

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
February 7, 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; Bret Smith, Chief of Police; Rod Grafe, Municipal Court Judge; Jamie Stickel, Main Street Manager; Irene Green, Library Director; and Kim Scheafer, City Recorder.

**OTHERS PRESENT:** Irene Breshears, Carol Palmer, Ryan O'Brien, Craig Gingerich, Carol Rosen, Ed Netter, Rod Beck, Tom & Julie Rushton, Tony & Betty Crawford, Tom Scott, Alan & Susan Gallagher, Matt Dale, Chris Waffle, Bob Cambra, Martin Lackner, Louis Boesel, Jerald Bagge, Howard Thomas, Bob Price, Larry & Geanne Horne, Jerry & Brenda Mootz, Levi Levasa, Robert Steinke, Darlene Miller, and Gordon Root.

**CALL TO ORDER:** Mayor Hodson called the Regular Meeting to order at 7:30 p.m. in the Council Chambers followed by opening ceremonies.

Iwo Jima Remembrance Day Proclamation – Mayor Hodson read a proclamation proclaiming February 17, 2018 as Iwo Jima Remembrance Day and presented it to Martin Lackner.

Mr. Lackner introduced Louie Boesel and Howard Thomas who were World War 2 veterans.

Swearing In of Police Officer – Bret Smith, Chief of Police, introduced new Police Officer Allen Miller. Mr. Miller introduced his family that was in attendance.

Rod Grafe, Municipal Court Judge, swore in Allen Miller as a Canby Police Officer.

**COMMUNICATIONS:** None.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Carol Palmer, Chair of the Heritage & Landmark Commission, said they wanted to recognize the women that had left their mark on this community. They chose nine women who were representative of different eras who made a difference. The first Heritage Trail in Oregon dedicated to women would be launched on March 22, 2018 from 4-6 p.m. in the Library. Former Governor Barbara Roberts would be speaking. Peggy Sigler would also be giving a presentation on the Canby Women's Civic Club on March 13.

Tony Crawford, Heritage & Landmark Commission member, said they would be having an essay contest with elementary students to recognize women who inspired them and with older students to recognize women past and present who made Canby a great community. Each student who submitted an essay would become a published author as all the essays would be combined into a book that would be housed at the library. There would be a panel of judges that would be determining essays of distinction and those students would be recognized at the March 22 event and a few of the essays would be read.

**MAYOR'S BUSINESS:** Mayor Hodson served on the proposal committee for the County housing needs assessment. The County was asking each City to let them know what level of engagement they wanted and that would be on a future meeting agenda item. The State of the City Address was delivered at the Chamber lunch yesterday. He was doing an evening presentation of the Address on February 15 at 7:00 p.m. in the Council Chambers. He attended the State of the County Address as well.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Smith asked for a report from Canby Fire. Matt Dale from Canby Fire District said on February 2 the Fire Department wore red shirts in recognition of cardiac risks for women. They were doing a social media campaign to promote the PulsePoint application. They were also involved in a Stop the Bleed campaign where hemorrhage control kits would be located throughout the community. The Fire Board was presented with an in depth review of capital needs for the next 5-10 years and the Board would be meeting on Monday night to discuss how to fund those needs.

Councilor Parker said Main Street was looking for volunteers for the Independence Day Celebration. It had been a week like he had never experienced at the high school due to the recent deaths of two students. The School District had responded well with lots of counselors on site and he appreciated the community support.

Councilor Hensley attended the candlelight vigil at Wait Park for the two boys. She was going to be assisting in bringing mental illness support group meetings to the community. She put a link on her Councilor Facebook page for current support group locations and resources.

Councilor Heidt said the Friends of the Library's annual meeting would be held on February 8. The Library Board would be giving a presentation to the Council at an upcoming meeting regarding the County Master Order. The library had record circulation numbers in January. There was a new cultural pass at the library where you can get into several State parks for free. She attended the Canby School District Board meeting. Enrollment was down in the district. The Superintendent would be looking at homework polices. There was a committee working on reviving Slice of Summer concerts and there was a Bridging Cultures Retreat in January.

