

**CANBY CITY COUNCIL
CITY COUNCIL WORK SESSION
March 19, 2014**

Presiding: Mayor Brian Hodson

Council Present: Todd Rocha, Traci Hensley, Clint Coleman, Tim Dale, Greg Parker, and Ken Rider.

Staff Present: Amanda Zeiber, Interim City Administrator/HR Director; Joseph Lindsay, City Attorney; and Kim Scheafer, City Recorder; Haley Fish, Finance Director; Bret Smith, Chief of Police; Melody Thompson, Administrative Specialist; and Jorge Tro, Police Lieutenant.

Others Present: John Brooks.

Mayor Hodson called the Work Session to order at 6:00 p.m. in the City Hall Conference Room. The Council met in a Work Session to talk about the City Administrator recruitment.

Amanda Zeiber, Interim City Administrator/HR Director said at the Work Session on March 5 she had requested the Council to consider her for the position of City Administrator.

Mayor Hodson thought she was qualified, but also thought an open recruitment needed to be done. He encouraged her to apply for the position.

Councilor Dale agreed an open process was important and suggested using a community based search committee. He also encouraged Ms. Zeiber to apply.

Ms. Zeiber understood the Council wanted to recruit and doing it internally would save a great deal of money. It was disheartening that she received no communication from the Council in the last two weeks regarding her request. She explained the benefits of her stepping into the role instead of recruiting. She did not intend to apply and would stay in her current position and offered to do the recruitment internally.

Councilor Coleman said Ms. Zeiber was very capable and could do the job.

There was Council consensus for an open recruitment. Council directed Ms. Zeiber to get quotes from outside recruitment companies and write a proposal for an internal recruitment process by the first meeting in April.

Mayor Hodson adjourned the Work Session at 6:30 p.m.

At 6:45 p.m. the Council met in a Work Session to receive a presentation by Portland Police Captain John Brooks on the RegJIN Project.

Bret Smith, Chief of Police, said the project was an extension of the current case management system the department was using. It would update the current system to keep up with technology, bring the department into compliance, and would allow connectivity with other agencies for sharing of information.

John Brooks, Portland Police Captain, said RegJIN stood for Regional Justice Information Network. He explained how the old system was outdated and how the new program had been selected. This would allow for better information sharing and police reports could be written in the police cars and put directly in the system. It would also meet the mandates from the State and federal government for measuring crime data. The system would automatically be updated as new upgrades became available. Portland is the hosting agency. This was not just something that would work for Portland, but for 40 different agencies. After it is built, they pay sustainment costs and that would be divided among all of the users. If Canby no longer wanted to participate, they would have to give 180 days' notice.

There was discussion regarding the benefits of the new system and questions about how the system worked.

This item was on the Council Regular Meeting agenda for approval.

Mayor Hodson adjourned the Work Session at 7:20 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
March 19, 2014**

Presiding: Mayor Brian Hodson

Council Present: Todd Rocha, Traci Hensley, Clint Coleman, Tim Dale, Greg Parker, and Ken Rider.

Staff Present: Amanda Zeiber, Interim City Administrator/HR Director; Joseph Lindsay, City Attorney; Haley Fish, Finance Director; Kim Scheafer, City Recorder; Jeff Snyder, Parks Lead Worker; Bryan Brown, Planning Director; Bret Smith, Chief of Police; Melody Thompson, Administrative Specialist; and Melissa Kelly, Interim Library Manager.

Others Present: Bob Cornelius, Paul Shuey, Don Perman, Gwen Polgar, and John Smith.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:30 p.m. in the Council Chambers followed by the opening ceremonies.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Paul Shuey, resident of Canby, said a concerned citizen from the community told him that Officer Feters had been reprimanded for falsifying police reports, omitting evidence, and not following police procedures and that Chief Smith had told Officer Feters there had better be no retribution against Mr. Shuey. He wanted to know what police reports were falsified, what evidence was omitted, what police procedures were not followed, and why he should be concerned about his safety. His ex-wife had broken into his home and abused him in front of his son. He had emailed Lieutenant Jorge Tro explaining his concerns and he received a response three days later. He wanted answers in writing.

Joseph Lindsay, City Attorney, said he would give Mr. Shuey a response in writing.

Don Perman, business owner in Canby, handed out a packet of information to the Council regarding public parking on the south side of town for the Logging Road. He had asked for this item to be put on a Council agenda for the last six months. He reviewed Mr. Ellis's response when the Council denied this in 2011. There was no other place for people to park, even City vehicles parked on the private road, and there was a safety issue of pedestrians walking across Territorial which was the only other place to park. This had been an ongoing problem for years and there was City owned property nearby that could be used for parking.

Mayor Hodson would meet with the City Attorney and Senior Planner to discuss this issue.

John Smith, resident of Canby, said the library presently had 11,000 square feet that served a population of 24,000. One proposal for the new City Hall/Library was a 26,000 square foot building where 12,000 would be used for the Library. That was not enough. More people used the Library than City Hall. There needed to be a two story building with 32,000 square feet, with 18,000 square feet for the Library and 14,000 square feet for the City Hall. He gave examples of how many children in Canby went to the City of Wilsonville's library.

MAYOR'S BUSINESS: Mayor Hodson wished everyone a safe spring break. Councilor Parker had written a statement for the Voter's Pamphlet for Council review. Councilor Parker would follow up with the Secretary of State for the next steps.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Rocha was unable to attend the last Parks and Recreation Advisory Board meeting and the Fire Board would meet next week.

