

**CANBY CITY COUNCIL
REGULAR SESSION
August 6, 2003**

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

Also present: Community Development and Planning Director John Williams, City Attorney John Kelley, Police Chief Ken Pagano, Library & Parks Director Beth Saul, Transit & General Services Director Margaret Yochem, Project Planner Matilda Deas, Office Specialist Joyce Peters, Bill Inholt, Curtis and Lila Gottman, Frank Cutsforth, Allen Manuel, Glennette Danforth, Ed Netter, Karl Hansen, Loohang Chau, and David Howell.

Mayor Thompson called the regular session to order at 7:30 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: Frank Cutsforth, 2235 NE Territorial Rd, Canby, announced their annual cruise-in on August 23. Since it was a non-profit event, they were asking for the park fee to be waived so they could give the money to the Rotary Club. They would also work with the Police Department regarding parking. Downtown merchants were involved in the event.

****Councilor Carson moved to approve the park fee waiver. Motion seconded by Councilor Johnson and passed 6-0.**

CONSENT AGENDA: **Councilor Carson moved to approve the Minutes of the Special and Executive Session Meeting of July 9, 2003, Regular Meeting of July 16, 2003, Special Meeting of July 23, 2003 and Accounts Payable of \$241,616.48. Motion was seconded by Councilor Blackwell and passed 6-0.

COMMUNICATIONS: Street Closure Request for NE 12th Way - Mr. Williams said they received a letter from Anne Martin who was requesting a street closure for the NE 12th Way cul-de-sac barbecue on August 24, 2003.

****Councilor Johnson moved to approve the street closure request. Motion was seconded by Councilor Carson and passed 6-0.**

Councilor Carson said as liaison to Canby Utility, he wanted to discuss the concern about low water levels in the river and asked people to conserve water. Councilor Daniels said lawns only needed one inch of water a week. Karl Hansen, Assistant General Manager for Canby Utility, said the river should be flowing at 115 cubic feet, and it was down to 42 to 50 cubic feet lately. This was a problem with high demands for water during the dry summer. They were asking people for voluntary conservation to help them get through this time. They would keep them informed before they got to a serious crisis.

PUBLIC HEARINGS:

ANN 03-02 ManDan, LLC –

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.
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 Daniels - drove by the site, drew no conclusions.
Councilor Newton - drove by the site, drew no conclusions.
Councilor Oliver - drove by the site, drew no conclusions.
Councilor Johnson - no contact.
Mayor Thompson - no contact.
Councilor Carson - drove by the site, drew no conclusions.
Councilor Blackwell - no contact.

STAFF REPORT: Project Planner Matilda Deas said this was an application to annex three parcels located on the east side of Redwood across from Erica Acres. If annexed, they would be zoned as a combination of high and medium density residential. At the Planning Commission hearing, it was stated that there were some intersection sight restrictions on this property, but the engineer found the level of service would not be reduced and safety was adequate. There was a question about storm water management, but the applicant would be working with the development to the south and tying in with their storm water plan. The City was currently in need of medium and high density residential. The Planning Commission thought this application had a special benefit because it was medium and high density, even though it was Priority B land. Also the fact that Redwood had already been developed and the public services were there would also be of special benefit because of efficiency. This would bring in 4.8 acres, or three months of buildable lands. In a quick analysis, there was only 20 acres of Priority A land that was zoned high or medium density residential showing the need to bring in B land. No letters of concern were submitted for this application, although there were comments from the Traffic Safety Committee about the traffic impacts. There had not been any accidents in the area, only problems with speeding. The school district was going out for a bond, and hoped that would take care of school overcrowding. The Planning Commission voted unanimously to recommend approval.

Mayor Thompson asked Ms. Deas to explain why they needed higher density in the City. Ms. Deas said the City was required to provide land within its urban growth boundary for the

projected need in Canby. They looked at the projections for what they thought they would need for each type of zoning and then looked at what they actually had and how it was zoned. It turned out that they weren't meeting their demand for medium and high density residential. They just recently redesignated some areas for that density. Mayor Thompson added that it was required by the State, and Ms. Deas said they periodically went back to look at it and adjust it as needed.

Councilor Oliver asked if eventually Redwood was going to be owned by the City. Mr. Williams said yes, after it had been improved.

Councilor Oliver asked about the traffic study, the Netta Marnella development would be a part of the traffic flow. Ms. Deas thought they had taken that into consideration.

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

PUBLIC TESTIMONY

APPLICANT: Allen Manuel, resident of 1612 N Redwood, Canby, said this annexation application was presented by ManDan, LLC, owned by him and Glennette Danforth. He arrived here in Canby in 1969 to pursue the family nursery business, and Glennette arrived in 1970 in search of housing. They had been doing business in Canby since 1984. This was for 4.8 acres on the east side of N Redwood Street adjacent to the garden crossing project. There were three parcels of land and three houses, two of which would stay and one would be demolished. The parcel was leased by Canby Garden, but had been removed from farming for many years. The zoning was a mixture of residential 1.5 and 2. All the required utility services were located in N Redwood. The natural storm drainage on this property was north easterly along the swale area and eventually past Willow Creek into the Willamette. They intended to install the same drainage system that they were using in the garden crossing project. Transportation was more than adequate as it was close to 99E and there had been improvements at the Redwood and 99E intersection. SDC money would help to provide for park or open space, and though it would impact the schools, they were planning to expand in 2006. This was Priority B land, but recently there had been approval of other annexations that were B lands especially east of N Redwood. Additional higher density land was identified as a major need in a recent comp plan review process and this property was found to be one of the most suitable for an increase in density. Redwood would have a double bike lane, and it was close to work and shopping. This development would push the street width 300 feet to the north and would provide an intersection at NE 12th. The problems of this area were the disposal of storm water and control of sound pollution that came from the railroad and highway, but they expected to do what garden crossing was doing for both problems. They would be ready for development in 2005-2006. This application was denied in 1999, but a lot had changed since then. He thought this would provide additional affordable housing, and asked for their support.

PROPONENTS:

Ed Netter, resident of 334 SE 10th Ave, Canby, was the property owner to the south, the garden crossing subdivision. Mr. Manuel had been working with them, and he said the townhouses they

were building would provide less traffic than regular single family housing. He thought Mr. Manuel laid the development out well.

OPPONENTS: None.

Mayor Thompson closed the public hearing at 8:10 p.m.

DISCUSSION:

Councilor Blackwell said back in 1999 she was on the Planning Commission at the time of the application, and it was not timely and did not provide a special benefit. As Mr. Manuel said, times had changed and she would vote in favor as it would provide a special benefit in the medium and high density housing choices.

****Councilor Blackwell moved to approve ANN 03-02, a request to annex three tax lots totaling 4.8 acres into the City Limits, and direct staff to return with written findings and ballot language at the next available regular meeting of the City Council. Motion was seconded by Councilor Johnson.**

Councilor Carson said though this was Priority B, there was a need for additional residential 1.5 and 2 property and it was going in near the garden crossing development. It was smaller, non farmland and access was adequate. Public facilities were there, and it met the requirements of City and State ordinances. The storm water issues had been addressed, and the Planning Commission had an understanding placed in the application that covered the issue as well. There were no adverse environmental or economic impacts.

Councilor Johnson said another benefit was residential 1.5 and 2 would not use as much water because they did not have to care for lawns. Councilor Carson said this year the water levels in the river were low, but they had more than enough capacity at the water plant. They had discussed using wells for water irrigation in parks, which would help costs as well. They were asking for conservation because the water levels were low.

Councilor Johnson said this showed their staff was on top of long range planning, especially for the revision of priority A, B, and C land.

Motion passed 6-0.

ANN 03-05 Manuel – 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.
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 Daniels - drove by the site, drew no conclusions.
Councilor Newton - tried to find the site, drew no conclusions.
Councilor Oliver - drove by the site, drew no conclusions.
Councilor Johnson - no contact.
Mayor Thompson - no contact.
Councilor Carson - visited the site, drew no conclusions.
Councilor Blackwell - no contact.

STAFF REPORT: Project Planner Matilda Deas said this was Priority B land located south of 19th Loop, east of N Redwood Street. If approved, it would come in as low density residential and provide approximately 2 weeks of buildable land supply and add four single family homes. The applicant had a neighborhood meeting, and several citizens wrote letters of concern about wanting to keep the character of the neighborhood as single level homes and worried about increased traffic. All the service providers said services would be available. The Planning Commission had concerns that it was Priority B land and would come in as low density residential. However, it was a very small application.

Mayor Thompson asked if there had been neighborhood concern about the application they just approved, as it was in the same area but would have greater impact because it was higher density. Ms. Deas said this was the application they got comments on.

Ms. Deas continued to say that the Planning Commission recommended denial of this application, because it was Priority B, had no special benefit, and they felt there was enough low density in the City already.

Mayor Thompson opened the public hearing at 8:40 p.m.

PUBLIC TESTIMONY

APPLICANT: Allen Manuel, resident of 1612 N Redwood, Canby, said he lived and worked in Canby since 1969. The application was proposed by himself and his son, Ethan Manuel, 740 NW 9th, Canby. The annexation was for .93 acres and the land consisted of one parcel that already had one single family home on it, and they would add four more. All required utilities were there, storm drainage was to the east and the land was nearly flat, transportation was adequate, and the school district was planning for expansion in 2006. The property was Priority B, and was across Redwood from Conner's Corner which was A land and fully developed, and to the north was Redwood Meadows which was B land and fully developed. Many B properties had recently been approved for annexation, and he was requesting they find this suitable for development ahead of A ground. This would be zoned as low density residential, and they had a sketch as to what the development would look like. The existing house on the property would be refurbished and retained. In regard to the neighbors' request to keep the new houses as single

levels, that was hard to do as most people did not want to buy those kind of houses anymore. Development and widening of N Redwood along the frontage would be provided by the developer. Storm water would be handled on site in the same fashion as they did with Ivy Gardens, which was by a pond that was three and a half feet deep, 65 feet long, and 45 feet across and was flat and not a danger. There was a concern about flooding, but this property was outside the 100 year flood plain by a substantial distance and didn't come close to any wetlands. The benefit to the City would be the orderly continued development of N Redwood Street, the efficient utilization of utilities already in the street, the park fund would receive SDC funds, and local builders and contractors would be used to construct the homes. The negative effects were minimal. The Planning Commission recommended denial, but this was a small project and would not have a lot of impact. He requested they approve it.

Councilor Carson asked about the property owners in the area, and if they were not interested in selling to make a bigger development? Mr. Manuel said he talked with them, but they were not interested.

Councilor Carson asked if there was an access road on the north side? Mr. Manuel said there was, and he expected the City to ask him to improve it when they went for subdivision application. Councilor Carson was concerned about adding traffic to Redwood.

Councilor Daniels said the neighbors did not seem to object to development, but they were hoping it was single family, which it would be. Were the lots larger than the average? Mr. Manuel said they would be 7,000 square foot lots.

Councilor Carson said staff thought it should be approved, but the Planning Commission denied it. Mr. Williams said the Commission did not think it gave a special benefit, and they did not think they needed more single family residential land. Ms. Deas said staff thought one of the special benefits was the services were already there, and the Commission did not accept that opinion. The previous application added higher density, but this one did not. They also wanted to do some master planning for a larger area, but that was not an option.

Mr. Manuel thought that the development on both sides of Redwood with the sidewalks, bike lanes, etc. was a special benefit.

Councilor Newton said there was no special benefit but no impacts either, and it was only four lots.

PROPONENTS: Ed Netter, resident of 334 SE 10th, Canby, said he was there as a local builder and they were in need of buildable lots in Canby. Local businessmen were having to go elsewhere. Regarding the priority A, B, and C, if priority A people did not want to come in, they were raising the prices because there was not enough supply. He thought there should be more developments like this so that builders could continue to live and build in Canby. A lot of times, developers got the land in the City but didn't build on them and that skewed the buildable lands numbers. They could not master plan the whole street of Redwood, as many people did not want to sell at this time. They needed lots for local businessmen.

OPPONENTS: None.

Mayor Thompson closed the public hearing at 8:55 p.m.

DISCUSSION:

Councilor Johnson said he did not think developers and builders should be penalized because of the priority A, B, C system. He would be voting for this application.

****Councilor Newton moved to approve ANN 03-05, a request to annex one tax lot totaling .93 acres into the City Limits, and direct staff to return with written findings reflecting approval at the next available regular meeting of the City Council. Motion was seconded by Councilor Johnson and passed 6-0.**

Mayor Thompson recessed the meeting at 9 p.m. for a short break, and reconvened the meeting at 9:10 p.m.

NEW BUSINESS: Liquor License Application for Space Age Fuel & Quick Mart – Mr. Williams said this was an existing business that was sold and the new owners were applying for the license.

****Councilor Johnson moved to forward a recommendation of approval to the Oregon Liquor Control Commission for a new liquor license application for Space Age Fuel & Quick Mart. Motion was seconded by Councilor Blackwell and passed 6-0.**

UNFINISHED BUSINESS: None.

RESOLUTIONS & ORDINANCES: None.

MANAGER'S REPORT: Knight School Pedestrian Crossing – Mr. Williams said there was a design that was being recommended for approval. It was to install bump outs on 5th Avenue and Grant Street to slow vehicles down and improve visibility. The estimated project cost was \$2,200 and the Knight School PTA offered to pay for the materials if the City paid for the labor. There was no need for storm water improvements.

****Councilor Daniels moved to proceed with the Knight School pedestrian project improvements. Motion seconded by Councilor Carson.**

Councilor Carson thought if this worked, they should do the same on 6th Avenue.

Motion passed 6-0.

Mr. Williams said they would probably do the project in September.

Update on New Transit Center - Transit & General Services Director Margaret Yochem presented the design for the new Canby Area Transit Center, Canby Station. They had an

agreement with Frank Cutsforth for use of the property. It would be a three phase project. Phase one would be infrastructure for the short term. Public Works would do the work, and it would cost \$10,000 to \$14,000. It would include putting in new curbs and a transit lane, putting in trees, lighting, two transit shelters, and porta-potties.

Councilor Daniels worried about congestion at the exit. Mr. Williams thought it would fit, although there were some visibility issues that might cause problems occasionally. Ms. Yochem said the Tri-Met buses would not be using the facility.

Mayor Thompson asked if they had talked with the businesses on First Avenue. Ms. Yochem said she had talked with most of them.

Ms. Yochem said if there was approval, they would begin the project next Monday and hoped to be done by the time school started, September 2.

Councilor Blackwell asked Ms. Yochem to explain how they were funding the project. Ms. Yochem said there was money in the transit budget just enough to do phase one. Phase two was a \$500,000 grant and phase three was also a \$500,000 grant.

Ms. Yochem also described the services they would provide to the County fair.

****Councilor Carson moved to approve phase one of the new Canby Area Transit Center project up to \$14,000. Motion seconded by Councilor Blackwell and passed 6-0.**

State Domestic Preparedness Grant - Police Chief Ken Pagano reported on the new Community Outreach Center that David and Cheryl Anderson donated the space for. It was located on S Redwood at the Canby Business Center and would open in September. They also received a \$25,000 State Domestic Preparedness Grant. This would be used to purchase equipment for domestic terrorism and disasters. They would get video surveillance systems, 25 breathing masks for the officers, and defibrillator machines in patrol cars for heart attack victims. He also received a Universal Hiring Grant for two officers, but they waived the match in the application, and the City did not have the matching funds for the officers. It would be \$36,000 a year per officer.

Mr. Williams referred to the addendum to the packet in regard to the County Street and Industry Project and there was a meeting next week where the County would say where they stood and were going to ask where all the cities involved stood. He said when they were looking at the street maintenance fee, the City Council decided not to take part in the County process. All of the concerns they had were taken care of and they had a draft ordinance and fee structure set up and the County was trying to figure out how to adopt it. They could jump on to the County process at this point, but they hadn't done the public involvement piece. They could also join the County process later.

Mayor Thompson thought they should decide which way to go before they did the public involvement. Councilor Newton also thought they should have a plan for what was going to be done and when.

Mr. Williams said the County was going to have every agency adopt the same level of revenue. There might be an option for cities to opt in at a different level.

Mayor Thompson asked what the surcharge was, and Mr. Williams thought it was modest.

Councilor Daniels thought they should get more information and discuss this at another meeting. Mr. Williams would get the information to them. Councilor Blackwell said the meeting would be next Wednesday, August 13, at 7:30 a.m. at the Sunnybrook Center.

Councilor Johnson thought some of the mechanics to doing their own street utility fee had problems, and since the County would do this and if it was cost effective and other cities would be participating, it sounded like it was a better deal. Mayor Thompson said there was a benefit because of the County roads within the City, but she had doubts whether they would be a priority. Councilor Newton said that before they did anything, they would be sure to get adequate and thorough public input.

Mr. Williams said on S Redwood and S Pine there was a road near the curve that had a lot of truck traffic. They thought this was a road that would soon be in danger of failing. They had an opportunity since the bid prices they received for Sequoia Parkway were so good, and they had Parker Northwest put together an estimate for a rehabilitation project for that road. The cost would be \$136,000 and they had the money in the discretionary fund for it. They could do a change order to the Sequoia Parkway bid to add this in. If approved, they would start the project on August 23.

Councilor Carson said the new House Bill 2158 would give them another \$75,000 to \$100,000 which would help. He asked if they could use URD funds, and Mr. Williams said no, although they might be able to use SDC funds.

****Councilor Daniels moved to approve the change order to the Sequoia Parkway project bid to include this project.**

Councilor Newton asked if there were other streets that were at the same failure level. Mr. Williams said he thought there were, only this street had a lot of truck traffic and it was a good deal.

Motion seconded by Councilor Carson and passed 6-0.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES: Councilor Carson said Bob Westcott had been on the Canby Utility Board for 17 years, and he was retiring as of July 31. They were going to have an open house at the Canby Utility Board Conference Room on August 13 from 4 to 7 p.m. to honor him.

Councilor Johnson said he was glad to see all of the articles from City staff in the *Canby Herald*.

Councilor Blackwell said there was an opening on the Planning Commission. Mr. Williams said they had three applications for people they had already interviewed or they could readvertise. Council thought they should advertise again for two weeks, and people could reapply if they would like. There were also openings on the Utility Board.

ACTION REVIEW:

1. Approving the consent agenda.
2. Approving the street closure requested by Anne Martin.
3. Approving ANN 03-02 and bringing back a resolution to the next meeting.
4. Approving ANN 03-05 and bringing back a resolution to the next meeting.
5. Forwarding a recommendation of approval to the OLCC for Space Age Fuel & Quick Mart.
6. Approving Knight School crossing improvements.
7. Approving the Transit Center phase one project.
8. Compiling information on the street maintenance fee.
9. Approving a change order to the Sequoia Parkway project for the street off of S Pine and S Redwood.
10. Advertising for the Planning Commission vacancy.

****Councilor Carson moved to go into executive session under ORS 192.660(1)(h) pending litigation. Motion was seconded by Councilor Blackwell and passed 6-0.**

Mayor Thompson read the executive session format and recessed the regular session at 10 p.m.

Mayor Thompson reconvened the regular Council session and immediately adjourned at 10:35 p.m.

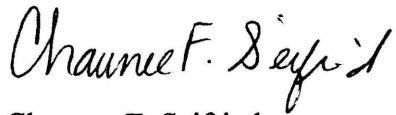
**CANBY CITY COUNCIL
EXECUTIVE SESSION
August 6, 2003**

Present: Mayor Melody Thompson, Councilors Walt Daniels, Georgia Newton, Wayne Oliver, Pat Johnson, Randy Carson, and Teresa Blackwell, Transit & General Services Director Margaret Yochem, and City Attorney John Kelley.

Mayor Thompson called the session to order at 10:10 p.m.

ORS 192.660(1)(h) - The Council discussed Northwoods LUBA appeal and Perdagast tort claim.

Mayor Thompson adjourned the session at 10:30 p.m.



Chaunce F. Seifried
City Recorder pro tem



Melody Thompson
Mayor



Prepared by Joyce Peters
and Susan Wood Office Specialist