

CANBY CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 1, 1995

Mayor Scott Taylor presiding. Council members present: Dennis Nolder, Roger Harris, Terry Prince, Cheryl Stark, Shirley Strong and Walt Daniels.

Also present: Administrator Michael Jordan, City Attorney John Kelley, City Recorder Marilyn Perkett, Assistant Planner Jim Wheeler, Police Chief Jerry Giger, Bruce Henderson, Chris Cocker, Wendie Kellington, Donna Jean McManamon, Dan Stoller, Gertrude Thompson, Joan Jones, Turid Owen, Ray Hoen and Cam Sivesind.

Mayor Taylor called the session to order at 7:30 p.m., followed by the flag salute and a moment of focus.

Roll call of the Council showed a quorum to be present.

**MINUTES OF PREVIOUS SESSIONS:** \*\*Councilman Prince moved to approve as distributed the minutes of the Workshop Session, October 11, 1995 and Regular Session, October 18, 1995. Motion seconded by Councilwoman Stark and approved 6-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Donna Jean McManamon addressed the Council regarding her letter of resignation from the City Budget Committee that was read at the last meeting and some comments made at that time. Mrs. McManamon presented the audience with a bowl of her famous "dog food" and presented each Councilperson with a bag of the same, Mayor Taylor received a bowl of dog food, as well. Mrs. McManamon thanked the Council for allowing her to serve the City on the budget committee and passed out calendars and pens so the "Council would stay on task for the next year."

**PUBLIC HEARING:** ANN 95-01, Deininger - Mayor Taylor opened the public hearing on the annexation application at 7:36 p.m. Mayor Taylor reviewed the annexation hearing procedures.

Mayor Taylor asked the audience how long their presentations would take. The applicant indicated they needed 25 minutes and the opponent asked for three minutes.

Mayor Taylor asked the hearing body if anyone had any conflict of interest regarding the proposed annexation:

Nolder - None and will participate.

Harris - None and will participate.

Prince - None and will participate.  
Mayor - None and will participate.  
Stark - None and will participate.  
Strong - None and will participate.  
Daneils - None and will participate.

Mayor Taylor asked if anyone on the hearing body had any exparte contact or had visited the proposed site:

Daniels - None.  
Strong - None.  
Stark - None.  
Mayor - None.

Prince - had read the article in the local newspaper. Mayor Taylor asked if anyone wished to question Mr. Prince. The applicant said they did not.

Harris - None.

Nolder - he has passed by the site on several occasions. The applicant indicated they did not wish to question Mr. Nolder.

Attorney Kelley cautioned the hearing body, stating that the Council has responsibilities from Code Section 16.84. He stated that this issue was heard before the Planning Commission during a public hearing, however, new testimony can be heard tonight in the decision making process. Mr. Kelley pointed out that the Council is to make their decision based on Code Section 16.84.040. He informed the Council that if a decision is made tonight, they should direct staff to make "findings" for the next meeting for adoption. He added that the City is under the jurisdiction of the Metro Boundary Commission, and in fact, the City only makes a recommendation to Metro, they make the final decision.

**STAFF - Jim Wheeler**, Assistant Planner, stated that ANN 95-01, is approximately 45.5 acres located on S.E. Township between the Molalla Forest Road and east of Trost Elementary. Mr. Wheeler pointed out that a bound "supplemental" document had been submitted, along with prior documentation, by the applicant.

Mr. Wheeler noted that a park dedication of approximately 5 acres has been withdrawn and the park specification would be defined in future development applications. He stated that the applicant is proposing to widen and resurface Township Road from S. Ivy to S. Maple, in an amount that would not exceed the Transportation SDC fees, which would be from \$164,000 to \$245,000. Staff suggested the modification for the SDC proposal would be to pay the fees up front, allowing the City to use those funds with County gas tax money, if that measure passes, and any other funds the City may have to improve Township. Mr. Wheeler added that dedications are necessary and work is actually needed to S. Pine, at an estimated cost of \$900,000, which includes right-of-way acquisition. The estimated cost for resurface and widening, as proposed by the applicant, varies between \$67,000 and \$160,000.

The Planning Commission reviewed the application without the supplemental documents which the Council has received. Mr. Wheeler stated that the Planning Commission recommended that the application be denied for the following reasons:

the property is economically viable as farm land;

the phasing of annexation lands should be held to prioritization criteria;

the overburdening of Township Road;

summer demand of water would occur with development; (Since that time, Mr. Wheeler said CUB has applied for expansion of the water treatment plant,)

and would not allow school district to pro-actively plan for the growth with Trost School;

the intersection at Township and S. Ivy will adversely be impacted by the annexation;

there are sufficient A and B lands yet to be annexed; and

insufficient benefit overall to the City to warrant annexation of priority C land at this time.

Mr. Wheeler noted that the applicant had responded to issues of concern in the bound "supplemental" document.

Mr. Wheeler stated under Policy 3, Urban Growth Element, Implementation Measure D, which deals with "out of phase annexation:"

has the appropriateness been proven;

is there a "special benefit to the City overall that would not occur if the phase growth pattern was followed;

no adverse impacts on facilities or services; and

is it appropriate in terms of timing.

Mr. Wheeler said that Policy I-R-A, of Environmental Concerns states that "Canby shall direct urban growth such that viable agricultural uses within the Urban growth Boundary can continue as long as it is economically feasible for them to do so." He further added that Implementation Measure B of the same policy states that the City shall "conduct development reviews such that agricultural operations are regarded as part of the accepted pattern of local land use rather than a nuisance to residents."

Mr. Wheeler said that Policy 1-R-B, Environmental Concerns, states "Canby shall encourage the urbanization of the least productive agricultural area within the Urban Growth Boundary as a first priority." Also, Implementation Measure D, states "review annexation proposals in light of the growth phasing strategies of the Urban Growth Element."

Mr. Wheeler said that the Planning Commission discussed the agriculture issue and found the property does not have a well which limits its agriculture productions. However, a well permit could be obtained and more intense farming is possible. He said the applicant argues that several years are needed to develop economically viable crops, such as Christmas trees or nursery stock. He reiterated that the Council must determine if the property is viable agriculturally.

Mr. Wheeler posed the question, is the annexation area appropriate, when compared to other properties which might reasonably be expected to be annexed. He generalized some pros and cons of the annexation.

ADVANTAGES - Annexation will bring a sizeable amount of Transportation SDC money, without the annexation money improvements to Township would be less for the short term.

Easily developable land will become available for single family homes, approximately 203 single family lots would be available, which is an approximate 2 year supply.

The housing prices would be at a more affordable level.

DISADVANTAGES - Annexation of priority C land, unless explicitly justified, will open the way for other priority C land to be annexed ahead of A and B lands. He cited the Faist Property as an example. If the Faist's were to request annexation, what would make their request different from this current request. Mr. Wheeler stated that 80.8% of priority A and B lands have yet to be annexed to the City.

Annexation of the property would create an unbalance between annexation of residential and commercial lands.

Annexation would further the unbalance of geographic annexation in the City, there have been a number of annexations in the S.E. quadrant of the City.

The pressure would be "off" to annex priority A and B lands, if this C parcel were annexed.

Resurfacing of Township Road, without the gas tax, is only a temporary solution, the existing subsurface rock needs to be done. Even with the proposed gas tax, the widening could not be developed, and he added that, at best, an incomplete road improvement would occur.

Mr. Wheeler said the Council must decide the following:

1. Is there a special benefit to the City overall as a result if the annexation did not occur, and if the phased growth pattern were to be followed;
2. Is the annexation appropriate in terms of timing for growth and development.
3. Is the annexation of this specific area appropriate compared to other properties which might reasonably be expected to be annexed to the City.
4. Is the property viable as an agricultural use.

Mr. Wheeler stated that if the Council determines that the Township improvements, in coordination with the County gas tax monies, is a special benefit and all of the other issues are in favor, then he recommends that the Council continue the matter until after the next meeting for the results of the County gas tax measure.

He added, if the Council recommends approval, then the following recommendations should be considered:

1. The property will be zoned R-1, upon annexation;
2. All development and recording costs to be borne by the developer when the property is developed;
3. All City and service provider regulations are to be adhered to at time of development.
4. The Transportation SDC monies for the development are to be paid prior to approval of development permits.

QUESTIONS - Councilman Prince asked where the 2 acre park parcel dedication would be located, and would it be in lieu of SDC money. Mr. Wheeler said it is not certain at this time of the location. He added that park dedications have been allowed in lieu of SDC money, he cited Cedar Ridge, Township Village and Redwood Meadows as allowing partial and full credits for land dedications.

Councilman Daniels asked if the advantages of a PUD would be, specifically lot size and street maintenance. Mr. Wheeler said it varies, however some PUD's have privately maintained streets and smaller lots and open space are usually allowed, with a more flexible design.

Mayor Taylor noted that the Council should not worry about design, only the annexation at this time.

**APPLICANT:** Bruce Henderson, Senior Environmental Planner with David Evans and Associates, said he was project manager for the annexation application. Mr. Henderson expanded on the benefits:

1. S.E. Township would be widened and improvements to existing area, between Ivy and Maple. He said if the underlay of base rock in the center is not sufficient, the applicant is willing to put in the base rock throughout, as a special benefit.
2. The previous 5 acres offered as a public park, is not sufficient for a stand-alone wild life area, therefore the public park is a design issue and the applicant is offering a **minimum** of 2 acres and is willing to work with the City on the issue.
3. The annexation will provide a balance of residential needs for the City. He cited the industrial development of 520 acres north of the property, and this facility will offer residential plans for that area and a recreational complimentary use for residents of the area and access through Trost School.
4. The advanced financing benefit is reimbursement of a shared portion of costs, which will be triggered by the development.
5. Half-street immediately on the frontage road of S.E. Township. He added that growth is targeted to this area to the east, and the improvement of Township Road is vital for this growth.
6. This is a "urban village" concept and offers a variety of sizes of houses and costs.
7. HB 2709, recent new legislation, will be satisfied by this annexation.

Chris Cocker, Planner with David Evans and Associates, said he would respond to the City's Findings.

Mr. Cocker pointed out that in this quadrant, the A land has been developed, the B land has disappeared and next door, the Trost School, C land has been developed. Due to the development of the school and industrial area, their proposal has ended up with infrastructure. He said if the decision was to be solely on prioritization of lands to be annexed, and all A land has been annexed in the S.E. quadrant, then no other annexation would take place. He noted there is no priority B land in the area. He stated there is a school and an industrial area and these are excellent reasons to support annexation of the proposed land.

Mr. Cocker said if the City annexed the A and B parcels in other quadrants, then the results will be fragmented parcels, since 85% of the A and B lands are under 5 acres pieces,. He said the piece-work development often turns into "urban sprawl." A lack of flexibility comes with

annexing small parcels. He noted that to meet Canby housing needs, A and B properties must be ready to be developed. Mr. Cocker said only one parcel was listed for sale of 1.5 acres a week ago, in the priority C lands and this is an indication that priority A and B lands will be slow to annex, and in small parcels.

Mr. Cocker said that HB 2709, requires that Canby will continue to provide a diversity of housing.

Mr. Cocker stated that with approval of the application, the site would not be ready to be constructed until 1997 in a phased growth process. Mr. Cocker added that this type of planning and foresight makes it attractive for industrial businesses to located in the adjacent industrial park.

Mr. Cocker said their urban village concept will allow for a diversity of densities, housing types and housing affordability.

Mr. Cocker said there are existing and future uses around the property which limits the agriculture use and viability of the site. This land is in the UGB and due to the years that it would take to make crops profitable, it is not a viable option. Mr. Cocker stated that the City Comprehensive Plan developed in the 80's does seek to preserve agriculture land, however, he added, "not forever."

He pointed out that Canby is close to the end of the planning period of that schedule to be used for growth purposes. Because of timing the property becomes less viable for agricultural uses. Therefore, the annexation is appropriate in terms of timing for the growth and development.

In regards to the METRO Neighboring Cities study, the City helped sponsor the study and his firm assumed since the City helped pay for the study, this represented a "co-authorship." And, that some kind of consensus had been reached regarding the METRO plan. He added that the study shows the growth to be extended eastward. He further noted that the City UGB is about one-half mile east, past the Deininger Farm site.

Mr. Cocker said the annexation would provide half-street frontage improvements on Township which will provide a significant link to the industrial site.

In regards to school capacity, Mr. Cocker said, using the lowest possible figure, there is still 658 seats available in the district. The school district and other service providers have stated there is additional capacity beyond what this development will require. And, the phased development will allow additional school capacity planned for and put in place. Therefore, the annexation will have no impact on the City's public facilities and services.

He pointed out that the Transportation System Plan has proposed that the improvements on Township from Ivy to Pine is a long term project to occur sometime before the year 2014.

Their annexation will provide, as an interim measure, the widening and upgrade, with an added understanding that the applicant will add the base rock, if needed. He maintained this is a special benefit.

He reiterated that they will meet, at a minimum, the 2 acre park dedication, this is also a special benefit.

Wendie Kellington, attorney for the applicant, asked for ten minutes, realizing the applicant is over the agreed time frame. Mayor Taylor agreed to her request.

Ms. Kellington handed out a brief so the Council could follow along with her comments. She said the proposal meets all of the 8 standards, and more. Ms. Kellington addressed some of the standards:

1. Compatibility with the Comprehensive Plan and policies relating to the urban growth boundary

She stated that the prioritization of A, B and C lands is merely a general standard and in fact the City has annexed "C land before. She said that Willowcreek was both B and C lands, and the Trost School was C land.

Special needs: She stated that the City's Comprehensive Plan and statutory requirements makes growth inevitable. Ms. Kellington said that HB 2709 is providing an avenue to expand the UGB, and she stated that the City does not have an adequate distribution of kinds of land available for development, and the City can't provide for a mix of housing. She stated that the City needed to expand the UGB. Ms. Kellington said this proposal provided the City with the special needs.

Ms. Kellington noted that the Comprehensive Plan sets up a 20,000 population projection within the next few years. She pointed out that in regards to the Northwood Investments Findings, the Council made findings that there is a need for additional housing within the City of Canby. She further pointed out that in the Northwoods case:

"the Council finds the UGB should be amended notwithstanding the fact that Class II agricultural land will be devoted to urban use; and opponents to this request raised the issue of the loss of prime agricultural land"....."the Council finds that the loss of prime agricultural land on this site is outweighed by other Comprehensive Plan policies which call for the development of the site."

She said she agreed with those findings and the City does not have enough residential land available to accommodate the growth needs.

Ms. Kellington said the Comprehensive Plan indicates that 5,255 persons are expected



to be employed on the 395 acres of land by the year 2000. She added that this is the area where the applicant's property is located. Therefore, this is a timely need being met, and they can walk or bicycle to work from the proposed annexation site.

She added that since the City annexed C property for the Trost School, there is obviously not an adequate amount of A and B lands for development. Also, urban facilities and services are available to the proposed property.

2. Compliance with other applicable city ordinances or policies.

She felt the agriculture argument was not appropriate and stated that the Oregon Administrative Rules specifically exclude from the definition of agricultural land, land that is included within the UGB. In addition, the EFU-20 has been described as a "holding zone within the Urban Growth Boundaries of cities which are outside of the regional urban growth boundary".... which was done in the City of Canby Nelson/Ellickson Annexation. She said that EFU-20 is the current zoning of this property and does not maintain it for agricultural purposes.

She added that when the state sets a requirement, local governments are not in a position to make a more strict requirement. Ms. Kellington said this is not a threat, only a comment so the Council will know of their strong feeling that this should not be considered agricultural land

3. Compatible of City and other affected services.

Ms. Kellington stated that there are adequate service for the area..

She added that the school has indicated there is adequate capacity. Also, HB 2501 states that school capacity cannot be the basis for denial of residential development, and the schools are planning for this legislation. Also, the Carus school space is available to the school, as well.

In respect to HB 2709, she urged the City to take the first step to comply with the legislation by taking in this annexation.

Ms. Kellington stated, "you can grow tomatoes on the moon" and you can truck in water to make the property a farm use. However, none of us would grow tomatoes on the moon and none of us would spend the money to make this property agriculture land under any standard that is applicable, it is a land planned for residential use.

QUESTIONS: Councilman Prince asked if we were to be at 20,000 population in the year 2014. Mr. Wheeler said when the plan was originally adopted it was 20,000, and in the 1988 update of the Comprehensive Plan the determination was that the UGB was adequate for the population of 20,000, for a 20 year period.

Councilman Prince asked about the A and B lands. Mr. Wheeler said there is a total of 458 acres of A and B land with 7 parcels larger than 10 acres.

Councilman Prince asked if HB 2709 would be addressed at the next review. Mr. Wheeler said that was a correct assumption, which is 1997-1998.

Councilman Prince asked if the Northwood Annexation was overturned by the Boundary Commission. Mr. Wheeler said it was remanded back to the City and LUBA said there was justification for 12 acres to come into the City. The Northwoods application has not proceeded since that time. Ms. Kellington noted this was a UGB decision by LUBA.

Councilman Prince stated that the HOPE project is now coming on line, he added that things change rather quickly. He added that A and B land could come in next year.

Ms. Kellington said she was only referring to what is available right now, and she added that should be the concern for the future. She further added that smaller annexation parcels do not bring in park area, then you need to take park area with condemnation. She said their proposal is close to schools, it is big enough to plan for various housing and affordable housing, it provides the City with opportunities now.

Attorney Kelley asked how the City should react to applications, should the City say developers can't build upscale homes, and perhaps multi-family buffers and low income housing be required. He asked if the City had the authority to do that. Ms. Kellington said the City has a pre-application conversation process and there is no reason to "fight" with the City. She stated that people want to live in a City that has a diverse housing base. Also, the market drives the urban size of housing. She stated that the ordinance has sections regarding housing mixes.

Bruce Henderson interjected that his firm has talked to the school district and members of the community to find out what will work for the area, and they are trying to bring the urban concept to the site.

Chris Cocker reviewed the A and B available lands: Priority A lands have one site of 38 acres, one of 19.4 acres, then 13 acres, 11 acres and 10 acres. He noted that one site has a successful nursery on it. Mr. Cocker said the B lands have only one site over 10 acres at 11.5 acres. He added that the Deininger site is unique.

**PROPOSERS:** None were presented.

**OPPOSERS:** Ray Hoen, 23350 S. Ward Court, Oregon City, addressed the Council representing two areas, one as the Director of the rural CPO, gathering information for that body; and as an individual resident of Oregon for 50 years, and a real estate broker and appraiser.

Mr. Hoen stated that the problem with Township Road from Ivy to Trost School is the fact that utilities have been put in and taken out over and over in that stretch of road. He added that the road stability beyond Trost School is fine.

Mr. Hoen expressed concern about the first proposal of the 5 acre park. He suggested a small park in the middle of the development similar to the Knott Street park.

He added that residents of the proposal will be commuters.

Mr. Hoen asked if the property is currently on the tax roles as "farm deferral?" He added that if it is not farmable, why would it be farm deferred on the tax role. He then suggested that if there is a farm deferral status and this proposal is approved, then the owner should go back to the very beginning of the farm deferral status and pay the taxes to the present. If this were done, then Mr. Hoen said he would consider it commercial property, available for development.

Mr. Hoen said he was not anti-growth and does have a business in Canby and would like to see more people. He added that his main function is to listen to the happenings so he could report to the rural CPO, so they can report back to the Council with input as a CPO?.

**REBUTTAL:** Wendie Kellington added that four years ago, the family was not interested in selling the property, however, Trost School needed the area and they sold 20 acres to the district for a low price of about \$18,000. At that time the owner thought they were being "nice" in supporting the school proposal and when asked if they wanted to annex, the owners were not interest at that time. Ms. Kellington added that this should demonstrate the "civic minded" attitude of the owner.

Ms. Kellington again addressed the 8 standards from Code Section 16.84.040, and marked each one off of the chart which listed them:

1. Compatibility with the Comprehensive Plan - Ms. Kellington said they had done that one, saying that "generally" you do A and B priority unless it is appropriate to annex C or B first. She reiterated that it is appropriate to annex C now because of tremendous growth pressures and with no methodology available to address those needs.

In regards to back taxes on farm deferral, she indicated there would be some back taxes to pay.

2. Compliance with other applicable City ordinances and policies - She stated that there haven't been any identified. The agricultural land policies did not apply, Ms. Kellington stated that this "honest to goodness isn't agricultural land." She added that, by definition, if it is in the UGB, it is urbanizable and everything outside is rural.

3. Compatibility with service providing entities - she said the school district has declared it has capacity and the City has provided water and sewer in area. The applicant will aid the City with Township Road improvements, therefore this standard has been addressed.
4. Compliance with ORS Section 222 - she said this has been accomplished.
5. Appropriateness when compared to other properties - she added that the only other parcel close to the size of this application is an A parcel of 38 acres and it is a nursery and has not proposed annexation. She said the City does not have anything big enough to experience what will be needed for growth in the next few years, and the City will be in a crises mode.
6. Risk of natural hazards which might occur - Ms. Kellington said there were no natural hazards identified that will affect this property.
7. Effect of urbanization on specially designated open spaces or natural resources- She said the proposal will have a positive impact with the addition of a park, and there have been no natural resources identified in the area to be preserved.
8. Economic impacts resulting from the annexation - Ms. Kellington said the impacts of the annexation will be positive. She added that if the findings from the Trost School decision, Willow Creek decision and the Northwoods decision are correct that the long and short term needs for the City are for more residential areas. Then what happens is a shortage of land makes the prices artificially escalate. When land is annexed then the prices drop. Ms. Kellington said the economic impact from the proposed annexation is not only beneficial but necessary.

Bruce Henderson added, in closing, that this is an ideal piece of property and all documents that have been developed indicate that growth is eastward. He added that one key issue is that over a phased period of time, the SDC's will substantially pay back to the City funds that have been expended for infrastructure. Additionally, the proposed development will help develop Township Road and the frontage area.

Mayor Taylor closed the hearing at 9:04 p.m.

Mayor Taylor stated that he was concerned about the amount of written documentation handed out by the applicants. He stated that when written documentation is handed out to the Council, he wants it in advance.

Councilwoman Strong asked if the subject property is farm deferred. The owner indicated that it was on farm deferral.

Mayor Taylor stated that many of the special benefits indicated by the applicant will come to

the City sooner or later. He noted that even if the land were developed in the year 2010, SDC money would still be collected; the special road work would only equal the same amount as the SDC. Mr. Henderson said the City was in partnership with the County on Township Road, and the developer said that the County indicated that the City has never approached them about Township Road. Mr. Henderson said the County was not aware that they were to participate in repair of Township and had not specified funds for that project. He added that SDC's will come "up-front" not come in over the years.

Mayor Taylor asked if the park dedication, type of development, and residential and recreational needs are a "special designation." The Mayor said he had trouble finding these things to be a special designation. Mr. Henderson replied that the applicant is willing to voluntarily annex land and other lands have not applied, the benefits are needed today and the key is that someone is willing and interested in annexing now.

Mayor Taylor recessed the session at 9:10 p.m., reconvening at 9:15 p.m

Attorney Kelley cautioned that the ordinance provides that the Council shall give "ample" consideration to the criteria, which were the 8 standards posted and addressed throughout the testimony of the hearing.

Councilman Nolder commented that he had a difficult time understanding that the City will reach a crises point if this property is not annexed. He added that there is still a large amount of A and B property to be annexed, and he felt the City should follow the Comprehensive Plan and stay with the priority schedule. Mr. Nolder said the Planning Commission did a good job in preparing their findings regarding this annexation.

Councilman Daniels stated that the Trost School property, Class C, was annexed because of the need for the school. He added that there are many A and B parcels that can be annexed. Mr. Daniels further stated that Township Road should be considered for improvements with cooperation from the County.

Councilman Harris stated that the Planning Commission did a good job in considering the application, and staff preparation was excellent. He noted that 468 acres of priority A and B lands are yet to be annexed, and there are an additional 300 living units approved , and 203 are single family lots. He suggested that Township Road would need extensive improvements to handle the traffic for an additional 209 homes, and he didn't consider this to be a special benefit. Mr. Harris said the idea of having a 2 acre park in the area will benefit the people using that park, not a special benefit to the City.

Councilwoman Stark added that the Planning Commission did a good job. She expressed concern that if this land was not farmable land, and they are being told they have to farm it, this takes away the rights of the owners. She expressed mixed concerns at this time.

Councilwoman Strong was concerned about it being a special benefit regarding the proposed

improvement of Township Road. Mrs. Strong said the intersection of Township and Ivy already has a problem and this would enhance that problem. She added that the Council should give consideration of A and B lands prior to annexing priority C lands.

Councilman Prince said the proposed improvements to Township is not adequate and doesn't address the Township and Ivy intersection problem; it doesn't acquire the additional needed right-of-way, and it doesn't add a new base to the road throughout the length needed. He added that the SDC's money is not a special benefit, it would be the same that anyone would be required to pay. In regards to preservation of agricultural lands, Mr. Prince stated that the City plan is compatible with the State Goal # 3 and is appropriate criteria in considering an annexations. He added that this was a farmable area, whether they choose to farm it or not. He further stated that the City should maintain viable farmland

Councilwoman Stark asked if the decision would be continued until after the County election regarding the gas tax. The consensus was that a gas tax issue would not matter in the decision process.

**\*\*Councilman Nolder moved to recommend to the Metropolitan Boundary Commission to deny the annexation application 95-02, Deininger Farms and direct staff to prepare findings to support this recommendation. Seconded by Councilman Harris.**

Councilman Daniels suggested that the motion be amended to include that the recommendation be based on the following:

1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions or policies relating to the Urban Growth Boundary;
2. Compliance with other applicable City ordinances or policies; and
5. Appropriateness of the annexation of the specific area proposed, when compared to other properties which might reasonably be expected to be annexed to the City.

Mayor Taylor asked Mr. Wheeler if he had enough information to make findings, and he indicated he did, along with Commission Findings, and Councilors comments.

**\*\*Councilman Nolder, maker of the motion and Councilman Harris, the second, agreed to the amendment suggested by Councilman Daniels. The amended motion was approved 5-1, with Councilwoman Stark voting nay.**

Mayor Taylor recessed the regular session at 9:36 p.m., reconvening the meeting at 9:40 p.m.

**COMMUNICATIONS:** Letter from Linda Mihata - Mayor Taylor read a letter from Linda Mihata tendering her resignation from the Planning Commission, effective December, 1995. Mayor Taylor thanked Ms. Mihata for her past service to the community on the Commission.

Councilman Prince echoed Mayor Taylor's comments about Commissioner Mihata, and added that she tried to preserve the quality of life in Canby.

**NEW BUSINESS:** Accounts Payable - \*\*Councilman Daniels moved to pay accounts payable in the amount of \$133,835.99. Motion seconded by Councilwoman Stark and approved 6-0, by roll call vote.

Appointments - A memo was reviewed pointing out the vacancies on the Budget Committee, Planning Commission and Traffic Safety Committee.

\*\*Councilman Harris moved to appoint Teri Duncan and Alice Merrill to three year terms on the Traffic Safety Committee. Motion seconded by Councilman Daniels and approved 6-0.

**ORDINANCES & RESOLUTIONS:** None presented.

**UNFINISHED BUSINESS:** SUB 95-04, Findings - Jim Wheeler reminded the Council that these findings were drafted after the Council overturned a Planning Commission decision regarding Township 8, and specifically requiring a right-of-way dedication for the westward extension of S.E. 10th avenue to Ivy Street.