Councilor Coleman was unable to attend the last Library Board meeting, but was updated by staff. The Board was pleased with Mr. Andrews who came to the Urban Renewal meeting to discuss the library project. They would like to see a 25,000 square foot library and a Second Avenue location. He attended the Rodeo Coronation and auction at the Canby Event Center. The Planning Director and Senior Planner would be attending the next Traffic Safety Commission meeting regarding some traffic calming solutions.

CONSENT AGENDA: ****Councilor Dale moved to adopt the minutes of the March 5, 2014 City Council Work Session and Regular Meeting and appointment of John Merina, Gwendolyn Polgar, and Matthew English to the Municipal Audit and Financial Review Committee for terms to expire on December 31, 2014. Motion was seconded by Councilor Rider and passed 6-0.**

RESOLUTIONS & ORDINANCES: Resolution 1183 – Bret Smith, Chief of Police, said this was a case management system and a way to share information across boundaries as it related to police agencies interaction. This would update the department's technology as well.

****Councilor Hensley moved to adopt Resolution 1183, A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PORTLAND, OREGON, FOR THE REGJIN PROJECT. Motion was seconded by Councilor Rocha and passed 6-0.**

Ordinance 1397 – Amanda Zeiber, Interim City Administrator/HR Director, said bids were open on March 6. The project included sidewalks, curbs, pervious pavement, and paving curb to curb. It was estimated to start July 1 and was within budget.

****Councilor Coleman moved to approve Ordinance 1397, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE-ELSNER, INC. IN THE AMOUNT OF \$471,891.50 FOR N. JUNIPER STREET AND NE 9TH AVENUE ROADWAY IMPROVEMENTS; AND DECLARING AN EMERGENCY to come up for second reading on April 2, 2014. Motion was seconded by Councilor Rider and passed 6-0 on first reading.**

NEW BUSINESS: Departmental Goal Review –

Finance – Haley Fish, Finance Director, said evaluation of the City’s financial policies would be the first item on the agenda for the Municipal Audit and Financial Oversight Committee. Other goals were to evaluate funds and accounting structure, to consider centralizing purchasing and grant management functions, to create a centralized customer service desk, to create a five year rolling financial forecast that was updated annually through the budget process, and to create a Capital Improvement Plan.

Library – Melissa Kelly, Interim Library Manager, said the first goal was providing more outreach of library services through partnerships with community organizations and to allocate more funds for on call staffing. Other goals were to apply for programming grants to fund a full range of programs for all ages in the community, to work with the City and Urban Renewal Agency to build a new Civic Center/Library, to develop programs around parks and recreation, and to transition the library website to a new content management system and web hosting service.

Parks – Jeff Snyder, Parks Lead Worker, said the goals for his department were to continue to provide excellent internal and external customer service while being fiscally responsible, to continue to address customer concerns in a timely manner, to provide a safe, clean, and accessible park system for all citizens, to oversee the development of new parks and green spaces to ensure maintenance friendly systems were designed and installed, to maintain all of the parks’ assets in the most cost effective and efficient way possible, and to continue to work with all City departments to provide lateral support and making the best use of City equipment and personnel. He then discussed ideas for capital improvement projects. Another goal was to continue to support and provide assistance to groups in town.

Ms. Fish explained the recent SDC study which showed a ratio for how much of the SDCs were used for increased capacity and how much met the deficiency of the current capacity. Over the life of the improvements that were planned about 57% could be funded through SDCs and the rest would need a different funding source.

Planning/Building – Bryan Brown, Planning Director, said the Planning staff supported the Finance Director’s five year Capital Improvement Plan project, especially for a storm water facility in the Willamette Wayside area. Other Planning goals were working on the N Redwood Master Plan, completing the modification and adoption of the NE Canby Master Plan, continuing to work on a code improvement package, and doing a buildable land needs analysis. Inspections and permits were now being done by Clackamas County and he discussed issues regarding how long the process took at the County.

Police – Chief Smith said they focused their goals on community, personnel, and technology. They wanted to have citizen and officer recognition, continue the Citizens Academy, continue the reserve officer program and school resource officer, keep up with current technology, fill authorized vacancies, and expand supervision.

Court – Chief Smith said they would like to hire an administrative office specialist and to have an online credit and debit card payment service.

Mayor Hodson wanted to know what direction the Council wanted to take next with this information.

There was discussion regarding how to proceed with the five year and longer range planning.

Councilor Parker suggested ideas be forwarded to the Mayor and that a professional consultant help them through the process.

The Council would review all of the material submitted by staff and discuss it further at a later date.

Selection of Two Councilors for the Municipal Audit & Financial Oversight Committee – Council consensus was for Councilors Coleman and Dale to be on the Committee.

ADMINISTRATOR’S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Resolution 1183.
3. Approved Ordinance 1397 to come up for second reading on April 2, 2014.
4. Selected Councilors Dale and Coleman to be on the Municipal Audit and Financial Oversight Committee.

There was no Executive Session.

Mayor Hodson adjourned the meeting at 9:10 p.m.



