

CANBY CITY COUNCIL  
WORKSHOP SESSION  
OCTOBER 7, 1998

PRESENT: Mayor Scott Taylor, Councilors Daniels, Lucas, Nolder, City Administrator and City Recorder Mike Jordan, Jerry Pineau, Clint Chiavarini, Jerry Grisham, George Abbott, Sharon Rao, and Ginny Van Loo.

The session was called to order at 6:10 p.m. in the Library Community Room. Dinner was served.

The purpose of this meeting was to have a question and answer session with legislative candidates and also Buildable Lands discussion.

The session was adjourned at 7:20 p.m.

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REGULAR SESSION  
OCTOBER 7, 1998

Mayor Scott Taylor presiding. Council members present: Walt Daniels, Barry Lucas, Roger Harris, and Dennis Nolder.

Also present: City Administrator and City Recorder Mike Jordan, Project Planner Clint Chiavarini, Community Development Director Jerry Pineau, Recreation Services Director Beth Saul, Sharon Tramel, Randy Carson, Curtis Gottman, Pete Kelley, George Abbott, and Jerry Grisham.

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

Mayor Taylor stated he was going to adjust the agenda to let the legislative candidates address the audience. He noted earlier in the evening the Council met with them and they answered any questions the Council had.

**COMMUNICATIONS: Legislative Candidates Address the Audience -**

George Abbott, who was running for Clackamas County Commissioner, introduced himself to the audience. He gave some background on himself which included being involved in the County Development Plan Task Force, and he was presently on the Colton School Board. He felt the importance of working relationships between the Cities, Counties, CPO's and the Neighborhood Associations were vital for having local control. He had a nine-point vision plan which his top issue was Metro having taken away local control. Another point was to make Clackamas County accountable at the administrative level (customer service).

Jerry Grisham, who was running for State Senate, introduced himself. He wanted to thank the Council for the meeting they had earlier in the evening. He stated the most important issue coming up was voter's participation, and to take the time to read the voter's pamphlet. He said one thing he found out from going door to door and talking to voters was education was the most important item to them. He thanked everyone for the opportunity to be able to address the audience, asked for their support, and most importantly asked that everyone take the time to vote.

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

**CONSENT AGENDA: \*\*Councilor Daniels moved to adopt the consent agenda: minutes of the regular meeting and executive session, September 16, 1998; accounts payable in the amount of \$117,045.84; Park and Recreation Advisory Board appointment; contract with recreation provider; designation of voting delegate at League of Oregon Cities annual meeting; permission to put up barricades for the Harvest Festival and Canby Herald's annual Chili Cook Off. Motion seconded by Councilor Nolder and passed 4-0.**

**PUBLIC HEARING: Amendment to the Comprehensive Plan (CPA 98-03) -**

Mayor Taylor opened the hearing at 7:45 p.m.

Mayor Taylor read the public hearing format. He gave a limit of five minutes for each person to speak.

**CONFLICT OF INTEREST:**

Lucas - No conflict and plan to participate

Daniels - No conflict and plan to participate

Taylor - No conflict and plan to participate

Harris - No conflict and plan to participate

Nolder - No conflict and plan to participate

EX'PARTE CONTACT:

Nolder - No Ex'parte Contact, but visited the sight

Harris - No Ex'parte Contact

Taylor - No Ex'parte Contact

Daniels - No Ex'parte Contact

Lucas - No Ex'parte Contact, but visited the sight

STAFF REPORT: Clint Chiavarini stated the matter before the Council was a request to amend the Comprehensive Plan to include a small 1.5 acre parcel south of the Molalla River block line, just east of Village on the Lochs. He pointed out on page 43 of the Council packet there was a map showing the current city limits and the proposed parcel. He stated if the proposal was approved, it would allow for a public hearing for an annexation of that property, and if the annexation passed, it would allow the applicant to put in nine manufactured home sites.

