

# CANBY CITY COUNCIL

## Regular Session

December 3, 2003

### AGENDA – 7:30 PM – Council Chambers

1. OPENING CEREMONIES:
  - A. Call to Order, Flag Salute
2. PROCLAMATIONS:
  - A. Certification of November 4, 2003 Measure 3-110
  - B. Certification of November 4, 2003 Measure 3-111
  - C. Certification of November 4, 2003 Measure 3-112
  - D. Certification of November 4, 2003 Measure 3-113
  - E. Certification of November 4, 2003 Measure 3-116
3. CITIZEN INPUT ON NON-AGENDA ITEMS:
4. CONSENT AGENDA:  
Minutes – Workshop, November 17, 2003  
Minutes – Regular Meeting, November 19, 2003  
Minutes – Workshop, November 24, 2003  
Accounts Payable - \$299,273.39
5. COMMUNICATIONS:
6. PUBLIC HEARING:
  - A. ZC 03-03 Zoar Lutheran Church
7. NEW BUSINESS:
  - A. New Liquor License Application for Wild Hare Saloon
8. UNFINISHED BUSINESS:
9. RESOLUTIONS & ORDINANCES:
  - A. Res. 846, Amending Resolution 567 and 741 Establishing Traffic Safety Commission
  - B. Ord. 1128, Authorizing the Purchase of a Solid Waste Spreader Box and Installation of the Spreader Box and P.T.O. Kit for the City of Canby WWTP (2<sup>nd</sup> Reading)
  - C. Ord. 1129, Change Order for Sequoia Parkway
  - D. Ord. 1130, Awarding Contract for Engineering Services Sequoia Parkway
  - E. Ord. 1131, Authorizing Contract with CPW for Development of Willamette Wayside Properties Master Plan
  - F. Ord. 1132, Amending Zoning Map
10. MANAGER'S REPORT:
11. CITIZEN INPUT:
12. COUNCILORS' ISSUES:
13. ACTION REVIEW:
14. EXECUTIVE SESSION: ORS 192.660 (1)(h) pending litigation
15. ADJOURN:

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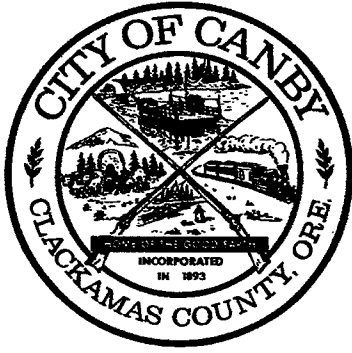
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*\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233.*



# ***City Council FYI Update***

To: Mayor Thompson & City Council  
Date: 25 November 2003

Note: There is a work shop of the Urban Renewal Agency to discuss Hazeldell Road scheduled for December 3, prior to the Council meeting. There will be an announcement and agenda sent out to you under separate cover.

The Council meeting for December 3 has a relatively light agenda.

**1. Various Proclamations Certifying Election Results - Annexations:**

Attached are four proclamations certifying the results of the November 4, 2003 election. Each annexation ballot measure has a separate proclamation and must be read into the record by the Mayor. No vote of approval by the Council is required.

**2. Public Hearing Re: Request for Zone Change (ZC 03-03) Zoar**

**Lutheran Church:** Attached is a staff report prepared by Darren Nichols on this item. The requested change is for the zoning designation of Tax Lot 6600 is from High Density Residential to Highway Commercial. The matter has been heard by the Planning Commission and they are recommending approval. Should, after receipt of public testimony, the Council concurs with the Planning Commission, you should approve the companion ordinance - Ordinance 1132. The staff report, Planning Commission minutes and exhibits are attached for your review.

**3. Liquor License Application for Wild Hare Saloon:** Chief Pagano has prepared the attached staff report wherein he recommends that the Council recommend approval of this application to the Oregon Liquor Control Commission. The establishment is presently operating under a temporary liquor license.

ORDINANCES & RESOLUTIONS

**4. Resolution 846 - Amending Earlier Resolutions Establishing the Traffic Safety Commission:**

The Traffic safety Commission, along with the City Attorney and Mayor have been working jointly to make changes to certain provisions of the resolution which establishes the Commission and sets forth their area of responsibility, etc. Attached is a staff report prepared by John Kelley before he left for vacation. John will be back in the office on Monday, December 1. I will ask him to prepare and send out to you a supplement to his staff report that clearly identifies the specific changes being proposed in the Resolution 846.

**5. Ordinance 1128 - Authorizing the Purchase of Solid Waste Spreader:**

This item is before you for second reading.

**6. Ordinance 1129 - Change Order for Sequoia Parkway** This change order is being requested by the City Engineer, Curt McLeod. It calls for a contract change in the amount of \$63,860 to the project cost. The great bulk of the Change Order (\$61,640) was made necessary by the contractor encountering a much larger amount of rock than originally anticipated. The City Engineer's report states that this change order can be accommodated by the amount set aside for contingency and once funded will leave \$66,000 in contingency. Curt McLeod and John Williams will be on hand to answer any questions you may have specifically to the Change Order and this project.

**7. Ordinance 1130 - Award of Engineering Services for Next Phase of Sequoia Parkway Construction:** This ordinance provides for securing engineering services for the construction of Sequoia Parkway /4th Avenue (stage 3). The amount of the engineering contract is \$41,650. John Williams' staff report is attached along with the ordinance.

**8. Ordinance 1131 - Contract with Community Planning Workshop (CPW) for Development of Willamette Wayside Properties Master Plan:** This ordinance provides for securing the professional service of Community Planning Workshop to develop the Master Plan for the above captioned properties. Attached is a staff report prepared by Beth Saul which provides you with the background of the project as well as the Scope of Work to be covered in the contract itself. The amount is \$35,376 and those funds are available in the Park Development Fund.

As of this writing, we have not received the actual contract document to attached to Beth's report. We anticipate receiving that soon. In light of the short work

week due to the holidays, John Kelley will not have an opportunity to review the contract until early next week. If that review has not taken place by City Council meeting time, I will ask that the item be pulled and moved to the next Council meeting in December. We have listed the item for December 3 in anticipation of receiving the contract in the next few days.

**9. Ordinance 1132 - Zone Change ZC 03-03:** Refer to FYI item #2.

**10. Manager's Report:** Beth Saul will be providing the Council with a verbal report on the status of the 13<sup>th</sup> Avenue park project.

**11. Executive Session:** None at this time

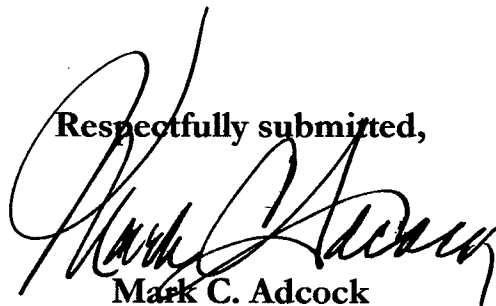
**MISCELLANEOUS NON-AGENDA ITEMS:**

**12. Memorandum from John Williams Re: Willamette County Club:**

Attached is a memorandum from John Williams regarding the possible sale of the Willamette Country Club for the development of residential properties and related potential zoning issues.

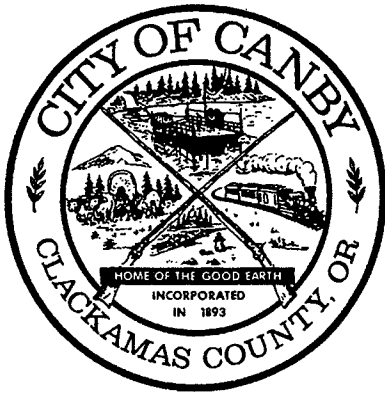
**13. Proposed Community Festival:** Attached is an email from Tony Crawford regarding a proposed Community Festival scheduled for May 13, 2004. Mr. Crawford is requesting a proclamation in support of this festival.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark C. Adcock', is written over the typed name.

Mark C. Adcock

**Attachments**



# City of Canby

General Administration Office

## PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Special Election on November 4, 2003, to consider the following measure:

### MEASURE NO. 3-110

**Shall 9.7 acres located South of SE 13<sup>th</sup> Avenue and East of S. Ivy be annexed into Canby?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on November 4, 2003.

**YES - 1,209**

**NO - 1,738**

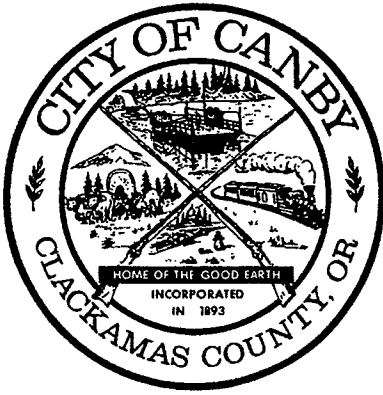
**Blank - 53**

**Overvotes - 7**

**NOW, THEREFORE**, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 18, 2003.

Dated this 3<sup>rd</sup> day of December, 2003.

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



# City of Canby

General Administration Office

## PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Special Election on November 4, 2003, to consider the following measure:

### MEASURE NO. 3-111

**Shall .92 acres located East of North Redwood Street South of NE 19<sup>th</sup> Loop be annexed into Canby?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on November 4, 2003.

**YES – 1,216**

**NO – 1,736**

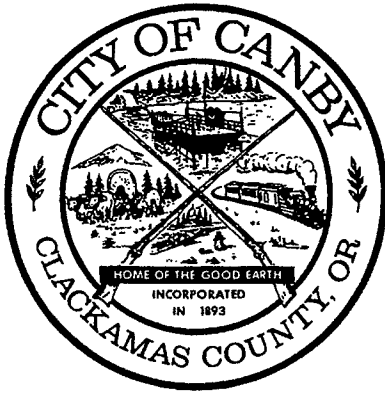
**Blank - 51**

**Overvotes - 4**

**NOW, THEREFORE**, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 18, 2003.

Dated this 3<sup>rd</sup> day of December, 2003.

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



# City of Canby

General Administration Office

## PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Special Election on November 4, 2003, to consider the following measure:

### MEASURE NO. 3-112

**Shall 40.54 acres located South of SE 17<sup>th</sup> Avenue and East of S. Ivy be annexed into Canby?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on November 4, 2003.

**YES - 1,026**

**NO - 1,857**

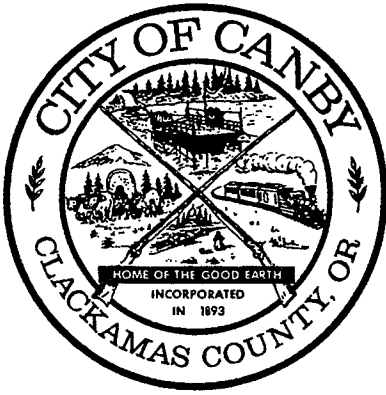
**Blank - 120**

**Overvotes - 4**

**NOW, THEREFORE**, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 18, 2003.

Dated this 3<sup>rd</sup> day of December, 2003.

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



# City of Canby

General Administration Office

## PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Special Election on November 4, 2003, to consider the following measure:

### MEASURE NO. 3-113

**Shall 4.6 acres located East of N. Redwood Street across from NE 12<sup>th</sup> Avenue be annexed into Canby?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on November 4, 2003.

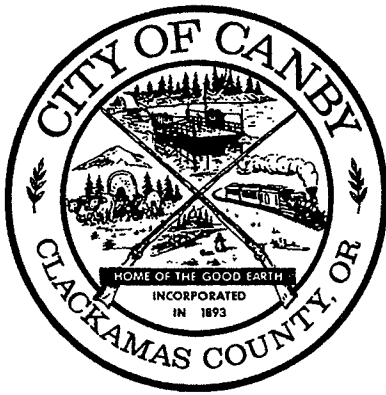
**YES - 1,036**  
**NO - 1,776**  
**Blank - 194**  
**Overvotes - 1**

**NOW, THEREFORE**, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 18, 2003.

Dated this 3<sup>rd</sup> day of December, 2003.

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





# City of Canby

General Administration Office

## PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Special Election on November 4, 2003, to consider the following measure:

### MEASURE NO. 3-116

**Shall 1.65 acres located South of NE Territorial Road and East of N. Oak Street be annexed into Canby?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on November 4, 2003.

