

**CANBY CITY COUNCIL
REGULAR SESSION
September 3, 2003**

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

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Finance & Court Services Director Chaunee Seifried, Library & Parks Director Beth Saul, Administrative Specialist Kim Scheafer, Judge Jon Henricksen, Valerie Kraxberger, David Howell, Jan Milne, and Lila & Curtis Gottman.

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

CITIZEN INPUT ON NON-AGENDA ITEMS: None.

CONSENT AGENDA: **Councilor Carson moved to approve the Minutes of the Regular Meeting of August 20, 2003; Accounts Payable of \$240,720.21; and an agreement with the Canby Swim Club for FY 2003-2004. Motion was seconded by Councilor Daniels and passed 6-0.

COMMUNICATIONS: Canby Utility Board Appointment - Mayor Thompson said that she, along with Councilor Carson, interviewed Andrew Kahut. Mr. Kahut was recommended by the Utility Board president, Shawn Carroll, and Mayor Thompson recommended that he be appointed to the Canby Utility Board.

****Councilor Daniels moved to appoint Andrew Kahut to the Canby Utility Board for a term ending February 28, 2005. Motion was seconded by Councilor Johnson and passed 6-0.**

NEW BUSINESS: Annual Report from Judge Jon Henricksen - Judge Jon Henricksen gave his annual report for the fiscal year July 1, 2002 through June 30, 2003. Judge Henricksen said the City's Court staff was the finest in the State of Oregon. They had processed 6,574 cases, and 312 were major crimes. At the end of the year 6,715 cases were closed. They averaged 600 cases per month. Their revenue exceeded their expenses. He gave credit to Court Supervisor Kathy Mashek and her staff along with City Attorney John Kelley.

Mayor Thompson asked about the traffic safety budget line item for a motorcycle police officer. The Judge said they wanted to designate one traffic safety officer position that became the line item used for the motorcycle police officer. This was a way to track the efficiency of the new program.

Judge Henricksen also said Canby was the first City in the State to try the juvenile tobacco under 18 enforcement cases. The County also asked the City to start a community accountability board. Any misdemeanor crimes would be handled by the board. They had 90 cases given to

them, and only a handful came back to the court. The offenders would do community service and nothing would go on their record.

Councilor Carson thanked Judge Henricksen, Attorney Kelly and the Canby Police Department for making the City a better and safer place to live. Councilor Blackwell thanked the Judge and his staff.

Judge Henricksen said the Governor had just signed a bill which would turn municipal courts into revenue for the State, and that was not what they were about. He, along with other local judges, was going to see what could be done about it.

UNFINISHED BUSINESS: Findings, Conclusion and Final Order Ann 03-04 -

****Councilor Carson moved to approve the Findings, Conclusion and Final Order for ANN 03-04 Meredith. Motion was seconded by Councilor Blackwell and passed 5-0. Councilor Johnson abstained.**

Findings, Conclusion and Final Order Ann 03-06 -

****Councilor Carson moved to approve the Findings, Conclusion and Final Order for ANN 03-06 G. Cam. Motion was seconded by Councilor Blackwell and passed 5-0. Councilor Johnson abstained.**

RESOLUTIONS & ORDINANCES:

Resolution 844 - **Councilor Daniels moved to adopt Resolution 844, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 1.65 ACRES DESCRIBED AS TAX LOT 1800 OF TAX MAP 3-1E-28DD LOCATED IN THE NORTHEAST QUADRANT OF THE CITY, ON THE SOUTH SIDE OF NE TERRITORIAL ROAD AND EAST SIDE OF N OAK STREET; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE NOVEMBER 4, 2003 ELECTION. Motion was seconded by Councilor Carson.

Councilor Johnson said that he would abstain. City Attorney John Kelley said he did not need to abstain since it was a Resolution that came out of the hearing.

Motion passed 6-0.

MANAGER'S REPORT: None.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES: Councilor Blackwell said the Canby Historical Society would like to have a workshop in October before a Council Meeting. Councilor Blackwell recommended a workshop on October 1 at 6:30 p.m. Council agreed.

Councilor Newton said she had been approached by several citizens regarding annexations. She asked to have John Williams do an opinion piece in the *Canby Herald* that could also be used as a handout to outline the process. Councilor Blackwell thought it would be an excellent idea. Councilor Carson said there weren't any new applications coming up, there were just several that came in all at once and that was unusual. Councilor Blackwell thought it was good to do an article so they were sharing information as to what annexations were about and the process. The Council discussed what information should be included in the article.

Councilor Oliver said the Council needed to start meeting various committees that they used to give money to and touch base with them. Mayor Thompson said that they needed to discuss the Policies & Operating Guidelines with them as well.

Mayor Thompson asked if the staff had responded to a copy of a letter written to Compass Engineering from Dennis and Christine Tuuri. Administrator Adcock did not think staff had done it yet, but were working on it.

Councilor Blackwell said the City had received a letter of appreciation regarding Canby Area Transit.

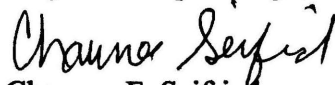
Councilor Daniels asked if the new buses were on board. Administrator Adcock said yes they were.

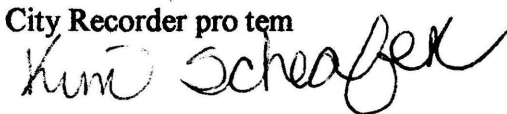
ACTION REVIEW:

1. Appointing Andrew Kahut to the Canby Utility Board.
2. Approving the consent agenda.
3. Approving the Findings, Conclusion and Final Order for ANN 03-04.
4. Approving the Findings, Conclusion and Final Order for ANN 03-06.
5. Approving Resolution 844.
6. Scheduling a workshop with the Canby Historical Society on October 1 at 6:30 p.m.
7. Having staff write an information piece regarding annexations.

There was no executive session.

Mayor Thompson adjourned the session at 8:01 p.m.


Chaune F. Seifried
City Recorder pro tem


Prepared by Kim Scheafer
and Susan Wood Office Specialist


Melody Thompson
Mayor

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

A REQUEST TO ANNEX 4.63)	FINDINGS, CONCLUSIONS & FINAL ORDER
ACRES OF LAND INTO THE)	ANN 03-06
CITY OF CANBY)	(Cam/Dodds)

NATURE OF APPLICATION

The applicant is seeking to annex one 4.63 acre tax lot into the City of Canby (Lot 400 of Tax Map 3-1E-28C). If annexed, the applicant intends to build approximately 20 single family homes served by a single street off of N Locust Street. The site is located north of NE Territorial Road along the west side of N Locust. The property is designated priority A for annexation.

HEARINGS

The Planning Commission of the City of Canby held a public hearing and considered this application at its meeting of July 28, 2003. The City Council also held a public hearing and considered this application at its meeting of August 20, 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 August 20, 2003 meeting. The City Council incorporates the August 8, 2003 Staff Report and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the August 8, 2003 Staff Report in so far as they do not conflict with the following supplemental findings:

1.

The City Council found that when considering the approved annexations pending before voters, as well as the approved UGB amendment to add 30 acres of residential land (currently pending before the State Land Use Board of Appeals) that the 3-year supply of buildable land that is considered sufficient could be met or exceeded. Therefore, the need for this property to be annexed is not established.

2.

The City Council found that the impacts of annexation and development of this property are greater than the size of the parcel would suggest. Because the parcel is part of larger, contiguous agricultural land and because the parcel is surrounded on three sides by agricultural land outside the city limits and property on the fourth side inside city limits but still under agricultural production, potential development is anticipated to negatively impact surrounding agricultural use more than other land in the UGB which is directly adjacent to developed property. Therefore, despite the relatively small size of the parcel, it should not be considered a priority for annexation.

3.

The Planning Commission found that, although the applicant has volunteered to perform off-site improvements to Locust street, there was not sufficient specificity as to the type of improvements were being offered as to ensure adequate access for this or other neighboring properties. Based on supplemental submittal by the applicant, the City Council finds that the applicant has addressed the issue of insufficient access. The applicant's proposal to pave additional width of N Locust Street to City street standards is sufficient to provide access to the site.

CONCLUSION

The City Council of the City of Canby concludes that, based on the findings and conclusions contained in the August 8, 2003 staff report, and based on Council deliberations at the August 20, 2003 public hearing:

1. The land is designated as Priority "A" for annexation.
2. The current buildable land supply is estimated at less than 2 years within the City. The foreseeable buildable lands supply from additional proposed annexations is uncertain but may in fact exceed the three year supply considered adequate for the City of Canby should those annexations be approved by the voters.
3. Although the property is smaller, it is still part of a larger tract of farm land and almost completely surrounded by other productive farm land.
4. Access to the site is not adequate but the level of off-site improvements proposed by the applicant are considered sufficient to provide adequate access to the development. The City Council concludes that there is sufficient evidence to assure that adequate access for this parcel and future neighboring development will be constructed through the execution of development agreement.
5. With the exception of transportation access, the City and other service-providing entities are able to amply provide 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 Statute.
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. Adverse economic impacts are not likely to result from annexation of the subject parcel.

ORDER

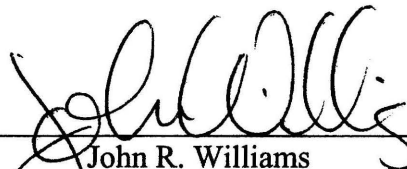
IT IS ORDERED BY THE CITY COUNCIL that application ANN 03-06 is **DENIED**.

I CERTIFY THAT THIS ORDER DENYING ANN 03-06 was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 3rd day of September, 2003.



Melody Thompson
Honorable Mayor, City of Canby



John R. Williams
Director of Planning and Community Development

ATTEST:

ORAL DECISION - August 20, 2003

AYES: Daniels, Newton, Carson, Blackwell

NAYS: Oliver

ABSTAIN: None

ABSENT: Johnson

WRITTEN FINDINGS - September 3, 2003

AYES: Daniels, Newton, Oliver, Carson, Blackwell

NAYS: None

ABSTAIN: Johnson

ABSENT: None