He explained the Planning Commission had heard the matter and recommended denial of the proposal. Their findings were based on the fact that the application was inconsistent with Policy Number Two of the Urban Growth Element and Policy #10R of the Environmental Element of Canby's Comprehensive Plan. He said the findings could be found on pages 29 and 30 of their packet.

Mr. Chiavarini explained there had been some debate about the accuracy of the City and County maps and which ones should prevail. City staff had met with the County staff and determined that Canby's map was more current and recognized by DLCD. The staff was currently waiting for the Council's decision on the matter to forward a request for a Comprehensive Plan amendment at a County level to bring their maps in compliance with the City. He explained the map that was included in the Comprehensive Plan showed the property as outside of the Urban Growth Boundary, and the applicant was trying to get that piece of property brought into the UGB. The staff had analyzed the property with regard to the Comprehensive Plan and the statewide land use goals. He stated they received comments from DLCD after the Planning Commission hearing. The Planning Commission staff report addressed the goals found in the Canby Comprehensive Plan and the City Council staff report addressed the statewide land use planning goals.

Mr. Chiavarini listed the seven factors that the State wanted to see which were (1) demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC

goals, (2) need for housing, employment opportunities, and livability, (3) orderly and economic provision for public facilities and services, (4) maximum efficiency of land uses within and on the fringe of the existing urban areas, (5) environmental, energy, economic and social consequences, (6) retention of agricultural land as defined, with Class I being the highest priority and Class VI the lowest priority, and (7) compatibility of the proposed urban uses with nearby agricultural activities. He said the Planning Commission felt the property was going to be a good candidate to be considered during the upcoming periodic review, they felt the timing on the application was inappropriate. In addition, the environmental, energy, economic and social consequences, they felt that since the issues were included in the Comprehensive Plan and the issues of wetlands and flood plains were raised, that was another reason they recommended denial on the particular application. He pointed out the wetland and flood plain issues were dealt with during the time of development. He said by approving the application, the City Council was not saying the property could not be developed. He noted they were proposing to provide manufactured housing which would, in a way, help with Canby's affordable housing.

He explained all of the necessary utilities were currently in place to service Village on the Lochs and this property would be able to tap into those same lines.

Mr. Chiavarini explained the Council had two options, they could agree with the Planning Commission's recommendation and deny the application based on the issues and findings that were presented in the staff report and the findings of the Planning Commission public hearing, or they could find the concerns of the Planning Commission pointed out in the staff report and the findings of the Planning Commission public hearing do not outweigh the benefits of allowing the property to be included within the UGB and developed at this time.

Mayor Taylor wanted to clarify that on page 29 of the packet, under Findings and Reasons, the Planning Commission deliberated on this issue and not the City Council, Mr. Chiavarini agreed.

Applicant: Pete Kelley, resident at 840 NE 10th, was representing Brian Fetters, who was the owner of Village on the Lochs. Mr. Kelley wanted to know how he could get that parcel of land into the UGB so that it could be annexed. Mr. Kelley said that in his research, he found the difference between the City and County maps. He noted there was a letter in their packet from Mike McCallister, Planner for Clackamas County Land Use and Environmental Planning Division, wanting to see the situation taken care of. Mr. Kelley had spoken to Mr. Steve Bowman from LCDC and he agreed, so they decided the best way to go about it would be an amendment to the Comprehensive Plan.

Mr. Kelley explained the property would not go out of the UGB. He read a statement out of the Comprehensive Plan which stated the reason the parcel of land was left out was because it was so far from the central core of facilities available, he said it was more important to increase the number of manufactured housing units from 118 in 1980 to 2136 by the end of this period. He explained that manufactured housing was less expensive than stick built homes. He said the periodic review was coming up and he felt the additions to the UGB was not going to cause any

problems. He explained the periodic review would take two to three years, so why wait.

Councilor Harris asked how the land was being used right now. Pete Kelley said it was not being used at the present time.

Pete Kelley explained the property sits adjacent to Village on the Lochs, which already had sewer, electricity, and telephone lines.