**YES - 1,128**  
**NO - 1,556**  
**Blank - 323**  
**Overvotes - 0**

**NOW, THEREFORE**, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 18, 2003.

Dated this 3<sup>rd</sup> day of December, 2003.

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

**Statement of Vote - Clackamas County Special Election - November 4, 2003**  
**\*\* City of Canby - Meas. 3-110, 3-111 and 3-112 \*\***

Page Number 5.002.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	Meas. 3-110/ Canby City Annex - YES - NO	Meas. 3-110/ Canby City Annex - YES - NO	BLANKS	OVERVOTES	Meas. 3-111/ Canby City Annex - YES - NO	Meas. 3-111/ Canby City Annex - YES - NO	BLANKS	OVERVOTES	Meas. 3-112/ Canby City Annex - YES - NO	Meas. 3-112/ Canby City Annex - YES - NO	BLANKS	OVERVOTES
CONSOL PREC NO 122	1961	763	38.9%	364	385	13	1	364	385	14	0	343	381	39	0
CONSOL PREC NO 123	622	229	36.8%	80	147	1	1	88	140	1	0	66	157	6	0
CONSOL PREC NO 124	1787	815	45.6%	310	489	13	3	306	495	14	0	253	536	24	2
CONSOL PREC NO 125	1430	578	40.4%	248	311	17	2	255	304	16	3	198	342	36	2
CONSOL PREC NO 126	1343	622	46.3%	207	406	9	0	203	412	6	1	166	441	15	0
**** TOTALS ****	7143	3007	42.0%	1209	1738	53	7	1216	1736	51	4	1026	1857	120	4

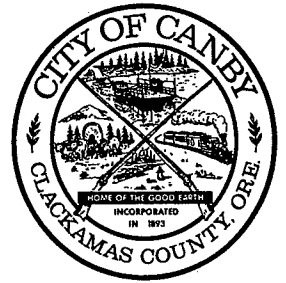
**RECEIVED**

**NOV 21 2003**

**CITY OF CANBY**

CERTIFIED COPY OF THE ORIGINAL  
 SHERRY HALL, COUNTY CLERK  
 BY: *Deborah Penney*  
 Deputy  
 NOV 18 2003





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

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

**FROM:** *Darren J. Nichols, Associate Planner*

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

**DATE:** *November 26, 2003*

**RE:** *ZC 03-03*

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Issue: **ZC 03-03**, an application to change the zoning map designation for Tax Lot 6600 of Tax Map 3-1E-33CD from High Density Residential to Highway Commercial.

Synopsis: The City Council has final approval authority on zone change applications. The Planning Commission holds a public hearing and then makes a recommendation to the Council. After holding a public hearing, the Council makes a decision on the proposed zone change. If approved, the zone change is adopted by Ordinance.

Recommendation: Staff and the Planning Commission recommend that the City Council **APPROVE ZC 03/03 by adopting Ordinance 1132.**

Rationale: The Planning Commission voted 7-0 to recommend that the City Council approve the proposed zone change. The Planning Commission finds that the application meets all requirements of the Comprehensive Plan and Land Development & Planning Ordinance. Approval of this application would allow outright expansion of the existing Zoar Lutheran Church facility on SW 3<sup>rd</sup> Avenue. The Planning Commission must review any new construction as a part of a Site and Design Review process.

Background: The Zoar Lutheran Church property consists of 1.74 acres on three individual tax lots. The subject parcel contains .87 acres zoned R-2 High Density Residential; the two additional parcels contain .68 acres and .19 acres, both zoned C-2 Highway Commercial. The proposed Zone Change would amend zoning on the .87 acre parcel from R-2 to C-2 and would provide uniform zoning for all three parcels. The Church hopes to construct a new church building and requests uniform zoning to provide consistent design standards for the new development.

One adjacent church parcel also currently contains the William O. Mack House. The Mack House is registered as an historic structure but is not located on the subject parcel and will not be affected by the requested Zone Change.

The enclosed staff report, application packet, Planning Commission findings, and approved minutes of the public hearing represent the record for this application and provide more detail for the Council's decision.

Options:

**1. Approve ZC 03-03 as proposed.** The Planning Commission recommends this course of action.

**2. Deny ZC 03-03.** This option is not recommended; the Planning Commission finds that the application meets all applicable criteria and standards.

**3. Approve ZC 03-03 with conditions.** This option is not recommended because the Planning Commission agreed to apply any needed conditions to subsequent applications for development. The zone change alone will not create any need for conditions.

Attached:

1. November 14, 2003 Staff report with exhibits
2. Planning Commission findings
3. Approved Planning Commission Minutes from the 11/24/2003 meeting

## **ORDINANCE NO. 1132**

### **AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOT 6600 OF TAX MAP 3-1E-33CD.**

**WHEREAS**, an application was filed with the City by Myron Mohr, representing Zoar Lutheran Church, to change the zoning of a single 0.87 acre parcel currently zoned high density residential; and

**WHEREAS**, a public hearing was conducted by the Canby Planning Commission on November 24, 2003 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 seven to zero to recommend that the City Council approve the application. 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 at a regular meeting on December 3, 2003; and

**WHEREAS**, the Canby City Council, after holding a public hearing, voted to accept the Planning Commission's recommendation;

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

Section 1. Tax lot 6600 of map 3-1E-33CD is rezoned to Highway Commercial as called for in Canby's Comprehensive Plan.

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

**SUBMITTED** to the Council and read the first time at a regular meeting thereof on December 3, 2003, 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 December 17, 2003, commencing after the hour of 7:30 p.m., at the Council's regular meeting chambers at the Canby City Hall in Canby, Oregon.

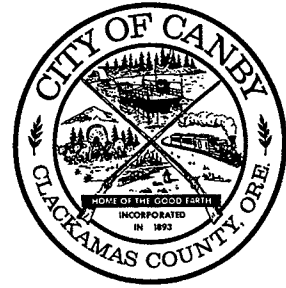
**ENACTED** on the second and final reading by the Canby City Council at a regular meeting thereof on December 17, 2003 by the following vote:

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

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

ATTEST:

\_\_\_\_\_  
Chaunee F. Seifried, City Recorder Pro Tem



## **- STAFF REPORT -**

**APPLICANT:**

Myron Mohr  
Zoar Lutheran Church Representative  
23051 S Central Point Road  
Canby, OR 97013

**FILE NO.:**

ZC 03-03  
(Zoar Lutheran Church)

**OWNER:**

Zoar Lutheran Church  
190 SW 3<sup>rd</sup> Avenue  
Canby, OR 97013

**STAFF:**

Darren Nichols  
Planning Technician

**LEGAL DESCRIPTION:**

Tax Lot 6600 of Tax Map 3-1E-33CD

**DATE OF REPORT:**

October 31, 2003

**LOCATION:**

Between SW 2<sup>nd</sup> and 3<sup>rd</sup> Ave, west of S Ivy St

**DATE OF HEARING:**

November 10, 2003

**COMP. PLAN DESIGNATION:**

C-2 Highway Commercial

**ZONING DESIGNATION:**

R-2 High Density Residential

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

The applicant is seeking to change the zoning designation for a .87 acre tax lot on Zoar Lutheran Church property at 190 SW 3<sup>rd</sup> Avenue. Current zoning on the subject parcel is R-2 High Density Residential. The church proposes to amend zoning to reflect the Comprehensive Plan designation and to match adjacent Zoar parcels zoned C-2 Highway Commercial. The applicant hopes to consolidate church property under a single zoning designation in accordance with the City of Canby Comprehensive Plan.



## ***II. APPLICABLE REGULATIONS***

### **City of Canby General Ordinances:**

- 16.28 C-2 Highway Commercial Zone
- 16.54 Amendments to Zoning Map
- 16.88 General Standards

## ***III. MAJOR APPROVAL CRITERIA***

### **16.54.040 - Amendments to the Zoning Map - Standards and Criteria**

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

- A. The Comprehensive Plan of the City, giving special attention to Policy 6 of the Land Use Element and implementation measures therefore, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;
- 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.

## ***IV. FINDINGS***

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

The Zoar Lutheran Church property consists of 1.74 acres on three individual tax lots. The subject parcel contains .87 acres zoned R-2 High Density Residential; the two additional parcels contain .68 acres and .19 acres, both zoned C-2 Highway Commercial. The proposed Zone Change would amend zoning on the .87 acre parcel from R-2 to C-2 and would provide uniform zoning for all three parcels. The Church hopes to construct a new church building and requests uniform zoning to provide consistent design standards for the new development.

One adjacent church parcel also currently contains the William O. Mack House. The Mack House is registered as an historic structure but is not located on the subject parcel and will not be affected by the requested Zone Change.

Staff Report  
ZC 03-03  
Page 2 of 5

**B. Comprehensive Plan Consistency Analysis**

**ii. URBAN GROWTH ELEMENT**

- GOAL:**
- 1) TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.**
  - 2) TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITHIN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.**

**iii. LAND USE ELEMENT**

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

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

**ANALYSIS:** *The proposed zone change will not change the existing use of the subject parcel and will be consistent with the Canby Comprehensive Plan. The existing use is compatible with surrounding uses and is an outright allowed use in the C-2 zone.*

**Policy #2** Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

**ANALYSIS:** *The proposed zoning would eliminate the church's need for a Conditional Use Permit and would*

*facilitate uniform development of the Church property.  
Uniform zoning would allow increased intensity of use on  
the site.*

**iv. ENVIRONMENTAL CONCERNS ELEMENT**

**GOALS: TO PROTECT IDENTIFIED NATURAL AND  
HISTORIC RESOURCES.**

**TO PREVENT AIR, WATER, LAND, AND NOISE  
POLLUTION.**

**TO PROTECT LIVES AND PROPERTY FROM  
NATURAL HAZARDS.**

Policy #6-R: Canby shall preserve and, where possible,  
encourage restoration of historic sites and buildings.

**ANALYSIS:** *Zoar Lutheran Church owns the William O. Mack house  
which is designated for Historic Preservation. The Mack House is located  
on a separate parcel adjacent to the subject parcel and will not be  
adversely impacted by the proposed zone change.*

**vi. PUBLIC FACILITIES AND SERVICES**

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

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

**ANALYSIS:** *All needed public facility and service providers were sent a  
"Request for Comments" form regarding the proposed Zone Change.  
Positive Comments were received from Canby Utility –Water, the Library  
and Parks Department and Canby Telephone Association. All responses  
to the Request for Comments indicate that services are available or will  
become available through development.*

ix. **ENERGY CONSERVATION ELEMENT**

**GOAL:** TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES.

Policy #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.

**ANALYSIS:** *The proposed Zone Change will not change the use of the site. Energy efficiency standards will be applied through the building permit process at the time of development or expansion. Traffic studies may also be required as a part of future Site and Design Review.*

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

Staff concludes that the proposed Zone Change is consistent with the policies of the Comprehensive Plan. The subject parcel is currently zoned R-2 but the Comprehensive Plan designation recommends eventual C-2 zoning as proposed. The proposed Zone Change will not alter the current use of the property; the change will provide for efficient development of the property in its current use.

**V. CONCLUSION**

This proposal to amend the Current Zoning map is appropriate in light of the Goals and Policies of the Comprehensive Plan. All public facilities and services exist or will be provided concurrent with the development of the property. Any redevelopment of the subject property will require Site and Design Review approval from the Canby Planning Commission prior to construction.

**VI. RECOMMENDATION**

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission recommend approval of ZC 03-03 to the City Council.

**Exhibits:**

1. Applicant's packet
2. Responses to Request for Comments

# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

PHONE [503] 266-9404

FAX [503] 266-1574

DATE: October 21, 2003

TO: FIRE, POLICE, Traffic Safety Committee, Canby Utility(water), Canby Utility(electric),  
CANBY TELEPHONE, WILLAMETTE BROADBAND, **NW NATURAL** WWTP, PUBLIC  
WORKS, PARKS AND RECREATION, BICYCLE AND PEDESTRIAN COMMITTEE

The City is preparing **ZC 03-03**, an application to change the zoning designation from R-2 (High Density Residential) to C-2 (Highway Commercial) on one of three parcels at the Zoar Lutheran Church at 190 SW 3<sup>rd</sup> Avenue. The proposed zone change would consolidate all three church parcels under the C-2 designation and would apply uniform land use standards to those parcels.

Please review the application and return comments to **Darren Nichols** by **October 31<sup>st</sup>, 2003**.  
The Planning Commission will review this application November 10th, 2003.

Comments or Proposed Conditions (please attach extra pages if needed):

A NATURAL GAS MAIN IS AVAILABLE ON  
THE S/S OF SE 2ND AVE. CONTACT  
JANIS ZUMENTS, 503-585-6611 X8034, FOR  
SERVICE.

Please check one box:

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

Signature: 

Date: 10-27-03

LEE LARSEN

Title: ENGR. COORDINATOR Agency: NW NATURAL  
(SALEM)

**From:** "Jamie Porter" <porter@iBethanyChurch.net>  
**To:** "Darren Nichols" <NicholsD@ci.canby.or.us>  
**Date:** 11/3/03 1:55PM  
**Subject:** ZC 03-03

Bethany Evangelical Free Church supports Zoar Lutheran Church's zone change request for uniform C-2 zoning.

Jamie Porter, P.E.  
Church Administrator  
Bethany Evangelical Free Church  
450 S. Ivy Street  
Canby, OR 97013  
503-266-9307 phone  
503-263-4845 fax  
<mailto:porter@iBethanyChurch.net> porter@iBethanyChurch.net

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

PHONE [503] 266-9404

FAX [503] 266-1574

DATE: October 21, 2003

TO: FIRE, POLICE, Traffic Safety Committee, Canby Utility(water) Canby Utility(electric),  
CANBY TELEPHONE, WILLAMETTE BROADBAND, NW NATURAL, WWTP, PUBLIC  
WORKS, PARKS AND RECREATION, BICYCLE AND PEDESTRIAN COMMITTEE

The City is preparing ZC 03-03, an application to change the zoning designation from R-2 (High Density Residential) to C-2 (Highway Commercial) on one of three parcels at the Zoar Lutheran Church at 190 SW 3<sup>rd</sup> Avenue. The proposed zone change would consolidate all three church parcels under the C-2 designation and would apply uniform land use standards to those parcels.

Please review the application and return comments to Darren Nichols by October 31<sup>st</sup>, 2003. The Planning Commission will review this application November 10th, 2003.

Comments or Proposed Conditions (please attach extra pages if needed):

A DETAILED SITE PLAN, CONNECTED LOAD, OR SERVICE  
REQUIREMENTS HAVE NOT YET BEEN RECEIVED. THESE WILL  
BE REQUIRED TO DEVELOP AN ELECTRICAL PLAN.

Please check one box:

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

Signature: *Dan Horkwell* Date: 10-28-03

Title: LINE FOREMAN Agency: CANBY UTILITY ELEC.

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

**RECEIVED**

OCT 28 2003

P.O. Box 930, Canby, OR 97013

PHONE (503) 266-9404

FAX (503) 266-1574  
~~CITY OF CANBY~~

**DATE: October 21, 2003**

**TO: FIRE, POLICE, Traffic Safety Committee, Canby Utility(water), Canby Utility(electric),  
CANBY TELEPHONE, WILLAMETTE BROADBAND, NW NATURAL, WWTP, PUBLIC  
WORKS, PARKS AND RECREATION, BICYCLE AND PEDESTRIAN COMMITTEE**

The City is preparing **ZC 03-03**, an application to change the zoning designation from R-2 (High Density Residential) to C-2 (Highway Commercial) on one of three parcels at the Zoar Lutheran Church at 190 SW 3<sup>rd</sup> Avenue. The proposed zone change would consolidate all three church parcels under the C-2 designation and would apply uniform land use standards to those parcels.

Please review the application and return comments to **Darren Nichols** by **October 31<sup>st</sup>, 2003**. The Planning Commission will review this application November 10th, 2003.

**Comments or Proposed Conditions (please attach extra pages if needed):**

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Please check one box:

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

Signature: Jim R. Schwan

Date: 10/27/03

Title: Construction Manager

Agency: WBB



**ZOAR LUTHERAN CHURCH**

190 SW THIRD AVENUE CANBY, OR 97013

(503) 266-4061 FAX (503) 263-1736 E-mail zoar@canby.com

**PASTOR NICK DOVERSBERGER**

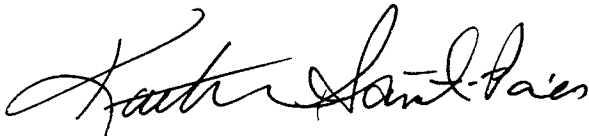
October 1, 2003

To the Planning Board of the City of Canby:

On Tuesday, September 30, 2003 at 7:00 pm Zoar Lutheran Church held a public meeting in our parish hall concerning our proposed zone change as required in the application process. Letters had been sent out September 2<sup>nd</sup> to each property owner within the radius of 500 feet of our property informing them of our plans for the proposed zone change.

Enclosed is the sign-in sheet of those who attended the meeting. Three of the signers live or own property within the affected boundary area. They along with the other attendees knew of the proposed plans and came as interested parties in support of the change.

Respectfully submitted by



Catherine Saint-Paen  
Recording Secretary  
Zoar Lutheran Church

Enclosure

22

# ZONE MAP CHANGE APPLICATION

Fee \$2,640

## OWNERS

## APPLICANT\*

Name: ZOAR LUTHERAN CHURCH

Name: MYRON MOHR

Address: 190 SW THIRD AVE.

Address: 23051 S. CENTRAL PT. RD.

City: CANBY State: OR Zip: 97013

City: CANBY State: OR Zip: 97013

OWNERS SIGNATURE

Douglas D. Arnold

Phone: P-28-03

## DESCRIPTION OF PROPERTY:

Address: 190 SW THIRD AVE., CANBY, OR 97013

Tax Map: 3-1E-33 CD

Tax Lot(s): 0000

Lot Size: .87 (Acres/Sq.Ft.)

## PROPERTY OWNER LIST

Attach a list of the names and addresses of the owners of properties located within 200 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 be 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 labels**, just as you would address an envelope.

## USE OF PROPERTY

Existing Use: ZOAR EVANGELICAL LUTHERAN CHURCH

Proposed Use: ZOAR EVANGELICAL LUTHERAN CHURCH

Existing Structures: CHURCH BUILDING AND HOUSE

Project Description: NEW ZOAR EVANGELICAL LUTHERAN CHURCH

Zoning: R-2 Comprehensive Plan Designation: C-2

Previous Land Use Action (if any):

### FOR CITY USE ONLY

File #: ZC 03-03

Date Received: 8/29/03 By: CJA

Completeness:

Pre-App Meeting:

Hearing Date:

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

## ZONE CHANGE APPLICATION: INSTRUCTIONS TO APPLICANTS

1. The applicant will be required to hold a neighborhood meeting with adjacent property owners and neighborhood representatives prior to submitting their application, unless this requirement is waived by the City.
2. An application for amendment by a property owner or his authorized agent shall be filed with the City Planner on forms prescribed for the purpose, typed or printed and the application shall include the following.

Applicant	City	
Check	Check	

- |                                     |                                     |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | A. Comprehensive Plan designation of the property.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | B. Narrative explaining the existing use of the property and the need for the change in zoning.                           |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | C. List of property owners within 500 feet of the subject property, on mailing labels (1" X 2-5/8").                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | D. Appropriate fee.   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | E. Twenty-five (25) copies of the application and all corresponding attachments.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | F. Site plan, drawn to scale (not greater than 1"=40') indicating:  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 1. The location of existing buildings (if any);   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 2. The location of streets, sewer, water, electric, and other utility services;<br><i>UTILITIES IN 2ND &amp; 3RD AVE.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 3. Major topographic and landscape features.  |

3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
4. Staff investigates the request, writes a staff report, places a public notice in the newspaper, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
5. The staff report will be available seven (7) days prior to the hearing.

6. The Planning Commission holds a public hearing approximately thirty (30) days after the complete application is submitted. The staff report is presented. Testimony is presented by the proponents and the opposition, followed by rebuttal from the proponents.
7. The Commission then issues findings of fact which support approval, modification or denial of the application and passes such recommendation on the City Council for final action within forty (40) calendar days after the close of the hearing.

---

## **STANDARDS AND APPROVAL CRITERIA FOR A ZONE CHANGE**

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

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

Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, deny, or approve subject to modification, the recommendation of the Planning Commission. The City Council shall hear the arguments based upon the record. Additional or supplemental information not included within the original record shall not be considered. The arguments on the record shall not be conducted as a public hearing.

### **16.54.060 IMPROVEMENT CONDITIONS**

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

1. Street and sidewalk construction or improvements.
2. Extension of water, sewer, or other forms of utility lines;
3. Installation of fire hydrants.

B. The City will not use the imposition of improvement conditions as a means of preventing planned development, and will consider the potential impact of the costs of required improvements on needed housing. The Planning Commission and City Council will assure that the required improvements will not reduce housing densities below those anticipated in the Comprehensive Plan.



Kim Arbuckle, AIA  
Alan E. Costic, AIA  
Clayton Morse, AIA  
Lisa Mance, IIDA  
Richard S. Rothweiler, AIA  
Lennard Loddier, AIA  
Richard S. Boyd, AIA

---

**ARBUCKLE COSTIC ARCHITECTS, INC.**

363 State Street  
Salem, OR 97301-3533  
503/581-4114 Fax: 503/581-3655  
E-Mail: [architects@arbucklecostic.com](mailto:architects@arbucklecostic.com) • [www.arbucklecostic.com](http://www.arbucklecostic.com)

August 13, 2003

Darren Nichols  
Planning Technician  
City of Canby Planning Department  
182 N. Holly  
Canby, Oregon 97013

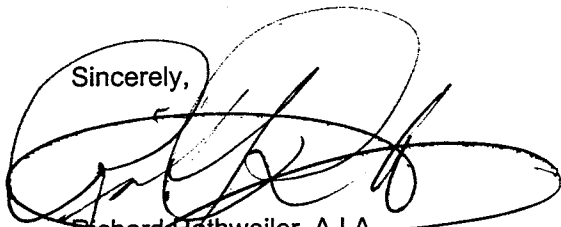
RE: Zoar Lutheran Church  
Project No. 2003.0003  
Narrative Description for Zone Change

Dear Darren:

Zoar Lutheran Church, located at 190 S.W. Third Ave., is formerly requesting a zone change to one of the existing properties. Currently, the properties owned by the church have portions zoned for existing Highway Commercial, C-2, and Residential, R-2. Zoar Lutheran Church is requesting the R-2 property to be re-zoned to Highway Commercial, C-2. Construction documentation is currently being prepared for a replacement church on the existing site. As per the attached site plan, the new structure will be located on the west end of the properties. The zone change request is required to place the remaining Residential Zone portion of the property to match the rest of the church property as well as to be consistent with the Highway Commercial Zone in the comprehensive plan. Additionally, commercial setbacks, landscapes, and buffer yards requirements will then be consistent throughout the entire property.

We wish to express our appreciation to the City of Canby for their review of Zoar Lutheran Church's request for zone change. We trust that our request will meet your approval, should you have any questions concerning the request for zone change please feel free to notify us at your earliest convenience.

Sincerely,



Richard Rothweiler, A.I.A.  
Architect

RR:lc

2003.0003-3A

# ZOAR LUTHERAN CHURCH

190 SW THIRD AVENUE CANBY, OR 97013

(503) 266-4061 FAX (503) 263-1736 E-MAIL [zoar@canby.com](mailto:zoar@canby.com)

**PASTOR NICK DOVERSBERGER**

August 21, 2003

City of Canby  
182 N. Holly St.  
Canby, OR 97013

To Whom It May Concern:

I, Katherine Saint-Paen, Recording Secretary of Zoar Evangelical Lutheran Church, hereby certify that Douglas Aamodt was duly elected President of Zoar Congregation by a vote of this congregation for a term that runs through January, 2004.

According to the constitution and bylaws of our congregation (*Zoar Evangelical Lutheran Church*), he is given the authority to act as Zoar's agent in all matters pertaining to the official business of Zoar congregation.

Sincerely,



Katherine Saint-Paen  
Recording Secretary  
Zoar Evangelical Lutheran Church



# ZOAR LUTHERAN CHURCH

190 SW THIRD AVENUE CANBY, OR 97013

(503) 266-4061 FAX (503) 263-1736 E-mail [zoar@canby.com](mailto:zoar@canby.com)

**PASTOR NICK DOVERSBERGER**

August 29, 2003

City of Canby  
Planning Department  
182 N. Holly  
Canby, OR 97013

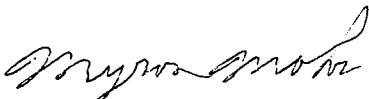
To Whom It May Concern:

Letters are being mailed to the property owners of the enclosed list of addresses, inviting them to attend a meeting at Zoar Lutheran Church Tuesday, September 30, 2003 at 7:00 pm.