Councilor Spoon said Bridging Cultures would be having their annual fundraiser at Zion Mennonite Church on March 10. The Independence Day Committee was looking for volunteers. The parade would continue to be at 10:00 a.m. The car show was moving back to its old space. They were also looking for local musicians. Movies in the Park would be returning this summer. She thanked the first responders in town.

**CONSENT AGENDA: \*\*Councilor Dale moved to adopt the minutes of the January 17, 2018 City Council Regular Meeting and a Full On-Premises, Commercial Liquor License Application for Momiji Japanese Sushi Bar. Motion was seconded by Councilor Hensley and passed 6-0.**

**PUBLIC HEARING:** ANN 17-02/ZC 17-03 Staff Development Co. (22.54 Acres Between S Ivy Street and S Elm Street) – Mayor Hodson read the public hearing statement.

**Conflict of Interest**

Councilor Smith – His law firm had represented Brian Christensen's business but it was not related to this project. He planned 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 – Lived in close proximity to the site and was familiar with the traffic.  
Councilor Heidt – Had driven by the site.  
Councilor Spoon – Lived by the site and drove by it regularly. She had walked by the site as well.  
Mayor Hodson – Had general conversations with Gordon Root regarding housing affordability. The topic of Canby did not come up in the conversations.

STAFF REPORT: Bryan Brown, Planning Director, said Stafford Land Development was the applicant proposing an annexation and zone change. There was a proposed Southwest Canby Development Concept Plan that would be adopted along with this application. It was a lengthy project that went through many versions to get the Concept Plan completed. A final Concept Plan map was submitted on Friday and he had posted it to the Council's packet. The Comprehensive Plan map showed four different zoning districts in this area, high density residential, medium density residential, low density residential, and commercial residential. He discussed the Concept Plan as originally envisioned by the applicant that showed a trail system that came out of the Park Master Plan that went along the bluff of the river. Staff had indicated the City wanted land for the trail that had the best possibility of being constructed in the future. This would be the land at the top of the bluff on level land rather than going up and down the slope and in areas that had the potential for flooding. Future trails had to have ADA access as well. The applicant had included the top of the bluff for that purpose that would help implement the emerald necklace concept. One of the criteria for annexations was providing and implementing amenities for quality neighborhoods and he thought providing park land was an ideal way of improving the quality of life of the neighborhood. The park land proposed to be dedicated was 5.16 acres including the linear pathway and three pocket parks. It was close to meeting the maximum amount of park land the City could require, although it was less than the maximum. There were a couple of properties on the west side that were not a part of this annexation that were planning to come into the City at a later time. He discussed the alternative Concept Plan. This alternative was in response to concerns voiced by two property owners in this area and left out parts of the trail along the bluff. He then showed the proposed Concept Plan with a new road alignment that the Planning Commission recommended where people could go up the bluff on the trail and then follow the sidewalks along the street in a fairly direct route and picked back up on the trail at a pocket park. This avoided placing a trail over the two property owners' property who were not participating in this annexation. If the trail was to continue as a 35 foot wide path on these properties it was more property than the City could require to be dedicated and the property owners would need to be compensated. This final plan also showed some smaller lots in the R-1.5 zone that were 3,000 square feet. The minimum square footage in R-1.5 was 5,000 square feet. The intent was to place single family homes with common walls on the property line. This would add variety and another type of home and they would be more affordable. However it would create more lots outside of the 10% allowed for lot averaging. This was typically allowed if there was public benefit. The R-1.5 allowed common wall units, but only through a Conditional Use. Staff did not think it was appropriate to approve this Concept Plan as it would be circumventing the Conditional Use application process which should be a Planning Commission decision. He recommended approval of the Concept Plan from February 2 that had these lots at 5,000 square feet. This was only a concept plan and an application

could be submitted for a Conditional Use and a subdivision and the Planning Commission could consider the proposal for common wall units. He explained how a portion of this area would be developed by Hope Village for senior housing at a minimum of 14 dwelling units per acre. He clarified which parcels were included in this annexation application.