Opponents: None

Mayor Taylor closed the hearing at 8:10 p.m.

Questions: Councilor Harris said the property was flat but the Planning Commission had concerns about possible wetlands. He wanted to know if it was the same level as Village on the Lochs.

Clint Chiavarini stated it was the same level as Village on the Lochs before it was developed. He said Village on the Lochs needed to be raised in order to bring it out of the flood plain.

Councilor Harris asked if it was part of the flood plain? Clint answered that the applicant stated that it was not.

Mayor Taylor wanted to clarify what they were trying to decide on this evening. He said they were trying to decide whether to bring that piece of property inside the City UGB or not at this time.

Councilor Lucas said whether it was a wetland or in a flood plain is something the Council did not have to decide on this evening. He felt it was the best use for that piece of property, he said it should be within the UGB, but the problem he had was when they go into periodic review, he said nobody knew how many other parcels of land there were like this one that wanted to be brought into the UGB.

Mayor Taylor asked if they had an idea of how many parcels of land there were like this one?

Mr. Chiavarini said he really did not have an idea of how many there were, he stated there was a possibility that other parcels would want to be included into the UGB as well.

Councilor Harris said if there were other parcels and the owners wanted to go through the same application process, what would they lose in doing so.

Mayor Taylor said the Planning Commission had a concern about being in the middle of Buildable Lands and the Comprehensive Plan adjustment. These same discussions would be taking place then, so now would be an inappropriate time.

Councilor Harris was not sure why the timing would be a problem. He said if there was a reasonable use for the property, what would they lose.

Councilor Nolder said the only hesitation he had was the Planning Commission asked that they wait and let them do the periodic review.

Councilor Daniels agreed with Mr. Harris that if it were just the one piece, it would be nine more houses they could count into the urban housing.

**\*\*Councilor Nolder moved to approve application CPA 98-03 and instruct staff to return with findings as located on page 4 of the report under Alternative 2. Motion seconded by Councilor Lucas, and passed 4-0.**

Mayor Taylor stated the Council had met several times with the Blue Heron Recreation District which would be coming out in the voter's pamphlet and on the ballot will be an opportunity to vote on the regional park.

**NEW BUSINESS: Fees For Use of Park Covered Picnic Areas** - Beth Saul stated that in the past, it was determined to go ahead and charge a deposit for reserving the parks. She said the deposit was to make sure people would clean up after themselves, but there was no way of checking, therefore they return everyone's deposit. She went on to explain, currently when people want to reserve a picnic area, they had to call the Library to make reservations, then they would have to call Canby Kids to see if there were any tournaments going on which would interfere with their picnic. She stated it would be easier for people to call one number which would be Canby Kids, who was willing to do so.

Ms. Saul wanted to make sure the Council understood it did not include reserving the gazebo at Wait Park.

Mayor Taylor asked when someone wanted to reserve the gazebo currently, they called the Library, but eventually she would like the public to call City Hall.

Councilor Nolder asked how the reservation program was currently working and how many reservations they had in a month.

Ms. Saul answered they had about five to six per month. She felt it was worthwhile having a reservation system. She stated she wanted the public to call just one place, learn everything they needed to know about that park, then make the reservation. When people come in to make a reservation, they gave them a sign to post saying they had the spot reserved.

Councilor Harris asked how the reservations worked? When cleanup was required, who cleans it up? Beth Saul answered the park staff did.

Ms. Saul stated Canby Kids felt they could take the reservations without requiring a fee.

**\*\*Councilor Daniels moved that the picnic area and reservation system be transferred to Canby Kids as part of the City's contract with them and that no fees are charged. Motion seconded by Councilor Lucas.**

Mayor Taylor had concerns about removing the fee. He said it would cost whoever had to cleanup, secondly people that live inside the city limits are paying for the parks, the people outside of the city limits are not. He felt there should be a fee for people outside of the city limits.