Members of Zoar's Building Task Force Committee, as well as Zoar's architect will be present to show the proposed building plans, as well as explain the purpose of the zone change. This will provide an opportunity for our neighborhood property owners to view our plans and ask questions regarding this proposed change.

The results of this meeting will be recorded and passed on to the Planning Department for their review.

Sincerely,



Myron Mohr  
Applicant for the Building Task Force Committee  
Zoar Lutheran Church

Enclosure

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 P.M., November 10, 2003  
City Council Chambers, 155 NW 2<sup>nd</sup>

---

**I. Roll Call**

**PRESENT:** Chairman Jim Brown, Commissioners Geoffrey Manley, Dan Ewert,

**STAFF:** John Williams, Planning and Community Development Director,  
Darren Nichols, Planning Technician

**OTHERS PRESENT:** Myron Mohr, Richard Rothweiler, Jerry Roth, Ron Berg

**II. CITIZEN INPUT**

None

**III. NEW BUSINESS**

None

**IV. PUBLIC HEARINGS**

**ZC 03-03** Zoar Lutheran Church, an application to change the zoning designation for a .87 acre tax lot located at 190 SW 3<sup>rd</sup> Ave. Current zoning on the subject parcel is R-2 High Density Residential. The church proposes to amend zoning to reflect the Comprehensive Plan designation and to match adjacent Zoar parcels zoned C-2 Highway Commercial.

Mr. Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was stated. When asked if any Commissioner had ex-parte contact, Mr. Brown had visited the site but had drawn no conclusions. No questions were asked of the Commission.

Darren Nichols presented the staff report. He stated that the church property consists of 1.74 acres that sits on 3 individual tax lots, 2 of the lots are zoned highway commercial, while the subject property is zone high density residential. The applicant is requesting the existing R-2 zone be changed to the C-2 zone to provide uniform zoning which the applicant believes would facilitate the church's plan to construct a new church building and provide consistent design standards.

Darren explained that the William Mack house which is registered as a historic

building is located on an adjacent parcel and would not be affected by this zone change.

Darren stated the zone change would not change the use of the property. It would make the zoning consistent with the comprehensive plan designation. The zone change would also eliminate the need for the church's conditional use permit and would help facilitate uniformed development of the church property.

Darren stated no negative comments were received from service providers. Staff concludes that the proposed zone change is consistent with the comprehensive plan and the zone change would not alter the current use of the property but will help provide for efficient development of the property in it's current use. Staff believes the zone change is appropriate and recommends the Planning Commission recommend approval of ZC 03-03 to the City Council.

#### **APPLICANT:**

Myron Mohr, Zoar Lutheran Church stated he agreed with the staff report. He explained that the church was built on this location in about 1926. Over the years additional property had been purchased which is why there are 3 tax lots with 2 different zoning designations. The congregation has voted to build new facilities which is why they are requesting the uniformed zoning for all 3 lots.

Richard Rothweiler, Arbuckle Costic Architects presented graphics showing the existing floor plan and elevations for the proposed new facility. Phase I consists of a classroom wing with a multi-purpose room which will be used for worship space until Phase II which will be the full sanctuary.

Mr Rothweiler explained the current plan is to go ahead with Phase I and plan to build Phase II within 5 years. The building will be constructed out of tilt up concrete with low sloped roofs, wood sheathing and composition roof on the educational wing to fit in with the adjacent residential area.

Mr. Brown questioned what the plans were for the existing building. Mr. Mohr stated that they plan on using it until the new sanctuary is built. There is a possibility that the building would be moved.

#### **PROPONENTS:**

Ron Berg, Member of the Church and Chairman of the Building Task Force. Mr. Berg stated he and his wife live immediately to the south of this proposed project and they have no objection to this zone change and believed it made sense to bring it in line with the comprehensive plan. Speaking as a homeowner he asked the Planning Commission to favorably consider the application.

Jerry Rothl, stated he was a member of Zoar Church and lives in the area. He is in favor of the zone change.

## **OPPONENTS:**

None

Mr. Brown closed the public hearing and continued the application until November 24, 2003 at 7:00pm. John Williams explained that staff could bring draft findings to the November 24, 2003 meeting so the process would not be delayed.

Mr. Brown questioned why they were using concrete tilt up. Mr. Rothweiler explained that it is economical, has a rapid construction sequence and with the residential elements they have introduced will fit in with the residential neighborhood on that side of the property.

## **V. FINDINGS**

Mr. Brown stated the Findings for DR 03-05, MLP 03-06 and DR 03-06 will be voted on at the November 24, 2003 meeting.

## **VI. MINUTES:**

Mr. Brown stated the Minutes of October 27, 2003 and February 24, 2003 will be voted on at the November 24, 2003 meeting.

## **VII. DIRECTOR'S REPORT**

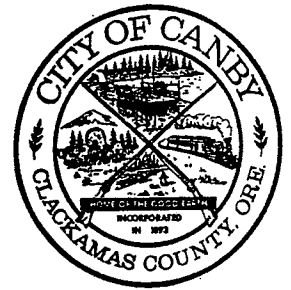
John Williams, Community Development and Planning Director stated there will be a joint workshop with the City Council before the next meeting to discuss annexation priorities. There will be information included in the next packet.

Mr. Brown stated that he and Mr. Able had discussed having a "visioning" meeting either just the Commission or with the City Council, to discuss global transportation issues. He suggested some issues that could be discussed could be connecting truck traffic to the new Ardnt Rd extension, the connection of 1<sup>st</sup> Street etc.

Mr. Brown stated that there should be a joint meeting with the City Council and possibly public hearings on dealing with growth and the City. With the failure of 5 annexations at the last election it seems obvious how citizens feel about growth but in reality there is a very small supply of buildable land. We need to get an idea of how people are wanting the City to deal with growth. John suggested this issue could be discussed at the joint workshop regarding annexation priorities.

John explained that this is the final piece of periodic review but that the Legislature had drastically changed the requirements of the periodic review process.

## **VIII. ADJOURNMENT**



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

**A REQUEST TO CHANGE ZONING ) FINDINGS, CONCLUSION & FINAL ORDER**  
**FROM HIGH DENSITY RESIDENTIAL ) ZC 03-03**  
**TO HIGHWAY COMMERCIAL ) (ZOAR LUTHERAN CHURCH)**

**NATURE OF APPLICATION**

The applicant is seeking to change the zoning designation for a .87 acre tax lot on Zoar Lutheran Church property at 190 SW 3<sup>rd</sup> Avenue. Current zoning on the subject parcel is R-2 High Density Residential. The church proposes to amend zoning to reflect the Comprehensive Plan designation and to match adjacent Zoar parcels zoned C-2 Highway Commercial. The applicant hopes to consolidate church property under a single zoning designation in accordance with the City of Canby Comprehensive Plan.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting of November 24, 2003.

**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 October 31, 2003 staff report, the Planning Commission deliberated and reached a decision on November 24, 2003 recommending approval of the applicant's request for zone change to the City Council. The Planning Commission finds that the applicant's request is in compliance with the Comprehensive Plan of the City of Canby and the Commission adopts the findings and conclusions contained in the October 31, 2003 staff report.

**I CERTIFY THAT THIS ORDER** recommending approval of **ZC 03-03** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 24<sup>th</sup> day of November, 2003.



James R. Brown, Chair  
Canby Planning Commission



Darren J. Nichols  
Planning Technician

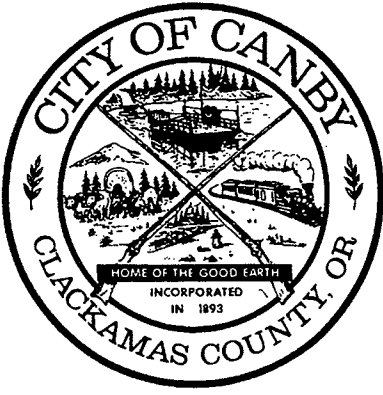
**ATTEST:**

**ORAL DECISION – November 24, 2003**

AYES: Brown, Thalhofer, Manley, Ewert, Molamphy, Able, Helbling  
NOES: None  
ABSTAIN: None  
ABSENT: None

**WRITTEN FINDINGS – November 24, 2003**

AYES: Brown, Thalhofer, Manley, Ewert, Molmaphy, Able, Helbling  
NOES: None  
ABSTAIN: None  
ABSENT: None




# City of Canby

Police Department

November 20, 2003

To: Mayor Thompson  
Members of City Council

From: Chief Ken Pagano 

Re: Liquor License Application  
The Wild Hare Saloon and Café

I have made contact at the Wild Hare Saloon and Café and visited with the owner. The owner has taken the necessary class from OLCC regarding the liquor license application. I recommend to the City Council that they recommend approval of the liquor license to the Oregon Liquor Control Commission.

*Presently operating  
on a temp. lic.  
MCA*

cc: City Administrator

35

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:

Applying as:

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

## ACTIONS

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

FOR CITY AND COUNTY USE ONLY

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: C. Ellis

Date: 11-7-03

90-day authority: ☒ Yes ☐ No

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

① Sidewinder, Inc. ③

② ④

2. Trade Name (dba):

The Wild Hare Saloon and Cafe

3. Business Location:

1190 SW First Canby, Clackamas, OR, 97013  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address:

PMB 530, 1477 SE 1st Ave Ste. 108, Canby OR 97013  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers:

503-998-1046 - cell#

(phone)

(fax)

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

7. If yes to whom:

Turbo Enterprises

Type of License:

Full on-premises-Commercial Est.

8. Former Business Name:

DBA: 4th Quarter Bar and Grill Canby Brewing Co.

9. Will you have a manager? ☐ Yes ☒ No

Name:

(manager must fill out an individual history form)

10. What is the local governing body where your business is located?

City of Canby  
(name of city or county)

11. Contact person for this application:

Joan Momen

503-998-1046 (cell)

23633 S. Pondevic Dr. Canby OR  
(address) (name)263-6989  
(fax number)

(e-mail address)

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

Applicant(s) Signature(s) and Date:

① [Signature] Date 8/25/03 ③ [Signature] Date 9/8/03  
 ② [Signature] Date ④

1-800-452-OLCC (6522)

www.olcc.state.or.us

(rev. 05/03)

36



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY



PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

- Trade Name (d.b.a.): The Wild Hare Saloon and Cafe City: Canby
1. Name: Monen (last) Joan (first) Elizabeth (middle)
2. Other names used (maiden, other): \_\_\_\_\_
3. Residence Address: 23633 S. Ronderic Drive. (number and street) Canby (city) OR (state) 97013 (ZIP code)
4. Home Phone: (503) 263-3879 Business Phone: \_\_\_\_\_
5. \*SSN: 542-78-7891 Place of Birth: Kansas / USA (State/Country) DOB: 03 / 20 / 66 (mm) (dd) (yyyy) Sex: M X F
6. Driver License or State ID #: 3783027 State: OR Spouse's name: Darren L. Monen
7. List all states, other than Oregon, where you have lived during the past ten years: N/A
8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes X No  
If yes, when and where? \_\_\_\_\_
9. In the past ten years, have you been convicted of any violation, misdemeanor or felony?  
(include traffic violations, if the fine was more than \$50.00). X Yes No  
If yes, what, when and where? City of Canby - speeding tickets 7/01/02
10. Have you ever entered into a diversion agreement? Yes X No  
If yes, when and where? \_\_\_\_\_
11. Do you have any arrests or citations that have not been resolved? Yes X No  
If yes: Arrested/Cited for: \_\_\_\_\_ Date: \_\_\_\_\_ County/City/State/ \_\_\_\_\_
12. If you are applying for a retail liquor license: N/A  
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? Yes No If yes, what and where: \_\_\_\_\_  
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes No If yes, who? \_\_\_\_\_
13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes X No If yes: When: \_\_\_\_\_ Where: \_\_\_\_\_

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Joan Monen Date: Aug 10 '03

**\*SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Joan Monen Date: Aug 10 '03

# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY



PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): The Wild Hare Saloon and Cafe City: Canby

