

CANBY CITY COUNCIL
REGULAR SESSION
OCTOBER 6, 1999

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

Also present: Recreation Services Director Beth Saul, Community Development Director Jerry Pineau, City Attorney John Kelley, Police Chief Jerry Giger, Sharon Tramel, Pat Johnson, Dirk Borges, Steven Amick, Jim and Dena McKibbin, Steve and Tess Spencer, Sue Loomis, Kevin Traaen, Carol Meeuwsen, Kay Lewelling, Terry N. Tolls, Craig Lewelling, Joe Driggers, Heather Deason, Jason Deason, Jean Tallman, Anna Phillips, Mark Gross, Gustavo Cruz, Lisa Weygandt, Ted Kunze, Buzz Weygandt, Judge Jon Henricksen, Kathy Mashek, Jim Scharmota, Anthony Spencer, Greg Larrison, George Tro, Tina Fuqua, Dolores Kilpela, Tony Feters, Greg Kroeplin, and Curtis and Lila Gottman.

Mayor Taylor called the session to order at 7:32 p.m., followed by the opening ceremonies.

Mayor Taylor moved to the Consent Agenda.

CONSENT AGENDA: **Councilor Harris moved to adopt the consent agenda: minutes of the regular meeting, September 15, 1999; accounts payable in the amount of \$210,265.09; dedication of right-of-way from Donald and Charlene Chase for improvements to a portion of North Ivy Street; and easement modifications in Tofte Farms. Motion seconded by Councilor Strong, and passed 5-0.

SPECIAL PRESENTATIONS: Swearing-In Ceremony for New Police Officers - Jerry Giger introduced the three new police officers, Anthony Spencer, Greg Larrison, and Jason Deason. He said they did a wonderful job completing the police academy and being in the top 20% of their class which was commendable. He turned to Judge Henricksen to do the swearing in ceremony of the new police officers.

Judge Henricksen stated that Jerry Giger certified Anthony Spencer, Greg Larrison, and Jason Deason to have obtained all of the qualifications necessary for the appointment of police officer by the City of Canby and Chief Giger recommended that he accept that on behalf of the City and swear them in. He then called them up to the front and had them face the camera. He initiated the oath of office, they signed the oath of office, and Mayor Taylor had the officers pin their badges on.

Chief Giger said it was a pleasure to have the officers be sworn in, in front of a televised community. He thanked Mayor Taylor and Judge Henricksen for participating in this endeavor.

Special Recognition for Retiring Lieutenant Jim Scharmota - Mayor Taylor wanted to honor Jim Scharmota for 23 years of service. He read a list of things Jim Scharmota had contributed to the City and things he had been involved with over the years. Mayor Taylor then presented him with a plaque.

Jerry Giger said it was a pleasure working with Jim Scharmota and he also expressed that he had learned a lot from him, and thanked him for all that he had done.

Mayor Taylor recessed the meeting at 7:45 p.m.

Mayor Taylor reconvened the meeting at 7:50 p.m.

Mayor Taylor moved to Citizen Input on Non-Agenda Items.

CITIZEN INPUT ON NON-AGENDA ITEMS: Jean Tallman, a Canby citizen, addressed the Council. Her concern had to do with the restriction of the access at the Senior Center on N. Ivy Street. She thought when the issue was first brought before the Council it was brought without the proper procedure. The Council did not have any studies done of the access. She felt this would benefit everyone if the issue was reopened with a traffic study and be able to get Staff input. She said according to Chief Jerry Giger there had never been any trouble at that access.

She explained they had taken the left turn traffic off of this access, but then the traffic went onto the 13th Street access which was a very troubled area. She said the parking lot had been opened to the traffic from the school parking lot which went through the Senior Center lot and out that access. She said there were five accesses from the front of the school to the edge of the Adult Center. She felt by taking the traffic off of the Ivy Street access and putting it onto the already overloaded access was not a good idea.

Mayor Taylor reminded everyone that they looked at a variety of options concerning the street and they were trying to deal with a number of issues at this same area.

Councilor Harris remembered voting on this issue but did not remember what the discussion was.

Mayor Taylor said it was presented by Lila Gottman who was representing the Traffic Safety Committee. She had a variety of pictures of the parking along 13th, in front of the school and the double parking along both sides. There was also discussion about not allowing parking in front of the soccer fields, and a recommendation to change the exit in the egress and move that piece out of the parking lot to move the traffic in what appeared to be more safer ways.

Councilor Lucas said it was also the problem with the turn lane and how close it was to the intersection. He said they had talked about not having many complaints before it was changed, it was changed because the parking lot was opened up.

Councilor Prince said there were a lot of issues that were brought up. He said there was very limited access, the next access would be Lee School which was quite a ways down. He explained there were quite a few accesses on 13th. He felt there was more of a need for this exit to go left instead of going right.

Councilor Lucas felt it was a good decision. He said he would like to go with a traffic study to prove it.

Councilor Harris said if they were going to do anything besides keeping it the way it was, the Traffic Safety Committee would have to discuss it and bring it back to the Council.

Mayor Taylor said Jean Tallman had collected a number of signatures from people that had similar concerns. If they were to refer it back to the Traffic Safety Committee to look just at this issue, he would assume those people might like to participate at the meeting.

Councilor Strong wanted to see it referred back to the Traffic Safety Committee.

Councilor Carson agreed to have it referred back also.

Councilor Lucas was worried about how surveys were taken. He asked how much would a traffic study be.

Mark Adcock said it would depend upon the scope. He could not give an honest estimate how much it would be. He explained they could possibly do something in-house, looking at accident history, traffic counts, or actual observation. He would discuss it with the Police Chief.

Councilor Lucas said he would like to do that. When they opened up the parking lot, it was different than it used to be.

Councilor Harris said the Chief had said there was no history of accidents or problems there. A traffic count would not be relevant. The issue was whether it was safe to make a left turn from the Adult Center south on Ivy.

Mayor Taylor said the history was they changed the lot inside, widened the road, put in a signal and also turning lanes. The original logic was that people could go out onto 13th, use the light to turn right or left and that would save on crossing traffic and turning left. He said there were folks in-house and there was also a Safety Committee, and perhaps people could just watch it for awhile.

Councilor Prince said what was driving this was all of the traffic on 13th. He would like to see maybe one alternative which might be connecting Lee School with the Middle School and having an alternative way of getting onto Ivy if that was possible.

Mayor Taylor said the sense of the Council was to have a review of this decision, give the Council some ideas and choices they had, and then let the Council know if they needed to hire a traffic engineer or whether they had the information without doing that.

Joe Driggers, who served on the Clackamas County Commission of Children and Families, explained they funded a study by the Hispanic Interagency Networking Team of Clackamas County in looking at services for the Hispanic population in the county. He passed out the Executive Summary of that report for the Council and two copies of the complete report. He explained there was a lot of excellent information included in the report, as far as focus groups, and there was a lot of good information regarding the schools.

Mayor Taylor said part of his initiative for the year was to begin working on the Community of Promise which was working on children's issues and he was hoping that Joe Driggers would be one of the representatives they could call on.

Mayor Taylor moved to Communications on the agenda.

COMMUNICATIONS: Judge Henricksen's Yearly Report - Judge Henricksen addressed the Council and members of the community. He explained they completed the 20th year in very good form. He explained the goal that was suggested by the Supreme Court for the State of Oregon was to have the number of cases that were opened each month, there should not be a backlog of more than two times that or 60 days, and from opening to completion the cases should not go beyond a 90 day period of time. From July 1, 1998 through June 30, 1999 there were 3,927 cases filed into court which included 178 major traffic crimes, 379 other crimes such as domestic violence, other forms of assault, property damage cases, bad check cases, and any other misdemeanors that were committed inside the jurisdiction of the court and that were prosecuted. There were 60 other ordinance violations which included barking dogs and other code compliance matters. He went on to say they closed 3,449 cases, they have 647 cases pending which was more than he liked to have. He said a lot of those were minor traffic offenses by the dedicated traffic safety officer which was no longer with them so there was a backlog of his cases that needed to be held for a while.

He said they were in excellent shape as far as everybody getting an opportunity in court to have their case heard in a timely and efficient manner. The revenues were way up. They collected approximately \$290,000, which was disbursed as budgeted, paid for expenses as were budgeted, and had an overage of a considerable amount where they could take care of other policemen's salaries, the City Attorney's functions, etc. He said it was an excellent year and that was all geared to the excellent work that was set by the Court Clerks in the collection steps and procedures that were in place in the community. He said for next year they could use either a half time Court Clerk or a full time Technical Specialist Clerk. He commended Ron Russ who had served as the interpreter in the courtroom. He explained he had helped the Hispanic community in ways the public did not know about. He helped them understand the need to comply with community rules and laws, study for drivers license examinations, understand what

a form meant, and he did all of that without pay. He said Ron Russ charged them \$25.00 per week to interpret for approximately 25-30 Hispanics per week.

He said they were fortunate to have three contract attorneys that did all of the court appointed work, one who spoke Spanish fluently, at a rate that was \$65.00 an hour, which was under what the Supreme Court said they were supposed to pay. He said among the three attorneys, they had 565 cases in one year and they had \$22,000 to do the work.

He explained the only problems they have had was every time the Legislature met, they would change the rules. The citizens would be noticing the fine structure was going to be changed and there would be mandatory things that would limit the Judge to make discretionary decisions.

Mayor Taylor said there was a significant change in the drinking laws in Oregon. When people got to their fourth DUI they would have the opportunity of going to prison. Judge Henricksen said there was going to be a new law which will try to be put through the next legislature. Anyone licensed by the State of Oregon for example, doctors, lawyers, etc., that had any conviction of driving under the influence of alcohol or drugs will be a mandatory loss of their license forever. Judge Henricksen also wanted the community to know the number one killer of traffic offense violations were people running red lights.

Mayor Taylor thanked the City Attorney for the great work he did, and Judge Henricksen agreed.

Mayor Taylor read a letter from a Canby citizen complimenting Judge Henricksen.