Councilor Harris asked if Canby Kids collected the fee and the park staff had to clean it up, the City would keep the money. If there was no mess, the fee would be returned to them.

Mayor Taylor said he felt they should charge a use fee that is kept for those people outside of the city limits, the other people would just go through the process and receive their application.

**\*\*Councilor Daniels amended his motion to strike out the words no fee and insert \$10 non refundable fee for outside city residents. Motion seconded by Councilor Lucas, and passed 4-0.**

IGA Between the City of Canby and the Canby Utility Board Regarding Establishing a Protocol as to Requests to Terminate Electric and Water Services - Mr. Jordan stated that on occasion the City needs to have utility services curtailed to a certain residence or business that is out of compliance with the city code. When that was necessary, they must request the Utility Board to go out and physically do that. He stated what the agreement did was insulate them from the legal liability to some degree, and in return there will not be a redundant set of investigations done regarding the legal authority.

**\*\*Councilor Lucas moved that the City Council authorize the Mayor and City Recorder to enter into an Intergovernmental Cooperative Agreement with Canby Utility Board regarding liability in the case of a City request for service disconnection. Motion seconded by Councilor Harris, and passed 4-0.**

Change Order Number 2, Regarding 1998 Street Improvements Project - Mr. Jordan said this was a change to the contract the Council authorized regarding multiple street improvements. He stated there were some needs to place water connections to the developments along N. Pine Street, and the new developments between the Logging Rd. and N. Redwood. He stated they would be authorizing this change order so that the contractor can do that, the work was for the Canby Utility Board which would be reimbursing the City.

**\*\*Councilor Daniels moved that the Council approve Change Order Number Two for the 1998 street improvement project contract with Parker Northwest Paving Company, in the amount of \$13,620, to be reimbursed by Canby Utility Board. Motion seconded by Councilor Harris, and passed 4-0.**

**MANAGERS REPORT:** Mr. Jordan stated they made an offer to a gentleman for the Information Services position and would be starting in late October. They were also doing background checks on two candidates for the Associate Planner position, and they closed applications on the Office Specialist position for the shops and would be going through the interview process shortly.

Mr. Jordan let the Council know there was an incident on North Redwood Street last week. A contractor working for the developers of the two subdivisions between Redwood Street and the Logging Road were connecting into the sewer interceptor, in doing that work, there were two leaks of raw sewage. One spilled out onto some property in the subdivisions that was being developed, the other was mostly contained within the pit itself where they were digging. There was some infiltration of raw sewage into the newly constructed storm water system that falls into the creek where the storm water flows naturally. He stated that all of the appropriate environmental quality agencies were notified. He said if there were any liability for these issues, the contractor would be liable for his actions and the City had fulfilled all of the regulatory duties under the law to notify the appropriate agencies. Fish and Wildlife had examined the stream but had not received any notice back from them.

Mr. Jordan brought the Council up to date on some of the other construction projects that were going on. The top priority was to complete S. Fir Street which was currently being paved, then Knights Bridge Rd., the block between Holly and Grant St., N. Ivy Street would be the third, then Township Road. He stated they would be delaying Township Road until next season.

He stated they had their first meeting with the property owners and the Department of Transportation regarding the Access Management process.

He said the Territorial Road feasibility study was in a three-way partnership with Clackamas County and the Department of Transportation, paying for a consultant to do a feasibility study regarding Territorial Rd. and 99E signalization. The major issue was the elevation, the difference between the railroad grade and the highway. He stated there would be two alternatives which would be signalize the intersection with a design that would cost roughly 1.8-2 million dollars or to close Territorial Road on the north side.

Mr. Jordan stated in the packet there was a letter from Mr. Klem who lived in a development off of N.E. 10th called Fairground Park. His letter was regarding the City sweeping private streets. He said the Council had discussed this matter a couple of months ago and had decided not to sweep private streets in planned unit developments. He asked the Council if they wished to schedule the issue at a later Council meeting.