\*\*Councilman Daniels moved to accept the Findings, Conclusions & Final Order of SUB 95-04, Township Village 8 as presented. Motion seconded by Councilman Nolder.

**DISCUSSION** - Councilman Prince stated that since no light is required for the proposed intersection onto Ivy and S.E. 10th; it was not a part of the entire phase of planning for Township Village; and the people living in the area will be affected by the traffic, he felt this was not appropriate action.

\*\*The motion to approve SUB 95-04 Findings was approved 5-1, with Councilman Prince voting nay.

**MANAGER'S REPORT:** Administrator Jordan reported briefly on the following issues:

1. The Downtown Revitalization Group is currently studying financial strategies, components are grant programs such as tourism programs, Mt. Hood Alliance program which targets tourism, software development and agriculture, and the third program they are reviewing is the RIF, the Rural Investment Fund, dedicated to communities not within the major UGB areas.
2. Mr. Jordan has been involved in meetings with the RPEG Water Study group.

This south metro area group is reviewing the Tualatin Valley District's interest for a water treatment plant in the Canby area.

3. The Clackamas County Home Rule Charter Committee has scheduled 9 meetings throughout the County. The Canby meeting will be NOVEMBER 14, 1995, IN THE CHAMBERS, 7:30 p.m.

4. One of the City parks employee has quit, Rafael Meza, the City will seek a replacement.

5. Mr. Jordan stated that he has made an offer to an applicant for the Planning Director Position.

6. Last week, Mr. Jordan met with administrators from CUB, CTA, Fire District and the school district trying to create a better communication pattern for the agencies. These agencies will meet for the next few months to try and develop a program.

**COUNCILORS' ISSUES:** Councilman Harris asked about a letter from a citizen regarding the City's non-action about a violation regarding a storage yard. Mr. Jordan said that staff, including Mr. Kelley and the Code Enforcement Officer have addressed the issue.

Councilman Nolder noted that Clackamas is the nearest DEQ test station site to Canby, he stated that Canby is still pursuing the possibility of becoming a test site. Also, Representative Grisham is aiding the City in this process.

Councilman Prince stated that on October 30th, a meeting was held with the school board and Planning Commission to talk about capacity issues. He reported that the meeting was very successful.

Councilman Prince asked if City staff has been experiencing computer problems. Mr. Jordan stated that in the process of networking there have been some problems, and at this time Polar, a computer firm, and Ken Hagen have been working on the computer issues.

Mayor Taylor suggested that a workshop session be scheduled to review the computer issues.

**OTHER REPORTS OR ANNOUNCEMENTS:** Mayor Taylor complimented Jim Wheeler on his presentation on the annexation issue this evening.

Mayor Taylor read a letter from the Traffic Safety Committee thanking Roy Hester for his assistance with various issues.

**ACTION REVIEW:**

1. Forwarding Findings for the Annexation to METRO.
2. Notifying Teri Duncan and Alice Merrill of their appointment to



the Traffic Safety Committee.

3. Send a letter of thanks to Linda Mihata for her service on the Planning Commission.
4. Implementing the Findings for SUB 95-04, regarding Township Village 8.

**\*\*Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(e), regarding real property and (1)(h), regarding litigations. Motion seconded by Councilwoman Stark and approved 6-0.**

Mayor Taylor recessed the regular session at 10:13 p.m. to go into Executive Session. The regular session was reconvened at 10:28 p.m. and immediately adjourned.

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**EXECUTIVE SESSION  
NOVEMBER 1, 1995**

Present: Mayor Taylor, Councilors Prince, Nolder, Harris, Stark, Strong and Daniels, Administrator Jordan, John Kelley, Sarah Jo Chaplen and Cam Sivesind.

Mayor Taylor called the session to order at 10:17 p.m. in the conference room at CUB.

192.660 (1)(h) - The Council discussed the Rinkes vs. Canby case; and the Kahut case at LUBA.

102.660 (1)(e) - The Council discussed the possible purchase of the S.P. parking lot property.

Mayor Taylor adjourned the session at 10:23 p.m.

  
Marilyn K. Perkett  
City Recorder

  
Scott Taylor  
Mayor