Councilor Prince asked Judge Henricksen how he felt about going to a smaller docket or adding another court day. Judge Henricksen said he was looking into that and if it was needed, they might expand and do a dual arraignment day. Arraignments would be from 8:30-9:30 and from 3:30-4:30, and do everything else in between which would help the volume in the morning.

Judge Henricksen said Canby had been singled out for an experiment they started two and a half years ago as ordered by the Clackamas County Juvenile Court for possession of tobacco by minors enforcement. He said the impact on the community streets and around the business areas had been reduced by this.

Councilor Carson thanked the Police Chief and Police Department for getting out there and slowing people down.

Councilor Harris thought the City should give Ron Russ some type of recognition. Mayor Taylor wanted John Kelley and Mark Adcock to work on that and see what he would need to make his job easier or something else that might benefit him.

NEW BUSINESS: Clackamas County Dispatch Center Member Board Charter - Jerry Giger briefly explained they had a charter with Clackamas County, or C-Com, since they were dispatched by that agency for emergency communications. The reason it was before the Council was because they took out those things that were significant to fire and police and they were asked by the County Administrator to take it to the elected board for approval and return it to Clackamas County.

****Councilor Harris moved to accept the Clackamas County Dispatch Center Member Board Charter as outlined and to authorize the Mayor to sign on behalf of the City. Motion seconded by Councilor Lucas.**

Councilor Prince asked if C-Com was keeping any type of record on response time. Chief Jerry Giger said every time they took a phone call and opened up the screen it would automatically record the time. After they received the information and sent it on to be dispatched, another time would be recorded. The requirement was 45-90 seconds to get the call and get it ready for dispatch.

Councilor Harris said a couple of years ago the City had their own dispatch center and everyone was nervous about switching over to the County's communication center. After they made the change he had heard that efficiency had been improved. It was cost effective and it was a benefit to the community.

****The motion to accept the Clackamas County Dispatch Center Member Board Charter passed 5-0.**

Pioneer Plaza Improvements Change Order Number 1 - Mark Adcock said the change order was necessary because there were some off site modifications to the public right of way resulting in the final construction of the Pioneer Plaza project. Originally they were going to merge Pioneer Plaza with the 2nd Avenue street scape. The decision was made to wait until they were able to tie it into some master planning. He explained there was also a reduction in costs to the project itself which was included in Curt McLeod's report.

****Councilor Prince moved to approve Change Order Number 1 for the Pioneer Plaza Improvement Project Contract with D&D Concrete & Utilities, Inc. Motion seconded by Councilor Harris, and passed 5-0.**

Mayor Taylor said they had a celebration at the Pioneer Plaza this weekend and he thanked Jerry Pineau personally for the work he had put into it.

Mount Hood Economic Alliance Rural Investment Fund Grant Award Contract for the Canby Gateway Beautification Project - Mr. Adcock said several meetings back they approved the design scope that related to the gateway project on 99E. He told the Council they would be bringing back the contract to implement the grant and they now had all of the necessary documentation.

****Councilor Harris moved to authorize the Mayor to execute the Mt. Hood Economic Alliance Rural Investment Fund Grant Award Contract. Motion seconded by Councilor Prince.**

Councilor Harris said the Mt. Hood Economic Alliance would be providing \$30,000 and \$30,000 would be coming from the City, as well as donations from Hank Jarboe, Canby Chamber of Commerce, and Canby Square owners and merchants.

Motion to authorize the Mayor to execute the Mt. Hood Economic Alliance Rural Investment Fund Grant Award Contract passed 5-0.

ORDINANCES & RESOLUTIONS:

Ordinance No. 1032 - Mr. Adcock said in addition to Jerry Pineau, Charles Kupper, the City's Urban Renewal consultant who had been working with the task force, the citizens group, and also with Staff throughout the year long process of developing the plan and report, was there to answer questions. Carol Meeuwsen, who was the chairperson of the Urban Renewal Task Force, was also there that evening. He stated at the last Council meeting they passed the first reading of the ordinance which established the City Council as the Urban Renewal Agency.

****Councilor Harris moved to adopt Ordinance 1032, AN ORDINANCE DECLARING THAT BLIGHTED AREAS EXIST WITHIN THE CITY OF CANBY, RECOGNIZING THE NEED FOR AN URBAN RENEWAL AGENCY TO FUNCTION WITHIN THE CITY OF CANBY AND PROVIDING FOR THE EXERCISE OF THE AGENCY'S POWERS BY THE CITY COUNCIL OF THE CITY OF CANBY. Motion seconded by Councilor Carson.**

Jerry Pineau wanted the Council to keep in mind if they did establish the agency, the second portion would be to get directions to go ahead with the process. He said by adopting the Urban Renewal Agency ordinance, it would not establish the Urban Renewal Plan.

Jerry Pineau had Carol Meeuwsen, the chairperson of the task force, introduce the Urban Renewal Task Force to the Council and audience.

Layton Perkins, who was a property owner at 446 S Walnut, wanted the Council to consider some of the wishes of the property owners. He was concerned about having another layer of government in between the property owners and the Council. They wanted to directly meet with

the Planning Commission and the Council on many items that would need to be discussed as things progressed.

Councilor Prince said the only thing they were voting on was looking at urban renewal as a way of financing improvements, but they would not be deciding on the final look of it.

Mayor Taylor stated he was going to be a strong advocate for the Council to be the Urban Renewal decision body since it would be deciding on tax base and management of fiscal matters.

Councilor Harris appreciated Mr. Perkins making comments to the Council because this was an unusual and a very large undertaking for the City. He said in the title of the ordinance they used the term "blighted areas." He wanted someone to explain to the audience what that meant. Jerry Pineau said it wasn't 30 years ago when people looked at a place and said it was blighted because it was falling down and needed repairs. What it was, was giving the community an opportunity to look and say what things they needed to keep as a viable community on the basis of livability, planning, and creating jobs.

The motion to adopt Ordinance 1032, passed by roll call vote, 5-0.

Carol Meeuwsen said the task force had finished a report and plan after a year-long process which had taken a lot of work. She said as a group they worked well to get to the point where they were this evening. She said they did not agree on everything because they represented varied groups. She said there was a lot of work to be done. They needed to prioritize the list of projects, they did not set a budget to begin the process, nor did they select a Staff.

Mayor Taylor thanked Carol Meeuwsen for the amount of time, confrontation and conversations that went on and the difficulty it took to get to this report.

****Councilor Harris moved to approve the enclosed report on the Canby Urban Renewal Plan for the purpose of proceeding with the approval process as required under ORS Chapter 457 and direct City Staff to proceed with the process forth wit. Motion seconded by Councilor Lucas.**

Councilor Prince said all they were doing here was moving forward with a schedule of work. They were not deciding on any direction. He said over the next few weeks there were going to be a lot of opportunities for people to make comments.

Jerry Pineau said there was a provision that they had to give special notice to all property owners within the City, throughout the City, and those areas being affected outside of the City.

Councilor Prince thought the ramifications to the City budget was about 25% of the net worth of the City. Jerry Pineau said they were close to 25% of the total area but he believed the assessed valuation was approximately 12.5%-14% depending on the development.

Mayor Taylor said there would not be a reduction in the current valuation of taxes, they were talking about the future amounts they would be dedicating to this event.

The motion to approve the enclosed report on the Canby Urban Renewal Plan, passed 5-0.

Mayor Taylor recessed the meeting at 9:03 p.m.

Mayor Taylor reconvened the meeting at 9:15 p.m.

Ordinance No. 1033 -

****Councilor Lucas moved to adopt Ordinance 1033, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH PARKER-NORTHWEST PAVING COMPANY FOR CONSTRUCTION OF NORTH REDWOOD STREET IMPROVEMENTS; AND DECLARING AN EMERGENCY. Motion seconded by Councilor Strong, and passed by roll call vote, 5-0.**

Resolution No. 717 - Mr. Adcock said at the last Council meeting, Jerry Pineau had brought a draft copy of a resolution and a letter to the Council and now it was in final form to convey it onto the County.

****Councilor Prince moved to adopt Resolution 717, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY REQUESTING THE CLACKAMAS COUNTY BOARD OF COMMISSIONERS TO INCREASE FUNDING AND PRIORITY TO UPGRADE COUNTY ROADS WITHIN THE CITY OF CANBY TO CITY STANDARDS. Motion seconded by Councilor Carson, and passed 5-0.**

Resolution No. 718 -

****Councilor Lucas moved to adopt Resolution 718, A RESOLUTION TO ACCEPT DEDICATION OF LAND FROM DONALD D. & CHARLENE R. CHASE FOR NORTH IVY STREET RIGHT OF WAY PURPOSES. Motion seconded by Councilor Prince, and passed 5-0.**

UNFINISHED BUSINESS: Approval Process for Canby Urban Renewal Report & Plan - This was discussed under Ordinances and Resolutions, Ordinance Number 1032.

Pioneer Plaza Agreement - Jerry Pineau passed out a copy of a grant of easement from a lady who was out of town at the time the packet was completed. He explained Pioneer Plaza was funded and opened but there were a few things that needed to be done. One was to get a maintenance and use agreement with the owners of the property so they could have City sponsored, community events. He said those people who wanted to put an event on would have the responsibility to clean up after themselves.

****Councilor Lucas moved to approve the Maintenance Agreement and accept the three easements that were listed in the packet with the addition of the Altenhofen's easement. Motion seconded by Councilor Harris.**

Mayor Taylor said they were responsible for maintenance and repair of the public property and were responsible for the cleanup. He asked if the Chamber approved someone to use it, would the City have to clean it up. Jerry Pineau said no, it would be in coordination with the City. They would be doing the process and the City would be signing off in case someone was injured in an event in which the City sponsored.

The motion to approve the Pioneer Plaza Maintenance and Use Agreement and accept the three easements that were listed in the packet in addition to Altenhofen's easement, passed 5-0.

MANAGER'S REPORT: Mark Adcock said the first meeting of the Clackamas County Concurrency Task Force meeting was going to be held Thursday night, and he would be representing the City. For those interested in attending, it was going to be at 7:00 p.m. at the Pioneer Community Center in Oregon City.