Kimberly Scheafer, MMC
City Recorder



Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood

MOLALLA FOREST ROAD TRAIL

CITY OWNED PROPERTY
(Park)

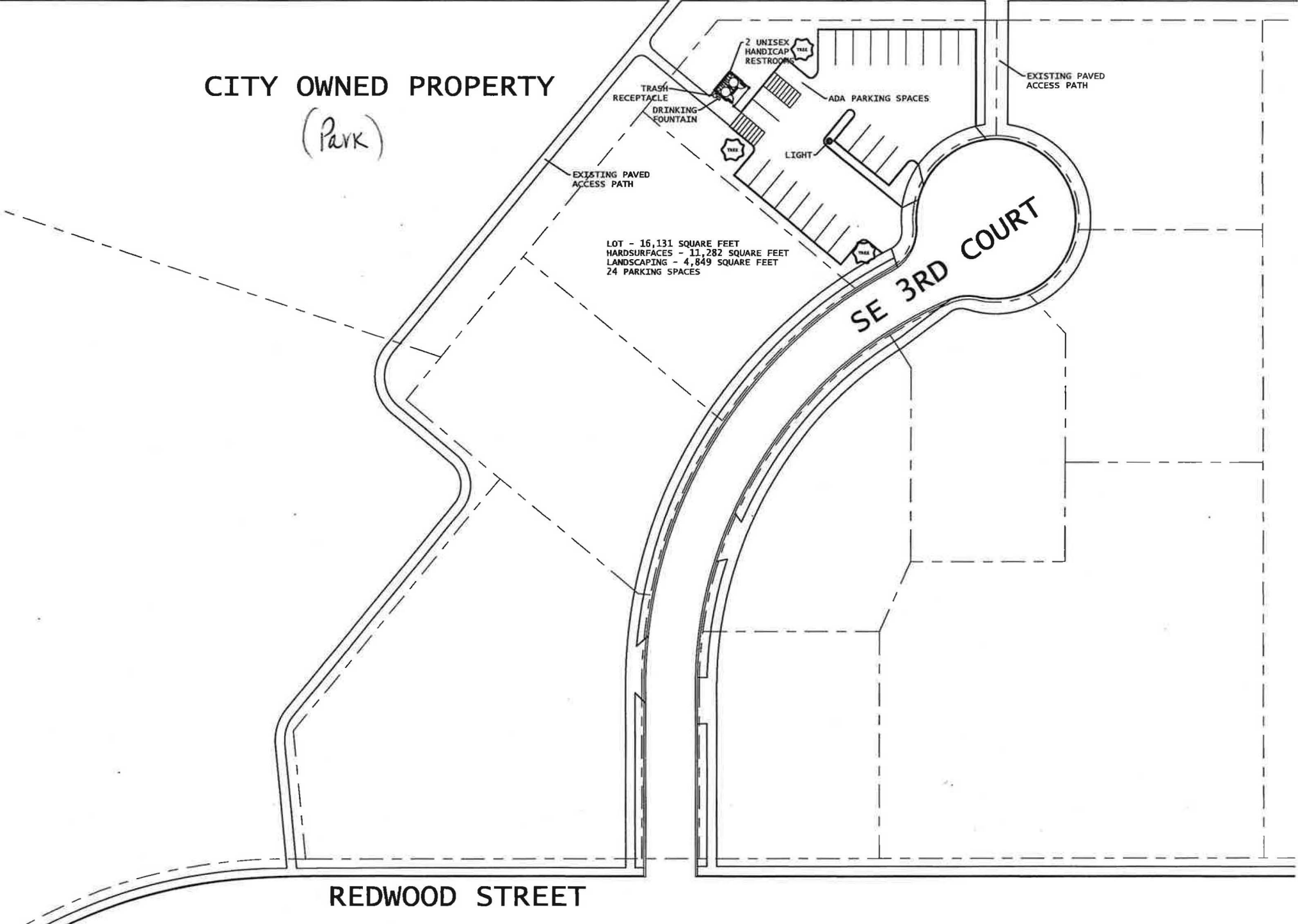
2 UNISEX HANDICAP RESTROOMS
TRASH RECEPTACLE
DRINKING FOUNTAIN
ADA PARKING SPACES
LIGHT

EXISTING PAVED ACCESS PATH

LOT - 16,131 SQUARE FEET
HARDSURFACES - 11,282 SQUARE FEET
LANDSCAPING - 4,849 SQUARE FEET
24 PARKING SPACES

SE 3RD COURT






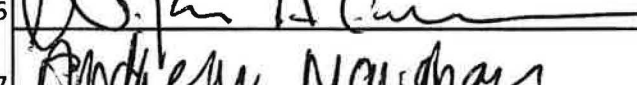

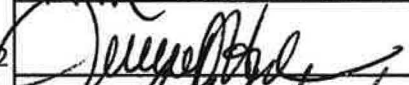


REDWOOD STREET



**Public Parking on South Side of Canby
Access to the Logging Road**

The following signatures are promoting:

1. Public Parking next to the logging road off SE 3rd Court providing safe access to the park on the south side of town.
2. Keeps local businesses private parking areas available for customers and other private visitors.
3. Provides a place to park for the city vehicles that continue to use the cul-de-sac daily.
4. Provide a safer option in accessing the logging road without the risk of crossing Territorial.

1		DG S-Morgan
2		- dperman@canby.com
3		Porman Dental Office
4		
5		
6		Spectrum Woodworking
7	Andrew Naughton	
8	Baines	ClubFit
9		ClubFit
10	Gella Hottel	SMS AUTO FABRICS
11	Kim Johnson	
12		ADVANCED PULP SYSTEMS
13		ADVANCED FLIGHT
14	Dr. Blanch	Advanced Flight
15	Susi Laiz	Trent Warren, MD.
16	Tesla Johnson	Trent Warren MD
17	Korlee Wickoff	Mountain View Veterinary Hospital
18	Gena Helged	
19		

Redwood Professional Village and SE 3rd Ct. providing public access to commercial businesses and a city park.

