the Planning Commission including the Lancaster Engineering traffic study dated September 27, 2006 at a regular meeting on October 18, 2006; and

**WHEREAS**, the Canby City Council, after the staff report and review of the record, voted to accept the Planning Commission's recommendation; and

**WHEREAS**, the Canby City Council adopts a condition of approval, which states, "Any change in the intensity or use of the affected properties shall be reviewed with the benefit of a thorough traffic study addressing all ODOT and City concerns raised at the time of the proposed change in use and/or intensity. Further, any mitigation recommended as a result of outcome of a traffic study shall be made a condition of any approval prior to the issuance of a building permit. The requirement for a traffic study may be waived only if deemed unnecessary by the City and ODOT."; and

**WHEREAS**, the Canby City Council adopts a condition of approval, which states, "Development on Tax Lot 804 shall be limited to public fire and emergency service facilities. Private retail and commercial uses shall not be allowed on Tax Lot 804 unless an application to modify this condition is approved by the City. A modification application will require new information to demonstrate compliance with the state Transportation Planning Rule, OAR 660-12-060.

**NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. Tax lot 804 of tax map 3-1E-33DA is rezoned from Low Density Residential (R-1) to Highway Commercial (C-2) as called for in Canby's Comprehensive Plan.

Section 2. Tax lot 800 of tax map 3-1E-33DA is rezoned from Low Density Residential (R-1) to Highway Commercial (C-2) as called for in Canby's Comprehensive Plan.

Section 3. Tax lot 500 of tax map 3-1E-34C is rezoned from Low Density Residential (R-1) to Light Industrial (M-1) as called for in Canby's Comprehensive Plan.

Section 4. The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the City's zoning map in accordance with the dictates of Sections 1, 2, and 3 of this Ordinance.

**SUBMITTED** to the Council and read the first time at a regular meeting thereof on October 18, 2006, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days, as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on November 1, 2006, commencing after the hour of 7:30 p.m., at the Council's regular meeting chambers at the Canby City Hall in Canby, Oregon.

**ENACTED** on the second and final reading by the Canby City Council at a regular meeting thereof on November 1, 2006 by the following vote:

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

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

ATTEST:

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

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**DATE: October 23, 2006**

**MEMO TO: Honorable Mayor Thompson and City Councilors**

**FROM: Beth Saul, Library and Parks Director**

**RE: Park staffing request**

**Issue:**

At the October 18, 2006 work session with Council staff presented information about increasing usage of parks, and as part of the presentation the suggestion was made to convert one parks part time position to full time. This would give the Parks Department four full time workers and add stability that has not been found with more part time workers.

**Recommendation:**

***Staff recommends that the City Council approve the creation of the additional f/t position by motion and to make such changes to the Parks Budget as necessary to reflect the addition of the f/t position.***

**Background:**

Budget constraints over the past six years have curtailed the City's ability to fund park maintenance workers, and in response the emphasis has been to hire seasonal and part time workers. However, these seasonal and part time workers have proven to be transitory, and several have been trained in Canby only to leave for full time jobs in other nearby agencies. In addition. The Parks Maintenance Supervisor must spend the same amount of time to recruit and train these workers as for full time workers but for only three to four months of work. Meanwhile, the number of acres to be maintained continues to rise along with usage and the associated wear and tear.

Although the City budget is still very frugal, and although it will not likely be possible to convert all parks maintenance positions to full time positions and still be able to cover the work load during the high maintenance months, the conversion of one part time position to full time will at least improve stability and, hopefully, retention. The position being converted is one that is already funded as .75 FTE.

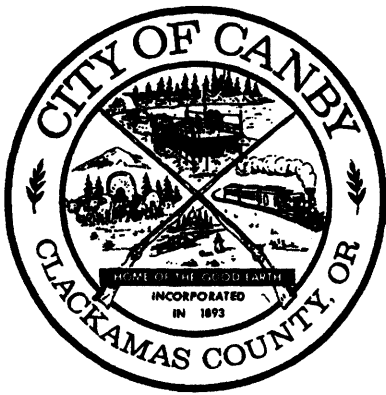
**Fiscal impact:**

The position recommended for conversion to full time is already funded as .75 FTE, and the funds budgeted in the Parks Department fund are sufficient to cover the conversion to full time while still leaving some funding for some seasonal help.

*No add'l funds  
required*  
*MA*

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THIS HAS BEEN REVIEWED  
BY THE FINANCE DIRECTOR  
*Chauvin Seignior 10-23-06*





# City of Canby

Office of the City Administrator  
Phone 503-266-4021

*See  
11-1-06  
Agenda -  
Discussion*

4 October 2006

## Memorandum for the Mayor & City Council

From: Mark C. Adcock  
Subject: Repair Estimate for Wait Park Sidewalks

The City recently received a tort claim notice regarding a trip and fall incident occurring on 4 July 2006 on City owned sidewalk bordering Wait Park. In light of this tort claim notice, the mayor contacted Beth Saul and asked her to obtain an estimate of what it would cost to repair damaged and heaved sidewalk segments around the park.

That estimate was received, forwarded to me and I have attached it to this memorandum in response to the Mayor's request.

*Mark C. Adcock*

Attachment

# **EXTERIOR MOTIVES, INC.**

P.O. Box 694 Wilsonville OR. 97070 Tel: 503 849 5585 CCB 62224

29 SEP 06

City of Canby  
ATTN: Jeff Snyder, Park Maintenance Supervisor  
P.O. Box 930  
Canby, OR 97013

Re: Wait Park concrete sidewalk repair.

Proposal number 06-1198

Mr. Snyder,

We are pleased to offer this proposal for the sidewalk repair work currently under consideration at Wait Park. Estimated time required to complete this project is 5 to 6 days. Please feel free to call me should you have any questions at all. Thank you for considering our proposal.

**Proposal cost estimate:**

Proposal cost estimate: *3<sup>rd</sup> Ave. sidewalk repairs only*

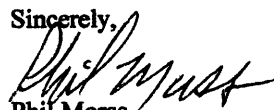
Terms: Balance due upon completion

**Scope of work:**

- Remove and replace approx. 615 sq. ft. of damaged sidewalk sections.
- Remove and dispose only approx. 144 sq. ft. of damaged sidewalk sections.
- Grind flush approx. 100 lf. of uneven sidewalk edges.
- Dispose of all concrete demolition.
- Provide safety barricades around work areas for duration of project.

Please note; If additional concrete grinding is required beyond the proposed 100 lf., the unit cost for that task is \$4.00 per lf.

Sincerely,



Phil Morss  
President

**\$6963.50**

**\$3600.00**

*\$10,563.50*