

**CANBY CITY COUNCIL  
REGULAR SESSION  
July 2, 2003**

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

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Associate Planner Clint Chiavarini, Finance & Court Services Director Chaunee Seifried, Library and Parks Director Beth Saul, Police Chief Ken Pagano, Administrative Specialist Kim Scheafer, Doug Sprague, Robin Adcock, Harvey & D'Anne Tofte, Ted Kunze, Justin Krettler, Kory MacGregor, Karl Lange, Teri Young, Ben Sandsness, Tony Weller, Randy Sebastian, David Howell, and Steve Mayes.

Mayor Thompson called the regular session to order at 7:35 p.m., followed by the opening ceremonies.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** None.

**CONSENT AGENDA:** \*\*Councilor Oliver moved to approve the Minutes of the Regular Meeting of June 18, 2003, Minutes of the Special Meeting of June 19, 2003, and Accounts Payable of \$228,505.56. Motion was seconded by Councilor Blackwell and passed 4-0.

Mayor Thompson announced that Councilors Carson and Johnson were on vacation.

**COMMUNICATIONS:** None.

**PUBLIC HEARINGS:** ANN 03-03 Renaissance Development –

Mayor Thompson read the public hearing format.

**CONFLICT OF INTEREST:**

Councilor Daniels - No conflict, plan to participate  
Councilor Newton - No conflict, plan to participate.  
Councilor Oliver - No conflict, plan to participate.  
Mayor Thompson - No conflict, plan to participate.  
Councilor Blackwell - No conflict, plan to participate.

**EX PARTE CONTACT:**

Councilor Daniels – Visited the site, asked Planning Department about questions on application, but drew no conclusions.  
Councilor Newton – Driven by the site, drew no conclusions.  
Councilor Oliver - Driven by the site, drew no conclusions.  
Mayor Thompson - Driven by the site, drew no conclusions.

Councilor Blackwell - Driven by the site, drew no conclusions.

#### STAFF REPORT:

Associate Planner Clint Chiavarini said this was an application to annex two tax lots totaling 49 acres. If annexed, it would become 147 lots for single family homes, two parks, and a private neighborhood swimming pool. The applicant said that new surveys said it was closer to 40.5 acres that would be brought in. The Planning Commission recommended approval 6-0. They thought all the criteria were met. This property had three different designations, Priority A, B, and C. The Planning Commission thought there was a special benefit in that the applicant was dedicating two parks. They also found that this was one of the more appropriate places to expand because services were available. The annexation would not result in any adverse impacts. In regard to need, the supply of developable residential land was about one year currently, and three years was recommended. The applicant agreed to take the property out of agricultural use in three phases that would take a minimum of 3-4 years. In regard to access, it was adequate and a traffic study said the intersections were functioning adequately. There were adequate public facilities and services, it was compliant with city ordinances and Oregon statutes, and there were no natural hazards, adverse affects, or economic impacts. The applicant was going to provide a buffer by putting a park between development and the Molalla River. The Planning Commission put several stipulations on this property. These were dedication of parks and phasing development.

Mayor Thompson opened the public hearing at 7:50 p.m.

#### PUBLIC TESTIMONY

APPLICANT: Tony Weller, with CES Northwest located on 5573 SW Bangy Road, Ste 300, Lake Oswego, was the engineering planner representing Renaissance Development. They had master planned the area. They had organized where the neighborhood collector road should go, which would be 18<sup>th</sup> Place, and the buffer park could be a part of the emerald necklace concept. The Toftes had talked about dedicating to the City the remaining property outside the urban growth boundary for open space. The other park would be a community park. They worked on pedestrian and street connections and would install a private swimming pool. They were trying to make this project good for everyone. As far as the master plan, the sewer service had run out, and they wanted to have one pump station that would service this and other nearby developable land already in the City. This was large farmland that was actively farmed, but they planned to do a development agreement that would limit the amount of property they would develop in a yearly number of lots. They changed the language to say they would not do more than 50 lots a year, because they were planning to do 17 right away if this was approved to coincide with other development in the area, and then later do the rest. It was a Phase 1 A and B concept. This property was designated to be urban. In regard to need, Mr. Weller presented Council with graphs that showed lot absorption and market based lot absorption by taking 14 lots out of inventory a month, all the land would be used up in 2006. With their condition to go in three phases, and Willow Creek having no sewer, there were timing issue as to when the lots would actually hit the market. It was the same numbers, but there was still a need, as they would be developing just in time to fill the demand. In regard to prioritization, they would provide special

benefit in the parks. They master planned the area, and the housing was needed. The sewer pump would provide service to other properties. There were positive economic impacts.

Randy Sebastian, with Renaissance Development located on 1672 SW Willamette Falls Drive, West Linn, said the Toftes had the farm for many years, and it was future zoned residential. It would be phased and consistent growth. In another development they were doing, new homes were going for around \$300,000 and citizens seemed pleased with their homes. Mr. Sebastian showed Council a chart with an analysis of economic impacts of Phase 4, which was 40 homes, that showed a lot of money was going to the City of Canby and Canby businesses. They supported causes in the cities that they worked in. They were excited about continuing a very positive master planned neighborhood. This project helped with the emerald necklace, provided a mini park, swimming pool, and all the lots were good size by the day's standards, all were 78,000 square feet or larger.

Councilor Blackwell asked about the letters from concerned neighbors in regard to the buffer. Mr. Weller said they had a couple of letters from residents on the other side of the river concerned about urban intrusion in the rural setting, but there was not easy access to the river. Mr. Sebastian thought they were confused about where they were building. Councilor Blackwell said there was also a Goods Bridge issue, and Mr. Weller said they met the City's access spacing requirements with the neighborhood collector road.

Councilor Daniels said this was an improvement over the other plan. He asked about the 13<sup>th</sup> and Ivy traffic plan and that it would have to be re-engineered if annexed. Mr. Weller said the traffic plan would be updated once it came in.

Councilor Daniels also asked if the park would be private, and Mr. Sebastian said it would be a public park but the pool would be private. The land would be donated to the City for SDC reimbursement.

#### PROPONENTS:

Kory MacGregor, owner of Roth Heating and Cooling, resident of 9095 S Good Lane, said he lived in Canby for the last 15 years. He said Canby was a strong community partly because they had local business people who lived and worked in the community. They were fortunate to have Renaissance Homes come in because they took pride and ownership in what they did. He thought this would be good for the community not only economically, but it would make good use of the river property.

Doug Sprague, owner of Canby Excavating and also lived in Canby, said it was very uncomfortable to look at dollars that benefited them. Their company had 60 employees whom a majority of lived in Canby. It was an economic benefit to build and work in the community. He said that Renaissance Homes was an excellent company. This was a good project, and he supported it.

Ben Sandsness, resident of 540 NW Territorial Rd, said he had lived in Canby all his life and been in business since 1961. He worked for Renaissance Homes for the last two years. He said

what they were doing was of benefit to the City, they were a fine outfit to work for and this should be approved.

OPPONENTS: None.

REBUTTAL: None.

Mayor Thompson closed the public hearing at 8:28 p.m.

#### DISCUSSION:

Councilor Oliver asked if the park site was a permanent location and if there was another spot. Mr. Sebastian said it was not permanent. Councilor Oliver said it was near a feeder road that might be dangerous for the kids. He thought it should be relocated. Councilor Blackwell said Wait Park was the same, there was always that risk. She liked the idea that it was accessible on a main road.

Councilor Blackwell said there was another letter in the packet concerning the schools and she hoped that there would be communication from the City. Mayor Thompson said that Dr. Sommer wrote in her letter that they actually needed student enrollment to be able to build a new school.

Councilor Newton said she was very impressed with the plan and that they took Canby into their thoughts and addressed the important things. She appreciated that they used local folks and she encouraged everyone to get out and vote.

**\*\*Councilor Blackwell moved to approve ANN 03-03, a request to annex two tax lots totaling 49 acres into the City Limits, and send it to the voters. Motion was seconded by Councilor Oliver. Councilor Daniels asked that the motion be amended to include direct staff to return with written findings and ballot language at the next available regular meeting of the City Council. Councilor Blackwell and Oliver agreed. Motion passed 4-0.**

Councilor Blackwell thanked them for their contribution to the community.

NEW BUSINESS: None.

UNFINISHED BUSINESS: None.

#### RESOLUTIONS & ORDINANCES:

Resolution 837 – Administrator Adcock said this would increase the SDC charges 2.79% to account for inflation. The last time they were updated was June 2001, and in that resolution they stated they would periodically increase the SDCs using the construction index as a basis.

Councilor Daniels asked about the difference between the reimbursement fee and improvement fee. Community Development and Planning Director John Williams explained that the

reimbursement was to collect money for projects that were already completed, and the improvement fee was planning for projects that had not been completed.

**\*\*Councilor Daniels moved to adopt Resolution 837, A RESOLUTION AMENDING CANBY'S SYSTEM DEVELOPMENT CHARGES TO ACCOUNT FOR INFLATION. Motion was seconded by Councilor Blackwell and passed 4-0.**

Ordinance 1121 - **\*\*Councilor Daniels moved to adopt Ordinance 1121, AN ORDINANCE DECLARING CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2003-2004. Motion was seconded by Councilor Blackwell and passed 4-0 by roll call vote.**

Ordinance 1123 – Administrator Adcock said this authorized the City to join the Clackamas County 800 Radio Group. Councilor Daniels asked how many portable radios were being purchased? Police Chief Pagano said they would get 16 for the system, and also purchase some spares. Mayor Thompson commented that they were one of the last two agencies to come on board.

**\*\* Councilor Newton moved to adopt Ordinance 1123, AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO JOIN INTO THE FORMATION OF THE CLACKAMAS 800 RADIO GROUP AND DIRECTING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT FOR THAT PURPOSE; AND DECLARING AN EMERGENCY to come up for second reading on July 16, 2003. Motion was seconded by Councilor Daniels and passed 4-0 on first reading.**

**MANAGER'S REPORT:** Planning Director John Williams said the Urban Growth Management Agreement they had with Clackamas County was adopted in 1992. He said it covered the area between their City limits and the outer limits of the Urban Growth Boundary. There was a provision that required a 15 day notice to the City of administrative actions, and they hadn't been getting them. He was working with County staff to see what they should be getting notices on. Councilor Blackwell said it was important that they have a say, as eventually whatever corridor they worked on in the south would affect Canby.

Mr. Williams spoke regarding an article in the *Oregonian* about Metro's search for industrial lands. They were trying to find 2,700 acres in the metro area, and they identified 1,000 acres south of Charbonneau and 900 acres east of Wilsonville. This would significantly impact them as far as residential, commercial, and industrial growth. Mr. Williams drafted a letter to the Metro Policy Advisory Committee outlining their concerns and asked for Council approval.

Councilor Blackwell said that she liked the idea, it was important to be part of the process and know what was going on. Mayor Thompson said she felt it was important to make them understand they could meet the demand with what they had already, they did not have to find bigger locations that were farmland. They had worked hard to build the industrial park and their people were counting on it. Councilor Blackwell said one advantage of their industrial park had was that it was ready to go. Councilor Newton said it was important that they made known what was needed for their community.

Council gave consensus to send the letter as it was written.

Mr. Williams gave Council an update on Sequoia Parkway. The project had been sent out to bid to be opened July 10<sup>th</sup>. He said the second reading for the ordinance that would award the bid would not be until three more weeks after July 16<sup>th</sup>, and asked if Council could hold a special meeting on July 23<sup>rd</sup> to approve it. This would allow them to start construction earlier. Council agreed to meet on July 23<sup>rd</sup>.

**CITIZEN INPUT:** None.

**COUNCILOR'S ISSUES:** Councilor Blackwell asked everyone to come to the July 4<sup>th</sup> party at Wait Park. Councilor Daniels reminded them that the parade route had changed.

Councilor Oliver said there were a lot of openings on the advisory committees and encouraged people to apply.

**ACTION REVIEW:**

1. Approving the consent agenda.
2. Approving Annexation 03-03 and directing staff to return with written findings and ballot language.
3. Approving Resolution 837, amending Canby's system development charges to account for inflation.
4. Passing Ordinance 1121 on second reading.
5. Passing Ordinance 1123 on first reading to come up for second reading on July 16, 2003.
6. Scheduling a Special Meeting on July 23<sup>rd</sup> to accommodate the Sequoia Parkway contract documents.

**\*\*Councilor Blackwell moved to go into executive session under ORS 192.660 (2) labor negotiations. Motion was seconded by Councilor Daniels and passed 4-0.**

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

Mayor Thompson reconvened the regular Council session and immediately adjourned at 9:21 p.m.

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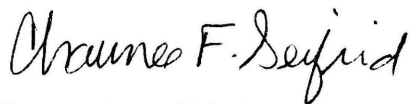
**CANBY CITY COUNCIL  
EXECUTIVE SESSION  
July 2, 2003**

**Present:** Mayor Melody Thompson, Councilors Walt Daniels, Georgia Newton, Wayne Oliver, and Teresa Blackwell, and City Attorney John Kelley.

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

ORS 192.660(2) - The Council discussed labor negotiations with the City Attorney.

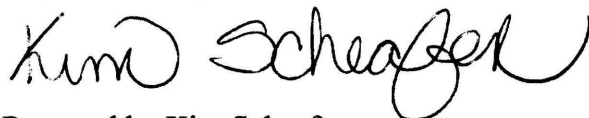
Mayor Thompson adjourned the session at 9:20 p.m.



Chaunee F. Seifried  
City Recorder pro tem



Melody Thompson  
Mayor



Prepared by Kim Scheafer  
and Susan Wood Office Specialist