1. Name: THOMSEN, JR. (last) THOMAS (first) LYLE (middle)

2. Other names used (maiden, other): —

3. Residence Address: 25355 NE Glass Rd. (number and street) Aurora, (city) Or. (state) 97002 (ZIP code)

4. Home Phone: (503) 678-2342 Business Phone: ( )

5. \*SSN: 547-62-9916 Place of Birth: San Francisco (State/Country) Calif. DOB: 03 / 23 / 1944 (mm) (dd) (yyyy) Sex: (M) F

6. Driver License or State ID #: 1623717 State: Or Spouse's name: Connie

7. List all states, other than Oregon, where you have lived during the past ten years:  
NONE

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes X No  
If yes, when and where? —

9. In the past ten years, have you been convicted of any violation, misdemeanor or felony? X Yes No  
(include traffic violations, if the fine was more than \$50.00).  
If yes, what, when and where? Canby - traffic violation

OSP/DIV  
Search Completed  
OCT 17 2003

10. Have you ever entered into a diversion agreement? Yes X No  
If yes, when and where? —

11. Do you have any arrests or citations that have not been resolved? Yes X No  
If yes: Arrested/Cited for: — Date — County/City/State/ —

INITIALS: [Signature]

12. If you are applying for a retail liquor license:  
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? Yes X No If yes, what and where: —  
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes X No If yes, who? —

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes X No If yes: When: — Where: —

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Thomas L. Thomas Date: 9/8/03

\*SOCIAL SECURITY NUMBER DISCLOSURE As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Thomas L. Thomas Date: 9/8/03

OREGON LIQUOR CONTROL COMMISSION  
INDIVIDUAL HISTORY



PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE.  
ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): WFLW HARB SALOON & CAFE City: CANBY

1. Name: MONEN DARREN LEON  
(last) (first) (middle)

2. Other names used (maiden, other): N/A

3. Residence Address: 23633 S. RAMPOLK DR. CANBY OR 97013  
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 263-3879 Business Phone: (503) 263-6789

5. \*SSN: 544-82-6474 Place of Birth: CA. / ANAHEIM DOB: 12/21/65 Sex: M ☒ F ☐  
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: 3705316 State: OR Spouse's name: JOAN

7. List all states, other than Oregon, where you have lived during the past ten years:  
NONE

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes ☒ No  
If yes, when and where? \_\_\_\_\_

9. In the past ten years, have you been convicted of any violation, misdemeanor or felony?  
(include traffic violations, if the fine was more than \$50.00). Yes ☒ No  
If yes, what, when and where? \_\_\_\_\_

10. Have you ever entered into a diversion agreement? Yes ☒ No  
If yes, when and where? \_\_\_\_\_

11. Do you have any arrests or citations that have not been resolved? Yes ☒ No  
If yes: Arrested/Cited for: \_\_\_\_\_ Date: \_\_\_\_\_ County/City/State: INITIAL

12. If you are applying for a retail liquor license: N/A  
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? Yes ☒ No If yes, what and where: \_\_\_\_\_

b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes ☒ No If yes, who? \_\_\_\_\_

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes ☒ No If yes: When: \_\_\_\_\_ Where: \_\_\_\_\_

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: [Signature] Date: 8/18/03

**\*SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [Signature] Date: 8/18/03

OREGON LIQUOR CONTROL COMMISSION  
CORPORATION QUESTIONNAIRE



● See section 2 of Guide for help with this form

Please Print or Type

Corporation Name: Sidewinder, Inc. Year Incorporated: 12003  
Trade Name (dba): The Wild Hare Saloon and Cafe  
Business Location Address: 1190 SW First Ave  
City: Canby OR ZIP Code: 97013

List Corporate Officers:

(name)	<u>Joan Momen</u>	(title)	<u>President</u>
	<u>Darren Momen</u>		<u>Vice President</u>

List Board of Directors:

(name) Darren Momen and Joan Momen

List Stockholders: (Note: If any stockholder is another legal entity, that entity may also need to complete another Corporation Questionnaire. See Liquor License Application Guide for more information.)

Stockholders:	Number of Shares Held:	Number of Stock Shares:
<u>Darren and Joan Momen</u>	<u>2/3 = 75</u>	Issued: <u>100</u>
<u>Tom Thomsen</u>	<u>1/3 = 25</u>	Unissued: <u>0</u>
		Total Shares Authorized to Issue: <u>100</u>

Server Education Designee: Joan Momen DOB: 3-20-66  
(See Liquor License Application Guide for more information)

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

Officer's Signature: Joan Momen, President Sidewinder Date: 8/26/03  
(name) (title)

**CITY OF CANBY  
BUSINESS LICENSE APPLICATION**

P. O. Box 930

Annual Fee \$50.00

Canby, OR 97013

Please Print or Type

Business Name THE Wild Hare Saloon and Cafe Date: Aug 26 '03

Business Address 1190 SW First

City Canby State OR Zip 97013 Business Ph

Nature of Business restaurant and saloon

The Wild Hare Saloon & Cafe  
PMB 530  
1477 SE 1st Ave Ste.108  
Canby, OR 97013

Mailing Address (if different than above)

Will your business have any non-sanitary discharge (other than domestic wastewater) into the City's Wastewater System? Yes        No X

Owner/Manager Name Darren and JUAN Momen

Owner/Manager Residence Address (no P. O. Boxes) 23633 S. Ronderic Drive Canby

Owner/Manager Residence Phone 503-263-3379

Owner/Manager Driver's License # OR DL # 3783027

Is your business located inside the City Limits? Yes X No        Home Occupancy ? Yes        No       

**EMERGENCY CONTACTS: FOR POLICE RECORDS**

Name Darren Momen Phone Cell # 948-1046

Name Byron or Dorothy Schriever Phone 557-8713

Name Arlene Momen Phone 266-1877

**FILL OUT THIS SECTION IF YOUR BUSINESS IS LOCATED INSIDE CANBY CITY LIMITS**

Applicant Must Gain Approval, Date, and Initials from the Officials Listed Below

City Planner Date 9/29/03 Initials [Signature] Approved ✓

Building Official Date 9-29-03 Initials [Signature] Approved ✓

Fire Department Date 9-29-03 Initials [Signature] Approved ✓

Police Department Date 9-29-03 Initials [Signature] Approved ✓

**PLEASE COMPLETE THE BACK OF THIS PAGE IF YOU ARE A CONTRACTOR/LANDSCAPER**

Oregon Liquor Control Commission  
**AUTHORITY TO OPERATE**

**License Heading:**

Sidewinder, Inc.  
(Licensee)

Date November 7, 2003

Fee Paid \$ 202.60

Receipt # 5493 Date 11-07-03

THE WILD HARE SALOON & CAFE

(Trade Name)

1190 SW First

(Address)

Canby OR 97013

**Mailing Address (if different):**

PMB 530 1477 SE 1st, Suite 108

Canby OR 97013

**Type of License:** Full On-Premises Sales/Commercial

☒ Authority to operate pending receipt of formal license certificate effective

☒ 90 Day Temporary Authority from November 7, 2003 to February 4, 2004

For 90 Day Temporary Authorities

- Granting of this authority does not obligate the OLCC to issue a permanent license. Applicants who spend or commit money with only a *Temporary Authority to Operate*, do so at their own risk.
- The OLCC may revoke this authority without prior administrative proceedings for cause.

**Restrictions:**

**For the Director  
Regulatory Division**

By Charles L Ellis

Charles L Ellis, Regional Coordinator

Memo to: Mayor and City Council

From: John H. Kelley, City Attorney 

Date: December 1, 2003

Re: Resolution No. 846 - Amending Traffic Safety Resolutions regarding the Traffic Safety Commission

Mark asked me to write a memo to you to point out the changes in the Resolution No. 846. The first change made appears in Section 2, D, regarding duties and responsibilities. The Commission wished to add "the Clackamas County Safety Commission" as an additional group to liaison with.

The next change appears in Section 3, A, regarding membership. The Commission added the words "voting" and "nonvoting" to clarify that the liaisons from the Police Department, City Council and Public Works Department are "nonvoting" members.

The next change also occurs in Section 3, A, where the appointment process was changed per the mayors request to the language you see beginning with "Members shall be appointed by the City Council", etc.

The final change is found in Section 3, B, regarding Terms of Office. We simplified the paragraph and eliminated the procedure for establishing the initial terms of office, since the Commission is up and running. Lastly, we eliminated the language regarding removal from office for failing to attend three consecutive meetings, since Section 3, A, provides that all members serve at the pleasure of the Council anyway.

Hope this explains the changes. Call me with any questions.

## RESOLUTION NO. 846

### **A RESOLUTION AMENDING RESOLUTION NO. 567 AND RESOLUTION NO. 741 ESTABLISHING A COMMISSION FOR THE PURPOSE OF DEVELOPMENT AND IMPLEMENTATION OF COORDINATED TRAFFIC SAFETY PROGRAMS WITHIN CANBY TO BE KNOWN AND DESIGNATED AS THE CANBY TRAFFIC SAFETY COMMISSION.**

**WHEREAS**, in 1994, by Resolution No. 567, the Canby City Council established the Canby Traffic Safety Commission to provide the citizens of Canby with traffic safety programs and services; and

**WHEREAS**, it is recognized that there is an ongoing need in Canby for coordinated safety programs that will have full public support and will aid in the overall reduction of traffic accidents, injuries and deaths on the City streets, and

**WHEREAS**, the Council believes certain changes are appropriate and in the public's interest and therefore require amendment of Resolutions No. 567 and No. 741, now therefore

### **THE CITY OF CANBY HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** Resolution No. 567 and Resolution No. 741 are amended to read as follows:

#### **Section 1. Traffic Safety Commission.**

There is hereby created and established a commission to be entitled the Canby Traffic Safety Commission under authority granted by Oregon law.

#### **Section 2. Duties and Responsibilities of Commission.**

- A. Developing and implementing coordinated traffic safety programs that meet local needs.
- B. Act in an advisory capacity to the City Council in the coordination of traffic safety activities of the official agencies and departments of Canby.
- C. Reviewing and recommending project applications for funding to the City Council.
- D. Serving as liaison between the City of Canby, the Clackamas County Safety Commission and the Oregon Traffic Safety Commission in



developing the State Highway Safety Programs and in meeting the National Highway Safety Programs Standards.

E. Promoting public acceptance of official programs authorized or instigated by the City.

F. Fostering public knowledge and support of traffic law enforcement and traffic engineering problems.

G. Cooperating with Canby schools in promoting educational traffic safety aids.

H. Educating the public in traffic safety aids.

### Section 3. Organization of the Commission.

A. Membership. The Commission shall consist of a seven (7) member voting board with non-voting liaisons representing the Canby Police Department, the Public Works Department and the City Council. Members shall be appointed by the City Council upon recommendation of the Commission Chair and Council liaison. The Mayor may vote only to break a tie, if necessary. The members of the Commission shall serve at the pleasure of the Council.

B. Terms of Office. Appointees shall hold office for three years from July 1<sup>st</sup> of the year of their appointment. At the expiration of the term of any member, the Council may appoint a new member, or may reappoint the current member for an additional term in the same manner as set forth in paragraph "A" above.

C. Officers. At the first meeting (July) of each year, the Commission shall select a chairperson, vice-chairperson and secretary who shall serve for a term of one year. It shall be the duty of the secretary to send all notices for the meetings and keep and preserve all minutes. The Chairperson shall have custody and keep all documents and papers while with the Commission; advise and consult with the City Council and City officials as to the work and recommendations of the Commission; work with the Commission and its subcommittees; work with organized community groups and others to carry forward all plans and policies of the Commission regarding accident prevention, which may be approved by the Commission; and perform such other duties as may be prescribed by the Commission.

D. Meetings. The Commission shall meet at least once each month and shall meet on the call of the Chairperson or on call by a majority of its

voting members. A majority of the voting members shall constitute a quorum.

**Section 2.** Resolution No. 567 and Resolution No. 741 are hereby repealed.

**Section 3.** This resolution shall take effect on December 3, 2003.

ADOPTED this \_\_\_\_ day of December, 2003 by the Canby City Council.