The original intent for this development, the Redwood Professional Village on the south side of town, was to provide small business opportunities to build their own small business buildings. The land available in down town had very few options due to the size of most lots with current buildings and no bare lots for sale downtown ten years ago. I personally worked downtown for 15 years and wanted to stay down town but looked for years and became very frustrated with what was available down town to build a new dental office. Most owners of downtown property and buildings want renters and not interested in selling land or the building.

I have been a dentist in Canby for over 20 years. I have donated thousands of dollars in dental care to this community every year. I am the one that began the movement to help the industrial site development back before Melody was the mayor. It was Wayne Scott and I that developed the plan to replace the mayor with Melody and three others on the council to get our town growing again. I have put thousands of volunteer hours for this community because I love this community like you. I thank you for your volunteer time to help this community.

In 2002 I began searching for a place to build a new dental office. In 2003 we offered to purchase the land that the Urgent Care center, originally the Willamette Falls Hospital building is on. When we made an offer the owners said it was for lease only and that the land was not for sale. Therefore, we committed to the land off of SE Redwood and six months later they did sell the land that we offered to buy to Willamette Falls who then owned the land that we first wanted to purchase.

This left us with very few choices to build a new dental office. No commercial lots of bare land in down town and no single lots available anywhere in town. There was some light industrial land for sale which was sitting next to commercial property off of SE Redwood. This was land that was zoned in the early eighties. A second piece of light industrial land became available along with two small unusable odd shaped pieces of commercial property that were purchased with the idea of redrawing property lines with a development.

Many months later we had a zone change of two light industrial pieces that had been unused for over 25 years when it was originally zoned light industrial. It was determined both the odd shape and size led to the land never being developed. We combined four useless pieces of land and dissolved the property lines and rebuilt this land into nine commercial lots. It was the only area in Clackamas county that had commercial property ready to build.

By 2006 we had done the work to have all the property zoned changed and lot lines developed for the commercial small business lots. A total of nine commercial lots were built and a road to have access to each lot. There were side walks built required by the city to have walking access to the logging road. This was a commercial development not a residential development. All nine commercial lots with its own parking lot. There was no need for parking on 3rd ct. because all the lots have their own parking lots. It was the city and us the developer that did not realize the real need for public parking next to the logging road on the south side of town.

In 2007 we began building the dental office and finished in 2008. We also noticed many people using the road, sidewalks, and the pavement trails to get access to the logging road by walking and riding bikes. We also began to realize the popularity of the south side of the logging road to walk. We noticed that people would use the private parking lots of all the surrounding businesses to park and have the ability to walk on the logging road. As the new office buildings were being built the invasion of private parking lots continued. Included is a letter of business owners who continue to have the public using their private parking lots to get access to the logging road.

From 2008 until 2011 the cities maintenance trucks and the utility trucks used SE 3rd. Ct. to get easy and safe access to the logging road on a regular basis. Utility trucks use it to get to the large electric box near the bridge on the logging road. The open space from the cul-de-sac is much safer due to having more room to turn with the utility truck. This was confirmed from the drivers. It was only after I mentioned the use of the city vehicles on 3rd. Ct. to the city then it's use slowed down but never has completely ended. Also the cities CAT bus has never stopped using 3rd Ct. to stop and have lunch and walk the logging road on the south side for the last six years. It is a very popular location because of its convenience and safety to get to the logging road on the south side. People alone and with their pets walk 3rd Ct. every day to get to the logging road. Police have used 3rd Ct. for the last six years to access 3rd Ct. and one on Friday, March 14th, 2014 was sitting on 3rd ct. for hours.

From 2007 to present along with the public parking in private parking lots we have had the public and city workers parking in the Cul-de-sac of 3rd Ct. to have safe and convenient access to the logging road. Many days there can be as many as 20 cars in and out of the cul-de-sac and private parking lots. My count is only when I am around which is 10 hours a day and know there could be many more while we are gone.

With all the private parking lots being used for public access to the very popular logging road on the south side of town we thought of a way to benefit the public and keep the public out of the many private parking lots and give city workers access in a location that has become very popular and safe. In 2011 we presented to the city the ability to have a public parking lot up against the logging road for the CAT bus, other city vehicles and the public to park and have direct access by car to easily get onto the logging trail on the south side of town. We sent the council a list of businesses that have many cars parking in their private parking lots to have close walking access to the logging road.

The only public parking area for the logging road is on the north side off of Territorial. To walk south on the logging road, the city is forcing all those who are using the public parking lot off of Territorial, to use the cross walk. If a person needs to drive a car to get to the logging road to walk down it, then this is the only location to park and walk from designated public parking. You are forcing parents who walk the logging road with their young kids to cross Territorial who's traffic continues to increase.