Councilor Smith was concerned that the Concept Plan included parcels that were not included in the annexation and asked how the City could dictate what those property owners could do in the future on their property, especially where the lots, roads, and setbacks would be located.

Mr. Brown said they were showing a likely lot pattern in relation to the infrastructure. The City's annexation ordinance gave the City the authority to plan out areas to create the most efficient way to provide infrastructure to the entire area that would be annexed. It was meant to anticipate the needs of every property owner and at the same time to create the most efficient plan.

Councilor Smith thought it was binding on all property owners within the Concept Plan.

Mr. Brown explained it was like a development agreement that properties had to follow when they came into the City knowing not everyone was going to annex at the same time.

Councilor Parker asked if they would be creating an island with this annexation.

Mr. Brown said they would not. He clarified which parcels would be annexed.

Mr. Brown said part of the Concept Plan included planning for infrastructure. It showed a general street layout and possible lot layout. It also showed that all public facilities would be available to serve the proposed area for development. A pump station and forced main would need to be put in, and the City would supply the pump station. It took two to three years for homes to come online after annexation and the City had to look at the timeframe in order to supply adequate public facilities to serve the area. The developer would construct the proposed water and sewer lines internal to the Concept Plan area. There were no park improvements proposed and that would be the City's responsibility in the future. There was a proposed roundabout on S Ivy and 17<sup>th</sup> Avenue which would be the first in Canby. The road was in County jurisdiction and the County agreed this was the only suitable location to put a road connection to serve this area. A roundabout was recommended in the traffic study as a unique opportunity to provide an entrance treatment coming into town from the rural highway. It was the best traffic calming tool, however it was expensive. This would also help with the increased traffic turning in and out of 17<sup>th</sup> Avenue without having to stop traffic. The roundabout could also be an entry treatment as the island in the center could have landscaping or art. It could not be built until the property on the east side of Ivy proposed a concept plan and annexation. A portion of the roundabout would be funded by the developer and set aside for this future improvement. It would also have to be added to the Transportation System Plan. The applicant funded an extensive traffic study and the results showed that all of the existing streets in the area had the capacity to handle full development of the entire 66 acres without any adverse impacts that would require mitigation. That did not mean that there would not be increased traffic on all of the streets. The streets were all capable of handling the additional traffic. The study also indicated the full development of the area as designated by the Comprehensive Plan was anticipated in the City's Transportation System Plan and any necessary improvements would be in the TSP, but there were none shown for this area. The traffic study did show that the increased traffic on S Fir Street would affect the left turn onto 13<sup>th</sup> Avenue, but even at full build out it did not justify a four way stop. The applicant was proposing two different accesses, one on 13<sup>th</sup> and one on Elm, and eventually there would be access onto 18<sup>th</sup> Avenue to 17<sup>th</sup> Avenue to Ivy and eventually the roundabout. The City was supposed to have a three

year supply of buildable land. Currently there were no R-1.5 vacant lots. When the applicant started this process there were 46 R-1 vacant lots, but that had been reduced to about 30 although 105 had been added with the Timber Park subdivision. Even if they included all of the subdivisions that were in the works right now and they were all platted there would still be a deficiency by 80 lots for a three year supply. The applicant thought this annexation was needed. The Planning Commission recommended approval of the annexation and zone change. The Concept Plan had to be adopted before the zoning could be assigned.

Mayor Hodson asked what could be built on C-R zoned property.

Mr. Brown responded it allowed duplexes, triplexes or fourplexes, but only one of those per lot. There was a limited number of neighborhood type commercial uses, such as a local bakery, shoe shop, etc. It was something that was intended to serve the neighborhood rather than the community as a whole.

Mayor Hodson asked for clarification on the Urban Growth Boundary.

Mr. Brown stated the UGB boundary was the top of the bluff.

Councilor Smith thought the City requiring the dedication of property that was not a part of this application would constitute a taking.

Mr. Brown answered no land had to be dedicated until the property owner chose to annex and redevelop their property.

Councilor Heidt asked why they were including the C-R in the rezoning if it was likely not to be developed that way.

Mr. Brown explained Hope Village would likely purchase the property that had that zoning and use it for senior housing. That was the designation in the Comprehensive Plan. They had to follow the Comprehensive Plan or do a Comprehensive Plan amendment to change the zoning.

Councilor Heidt said C-R allowed the same density as R-1.5. Was that adequate for Hope Village's desires.

Mr. Brown said although the Concept Plan would be adopted and recorded, it could be amended in the future if needed.

Joseph Lindsay, City Attorney, said the Concept Plan had to be in place for this area because that was what the Comprehensive Plan called for. It was not being written in stone but it was more of a plan for the best use of the area.

Councilor Spoon asked if there was a reason the southwest corner was not included in the Concept Plan.

Mr. Brown explained they were included in the original Concept Plan, but were taken out due to public input.

Mr. Lindsay said the Planning Commission had recommended that change after hearing testimony.

Councilor Heidt asked why they did not ask for the maximum amount of park dedication.

Mr. Brown replied there was a hesitancy due to the City's lack of funding for park maintenance. Also the developer was not interested in doing much more than was proposed. He wanted the Council to be aware that they could ask for more. The developer would be paying SDCs for the rest of the balance. They did not have to require the dedication, although it would be highly unlikely that they would be able to secure the land in the future. The current value was \$100,000 per acre or whatever the appraised value would be.

Councilor Heidt clarified the developer would not be responsible for any park improvements, however if the developer did improvements they would receive SDC credits for the value of those improvements.

Councilor Dale also clarified that in order to get the trail connections they were relying on future dedications from properties that were not yet annexed.

Mr. Brown said the City would be getting the majority of the parks and trail through the subdivision applications of the two developers who were requesting annexation.

Councilor Dale asked if there would be a parking impact on the neighborhood for people who would want to use the parks and trail.

Mr. Brown said they would ask the neighbors how they would like the park to be developed and if they would want an associated parking lot or to have people use on street parking. If there was a parking lot it would take up part of the park land.

Councilor Dale was concerned about the lack of fencing to protect against attractive nuisance. He did not want the private property owners to have to put in a fence and suggested adding a condition that the developer put one in for safety.

Mr. Lindsay said the proper place for that condition would be at the subdivision application phase.

Rick Robinson, City Administrator, said fences were SDC eligible and if the developer was required to put in a fence, they could get an SDC credit for it or the City could put it in using SDC funds.

Councilor Dale asked if the traffic study took into consideration the Timber Park development traffic and school hours.

Mr. Brown thought the study had included known developments and the formula had been adjusted to what they thought the count would have been if it had been taken during school hours.

Councilor Dale was also concerned about the number of driveways being added to Fir Street.

Mr. Brown said that concern was also raised in the public comments. The Planning Commission had not addressed that issue because staff indicated that it was a local street classification and that was where driveways were supposed to be.

Councilor Dale was a fan of the roundabout. He clarified until they were able to secure land on the east side of Ivy, it would be a T-intersection with a stop sign. The Concept Plan would reserve the needed land for the roundabout in the future. He had added how concept plans could restrict future uses and how that might have a financial impact on land owners who were not participating in the annexation to a

future list of Code items for Council to discuss. He asked how they were protecting property owners that were not annexing to make sure they had access to future streets and utilities.

Mr. Brown said those properties already had access to a street and he did not think their accesses were being blocked.

Councilor Dale said there was concern that some of the properties would be compelled by this arrangement to be flag lots if they were developed in the future.

Mr. Brown said the same thing had happened in the N Redwood subdivision. They could not maximize the greatest development potential of every property and still achieve an overall plan that worked for the community.

Councilor Dale said they needed to be aware that concept plans affected property rights and they might be impacting the maximum benefit of those owners when they decided to develop.

Mr. Brown thought it was better to do the planning than not creating the efficiencies and implementing the visions for an area.

Councilor Dale clarified they were not relying on land for roads that most likely would not be coming into the City.

Mr. Brown agreed that was the case.

Mayor Hodson opened the public hearing at 9:43 p.m.