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

**ATTEST:**

\_\_\_\_\_  
Chaunee Seifried, City Recorder - Pro Tem

## **ORDINANCE NO. 1128**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH DAVAN ENTERPRISE OF CANBY, OREGON FOR THE PURCHASE OF A SOLID WASTE SPREADER BOX AND THE INSTALLATION OF THE SPREADER BOX AND P.T.O. KIT FOR THE CITY OF CANBY WASTEWATER TREATMENT DEPARTMENT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby wishes to purchase the installed solid waste spreader box for the Wastewater Treatment Department; and

**WHEREAS**, the City staff has budgeted for the spreader box and the installation of the spreader box on the old biosolids tanker frame. Funds for the purchase of this contract were budgeted in the Wastewater Treatment equipment line item, number 318-318-432-7410; and

**WHEREAS**, in accordance with ORS Chapter 279 and OAR Chapter 137 of the Public Contracting Law, three written quotes were obtained on the spreader box; and

**WHEREAS**, Davan Enterprise of Canby, Oregon submitted the low quote of Sixteen Thousand Four Hundred and Seventy Five dollars (\$16,475.00); and

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

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

Section 1. The Mayor and City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with Davan Enterprise of Canby, Oregon for the installation and purchase of a spreader box for the quoted amount of Sixteen Thousand Four Hundred and Seventy Five dollars (\$16,475.00).

Section 2. In so much as it is in the best interest of the citizens of the City of Canby, Oregon to have continuous excellent service for the operation of the Wastewater Treatment Facility and to avoid unnecessary added cost to the taxpayers without further delay, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

CURRAN-McLEOD, INC.  
CONSULTING ENGINEERS

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

**TO:** Mr. John Williams  
Community Development Director  
CITY OF CANBY

**FROM:** Curt J. McLeod, P.E.   
CURRAN-McLEOD, INC.

**DATE:** November 24, 2003

**ISSUE:** **SEQUOIA PARKWAY STREET IMPROVEMENTS  
ROCK REMOVAL CHANGE ORDER NUMBER 3**

**SYNOPSIS:** This is an ordinance to approve Change Order Number 3 to incorporate three additional work items into the Sequoia Parkway Street Improvement project, the primary item being rock excavation encountered during construction.

**RECOMMENDATION:** We recommend that the City Council approve Ordinance Number 1129, approving Change Order Number 3 for the Sequoia Parkway Street Improvement Project contract with Parker Northwest Paving Company in the amount of \$63,860.

**RATIONALE:** This change order includes three work items that incurred additional cost on the project:

1. **ROCK EXCAVATION:**

The largest item of the change order is the rock excavation at a total cost of \$61,640. The rock was encountered during trench excavation for the deeper utilities, at depths generally exceeding 10 to 12 feet. The specifications for this work define rock excavation and identify this as an item that would be paid under a negotiated change order.

The submitted change order cost of the rock excavation and additional backfill was \$92.00 per cubic yard. These costs are based on actual time and materials expended in the rock removal, additional backfill in the over-excavated areas and off-site disposal of the rock. The support calculations were previously submitted to the City and are on file.

On the Sequoia Parkway construction we excavated and removed approximately 670 cubic yards of rock, which at a unit price of \$92 per yard totals \$61,640.

The Change Order Cost is very reasonable compared to observed bid prices received by the City in the past. In 2000, we solicited bids rock excavation for the sanitary sewer construction on the Third & Baker LID Project. The low bid in 2000 was \$150 per cubic yard, and the average of the twelve bids we received was \$154.12. In 1993, the average of seven bids for comparable rock excavation was \$92.71 per yard on the Logging Road Industrial Park Phase I sanitary sewer improvements.

## 2. WATER BLOW-OFF ASSEMBLIES

Canby Utility required blow-off assemblies be installed at the end of each water service stub-out. Our service lines are located to serve each of the large industrial properties along the roadway and are all 8" diameter services varying from 25 to 75 feet long.. Blow-offs on each service will better allow the lines to be flushed and tested.. The unit price submitted for the blow-off assembly was \$210 per each for a total cost of \$1,680 for the eight services.

## 3. ADDITIONAL CRUSHED ROCK BASE

The final item is for the addition of 30 yards of crushed rock to adjust the end grades of both Sequoia Parkway and Hazeldell Way. The street design anticipated both streets to slope down to meet the native ground in the next roadway extension. This created a short distance where storm water drainage was not collected and disposed. To eliminate this, the final road grade was raised for the last 50 feet on each roadway to maintain a positive grade. The only impact was the addition of 30 yards of crushed rock.

The unit cost submitted for the additional crushed rock base was \$18 per cubic yard for a total of \$540.

We have also adjusted the contract time by an additional 21 days. The project was certified as substantially complete on October 25, 2003.

Mr. John Williams  
November 24, 2003  
Page 3

**BACKGROUND:**

This contract was executed on the 23<sup>rd</sup> of July this year and has had two previous change orders. The first was for \$138,193 to extend the paving work to include reconstruction of the travel surface on South Redwood Street. The second change order was for the addition of the parking area along the frontage of Arneson Park, for a total of \$41,190.70. With approval of Change Order Number 3, the total contract amount will be \$1,047,655.15.

There are several sources of revenues that cover the cost of this work. Two primary sources include the loan from the Oregon Economic & Community Development Department for all of Sequoia Parkway work, and the City Street Department Reserves for the South Redwood reconstruction. A secondary source of funds that will offset a portion of the development cost are System Development Charge revenues, as they are or become available.

In our estimates of total project costs sent to the City on October 16th, we included \$130,000 for the anticipated rock excavation and remaining contingencies for the project. With approval of this change order, the remaining project contingencies will be approximately \$66,000. We do not foresee additional expenses that will deplete this contingency.

Enclosure

cc: Mr. Roy Hester w/enclosure

## **ORDINANCE NO. 1129**

### **AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE CHANGE ORDER NUMBER 3 WITH PARKER NORTHWEST PAVING COMPANY FOR CONSTRUCTION OF SEQUOIA PARKWAY STREET IMPROVEMENTS; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby has heretofore advertised and received bids for the Sequoia Parkway Street Improvements; and

**WHEREAS**, the notice of call for bids was duly and regularly published in the Oregon Daily Journal of Commerce on June 26, 2003; and

**WHEREAS**, bids were received and opened on July 10<sup>th</sup>, 2003 at 3:00 pm in the Canby Utility Conference Room with the low responsive bid being tat of Parker Northwest paving Company; and

**WHEREAS**, the Canby City Council, acting as the City's Contract Review Board, met on Wednesday, July 16, 2003, and awarded a construction contract to Parker Northwest paving Company; and

**WHEREAS**, the Canby City Council met on July 23<sup>rd</sup>, 2003 and approved execution of a contract with Parker Northwest Paving Company in the amount of \$804,411.45;

**WHEREAS**, the Canby City Council met on December 3<sup>rd</sup>, 2003 and considered reports and recommendations on Change Order Number 3, including the recommendation of the City Engineer that Change Order Number 3 be approved; now therefore

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

Section 1. The Mayor and City Recorder are hereby authorized and directed execute, and declare in the name of the City of Canby and on its behalf, the attached Change Order Number 3 with with Parker Northwest Paving Company for Sequoia Parkway Street Improvements, in the amount of \$63,860. A copy of a Change Order Number 3 with Parker Northwest Paving Company is attached hereto and marked as Exhibit "A" and by this reference incorporated herein.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to complete this project as soon as possible, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, December 3rd, 2003; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, December 17th, 2003, after the hour of 7:30 pm at the Council Chambers at the Canby City Hall, 182 N. Holly, Canby, Oregon.

Chaunee Seifried, City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 17th day of December, 2003, by the following vote:

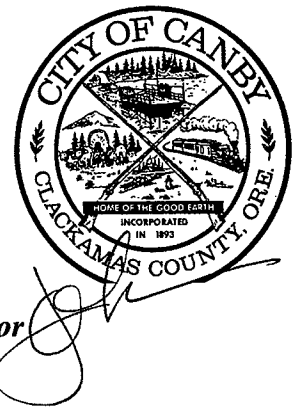
YEAS            NAYS

Melody Thompson, Mayor

ATTEST:

Chaunee Seifried, City Recorder





# MEMORANDUM

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *John R. Williams, Community Development & Planning Director*  
**DATE:** *November 26, 2003*  
**THROUGH:** *Mark C. Adcock, City Administrator*

---

Issue: Engineering services for Sequoia Parkway/4<sup>th</sup> Avenue (stage 3 construction).

Synopsis: This ordinance is needed to begin the design engineering services for the next stage of construction on Sequoia Parkway. The \$41,650 contract includes surveying, roadway design, and contract bid preparation.

Recommendation: Staff recommends that the City Council approve Ordinance 1130, awarding the design engineering contract for Sequoia Parkway/4<sup>th</sup> Avenue to Curran-McLeod, Inc.

Rationale: Curran-McLeod, Inc. has provided contract engineering services to the City for many years. Stage 2 construction (the recently completed work on S. Sequoia and Hazeldell) was completed on time and under budget, and we are very satisfied with the firm's work.

Curran-McLeod has worked extensively on Sequoia Parkway over the past three years and we can capitalize on this work to save money and time in the engineering process. In fact, the proposed contract represents only 5% of the estimated construction costs, significantly less than a standard contract might be.

Background: The proposed contract will be paid for by the next OECDD loan and tax-increment URD revenues. Expenses are as follows:

Design Surveys, boundary reconciliation	\$9,000
Property Dedications, 5 properties/4 owners	2,000
Roadway & Utility Design, 6 sheets	
Principal Engineer 60 Hrs @ \$94 / hr	5,640
Project Engineer 120 Hrs @ \$88 / hr	10,560
Graphics Technician 140 Hrs @ \$50 / hr	7,000
Clerical support 25 Hrs @ \$40 / hr	1,000
Contract Documents & Change Order Prep	1,200
Coordination & Approval Meetings	5,000
Printing & Distribution Costs	<u>250</u>
<b>TOTAL DESIGN PHASE SERVICES</b>	<b><u>\$41,650</u></b>

Construction phase services will be on an hourly basis as needed and are anticipated to be approximately 5% to 7% of the construction cost.

Options:

1. Seek more estimates for these engineering services and delay adoption of the ordinance until this information is in hand. Staff does not recommend this option because we are confident in Curran-McLeod's work and would like to move forward with the next stages of this project.

Attached:

Ordinance 1130 (contract to follow).

**ORDINANCE NO. 1130**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-MCLEOD, INC. CONSULTING ENGINEERS FOR ENGINEERING SERVICES ON AN APPROXIMATE 2,200 FOOT EXTENSION OF SEQUOIA PARKWAY AND SE 4<sup>th</sup> AVENUE; 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 facility planning, pre-design reports, preliminary engineering and cost estimates for engineering and construction for the extension of Sequoia Parkway and SE 4<sup>th</sup> Avenue in Phase II of the Logging Road Industrial Park; and

**WHEREAS**, the CITY OF CANBY anticipates the need to complete construction of an extension of Sequoia Parkway and SE 4<sup>th</sup> Avenue within calendar year 2004; Now therefore,

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

Section 1. The Mayor and City Recorder are hereby authorized and directed to make, execute, and declare in the name of the CITY OF CANBY and on its behalf, an appropriate contract with CURRAN-MCLEOD, INC for engineering services on in an amount not to exceed \$41,650.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to complete this project as soon as possible, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, December 3<sup>rd</sup>, 2003; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, December 17<sup>th</sup>, 2003, after the hour of 7:30 pm at the Council Chambers at the Canby City Hall, 182 N. Holly, Canby, Oregon.

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 17<sup>th</sup> day of December, 2003, by the following vote:

YEAS            NAYS

---

Melody Thompson, Mayor

ATTEST:

---

Chaunee Seifried, City Recorder

**DATE: November 24, 2003**

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

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

**Through: Mark Adcock, City Administrator**

**RE: Proposed contract with Community Planning Workshop for  
Willamette Wayside Properties master plan**

Issue: The recently acquired Willamette Wayside Properties (Log Boom and Fish Eddy) need a master plan in order to become publicly available and to meet the requirements of the grants from BPA and the State of Oregon. Ordinance No. 1131 will authorize the Mayor and City Administrator to enter into a contract with Community Planning Workshop to produce the master plan.

Recommendation: Staff recommends that the City Council pass Ordinance No. 1131, an ordinance authorizing the Mayor and City Administrator to execute a contract with Community Planning Workshop (CPW) for professional services for the development of the Willamette Wayside Properties master plan, and declaring an emergency, with the second reading scheduled for December 17, 2003 at the City Council meeting commencing at 7:30 PM.

