

**CANBY CITY COUNCIL  
REGULAR SESSION  
April 21, 2004**

Mayor Melody Thompson presiding. Council members present: Georgia Newton, Wayne Oliver, Pat Johnson, Randy Carson, and Teresa Blackwell. Councilor Walt Daniels absent.

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Library & Parks Director Beth Saul, Finance & Court Services Director Chaunee Seifried, Associate Planner Darren Nichols, Police Lieutenant Greg Kroeplin, Executive Assistant Kim Scheafer, Lila & Curtis Gottman, Judy Patterson, Sean Patterson, Ed Netter, Carrie Richter, Leslie Ann Hauer, Pat Sisul, John Dewar, Irene Breshears, Mark & Jeanne Vodka, Annette McIsaac, David Howell, John Calvert, Grace Bighouse, and Cat Sumrain.

Mayor Thompson called the regular session to order at 7:32 p.m., followed by the opening ceremonies.

**PRESENTATIONS:** Employee of the Month – City Administrator Mark Adcock presented Library and Parks Director Beth Saul an Employee of the Month certificate for March.

Hometown Hero Award – Mayor Thompson announced that this item had been moved to the meeting of May 5, 2004.

**PROCLAMATION:** National Association of Letter Carriers National Food Drive Day – Mayor Thompson presented John Dewar with a proclamation proclaiming May 8, 2004 as National Association of Letter Carriers National Food Drive Day. Mr. Dewar thanked the Council for the proclamation and spoke about the food drive.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Judy Patterson, resident of 1741 N Maple Street, spoke regarding the American Cancer Society's Relay for Life on June 26-27. This would be the first relay in Canby. Irene Breshears announced that Ms. Patterson had also been a letter carrier in New York and a truck driver for the USPS.

**CONSENT AGENDA:** \*\*Councilor Carson moved to approve the Minutes of the Workshop of March 31, 2004; Minutes of the Regular Meeting and Executive Session of April 7, 2004; Accounts Payable of \$238,126.70; and Amendment to the Employment Agreement with Municipal Court Judge. Motion was seconded by Councilor Johnson and passed 5-0.

**COMMUNICATIONS:** None.

**PUBLIC HEARING:** ZC 04-01 Netter – Mayor Thompson read the public hearing format.

**CONFLICT OF INTEREST:**  
Councilor Newton - No conflict, plan to participate.

Councilor Oliver - No conflict, plan to participate.  
Councilor Johnson - No conflict, plan to participate.  
Mayor Thompson - No conflict, plan to participate.  
Councilor Carson - No conflict, plan to participate.  
Councilor Blackwell - No conflict, plan to participate.

EX' PARTE CONTACT:

Councilor Newton – Driven by the site, drew no conclusions.  
Councilor Oliver – None.  
Councilor Johnson – Driven by the site, drew no conclusions.  
Mayor Thompson – None.  
Councilor Carson – Driven by the site, drew no conclusions.  
Councilor Blackwell – Probably driven by the site and spoke with staff member Darren Nichols regarding access, but drew no conclusions.

STAFF REPORT: Associate Planner Darren Nichols said this was a change of zoning for property on 385 SE Township Road from low density residential to high density residential. The hearing was zone change only, the Planning Commission had reviewed a three-part proposal. The Planning Commission recommended denial because it did not provide sufficient evidence to ensure public facilities and services were available to adequately serve the parcel. They were concerned about access to the site and traffic. They also were concerned about crowding at Trost Elementary School. The traffic engineer's comments addressed a specific subdivision design which she felt did not work. SE Township was intended to serve the density of development, but the size of the parcel and design was limiting. Staff supported the Planning Commission's decision.

Mayor Thompson opened the public hearing at 7:58 p.m.

PUBLIC TESTIMONY

APPLICANT: Carrie Richter, attorney, office located at 121 SW Morrison, Suite 1100, Portland, said she was the attorney for Mr. Netter. Ms. Richter said what was proposed was 10 units on a 2700 square foot parcel. They would be 1300-1500 square feet attached townhomes. The site was designated high density residential in the comp plan. All land use decisions must be in compliance with the plan. They needed to accommodate the housing for the population projection they expected to have. They also needed a diversity of housing.

Ed Netter, resident of 334 SE 10<sup>th</sup> Avenue, Canby, said that the type of housing they had come up with was ten attached townhouses. Mr. Netter said they would build quality homes that would blend in with the existing areas. It was another way to get attainable housing in Canby. It fit in the comp plan, and he asked for them to vote in favor of the zone change.

PROPOSERS: None.