**Applicant:** Gordon Root, Stafford Development, said Canby was a community that people wanted to move to and stay. There was a lack of available housing in the City. He had a contractual interest in 14.2 acres with Rod, Nadine, and Carol Beck, however they had to develop a concept plan for 61 acres. It had been a massive undertaking with a topographical survey to extend sewer and water services. The Traffic Study had been extensive. He also had to coordinate with the other property owners and had worked with the McMartin property owners who would be applying for annexation soon. Public meetings had been held and all of the property owners had been contacted and worked with. He had changed the plans numerous times in response to what property owners wanted to maximize the values of each of their properties. He met with Tom Scott who was not interested in annexing his property at this time. He had also met with Ed Netter on access to his three parcels. Anyone who had wanted to join in on this annexation had been welcomed to join and some properties did join while others did not. He thought concept plans were beneficial to plan what was best for the community. It was not any different than any other land use planning. He explained how they wanted to dedicate the southwest corner of the property as park land, however it was a situation of the land being outside of the City limits and Urban Growth Boundary and he wanted to take a look at the options. Access to that park would be an issue as well as maintenance. It wasn't until they came back with the subdivision application that they would show any park improvements. This was the time to adopt the Concept Plan and get the land annexed and then they could move to the next step. The Planning Commission had supported the application. Fir Street was a local street and everywhere in Canby there were local streets with driveways on them. The driveways were a traffic calming measure because people were anticipating cars coming in and out. The Fair Housing Council had submitted a letter about the need for smaller lots and townhomes and that was one thing they were trying to achieve. It would be a variance to be approved at the subdivision application.

There were no R-1.5 lots in Canby currently and smaller lots typically equated to greater affordability and accessibility. A range of housing types and smaller lots would also allow people to age in place.

Councilor Smith asked if he would have a problem with adding a condition that the Concept Plan would not bind any of the property owners who were not part of this application.

Mr. Root said he had no problem with that.

Ryan O'Brien, Stafford Development, reviewed the Concept Plan. He explained the street layouts in the Plan and how they had worked with property owners to come up with the accesses and connections. He discussed how some flag lots would be created due to the existing streets and layouts of the properties. The park locations were specifically requested by the Planning Department. They were ideal locations and would connect to the trail around the river which would give people places to stop along the trail.

Levi Levasa, Stafford Development, spoke about the housing needs analysis that was done for this application. There was currently a 333 lot deficiency in Canby and even with all of the lots that had been preliminarily approved there was still a deficiency of 80 platted lots. It would take record setting years for the next 12 years for Canby to surpass the three year buildable lot supply.

Councilor Heidt clarified the buildable lot supply was based on population forecasts. She had seen two contradictory studies on population. The Portland State study said 18,200 people by 2020 and the Metro study said 20,000 by 2020. How did they account for that difference.

Mr. Levasa said when they first did the study they used Metro's data because that was what had been used in Canby's master plans. They compared the numbers to the census bureau and the bureau showed lower numbers. In the end they used the Portland State data as they had the most accurate numbers. However Portland State did not do projections. They compared the 2015 measure that Portland State came up with and the 2015 estimate of anticipated growth by Metro and found Portland State's measurement was 89% of what Metro estimated. So for 2020 they used 89% of Metro's estimated range. They did not use the highest numbers possible because they wanted the numbers to be accurate.

Mr. Root said the development would come in phases. It was not a fast process and there would be more opportunity for public input in the subdivision application. Canby was very proactive in the planning for development. There was a demand for more housing and they were trying to meet that demand.

**Proponents:** Craig Gingerich, Hope Village Executive Director, was in favor of the annexation. Hope Village had a waiting list that was getting longer and longer. If development was moving south, they wanted to be a part of it.

Rodney Beck, Canby resident, owned two of the parcels in this annexation request area. The Concept Plan was no different than what the City did to his property when it was included in the Urban Growth Boundary and Comprehensive Plan designations were put on his property at that time. Affordability and medium density had changed over time. The School District had to close Ackerman Middle School because the kids did not come. Young families could not afford to move to Canby. This application would address an issue that had been missing here for 20 years. More families could move to Canby and the School District would have the capacity for them.