**Background:** The grants from the State of Oregon and BPW which provided over half of the purchase cost of the properties required that a management plan be produced. The City has engaged the services of the University of Oregon's Community Planning Workshop several times in the past, most notably to produce the Park Master Plan and Park Acquisition Plan. CPW has also just finished a scoping report on the properties to identify the opportunities and constraints that will face the City as the management plan, or master plan, is developed. Since the properties total over 100 acres and involve various easements, sensitive ecological issues, and stakeholders, the City chose to produce this scoping report as a firm underpinning to any master planning that would later be done. CPW involved a group of stakeholders and the Park and Recreation Advisory Board in this initial phase which was approved by Council in the spring of 2003.

Now all of the information has been gathered and the master planning phase can begin. *The Park and Recreation Advisory Board*

*has reviewed the Scoping Report and is pleased with the work done so far. At their October 21, 2003 meeting they voted unanimously to recommend that the City Council approve the phase two master planning, continuing with CPW to conduct the public process and develop the master plan over the next year.*

Fiscal impact:

Funds are budgeted in the Park Development Fund for this planning process. The use of the graduate students from CPW costs roughly half as much as using private firms, and although staff needs to provide a bit more oversight, it still saves significant staff time to conduct these large public processes using a team of students who are getting real world experience prior to earning their planning degrees.

## **ORDINANCE NO. 1131**

### **AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH COMMUNITY PLANNING WORKSHOP (CPW) FOR PROFESSIONAL SERVICES FOR THE DEVELOPMENT OF THE WILLAMETTE WAYSIDE PROPERTIES MASTER PLAN; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby wishes to develop a master plan for the recently acquired Willamette Wayside Properties both for the public good and also to comply with the requirements of the granting agencies that assisted with the acquisition of the properties; and

**WHEREAS**, the City wishes to employ The University of Oregon's Community Planning Workshop (CPW), as an independent contractor under a personal services contract for the purpose of carrying out the public input process and producing the resultant master plan; and

**WHEREAS**, Community Planning Workshop has proposed a personal services contract for preparing the master plan as requested which is acceptable to the City, now therefore

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

Section 1. The Mayor and City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with the Community Planning Workshop for preparation of a master plan for the Willamette Wayside Properties. The copy of said contract is attached hereto and marked as Exhibit "A" and by this reference fully incorporated herein.

#### Section 2. Emergency Declared.

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

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, December 3, 2003, 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, December 17, 2003, commencing at the

hour of 7:30 PM in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

\_\_\_\_\_  
Chaunee Seifried  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 17<sup>th</sup> day of December, 2003, by the following vote:

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

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

ATTEST:

\_\_\_\_\_  
Chaunee Seifried  
City Recorder

# **Willamette Wayside Properties Master Plan**

## **A Proposal by Community Planning Workshop**

### **Background**

Over the past decade, the City of Canby has invested considerable effort in planning and developing its park system. In 2001 and 2002, the City of Canby purchased two key sites central to its park system vision: the Log Boom site and the Fish Eddy site. Both of these sites are outside the city's urban growth boundary (UGB) and are connected to the City's park system through the logging road pedestrian and bicycle trail. The total Willamette River frontage controlled by the City now exceeds 5000 feet. Opportunities exist to link this site with other city-owned sites as well as Molalla River State Park. These linkages are consistent with the "emerald necklace" concept described in the Canby Park Acquisition Plan.

A general vision for the Willamette Wayside Properties is insufficient—and inconsistent with language in the conservation easement for the Fish Eddy property which requires development of a management plan. To initiate the Master Planning process, the City contracted with the University of Oregon's Community Planning Workshop during the summer of 2003 to complete a scoping project which included a site inventory and identification of issues and opportunities that should shape the master plan as well as the master planning process.

This work program describes how the University of Oregon's Community Planning Workshop will work with the City, the Willamette Wayside Steering Committee, and Canby residents to develop a master plan for the Willamette Wayside properties.

### **Project approach**

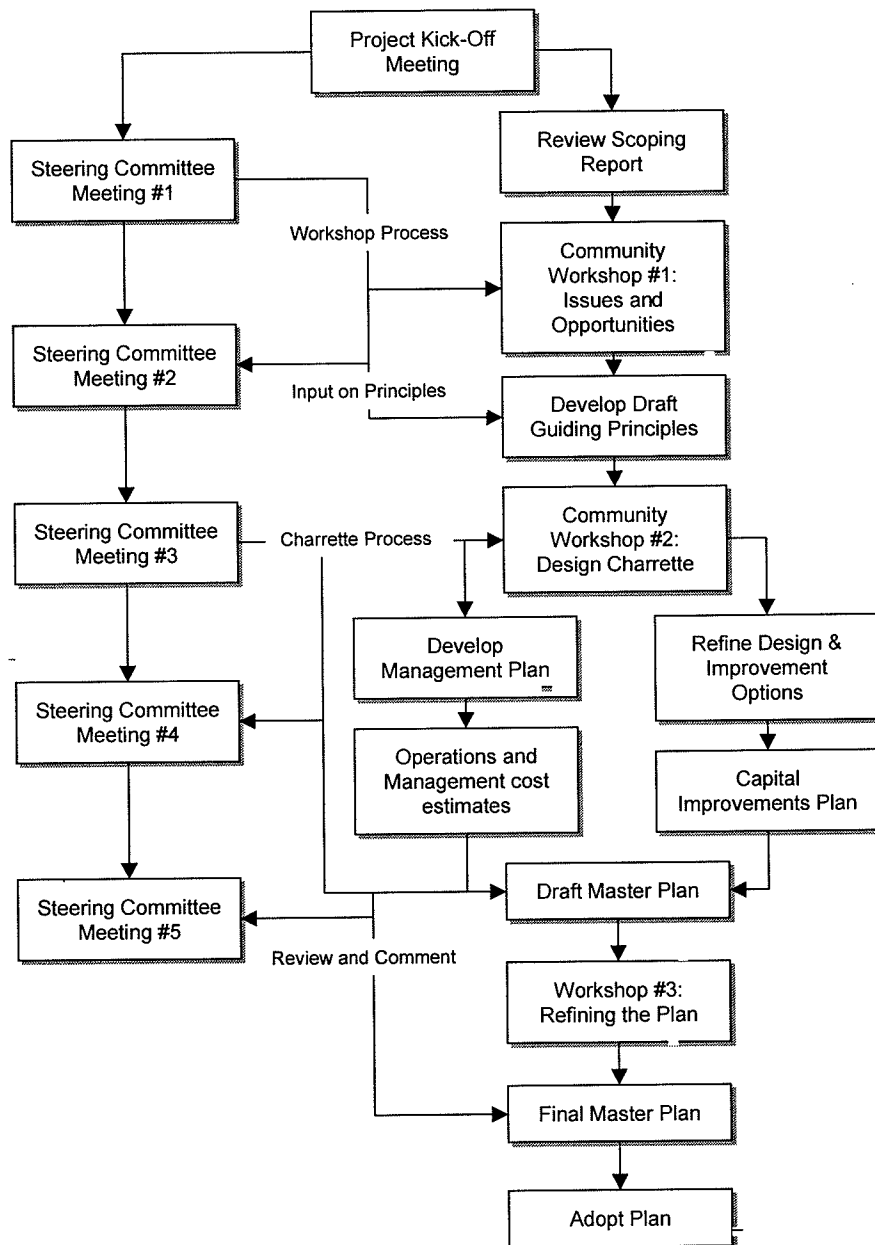
This scoping project provided baseline data for the master management plan for the Willamette Wayside Properties and other properties owned by the City of Canby. More specifically, the scoping project evaluated the configuration of the properties as well as legal, biological, and other issues in a preliminary effort to identify key issues and perform initial inventory work will set the stage for a more comprehensive and thorough master planning process.

The master planning process will address two broad areas:

- Identification of the type, location, cost, and timing of any capital improvements on the Wayside Properties; and
- Development of operations and management strategies, including an evaluation of restoration potential. This will also include estimates of ongoing management and operations costs.



### Figure 1: Proposed Master Planning Process



This project requires an interdisciplinary team. It includes process and technical components that are related to planning and design-related components. We have invited Jerry Deithelm, Professor Emeritus of the Landscape Architecture Program at the University of Oregon to assist with the design work. The CPW team will include 2-4 students from the Landscape Architecture Program at the University of Oregon. These students will be responsible for developing conceptual plans for proposed improvements.

## Proposed work program

The CPW team will work under the direction of Robert Parker, CPW Director. The CPW team will include graduate students from both the Community and Regional Planning and Landscape Architecture Programs at the University of Oregon.

### Task 1. Project Kick-Off

After the execution of an intergovernmental agreement, the CPW team will meet with representatives of the City of Canby and the previously established Project Advisory Committee to clarify project goals and objectives, and adjust the project approach, schedule and budget accordingly. We anticipate that the Committee will continue to meet at 4-6 week intervals to provide guidance and feedback to the CPW team in the development of the Master Plan.

**Product(s):** Advisory Committee meetings and meeting minutes

**Meetings:** 1 kick off meeting; 4-5 with Advisory Committee

### Task 2: Refine and Implement Community Involvement Strategy

CPW will work with City staff to organize and facilitate a series of community workshops to involve Canby residents in the planning process for the Wayside properties. The community workshops intend to assess community need, identify management goals, and capital improvement priorities on Wayside. Following is a description of each workshop.

- Community Workshop #1: The purpose of the first community workshop is to identify issues and opportunities. The meeting is intended as a forum for community members to provide input and feedback regarding the findings from the scoping report and for CPW to validate the issues identified in the scoping report. Workshop #1 is tentatively scheduled for February or March 2004.
- Community Workshop #2: The second community workshop will be run as a design charrette, the purpose of which is to synthesize the ideas and interests of community members, advisory committee members, and other interested groups by brainstorming and evaluating multiple design options for the property. This meeting will result in a set of management and development projects that will be reflected in some for in the Master Plan. The charrette should occur after completion of the first Community Workshop series, either in March or April 2004.
- Community Workshop #3: The third community workshop will occur after the draft management policies and conceptual designs are completed. The purpose of this workshop is to allow community members provide final input on the designs and management policies—but not to identify alternatives (which will be identified in Workshop #2 and discussed at the steering committee level). This meeting will result in refined conceptual designs and management policies and will be the last community workshop before the Master Plan is completed.

**Product(s):** Community workshops, meeting summaries

**Meetings:** Two community meetings and one design charrette.

### **Task 3: Develop Conceptual Site Plan**

The conceptual site plan provides a comprehensive framework for use of the Wayside properties to meet the City of Canby's park and recreation needs. To develop a conceptual site plan for the Wayside properties, CPW will organize and facilitate a community design charette. The intent of the charette (Community Workshop #2) is to synthesize the ideas and interests of community members, advisory committee members, and other interested groups by brainstorming and evaluating multiple design options for the property. CPW will then work with City Staff and the Advisory Committee to evaluate the design proposals and identify a conceptual site plan. The conceptual site plan will include a series of conceptual drawings that graphically detail the proposed improvements.

**Product(s):** Conceptual site plan

**Meetings:** 1 community meeting; 1 advisory committee meeting

### **Task 4: Develop Capital Improvement Program**

After developing a conceptual site plan for Wayside properties, CPW will work with City staff and the Advisory Committee to develop a capital improvement program that identifies priority improvements and estimates project costs and target completion dates. The program can be expressed in a series of goals and objectives and associated management actions, necessary to make the improvements identified through the conceptual site planning process. The goals and objectives will be consistent with City's Park and Recreation Master Plan and will reflect the interests identified throughout the site master planning process.

Capital improvements include projects necessitating the use of resources, human and material, to achieve the identified goals for development and use of Wayside properties. Improvements include projects such as trail construction, invasive species removal, habitat protection and maintenance, ecological restoration, as well as providing basic parks and open space amenities such as benches, viewing areas, and waste facilities. The program will include an implementation schedule highlighting targeting initiation and completion dates for the improvements.

**Product(s):** Capital improvement program included in Site Master Plan document

**Meetings:** One with advisory committee

### **Task 5: Develop Park Operation and Maintenance plan**

After identifying a conceptual vision for use of Wayside properties and a capital improvement strategy, the next step in the master planning process is the development of an operations and maintenance plan. This plan will elaborate on the implementation of the

management strategy for the site, specifying staffing requirements and costs as well as operation standards to execute park improvements and meet service needs.

Additionally, the operation and maintenance plan must address management issues regarding human access and natural resources on site. It will provide a management strategy for park maintenance of the built infrastructure, including trail development and maintenance, river access, transportation, parking, and other basic park amenities (waste disposal). It will also include a natural resources plan for vegetation and wildlife management – which may include invasive species removal and protection of critical habitat areas such as riparian buffers and wetlands.

**Product(s):** Park operating and maintenance plan included in Site Master Plan document

**Meetings:** One with advisory committee

### **Task 6: Identify Funding Partners and Opportunities**

CPW will identify a range of possible local, state, federal, and private funding strategies to provide the resources necessary for park improvements, operation, and maintenance. Having identifying projected park improvement costs and priorities as well as operation and maintenance needs, CPW will explore likely partners and contributors to all or part of the capital improvement program.

**Product(s):** Findings included in Site Master Plan document

**Meetings:** none

### **Task 7: Prepare Site Master Plan Document**

The results of the above tasks will be organized into a final document that clearly identifies a management vision for Wayside, as well as the costs and phasing of any proposed capital improvements. This document will serve as the management tool for executing short and long-term park improvements and establishing operations and maintenance upgrades. The Site Master Plan will include:

- Site and project background,
- site inventory,
- site evaluation,
- summary of community involvement process,
- conceptual plan,
- Capital Improvement Plan,
- Maintenance and Operation Plan,
- funding strategies.

CPW will provide City staff and the advisory committee with copies of the draft Master

Plan for review and comment. We will provide approximately two weeks for comments. The City will be responsible for resolving any conflicts that exist among the comments. CPW will revise the draft Master Plan based on the comments and will provide the City with 10 bound copies of the plan.

**Product(s):** Master Plan document

**Meetings:** One final presentation to Advisory Committee and/or Canby Parks Commission.

## Project Schedule

Table 1 presents our proposed project schedule. CPW proposes to initiate work on the project in December 2003 and to complete the project by August 2004.

**Table 1. Proposed Schedule**

Task	Description	Schedule
1.	Refine the work program	Weeks 1 – 4
2.	Conduct community workshops	Weeks 4 – 20
3.	Develop conceptual plan	Weeks 4 – 16
4.	Develop capital improvement program	Weeks 8 – 20
5.	Develop operation and maintenance plan	Weeks 10 – 20
6.	Identify funding options	Weeks 16 - 22
7.	Prepare Parks Master Plan	Weeks 20 - 28

## Proposed budget

Table 2 shows the project budget. CPW proposes to complete the tasks described in the work program for a fixed fee of \$35,376.

**Table 2. Proposed Budget**

Category	Hours	Amount
<b>Labor</b>	@\$40/hr	
Task 1. Kick-off meeting	20	800
Task 2. Public involvement	120	4,800
Task 3. Conceptual design	160	6,400
Task 4. Capital improvement program	60	2,400
Task 5. Management plan	120	4,800
Task 6. Funding plan	50	2,000
Task 7. Final Master Plan	100	4,000
<b>Subtotal</b>	<b>630</b>	<b>\$ 25,200</b>
<b>Direct</b>		
Printing		400
Postage		50
Travel		1,000
Phone		150
Subtotal		<b>\$ 1,600</b>
University Overhead (@32%)		<b>\$ 8,576</b>
<b>Total</b>		<b>\$ 35,376</b>

CPW will bill Canby according to the payment schedule in Table 3.

**Table 3. Payment schedule**

Product	Approximate completion date	Amount
Completion of 1 <sup>st</sup> public workshop	February 2003	\$3,000
Completion of 2 <sup>nd</sup> public workshop	April 2003	\$6,000
Draft conceptual design, CIP, management plan	May 2003	\$6,000
Draft Master Plan	June 2003	\$10,000
Final Master Plan	August 2003	\$10,376

**From:** "Tony Crawford" <tonyincanby@hotmail.com>  
**To:** <scheaferk@ci.canby.or.us>  
**Date:** 11/22/03 11:49AM  
**Subject:** document for council packet

Hello Kim,

The attached document is prepared for inclusion in the City Council's packet for their upcoming meeting. We use Mac computers at school so I have also cut and pasted the paper into the text of this email message (in case you cannot open the attachment). Please call me at 503-266-2751 x3419 if you have any questions.

Thanks. Tony

Tony Crawford  
Canby, Oregon

Community Festival  
(...Unity Fest...)

#### Overview

The Community Festival (Unity Fest) concept grew out of the statewide Student Peace Summits held in Oregon over the past three years. The view that we can "Think globally, but act locally, to create world peace" continues to be a driving force behind the Community Festival project. Our goal is to develop and implement a spring time event that promotes peace and harmony in our Canby schools and the community of Canby.

#### Components

Community Festival is designed to be an event that is relevant to our students, our schools, and the Canby community. The program is correlated to Canby School District and City of Canby relationship building and enhancement goals that are found in the School Board's goal statements. The effort of our project is to break down the barriers, or perceived barriers, that separate students into various groups. A multicultural approach to community building serves as a focus of Community Festival.

Canby High School and Ackerman Middle School students will be asked to enter a contest to produce a video or multimedia slideshow addressing the various issues related to promoting unity. Students will also be asked to prepare artwork for an exhibit displaying their attempts to promote unity through the arts.

#### The Event

On May 13, 2004, the public is invited to Canby High School's Fine Arts Building to participate in the Community Festival project. State Superintendent of Public Instruction Susan Castillo has agreed to be the keynote speaker. A schedule for the evening follows:

6:30	Doors open. Student art exhibition.
7:00	Greeting. Welcome addresses by Canby High School and

Ackerman Middle School students.  
7:10 Showcase of student produced video / multimedia projects  
7:30 Key note address: Susan Castillo  
7:50 Audience interaction session.  
8:15 Presentation of awards to students.  
8:30 Closure

#### Recent History

Canby High School and Ackerman Middle School students have participated in the Oregon Youth Peace Summits over the past three years. Our local students have expressed great interest in bringing this experience home to our own community and to make it relevant to the needs of our students and the citizens of Canby. We believe that the same concepts and skills used to make our schools safe, secure, and peaceful for our students can be used to create the same for the citizens of our community. We also believe we are facing an opportunity to offer a model event and program that can be adopted by school districts and cities throughout the state of Oregon.

#### Action by the City

We ask the City of Canby to formally support Community Festival. Support would include entering a partnership with the Canby School District to serve as co-hosts of the event, help publicize the event, and signing a proclamation in May to enhance Community Festival.

Please note that a financial commitment is not necessary as we are receiving support from local businesses and from organizations such as the Oregon Education Association.

Thank you for your consideration.

#### Community Festival Planning Committee

Erin Walsh, Canby High School  
Mark Till, Canby School District  
Sheri Mootz Meek, Canby Telephone Association  
Tony Crawford, Ackerman Middle School

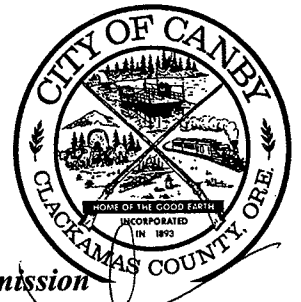
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CC: <sherl@canbytel.com>



# MEMORANDUM



**TO:** *Honorable Mayor Thompson and City Council; Planning Commission*  
**FROM:** *John R. Williams, Community Development & Planning Director*  
**DATE:** *November 26, 2003*  
**THROUGH:** *Mark C. Adcock, City Administrator*

---

I wanted to make the City Council and Planning Commission aware of an issue that has arisen recently. Some of you may have already heard of it, but if not, I'm sure you will – it could be a huge issue soon. A group of members at the Willamette Valley Country Club is proposing to disband the club and sell all of the land for housing. These individuals are apparently dissatisfied with the way the club is run and would like to get some money out of it and start over somewhere else. They believe they have a good chance of getting the votes to succeed.

The whole concept may sound far-fetched, but I think the City should start dealing with the possibility just in case. You may be surprised to learn that all of the golf course is currently zoned R-1, single family residential. The land is zoned for "private recreation" in the Comprehensive Plan, but this zone was never created (I don't think it ever occurred to anyone that it wouldn't be a golf course forever...).

So, the bottom line is that, with the current zoning, the country club could file a subdivision application at any time. They have approximately 150 acres of land, which could mean 500-1,000 homes...so the impact could be tremendous.

I would suggest that the City consider taking action immediately to give us some formal role in guiding development of the property in case the members do move to break up the club. There are a variety of options:

- Creating a "private recreation" zone allowing only recreational uses on the property. This would require approval of a Comprehensive Plan Amendment and Zone Change to develop the property.
- Creating an overlay zone requiring certain standards to be met if development occurs (think open space provision, mixed uses, etc.)
- Creating an "area of special concern designation" similar to the one recently created for the Northwoods property.
- Removing the property from the Urban Growth Boundary. This would obviously be a very strong step towards making it difficult to develop the property, and could also have a number of impacts on the property should it remain a golf course.

I would like to receive some direction from the Council and Commission on this issue so that I can speak directly to all the parties involved, who have been asking questions about "the city's position." My initial position is that we'd like to see it remain a golf course, but of course we don't own the property! So, we should prepare for development even if it doesn't happen. It is possible that development done right (with trails, open spaces, river views, neighborhood commercial uses, etc.) could be a huge asset to Canby, so I guess we should keep our minds open. Please let me know if you're interested in taking action.

## IS NOW THE TIME TO SELL WVCC

Many members have expressed serious concerns over the direction of the Club.

One approach to the concerns is to sell the club. For your information, we have approximately 158 acres within the City Limits of Canby. The property is zoned R1, "high-density residential." All of the utilities for development are currently available.

If the club were sold for \$18,500,000, each proprietary member would receive an approximate distribution of \$40,000. In addition, we would have the buyer pay another \$2,500,000 to retire current debt.

There is strong indication from the market, evidenced by a "letter of intent to purchase" from one large developer, and an actual "purchase agreement" from another, that the \$40,000 per member distribution would be a conservative amount.

The members responsible for this study are pressed for time and cannot field questions from 450 proprietary members. If we take it to the next step, your voice will be heard by your vote. The next step would be a petition, to hold a meeting, calling for a vote, to sell the club for a minimum amount of \$21,000,000.

We would appreciate a written response from you concerning the concept of selling the club. A yes or no would be helpful.

Respond to:  
Members of WVCC  
Suite 202 - #455  
29030 SW Town Center Loop East  
Wilsonville, OR, 97070-5499

*tom f @ willamette valley cc . com*

November 25, 2003

Members of WVCC  
Suite 202 - #455  
29030 SW Town Center Loop East  
Wilsonville, Oregon 97070-5499

To Whom It May Concern:

I received your letter concerning the possible sale of the club. I strongly disagree with your approach to solving "serious concerns" over the direction of the club. I think your letter is poorly written, contains false information, and is very misleading. . I would also suggest that you are acting illegally if you are taking "purchase agreements" and "letters of intent" from developers. Are you authorized to be representing the club membership in this fashion?

I'm a real estate developer, investor, and builder. I live in Canby and have done several local developments. There will not only be strong opposition from the members of the club themselves but from the community of Canby as a whole. I would be willing to lead the charge against your campaign.

Are you and your group real estate professionals? Do you have an alterative motive for this? Or are you just disgruntled members who are not getting there way? I would agree that the club has some issues that need to be resolved. I strongly oppose many of the decisions the club has made in recent years. But the solution to the problem is not to give up and sell the club. Losers give up!

When I joined the club in 1995 I did not do so wanting to profit financially from my membership. I would suggest that most of the other members share the same feeling. Are you just trying to make a profit? I think you could find better ways to make a profit.

In closing, I would like to ask all of the people behind this campaign to please resign or sell there membership as you are part of the "serious concerns" of the club. There are several golf clubs in the area that you would probably fit into nicely. I guess my answer to your question of selling the club is a simple NO! If you ever wish to discuss the club or this letter with me please feel free to contact me as I have include my name and phone number on this letter. I could not find your name or contact phone number on your letter. I will assume you are afraid of the possible repercussions of your actions.

Thomas AW Scott  
Member  
503-266-5488



Cc: Tom Ferrin