In response Greg Ellis felt the 2nd location that was proposed two years ago was a poor site off of 3rd. Ct. for public parking which we concluded was a personal opinion. It was obviously a personal opinion. The city maintenance truck uses the logging road regularly to clean out garbage cans along the logging trail. It's a perfect location for the city maintenance truck to take an extra five minutes and check the public parking lot next to the logging road on the south side. Hundreds of cars each month use 3rd. Ct. to access the south logging road by car. He also stated that the road was not up to the standard of a public road in Canby so therefore the city should not allow the public to drive on this road due to its non public standard of a road. If you allow your maintenance and other city trucks to use the logging road then there is no excuse to say 3rd. Ct. is not built to the standard that's required for this road. What Greg Ellis forgot to say was a description of the type of traffic that uses this special road with a unique service and unique location. His response discussed the public standard of a road to have 3 1/2 inches of asphalt and 10 inches of rock. 3rd Ct. has 3 inches of asphalt and 8 inches of rock. Were talking about a difference of 1/2

inch of asphalt and 2 inches of rock. In his opinion he said the road was not up to the Canby city standard and therefore the city should not share in the cost of the road.

Greg Ellis failed to mention that the type of traffic on this particular road is unique because of its purpose. It has only car and light truck traffic. The Canby standard is for semi trucks and other heavy truck traffic which weigh 40,000 pounds and 3rd Ct. was never built for this weight because those vehicles never use this road. Cars and trucks average 4,000 – 8,000 pounds and according to engineering recommendations this type of traffic needs 6 inches of rock and 2 1/2 inches of asphalt. Two Engineering firms will testify that this road was actually built heavier than the standard for this type of unique traffic using this road. The standard for this unique traffic is 2 1/2 inches of asphalt and 6 inches of rock. So we built a road heavier than the amount for the unique type of traffic that uses this road with the 3 inches of asphalt and 8 inches of rock for the occasional heavy truck. This road will never have regular traffic of heavy semi's and other heavy trucks so why build for the type of traffic this road will never have. It is built stronger than what was needed for the specific type of traffic this road has had and will have in the future.

Greg Ellis also said the road was too skinny and I just wanted him to know it's the same width as the new road built on 1st street down town. Greg Ellis also stated that night to the council in 2011 that there were many access points to the logging road and bragging that all these access points were more than enough for the public on the south side of town. He just forgot to tell the council that he was talking about walking access paths and did not talk about access by car on the south side except one location.

Greg Ellis stated that this one location where cars could park on the south side of town to have direct access to the logging road was at the Baker Prairie Middle School. The parking lot is still a ways from the logging road and he tried to make it sound like we already had a place for people to park cars on the south side. I asked the school district to state their position on allowing the public to park in there parking area for the public to access the logging road. In a letter written from the school district they stated that in no circumstances is the public to use the school parking lots to have access to the logging road by car. This letter was sent to the council. I never heard a word from Gregg Ellis, the city planning department or the council admitting that they were wrong in accessing the amount of areas available to park cars next to the logging road on the south side of town where over 8,000 people live. That amount of parking spaces for cars was zero and still is zero. All the access points Greg Ellis stated that had parking in Cul-de-sacs for cars were all off of NE Redwood in residential developments on the North side of town. I can only assume he was talking about local neighborhoods on the north side of town.

Also on the north side of Town is the parking for the Eco Park that is also used for those that want to walk down the logging trail both North to the river and South to the bridge over 99 E. The expansion of this parking lot that was done last year does not resolve the issue of the lack of public parking for direct access to the logging road on the south side of town. We continue to have hundreds of cars each month parked in the many private parking lots and the 3rd Ct. cul-de-sac.

Greg Ellis also stated that this proposed location for public parking was such a poor location but had no details as to why it was a poor location again a personal opinion only for a very big decision. The continuous use by both the public and the city vehicles only shows the opposite and that it's a good safe location to get access to the logging trail on the south side of town. Safety is a huge part of why it's such a great location. The north location off of Territorial is great if you want to walk north to the river or to Eco Park. If you want to walk south you must cross the second busiest road in our town besides 99E. Some days due to the Sun, Fog, and other conditions can make crossing even with the lights very dangerous. Try it some time when the Sun is directly in your eyes in Summer months you get a direct shot of Sun down the tunnel of trees on Territorial. In the last 12 months there has been

many people injured or killed in cross walks in the Portland area. Two women were killed just last month in a cross walk in Vancouver. Our we waiting for this to happen on Territorial before we give the public at least one other option to park next to the very popular logging road.

The current bridge and road out to 13th is not a good location and was mentioned as a possible option in the future by the parking committee. The annexation proposal is not until November and is not a sure thing. It is also much more inconvenient location compared to 3rd ct. It offers only 6 public parking lots which is inadequate now and for sure for the future. There is no property next to the logging road available nor is there a better location. Much fewer people travel on SE 13th versus the traffic on SE Redwood. We have a place set to go and can be used to easily resolve this issue at a good and safe location. I have included a proposed parking lot with the ability to have 24 parking spaces, ADA access, and a future bathroom since the whole logging road is in need of a bathroom.

The night the council voted this proposal down the city did confirm that URD money could have easily been used with a simple expansion since the URD area already includes the entire logging road so this was not an issue.

The night of the no vote I asked the council to reimburse Redwood Professional Village \$400,000.00 to help pay for half of the road costs. We would not care if the city paid \$50,000 a year for the next eight years. In terms of maintenance the road cleaning vehicle goes by redwood and might take 10 minutes to go up 3rd Ct.. The city maintenance truck while on the logging road already stops right where we propose this parking lot next to the logging road. It may take them 10 more minutes to clean the parking lot. 3rd Ct. is the only road on the entire south side that has lots that could be converted to a public parking next to the logging road that truly has direct safe access to the logging road. SE 3rd Ct. is the only road on the entire south side of town that can provide this service. Most commercial developments in Canby have had city support with the city paying for most of the road construction just like this year on 1st street. The whole industrial area of commercial and industrial lots had roads funded by the city. Redwood Professional Village is a commercial development not residential. Again Greg Ellis treated this commercial development like it was residential stating that all road construction costs is paid for by the developer. This is just not true.

In conclusion, Greg Ellis and the planning department were incorrect in their assessed value of this road. Greg Ellis was wrong when letting the council know about parking for cars on the south side of town to access the logging road. This is an inexpensive way for the city to solve a problem that was here before this development was finished. All the businesses around the Redwood Professional Village have had issues of the public using private parking lots on the south side to get access to the logging road by car before we broke ground. After 3rd Ct. was built it made it even easier to access the logging road on the popular south side. Let's have a second location to safely access the logging road, especially for elderly citizens and parents with kids and pets. I hope the city will reconsider their position and relook at this as a positive opportunity for the public to have safe parking and the only access by car near the logging road on the south side of town sooner not maybe later. Thank you for your time today.

**DR. PERMAN PROPOSAL
MOJALLA LOGGING ROAD TRAIL**

ISSUE SUMMARY

On June 8, 2011, Peter Hostetler made a presentation to the Canby Urban Renewal Agency (URA) advocating for a public parking lot to be located on one of the existing lots (Lot 5) in Redwood Professional Village, LLC, also known as SE 3rd Court. The issue, as quoted from Mr. Hostetler's presentation materials to the URA, is, "The current community use of Mojalla Forest Road Trail has proved that there are inadequate parking, pedestrian and bicyclist facilities." In assuming Mr. Hostetler is referring to the Mojalla Logging Road Trail. The proposed solution, again quoting from Mr. Hostetler's presentation materials is "...that lot #5 in the Redwood Professional Village be used for a parking lot complete with trash receptacles, drinking fountain, ADA access to trail and a possible restroom facility."

The process to achieve the proposed solution is not entirely clear but there is a comment on the bottom of page two (of two pages) that reads "Proposed location borders the URD and would require minimal addition to the remaining capacity of the URD to receive funding through the URD." And, finally there is a statement at the bottom of page two which states, in part, "From here, a response is requested from the City Council detailing the steps and actions community members can take to see this issue resolved and this proposal decided on."

Although not specifically stated it is my understanding that Mr. Hostetler's proposed solution is suggesting that, once the URA expands the boundary of the Urban Renewal District, the URA would purchase Lot #5 and would also purchase the private drive, SE 3rd Court, in Redwood Professional Village. The URA would then fund the construction of a parking facility on Lot #5 which would possibly include a restroom.

In order to address the request to the Urban Renewal Agency I will break it into the specific issues that were addressed at the URA meeting or issues that may have a direct effect on whether to move forward. A list of those issues is indicated below although it may not be all inclusive.

Need - Trail Access Requirement
City Committee Process
New Development
URD Expansion
Street Construction Standard

NEED - TRAIL ACCESS REQUIREMENT

Included in Mr. Hostetler's handout to the URA (Attachment 1) was a map of the Trail showing existing conditions. As indicated on the map there are currently 17 access points to the trail that are well spaced over the entire length of the trail with ten (10) being on the North side of 99E and seven (7) being on the South side.

Several of the access points are from cul-de-sacs that provide on street parking within the public right-of-way. There are also two access points on either side of Baker Prairie Middle School with a large quantity of parking for trail users. Directly adjacent to the trail, North of NE Territorial Rd. there is a ten space parking lot for EcoPark users or users of the Mojalla Logging Road Trail.

For many years all new subdivision development (residential, commercial, industrial, public) that abuts the Mojalla Logging Road Trail have been required to provide access to the trail. The result has been several access points from local neighborhoods and an abundance of parking on public right-of-way for easy access to the trail.

CITY COMMITTEE PROCESS

There are two advisory committees empowered by the City Council, Parks & Recreation Advisory Board and the Bikes & Pedestrian Committee, that would have joint responsibility for the planning and prioritizing of

this type of project and relying their findings to the City Council. The process would require the two advisory committees to agree, after a great deal of public input, that this is a desirable amenity for the Citizens of Canby. Only then would the project be placed on the Capital Improvement Plan (CIP) for possible funding from Park System Development Charges (SDCs).

Neither Committee has been through the process of reviewing this proposal to determine if it should be included in the CIP. In that process the committees would consider funding sources, as well as the cost of continuing maintenance and upkeep to determine if the City would have the resources in future years to insure sustainability of this property. Another issue that they would address is the susceptibility to vandalism because the proposed location is not adjacent to a main arterial.

NEW DEVELOPMENT

All new subdivision development is required to include and pay for all infrastructure. Although stating the obvious, a private developer puts their capital at risk in order to make a profit. Cities do not pay for any portion of a project regardless of whether it is residential, commercial or industrial. In the vast majority of cases, once the project is completed, the roads are dedicated to the City as public right-of-way and the City is provided utility easements for water, sewer, and storm and there are also easements for power, phone, cable, fiber optic, etc.

This entire infrastructure, including streets, is financed by the developer for use by the utility provider in order to serve future building on the developed site. The beneficiary of the infrastructure is ultimately anyone who builds on the property. The developer of this subdivision, Dr. Perman, opted to put in a private street which is only an option under certain conditions. Dr. Perman's private street was allowed because there is very little chance of development to the Northeast because the property abuts the trail and the trail lies in that direction.

As a private road its use is controlled by the lot owners that develop in Redwood Professional Village and use SE 3rd Court for personal or client use. SE 3rd Court is nothing more than a private parking lot no different than the parking lots at Fred Meyer's, Safeway or Cutsforth's Thriftway. In each of these cases the developer has provided an amenity for ease of access to the business. The City did not pay for any of these parking lots. That same amenity has been provided by the developer for the businesses that build and locate on SE 3rd Court. If there are "parking violations," as indicated in Mr. Hostetler's report, the property owners are within their rights to have the offending vehicle towed. It is not the City's responsibility to enforce parking issues on private property.

Mr. Hostetler's presentation materials contained a section titled Fire Safety. In that section Mr. Hostetler states that property owners located in Redwood Professional Village as well as the Canby Fire Department have indicated that the SE 3rd Court cul-de-sac is only big enough for a single fire engine to turn around. If there are any cars parked in the cul-de-sac it would be impossible for a fire engine to make that turn. If there are signs on SE 3rd Court indicating "No Parking" that are not being obeyed the property owners have the right to have vehicles towed that do not obey the signs. Again, it is not the City's responsibility.

Attachment 5 of Mr. Hostetler's presentation is a letter from Dr. Perman to the Canby City Council and the URA. In part, that letter expresses concern over the problems created by community members parking in the cul-de-sac of SE 3rd Court. Specifically, Dr. Perman identified problems for emergency vehicles and service vehicles when cars are parked in the cul-de-sac of SE 3rd Court. Have the vehicles towed if there is a safety concern.

The subdivision application for the Redwood Professional Village was received by the Canby Planning Department on April 11, 2005. Mr. Pat Sisul, Sisul Engineering, is indicated on the application as the applicant's representative. As part of a subdivision application Mr. Sisul must address several sections of Chapter 16, Land Development and Planning Ordinance. In response to Section 16.64.015 Access, Mr. Sisul states "The private road provides adequate access to the proposed lots for users of the proposed office facilities as well as for emergency vehicles and service vehicles." (bold and underlined added).

After Canby Planning Commission approval, on August 8, 2005, but prior to the beginning of development of Radwood Professional Village a Pre-Construction Meeting was held on May 10, 2006. There was a Canby Fire Department Representative at the May 10, 2006 Pre-Construction Meeting and the record does not show any input from that representative. The record of the August 8, 2005 Planning Commission does not contain any written or verbal testimony from the Canby Fire Department pertaining to the size of the SE 3rd Court cul-de-sac.

URD EXPANSION

As stated above in "Issue Summary" it appears that Mr. Hostetler is proposing an expansion of the Urban Renewal District (URD) in order to pay for his imagined problems. Oregon Revised Statute (Chapter 457) allows expansion of an URD by minor amendment if the aggregate of all expansions is less than or equal to 1% of the original URD acreage. The original URD contained 574.77 acres and, therefore, 5.75 acres could be added to the URD by minor amendment. From the time of the adoption of the original district there has been 3.62 acres added to the URD. According to Attachment 7 in Mr. Hostetler's handout the proposal is to add Lot #5 and SE 3rd Court to the URD, which totals approximately 0.68 acres, and would keep the aggregate expansion of the URD well within the 1% maximum.

STREET CONSTRUCTION STANDARD

During the presentation by Mr. Hostetler he was asked by Chairman Rich Aves if SE 3rd Court was built to the City's Public Street Standards. Mr. Hostetler is incorrect when he stated that there were no public street standards and, in fact, the Canby Public Street Standards are very specific.

City of Canby Public Street Standards require a minimum Crushed Base Equivalence (CBE) of seventeen inches (17") on a firm or compacted subgrade. One inch (1") of rock base equates to 1" CBE and 1" of Asphalt Concrete (AC) equates to 2" of CBE.

Sisal Engineering is the Engineer of Record for this project and the as-built drawing for SE 3rd Court is available for review at Canby City Hall. As indicated, SE 3rd Court was built with eight inches (8") of rock base and one and one-half inches (1 1/2") of AC. This equates to eleven inches (11") of CBE which is well below the minimum standard of seventeen inches (17") of CBE for a City of Canby Public Street.

In an email dated June 27, 2011, to Dr. Perman, Mr. Pat Sisul stated "The pavement section used for SE 3rd Court was the section recommended by GeoEngineers, your project geotechnical engineer. Three inches of asphalt concrete over 8 inches of aggregate base rock in truck access areas was their recommendation. The City's standard pavement section for local streets was 3.5 inches of asphalt concrete over 10 inches of aggregate base rock. So the pavement section was not quite up to City street standards." (bold and underlined added). As stated above the as-built drawing for SE 3rd Court indicates 1 1/2" of AC over 8 inches of crushed rock which is a CBE of eleven inches (11"). As Mr. Sisul stated the City's standard pavement section is three and one-half inches (3 1/2") of AC over ten inches (10") of aggregate base rock which equates to a CBE of seventeen inches (17"). Even if the as-built drawings are wrong, (they indicate 1 1/2" of AC) and there actually is three inches (3") of AC, that equates to a CBE of fourteen inches (14") which still does not meet the minimum standard.

In a subsequent email, also on June 27, 2011, to Dr. Perman, Mr. Pat Sisul quotes from the geotechnical study prepared by GeoEngineers "We have calculated pavement section based on an assumed California Bearing Ratio (CBR) of 3, a design life of 20 years, and the American Association of State Highway Transportation Officials (AASHTO) design methods. We recommend a pavement section of 3 inches of asphalt concrete over 8 inches of aggregate base be used in truck access areas. Areas intended for passenger cars only can use a pavement section of 2.5 inches of asphalt concrete over 6 inches of aggregate base." I see "California", "American Association" and "Highway Transportation Officials" but I don't see "Canby Public Street Minimum Standard".

SUMMARY AND CONCLUSION

Mr. Hostetler's handout to the URA contained five issues that he felt warranted the building of a parking lot for users of the Mobills Logging Road Trail. I believe those concerns have been addressed above and they are

recapped below.

1. Adequate Available Parking

There is more than adequate access (17 access points) to the Molalla Logging Road Trail and there is also adequate parking for trail users. As pointed out above there is an abundance of parking near Baker Prairie Middle School and several parking spaces (10) adjacent to NE Territorial Rd. If some of the parking spaces do not conform to City Standards we can re-strip the parking lot to insure that they do. There is also an abundance of parking on local public streets near some access points.

2. Pedestrian/Bicyclist Safety

Riding a bicycle or walking in a public right-of-way that is shared with motorized vehicles has risk. To mitigate that risk the City has installed flashing lights in the crosswalk from the parking lot on the South side of NE Territorial Road. The lights are activated by the pedestrian/bicycle rider wishing to cross.

As indicated above the parking lot can be re-stripped if the spaces do not meet minimum standards. One of the projects currently in the Parks Capital Improvement Plan is the expansion of the parking lot at EcoPark which includes ADA parking spaces.

3. Parking Violations

This is a private road and, therefore, parking is not monitored or enforced by the Canby Police Department. Property owners or business owners abutting SE 3rd Court can have vehicles towed if they are impeding traffic or creating a safety hazard.

4. Fire Safety

Again, if the property owners or the Canby Fire District are concerned they are within their rights to have vehicles towed.

5. Traffic Problems

Mr. Hostetler states "...business activities have been disturbed by the community vehicles improperly parked in the SE 3rd Court Cul-de-sac." See #s 3 and 4 above.

Three of the five issues of concern presented by Mr. Hostetler are caused by parking and traffic on a private street. Mr. Hostetler states that "SE 3rd Court is posted with "No Parking" signs yet community members frequently park there as it provides great access to the multi-use trail." Someone has evidently stolen the signs because when I drove to the end of SE 3rd Court on September 7, 2011 there were zero "No Parking" signs in the cul-de-sac of SE 3rd Court. There is one no parking sign at the beginning of SE 3rd Court which is turned parallel to the flow of traffic which makes it very difficult to see.

If parking is creating a problem Dr. Rerman could put in the "No Parking" signs and for added safety paint the curb red in the cul-de-sac portion of the street and designate it as a fire lane.

In my opinion this would be a very poor location for a public parking lot for a variety of reasons. However, I don't have the responsibility or the right to make that decision. As stated above, the City of Canby has two committees, Parks & Recreation Advisory Board and the Bike & Pedestrian Committee that are charged with reviewing these types of proposals and determining if there is a need in the community. In addition to determining a need and a desire by the citizens the committees also look at the feasibility of these projects in terms of location, cost, funding for ongoing maintenance and priority compared to other projects. I would recommend that either or both of these committees be given the opportunity to see if this is something the community desires and, if so, add it to the Capital Improvement Plan (CIP) for possible funding from Park System Development Charges.

I am opposed to the expansion of the Urban Residential District to include Lot #5 and SE 3rd Court. There is slightly more than two acres available for URD expansion before the 1% maximum is reached that triggers a major amendment. The Canby Transportation System Plan (TSP) has identified a need for additional

ingress/egress into Canby Pioneer Industrial Park. The primary location being considered is a mostly unimproved right-of-way to the North of the industrial park called Otto Road. In order to accomplish that the Urban Renewal Agency is considering bringing that right-of-way into the URD which would use up the remaining acres under the 1% expansion cap.

Even if the Canby Parks & Recreation Advisory Board recommended purchase of Lot #5 and the development of a parking lot on this property there is no condition under which the City or the Urban Renewal Agency should purchase SE 3rd Court. This private street is well below the minimum standard CBE of seventeen inches (17") for a Canby Public Street and will have a significantly higher maintenance need in the future than streets that are built to City standards. Also, why should the purchase of Lot #5 for development into a parking lot include the purchase of SE 3rd Court? If it is because of the reported parking problems the solutions are detailed above.

No City that I am aware of pays for the cost of streets or other infrastructure in a private development. As I indicated before the street is built by the developer and then dedicated to the City as a public right-of-way. If Dr. Perman would like to rebuild this street to City standards, at his cost, the City would accept it as public right-of-way.

I would recommend and request that the proposal by Mr. Hostetler be rejected by the URA. I would also recommend and request that it be made very clear that the URA will not, under any circumstance; 1) expand the URD, now or in the future, to include Lot #5 and SE 3rd Court which are located in the Redwood Professional Village; 2) Accept as public right-of-way, now or in the future, SE 3rd Court unless, and until, it is reconstructed, at the current owners expense, to Canby Public Street Standards.

Copies of any document referenced in this report will be available for review at City Hall prior to the URA meeting on September 14th and will also be available for review at the URA meeting on the night of September 14th.