Mark Adcock also said the Council should have received the registration materials for the League of Oregon Cities annual conference. They were also asking for a voting delegate for the business meeting on November 14 as well as an alternate delegate. Mayor Taylor volunteered to be the primary voting delegate and have Mark Adcock be his alternate.

The Council concurred.

Mark Adcock said it was that time of year again to hold the quarterly meeting with the School District, Planning Commission, Council, and Canby Utility Board. Staff would coordinate the meeting.

COUNCILORS' ISSUES: Councilor Prince said he was privileged to go to the touching MIA/POW ceremony. He encouraged people to attend next year.

Mayor Taylor asked how the investigation was going on finding additional office space. Mark Adcock explained Jerry Pineau had been in discussion with the two individuals who were interested in purchasing the Mangus building. They had given them a dollar per square foot lease rate, but they were still waiting on what that amount included.

ACTION REVIEW:

1. Refer the matter that was brought up by Jean Tallman to the Traffic Safety Committee.
2. Implement the dedication of right of way from the Chase family for N Ivy Street improvements.
3. Implement easement modifications in Tofte Farms.
4. Execute Clackamas County Dispatch Center Charter and convey to the County Administrator.
5. Implement Pioneer Plaza Improvements Change Order Number 1.
6. Execute Mount Hood Economic Alliance Rural Investment Fund Grant Award Contract.
7. Implement Ordinance 1032 and authorize City Staff to move forward with the adoption components of the Urban Renewal District.
8. Implement Ordinance 1033.
9. Implement Resolution 717 and 718.
10. Approved Pioneer Plaza Maintenance and Use Agreement with the additional easements.
11. Will be working with City Attorney to work with court interpreter to see what could be done to facilitate his job with the Judge.
12. Accepted the executive summary from Joe Driggers regarding the Hispanic Interagency Networking Team of Clackamas County.

Councilor Lucas thanked City Staff for the wonderful newsletter. He felt it was very informative.

Mayor Taylor said it would be beneficial for him to spend some time with the Jerry Pineau and the Urban Renewal Task Force for a briefing of the Urban Renewal and make sure they understood where the key policy points were and the operation issues that have been decided on. He wanted to schedule a workshop before the next Council meeting which would be October 20 at 6:00 p.m.

****Councilor Harris moved to go into Executive Session under ORS 192.660 1(h) pending litigation. Motion seconded by Councilor Prince, and passed 5-0.**

Mayor Taylor recessed the regular session at : 9:37 p.m.

Mayor Taylor reconvened the regular session and immediately adjourned the session at 10:40 p.m.

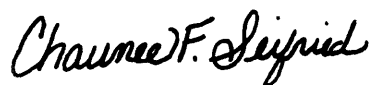
EXECUTIVE SESSION
OCTOBER 6, 1999

PRESENT: Mayor Scott Taylor, Councilors Prince, Harris, Lucas, Carson, and Strong, City Administrator Mark Adcock, Community Development Director Jerry Pineau, City Attorney John Kelley, and Pat Johnson.

Mayor Taylor called the session to order at 9:45 p.m.

ORS 192.660 1(h) - The City Council engaged in discussion with the City Attorney regarding pending litigation related to the Advanced Financing District for the Redwood Street Storm Drainage Improvements.

Mayor Taylor adjourned the session at 10:40 p.m.



Chaunee Seifried,
City Recorder pro tem



Scott Taylor,
Mayor



Prepared by Sharon Tramel,
Office Specialist

CANBY CITY COUNCIL
REGULAR SESSION
SEPTEMBER 15, 1999

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

Also present: Recreation Services Director Beth Saul, Community Development Director Jerry Pineau, City Attorney John Kelley, City Planner Jason Kruckeberg, Associate Planner John Williams, Police Chief Jerry Giger, Susan and Todd Wood, Pat Johnson, Rick Davis, Bruce Broetje, Tim Sercombe, Dennis Keenan, Jerry and Nancy Sullivan, Doyle and Virginia Reed, Marguarite Overholser, Christy Pruitt, Jeff and Connie Kirkmali, Linda and Jerry Baker, Bob and Margaret Peterson, Rose Swanson, Charles Sandsness, Verla Kneb, Betty Sandsness, Steven Hughes, Bernice Hearn, Janice Zauner, Ralph Netter, Jay Mulkey, Nancy Dula, Jude Christiansen, Deanna O'Neil, Kathy Henderson, Becky Strange, Chance Schmidt, Lyn McCarty, Robert and Barbara Clark, Susan Lind, Patty Friedemann, Ann Jorgens, Virgil Contreras, David Dalley, Shirley and Randy Tessman, Chris and Lisa McCoy, Dorothy Cofield, Clair Kuppenbender, Dawn Reddick, Lynn Burnham, Annette Burns, Marie Jonene, Jim Gibson, Telan and Paula Sullivan, Jeff O'Neil, Carla and Stue Sather, Nick Netter, Jeff Sandner, Shawnda Wright, Derek Hills, Ray Hoen, Nancy Wilmes, and Curtis and Lila Gottman.

Council President Daniels called the session to order at 7:31 p.m., followed by the opening ceremonies. Council President Daniels explained to the t.v. audience that they would be viewing the meeting on Thursday because they did not have live connections at the Adult Center.

CONSENT AGENDA: **Councilor Harris moved to adopt the consent agenda: minutes of the workshop, regular meeting and executive session, September 1, 1999; and accounts payable in the amount of \$460,740.23. Motion seconded by Councilor Lucas, and passed 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Kathy Henderson - She apologized for missing the deadline for their council packet and had a letter of request. They were nearing completion of Pioneer Plaza, which was the first revitalization project slated in Canby. The Grand Opening of the Plaza was scheduled for Saturday, October 2, from 10 a.m. to 2 p.m.. They were going to have a parking lot dedication, with the focus on the community itself and Canby's past pioneers. The theme was Pioneers Yesterday, Today, & Tomorrow. She was requesting to close two of the streets in the downtown area, 2nd Avenue between Holly and Grant, and Grant between 2nd and 1st. They wanted to close the streets to have a big community celebration. They were going to have tents, music, entertainment, activities for children, and a ribbon cutting ceremony. They wanted to close the streets because they were ordering tents and it was a safety hazard for children. She had spoken to approximately 80% of the merchants that were affected, and had a community member that was working with them that represented the businesses in the Graham

Building and that person was contacting all of those businesses. She also formally invited the Council to come to the Grand Opening and help them acknowledge one of the biggest things that had happened in Canby.

Councilor Carson asked if she wanted to close the whole intersection? Ms. Henderson explained that it was going to be a diagonal closure from the corner of Signature Tours and Cruises across over to Key Bank, and a full closure of Grant Street between 2nd and 1st. There would be detour signs so folks would know where to go.

Councilor Lucas said he appreciated the work Ms. Henderson had done on this project. He wanted staff to write a letter notifying all of the businesses affected by the closure so they knew about it. Ms. Henderson said they would also work with staff to make sure that would happen and that there would be a face to face visit with each and every business along 2nd Avenue and along Grant.

****Councilor Lucas moved to approve the street closure as proposed by Kathy Henderson, representative of Canby Business Revitalization, and a letter be sent to all of the businesses affected. Motion seconded by Councilor Harris, and passed 6-0.**

SPECIAL PRESENTATION: Clackamas County Commissioner Michael Jordan on Concurrency & Infrastructure Concept - Commissioner Jordan thanked the Council for inviting him that evening and for inviting such a large crowd for him to speak. He was there to talk about a couple of initiatives they started at Clackamas County, and a couple of things that would be near and dear to the hearts of those who lived in Canby, because they were things that this community had a head start on in comparison to the rest of the County. There was a project they were starting called Complete Communities. The impetus was that at least in the County level of government, they spent a lot of their time asking the “how” questions, but had not asked citizens the “what” questions, such as what did they want the community to look like in the future? The folks in Canby would know this project as Canby By Design. This visioning process was a fundamental building block in how they did a better job of creating livable, viable, complete communities over the long term. They did not want citizens to believe they were going to come into communities like Canby and redo the vision. They were trying to do the same kind of work in many areas of the County that had not done that kind of work. They were going to try to knit together the different community visions into something that they could cohesively call an identity for Clackamas County. They did not expect the vision for each of these places to be the same. They were committed to the notion of having a very broad based citizen owned process. Why do this now? For the Commission, they were concerned that the way they were doing community building in many areas was not working. They were concerned that as they made decisions over the long term, they made them incrementally, and those decisions were very difficult because they did not know what the goal was. They would be sending out letters to try and recruit steering committee members, such as citizens and community representatives, to work with the Commission and hire some consulting help, to do some survey work, and to do focus group work across the County to try to elicit citizen concerns, dreams, and hopes for the future. They hoped

to get feedback that would allow them to build policy and direct the County.

The other project they were working on was called Concurrency, which was a notion about how they provided for adequate infrastructure for a community regardless of the conditions of growth. They had to have adequate infrastructure to be able to build a viable, livable community. Toward that end, the Commission invited 60 folks, and he believed Mark Adcock, Canby's City Administrator, was going to represent Canby, to work with them to develop some policies around how they could ensure that every community had adequate infrastructure regardless of its rate of growth or what economic situation it found itself in. This would be a difficult process. He wanted their support in doing this project.

Councilor Lucas asked how often that group would meet? Commissioner Jordan said they would start to meet in early October, and early on there would be meetings once or more per month, and later in the process, they may stretch out as more staff work in-between meetings would need to be done. They hoped to complete the project by June of next year. That schedule might change, and they might find that there was no way to fix this notion into the Oregon framework of Land Use Law, and decide to stop the project.

Councilor Lucas said it was great project, especially for communities to share information.

PROCLAMATION: Constitution Week - Council President Daniels read the proclamation declaring September 17 through the 23 as Constitution Week. Cynthia Parnell and Gwen Schweitzer were there to receive the proclamation. They were with the Canby Area Daughters of the American Revolution, and all over the country, cities and towns were commemorating Constitution Week in honor of the 212th signing of the foundation of our government.

