

**CANBY CITY COUNCIL
EXECUTIVE SESSION
May 21, 2003**

Present: Mayor Melody Thompson, Councilors Georgia Newton, Wayne Oliver, Pat Johnson, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, City Attorney John Kelley, Police Chief Ken Pagano, Finance and Court Services Director Chaunee Seifried, Walt Daniels, and Mike Swanson.

Mayor Thompson called the session to order at 6:30 p.m. A light dinner was served.

ORS 192.660 (1)(d) - The Council discussed labor negotiations.

Mayor Thompson adjourned the session at 7:10 p.m.

**CANBY CITY COUNCIL
REGULAR SESSION
May 21, 2003**

Mayor Melody Thompson presiding. Council members present: Georgia Newton, Wayne Oliver, Patrick Johnson, Randy Carson, and Teresa Blackwell.

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Library and Parks Director Beth Saul, Finance and Court Services Director Chaunee Seifried, Associate Planner Clint Chiavarini, Administrative Specialist Kim Scheafer, Judge Jon Henricksen, Walt Daniels, David Howell, Larry Bowen, Robert Baller, Bill & Linda Kinman, Buzz & Patt Weygandt, R. Michael Iverson, Lynn Kadwell, Sheila Tice, Carl Mead, Wayne Scott, Mildred Hiene, Roger Reif, Dick Brown, Chuck Kocher, Gretchen Raney, Loren Frazier, Diana Parsons, Bev Doolittle, Chuck Hammack, Marlene Elmore, Lisa Weygandt, Paul & Joyce Satter, Curtis & Lila Gottman, Carrie Richter, Carolyn Carson Graybill, Eunice Gewaldson, Andrew Hein, Myron Hafdahl, Lloyd Mendenhall, Robert Backstrom, Duane & Jan Weeks, Paul & Joyce Satter, Mark Thompson, Leonard Walker, Jan Milne, Fred Kahut, Jane Paysh, Bonnie Papke, Mavourn Stuart, Margaret Seale, Ron Tatone, Mark Greenfield, Wayne Scott, Dick Brown, Steve Mayes and Lester Beuthler.

Mayor Thompson called the regular session to order at 6:30 p.m and immediately went into Executive Session pursuant to ORS 192.660(1)(d) labor negotiations.

Mayor Thompson reconvened the regular session at 7:34 p.m., followed by the opening ceremonies.

APPOINTMENT OF NEW CITY COUNCILOR:

****Councilor Carson moved to appoint Walt Daniels to the Canby City Council to fill the open seat created by the resignation of Paul Dawson for a term ending December 31, 2004. Motion was seconded by Councilor Johnson and passed 5-0.**

SWEARING IN CEREMONY: Swearing in of Walt Daniels - Mayor Thompson introduced Municipal Court Judge Jon S. Henricksen who administrated the Oath of Office to Councilor Walt Daniels.

CITIZEN INPUT ON NON-AGENDA ITEMS: Larry Bowen, resident of 2014 N Forest Ct, spoke as a representative of the Northeast Canby Neighborhood Association and as president of the Manor on the Green Homeowners Association regarding his concerns about a proposal from Scenic Recovery. The proposal was to return the Willamette River to its scenic grandeur by removing spoilage from the river, but he thought it was a commercial sand and gravel operation. Mayor Thompson assured Mr. Bowen that the Council was looking at this closely and cautiously.

CONSENT AGENDA: **Councilor Carson moved to approve Minutes of the Workshop, Regular Meeting and Executive Session of May 7, 2003 and Accounts Payable of \$502,341.11. Motion was seconded by Councilor Johnson and passed 6-0.

COMMUNICATIONS: City Administrator Mark Adcock read a letter from Sons of the American Legion Vice Commander Pete Kelley in which they requested closing First Street between NW 1st and 2nd Street on Sunday, May 25th, and Monday, May 26th, to help facilitate their annual plant sale.

****Councilor Johnson moved to approve the closing of N First Street on May 25 and 26, 2003. Motion was seconded by Councilor Blackwell and passed 6-0.**

PUBLIC HEARING: ZC 03-02/CPA 03-02 Northwood Investments -

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.

Councilor Daniels - No conflict, plan to participate

EX' PARTE CONTACT:

Councilor Newton - Visited the site, drew no conclusions.

Councilor Oliver - Visited the site, drew no conclusions.

Councilor Johnson - Had a phone call from Mr. Jim Brown in which he asked if he should make a presentation that night, but Councilor Johnson said there would be enough testimony without it. He drew no conclusions from this contact.

Mayor Thompson - Visited the site, drew no conclusions.

Councilor Carson - Visited the site, drew no conclusions.

Councilor Blackwell - Had a conversation with Paul Satter months ago, but she told him she could not discuss it, and she lived near the site. She had drawn no conclusions.

Councilor Daniels - Had testified in favor of this application in front of the Planning Commission on April 29, 2003 but that was before he was on the Council. He had no previous conversation with any of his fellow Councilors prior to that night's hearing. He would vote on this matter, and would make his decision based on what he heard that night and whether the application met the standards.

STAFF REPORT: Associate Planner Clint Chiavarini said this was a request for a comprehensive plan amendment and zone change for 30.19 acres in the northwest quadrant of the City. This property was removed from the original draft of the Urban Growth Boundary in 1984 because they had too much land in the plan. Since that time the property had changed ownership, and currently was used for root crops and flowers. There were seven streets and utilities stubbed out on all sides of the property and frontage along NW Territorial. The Planning Commission recommended denial of the application because the land was still being farmed and there was no immediate need for additional land within the UGB. Because it was within City limits, they could plan future development and it would be labeled as an area of special concern in the comprehensive plan. If approved, they would need to do a zone change as well from agricultural to low density residential. The Council had reviewed all of the testimony so far, however they received some written testimony recently, a letter from Patrick Harmon who was in favor, a letter from Gilbert Schiebly, Ph.D. who was opposed, and a letter from Jerry Simnitt who was opposed. Council had also received more written testimony yesterday. He said there was a concern raised about traffic on Knights Bridge Road regarding the discrepancy between the County's traffic study and the City's traffic engineer's study. The County redid their study, and found that there was an acceptable level of service on Knights Bridge Road at this time. What the County did was more for long range planning purposes, and the City's analysis was done for the functionality.

Mayor Thompson opened the public hearing at 8:08 p.m.

PUBLIC TESTIMONY

APPLICANT: Ron Tatone, resident of 1127 NW 12th Avenue, gave a brief introduction of the owners of Northwood Investments: Lyle Read who was the founder of Read-Bentz Insurance Company in 1964 and was active in the City, Dr. Cadwell who opened his clinic in 1971, Fred Kahut who opened his company in 1974, Curt McLeod, City Engineer, and himself. It was their

intention to keep Canby livable and would phase development. He had been involved with the design of all of the property surrounding the development. Mark Greenfield, representing Northwood Investments, said this application was not based on need for more land, it was based on the property's commitment to urban uses. This land was committed to urban development. It was an island within the Urban Growth Boundary and was inside the City limits. Including the land within the UGB would significantly improve service provisions inside the City. The land had excellent agricultural soils, but the surrounding development significantly limited the ability to farm it. The application met all the review standards. They applied at this time because in 2001, Senate Bill 929 which would have required certain cities to expand their urban growth boundaries included this property. The City Council then voted 5-0 to support the bill. He asked that they would make the same decision. The Planning Commission recommended denial by a split vote. There were benefits to the City for bringing this property in, such as better road connectivity done at the owner's expense, better water system, spread out the traffic, and included a three acre park. The issue was planning and managing for growth, and this application made sense.

Councilor Johnson asked Mr. Greenfield about doing a master plan for the area, would they be willing to delay this process until a plan was worked up? Mr. Greenfield said they had to distinguish between planning the property through a process with the City and planning it through negotiations with neighbors, and the latter did not work. His clients were open to different ways of developing the property and were happy to work with the City. He would rather not postpone this until it was master planned, he thought this should be approved and then an effort to work cooperatively with the City.

Councilor Johnson asked staff what negotiating power the City had once it went into site and design review as opposed to what they had then. Community Development and Planning Director John Williams said they were really two different types of things, the proposal in front of them was a yes or no vote. If approved, they would be subject to the subdivision application process.

PROPOSERS: Andrew Hein, resident of 25479 S Highway 170, said that at one time he lived and farmed on a portion of the Northwood property. The preservation of farmland should not be achieved by limiting or stopping growth, but by doing it in an orderly fashion with minimal effect on adjoining farmlands. The soil type was unique, but all Canby was on this soil. There were approximately 40 joint ownerships with this property. There was noise, dust, night work, herbicides, pesticides, fumigation, etc. which conflicted with the right to farm and surrounding neighborhoods.

Duane Weeks, resident of 3185 N Holly, showed an apple that was unblemished and beautiful which was the way they wanted Canby to look. He took another apple with a slice out of it and said that was what represented this 30 acres, it was not in the City to make it beautiful. He wrote a letter to the editor for the *Canby Herald*, and had copies for them. The Soil Conservation Service said this wasn't the best soil in the world. If they developed on the other side of town, they would run into better soils. This soil had limited agricultural use. The land could never have one person owning it to farm and make a living on it. It was only rentable land. The value of the

land was nothing if they couldn't use it.

Jack Potkey, resident of 297 SW 6th, said he farmed for 20 years, and he agreed that farming this ground was not a good idea because it could not be maintained properly. He felt the land should be incorporated.

Lester Bernstetter, resident of 890 N Holly, said he had grown up in Canby and this property should be brought into the City. He thought it should be residential.

Robert Baller, resident of 765 NW 12th, said he had been on the Planning Commission in 1984 and he thought the current Council had a right to do something they couldn't do in 1984. He always felt this property should be in the Urban Growth Boundary. They had developed on other prime farmland, and this property needed to be in the UGB and developed for the best use of Canby.

Wayne Scott, resident of 1988 NE 19th, said that a decision was made long ago that this property should be developed, but legally it had not been brought in. He felt it was a travesty to have this property almost surrounded by the services to it and its development always delayed. He encouraged the Council to do the right thing.

Dick Brown, resident of 829 N Holly, said he was a proponent of having this land brought into the Urban Growth Boundary and utilized. It didn't seem reasonable that a piece of property surrounded by housing, close to downtown and schools, and not fit for agriculture would still be classified as agriculture. There would not be a huge impact on schools, as one of the ways the schools got their money was by the amount of students they had. It was a mistake made a long time ago that could be corrected.

OPPONENTS: Lloyd Mendenhall, resident of 790 NW 10th, said he lived next to the property. He had asked those who farmed this ground, and they said they had no problem farming it. They used the same chemicals that people used on their lawns. He said the land was economical to farm, and if and when this land was urbanized the citizens of Canby would be losing a treasure.

Robert Backstrom, resident of 1395 N Birch, said he lived in Canby since 1974. He was not anti growth but was anti massive concentrated growth. There were many undeveloped lots in Canby and there was already a lot of traffic on Birch, Holly, and Knights Bridge. This island was not an eye sore, it was a blessing to have an open space. The reason people came to this town was not because of the homes but because there were places that were not developed. This was a livability issue, not a dollars and cents issue. He would be happy to develop the property through the neighborhood association, but putting more houses and traffic was not the way to go.

Joyce Satter, resident of 407 NW Territorial, talked about the comments made at the Planning Commission meeting. To develop this property now would result in an explosion of growth that the City could not handle. The economic and industrial base needed to be strengthened first. Voters rejected a larger annexation, but approved two smaller pieces recently which showed that

at this time voters were not in favor of large developments. They also voted down a tax increase for the schools. The critical issue was timing. It was not the time to allow a large parcel of land to be developed in Canby. She urged them to vote no on this proposal.

Paul Satter, resident of 407 NW Territorial, thanked the Planning Commission for denying this application. This was a treasure of agricultural soils and there was a deficit of open space. The farmland needed to be protected because it was irreplaceable. The voters spoke loud and clear, the citizens of Canby wanted to preserve agricultural land. Agriculture and residential property had coexisted for years and with few problems. The land was farmable. Regarding the use of chemicals, the greatest risk was from the average home owner not from the farmer. This land was a treasure and it needed to be preserved.

Mark Thompson said he lived in Canby and managed IFA Nurseries. He wanted to speak about the compatibility between agriculture and urban areas. He said farmland and urban land always bordered each other. They owned 77 acres surrounded by the Urban Growth Boundary. He did not want to set a precedence that urban area next to farmland condemned the farmland to development. He farmed this land from 1984-1992, and didn't remember getting any complaints from neighbors.

Jan Milne, resident of 668 NW 12th, said she was representing the members of the Riverside Neighborhood Association. She said the traffic study was somewhat flawed. The overburdening of City services and insufficient funding to pay for the increases was a concern. In surveying the neighbors of this property, they said the open space this provided gave them a rural atmosphere and peaceful small town feeling. No one objected to the farming operations. The crops grown on the land benefitted people throughout the state. This was one of the areas that gave Canby the right to call itself the garden spot of Oregon. This land should be preserved for the benefit of Canby residents, visitors, and for the future. It had been refuted that it could not be farmed in its present state. IFA Nurseries wanted to lease or purchase the property, and only ended their lease earlier because of problems with another farm in Washington. There was no need for additional housing units. In 1990 when Northwood first applied to get this property into the UGB, the DLCD sent a letter to the City Administrator saying it did not find evidence that Canby needed additional land within the UGB for the proposed residential uses. Nothing had changed since then. They needed to capitalize on their history and heritage as the garden spot of Oregon and preserve this land in the capacity for which it was ideally suited, agriculture.

REBUTTAL: Mr. Greenfield said that Ms. Satter only gave one possible reading of what the annexation votes could mean. He thought that it was voted down because it was prime farmland and the more appropriate land to be developed was the Northwood property. He had a map that showed the annexations of Canby through 1999 which showed the City was expanding into areas where there was no development. This site had development all around and it made more sense to allow farming to continue in the areas that had significantly fewer incompatibilities than this property. It was contradictory even in the City's comprehensive plan about preserving agricultural land and expansion of the City and the farmland needed buffers. Agricultural land and

nearby residential areas usually had problems on both sides, vandalism on the agricultural side and dust and fumes on the residential side. Regarding the traffic, connectivity of these roads would improve the traffic in this area. This land was committed to urban uses, and he thought opponents were not as interested in preserving the farmland as preserving the open space it provided. This would bring efficient and orderly urbanization and use of public facilities and services. It would be less costly as the services were already there and the land was already committed to urban development. Growth was coming to Canby, and this was a good location to put it. The people who leased the land used good neighbor policies, they hadn't used plowing when it would create dust, noise, or odors. There were no buffers at this property. It made good sense to bring this in at this time, and even DLCD agreed. This property would contribute over 1.65 million dollars in permit, utilities fees, and system development charges and 500,000 thousand dollars a year in property taxes.

Mayor Thompson recessed the regular session for a short break at 9:30 p.m.

Mayor Thompson reconvened the regular session at 9:45 p.m.

Mayor Thompson closed the public hearing at 9:45 p.m.

DISCUSSION:

Mayor Thompson asked staff regarding the Comprehensive Plan and how they evaluated the need for preserving agricultural land and expansion of the City on to what was farmland. Associate Planner Clint Chiavarini said that the way Oregon preserved farm and forest land was through the use of urban growth boundaries which kept sprawl from happening on farm and forest lands. There was also encouragement for smaller lots which increased density and preserved lands on the outskirts, and in fill was encouraged as well. The concept was slow development to keep from eating up that land.

Councilor Johnson asked about waiving the 15% density bonus and SDC points, how did that benefit the City? Mr. Chiavarini said in the code they had a provision for a planned unit development and one of the requirements was that they dedicate a minimum of 10% of open space, which was the three acre park in this application. One of the benefits was they could have modifications of set backs or building types in exchange for the 10%. The City could grant up to a 15% density bonus over what was allowed in the zone. They were saying they would waive their right for the bonus, but would not make it more dense than it normally would be. Anytime a developer donated park land, they were eligible to receive credit against the SDC's that development would normally pay to off set the cost of that dedication.

Councilor Johnson asked how many miles of road this would equal or what the distance of the road was? Mr. Chiavarini wasn't sure.

Councilor Daniels said this was inside the City limits but outside the Urban Growth Boundary.

People were paying taxes on it, but they couldn't develop it. They were trying to fix an error that was created a long time ago. Agriculture in Canby was more near the river and near Tofte farms. This property had restrictions because it was inside the City limits. IFA decreased production because there was not a demand for forest seedlings at the time, and that could happen again. All of Canby was built on farmland. They had not planned the area because that would happen during design review. No one testified against the Tofte Farms application in regard to the soil. They would all like to have open space, but why should they make other people pay for it? They would have a park, the schools were paid by the number of students, and they would get to a point where housing costs would be too high because there was a scarcity of buildable lands.

Councilor Carson said that they wanted managed growth, and it was building some houses yearly for the people who wanted to move into town. There were not that many empty lots and vacant houses for sale for the size of their City. This property was laid out with stubbed out streets which meant that everyone expected it to be built in the near future. It was an island property. They needed this land for development, as they had less than two years of property to build on. The developers wanted to have lots that matched existing development. Canby was built on farmland. The livability of Canby was more than the size of the lot, it was the attitude and how people dealt with it.

Councilor Newton said she was impressed with the involvement that people had taken in this situation. They could not exclusively increase industrial land and not pay attention to residential. The property was in the middle of a residential area, and it made sense that this would be developed into a residential area. The last findings on the traffic study made sense, and development here might alleviate the traffic flow because of new streets developed. There would be safety improvements for fire and police. All development happened on the good Canby soil. She thought they should put a lot of pressure on the developers to do a good job.

Councilor Johnson said this application had a long history and was a difficult decision. There were similarities to the Dodd property, but it was hard to judge what voters really meant. Everyone who was in favor of this were pillars in the community. There would be many benefits, and if it were an annexation they would send it to the voters because development surrounded three sides. However, the Planning Commission denied this application and there was no need for the land in the UGB. There was issue with street maintenance, police coverage, and the schools. This was a harder decision because the Council had the final say instead of the voters. He would have liked to see what their plans were and that it was committed to being developed.

Councilor Blackwell said she had been following this for a long time. She agreed with the findings of the Planning Commission that it was a logical place for future growth and the property was committed to urbanization, but it was not timely. Two years down the road the County was going to redo the Territorial and 99E intersection, which was an important piece for this area. It would be developed eventually, and it was her hope that when it was developed that the property owners would be sensitive to the neighbors in the area and would work with them and the City. She said she would be voting no because it was not the right time.

Councilor Oliver said the issue was farmland surrounded by the City. It was confusing that it was in the City limits and not in the UGB. They had enough land in the 20 year plan, but not enough in the buildable lands guidelines. At this time he was going to draw the line for expansion at Territorial.

Mayor Thompson said this had been an extremely sophisticated dialogue that was not the norm in City government and in many ways they were all right. The land was committed to urbanization, yet preserving farmland was a goal and public policy they would like the Council and Planning Commission to take. There would be traffic impacts and flow increased. The idea of the farm restrictions and how it was meant to be utilized was unclear to her. It was difficult to read the voters, but they should try to do so. These issues needed to be resolved, whether there was a clear public policy direction coming from citizens that they wished to see farmland preserved and where and how the dialogue would occur when people in the UGB already had an expectation that their land would be developed in a certain way. It was not a loss whichever way the decision went because what came through were some clear indicators of the work that was ahead.

Councilor Daniels said the land was sand, and it took a lot of water and fertilizer to make it work and there were a lot of restrictions on their use and more to come which would limit the farming. This was not an annexation. They would have a time to work with the neighbors when they came down to design review. The biggest issue was that it was inside the City limits but outside the UGB.

Councilor Johnson said the Planning Commission's recommendation was that there was no need for this, and yet they wanted to see a long range plan and would be willing to work with the developers. Mr. Williams said that the Planning Commission had talked about how they would like to see some creative planning efforts and about a number of ways to do so. Councilor Johnson said the property had been like this for many years, and they didn't have a plan. Also they had a street maintenance problem and a police budget problems. He would be voting no.

****Councilor Carson moved to approve CPA 03-02/ZC 03-02 and direct staff to bring back proper ordinance language to adopt the approval. Motion was seconded by Councilor Oliver.**

****Councilor Johnson moved to modify the original motion to add that the property could not go to subdivision review until a plan was worked out with the Planning Commission.**

Mr. Williams said he was not sure if they could attach that kind of condition, they could approve the comp plan amendment and deny the zone change. Councilor Johnson wanted the Planning Commission and developers to come up with a best case scenario for this area.

****Councilor Johnson withdrew his motion.**

Councilor Daniels asked if the applicant would fulfill that requirement when he came to the

subdivision review regarding citizen input on the design? Mr. Williams said there would be a public hearing process in front of the Planning Commission. They had several ideas, but none of that was part of this application.

Councilor Johnson said he was trying to find a creative way to have the neighbors and property owners find middle ground for the development. Mayor Thompson said the major division of opinions would probably not lend itself to coming together. Councilor Blackwell said she thought they would probably work together if asked.

Motion passed 4-2 with Councilor Johnson and Blackwell opposed.

Mayor Thompson recessed the regular session for a short break at 10:40 p.m.

Mayor Thompson reconvened the regular session at 10:55 p.m.

NEW BUSINESS: Findings, Conclusion & Final Order ANN 03-01 - Administrator Adcock said at their May 7 Council meeting, Council approved ANN 03-01 to go to the voters. These were the findings of that public hearing.

****Councilor Johnson moved to adopt the Findings, Conclusion, and Final Order for ANN 03-01. Motion was seconded by Councilor Daniels and passed 6-0.**

UNFINISHED BUSINESS: City Council Goals & Program of Work Document Adoption - Administrator Adcock said the City Council Goals & Program of Work document had the requested changes made to it and was ready for approval.

****Councilor Blackwell moved to accept the City Council Goals & Program of Work Document with the revisions. Motion was seconded by Councilor Daniels.**

Councilor Newton thanked Mr. Adcock for putting this document together. Mayor Thompson concurred. Councilor Daniels commended the staff and Council also for this document.

Motion passed 6-0.

Proposed 13th Avenue Park Plan Adoption - Library & Parks Director Beth Saul passed around a picture of the plan for a six acre park on property that belonged to the City. There was one change in the cost estimates where they would move the City water hookup from Phase III to Phase I. Canby Kids Soccer was putting a lot of their own funds into improving the soccer fields that would be north of the park and the water pressure was very bad. The phases were recommended to fit in with available maintenance and the plan was created by citizens, kids, and those who lived in the area. The Parks & Recreation Advisory Board along with staff recommended adoption.

Councilor Oliver asked if the City water hookup charge was \$45,000. Ms. Saul said this fee was for a fairly large water service that would handle the six acres, a big irrigation system, and a bathroom.

****Councilor Carson moved to adopt the 13th Avenue Park Plan. Motion was seconded by Councilor Blackwell and passed 6-0.**

RESOLUTIONS & ORDINANCES: None.

MANAGER'S REPORT: Mr. Williams spoke regarding the development of a master plan for the NE Canby area between Hwy 99E, Haines Rd, and First Avenue and the north side of the UGB. He asked for Council's approval to send a letter of support along with an application asking for the State of Oregon to fund this project with TGM money. Council gave consensus for him to send a letter.

Mr. Williams gave Council an update on the street maintenance fee. The staff work was just about done and they would bring back a plan before Council sometime this summer that had a public involvement piece and some options.

Councilor Johnson said he appreciated all the staff work that had gone into this.

CITIZEN INPUT: Bev Doolittle from the Canby Chamber of Commerce welcomed back Councilor Daniels.

COUNCILOR'S ISSUES: Councilor Newton said she felt the process was faulty for filling a new Council seat. She suggested discussing different ideas in the future as she didn't think the nominating committee worked. Councilor Blackwell agreed.

Councilor Johnson said that due to work and personal demands, he would like to have someone else be the chair of the Budget Committee next year.

Councilor Johnson asked to schedule an Urban Renewal meeting. An Urban Renewal Advisory Committee meeting would be held on June 10th and an Urban Renewal Agency meeting before the regular Council meeting on June 18th.

ACTION REVIEW:

1. Approving the request from the Sons of the American Legion for road closures.
2. Approving CPA 03-02/ZC 03-02, and Findings would be brought back to the June 18th Council meeting.
3. Approving the Findings, Conclusion and Final Order of ANN 03-01.
4. Approving the Program of Work & City Councils Goals documents.
5. Approving the proposed 13th Avenue Park Plan adoption.

6. Keeping in contact with Mr. Bowen regarding the use of the Molalla Forest Road.

City Attorney Kelley announced that there would be a public hearing at the June 4 Council meeting regarding the liquor license application that Council denied.

Mayor Thompson adjourned the regular session at 11:08 p.m.

Chaunce F. Seifried

Chaunce F. Seifried
City Recorder pro tem

Melody Thompson

Melody Thompson
Mayor

Kim Scheafer


Prepared by Kim Scheafer
and Susan Wood Office Specialists

OATH OF OFFICE

STATE OF OREGON)
County of Clackamas)
CITY OF CANBY)

I, the undersigned, having been duly appointed to the office of City Councilor of the City of Canby by the Canby City Council, and being first duly sworn on oath depose and say:

That I am a qualified elector of the City of Canby, and that I have resided in the City of Canby, Oregon, for not less than twelve (12) months immediately prior to the appointment on May 21, 2003; and that I will support the Constitution and Laws of the United States and the State of Oregon and will faithfully perform the duties of the office of City Councilor of the City of Canby, Oregon, to which I have been appointed. SO HELP ME GOD.



Walter R. Daniels

Subscribed and sworn before me this 21st day of May, 2003.

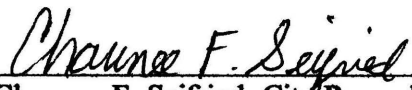


Judge Jon S. Henricksen

CERTIFICATE OF ELECTION

I, Chaunee F. Seifried, the undersigned City Recorder of the City of Canby, Clackamas County, State of Oregon, hereby certify that Walt Daniels was appointed to the office of City Councilor of the City of Canby on May 21, 2003.

Dated this 21st day of May, 2003.



Chaunee F. Seifried, City Recorder pro tem

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

A REQUEST TO ANNEX 9.7)	FINDINGS, CONCLUSIONS & FINAL ORDER
ACRES OF LAND INTO THE)	ANN 03-01
CITY OF CANBY)	(Willow Creek Estates)

NATURE OF APPLICATION

The applicants are seeking to annex one 9.7 acre taxlot (Lot 4700 of Tax Map 4-1E-04DA) into the City of Canby. If annexed, the applicant intends to build approximately 39 single family homes. The site is located south of SE 13th Avenue and is part of an island of County land surrounded by property within the City boundary.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of March 24, 2003. The City Council held a public hearing and considered this application at its meeting of May 7, 2003.

CRITERIA AND STANDARDS

The Planning Commission forms a recommendation that the City Council may consider after conducting a public hearing. If the City Council approves the application, it forwards its recommendation to the voters of Canby as a ballot measure where a final decision is reached during a general election.

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan).
2. Analysis of the "need" for additional property within the city limits shall be provided.
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the

- potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
 7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
 8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;
 9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
 10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

FINDINGS AND REASONS

The City Council deliberated on all input presented at the March 24, 2003 meeting, and incorporates the March 14 and April 30, 2003 staff reports and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the March 14 and April 30 staff reports.

CONCLUSION

The City Council of the City of Canby concludes that, based on the findings and conclusions contained in the March 14 and April 30, 2003 staff reports, and from Council deliberations at the May 7, 2003 public hearing:

1. The land is designated as Priority "A" for annexation.
2. The need for this property to be annexed is due to an approximate buildable land supply of approximately 2 years presently within the City.
3. Although the property is larger, agricultural land, it is currently part of an island of unincorporated land surrounded by land inside the City limits and continued development of the surrounding properties will make agricultural uses less viable.
4. Access is adequate to the site and will be further improved by the improvements of the roadway, including off-site improvements volunteered by the applicant, in conjunction with development.
5. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services upon future development.
6. The annexation proposal is in compliance with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes.
8. No natural hazards have been identified on the site.
9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and

- requirements as found in the Parks Master Plan will be adhered to.
10. No adverse economic impacts are likely to result from the annexation of the subject property.

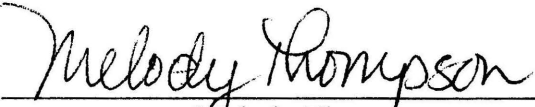
ORDER

THE CITY COUNCIL OF THE CITY OF CANBY APPROVES application ANN 03-01 and sends the application to the Canby voters for a final decision with the following understandings:

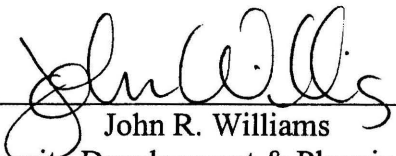
1. The zoning classification for the property will be R-1, Low Density Residential.
2. All service connection, recording costs and future development costs are to be borne by the property owners.
3. Advanced financing charges for the properties are to be paid at the time of connection to City Services.
4. All City and service provider regulations are to be adhered to at the time of connection of services and/or future development.
5. Sidewalks and utility easements are normally conditioned as a part of new development. As no new development is proposed, sidewalks and utility easements will be required upon any future land use application including issuance of a building permit or an application for redevelopment.
6. Any costs associated with the election not covered by the initial deposit shall be the responsibility of the applicant/property owner. The costs shall be payable upon receipt of an itemized billing from the City of Canby.

I CERTIFY THAT THIS ORDER approving ANN 03-01 was presented to and APPROVED by the City Council of the City of Canby.

DATED this 21st day of May, 2003.



Melody Thompson
Mayor



John R. Williams
Community Development & Planning Director

ATTEST:

ORAL DECISION - May 7, 2003

AYES: Blackwell, Carson, Johnson, Newton, Oliver

NOES: none

ABSTAIN: none

ABSENT: none

WRITTEN FINDINGS - May 21, 2003

AYES: Blackwell, Carson, Daniels, Johnson, Newton & Oliver

NOES: none

ABSTAIN: none

ABSENT: none