Councilor Lucas said when they discussed the matter before, he remembered the discussion was that the streets were private and not available to the public. He asked if people could park a car on this street. Mr. Jordan replied there was a parking area that was set for visitors to the development.

Councilor Nolder asked what happened when maintenance needed to be done on this road. Mr. Jordan said the maintenance was the responsibility of the homeowners in those areas.

Mr. Jordan asked if that service was being paid for because they were paying the same level of property taxes as everyone else.

Councilor Harris said Mr. Klem's arguments were straight forward. He asked how often the streets were swept. Mr. Jordan said the downtown streets were swept weekly and the other streets were swept once a month.

Mr. Jordan said Mr. Klem pointed out the street structure was to city standard which allowed for easy street sweeping.

Councilor Nolder asked at their next discussion, if the Council could receive a rough report on how many of the areas had vertical curb, rolled or no curbs at all.

Mayor Taylor asked if they could bring this back to the November 4, 1998 meeting or later.

**COUNCILORS' ISSUES:** Councilor Nolder wanted to clarify a discussion they had earlier regarding only selecting committee members from within the Urban Growth Boundary, the Council agreed.

Mayor Taylor asked about the progress on the pedestrian bridge. Mr. Jordan said the bridge would be delivered and installed in November.

**ACTION REVIEW:**

1. Returning with findings on CPA 98-03.
2. Implementing a new program with Canby Kids regarding park reservations and having a \$10 fee for people outside of the city limits that wished to use the parks.
3. Entering into an IGA with CUB regarding power shut offs for service disconnections.
4. Implementing Change Order Number 2 on behalf of the Utility Board regarding water connections across the Logging Road.
5. Bringing back information and notifying interested parties regarding an agenda item on November 4 or perhaps later on the street sweeping issue.
6. Checking on the reconstruction of Territorial Road.

**\*\*Councilor Daniels moved to go into Executive Session under ORS 192.660 1(d) labor negotiations and 1(h) pending litigation. Motion seconded by Councilor Lucas, and approved 4-0.**

Mayor Taylor recessed the regular session at 9:15 p.m.

Mayor Taylor reconvened the regular session at 10:30 p.m.

**\*\*Councilor Lucas moved to appoint Derek Bliss to the Planning Commission for the term through December 1999. Motion seconded by Councilor Harris, and passed 4-0.**

Councilor Daniels asked to have an updated copy of the committee list.

Mr. Jordan stated he received two proposals on the feasibility study and plan. One was from Charlie Kupper, which came in at around \$17,000 and Jeff Tashman who was approximately at \$22,000. He asked the Council how they wanted to proceed. The timeline he was working with was January 1, 1999 which was the assessment date, he found out technically they had until September 20 of next year.

Mr. Jordan recommended the Council choose Charlie Kupper to do the feasibility study and plan and the Council agreed.

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

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**EXECUTIVE SESSION  
OCTOBER 7, 1998**

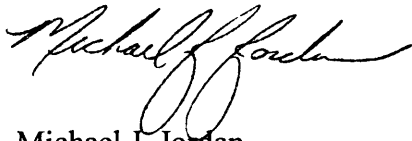
PRESENT: Mayor Taylor, Councilors Daniels, Lucas, Nolder, Harris, City Administrator and City Recorder Mike Jordan, and John Kelley.

Mayor Taylor called the session to order at 9:20 p.m.

ORS 192.660 (1)(d) - The Council discussed Police Negotiations.

ORS 192.660 (1)(h) - The Council discussed Meza and Whitman Litigation.

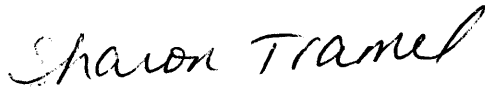
Mayor Taylor adjourned the session at 10:30 p.m.



Michael J. Jordan,  
City Recorder pro tem



Scott Taylor,  
Mayor



Prepared by Sharon Tramel  
Office Specialist