PUBLIC HEARING: APP 99-01, Casa Verde Appeal -

Council President Daniels opened the public hearing at 7:50 p.m.

John Kelley said this was an appeal of a matter previously heard by the Planning Commission. The matter was heard on the record, and this was a hearing on that record. There would be no new evidence taken that night. Two people were the appellants, Lyn McCarty and Chuck Sandsness, and their attorney was Dorothy Cofield. The respondent was Catholic Charities, and they were represented by Tim Sercombe and Dennis Keenan. He read the criteria for evaluating the appeal. He gave the appellant and the respondent 30 minutes to speak. There was one other person that had standing, but was not there yet. That person did have the opportunity to speak to the Council.

CONFLICT OF INTEREST:

Councilor Strong - None, plan to participate.

Councilor Lucas - None, plan to participate.

Councilor Daniels - None, plan to participate.
Councilor Harris - None, plan to participate.
Councilor Carson - None, plan to participate.
Councilor Prince - None, plan to participate.

EX'PARTE CONTACT:

Councilor Strong - Visited the site, had a few neighbors ask questions of her, but she indicated to them that she could not discuss it.
Councilor Lucas - Visited the site, spoke at his place of business about it, but he told them he had not heard the appeal yet.

Mr. Mulkey from the audience asked Councilor Lucas if he said this was a racial issue and they would not get passed first base? Councilor Lucas did not remember saying that. Councilor Lucas asked if he had said that to Mr. Mulkey. Mr. Mulkey said he did not, and he could not divulge his source. Councilor Lucas could not remember saying that and he seriously doubted he did.

Councilor Daniels - Visited the site, but had no contact with individuals.
Councilor Harris - Visited the site, read the *Canby Herald* and *Oregonian* regarding this issue, talked to staff about it, overheard some conversations in town, and those who had approached him on this issue, he told he could not discuss it.
Councilor Carson - Visited the site, read the *Canby Herald* and *Oregonian*, lived in Township Village and the appellant came by to get signatures, and he told them he could not discuss it.
Councilor Prince - Visited the site, read articles in the *Canby Herald* and *Oregonian*.

STAFF REPORT: John Williams said there were a number of items they had received that they wanted to include in the record. Those were as follows: a notice of appeal dated August 12 from Dorothy Cofield, a staff report dated August 24, a letter from Tim Sercombe representing Catholic Charities dated August 25, a letter from Dorothy Cofield dated August 27, a letter from Tim Sercombe dated August 30, a letter from Dorothy Cofield dated August 31, a transcript dated September 7 of the original Planning Commission meeting by Betty Sandsness, a letter from Dorothy Cofield dated September 8, and an undated transcript that was recently received of the July 12 meeting by the original applicants. This was an appeal of the Planning Commission's approval of a 26 unit multi-family apartment complex on S. Township Road. The project had seven residential buildings, a central community center, a central play area, and was located on the north side of Township between S. Maple and S. Pine. The appellants in their appeal listed seven items they believed were improperly decided by the Planning Commission. The Planning Commission findings that were being appealed were: the required number of parking spaces was reduced by six, the community center building was allowed outright in the zone, no off-side road improvements were required, the amount of on-site recreation space, fire sprinklers were not required, applicable set backs were not met by the proposed design, and parking on Township Road was not specifically prohibited. There were five possible options for the Council that night:

to uphold the Planning Commission's decision and deny the appeal, to remand any specific issues back to the Planning Commission for reconsideration, to overturn any specific conditions of approval, to create additional conditions of approval, or overturn the Planning Commission's decision and deny the application entirely. The parties did have the option to appeal the City Council's decision at the Land Use Board of Appeals in Salem, which had to take place in 21 days. Staff recommended the City Council to deny Appeal 99-01, and uphold the Planning Commission's decision. The record supports the Planning Commission's decision on items 1, 2, 3, 4, 5, and 7. Item 6 was a mistake on the part of Planning staff. It was caught after approval and could be corrected through the preconstruction process.

The first item of concern was the parking reduction. The City standard for off-street parking in this type of development was two spaces per unit plus one guest space for every five units, which would total 58 in this project. The Ordinance did state that a lower number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces would be sufficient to carry out the objective of the section. The original application was for 49 parking spaces, because they wanted to provide more area for landscaping and play areas. To back up their request, they provided an informal survey on parking patterns in three other multi-family apartment complexes. Their data showed that the most number of cars parked at any of the complexes was 1.45 cars per unit, and the applicant asked for 1.9 parking spaces per unit. This was discussed by the Planning Commission, and they agreed to allow them to provide 52 spaces, or 2 spaces per each apartment unit. The second item of concern was the decision to allow the community center as an accessory use. In the R2 zone, accessory uses were allowed out right. The applicant's proposal showed a community center building containing a laundry facility, meeting room, covered play area, storage, and a manager's office. In the original hearing, the Planning Commission asked the applicant to provide more detail on the use of this building in order to determine whether it was accessory to the main complex. The applicant said the space would be used for on site residents only, and the Planning Commission decided it fit the definition of accessory use. The third item of concern was off site transportation improvements. The traffic study done by David Kelly said that the complex would have a minimal impact to the surrounding street system and recommended no specific off site road improvements. The fourth appeal item concerned on site recreation space. This apartment complex was required to provide 2,600 feet of recreation space, but Canby's Municipal Code did not define what recreation space was. The site plan showed a central play area between buildings one and four, just south of the proposed community center. That area measured 3,000 square feet, and included lawn and a play structure. In addition, there was a basketball hoop elsewhere on the site and there were a number of open lawn areas. There was also an indoor community center with recreation space. The appellants claimed the project required more than the bare minimum of recreational area due to the number of children at the site, but the Code did not have any such requirement. The fifth item concerned fire sprinklers. Before they wrote their staff reports, they sent out request for comments to all the City's utility providers. The Fire Marshall returned a response requesting residential sprinklers be installed. He called the Fire Chief and the Chief said this request was only a recommendation. The sixth appeal item concerned the rear setbacks. They did require 20 foot setbacks between buildings and the rear property line in this zone. The site plan only showed a 15

foot setback, and it should have been noticed by staff before it went to the Planning Commission. After they noticed it, their intention was to enforce this requirement through the preconstruction process. Staff felt the City Council had three options on this item: to overturn the entire approval of the application and force a new application, to create a new condition requiring conformance of the setbacks, or to allow staff to enforce this item through the preconstruction process. The last item concerned on-street parking on Township Road. In the public hearing, staff said there would be no parking along Township Road at the final build out of this road, however, the decision on when parking would be restricted had not been made. A parking plan for Township Road would be determined by the City Council and signage would be placed by the City and enforced by the Police Department at that time.

Councilor Carson asked about the setback issue, were they planning to move it to the south five feet all the way across the property? Mr. Williams said there would be three buildings along the back and each one of those would have to be moved. Councilor Harris asked if that would remove any parking or landscaping? Mr. Williams said it would fit, the landscaping was well over the minimum requirements.

Councilor Harris asked in other projects, had they made exceptions in number of parking spaces? Mr. Williams said yes, they had. The most recent one was the Fred Meyer development, which was given a break on the number of parking spaces to reduce the amount of paved areas around the commercial buildings.

Councilor Strong asked regarding the setback, would it cut into the recreation area? Mr. Williams said it did not appear so, the play area was 60 or 70 feet away from the buildings that would be moved. He showed how they could be moved on the site map.

Councilor Carson said regarding the accessory unit, did other apartment complexes have a separate building for the manager and laundry facilities? John Williams said there were apartments with laundry areas, but he was not sure if any in Canby had those. He said it was a use that was allowed, but it was unusual that all of those uses were in the same building.

Councilor Strong said in that building there would be some covered recreation area. Where was that going to be located? John Williams said they did not have an interior floor plan, but he showed her where the building would be located.

Councilor Harris announced that the other person with standing just came in and she had the option to testify before the Council.

APPELLANT: Dorothy Cofield, 12725 SW 66th Ave, Suite 107, Portland, OR 97223, represented Chuck Sandsness and Lyn McCarty. She thanked the City Council for allowing the continuance to give them time to prepare the transcript, because she was not present at the Planning Commission hearing. She strenuously regretted any negative comments that were in the newspaper regarding this issue. They did not represent what this land use appeal was about. She

also regretted that the press raised this land use discussion and appeal to that level. This appeal was about this project and did it fit on the one and a half acre site. Her clients did not think it fit, particularly since the five feet of the setbacks were missing. Staff said it appeared that it would fit, but appears was not good enough. If not for this appeal, this mistake would not have been found. The appeal had merit and it was part of the land use process. There was a mistake in the setbacks, they were marked 15 when they should have been 20. They thought this approval should be remanded and new plans submitted. If they deferred it to staff to make the corrections, that was deferring one of the criteria, and they could not do that. They had to have all of the evidence and make a determination of feasibility now. They had not seen the site plan, and they could not properly make the determination of feasibility. The second appeal point was parking. By reducing spaces from 58 spaces to 52 spaces, that was 9%. The applicant did an informal survey, and this was not substantial evidence, and they could not cut out the six extra places because they were going to need them. There would be social activities, service providers, and people would be coming to the site and they would need guest spaces. They should not cut what was a code requirement. If they added in six more spaces, they needed more space than what was shown on the site plan, and if they added that to the loss because the setbacks were wrong, they were over 2,000 square feet deficient. Regarding the community center, in an R2 zone, a community center was not listed as an accessory use. An accessory use was non-habitable, and here they had a village center, and they should review it as a separate conditional use. They needed to look at this conditional use and see if it was going to create impacts they needed to mitigate for. They could not approve the project, and have the community center reviewed, because it was counting towards recreation, and if it was found it could meet the conditional use criteria, then maybe they would not have enough recreation space, and they had already allowed the project to be approved. Regarding traffic impacts, the traffic study said that there would be Level D traffic at peak times at Ivy and Township. The traffic study never came up with the conclusion that a left hand turn lane would ameliorate this Level D traffic. There were also no plans for a signal. They could say that traffic was such that they did not have plans for a signal, they had Level D, they had seven new apartment houses going in, which brought new traffic, and maybe they could not approve this project. In talking about the no parking on Township, there was a plan adopted that there was no parking there, but it had not been decided when that would take effect. It was rather short sighted to cut six guest parking spaces that were required by the Code, and know that in some point in time, they were going to have no parking on Township. Regarding recreation space, they were above what they needed, but when they looked at what they lost in the setbacks, which was 1,350 square feet, and what they lost in the extra parking spaces, 600 square feet, they were now 950 square feet too short, if they took that out of the 3,000 square feet, they only had 1,650 square feet and they did not meet the Code. Recreation area was a place for kids, not just bits and pieces here and there. If they had their village center that had classes, an office, and a laundry facility in there, that was not recreation area for kids. Regarding the fire sprinkler issue, the Fire Marshall did recommend this, and it wasn't a Code requirement, but it was recommended to make this project safer. Staff said they could not condition this, but that Code condition was not an exclusive list, plus it said they could condition something for the public safety, and this was public safety, and they could also condition it when a need for a service was created by the development. She wanted to reserve 5 to 10 minutes for

rebuttal. In summary, there were a number of deficiencies, such as the setbacks, even though they said they could fix them, they wanted to see the plans and wanted another public hearing on the plans to make sure everything that should be on that site was on that site. They wanted to see if there was enough recreation area after they added the setbacks and extra parking spaces. They needed the guest spaces, and an informal drive by survey was not good enough to be clear and objective and to show they did not need the minimum of what the Code required. The Traffic Study was deficient or at least did not make the conclusion that just with a left hand turn lane on Township and Ivy, the Level D traffic would go away. The City needed to have a plan for a signal or perhaps deny this development because traffic would not be at satisfactory levels. Also they needed to require fire sprinklers as a condition of approval for the safety of the community and the safety of the residents.

RESPONDENT: Tim Sercombe of Preston, Gates & Ellis in Portland said Mr. Kelley had told the appellants what they needed to show to prove and sustain their appeal. This was not an issue about what was an appropriate site plan, this was an issue of whether or not the Planning Commission exercised its discretion correctly. The issue was whether the Planning Commission correctly interpreted the Code, whether they considered all of the evidence that was presented to them, and whether they did not observe an interpretation of the Code that had been made by the Council previously. Listening to Ms. Cofield talk, he did not hear any one of those things. He heard her talk about what she thought would make a good site plan, or what her clients thought would make a good site plan, but this was not the issue before the Council that night. The issue was whether the Planning Commission did its job correctly.

They thought this was a wonderful site plan. It represented a good arrangement of the uses on the site, and it represented a good balance of the housing, recreation, and parking needs of the residents. It was developed by architects, and scored 31 out of 36 points in the City's compatibility matrix scale. In terms of how this project was arranged, what its features were, that was put to the test according to objective criteria that the City had, and it more than passed. The plan was fine-tuned by the Planning Commission, and additional parking was imposed beyond the 49 sought, and this was a compromise. This was a site review proceeding, it was not a land use determination. The issue before the Council was not whether or not to allow this use, or whether or not it was a good or bad area for apartments. That decision had already been made. This case was not about whether or not this site conformed to the approval criteria. With the exception of the setback requirement, it did conform with the technical requirements of the Code, it more than met the compatibility criteria, and there had been no evidence to the Planning Commission for insufficient public facilities and services that had been extended to the site. The law required issues be raised at the time of the public hearing for them to be issues that could be argued about before the Council and LUBA. Here there were a number of issues raised that were not raised at the Planning Commission hearing. These included the concerns about the community building as an accessory use, traffic impacts of the project, the amount of recreational space, and the issue of fire sprinklers. He was not saying these issues were irrelevant to the Planning Commission's deliberations, but the law required that if someone wanted to contest those issues, they needed to stand up at the time of the evidential hearing and address those issues. That was not done, and

there was no opportunity to respond to some of the issues or criticisms that were now being leveled at the traffic report. The only issue that was raised before the Planning Commission was whether or not there was sufficient parking spaces for this use. The issues that were raised by the opponents were the sufficiency of parking spaces, the project was going to be a Mexican village and clutter up the neighborhood, the speed of the traffic on Township, limitation of parking on Township, the number of residents in these dwelling units, and the effect on school enrollment. None of those issues except the parking requirement were relevant to the site plan proceedings. There was no evidence presented to the Planning Commission by opponents that there was insufficient parking for this project. These proceedings were not about facts which could be imagined or hypothesized. The facts before the Council were the facts that were put into the record before the Planning Commission, not facts that were asserted there for the sake of argument or for the first time in the appeal. The opponents could raise questions regarding the sufficiency of the parking spaces, but the facts in the record were clear in this regard and the evidence was one sided. The facts presented in a May 19, 1999, report that was prepared by the applicant was not a drive-by survey. It was an actual count of different times of the week and weekend of the actual parking uses at three existing developments that were comparable to this to show what the demand on parking spaces was for multi-family apartment dwellings. That evidence plus evidence in the staff report was what the Planning Commission relied upon in making the balance that they did about what was sufficient parking. According to the evidence before the Planning Commission, the maximum amount of parking spaces that should be required for this project was 39, one and a half per unit. The applicant proposed 10 more than the evidence suggested was needed, and the Planning Commission added three more to that. There was no evidence in this record that five more spaces were needed to meet the need of residents and guests of this project. This same lack of evidence exists on traffic impacts. The City-selected traffic engineer concluded that there would be no traffic impacts caused by this development. There was no contrary evidence. The City Code, State and Federal law favored this kind of housing. It was categorized as needed housing and the Code said in talking about this kind of housing, the City should not require that conditions be imposed that unduly increased the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance. This Code provision inhibited requiring costly intersection improvements for the Township and Ivy intersection some blocks away and it affected the amount and cost of required parking. It was the job of the Planning Commission to listen and hear evidence, and to look at the site plan and to determine if it appropriately balanced parking, recreation, housing, and other uses. The Planning Commission deliberated close to 45 minutes on this site plan and asked questions during the hearing about parking, and carefully weighed evidence and made some adjustments to the site plan. The Council's job was different from the Planning Commission's. Theirs was to see if the Planning Commission misinterpreted the Code, or ignored what the Council said in other site review proceedings, or if they did not consider the evidence that was before them. Unless they could say the Commission abused its discretion that way, they should respect the decision of the Commission. They thought the Commission did a very good job and there was no basis for any appeal contention.

Dennis Keenan, Executive Director of Catholic Charities, was the sponsor of the Casa Verde

multi-family housing project. Catholic Charities had been a provider of services to the poor and disadvantaged in Oregon since 1933. They had been involved in providing services to Hispanic families in Canby since 1996. They identified that decent, safe, and affordable low income farm worker housing was needed in Canby. They basically had four key design objectives they utilized in conceptualizing this plan. The first was compatibility of the design with the rest of the community, which had to do with the style of architecture, which was farmhouse vernacular. They put in gables, porches, trellis, arbor, lap siding, all to have a farmhouse appearance. They utilized a multiple buildings design, and they had seven buildings for apartment units themselves and the community center in the middle. The whole focus was an inward focus to create the sense of a village. The second objective was providing optimal recreation space for children. They had an open lawn area, covered play area adjacent to the community center, the community center had additional recreation space indoors, and there was a basketball court. The purpose of these design elements was to provide for optimal recreation sites for children on site regardless of weather conditions. In terms of the movement of the buildings on the northern boundary forward five feet, they would simply be exchanging landscape area immediately adjacent in front of those to the back, and it would not impact the recreation area. The third objective was to create a sense of community for the residents, which was accomplished through the village design elements. The fourth objective was the provision of ample parking space for the residents and their guests. They reviewed three different sites during different times of the week, and the Planning staff concurred with their study. This site plan created an effective balance of four key objectives: compatibility, recreational needs, resident and community building, and parking needs. This served the residents as well as the community. Catholic Charities was committed on a long term basis to maintaining these units in quality condition. They made a legal commitment of 60 years to do that. They also retained a professional private property management company to work in coordination with Catholic Charities to ensure that these units were well maintained, had quality management, and they would have long life and durability. There would be resident rules which would be enforced and incorporated into leases that all the residents would sign. They were very excited and pleased about this project, and having this as a positive addition to the Canby community.

Tim Sercombe said again with respect to the parking issue, the issue was that the Planning Commission did not adequately consider all of the information pertinent to the required number of parking spaces. The Planning Commission had a substantial discussion in consideration of the evidence. The only evidence in this record was that 39 spaces were more than adequate to meet the needs of this kind of development, and there were 13 additional spaces beyond what the study showed was needed. The Commission balanced the issue, looked at the evidence, and reached a compromise on this issue that was different from what the applicant wanted, and the Council should respect the work of the Commission. The issue regarding the community building not being an accessory structure was not raised before the Planning Commission, and there was no opportunity to present evidence as to how the building was used. The evidence that was presented showed it would be an accessory structure as defined by the Code. The community building was not a building for habitation, it operated as a meeting and recreational room for residents of this project. He compared an accessory use in an R1 area, a single family building with no garage. If you decided to build a garage and put a second floor on the garage and used it

for a home office, a family room, and maybe a laundry room, under the logic the appellants were advancing, you could not do that, you would be required to get a conditional use permit because those uses were not accessory uses. That was absurd. Regarding the issue of traffic impacts, the only issue that was raised was whether or not the City's retained traffic engineer was wrong in his traffic report when he said there would be minimal impact to surrounding road systems, and no specific off-site road improvements or traffic control devices were recommended. This issue was also not raised before the Planning Commission. He did observe that at full build out of all proposed developments in the area, there would be some traffic congestion at the intersection of Township and Ivy, which was caused by the lack of turn lanes. Those turn lanes had been put in and full build out had not yet been reached. This intersection was not at service Level D, the traffic engineer said it was at Level B right now, and would remain at that level even with development. Level D was a hypothetical when all of the development came on line and there were no improvements to Township. Regarding the amount of recreational space, this issue was raised, but it was irrelevant to the site plan. They had more than twice what the Code required. Regarding fire sprinklers, that was not a planning issue, so it was not an issue for the Council. Regarding the rear setbacks, this could be done without upsetting the site plan. This could be corrected at the time of building permitting and could be imposed as a condition. He would not address the parking restriction on Township Road because it was not a planning issue either. In sum, he appreciated the Council's patience. The approval process had rules, rules that were designed to make sure that all issues were considered and rules that were designed to make sure the applicant was treated with fairness. One of the rules was that if an issue was going to be used and advocate it as a reason to deny an application, it had to be raised at the time of the hearing before the Planning Commission. The only issue that was raised was the amount of parking spaces, and on that issue, the evidence was clear that there were 13 more spaces in this plan than were required to meet the need of residents and guests. The Planning Commission did a good job, and it was the job of the Council to decide whether or not the Commission did its job.