**Opponents:** Susan Gallagher said she and her father were the owners of the adjacent property. She was concerned about the sewer pumping station being so close to the river. As an owner of the farm that



abutted the property she was concerned about traffic congestion and speeding. During the summer people parked at the top of and below the bridge to use the river. It was an unsafe situation. The roundabout was an expensive dream and if it did not happen there would be a lot of traffic problems. She was concerned about a fence not being built along the trail. Without a fence, people would be walking down the hill onto her property and dumping garbage down the hill. It would be impossible to keep people out.

Mr. Robinson said the County controlled S Ivy Street. As the City built out there would be the opportunity to take over S Ivy to the Urban Growth Boundary and to be able to post speed limits that would be more appropriate for the corridor. Environmental standards required that the City had safeguards in place. This was a pumping station where a redundant pump system would be installed that increased storage capacity to prevent overflow.

Tom Scott, was not a proponent or opponent. He had owned property at the end of Fir Street for 15 years. He was in favor of the annexation, but needed to protect his property rights and the future value of his property. He had a home on S Fir and his business owned a property to the south of Hope Village and Hope Village had a future option to purchase that property. That property was originally left out of the Concept Plan, but it had been added in recently. His main concern was the Concept Plan as it did obligate land owners. It could only be modified if the planners 15-20 years from now said it could be modified. They did not have to allow him to change it. He didn't feel like he was a part of the Concept Plan from the beginning. After he had written a letter the applicant had worked with him and a lot of his concerns had been addressed. However, he did not think he should be obligated in the future to dedicate park land for the trail. It put an unfair burden on his property and it devalued his property. The current code said either he had to pay SDCs or dedicate 4,500 square feet of park land. If the trail was 35 feet wide, that would require 22,000 square feet. It was above and beyond what the code required. Also if there was a trail over the bluff he would lose the only access to a portion of his property. He had concern about driveways going in on Fir. The amount of traffic flowing through that area would have a significant impact on the street and the intersection at 13<sup>th</sup> and Fir. He suggested looking at Fir Street regarding it being designated as a local street. The access to his property in the Concept Plan would not maximize future development, but he did not plan to annex anytime soon and it worked for him. He was not opposed to how they had the cul-de-sac right now. He supported the Planning Commission's decision to remove the trail from his property.

Councilor Hensley asked about the temporary pathway in the Concept Plan.

Mr. Lindsay explained this was the current concept, but if Mr. Scott decided to sell or develop his property, the idea of the trail on his property could be revisited.

Councilor Hensley clarified it would not obligate Mr. Scott in the future.

Mr. Lindsay said that was correct. The Concept Plan could be amended in the future when development occurred.

Ed Netter lived on S Fir Street. He was not against the development of this property. They had done a great job with the road system and had worked with him to help benefit his property in the future. If he had to dedicate the 35 foot wide trail it would also cut off access to a portion of his property. However, with the proposed connection along the street people would never have to walk through his property. He didn't think people would take Elm Street out, but would use Fir instead. There was currently a problem of long wait times to turn left onto 13<sup>th</sup>. There were also kids walking and biking to the high school on

13<sup>th</sup>. The problem would only be exacerbated when this area was developed with over 200 homes. He wanted the Council to consider a four way stop at 13<sup>th</sup> and Fir Street.

Mayor Hodson said Councilor Hensley would take the issue of a four-way stop to the Traffic Safety Commission.

**Rebuttal:** None.

Mayor Hodson closed the public hearing at 10:43 p.m.

Councilor Spoon was fine with the annexation and zone change. She liked the diversity of housing this would provide. She agreed with the traffic issues on 13<sup>th</sup> and did not think people would use Elm as an alternative access. She thought mitigation should be done on S Fir. There was a lot more foot and bike traffic of students than other communities as the school bus did not pick up students within a mile of the school. She hoped there would be a way to develop the park land in a timely fashion. She thought putting in a fence along Ms. Gallagher's property made sense. She wanted to be sensitive to the land owners that didn't want the emerald necklace going through their property. She was a fan of the idea of the emerald necklace but did not think it made sense to split up property to do it. She hoped there would be a better way to connect it in the future.

