

CANBY CITY COUNCIL  
WORKSHOP SESSION  
FEBRUARY 17, 1999

PRESENT: Mayor Scott Taylor presiding. Councilors: Lucas, Harris, Strong, Prince, Daniels and Carson. Also present: Acting City Administrator Beth Saul, City Treasurer and City Recorder pro tem Chaunee Seifried, Police Chief Jerry Giger, Community Development Director Jerry Pineau, Planning Director Jason Kruckeberg, Pat Johnson, Rick Maier, Mike Silus, and Curtis and Lila Gottman.

Mayor Taylor called the session to order at 6:15 p.m. in the Canby Utility Board Room. Dinner was served.

The purpose of this session was to discuss ongoing staff projects with the main focus on Skate Park planning.

Mayor Taylor adjourned the session at 7:15 p.m.

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CANBY CITY COUNCIL  
REGULAR SESSION  
FEBRUARY 17, 1999

Mayor Scott Taylor presiding. Council members present Barry Lucas, Shirley Strong, Randy Carson, Roger Harris, Walt Daniels, and Terry Prince.

Also present: Acting City Administrator Beth Saul, City Attorney John Kelley, Community Development Director Jerry Pineau, Planning Director Jason Kruckeberg, Associate Planner John Williams, Police Chief Jerry Giger, Susan Wood, Curtis and Lila Gottman, Larry McBride, Jim Needham, Margaret and Nick Gitts, Ada Stout, Virgil Scheen, Doug Sprague, Ted Gitts, Jon Reimann, Greg Winterowd, Dave Fisher, David Cady, Larry Fowler, Deana Johnstone, Christina Finn, Carl Greene, Ken and Sue Benkraft, Dan Ewert, Robert Faidina, Roy Priest, Don Perman, Kristy Lughly, Julie Cartwright, Gary Needham, Cathrine Davis, Dave Adams, Susie Fisher, and Dana Tyler.

Mayor Taylor called the session to order at 7:33 p.m., followed by the opening ceremonies.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Jim Needham had been following the case of the indicted Canby police officer that was on administrative leave. He asked if the City was going to require restitution of the funds that were being paid to him if he was found guilty.

Mayor Taylor said he had to be careful how he responded to that question. John Kelley advised the Mayor not to say anything about a case that was presently pending at this time.

Mayor Taylor said he knew there was considerable concern in the community about what the Council would or would not do and upon the conclusion of the case pending, they would take the appropriate action.

**PUBLIC COMMENTS REGARDING NEW CITY ADMINISTRATOR:** Mayor Taylor explained that they were in the process of hiring a new City Administrator, the City's former City Administrator was now a Clackamas County Commissioner. One of the things they wanted to do was get comments from people regarding what they would like them to look for in their screening of applicants for that position and the traits and skills that person should have. This was one opportunity to give the Council input on that topic. Mayor Taylor said anyone in the audience could participate in that discussion. He also explained that they were experimenting with a phone call-in for the large audience that watched the meetings on t.v. at home, and they were providing an opportunity for them to call in with any comments.

Lila Gottman said over the last several years she had an opportunity to speak with Mike Jordan on many occasions and she thought it was hard to pick out one or two things that were really outstanding, but the fact that you could always go into his office and he was always willing to give suggestions or help out was important. The fact that you could always communicate with City Hall was extremely important.

Councilor Daniels said one of the things he would look for was one of the characteristics Mike Jordan had, that he always came prepared and came with an alternative. If they asked him a question, he always had an answer because he had already researched it. He knew how to read the Council and figured out which way they were going to go and which way he would need to prepare and came up with different angles to the problem, which was very helpful.

Mayor Taylor said he had participated with the School Board in looking for a new Superintendent, the applications, and what qualities they were looking for. He was very impressed with the consultants they hired and the process they went through to gather those thoughts. He hoped to learn from some of the things they gathered from their variety of focus groups.

There were no phone calls in to the Council and the Mayor ended the open phone session.

**CONSENT AGENDA: \*\*Councilor Daniels moved to adopt the consent agenda: minutes of the workshop, regular meeting, and executive session, February 3, 1999; accounts payable in the amount of \$558,991.24; Budget Committee appointments of Bridget Haggerty, J.D. Roth, and Dan Ewert; and salary adjustment for the Planning Director. Motion seconded by Councilor Prince, and passed 6-0.**

Mayor Taylor moved to Unfinished Business, the downtown parking issue.

**UNFINISHED BUSINESS: Downtown Parking Issues -**

Dr. Don Perman, a Dentist on 3<sup>rd</sup> Avenue in Canby, had been struggling with this issue for many months now, going back and forth to the Traffic Safety Committee. He said many businesses downtown did not like the twenty minute parking spaces. He wanted to become more specific for the business needs instead of being so general. He wanted them to go to each business owner and determine what they needed. The problem was specific locations, it was not the whole parking in Canby. They each had specific parking needs, and he wanted them to cater to those specific needs. He thought they needed to start the process over.

Mayor Taylor asked if Dr. Perman was familiar with the recommendations Chief Giger made to the Council. Mayor Taylor read the recommendations: to change the location of a handicapped space on NW 1<sup>st</sup> by appliance renewal service and make that space a loading zone space; remove the 20 minute spaces by Wait Park and make them all 2 hour spaces; and to give courtesy parking permits to businesses around Wait Park to customers that may have to park longer. Dr. Perman said he was familiar with those recommendations. He also said at that meeting Chief Giger suggested opening up two roads around the park, and the Traffic Safety Committee denied that.

Dave Fisher, owner of Fisher's Old Fashioned Meats, passed out letters he received from businesses around town. He said customers were afraid that they might park over the two hour time limit. If they got a few tickets in the downtown area, people would stop shopping downtown. He wanted to protect the downtown core. He did not want to see any more vacant buildings in downtown. He felt each business had their own needs for downtown parking. Personally, the two hour parking did not affect his business, but he did not want the downtown core to be hurt. He felt they should take a look at these concerns.

Deana Johnstone was also concerned about the parking. One issue not yet discussed was the fear instilled in the women workers around downtown. Most of the time it was dark when they came to work and when they left work. She did not feel it was appropriate for them to be walking a few blocks in the dark, especially when they were across the street from a park and they worked next door to a diversion clinic. She felt this safety problem could be prevented and wanted them to look at other options and specific business needs.

Catherine Davis was a business owner in Canby. She believed the Traffic Safety Committee and other groups worked hard on this, but she wanted them to start over. She was very concerned about the viability of downtown Canby. If they did not want to start over, she came up with two compromises: one was removing the twenty minute parking spots, and two was regarding safety around the park. Perhaps they could amend the signs which could say two hour parking was only allowed in April through October when more people spent more time at the park and it was lighter outside.

Julie Meeker stated that the safety issue was a concern. She chose a small town to work in because she did not want to walk many blocks alone in the dark to work. She had concerns about vehicle safety and security in regard to parking in the Railroad parking lot and parking there took away a lot of flexibility and convenience of working in Canby.

Lila Gottman, Chairman of the Bike & Ped Committee, said the only concern she had was the appropriate relocation of the handicap place on First Avenue that would be taken away for the loading zone.

Dr. Perman thanked the Council for listening to them and again stated he thought it was in the best interest to start over. He wanted to do a long term study of this issue to determine what the real need was and to ask business owners what their specific needs were.

Mr. Fisher wanted to know what the public opinion on the parking issue was. Was a survey done on this, had there been any complaints regarding warnings on the windows? He thought the citizens were not happy with this parking plan either.

Mayor Taylor said he appreciated all the time they had taken on this issue, going to the Traffic Safety Committee and other businesses. As a Council, they struggled with trying to provide resolutions to issues brought to them by the community. They found that on some of those issues, there were times when they were confronted by other views about the same issue. They as a Council had to try to find what the real answer was. They worked with the Chamber on this, and when they originally had concerns, they sent them out again. There were articles in the newspaper and the overall comments on this were many and none adverse to the issue. The twenty minute parking spaces were brought to them as a city-wide issue that a number of businesses who complained about access to parking because employees were filling up all the parking spaces brought to them. They only needed a few minutes of parking in front of their businesses and requested to have more of those spaces for ease of use. Regarding around the park issues, the idea was with the businesses expanding and trying to revitalize downtown, once again the employees were taking up all the spots, and people were not able or discouraged from using the park. They may argue that later in the day the park was more used, but they had comments that people also wanted to go down there in the middle of the day. The Council was put in the place to enforce two hour parking and try to make it work, and then held accountable for making it onerous on people. They wanted the downtown parking to make sense and to be equitable. They were always open to a conversation with the Chamber of Commerce, downtown revitalization, and businesses, and they felt they did this. They were open for re-discussion of the issue, but he did not want to start over or do a year or two survey, and he knew it would not meet with everyone's approval and another group would come in and complain.

Councilor Daniels said he owned a hardware store for 20 years where the Library is currently, and they had the same complaints about parking. It was fine in a small town to have freedom of parking, but the biggest problem was the merchants parked close to their businesses and there was no place for customers to park. That was why they changed it to the Railroad parking. The

Traffic Safety Committee created a survey asking businesses if they liked or disliked the new downtown parking plan, and he personally took it to 175 downtown businesses. Only 15 responded. He has had citizens tell him that they liked the twenty minute parking, but the Council did not get the negative responses that these businesses did, and it made it difficult to decide which direction to go. He did not think they could design a place for everyone to park in front of their business.

Ms. Meeker said she thought the only reason Wait Park was included in this change was because they wanted uniformity. It was not an issue around the park and no one had complaints around the park. It was never full, even during the summer. It didn't make any sense that it was included just for uniformity, she wanted them to make it usable to everyone.

Councilor Harris said the memo from Chief Giger did not include a discussion of uniformity. They could not go back and reevaluate all of the discussion that was done by the Traffic Safety Committee. He sympathized with those who felt inconvenienced. The Council had received a complaint letter and he recognized some of the signatures of people who worked in the same building as he did. They only had to walk half a block from the Railroad parking lot to their businesses. Did they have to park immediately in front of the door to their businesses? Where would the customers park? Dr. Perman's office was two blocks away from the Railroad parking. He appreciated the point that it was an inconvenience. As far as customers staying beyond the two hours, the Chief gave an option, that the businesses could give them a pass.

Dr. Perman said at a past meeting, Chief Giger recommended to open two roads at the park to all day parking, but the Traffic Safety Committee ignored it. He did not feel that they talked face to face with enough people.

Mr. Fisher asked if there was enough parking spaces in the Railroad parking? Mayor Taylor said they were moving Tri-Met out of the parking lot and that should create enough room.

Councilor Harris said in his business he came and went all of the time, and was there at all different hours of the day. He never had a problem finding parking in the Railroad parking lot. He generally parked as close to the Graham building as he could, and usually got one of the first spaces even in the middle of the day.

Mr. Fisher wanted to make sure there would be enough places for everyone to park and enough lighting so the ladies would not be scared to walk up there. Councilor Harris said there was lighting on the streets and the Railroad parking lot was well lit until you got down to Mike's Place and further on down.

Mr. Fisher said there were transients who walked the railroad tracks all of the time.

Ms. Johnstone said that in the dark, it only took but two blocks for something traumatic to happen. She felt that they needed to seriously consider the issue of safety. There were not very

many people who parked around Wait Park, it was primarily employees who did.

Councilor Prince said downtown was very important. The concern about having enough parking at the railroad may be a concern and he would be willing to look at opening the two streets around the park. He also thought the idea for two hour parking during April through October was a good one. He felt the two hour parking was a concern, and those businesses that needed longer, maybe they could expand the permit idea to them.

Councilor Strong said she used to work in the downtown area and her employees had a concern with parking. Their concerns were the same as these women because they did have somebody jump out at them from some bushes one evening. She sympathized with them and thought they ought to look at opening up two streets at the park.

Mayor Taylor said he wanted them to visit with fellow business people and a contingent of the Chamber of Commerce talk to them about this. If the concerns they had about safety for employees was valid for them, it was valid for every employee in the City. If they made changes, it might not help other businesses nearby. As a City Council, there was a confusion of who the two hour parking was for and their need to have a traffic officer spend time ticketing people for two hours was strictly put in place at the demand and request of the Chamber of Commerce to regulate downtown parking and help keep downtown vital. They tried to get the Chamber engaged in resolving this problem with them. They as the City Council wanted the most vital downtown, and they wanted everyone to be as safe as they could be. He was reluctant to make a temporary adjustment based on their ability to come and present their case and do spot check changes and then have the next group come and complain about those changes. He was willing to address any concern, but he felt it had a lot more merit if it was brought to the Council by the business community.

Ms. Meeker said she had attempted to get letters, initially had a signature ballot go around, and they brought the Council many signatures, what more did they need to do? They could not drag the other business owners down there, they asked people to come, and they signed papers and had written letters. Mayor Taylor said that they had two bodies that represented businesses downtown, the Chamber of Commerce and CBR, the Revitalization group. The letters the Council received dealt with many different issues, some regarding the twenty minute parking, some with the two hour parking, etc. He wanted some collaboration between the City and the business community. Mayor Taylor said he wanted a balanced approach.

Ms. Meeker said they only wanted to change a specific area, just for the businesses around Wait Park. If they could get some collaboration with the businesses around the park, would that be enough, or did they have to address everyone three blocks either way?

Mayor Taylor said if they just resolved that issue, it would open up other issues.

Councilor Lucas said this was as frustrating for the Council as it was for them. The downtown

parking would never be the way everyone wants it. He was bothered that this came up after the whole process was done. There was no right answer, but he was not ready to throw it out because of all the time people took to put it together.

Councilor Daniels clarified that this was not Chief Giger's recommendation, it was what the Traffic Safety Committee came up with. Dr. Perman wanted Grant and 3<sup>rd</sup> streets along the park removed from the limited parking, but what about the businesses on the other sides? Because of that reason, they decided to keep the limited parking all around the park.

Councilor Prince said there were some safety concerns and it was worth re-opening for discussion. Councilor Prince suggested this group get together and make a formal proposal to the Traffic Safety Committee about their concerns. Mayor Taylor said they had already followed that procedure.

Councilor Prince said if they felt that they were not getting anywhere with the Traffic Safety Committee, he felt the Council should take it over, maybe having a workshop on it to look at it again.

Mayor Taylor asked what issues Councilor Prince had in mind to address at the workshop. Councilor Prince said the workshop should be opened to the businesses as a whole and offer them one more time to come in and explain why their businesses needed more addressing in the parking plan. He wanted to make sure they felt they had been heard.

**\*\*Councilor Prince moved to hold a one to two hour workshop to review downtown parking issues. Councilor Strong seconded.**

Councilor Harris said they had already done this and it would never be fully resolved.

Councilor Lucas said they could not go to every business and ask how they wanted the parking in front of their business to be marked. Six months later it could be a different business and they would need to restripe and redo it. He felt there was never going to be the right answer for everybody in town or that everyone would feel they got their voice.

Councilor Strong said her concern was the safety of the women. She did not see a problem with giving them two streets around the park during business hours. She was not for starting completely over, but she felt they should have some parking around Wait Park. She thought it was a safety concern.

Councilor Lucas said he was willing to have a workshop and listen to the concerns they had about downtown parking, but at the end of it, they would be right where they were right now.

Councilor Prince said that if a citizen group felt they were not being represented by an appointed board, the Council should listen to them as an elected board at least to hear what they said.

Councilor Daniels said the main issue sounded like it was the parking around Wait Park.

Dr. Perman said when this first began, there was not a formal letter sent to every business owner in Canby. There was no letter telling people of the plan to change the parking system in downtown. If they had done that, people would not have anything to rebuttal. If they were going to have this workshop, he suggested to send a formal letter inviting every business owner directly involved to come voice their concerns.

**The motion to hold a workshop regarding downtown parking passed 4-2, Councilors Harris and Daniels opposed.**

Mayor Taylor said the suggestion was to officially contact all the businesses that may be concerned, those in downtown, regarding the workshop. Councilor Lucas said they should send a letter to every business and decide now that after that meeting, they would make a decision on downtown parking at the next Council meeting following the workshop. There would always be a group who said they did not know it was going on. This was the time they would tell everyone it was going to happen and make the decision, and that was it.

Mayor Taylor said the purpose of having a two hour workshop would be some suggestions and ideas would come forward that had merit that they might be willing to further explore and they might not be able to make an immediate decision. After they explored any worthwhile suggestions, then they would come to a conclusion and be done with it? Councilor Lucas said he wanted to make a decision at the next Council meeting following the workshop.

Councilor Carson said the Chamber should be involved too. He wanted to make sure every business, not just six to eight people who would get their way, would be heard. Councilor Strong said the Canby Revitalization group should be invited too.

Councilor Harris said all of this started with the Chamber and they assured the Council that every business had been contacted.

Councilor Strong said she was not suggesting that they contact the businesses, but they should be invited to this workshop. The City should send out the invitations.

Councilor Daniels said he did not feel this needed further discussion in a workshop. It seemed to be the main issue was the parking around Wait Park. He hated taking two more hours in a workshop talking about taking twenty minute and two hour parking spaces out of downtown. He was willing to coming back and discuss the two roads around Wait Park and if the doctors agreed with it, he would be more receptive to that. The main issue was the parking around the park.

Mayor Taylor said they would make sure to the best of their ability the people who would be impacted would be aware of the meeting and the time and it would be held at a place and time when people could attend. They would have representation of the different official organizations



and anyone else who wished to be there. To do the notification right they would hold the meeting sometime in April.

Mayor Taylor recessed the regular meeting for a short break at 8:45 p.m., and reconvened the meeting at 8:57 p.m.

**PUBLIC HEARING: ANN 98-05 (Dodds Annexation) -**

Mayor Taylor opened the public hearing at 8:58 p.m.

Mayor Taylor read the public hearing format. He gave 15 minutes to the applicant, 5 minutes to proponents and opponents, and 10 minutes of rebuttal.

**CONFLICT OF INTEREST:**

Councilor Strong- No conflict, plan to participate.

Councilor Prince - No conflict, plan to participate.

Councilor Harris - No conflict, plan to participate.

Mayor Taylor - No conflict, plan to participate.

Councilor Daniels - No conflict, plan to participate.

Councilor Carson - No conflict, plan to participate.

Councilor Lucas - No conflict, plan to participate.

**EX'PARTE CONTACT:**

Councilor Lucas - visited the site, drew no conclusions.

Councilor Carson - visited the site, drew no conclusions.

Councilor Daniels - visited the site, drew no conclusions.

Mayor Taylor - visited the site, drew no conclusions.

Councilor Harris - visited the site many times, drew no conclusions.

Councilor Prince - visited the site, also saw a portion of the tape on OCTS of the testimony,

specifically regarding the school district and a couple of the people who testified against it, but drew no conclusions.

Councilor Strong - visited the site, drew no conclusions.

Mayor Taylor said the Council also received the initial packet for the Planning Commission, tapes of the hearing, and summary documents.

**STAFF REPORT:** Jason Kruckeberg said this was an application to annex 19.91 acres into the City of Canby. The applicant was Centex Homes and owners Martha and Thomas Dodds. The property was located north of NE Territorial Road between N. Holly Street and N. Locust Street. The property to the north was inside the Urban Growth Boundary, outside the City limits, the property to the east was within the City, the Rebecca Estates Subdivision and the Simnitt parcel which was annexed last year, the property to the south was outside the Urban Growth Boundary, the IFA property, and the property to the west was a mixture of property outside the Urban Growth Boundary and property within the Urban Growth Boundary that was outside the City limits. The comp plan designation was low density residential, and if the property were to be annexed, it would come in as R1. The property was essentially flat, it drained from west to east to less than 2%. The applicants submitted a conceptual development plan, which showed a 104 lot planned unit development with a two acre mini park.

Mr. Kruckeberg summarized the recommendations and findings in the staff report and the recommendations from the Planning Commission within the context of the ten criteria posted on the wall. The first criteria had to do with the phasing component of the City's comprehensive plan, by that he meant the Priority A, B, C system they had for annexation. This property was designated Priority A. The second criteria had to do with need, and when you discussed need with annexations, it had to do with the available buildable land within the City limits, and the need for additional buildable land within the City limits. The staff for each annexation application put tables within the staff report. They analyzed what determined to be buildable lands with and without the use of Hope Village and these tables were used as a gauge. Centex Homes also provided a needs analysis and they came up with a figure of two years and seven months using the City's data. The staff analysis used a different buildable lands technique, which consistently used the entire buildable lands, which included low and high density residential and units and lots both. There was a discrepancy on how you wanted to view "buildable." They found that the supply of developable residential land to provide for the anticipated population growth over the next three years was sufficient. The staff came up with a total of four years and six months worth of buildable lands not using Hope Village. The applicant's analysis did not take into consideration the Faist property, which was recently annexed, and a subdivision off of North Redwood being developed by Walt West. The Planning Commission felt anything over three years was sufficient and recommended denial. The third criteria had to do with farmland, and this was a larger piece of farmland. This criteria did not take into consideration phasing, the Priority A, B, C. In the Planning Commission hearing there was a lot of testimony stating this was unique soil and excellent agricultural property and the

Planning Commission felt that given the testimony and the findings that the Agriculture Protection ordinances within the comp plan should take priority over the phasing component of the comprehensive plan. The fourth criteria had to do with access to the site. Locust Street had a paved width of 15 to 16 feet, and there were bump outs for sidewalks on the east side of the street, but it did not have adequate travel lanes. The staff report recommended an understanding that as part of development, Locust Street would be developed to City and County street widths standards prior to any building permits being issued. Another issue was the intersection of Highway 99E and Territorial Road. Clackamas County and ODOT both recommended denial of this application based on the fact that this application was untimely because of the current level of service deficiency at this intersection, which was at level service F currently. The fifth criteria had to do with adequate public facilities and services. The issue of 99E and Territorial had been an issue for quite some time, there was a feasibility study ongoing with Clackamas County, the City, ODOT, and consultant groups and there was a preferred alternative, and the estimated price was 1.5 to 2 million dollars. No finance plan had been identified as to who paid for what portion of that. No construction time line had been set. The staff report recommended no building permits be issued on any future subdivision until a finance plan and a construction schedule had been identified by ODOT, Clackamas County, and the City. The remainder of the criteria had to do with compliance with the applicable City ordinances and policies, Oregon Revised Statutes, natural hazards, open space, economic impacts, and there was no issues with those criteria.

They proposed a park as part of development, and there were no identified wetland or natural resource areas and no soil issues as in terms of construction. There was a traffic study in the packet which found the only level of service deficiency was the existing one at 99E and Territorial. In regards to the adequate public facilities and services issue, was the issue of the Canby School District. The comment form from the school district indicated that adequate public services were available, but Steve Miller, the Superintendent, testified at the Planning Commission hearing and provided additional comments regarding significant growth issues the school district was facing with regard to potential future redistricting or busing or modification of the school year or looking at various methods of addressing growth. The Planning Commission felt that given those capacity issues that the school district capacity was inadequate without some serious consequences that had not been looked at yet. Positive responses were received by the Fire Department, Police Department, Canby Telephone, City Engineer, Wastewater Treatment Plant, and Northwest Natural Gas.

In summary, the recommendation of the staff report was that this application could be approved with understandings, and those understandings had to do with construction on Locust Street and the understanding that no building permits would be issued until funding and construction schedule were set for the 99E and Territorial intersection. The Planning Commission disagreed, they felt the application did not meet criteria numbers 2, 3, 4, and 5. Their recommendation was for denial. He wanted to call their attention to the attachments in their packet that were noted as PC 1, 2, 3, and 4 and had to do with additional information submitted at the Planning Commission hearing. They also received a letter after the packet was distributed from Swan Island Dahlias from Nicholas Gitts. The letter written by Mr. Gitts, 995 NW 22<sup>nd</sup> in Canby, and

stated that he felt the annexation should be turned down under the criteria of 2, 3, 4, and 5, the same criteria the Planning Commission indicated. His issues had to do with the value of the soil and the unique qualities of the soil in this area and the fact that many of the farms in the area were fighting over the soil to utilize it for agricultural production because it was so excellent.

APPLICANT: Roy Priest, Land Development Manager for Centex Homes at 4000 Bouse Way Place, Building 2, Suite 300, Lake Oswego, wanted to introduce Centex Homes. They had about 35 divisions nationwide. Each division of Centex Homes operated as independent local business. They were staffed by local staff and hired local people. They were a builder/developer and developed the land and built the houses, but hired local subcontractors to do the work. The only Centex employees on the job were managers. He stressed that they intended to provide local jobs.

He wanted to address the criteria in which the Planning Commission had found they did not meet. The first was criteria two, not meeting the needs standard. The code on the needs standard required the needs assessment be viewed on the basis of the individual type of land being reviewed and required that the analysis take into account how the current land would be absorbed and over what period of time and what affect the annexation would have on the supply of land over time. They did not include the Faist and West properties at the time of their application because their application was filed before the vote in November. He passed out a chart giving a new analysis of the land supply which included the Faist and West properties and the Simnitt and Tofte properties. He said they could take the land supply analysis in two ways, they could look at all of the available land and take a number from that by dividing the total gross acreage of the land within the City by the number of lots being absorbed annually. That method did not take into account the fact that some of those lands may or may not actually be available for people to build homes on. They looked at the balance of the land historically from 1990 to 1998 and at what rate subdivisions were being approved, how many were 0 to 9 lots, or 10 to 19, and they distributed the balance of the property out in that method. What the analysis showed was right now if they divided the total single family land available in the City, there was 7.6 years supply, but if it developed and came available over time, they maintained about a 2.5 year supply of available lots through the year 2003/2004. This annexation would bring it up to just over 3 years supply. The analysis that said they had a huge supply of land did not take into account how that land became people's homes.

The next issue was the farm land issue, and the issue of the Canderly soils. He brought a map showing the location of the Canderly soils in the City. It also showed that the City was basically comprised of two basic soil types, Canderly Sandy Loam and Latourell Silt Loam. He showed where the Canderly and Latourell soils were located in the City. A small percentage of the City within the Urban Growth Boundary was Canderly and a significant portion was Latourell. Canderly was a Class II agricultural soil, Latourell was a Class I agricultural soil, which was a higher classification than the Canderly.

The next issue was the Highway 99 intersection with Territorial. There had been a significant

amount of work done in terms of analysis at that intersection and studies funded by the City, Clackamas County, and ODOT trying to determine what to do with that intersection. That study produced a preferred alternative, which would cost 1.5 to 2 million dollars. While the funding may not be fully developed, the Gramor project had about \$600,000 in SDC credits and those SDC funds were specifically targeted to correction of that intersection by condition. His understanding was Gramor's SDC funds would be used to fund improvements at the Highway 99 and Territorial intersection and would fund Redwood and Highway 99 intersection on their own. They had some discussion with representatives from the Four Square Church and their architect had been very active in pursuing resolution of the Territorial and Highway 99 intersection. They were willing to give \$200,000 to that intersection and Centex would be willing to give \$200,000 to it.

Mayor Taylor clarified that people did not target SDC money, they contributed the SDC money and the Council targeted it.

Mr. Priest said they were willing to contribute the \$200,000 to correction of that intersection. That would leave about \$500,000 if those funds were made available in that manner and there was some lobbying going on to get ODOT to step in with that money. He felt there were some funding alternatives available, although the plan was not fully adopted.

Greg Winterowd, Land Use Planner with offices at 310 SW 4<sup>th</sup>, Portland, gave a summary of the information in the letter he distributed to the Council. They believed what was important to consider was that because of the Priority A status of this land, and because of the way the Council had historically interpreted and the Planning Commission had interpreted the policies of the comp plan in this community, that the Priority A had to be given additional weight. The fact that the Faist property was annexed by a vote of the people and was Priority C indicated that there should be an opportunity for people to vote on this annexation given it was much more compliant to the comp plan and new annexation ordinance. The annexation ordinance was based and clearly implemented the policies of the comp plan and needed to be read together. He used the example of the Simnitt property, which was comparable in his opinion. The Simnitt's property was 17 acres, this application was 20. The Simnitt's property was Canderly Sandy Loam soil. The Simnitt's property abutted the City on two sides, as did this application, the sanitary sewer water was directly available to the site, and both of the sites had the same problem with respect to Territorial and Highway 99. Last year they offered a proposal that the Simnitts, when they developed, would participate proportionally in the improvement to the Highway 99 and Territorial intersection and that was found as an acceptable way to address the traffic issue, this year it was not acceptable. Transportation was brought up repeatedly in both public hearings and both had not fully improved streets abutting them, and in both cases the applicant was willing to pay for those improvements, which was a very standard way to deal with access issues. It was brought up at the Planning Commission that these were County roads, but what usually happened when they got improved to City standards, cities were willing to accept responsibility for their maintenance. Two of the County roads that abutted this street were collective streets, which to argue that there was not adequate access was inaccurate. All of the intersections and

streets abutting and serving this property, with the exception of Highway 99 and Territorial, operated at level of service A or B. There was not a congestion problem associated with this subdivision.

He wanted to discuss the difficult issue of schools. There were three schools affected directly by this subdivision, Eccles, Ackerman, and Canby High School, which now had and would have adequate capacity by the year 2003 to accommodate substantial growth. The problem came with two City schools that were nearing capacity now and if the school district was to change attendance boundaries, Knight and Trost schools might begin to be overcrowded. If they did not change the boundaries, there would not be a problem. If they changed the boundaries of attendance to solve the Knight and Trost problems, then at that point their development might adversely affect the City's schools. Only if they changed the boundaries was there a problem. In closing, their request was that the Council honor the comp plan designation of Priority A for this application. They should recognize even though they had quite unique soils, they were the commonest soils and lower priority soils since the property was designated Priority A, and Priority B and C areas were predominately Latourell soils.

Councilor Lucas asked if in comparing this application to the Simnitt property, he thought the reason the Simnitts wanted to build houses on that property was because the land was not farmable anymore. Mr. Winterowd said the points of comparison he made were the same, not the motivations of the application.

Councilor Strong said in his report about the existing school facilities, she did not see the current capacity for Knight school. Mr. Winterowd said those were provided in their packet under the school discussion and also they were not in the Knight attendance area.

Councilor Prince asked if the Simnitt property when compared with the level of service to this application, in the comment letters from the County and state, only the County objected to it, not the state. Mr. Winterowd said that was correct and also ODOT had been reluctant to put a signal there because they wanted to move traffic very fast through the City.

#### PROPONENTS:

Tom Dodds, co-owner of the property in question, wanted to say that in 1998 for state purposes they had a locally, well known real estate agent appraise their property and he stated in that report the best use of the land was for residential housing. The reasons were that it was in the Urban Growth Boundary, it was listed as A property, which was the highest priority, it was in close proximity to the City and City services, and the population continued to increase and there was a need for affordable housing. For those reasons and his belief that Centex Homes would build quality, affordable housing, he thought annexation should be approved.

Doug Sprague, resident of 641 NE 22<sup>nd</sup> Avenue, Canby, said the reason he was there was he was interested in the process and the Dodd's desire to annex this property. He did not think they

should stop the process at this level due to the recent vote of the people to bring these annexations to a vote. One thing was clear, that it was not clear whether all 10 criteria could be agreed upon as met. Their staff recommended that they approve this annexation, they studied the criteria, and believed it met the criteria. The Planning Commission recommended denial and this was unclear whether or not that criteria was met. He wanted this application to go before the voters because that had been part of the new path they decided to follow. Prior to that they had the Urban Growth Boundaries in place that were now being reviewed and this was the time to speak about the issues and levels of service and look at those items when they made decisions.

Larry McBride, controller/treasurer/secretary for IFA Nurseries, sat through the Planning Commission hearing and talked about it for quite a while with his boss. They currently leased the property from the Dodds, and had realized from day one that it was zoned residential and there was always the potential for development on this property. They wanted to go on record saying they had no objections to this annexation, it would have no adverse affect to their production in years to come, and they wanted it to go to the vote of the people.

#### OPPONENTS:

Margaret Gitts of Swan Island Dahlias said they received a letter from her son who gave testimony before the Planning Commission, but due to prior commitments could not be there. She hoped they would read that letter into the record. Mayor Taylor said they would read the letter.

Ms. Gitts said she did not know how this property was designated as Priority A. They tried growing on the Latourell soil, but could not harvest their crops on that ground in November. That was why this Canderly soil was so important to save, and there was little of it left. It was not just sandy, but had a certain amount of good silt in it that made it richer than a normal sand. She did not believe the figures of the applicant regarding the need for this land was correct. They had over three years right now with the annexation of the Faists and Wests. She knew they could grow good crops on the other soil, but not the specialized bulb crops that were so economically feasible on a smaller piece of property. They hoped to stay here generation after generation because it was important that the family stay in a farming community and they supplied a good amount of labor for the City, even to high school children. They did not use any kind of a spray to take down the weeds, it was all done by hand, to keep the soil viable. They got a good production out of a small amount of land. This twenty acres was valuable for crops. She did not see that anyone could not figure on capacity in the schools, especially when the school board could not get a bond measure passed that would help them and they had modulars at Knight, and if modulars had to go when their permits ran out, where would they put the children? The schools were at capacity at Ackerman and the busing to Carus would not be happily approved of in the City. They also tried the twelve month school and that did not work either, especially in a farming community. ODOT was still opposed to a light on Territorial, because it was not within the City limits and they wanted to keep the traffic moving. They hired twenty people at the farm, which equaled to twenty permanent jobs that had been there for 35 years since they had been

there, and would be there forever if they could keep the soil. They needed to preserve the Canderly soil because there wasn't any anywhere else in the United States. It was unusual and unique. Also, they wanted to put a park there if they did develop it. Who would take care of the park? The City could not take care of what it had now.

Councilor Carson asked if they had offered to purchase the property or lease it? Ms. Gitts said they were going to ask to lease it, but they had already committed to the tree farm. They could not have afforded to buy it at that time, but perhaps in the future they could. That land if it was bought for agriculture, would be valued at somewhere in the \$50,000 an acre price.

David Adams, resident of 23149 S. Haines, Canby, spoke at the Planning Commission meeting and discussed the soil type. He understood the Dodds family wanting to market their property. He was taken back when he found out what a low priority agriculture was against homes. The entire area was unique in that you could produce crops on it that you couldn't produce in other areas of the valley. As an agriculturist, he looked at the Priority designation as created by people who drew these lines and did not grow anything in the ground. Swan Island Dahlias was one of the larger and better dahlia growers in the United States and quite possibly the whole world. It was not by accident that they had so many nurseries and greenhouse businesses in and around the Canby area. It was because of the soil and the climatic pattern. It was no accident that the ornamental crops were the largest agricultural dollar in the entire state of Oregon and the center of it was right here.

Dana Tyler, resident of 680 NE 20<sup>th</sup>, Canby, stated that the soil was unique and that she hoped they could salvage what they did have remaining in Canby. It could not be replaced and it was economically feasible to do small farming and raise enough to accommodate a family quite comfortably. The roads issue had only been spoken to concerning 99E and Territorial, but she wanted them to consider Holly and Territorial, where there was great congestion as far as traffic accidents. There was also trucking on Holly. Those access areas were dangerous and if that park was put in there, it would be butting up against a high hazard area. Also, she worked at the schools in Canby, and to say the schools were not crowded, it depended on how you looked at it. They had to take into consideration not only the physicalness of filling room, but now with the state mandates for SIMS the children had to meet, teachers not only had to meet parent's expectations, children's needs, but now the state's mandates. The make up of children was different, there were high needs children, tag children, and large classroom size. There were a couple of empty areas if they took out the ESD programs and preschools, but then where would they go? The high school had a need for the administration to move over to the vacated care area and they said the district building would be used for classrooms needed, and now they said it was adequate. She felt the schools had to be adequate because they could not shut the door, they had to accept the children. As far as the adequacy of a public service, that impacted Canby's future. Regarding employment, there was employment gained in an area like this because in true farming, there were all sorts of jobs available, especially for our young people.

Dave Gordon, a neighbor of the Dodds, said that he appreciated the way the Council had



responded to the issues that night. Regarding the soil conditions, he did not feel it mattered what classification it was, he just knew that the soil was farmed intensively and neat things were happening on it. The soil was special and he thought it was poor public policy for any public deliberating body to turn that over to housing of any density. It was a renewable resource they needed to guard. The roads were a concern, they were unguttered, unsidewalked, uncurbed, and had enough traffic on them now and did not need more traffic, and they were narrow and not meant for more vehicles. He taught at Ackerman, and it was a very busy and crowded place. He did not think they wanted their kids bussed out to Carus and 91 schools. They had three or four rooms not used full time every day, but were used most of the time every day by some specialists or people who came in for special classes. He felt that they should view the Simnitt property, rather than use it as a precedent to repeat, as a possible mistake not to be repeated.

Dan Ewert, 596 NW Baker, Canby, stated that he was at the Planning Commission hearing regarding this application. In the opening statement, the applicant said they were a local business and provided local jobs and they felt that the Planning Commission saw them as an outside company that would come in and overtake the area, and he did not hear any reference to that. As far as the issue of need, he did not think it had been proven in this case. The City staff used the same calculation methods every time with every application. Every developer had their own process of how they were going to figure out what their need was. Staff has done it the same every time it came before the Planning Commission and the Council. They were at their three and three and a half year boundary, this figure was not cast in stone situation, but it was a guideline. They needed to consistently look at the need and how it was calculated. The soil was good, and the economic issues and employment were important. If they built houses, it would only be a short term situation and people would have to go find jobs somewhere else. It brought not only jobs, but the fuel and tires on the tractors, and other things that went into farming, brought jobs. Regarding the intersection of 99E and Territorial, he really wanted a light there. The Planning Commission approved development along Territorial in the hopes that in some point and time the County and the state would come in alignment with that. He did not think any more pressure should be put on that intersection without some movement by the County and state. Regarding the school issue, they needed to get rid of the modulars. If they got rid of the modulars, what would they do with the extra kids? The applicant said his motivation was to build homes. He thought in this planning process, their motivation should be what do we want for our quality of life here in Canby, which included schools, roads, and the soil.

Mayor Taylor read the letter of Nicholas Gitts into the record.

#### REBUTTAL:

Mr. Winterowd summarized that the biggest issue they saw in terms of the criteria in the plan was that of Territorial and 99E. Everyone agreed that it had problems and the best way to solve the problem was to get together enough money so that the County and state would eventually work with the City toward that objective. They were willing to accept the understanding suggested by the staff, which amounted to a condition of approval to the zone change. Until that

issue was resolved, no building permits would be issued. He did not see how approval of this annexation would adversely impact 99E. The key policy issue for them that night was the policy of having a three year supply. The way it had been interpreted in the past and the way he read the plan and the state wide planning goals worked in terms of housing and urbanization goals, they wanted enough land to provide adequate choice in the market place. This was not intended to be a ceiling, but a floor, just a guideline. The availability of land was the key issue. The testimony of the school Superintendent was there was a 5-7 year capacity within the school district and there was a signed letter stating there was adequate capacity. They were not saying there were no problems, but it met the legal standard. In terms of quality of life, in their view this was what was addressed in the comp plan and they had complied with the comp plan. They asked that the Council submit this to the voters and they believed that they complied primarily because they were Priority A land, and they had adequate public facilities.

Mayor Taylor closed the public hearing at 10:25 p.m.

QUESTIONS: Councilor Prince asked if Jason Kruckeberg would explain how he came up with the criteria they had for buildable lands. When they picked the five highest growth years they had in the last twenty years and used that as a basis for building permits, he thought that was amicably fair. He was proud of the way the City had kept very consistent and how they found what was buildable and what the permits were that were available. They had some criteria changed recently and he wanted Mr. Kruckeberg to explain those changes.

Mr. Kruckeberg said about a year ago they were asked to include with all annexation applications the tables they saw in their packet, and when they included those tables, they included the lots that were approved subdivisions in the City and also included lots that were vacant within the City but had not yet been platted, and adding all that together they came up with the number of lots and units available within the City limits. They took the building rate of the last five years, 1994 to 1998, averaged that, and got a building rate and divided the total number of lots by the building rate to come up with the figure they saw at the bottom of the tables. As a result, there was a debate regarding three years supply, was that a ceiling or a floor, what did that mean? The criteria posted on the wall did two things that previous annexation criteria did not do. One, it said that a supply of three years of land was considered to be sufficient, and two, applicants and staff must review lots that were similar to the type of zoning being considered in their application. The question was how they couched what was buildable.

Councilor Prince said staff had been looking to the Council to give them direction on the fact that need in the community was based on a certain amount of housing and it showed that three years was the need and with this subdivision, they were looking at almost five and a half years of available housing, which was far above need. Staff's presentation was very balanced and had been over the years.

Councilor Harris said it was mentioned that a Gramor development would contribute approximately \$600,000 in SDC's. Mr. Kruckeberg said it would depend on the uses that were

proposed. He said that would be the maximum, the minimum would be \$300,000. Councilor Harris said when discussing the Gramor project, the Four Square Church did offer to contribute toward the light at the Territorial intersection. How much did they offer? Mr. Kruckeberg said it was \$200,000.

Councilor Carson asked Mr. Sprague how many employees would be cut if they did not have the land to farm and Centex built homes there? Doug Sprague said staff was seasonal, around 75 to 80 people. The permanent employees were about 35 to 40 people, and the others were contractors they brought in to do the seasonal work. Of the people who were permanent hires, about 10 of them lived in the Canby area, most of them were from Woodburn. The affect on the Canby economy would be 10 jobs. The reason they were saying it would not affect them very badly was that they were in good rotation with the land, and they were seeing a shrinkage of the industry. They believed they could farm at the levels they were right now with the land they already owned. It would not devastate them if the land was used for development.

Councilor Carson said Mr. Priest put in the packet that they would have 84 permanent jobs after everything was done. Mr. Priest said that was part of the Metro study which encompassed the Portland metropolitan area in the way jobs were created by certain types of industries and how many jobs there would be and the permanency of those and the impacts of the income from those jobs and the lasting effects. Councilor Carson said it was not 84 jobs to be brought into Canby, but 84 peripheral jobs. Mr. Priest said with the new homes, there would be more demand on services in the City, such as for groceries, shopping, gas, car repair, etc.

DISCUSSION: Councilor Harris said regarding the criteria as far as adequate public facilities, there was a lot of discussion about adequacy of schools and that their doors had to be open, they had to educate whoever came to them. The Council had to accept them at face value, even though it meant a possibility of overcrowding and a split schedule, twelve month school, bussing, or whatever they would have to do to accommodate that. On access, certainly if developments came in, especially with the size of this application, the streets had to be improved, such as Locust, Territorial, Holly, and this could be dealt with. There was the obstacle of 99E and Territorial that kept coming up. It was an intersection of a state highway and a County road that was outside Canby City limits and yet for the protection of citizens, they felt an obligation to be involved in trying to get that intersection developed. When they looked at the numbers, 1.5 to 1.8 million dollars to put that light in, the amount of money they actually had dedicated to that was the \$200,000 from the Four Square Church. As for the SDC's, Gramor development would give \$300,000 to \$600,000 for capital improvements to accommodate this big development that would put a strain on a lot of services in the City. If they put all the money towards that one development, that money would not be available for capital improvements for the rest of the City. That was an awful lot of money to come out of the City. The developments were a strain on the infrastructure of the City and that was what SDC's were for, they had to use their best judgement as to where that money should go. Regarding the farm land issue, this was Priority A land which presented a conflict, because generally when there was a request for annexation, it came in because it was Priority A. It was ironic that because of the ability of the public to vote

on annexations, the Faist property, which was Priority C, added to the potential development so they had enough room to grow for a long time because they had this annexation of Priority C instead of Priority A. At this point, even though this was Priority A, they did not need the land for development. So many had said this was such good productive land and they had an obligation to the community as a whole to protect agricultural land for as much and as long as they could. They did not need the annexation.

Councilor Lucas agreed with Councilor Harris and the Planning Commission on many points. He believed that this application failed on Criteria 2, because of the buildable lands issue; Criteria 3, because it was a large piece of farm land, and also they had good testimony stating this was very good soil and their agriculture protection policy was that they should take care of this Canderly Sandy Loam Class II soil; Criteria 4, due to the traffic issues, not just on 99E, but ODOT, Clackamas County, and Mr. Kelley did not approve, and also Territorial, Holly and Locust were inadequate; and Criteria 5, the schools were near capacity. This application failed on 2, 3, 4, and 5, but met the criteria on all the others.

Councilor Daniels said they were looking back on the comp plan and Priority A land and the growth was based on a five year pattern when Canby was really growing. If they went back further and took an average, they would not need as many houses. If they looked at their growth pattern they set twenty years ago, they were off on that goal, they were not getting as many houses as they projected they would need. Even with the projection, three years supply looked adequate. It was stated earlier that housing was priority over agriculture, and that was fine if they were short of housing. If their housing needs were satisfied, why put it over a priority of agriculture when agricultural land was in short supply and something they wanted to preserve? The statement was made that Locust would have 45% of the traffic and Holly would have 52%. It alarmed him that much traffic would be on Locust without any improvement. Also the schools issues were prevalent, it would be a political issue if they bussed them out to Carus and 91. The people of Canby cherished their local schools and they could not handle the students in the schools as projected with the additional houses coming in.

Councilor Strong asked in the methodology of traffic signals, where did Territorial and 99E fit in, was it a 1 year or 5 year? Mayor Taylor said they moved it up to a 1 or 2 year, it was a high priority.

Councilor Strong said they did not say that their SDC's from Gramor would go directly to that because that was outside the City limits? Mayor Taylor said during the discussion on the Gramor development, the developer offered that he would be paying these SDC's and they could be committed to that light. It had been interpreted by everyone that he dedicated where that money would go and put it in an envelope for them. It did not work that way, he could make all of the promises he wanted as to where that money went, but the Council decided what the needs were and where the money would go. They did not have a promise from Gramor for \$200,000 to fund that light, what they did have was a promise to take care of the light at Redwood and 99E.

Councilor Carson said the Priority A was a big issue, and he did not necessarily agree with the comp plan where the Priority A zones were, but it was there. They may not need it as farm land, as the person from IFA stated, and Centex said it would bring in some mid-priced homes, which were \$30,000 to \$40,000 less than what was going on in town right now, which would be a help to a lot of people. The additional land might help hold down the costs of some of the other building lots. The three years of developable land was just a guideline and he did not think it was mandatory. Another problem was the schools were at near capacity and if they kept going, they would have to keep the modulars, which most people did not want. The traffic problem was the biggest problem. He did not feel that Holly, Locust, and Redwood could handle the traffic in the condition they were. If they were all brought up to City standards with sidewalks and curbs, then they would not have a problem. Also with Territorial and 99E, if it was written into as a condition that they could not build until it was put in, that would be acceptable to him.

Councilor Prince said it was important if they wanted to have a quality of life in this community and manage growth, that they needed to keep in mind that need for housing should be around a three to three and a half year boundary. He believed that was the case because during high periods of building, they could have that supply come on all at once, and when it did that, it put a lot of stress on the schools, roads, traffic lights, etc. They had an over-supply of housing right now and they did not need to add more housing and if they allowed it to come in, they were stating it was worth developing. Right now it would put too much pressure on the light at Territorial and 99E, and since the Simnitt's example was given, only the County disagreed with the fact there was a problem at the intersection. Now ODOT jumped in and he thought they were realizing just how much traffic was going on at that light, and it was becoming a danger. The school capacity was going to be a big issue and they may have capacity, but the alternative was to bus the kids to Carus and 91. He did not feel that it added to the quality of life and that they could not base their objection to this solely on schools, but they could include it as part of this. As far as the soils went, he thought it was unfortunate that it was Priority A. It was also a large acre track and 10 to 20 acre tracks were important to keep in as long as possible even if they were Priority A.

Mayor Taylor said it was frustrating to work with this issue, and to be a City located on the top farmland probably in the state. Every time they built, the argument could be made they were taking productive farmland out of use. People continued to move to this community, and they had to make decisions. The other land was deemed even more farmable and they were filling up that land going in one direction of town. The conversation of schools and capacity was tiring in the fact that as a community that valued schools as much as they purported to, they did not come up with the funding or the ability to take care of that responsibility, and therefore that responsibility was put on bodies like the Council to manage everyone else's refusal to deal with the issue. With one third of the population in town having school children, that meant the other two thirds were impacting what they did. They as a Council were held responsible for managing the school district's issues. It was time for people to take on that responsibility and invest in the education of this community. The land and the growth issue, the issue of making this Priority A land, was important. It was going to be very unique to have one piece of land now in the City

developing housing on prime land next to a piece they said they could not develop next to a piece that they had developed. This should be viewed as a temporary step unless during the comp plan they redesign where the lines were. There was no way within the Urban Growth Boundary they had that they could grow without building on prime farm land. He regretted in having the recent vote that Priority C land was brought into the City and adjusted what should have been a planned growth and development. Because of that they now had sufficient land to manage the demand and need. The three years was not a ceiling, it was a floor. The request of the applicant and staff's recommendation of delaying the ability to build homes until the traffic light was developed was a sensible approach, but he got the feeling that all development would be held captive by the other two parties not willing to come to the table on this. This also clogged up the roads on the south side of town. The Council was often put in difficult positions and he wanted some folks to step up and take care of some issues.

Councilor Daniels asked if they could add conditions to an annexation? Mr. Kruckeberg said as they did in the Simnitt annexation, there was a method where they could condition the re-zoning of the property.

Councilor Daniels said he had asked contractors why they did not build affordable housing in Canby. They said why should they, they could sell everything they built. There was a demand for housing in Canby, and it depended on what they meant by affordable. On the Faist addition, they did not have a chance to vote on that, because it went around the Council, but they had to refer it to the voters.

Councilor Harris asked if they could put a condition on an annexation that said they could annex this but could not develop it until the traffic light was put in? John Kelley said they were not conditioning the annexation, what they were conditioning was the zone change. Upon annexation, they could put conditions on the zone change, and they were treated as understandings now.

Mayor Taylor said the annexation could not be conditioned, but what could happen was they could be annexed, but could not go anywhere until they changed the zoning use of the land and the Council could condition that.

Councilor Harris said it was all prime farm land within the Urban Growth Boundary. They were pushed to expand and he expected that this property would be annexed in the near future regardless of what they did that night. He had not thought of the option to annex with conditions that would preclude development until the infrastructure was there to support the development. To the property owners, what advantage was that? They still could not do anything with the property, it would just suddenly be part of the City.

**\*\*Councilor Lucas moved to deny ANN 98-05, a request for annexation of a 19.91 acre parcel into the City Limits of Canby and direct staff to return with findings reflecting denial at the regular meeting of the City Council on March 3, 1999. Motion seconded by**

**Councilor Daniels and passed 5-1, Councilor Carson opposed.**

Mayor Taylor recessed the regular session for a short break at 11:03 p.m., and reconvened the meeting at 11:10 p.m.

**COMMUNICATIONS: Facilities Needs Study** - Chief Giger said they had been doing a facilities needs study because the Fire Department also needed to find a place to locate on the north side of town. They did a study because of their presentation to the Council last year in regards to the amount of facilities they would need as the community grew. They were just doing some preliminary things and they wanted a Council member to participate or a citizen they knew who wanted to be involved in this. They had an Assessment Needs group they were working with and he wanted to know if the Council wanted them to see what the City would need as a whole. Chief Giger said they met once every 2 weeks in the morning, but they could change the meetings to work with the schedule of the Council volunteer. Councilor Daniels volunteered.

Mayor Taylor said he appreciated them looking at this in cooperation with the Fire District, but he also thought there were other public entities that were looking for additional space. It made sense that if at all possible and if they were looking at a public facility, they would try to build something to accommodate as many of those public entities, such as the school board, fire district, Canby Utility Board, etc. In the way distant past they did discuss a public building that had private space in it for businesses. He wanted them to ask if anyone would like to join them and reduce the overall cost and by housing them all together they could find efficiency in operation and administration. Chief Giger said that was a reason they wanted to see about a whole city wide facility for those other entities that may want or need to be included. That was on their agenda of things to cover.

**Steps For Life Walk** - Mayor Taylor said last year the Crisis Pregnancy Center had about 80 walkers and brought in about \$8,000. Any citizen could participate in the walk and all they needed to do was pick up a pledge card from the Crisis Pregnancy Center and get people to sponsor them for the walk. It was an annual fund raiser and the money went to the Crisis Pregnancy Centers to continue to provide their free services, such as clothing, medical and legal referrals, housing, parenting classes, and support groups. He knew there were many people around town who liked to walk and they liked to join in these events. The walk was going to be on May 15 at 9:30 a.m.

**\*\*Councilor Daniels moved to grant permission to the Crisis Pregnancy Center to have their two mile walk on downtown streets on May 15 at 9:30 a.m. The motion was seconded by Councilor Harris and passed 6-0.**

**NEW BUSINESS: Bike Lanes on City Streets** - Lila Gottman, Chairman of the Bike and Ped Advisory Committee, said there was a problem with bicycles on the sidewalks downtown. Her committee recommended that they start retrofitting the streets, and had developed a plan. They put the streets into two phases, phase one and two. Phase one streets were streets that would require no removal of parking or widening to accommodate six foot bike lanes. As a test to

encourage kids to get off the sidewalk, they wanted to start with Grant Street, which was where the main problem of sidewalk riding seemed to be. She had a diagram of what the bike lanes would actually look like when they were painted on the streets. They had different widths of streets in the City, 64 foot, 50 foot, 44 foot areas, and 40 foot streets. If they striped them according to the diagram, they would all fit nicely into the designated areas. The only difference it would make for parking was two inches less for parking.

Mayor Taylor said he often visited other cities and he went for runs on bike lanes and a number of them were not six foot wide, was that a state standard, or an OSHA standard? Ms. Gottman said six foot was the standard, though you could have them less, you could have them five or four feet, but no less than that. To reduce the standard six foot, you had to take into consideration the travel lane. You could not have a wide travel lane with a narrow bike lane, that would be considered sub-standard. Mayor Taylor said only if they had a narrower street could they have a narrower bike lane. Ms. Gottman said that was correct.

Ms. Gottman explained the diagram and what each different street crossing would look like and how it would work.

The cost of making bike lanes if they had the County do it was about \$5 a foot, and that included eight inch lines, four of them on the street. City staff could do it much cheaper and their recommendation was that staff stripe the eight inch lines.

Ms. Gottman also brought a diagram of what Grant Street would look like with the new bike lanes. That street involved almost all of the street crossings she just explained. They anticipated the bike lane to stop at Knights Bridge Road because then it would turn either way to connect with either Ivy or connect with the bike lane already on Knights Bridge Road just on the other side of the bridge.

Mayor Taylor said she was proposing to do an experiment on Grant Street. Ms. Gottman said yes. The streets in phase one were just as easily done and were similar to those on Grant.

Councilor Strong asked how she could do SW Ivy from 13<sup>th</sup>, wasn't that a County road? Ms. Gottman said the City was in control of striping on that street, anything within the City limits was in the City's control. Councilor Strong asked if they already had bike lanes on Ivy out that way? Ms. Gottman said not standard bike lanes all the way on both sides of the road.

Ms. Gottman distributed pictures she took of her experiments with temporary bike lanes on City streets to show the Council what it would look like with parking and traffic. Cars seeing the lines for the first time instinctively went toward the middle of the lane and stayed out of the bike lane, and the ones that stayed over in the bike lane were the ones that wanted to make a turn at the intersection. All the vehicles traveled easily in the ten foot travel lanes. The parked cars were not out in the bike lanes.



Councilor Prince asked how wide was the travel lane in front of the video store? Ms. Gottman said it was 10 feet. Councilor Prince said a lot of trucks were 12 feet wide, and he wondered if that would work. Ms. Gottman said in one of the pictures there was a wide truck that did not have any problems.

Councilor Strong asked what about delivery trucks? Ms. Gottman said when they had bike lanes, they were not always filled up like a parking lane was.

Councilor Prince asked if there would be a ticket involved if the trucks actually went inside the bike lane? Chief Giger said they were supposed to stay toward the center of the road, but they would not cite them unless it was flagrant. Ms. Gottman said they would only be cited if they were aiming for the bicyclists.

Ms. Gottman explained the pictures further.

In closing, Ms. Gottman read a portion of a letter she received from Michael Ronkin, the head of the State of Oregon's Bicycle & Pedestrian Plan. It stated that six feet was the standard for bike lanes and if there was a parking problem, it should be solved by signage, marking, and enforcement, not by compromising the more vulnerable road users environment.

Councilor Daniels said the initial issue was to get the kids off the sidewalk and this was one solution.

Mayor Taylor said he was impressed with Ms. Gottman's leg-work on this project.

Ms. Gottman said last year when they striped Pine/Redwood, there was a lot of fear that no one would be able to know where to go. The comments and calls they received after all the striping was down were from people taking their kids to the soccer games and thrilled that they had an extra six feet they knew cars would not be coming in and running over the kids. By pushing the traffic up closer to the center line, they improved sight distance for cars backing up out of parking spaces and created six feet of protection.

Councilor Harris said this was a terrific presentation, where did she get her graphics? Ms. Gottman said these were done by the City Engineer.

Councilor Carson asked what was the penalty for people riding their bikes on the sidewalk? Chief Giger said they could give them a traffic citation, if they were children they would get cited into juvenile court.

Councilor Lucas said this was another good way to slow down traffic, anytime you narrowed the lanes, it slowed down traffic. When Ms. Gottman came to the Council to get the bikes and skateboarders off of the sidewalks, they told her to give them a place to go first. She, the Bike and Ped Advisory Committee, and the Traffic Safety Committee had done that.

**\*\*Councilor Lucas moved to approve the pilot project of phase one on Grant Street, installing bike lanes as reported and the dimensions as described. Councilor Daniels seconded the motion and it passed 6-0.**

Councilor Daniels said when they got this set up, they could get pictures to the paper and educate the youth on this. Ms. Gottman said they would also use the school system to help educate the children.

Ms. Gottman wanted clarification if this would be the standard for the road cross sections in these depicted areas so that when the street department came to a new road, they would know how to handle it.

Mayor Taylor said part of what they were doing with this was experimenting. He wanted a test run before they set a permanent policy.

John Kelley said when this started the Council asked them to bring back an Ordinance prohibiting bicycles and skateboards from sidewalks. Did they want to wait until they saw the result of this or did they want an Ordinance now? Mayor Taylor said he wanted to wait.

#### **ORDINANCES & RESOLUTIONS:**

##### Ordinance No. 1016 -

**\*\*Councilor Daniels moved to adopt Ordinance No. 1016, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH SITELINES OF OREGON FOR THE PURCHASE OF PLAYGROUND EQUIPMENT; AND DECLARING AN EMERGENCY. Motion seconded by Councilor Strong.**

Councilor Lucas said that Beth Saul and Jeff Snyder from the Parks department did a great job laying this out. Mr. Snyder went to some classes and learned about the safety aspects of what kind of playground equipment you could have where, and what the ground cover had to be underneath, and Ms. Saul figured out how to buy this through the state purchasing department.

**The motion to adopt Ordinance No. 1016 passed by roll call vote, 6-0.**

**MANAGERS REPORT:** Jason Kruckeberg reminded the Council that staff would be bringing back findings for the Burden and Buchanan Annexations at the next meeting.

Beth Saul said they needed a Budget Committee chair. Mayor Taylor said the Budget Committee selected that position at their first budget meeting. Ms. Saul went on to say there was still a need for one more Budget Committee and one Parks & Recreation Advisory Board member.

## **COUNCILORS' ISSUES:**

Councilor Strong wanted to know if they could publish Council agendas either on OCTS or the Canby Herald before their meetings so that citizens would know what the Council was talking about. Mayor Taylor asked Ms. Saul if she could check into those options and see if they were open to publishing the agenda. The agenda was also posted at the Post Office, the bulletin board outside Planning, and inside City Hall. When the web site was finished it would also be posted there.

Councilor Prince thanked Jerry Pineau and Roy Hester for fixing the potholes on Pine and 4th.

Councilor Harris said there were times it had been suggested the Council made decisions on the spur of the moment without taking their time to think about them or discuss them deeply enough. In thinking about their last meeting, they made one decision while he was still thinking about which way to go on it, but it wasn't an issue they voted on. It was regarding the issue of changing the liaison to the Planning Commission. He had not anticipated that the issue was going to come up and by the time they made the decision, he was still thinking about it. They have had difficulties in their relations with the Planning Commission, and it seemed like those problems recently had been taken care of by having the Mayor be the liaison. As a process issue, he did not like the way they did it. He did not like that the decision was made so quickly and the fact that there was not a vote. He had not known what to say and the Mayor assumed silence was concurrence, when in fact it was indecision.

The Mayor agreed that the process was not one that gave an opportunity for everyone to have a good discussion. He was caught off guard and they moved rapidly and didn't give people enough time to think that now they had a new Council, did they want to re-examine that liaison. For future process, they would make sure that those liaisons had a vote as they usually did.

Councilor Lucas agreed that he had needed time to think about the issue.

Councilor Strong apologized for bringing it up so suddenly. She brought it up because Councilor Prince had formerly been on the Planning Commission and it was a way out in case the Mayor wanted to stop being the liaison to that body.

## **ACTION REVIEW:**

1. Informing the Budget Committee applicants of their appointments.
2. Adjusting the salary for the Planning Director.
3. Scheduling a two hour workshop with the Council to discuss parking and notifying every business in the downtown area and any other interested parties.

Mayor Taylor asked Ms. Saul if she would be at the March Chamber of Commerce luncheon meeting and do a two minute conversation about the Council's desire for their participation in the


discussion. Mayor Taylor thought the meeting should be held on April 14, 1999, at 7 p.m. at the Adult Center. Councilor Lucas wanted a sign-in sheet at the meeting so they knew who attended that night.


4. Bringing back findings for denial of ANN 98-05.
5. Keeping Councilor Daniels apprised of the facilities study meetings.
6. Informing the Steps for Life group that they could use the City's sidewalks.
7. Working with the Bike & Ped Committee for bike lanes on Grant Street.
8. Signing a contract with Sitelines for playground equipment.
9. Contacting OCTS and the Canby Herald to get the Council agenda published.


Mayor Taylor announced he would be gone for the meeting of March 3, 1999, and Councilor Daniels would preside at that meeting.

**There was no Executive Session.**

Mayor Taylor recessed the regular session at 11:55 p.m.

  
Chauncey Seifried,  
City Recorder pro tem

  
Walt Daniels,  
Council President

  
Prepared by Susan Wood,  
Office Specialist

CANBY CITY COUNCIL WORKSHOP SESSION  
FEBRUARY 10, 1999

PRESENT: Mayor Scott Taylor, Councilors Barry Lucas, Randy Carson, Terry Prince, Shirley Strong, Jerry Pineau, Jason Kruckeberg, Beth Saul, and Chaunee Seifried.

Mayor Taylor called the session to order at 7:05 p.m. in the Council Chambers.

The purpose of the workshop session was to discuss Community Development Standards, Goals, and 5 year Strategic Budget Plan.

Mayor Taylor adjourned the session at 8:20 p.m.

*Chaunee F. Seifried*

Chaunee Seifried, City Recorder pro tem

*Walt Daniels*

Walt Daniels, Council President

*Sharon Tramel*

Prepared by Sharon Tramel, Office Specialist

February 10, 1999