PROPONENT: Nancy Wilmes, resident of Canby, said she went to the original Planning Commission meeting because the location of the proposed Casa Verde project was originally her grandfather's farm. She thought that the plans for the improvement were much better than what Tutti Frutti Farms was currently, because it was very overgrown and weedy. She thought there were several things that could have been done to avoid this conflict. Many people who came to the Planning Commission meeting said they had not received any notification of this zoning. This had been zoned as high density housing sometime prior to Casa Verde buying this property. She did not know why the neighbors had not been notified previously about the zoning or about the project. They could only bring up in their discussion the things that happened at the Planning Commission hearing, but a lot of questions came up after the hearing. She felt sorry that each side spent money on this, because she felt it could have been avoided if they had gotten input from the neighbors and given staff an opportunity to answer questions. The concerns could have been prevented by notifying everyone ahead of time, and trying to have input on both sides. She thought aesthetically it would improve the local community there, but it was high density, and if this was not approved, another high density development would be brought in.

Councilor Daniels asked how long the property had been zoned that way? Mr. Kruckeberg said it had been zoned that way since the early 1980s. All the property owners within 200 feet of development were notified.

REBUTTAL: Ms. Cofield said under the City's code, all her clients had to do was appear at the public hearing and they had standing. All of the appeal points they raised reflected the criteria posted and they filed a proper notice of appeal. There was a City and State law about citizen involvement and the land use planning in Oregon promoted citizen involvement. Her clients appeared at the hearing, filed their appeal, and raised all points in the appeal as reflected in the criteria. The applicant had the evidentiary burden to show that he or she met everything in the Code. In relationship to the parking, the Code required the 58 parking spaces, and the applicant was trying to get less than that. Regarding the setbacks, they could move things around, but they wanted to see the plan and have a public hearing again. The community center would have an impact, and the parking impact was at a Level D. She wanted them to grant the appeal for the reasons they testified to that night and remand this back because there were significant issues to look at.

Council President Daniels closed the public hearing at 9:10 p.m.

QUESTIONS: Councilor Prince asked staff if they were within the 120 day rule limit if they did remand this back to the Planning Commission. John Kelley said the 120 day rule expired October 12. If they were to remand it back, it would require special meetings of the Planning Commission and Council in order to meet that 120 day requirement. Councilor Prince said that rule could be waived by the applicant. John Kelley said yes, that was correct.

Councilor Prince said there were two 100 unit apartment complexes that went in near Township, were any of those required to have sprinklers? Jason Kruckeberg said those were both done in 1995 or earlier, and he did not know if they were required.

Councilor Lucas said he tried to call the Fire Marshall, but he was out of town, so he talked to the Fire Chief. He asked him if there were any requests for them to put in sprinklers at either one of those apartments. He said there were none. He wrote that it would be a good idea for the simple reason that the technology in fire systems had improved a lot and it was a lot cheaper to do now. The Chief was considering trying to make that a requirement for the future. John Kelley said Councilor Lucas indicated an Ex'parte Contact that was not disclosed earlier. He allowed Mr. Sercombe and Ms. Cofield to respond to that information. Councilor Lucas had not disclosed this contact because he thought that it was a staff contact.

Tim Sercombe said he had discussed this matter for cities, and had dealt with the question of could they impose building structure requirements that were inconsistent with those required by the Uniform Building Code? The law in the State said what went into the building was what was required by the Uniform Building Code, and they could not through the planning regime impose requirements that were different than those put forth by the Uniform Building Code. Fire

Sprinklers were not a requirement, and the City could not impose this requirement. The applicant was willing to put the sprinklers in the houses, however.

Ms. Cofield said she often represented developers and over the last few years, they had to put sprinklers in housing developments, and the reason why Fire Marshals liked it was that it made their jobs easier. It went to the standard of could they require a condition of approval if it would be used for public safety or help decrease a level of service, and she thought in this case that it would.

John Kelley reminded the Council of their options for this appeal decision.

Councilor Harris said they did not nor should they ever vote on the acceptable ethnicity of their neighbors. That was not what their appeal was about, although in the comments to the Planning Commission, as well as other comments and letters, clearly there were some who were opposed to this project based on racial or ethnic prejudice. As an elected official in the community, he was ashamed by those attitudes by those few people who had taken that approach. That was an embarrassment to the community. As for the seven items of appeal, answers had been given to his questions on each of those. He was troubled by the reduction of parking spaces, but all of his questions had been answered.

Councilor Lucas said the Planning Commission did a good job in discussing the parking. They did not know how many parking spaces they would need, but they did a good job of discussing it and came up with a good decision. The traffic impact study showed that it would have a minimum impact. The setbacks were not the fault of the applicant, it was a mistake made by staff, but that space was not lost and was not a problem. The Planning Commission did a good job at looking at this application.

Councilor Carson said regarding the required parking spaces, if they did need more parking, he assumed that Casa Verde would look at the basketball hoop area and maybe modify that back into parking. He thought the community center building was fine and the road was already taken care of. There were other places in the community they could go for parks. He thought the fire sprinklers were a great recommendation for safety, but it was not a condition for approval. The setback issue could be handled by moving it five feet.

Councilor Strong said the parking was one concern, but it seemed to have been handled. Her other concern was the recreation area for the children. There could be possibly 85 children there and she was concerned about the area. If there was not enough recreation area, the kids would go across the street to the school, and that was a heavily traveled road.

Councilor Prince said he was concerned about parking as well. Early in the summer he went to a meeting on Township about sidewalks and redevelopment of that area. He thought this was a good project, and they were trying to do their best to accommodate the community. The project also had people on site to regulate activities that went on in the apartment complex. As far as

traffic went, that was not an issue they could impose upon this complex. He wanted to see the complex put in sprinklers if they were economically viable. They did need this type of housing in Canby, and this was a test to see how it went. This project was as good as they would ever see in this community, and if they embraced it, he thought it would work.

Councilor Strong said she called John Kelley to ask if this housing was for farm workers, and she wanted to know the definition of a farm worker, and she found that the term included any ethnic group.

Councilor Harris said it was brought up to the Planning Commission that they lacked an ordinance that regulated how many people lived in an apartment. They did have an ordinance that defined restrictions so there could not be unrelated people living in a room or many different families. John Kelley read from the Municipal Code, Chapter 16.04.220, which defined those restrictions.

Councilor Daniels said this question was asked of Casa Verde, and they said because they had on-site managers, they patrolled that.

****Councilor Harris moved to deny Appeal 99-01, an appeal of the Planning Commission's approval of DR 99-03. Motion seconded by Councilor Prince.**

Councilor Prince asked if Councilor Harris wanted to include the 58 parking spots in his motion as opposed to the 52. Councilor Harris said in spite of his reservations, he was accepting what the Planning Commission did, because to require 58 parking spots would require them to redesign the project and go through the process again. He was accepting the plan as is.

The motion to deny Appeal 99-01 passed 6-0.

Council President Daniels recessed for a short break at 9:35 p.m. and reconvened the meeting at 9:45 p.m.

John Kelley said under the Ordinance, when attorneys were involved in a land use hearing, the attorneys for the prevailing party were required to prepare the written findings for adoption by the Council, and Mr. Sercombe had previously prepared findings and conclusions for the City Council. They did not distribute them yet because they did not want them out there prior to the time the decision was made by the Council. Staff reviewed them and had no issues with the findings. They submitted them to the Council, and normally they gave the Council a couple of weeks to review them, and brought them back at the next meeting. However, Mr. Sercombe wanted the opportunity to address the Council because of some pressing issues that were of concern to Casa Verde. John Kelley passed out the findings. Mr. Sercombe said they were under a tight timeline for the construction of this project, because it had a varied number of funding sources that required it be constructed by next June. To do that, they had to break ground in October, and to do that, they had to have a final action on the planning issue so they could begin their permanent review process prior to construction. When the matter was put before the

Council at the September 1st hearing, there was a continuance. Since it was postponed, he requested that the Council choose to uphold the site plan and adopt the findings at the same meeting, and thereby save two to three weeks of the process. John Kelley and Jason Kruckeberg had already reviewed the findings. Mr. Sercombe said the findings were consistent with the position the applicant espoused in the letter they wrote on the appeal. They talked about what the evidence was on the various issues, what the Code requirement was, and why the appeal issue was or was not relevant. The findings also suggested that an additional condition be imposed, which addressed the setback issue. He recommended the Council adopt the findings with that condition.

Councilor Daniels asked if all the figures in the findings had been gone over and checked for accuracy. Staff said they had.

****Councilor Harris moved to accept the findings and conclusions of the Canby City Council Casa Verde Site Review Appeal, DR 99-03. Motion seconded by Councilor Lucas.**

Councilor Prince said they had never accepted findings at the same meeting as the public hearing before. John Kelley said they had done it once in the past, but normally they did not do it. Councilor Prince asked if by ordinance it was ok to do this? John Kelley said yes it was. Councilor Prince said as long as staff reviewed it, and there was nothing different than what came before them in that meeting, that was fine for him.

Councilor Lucas said if staff had approved it, and it took care of the setback requirements, it seemed fine to him.

Councilor Harris welcomed the Casa of Oregon people to Canby.

The motion to adopt the findings and conclusions passed 6-0.