Councilor Smith had no problem with the annexation or zone designations. He thought the Concept Plan was a good layout but he didn't like that it dedicated the lot configurations, easements, and access. He didn't want to bind the property rights of those owners who were not a part of the annexation. He would vote to approve it as long as it was non-binding.

Mayor Hodson did not think this obligated property owners.

Councilor Smith said this would be recorded with the County and they would have to follow this plan for any future development or they would have to file and pay fees to change it.

Councilor Smith suggested it could be handled by either stating the Concept Plan bound the properties in the application and was a recommendation for the other properties or to exclude the lot lines and numbers and locations of any proposed easements on non-applicant properties.

Mayor Hodson said they were looking at the best way to plan for the water, power, sewer, and roads so as people annexed in they would follow the plan. This was planning for the City's future growth. They needed to make sure there were road connections that made sense.

Councilor Spoon said none of the land owners had objected to the plan. She did not think there was a reason to say no to it.

Mayor Hodson reopened the public hearing at 10:57 p.m.

Roger Steinke, property owner, had two acres on Fir Street. He was part of the annexation, but was not committing to develop at this time. He thought what Councilor Smith was saying was if someone sold their property and the new owner wanted to do something different than what was in the Concept Plan there might be an issue.

Ed Netter said he thought Councilor Smith was referring to not binding property owners to the trail.





Councilor Smith clarified he was referring to the lot lines, boundaries, and easements.

Mr. Root said the Concept Plan was mostly driven by the utility plans which were worked out by the City and consultants to make sure the area could be served by utilities. It was secondarily driven by the traffic pattern.

Mayor Hodson closed the public hearing at 11:02 p.m.

Councilor Spoon said it sounded like Councilor Smith's issue was a policy question about concept plans being part of the process to annex properties. The City had required the development of this plan and the plan should be approved or denied based on its merits, not about whether or not they approved of the process.

Councilor Smith thought doing a Concept Plan over people's property who did not want it made the City at risk of a taking. He did not want to impose boundary lines, lot lines, or easements for those not voluntarily participating in the application.

Mr. Brown said staff's view was this was conceptual. All the property lines could be taken off but the layout of the streets was needed. The lots did not have to be configured exactly as they were shown as long as the subdivision was logical and allowed the sewer and water to continue to serve the area. There was a statement in the annexation ordinance that described the concept planning process and it said clearly that it was conceptual only and not limiting the proposals for the subdivisions that came in other than the continuity of the infrastructure. They could add guidelines that had parameters for how much of the Concept Plan could be changed.

Councilor Smith said that was the clarification he was looking for. He did not want to lock people into these configurations.

Councilor Dale was concerned about setting themselves up for long term empty park land. It was an ongoing City budget discussion. He thought the fence should be required for Ms. Gallagher's property as part of the subdivision development. He thought 13<sup>th</sup> was an issue and he was in favor of referring it to the Traffic Safety Commission. He thought the roundabout was necessary, but was skeptical that it would be implemented anytime soon. They needed to go into it knowing that it would be a standard T-intersection and there would be associated problems with that. He thought the traffic study assumed that in the numbers. He also had trouble with the process of compelling property owners that were not participating in the annexation. He was in favor of this one because another annexation application was coming in soon with the remainder of the property owners. He thought all of the property owners had bought into the Concept Plan. He was in support of the Concept Plan, annexation, and zone change.

Councilor Heidt said it was a strong application. She liked to maximize the number of park land. She thought the traffic issues would be worked out.

Councilor Smith asked if there was consensus to add in the Concept Plan that the non-applicant properties would not be bound to the lot lines and configurations as shown in the Plan.

Mr. Brown said the Plan could be approved without showing any lot lines. They could add a statement that the lot lines were only conceptual and properties must meet the underlying zoning when developed.

Councilor Spoon referred to the properties that would become flag lots and how if there were no easements if they could still get the same number of parcels.

Mr. Lindsay explained easements were different than lot lines. They were only proposing to take out the lot lines, not easements.

There was consensus to add the statement as proposed.

Mr. Robinson said the responsibility to connect to City and Canby Utility services became the developer's responsibility since it would not be fully vetted in the Concept Plan. The City would provide service to the subdivision, but not through the subdivision to accommodate some non-standard application that might come in. If applications came in piece-meal and did not follow the pattern identified in the Concept Plan, then property owners might have to create new connections that had not been anticipated the Concept Plan. It was an unlikely outcome, but it was a possibility.

**\*\*Councilor Dale moved to approve Annexation/Zone Change File No. 17-02/ZC 17-03 pursuant to the recommendation by the Planning Commission. Property owners were not bound to lot size and lines as proposed. Motion was seconded by Councilor Hensley and passed 6-0.**

**RESOLUTIONS & ORDINANCES: Ordinance 1470 - \*\*Councilor Dale moved to approve Ordinance 1470, AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 22.54 ACRES INCLUDING 20.26 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 1500 AND 1600 OF THE SE ¼ OF SEC. 4, T.4S., R.1E., W.M. (TAX MAP 41E04CA); AND 1401 AND 1500 OF THE SE ¼ OF SEC. 4, T.4S., R.1E., W.M. (TAX MAP 41E04C); AND 1400, 1500 AND 1600 OF THE SE ¼ OF SEC. 4, T.4S., R.1E., W.M. (TAX MAP 41E04D); AND APPROX. 1.17 ACRES OF ADJACENT S. FIR STREET RIGHT-OF-WAY AND APPROX. 1.11 ACRES OF ADJACENT S IVY STREET RIGHT-OF-WAY AND AMENDING THE EXISTING COUNTY ZONING FROM EXCLUSIVE FARM USE (EFU) TO CITY LOW DENSITY RESIDENTIAL (R-1) FOR TAX LOT 1500 OF TAX MAP 41E04C; TO CITY MEDIUM DENSITY RESIDENTIAL (R 1.5) FOR TAX LOT 1401 OF TAX MAP 41E04C AND TAX LOT 1500 AND 1600 OF TAX MAP 41E04CA AND TAX LOT 1600 OF TAX MAP 41E04D; AND TO CITY RESIDENTIAL COMMERCIAL (C-R) FOR TAX LOT 1400 AND 1500 OF TAX MAP 41E04D; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS to come up for second reading on February 21, 2018. Motion was seconded by Councilor Heidt and passed 6-0 on first reading.**

**NEW BUSINESS: Findings, Conclusion & Final Order APP 17-02**

**\*\*Councilor Hensley moved to adopt the Findings, Conclusion & Final Order for APP 17-02. Motion was seconded by Councilor Spoon and passed 6-0.**

**ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.**

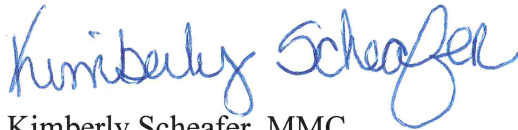
**CITIZEN INPUT: None.**

**ACTION REVIEW:**

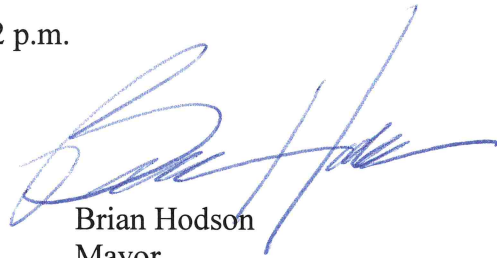
1. Approved the Consent Agenda.
2. Approved ANN 17-02/ZC 17-03 pursuant to the recommendation by the Planning Commission.  
Property owners were not bound to lot size and lines as proposed.
3. Approved Ordinance 1470 to come up for second reading on February 21, 2018.
4. Adopted the Findings, Conclusion & Final Order for APP 17-02.

There was no Executive Session.

Mayor Hodson adjourned the Regular Meeting at 11:32 p.m.



Kimberly Scheafer, MMC  
City Recorder



Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood