

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
October 17, 2018**

PRESIDING: Mayor Brian Hodson.

COUNCIL PRESENT: Tyler Smith, Greg Parker, Traci Hensley, Tim Dale, Tracie Heidt, and Sarah Spoon.

STAFF PRESENT: Rick Robinson, City Administrator; Joseph Lindsay, City Attorney; Bryan Brown, Planning Director; Jennifer Cline, Public Works Director; and Kim Scheafer, City Recorder.

OTHERS PRESENT: Nina Carlson, Scott Vandecoevering, Patty & Curtis Green, Hannah Ray Lambert, Cathy Rae Smith, Rick Givens, Greg Perez, Roger Steinke, Carol Rosen, Shirley & Jeff Hollar, Carolyn Adkins, Darren Gusdorf, Nancy Hamilton, and Shawn Varwig.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:00 p.m. in the Council Chambers followed by the opening ceremonies.

Presentation by NW Natural Gas – Nina Carlson, NW Natural Gas, gave a PowerPoint presentation on climate change and carbon. She discussed greenhouse gas emissions and NW Natural's goal of 30% carbon savings by 2035. She explained how carbon would be reduced by making changes to NW Natural's practices and technology, getting efficient equipment in customer homes, and using new CNG engines and alternative fuel for heavy duty vehicles. This was being promoted through a campaign called Less We Can.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Hannah Ray Lambert, Canby resident, spoke about CTV5 and how up until a year ago anyone could produce and air original content. She volunteered at CTV5 in the past and wanted to do so again, however neither she nor any other volunteer could access the station. She had sent dozens of emails and phone calls to the interim executive director requesting studio time, but the messages had not been answered or the answers were vague with no resolution. She had reached out to the chair of the Board of Directors and they had said they hoped the studio would be available in the next few weeks, but nothing had happened after several months. She had even gone to the Mayor and still had not heard anything. The interim executive director was using the studio for his own work, but it was supposed to be available to the public. She was asking the Council to return the station to the public.

Mayor Hodson apologized as he had not had time to meet with CTV5.

Councilor Spoon would also reach out to the Board for a solution.

Rick Robinson, City Administrator, clarified that the Council and Mayor did not have any authority over CTV5, only the Board did. The City contributed to CTV5 to air Council and Planning Commission meetings.

Patty Green, Canby resident, spoke about her concerns with Project Shakespeare. It was going to be a large building which would be located across from her property. She thought it would increase traffic

and the infrastructure would not be able to handle it. It would also impact the water system.

Mayor Hodson said this was a project in conversation for a company who was looking to build in Canby on SE First and Mulino. They would have to make sure all of the services were adequate and met City standards. Improvements to the roads would also be addressed. He recommended contacting the Planning Department with these concerns.

Cathy Rae Smith, Canby Garden Club, said a few years ago the club got a donation of bulbs which were planted along 99E. They had also planted rose bushes on 99E. On November 17 they would be planting more rose bushes and bulbs on Highway 99E across from NW Furniture Outlet. She was looking for more volunteers to help.

Greg Perez, Canby resident, said a new tradition would be started on November 11 for Veterans Day this year at the Vietnam Memorial. There would be a pig feed afterwards at the American Legion.

MAYOR'S BUSINESS: Mayor Hodson said they received an update on the Metro UGB expansion at the last C4 meeting. King City, Hillsboro, Wilsonville, and Beaverton received approval to move forward with their UGB expansions. He attended the Parks and Recreation Advisory Board meeting where they received a presentation from the Heritage and Landmark Commission. The Park Board had concerns that park employees' time was being spent on other things besides park maintenance. The Public Works Director also shared the RFP for the Park Master Plan update. The Board had several concerns, and the Mayor had asked them to draft a letter to the Council outlining their concerns. On October 22 there would be a Civic Block Visioning Community meeting from 5-7 p.m. in the Dahlia Building.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Smith said the Planning Commission meeting was cancelled last Monday. The Fire Bond measure was being advertised widely. Councilor Parker asked if the RFP for the Park Master Plan was being issued next week.

Rick Robinson, City Administrator, said yes unless he received direction otherwise.

Councilor Hensley spoke about the FIDO pet food bank. The Suicide Prevention Taskforce had been busy. She attended a listening session put on by the County. The Rotary had done a Tour of Italy dinner fundraiser. Profits went to the Taskforce. Cutsforths was doing the Taste of the Seasons tomorrow night. They were recommending a \$5 donation which would also be given to the Suicide Prevention Taskforce. On November 12 from 7-8 p.m. there would be training in the Willamette Room on the basic symptoms of mental illness particularly focusing on depression.

Councilor Dale stated Canby Utility had adopted a 10% increase on hook-up and installation fees for meters and laterals. They did not increase SDCs. The grand opening of the new Canby Utility facility would be on Friday at 11:00 a.m.

Councilor Heidt said a thank you event for the Canby Independence Day volunteers would be on October 29. The Library Board wanted to expand the Board from five to seven members to have a high school member and an unincorporated area representative. They had an outreach van going around the community. They would like to lower the library card age from 18 to 14. Melissa Kelly, former Library Director in Canby, was now the Library Director in Lake Oswego. The Library Donor Board had been installed. Bridging Cultures Thanksgiving Dinner would be held on November 17 and they were holding English classes as well. She read a statement about Canby Area Transit's project list for the Statewide

Transportation Improvement Fund program. The list was approved, and the funds would be received in July. CAT was also trying to recruit a Spanish speaking Transit Advisory Committee member. Flyers had been distributed around the neighborhoods before Homecoming to remind people about the fireworks. She attended the film festival, Rotary Tour of Italy, and Canby Education Foundation Taste of Autumn.

Councilor Spoon said on October 22 there would be a SW Canby Neighborhood Association meeting in the Hope Village Community Room. A small citizen group got together and put some voter information together in Spanish. The Halloween Spooktacular would be on October 31 from 3-6 p.m. Hot Rod Dreamworks held a scarecrow contest. Voter ballots were mailed today.

CONSENT AGENDA: The minutes from the October 3, 2018 City Council Regular Meeting would be on the November 7 City Council agenda for approval.

PUBLIC HEARING: ANN 18-03/ZC 18-03 (ICON Construction) – Mayor Hodson read the annexation public hearing format.

Conflict of Interest

Councilor Smith – No conflict. He coached the applicant's son, plan to participate.
Councilor Parker – No conflict, plan to participate.
Councilor Hensley – No conflict, plan to participate.
Councilor Dale – No conflict, plan to participate.
Councilor Heidt – No conflict, plan to participate.
Councilor Spoon – No conflict, plan to participate.
Mayor Hodson – No conflict, plan to participate.

Ex Parte Contact

Councilor Smith – No contact.
Councilor Parker – No contact.
Councilor Hensley – No contact.
Councilor Dale – No contact.
Councilor Heidt – No contact, drove by the site frequently.
Councilor Spoon – No contact.
Mayor Hodson – No contact.

Staff Report: Bryan Brown, Planning Director, said this was a request for annexation and a zone change to R-1. The property included three tax lots totaling ten acres. He gave details about the site and explained N Pine right-of-way would be included in the annexation. He then discussed the review criteria and how the application met all of the criteria and policies. This property was an island surrounded by developed property within the City and there were many benefits to annexing it. He reviewed the future subdivision plan with low density single family home lots. The property was in a defined development agreement area and the applicant had provided a Development Agreement that guaranteed critical street connections and improvements to Oak and Pine streets adjacent to the property as well as the necessary utility connections. The Planning Commission recommended approval of the application.

Councilor Parker noted the population growth projections were expected to be slower over the next 15 years than they had been in the past ten years.

Mayor Hodson opened the public hearing at 8:21p.m.

Applicant: Rick Givens, Planning Consultant for ICON Construction, said the property was surrounded by the City limits. Annexation of this property would provide needed housing, would connect the street network, and would loop the water system. They anticipated that all of the lots would be standard 7,000 square foot lots.

Councilor Heidt asked if the pedestrian path that connected to Pine would become a future street. Mr. Givens said no, because of the location of an existing house it would be a cul-de-sac and a pedestrian/bike path connection. There was not a need for a street in that location.

Proponents: None.

Opponents: None.

Rebuttal: None.

Mayor Hodson closed the public hearing at 8:24 p.m.

Councilor Spoon asked if the applicant had to get access to City sewer a few years ago.

Mr. Robinson said yes, and that was one of the reasons for the annexation.

****Councilor Spoon moved to approve ICON Annexation/Zone Change and Development Agreement File ANN/ZC 18-03 pursuant to the recommendation forwarded by the Planning Commission, including the proposed Development Agreement. Motion was seconded by Councilor Hensley and passed 6-0.**

RESOLUTIONS & ORDINANCES: Resolution 1299 – Jennifer Cline, Public Works Director, said in July they had increased the street tree fee to \$500 in hopes of doing a larger street tree program that had not come to fruition. At this time they were requesting to reduce the fee to \$250 which represented what they were spending. They would also be reimbursing anyone who paid the \$500 fee.

Mr. Robinson said the initial intent was to do a more robust program, but they found they were ahead of the construction community and it was appropriate to step back and get more public feedback and Council direction first.

Councilor Smith discussed the street tree ordinance and how there was no requirement for street tree maintenance after one year.

Councilor Heidt asked if there had been a lot of push back regarding the increased fee.

Mr. Robinson said yes, there had not been good communication regarding the new program.

****Councilor Hensley moved to adopt Resolution 1299, A RESOLUTION REDUCING STREET TREE FEES FOR NEW DEVELOPMENT. Motion was seconded by Councilor Heidt.**

Councilor Smith was opposed to this because the street tree program should be adequately funded and the trees maintained for a longer period of time.

There was discussion regarding the current street tree program and the costs for the program.

Motion passed 5-1 with Councilor Smith opposed.