Tim Sercombe thanked the Council and promised that they would be a good neighbor in this community.

Councilor Strong asked if they were going to put in fire sprinklers? The Casa Verde people said yes they were.

NEW BUSINESS: N. Ivy Street Construction Change Order No. 2 - Jerry Pineau said previously they had requested to continue the sidewalk, curbing, and such from 12th Street north to tie in with the segment that was going from 14th to Territorial. The City Council approved that change order. The contractor had come back and said they had hoped to finish the project within the time of the original contract, however, they ran into a scheduling problem with some of their contractors. They have asked for a 14 day extension onto this contract. With the extension, the project would be completed September 23 rather than September 7. Staff recommended to do this and there was no fiscal impact except the time delay.

****Councilor Prince moved to approve Change Order No. 2 for N. Ivy Street Improvement Project to extend the time of completion by 14 days. Motion seconded by Councilor Harris.**

Councilor Harris said there was a letter to the editor a few weeks ago complaining about how long this project was taking. It was unfortunate these things took so long, but that was how it worked.

Councilor Strong asked when the second lift would be put on that street? Jerry Pineau said it would be started that Friday.

The motion to approve Change Order No. 2 passed 6-0.

ORDINANCES & RESOLUTIONS:

Ordinance No. 1032 - Jerry Pineau said they discussed bringing this ordinance forward to get the urban renewal agency established so they could start a more formal process of establishing an urban renewal plan and project. They needed everything in place by the end of the year so they could start getting their assessed evaluation in time for the next budget in July of 2000. He wanted to introduce this ordinance that established the City Council as the urban renewal agency. They would have a more lengthy discussion at the next Council meeting when the Mayor, City Administrator, and the chairperson of the Urban Renewal Task Force could be there. Councilor Harris asked if they could postpone the ordinance till the next meeting in order to have the discussion at the first reading. Jerry Pineau said because of the schedule, they really needed to have the second reading and have it adopted on October 6.

****Councilor Lucas moved to adopt Ordinance 1032, AN ORDINANCE DECLARING THAT BLIGHTED AREAS EXIST WITHIN THE CITY OF CANBY, RECOGNIZING THE NEED FOR AN URBAN RENEWAL AGENCY TO FUNCTION WITHIN THE CITY OF CANBY AND PROVIDING FOR THE EXERCISE OF THE AGENCY'S POWERS BY THE CITY COUNCIL OF THE CITY OF CANBY be posted and come up for final reading on October 6, 1999. Motion seconded by Councilor Strong.**

Councilor Prince had two issues he wanted to discuss at the next meeting. One was the effect on the budget of having 25% less of the increase each year due to the urban renewal agency, and the other was they would do urban renewal for the downtown also. He was very interested in seeing apartment complexes, especially those that were run down, focused on this too. He had been to some of the Urban Renewal meetings and some members wanted most of the money from the first bond issue to go to Phase II of the Industrial Park, and he was very much opposed to that. He thought this was an Urban Renewal District and it needed to focus both on downtown development and also on apartments and other things in the City that needed to be looked at, including Phase II, but not exclusively Phase II.

Councilor Carson said he was on that committee, and the whole group had been cognizant of the

downtown area, and they wanted it to be a major part of this. He did not know if they needed to key in on that issue at this time.

The motion to approve Ordinance 1032 passed 6-0 on first reading.

Ordinance No. 1033 - Jerry Pineau said this went from Highway 99E going north on N. Redwood. The area this covered went beyond the area that Gramor of Oregon was required to do for their project. They needed to do the intersection, the railroad crossing, complete the curb, etc. This would take that down past the Buchanan property and tie it in with Erika Acres. They thought it best to do it now and blend it all in. They had the travel lanes, curbs, and sidewalks to do there. The Buchanans dedicated right of ways to the City, and in return the City would do the street improvements. There were four bidders, and the lowest was Parker-Northwest. Their bid came in at \$59,916, and the highest bid was \$130,485. Staff recommended granting the bid to Parker Northwest.

****Councilor Harris moved to adopt Ordinance 1033, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH PARKER-NORTHWEST PAVING COMPANY FOR CONSTRUCTION OF NORTH REDWOOD STREET IMPROVEMENTS; AND DECLARING AN EMERGENCY be posted and come up for final reading on October 6, 1999. Motion seconded by Councilor Strong, and passed 6-0 on first reading.**

Resolution No. 711 - Jerry Pineau said this was before the City Council at their last meeting. It was a Resolution establishing an Advanced Financing District for N. Ivy street improvements. Those improvements were from 14th Avenue up to Territorial.

****Councilor Lucas moved to adopt Resolution 711, A RESOLUTION DESIGNATING THE NORTH IVY STREET IMPROVEMENT PROJECT, FROM 14TH AVENUE TO TERRITORIAL ROAD, AS AN ADVANCED FINANCED PUBLIC IMPROVEMENT, ESTABLISHING AN ADVANCED FINANCED DISTRICT AND PROVIDING FOR REIMBURSEMENT TO CITY OF CANBY FROM BENEFITTING PROPERTIES LOCATED WITHIN THE DISTRICT. Motion seconded by Councilor Harris, and passed 6-0.**

UNFINISHED BUSINESS: Truck parking on NW 3rd Avenue - Jerry Giger did a brief history of truck parking around the commercial area of the community for the Council. This was in response to a letter submitted by a citizen who lived over in the area of the larger current industrial area in the northwest section of town, NW 3rd and N. Baker Drive. The concern was the number of trucks and trailers who parked there, and the new skate park that would be coming into that area that would take up considerable amount of frontage on the west end of that street. The trucks used to park on 2nd Avenue, over by McDonald's and Pacific Pride before those businesses were there, then as that became more popular and congested, the City encouraged them to park somewhere else. After 3rd Avenue had been completed with curbs and new

pavement, and the street was built to the specification that it would allow trucks to be parked on that street, that was where the local truck driver owners were allowed to park their trailers. Besides 2nd Avenue, they were also parking them in the residential neighborhoods everywhere. After reviewing the area and history and realizing there was no other place for the large amount of truckers that lived in town, they wanted to restrict the amount they could use there and leave the rest of it open for truck trailers. They wanted to put no truck parking in front of the residential part of that street, which was from Cedar Street to the old entrance of Johnson Controls. They would restrict the parking by marking out spaces where they could park their trailers, and that would limit the number that would be on the street. They would mark 50 foot spaces for them to park. They would also have the Community Service Officers mark the trailers and see how long they were sitting there, because one of the complaints was the Johnson Controls trailers were parking there. Johnson Controls assured him they did not store the trailers there, they moved them back and forth day and night. They would adequately mark the streets away from the driveways with yellow paint, because there were complaints that vehicles were parking too close to the driveways. Most communities that had industrial areas did allow some kind of truck parking on the streets as long as it did not infringe on the ability for businesses to operate or any residences to not have access to the frontage of their property.

Councilor Lucas wanted to know if the Chief asked Johnson Controls if they had room on their property to park those trucks? The Chief said they were sort of out of the trucking business, they kept their trailers, but they did not have as many drivers as they used to. When someone came in with an empty trailer, they would have one full and they would take it away. When they were completely filled up, they did not have enough room because some of the trailers on their property were owned by private individuals that were hauling for them.

Councilor Lucas said there were always 12-18 trailers parked on that street. If he went out and bought a travel trailer, he would assume he would have to find a place to park it. They had more businesses on that street now, they were building a park there, there would be people biking, roller blading, and walking down there, and there were a lot of trailers parked on that street. It not only did not look good, it was also dangerous.

Councilor Daniels asked how feasible it was to mark the pavement for the trucks. Chief Giger said truck drivers were a little more responsible, and they knew their trailer would be towed and it would cost several hundred dollars to get their trailers back if they did not park it where they were supposed to. If they marked it, they would get a third less trailers parked on that street than they had now.

Councilor Prince said it was a good idea to keep the driveways and curb cuts clear. Did they have any idea how many owner/operators they had in the City? The Chief said most of the trailers were leased, and sometimes they were double or triple leased. He did not know how many local ones there were.

Councilor Prince said there were many different sizes of trailers, and he hated to cut down on the

number of spaces they had now because they could have anything up to 48 feet or bigger, down to 28 feet. He would hate to see a 28 foot trailer on a 45 foot spot. The Chief said the largest trailer now was a 55 foot, and they wanted to make all the parking the same size, and that would give them an idea of how many would be able to park there. Councilor Prince wanted to monitor that for a while, because they did need to provide areas for these owner/operators to park, because they did not want them to park in residential areas.

Councilor Prince wanted to make sure there would be good signage, and people would understand how long they could park there.

Councilor Carson asked if the Chief had talked to all the businesses on the far end, Sprague Controls and Hot Off The Press, to make sure they were aware of what they were going to put in there? Chief Giger said they had not contacted any of them yet, because they wanted to see if it was palatable and get some feedback, and then they would go to everyone and let them know what they were planning for the area. They were trying to be user friendly to everyone, because it was really hard to pin down who they were providing the service for with those trucks.

Councilor Lucas wanted Johnson Controls to find some place to park their trailers off the street. He did not think it was the City's responsibility to provide parking for their business on the street.

Councilor Strong asked who owned the lot right in front of Johnson Controls, wasn't that vacant? Jason Kruckeberg said it was the Port of Portland. Councilor Strong said her son-in-law loaded those, and he always talked about getting the trailers out of the lot back there, and she was sure he did not walk clear out to the street to get them. Chief Giger said what they did when a trailer came back empty, they parked it somewhere, and when they moved the trailers around, they parked them on the street. Then they would move them back on the lot and got them ready to be loaded.

Todd Neffer, Canby resident, said his dad was an owner/operator in Canby and he did find use to park over in that area. There had been times when he had to park someplace else because they used to park over by Whitman's, but then they got run off there. His truck had been vandalized when he had to park where there was no lighting. He could not park his truck in a residential area, and he paid \$600 a month for road tax. He should be able to park someplace. His only concern was that if they put paint markings on the road, they needed to allow enough room for the rig and the trailer. He did not think 50 feet would be enough room. There was a need for truck parking in Canby.

Councilor Daniels said they were not trying to run them out, they just wanted to make sure it was not a storage yard. He asked how much space would they need? Mr. Neffer thought they would need about 70 feet.

Councilor Carson said when they got closer to building the skate park, they should revisit this and see what they could do at that time.

Councilor Prince asked as far as the right of way for the park went, was there enough room on the bank to do diagonal parking for trucks? Staff did not think there was.

Councilor Harris said this was an issue every community faced, and he wondered how it was resolved elsewhere. Councilor Lucas thought they rented space to park. Councilor Prince said this was an industrial area, and that was what it was used for, and access to the park was going to be difficult. He wanted some way to get into the park and maybe parking there, because it was not going to be feasible for everyone to park in the industrial area and not have anyplace for the trucks to park. They had to provide some park parking.

Councilor Lucas said he did not have a problem with three or four owner/operators parking there. What he did not think should be happening was Johnson Controls parking 12 or 15 trailers on the street. He thought Johnson Controls should find someplace to put their trailers.

Councilor Prince said they should design the park later on with more parking inside the park.

Councilor Daniels said the consensus of the Council was to go with Chief Giger's recommendations along with limiting Johnson Controls from storing their trailers on the street. Councilor Lucas said they needed to identify those trailers that were theirs.

Beth Saul said that night at the Council's places were shirts from the Police Department. Jerry Giger said they thought that when the Council represented the community, they should have something that showed where they were from and who they were. The Mayor asked them to find some kind of uniform for them to wear when they were representing the City, something that was casual and represented the City. The design was the City seal and their name and position.

MANAGER'S REPORT: Draft Resolution Regarding Upgrading of County Streets Located within the Corporate City Limits - Jerry Pineau said the Council requested a determination of what county roads were within the city limits and their condition and find some type of mechanism to induce the Clackamas County Commission to start funding the roads and get them up to City standards. He listed all the County roads in a memo to the Council, and let them know what the conditions of the roads were. Then from the Public Works point of view, they wrote down what they thought were the highest priority roads to be upgraded to City standards, and then they would go through a process of transferring jurisdiction once they reached that level. They talked about having a letter and resolution to send to the Commission. He wanted to know if the priority listing they came up with was something the Council concurred with and also to see if they wanted to adopt the letter and resolution as is or make some changes so they could come back to the Council with a more formal letter and resolution.

Councilor Prince agreed with the priority list, especially with N. Pine Street being on that list. He asked if they would be amending the transportation plan to reflect this type of methodology in it, would they need to incorporate it into the transportation plan? Jason Kruckeberg said it would not need to be amended, they would only be changing the allocation of costs for when those

projects would be paid for and how they would be paid. There was a table that went along with the transportation plan that would need to be modified if a project were adopted, so they would have to go through a resolution process to do that. It would not be an amendment to the transportation plan, but an amendment of the project cost allocation.

Councilor Harris said he agreed with the priority system they proposed. He was surprised at how expensive it was to bring them up to standard. Just N. Pine by itself from the corner by the Fairgrounds up to Territorial was \$740,000 to bring it up to standard. That was way out of the City's reach to just do that, and they had to have the County's help.

****Councilor Harris moved to accept the recommendation of staff and direct staff to return with a final draft resolution and letter to the Clackamas County Commission for approval and adoption. Motion seconded by Councilor Lucas, and passed 6-0.**

Beth Saul said Jerry Pineau had an update of a number of street projects that were currently going on. They distributed the update to the Council.

Jason Kruckeberg said at a recent meeting, he came to the Council with a question about the Periodic Review Citizen Involvement Committee, the committee being formed to oversee the strategy for citizen involvement through the periodic review process. The Council said they wanted as many folks to participate in this as possible, so whoever applied would be appointed to the committee. They received eight applications, four applicants did not live within the City limits or the Urban Growth Boundary. Did they feel that was a concern or should they not be advocating those folks that would not have as strong a stake in the land use planning issues. Two of the four folks that were not within the Urban Growth Boundary did have business interests in the UGB. He wanted to know if there was a policy they should be looking at for this particular group.

Councilor Prince said he was talking to some citizens about this issue and that was one of their concerns, that people who were going to decide the plan would live in the City or at the very least have a business here to have some kind of connection with the community. It was important to them to have people who lived in the City or had businesses within the UGB.

Councilor Harris agreed that it had to be a priority. If people in the community were not volunteering or showing an interest and they had some specialist outside the UGB who really wanted to help, he would make an exception, but this would affect people in the City and they should be making the decisions.

Councilor Strong asked if they had let people who had businesses in town, but did not live in town, be on a committee before? Councilor Prince said because they had a lot of business owners who lived outside the City, it was important to include them because they were very interested in what goes on in Canby.

Councilor Harris said they did not have a blanket rule against having people on committees that did not live in the City limits, such as Lila Gottman on the Bike & Ped Committee.

Councilor Lucas did not think it was that important that they lived in the City, he thought the more people the better. This was an advisory committee that would not make the final decision, they were going to help to come up with the plan. The more ideas and people you had, the better. However, he would go along with the Council's decision to exclude those who did not live or have a business in town.

Jason Kruckeberg said they would be open meetings, so those people who were not on the committee could certainly attend the meetings.

Jerry Pineau reviewed the update on current street projects that he had passed out to the Council. The improvements were for Township Road Phase II, N. Redwood, N. Ivy, 3rd & Baker LID, NE 3rd & Juniper, Pioneer Plaza, Clackamas County transfer of jurisdiction of a portion of N. Redwood & SE 1st, and Canby Market Center.

COUNCILORS' ISSUES:

Councilor Prince said they had a memorandum regarding an asphalt plant. He was concerned about water quality because they took their water in less than half a mile downstream from this location. Jason Kruckeberg said when they got request for comments from the County, they received two, one for the expansion of a conditional use for the Barlow gravel pit, and the second for an asphalt plant. They routed those to Canby Utility Board. Councilor Prince wanted to know how CUB responded to that issue. Jason Kruckeberg said he did not believe they responded in writing, CUB did not feel there was an issue with either of those projects.

Todd Wood, CUB Water Treatment Plant Operator, said he reviewed that plant. They did not have any problem with it, based on the water table they saw and the testing they had done. All the testing they did for the chemicals that would concern them were negative. Councilor Prince said he thought they should put their findings in writing in order to have a record they could go back and review if needed.

Councilor Lucas said when the Planning department sent out letters for request for comments, he wanted them to send a letter to the Bike & Ped and Traffic Safety committees. Councilor Daniels wondered if since these committees only met on a monthly basis, there might be some concern with the timeline. Jason Kruckeberg said sometimes they were on a pretty strict timeline, but they usually sent out request for comments a month in advance. He wanted to know if they wanted him to send out request for comments on all projects, annexations to construction projects, or use their discretion. Councilor Lucas said they should send them out on any project Planning staff thought they would become involved in.

Councilor Lucas said regarding the Porta-Potty over on 1st Avenue chained to the tree in front of

Country Company, he heard from those businesses and the businesses heard from their customers that was not a very attractive thing to have right in front of their business. He wondered if they could put it on the other side of the parking lot and bolt it down out there. Ms. Saul said it was there because of the Grower's Market, which was almost over for the year. Councilor Lucas said if it was almost over, then it should be brought up next year and set up that way.

Councilor Prince said the people who had come for the Casa Verde hearing complained that the notice was not sent very far from the property. He knew they did not have the money to notify everyone of every issue in town, but he thought they should bring that issue up in Periodic Review as far as what distance a notice should be in relation to the size of the project. He thought they should have some way to let people know what was going on. John Kelley said the safest way to do that was to make it by a foot, by a distance rather than by the application or leave it to the discretion of the staff. They could increase their notice requirement, but the issue there was cost. Councilor Prince thought that it was becoming more and more of a necessity to let people know what was going on, even if they had to provide more money for the postage, he thought it was well worth it so people could have the opportunity to comment on these issues.

Councilor Lucas said the hearing was posted as well. Jason Kruckeberg said they talked about making their legal notices much more visible in the newspaper. It was a lot of legalese text, but they could also make them more accessible. There was a column they started in the Canby Herald to keep people updated on Periodic Review and other long range planning issues, and they could do something like that with upcoming planning issues. Councilor Daniels said they could also post it up on their web page.

ACTION REVIEW:

1. Writing a letter to businesses that were affected by the street closure for the Pioneer Plaza Dedication on October 2, 1999.
2. Observing Constitution Week.
3. Accepting and sending out the findings for the Casa Verde Appeal.
4. Implementing Change Order No. 2 on the N. Ivy Street project.
5. Bringing back Ordinances 1032 and 1033 for second readings on October 6, 1999.
6. Implementing Resolution 711, Advanced Financing on N. Ivy.
7. Following recommendations given by Chief Giger for truck parking on NW 3rd Avenue.
8. Bringing a final draft letter and resolution to Clackamas County regarding upgrade of County roads within the City limits.
9. Contacting the applicants for the Periodic Review Committee and letting them know that those outside the UGB or those that did not own a business in the UGB could not be on the committee.
10. Checking the conditions for lights and signals on Redwood regarding the occupancy rules.
11. Sending request for comments form when there were planning applications to the Bike & Ped and Traffic Safety committees whenever it seemed appropriate.
12. Checking on the Porta-Potty on 1st Avenue to move it across from the Country

- Companies.
13. Bringing up the City's notice procedures in the Periodic Review process.

There was no Executive Session.

Council President Daniels recessed the regular session at 11:05 p.m.



Chauncey Seifried,
City Recorder pro tem



Scott Taylor,
Mayor



Prepared by Susan Wood,
Office Specialist



Proclamation

Constitution Week

WHEREAS, September 17, 1999 marks the two hundred twelfth anniversary of the drafting of the Constitution of the United States of America by the Constituional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the periodic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the president of the United States of American desginating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Scott M Taylor by virtue of the authority vested in me as Mayor of the City of Canby, Oregon do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

and ask all Canby citizens to reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Given unto my hand this 15th day of September, 1999.

Scott M Taylor
Mayor