OPPONENTS: Mark Vodka, resident of 356 SE 7<sup>th</sup> Way, Canby, said his backyard adjoined this property. Mr. Vodka said there were many for rent and for sale signs in the area. It was zoned

for high density, but not one property in that area had been built that way because it would not fit. The access road might not handle more development. There was property near the church that the owner would give as part of the estate, and the church could develop it as R2. He didn't think townhouses were the correct thing to put in the location.

John Calvert, resident of 378 SE 7<sup>th</sup> Way, Canby, said that there was another piece of property for sale that could be a continuation of this development. He thought this should not happen because the schools were overcrowded, single-family homes were a better option, and it did not fit the neighborhood. He urged the Council to support the Planning Commission's decision.

Grace Bighouse, resident of 366 SE 7<sup>th</sup> Way, Canby, said hers was one of three lots that would be affected by the zone change. She was concerned about privacy, noise, devaluing property, traffic on Township Road, and the private access road.

REBUTTAL: Ms. Richter said the neighbors had raised some serious concerns about traffic, noise, and the value of their property. These were issues that would be discussed in design review. School overcrowding was something that was hard to be proactive about. On average, fewer younger children lived in multi dwelling units than in single-family units. Township Road was classified as a collector, and suitable to accommodate the higher uses of traffic. The traffic study said it would not affect the level of service and flow of Township. They were willing to talk with neighbors about buffers to alleviate some privacy and noise concerns.

Mayor Thompson closed the public hearing at 8:20 p.m.

City Attorney Kelley said there was a letter that needed to be read into the record.

Mayor Thompson reopened the public hearing at 8:21 p.m.

Mr. Nichols read a letter from Jay B. Mulkey, resident of 336 SE 7<sup>th</sup> Way, Canby, into the record. Mr. Mulkey did not want the property to be upzoned to R2 for the building of townhomes because all the development in the area was R1, schools were overcrowded, there was no police patrolling in the area, crime would increase, and parks did not exist in the area.

Mayor Thompson closed the public hearing at 8:25 p.m.

DISCUSSION: Councilor Johnson said there was a lot of information and he would like time to read it and postpone the decision to the next meeting. Councilor Carson said the new information was more in depth, and he thought they could postpone the decision. The Council agreed.

**\*\*Councilor Blackwell moved to continue the hearing for ZC 04-01 until May 5, 2004. Motion was seconded by Councilor Johnson.**

Councilor Carson said this was only for Council discussion, not additional testimony.

**Motion passed 5-0.**

**NEW BUSINESS:** Resolution 855 Establishing Salary Compensation Scales for Management Personnel - **\*\*Councilor Carson moved to adopt Resolution 855, A RESOLUTION ESTABLISHING SALARY COMPENSATION SCALES FOR MANAGEMENT PERSONNEL OF THE CITY OF CANBY, ESTABLISHING VARIOUS RANGES FOR SALARY LEVELS, AND DIRECTING THE CITY ADMINISTRATOR TO PLACE INCUMBENT EMPLOYEES WITHIN THE APPROPRIATE SCALE AND RANGE.** Motion was seconded by Councilor Blackwell and passed 5-0.

**UNFINISHED BUSINESS:** None.

**RESOLUTIONS & ORDINANCES:**

Resolution 853 - Mayor Thompson said they were asked to consider placing the expansion of the UGB south of the Willamette River. This was a policy statement.

**\*\*Councilor Johnson moved to adopt Resolution 853, A RESOLUTION OPPOSING EXPANSION OF THE URBAN GROWTH BOUNDARY SOUTH OF THE WILLAMETTE RIVER.** Motion was seconded by Councilor Blackwell and passed 5-0.

Resolution 856 - **\*\*Councilor Carson moved to adopt Resolution 856, A RESOLUTION ANNOUNCING AN INTENTION TO REIMBURSE INCURRED COSTS ON THE HAZEL DELL WAY PROJECT FROM BOND PROCEEDS.** Motion was seconded by Councilor Johnson and passed 5-0.

Ordinance 1136 - **\*\*Councilor Johnson moved to approve Ordinance 1136, AN ORDINANCE AMENDING THE CANBY MUNICIPAL CODE CHAPTER 2.64 REGARDING APPOINTMENTS TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE FOR THE CITY OF CANBY.** Motion was seconded by Councilor Carson and passed 5-0 by roll call vote.

Ordinance 1137 - **\*\*Councilor Johnson moved to approve Ordinance 1137, AN ORDINANCE AMENDING THE CANBY MUNICIPAL CODE CHAPTER 2.20 REGARDING APPOINTMENTS TO THE LIBRARY BOARD FOR THE CITY OF CANBY PUBLIC LIBRARY.** Motion was seconded by Councilor Blackwell and passed 5-0 by roll call vote.

Ordinance 1138 - **\*\*Councilor Newton moved to approve Ordinance 1138, AN ORDINANCE VACATING A PORTION OF S. SEQUOIA PARKWAY CONVEYED FOR PUBLIC RIGHT-OF-WAY PURPOSES IN THE RECORDING OF CANBY MARKET CENTER PLAT.** Motion was seconded by Councilor Oliver and passed 5-0 by roll call vote.

**MANAGER'S REPORT:** Police Capital Reserve Expenditure – Administrator Adcock said this was a request to transfer money from the Police Department capital reserve to purchase furniture for the detective workspace. Councilor Carson asked about the carpet. Police Lieutenant Greg Kroeplin said that was part of the request.

**\*\*Councilor Carson moved to authorize the City Administrator and Police Department to transfer money from reserve funds for \$5,808.00 for office furniture and \$2,161.20 for carpet. Motion was seconded by Councilor Johnson.**

Mayor Thompson said this was a necessary expense, and reasonable costs. Councilor Johnson asked if it would be better to leave this open-ended in case costs would be increased. Mr. Adcock said they had bids on it, and if they needed more they would come back to them.

**Motion passed 5-0.**

Projects for Clackamas County Funding – Mr. Adcock said the Council asked for a list of projects that could be done with Clackamas County funding of \$60,000. Community Development and Planning Director John Williams listed the available projects.

Councilor Johnson asked about the streets and curbs around Wait Park. Mr. Williams said the problem with that project was they had not decided the design for that area. Councilor Johnson asked about Maple Street Park lights. Mr. Williams said Community Park was a priority. Councilor Carson said the Rotary was going to put play equipment in Community Park. He thought it would be nice to finish Community Park with the funds.

Councilor Newton said Community Park would be a good project. Councilor Oliver agreed. Mayor Thompson said she thought appreciation signage to the County and Rotary for the projects would be good. There was Council consensus to do Community Park. Mr. Adcock said he would let Mr. Mantei know immediately.

**CITIZEN INPUT:** None.

**COUNCILOR'S ISSUES:** Councilor Newton said the library was up and running with their summer reading program and donations had been raised. More information would be published in the *Canby Herald*. Friends of the Library were working on a special book sale over the 4<sup>th</sup> of July.

Councilor Carson said there was a donation to the Canby Adult Center of 4.2 million dollars.

Councilor Blackwell said there was an application for a new member for the General Canby Day Committee.

**\*\*Councilor Blackwell moved to appoint Patricia Zavala to the General Canby Day Committee for a term to expire on December 31, 2004. Motion was seconded by Councilor Johnson and passed 5-0.**

Councilor Johnson said ridership continued to increase for Canby Area Transit.

Councilor Oliver said he had read a letter in the *Canby Herald* from Michelle Webber regarding some issues by Knight School. He asked if someone could address those. Mr. Adcock said he would take care of it.

**ACTION REVIEW:**

1. Approving the consent agenda.
2. Continuing the public hearing for ZC 04-01 until May 5, 2004.
3. Approving Resolution 855.
4. Approving Resolution 853.
5. Approving Resolution 856.
6. Approving Ordinance 1136 on second reading.
7. Approving Ordinance 1137 on second reading.
8. Approving Ordinance 1138 on second reading.
9. Appointing Patricia Zavala to the General Canby Day Committee.
10. Approving transfer of reserve funds for the Police Department renovations.
11. Communicating to the County the decision to use funds for Community Park.

**\*\*Councilor Carson moved to go into executive session under ORS 192.660(1)(e) real property.**

Mayor Thompson read the executive session format and recessed the regular session at 8:58 p.m.

Mayor Thompson reconvened the regular session and immediately adjourned at 9:36 p.m.

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**CANBY CITY COUNCIL  
EXECUTIVE SESSION  
April 21, 2004**

Present: Mayor Melody Thompson, Councilors Georgia Newton, Wayne Oliver, Patrick Johnson, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, City Attorney John Kelley, and Project Planner Matilda Deas.

Mayor Thompson called the session to order at 9:05 p.m.

ORS 192.660(1)(e) – The Council discussed real property negotiations.

Mayor Thompson adjourned the session at 9:35 p.m.

*Chaunee F. Seifried*

Chaunee F. Seifried  
City Recorder pro tem

*Melody Thompson*

Melody Thompson  
Mayor

*Kim D. Schaefer*

Prepared by Kim Schaefer  
and Susan Wood Office Specialists



Office of the Mayor

# Proclamation

**"National Association of Letter Carriers National Food Drive Day"**

**WHEREAS**, the National Association of Letter Carriers, in conjunction with the United States Postal Service, AFL-CIO, United Way and local food banks are coordinating a non-perishable food drive; and

**WHEREAS**, the Saint Vincent de Paul Food Bank, at Saint Patrick's Church, Seventh Day Adventist Church and Canby's local food banks are in need of food at all times; and

**WHEREAS**, the local food bank shelves are continually in need of replenishment due to the ongoing dramatic increase in the need for food; and

**WHEREAS**, local letter carriers will collect non-perishable food items placed by mailboxes on Saturday, May 8, 2004.

**NOW, THEREFORE**, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim Saturday, May 8, 2004 as

**2004 NATIONAL ASSOCIATION OF LETTER  
CARRIERS NATIONAL FOOD DRIVE DAY**

and urge all citizens of the City of Canby to participate in this worthwhile event by donating non-perishable food items to help feed those who are in need.

Given unto my hand this 21st day of April, 2004.

Melody Thompson  
Mayor



Mayor Thompson and members of the City Council

I ask tonight that you do not upzone the property at 365 Township Road to R-2 for the building of townhomes for the following reasons:

1. Although the Comprehensive Zone map lists this area as Zone 2, the reality is that areas to the east, west, and south are already committed to R-1 Use. When builders had a choice in the early 90's to build at the higher R-2 standard their choice was to build at the lower R-1 (at that time R-1.5 standard. The overlay of R-2 use for this strip of properties along Township to the east is now firmly committed to R-1 and will be so for the foreseeable future. In all honesty the R-2 zone only exists on the Comprehensive Plan map and shows an intended use that at this point does not fit.

The area that bounds the south is also part of the Township Village R-1 standard. The concern is that R-2 can only be justified now on smaller portions of land to the west that contain many structures of historical significance as rated by the Clackamas County Historical Survey. The question becomes- do we demolish or devalue the significance of Canby's past in order to justify development of these properties for maximum R-2 uses?

Township Road is a major collector of the City of Canby and provides an excellent boundary to separate land uses. Whereas the properties across Township contain residential and R-2 uses, its overall appearance and planning seems rather haphazard. When visitors from out of town drive down Township, they comment about the beauty of the old church and homes on the south side of the street, not the poorly thought out developments on the north side.

2. Adequate services are not available for increased density to be expected from this subdivision. Trost Elementary School is beyond capacity already with more than 40% of the students requiring special assistance through assisted lunch programs. Although staff and teachers are to be commended for their efforts, overcrowding and special requirements have contributed in making Trost School the lowest grade of comparable Canby elementary schools in the most recent evaluation.

A recent newspaper article indicated that Trost students now must start their lunch breaks at 10:00 AM in order to complete lunch breaks for all students at the school. The school district makes a claim that it can handle any students added to its school service area. My question as a parent is how effective can they handle additional enrollment at Trost? Based on testing results, the school is at the edge of effective production. A upcoming school bond measure may solve this overcrowding, but there is no guarantee that the bond measure will pass.

3. Another area of concern is that community policing seems to have been replaced by incidence response policing. Those of us who live in Township Village are concerned about speeding traffic through our residential streets, increased gang activity, and recent identity and mail theft in our area. When individual incidents are reported to police the response has been excellent and quick, and the police are to be commended for a job well done.

My question, however, is where are the police patrolling our streets? Are we so short handed that police no longer have time to occasionally patrol the neighborhoods? Many of my neighbors would argue that not seeing police is a good thing and it does indicate that we are relatively crime free. I would argue that not seeing police is an indication that we don't have

community policing at all. If actual police presence in the area is an indication of a service being available, I would say the service is only available on demand.

4. The availability of parks for this location does not exist. The 13<sup>th</sup> Street park is over three quarter miles away and Locust Street Park was designed for the denser R-2 population bordering Highway 99E. The park planned for this area during the creation of Township Village Phases 1 & 2 was never constructed requiring children to play in the street with freestanding basketball hoops and baseball diamonds created with cardboard and duct tape.

It is my opinion, therefore, that services are not available and cannot be made available as far as recreation. The weaknesses inherent in school overcrowding and lack of community policing can only get worse with increased density. The historical significance of Township Road properties between Ivy and Lupine should be preserved as indicated by the Clackamas County Historical Survey. Adding density to these areas by upzoning them is not the right decision.

THANK YOU,  
Jay B. Mulkey

JAY B. MULKEY  
336 SE 7<sup>th</sup> WAY  
CANBY