Resolution 1300 – Mr. Robinson said that Mr. & Mrs. Risley were in the process of selling their home on N Redwood and through a septic test found that their septic had failed. They were requesting to connect to City sewer. Two conditions were outlined in a document created in 2001 which explained the terms for these types of connections. It was allowed if it was a potential health or environmental hazard or a promise of the property owner to annex within a two year period. The County was in support of the request and staff recommended approval.

Councilor Spoon asked what would happen if they didn't annex within two years.

Mr. Robinson said the City could compel them to annex if necessary.

Councilor Parker asked if the applicant was paying the full cost for the sewer line.

Mr. Robinson clarified they were.

****Councilor Smith moved to adopt Resolution 1300, A RESOLUTION AUTHORIZING THE EXTENSION OF MUNICIPAL SEWER SERVICE TO 1751 N REDWOOD STREET - TAX LOT NUMBER 31E27C01502 - LOCATED OUTSIDE OF THE CANBY CITY LIMITS, PURSUANT TO THE URBAN GROWTH MANAGEMENT AGREEMENT BETWEEN CLACKAMAS COUNTY AND CITY OF CANBY. Motion was seconded by Councilor Spoon and passed 6-0.**

Resolution 1301 – Mr. Robinson said when Ms. Cline came on she took over communications with Clackamas County on negotiations for jurisdiction of S Fir Street.

Ms. Cline said there were two resolutions because there were two sections of roadway that the City was going to take jurisdiction over. She was also in negotiations for jurisdiction of S Ivy.

Councilor Heidt acknowledged and thanked the County for this action.

****Councilor Hensley moved to adopt Resolution 1301, A RESOLUTION REQUESTING CLACKAMAS COUNTY TO SURRENDER JURISDICTION OF S. FIR STREET BETWEEN 13TH AVENUE (MILE POINT 0.00) AND THE CURRENT CANBY CITY LIMIT (MILE POINT 0.31), BEING A TOTAL OF APPROXIMATELY 1,609 LINEAR FEET. Motion was seconded by Councilor Heidt and passed 6-0.**

Resolution 1302 – ****Councilor Smith moved to adopt Resolution 1302, A RESOLUTION REQUESTING CLACKAMAS COUNTY TO SURRENDER JURISDICTION OF S. FIR STREET BETWEEN THE CURRENT CANBY CITY LIMIT (MILE POINT 0.31) AND END OF S. FIR STREET (MILE POINT 0.37), BEING A TOTAL OF APPROXIMATELY 330 LINEAR FEET, 40 FEET IN WIDTH. Motion was seconded by Councilor Hensley and passed 6-0.**

Ordinance 1493 – ****Councilor Smith moved to adopt Ordinance 1493, AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 9.55 ACRES INCLUDING 8.91 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 800 AND 900 OF PORTION OF SE ¼, SEC. 27, T.3S., R.1E., W.M. (TAX MAP 31E27DB); AND TAX LOT 601 OF PORTION OF SE ¼, SEC. 27, T.3S., R.1E., W.M. (TAX MAP 31E27AD); AND APPROX. 0.64 ACRES OF ADJACENT NE TERRITORIAL ROAD RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST FIVE ACRE (RRFF-5) TO CITY LOW DENSITY RESIDENTIAL (R-1) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS. Motion was seconded by Councilor Dale and passed 6-0 by roll call vote.**

Ordinance 1496 – ****Councilor Spoon moved to approve Ordinance 1496, AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 9.99 ACRES INCLUDING 9.69 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 3100, 3200, AND 3201 OF PORTION OF SE ¼, SEC. 28, T.3S., R.1E., W.M. (TAX MAP 31E28DD); AND APPROX. 0.30 ACRES OF ADJACENT N PINE STREET RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST FIVE ACRE (RRFF-5) TO CITY LOW DENSITY RESIDENTIAL (R-1) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY to come up for second reading on November 7, 2018. Motion was seconded by Councilor Heidt and passed 6-0 on first reading.**

NEW BUSINESS: – Findings, Conclusions and Final Order ANN 18-02/ZC 18-02 (Cutsforth) – ****Councilor Smith moved to adopt the Findings, Conclusions and Final Order ANN 18-02/ZC 18-02 (Cutsforth). Motion was seconded by Councilor Spoon and passed 6-0.**

Findings, Conclusions and Final Order ZC 18-04 (Busse) – Mayor Hodson read the findings for the denial of this application.

****Councilor Heidt moved to adopt the Findings, Conclusions and Final Order ZC 18-04 (Busse). Motion was seconded by Councilor Dale and passed 6-0.**

ADMINISTRATOR’S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Resolution 1299.
3. Adopted Resolution 1300.
4. Adopted Resolution 1301.
5. Adopted Resolution 1302.
6. Adopted Ordinance 1493.
7. Approved Ordinance 1496 to come up for second reading on November 7, 2018.
8. Adopted the Findings, Conclusions and Final Order for ANN 18-02/ZC 18-02 (Cutsforth).
9. Adopted the Findings, Conclusions and Final Order for ZC 18-04 (Busse).

There was no Executive Session.

Mayor Hodson adjourned the Regular Meeting at 9:08 p.m.

Kimberly Scheafer, MMC
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood