

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
June 1, 2016**

PRESIDING: Mayor Brian Hodson.

COUNCIL PRESENT: Todd Rocha, Greg Parker, Traci Hensley, Tim Dale, Tracie Heidt, and Clint Coleman.

STAFF PRESENT: Rick Robinson, City Administrator; Joseph Lindsay, City Attorney; Kim Scheafer, City Recorder; Irene Green, Library Director; Mark Gunter, Public Works Director; Angelica Novoa De Cordeiro, Library Assistant; and Bryan Brown, Planning Director.

OTHERS PRESENT: Bob Cornelius, Ryan Oliver, Bob & Sheila Tice, Domminick McParland, Allen Manuel, Ethan Manuel, Jim Boyle, Daniel Webb, Esther Morford, Lloyd & JoAnn Walch, and Don Malmstrom.

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

Canby Livability Day Proclamation – Mayor Hodson read a proclamation proclaiming June 26, 2016, as Canby Livability Day and presented the proclamation to Bob Tice.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Domminick McParland worked with Lutheran Community Services Northwest and wanted to make the Council aware of their partnership with the Canby Public Library to help immigrants and refugees in the community become citizens. Citizenship ESL classes were being held at the library as well as help through the citizenship process.

MAYOR'S BUSINESS: Mayor Hodson had nothing to report.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Rocha said the Fire District Budget Committee approved the budget and it had been submitted to the Fire Board. The Fire District received a grant for purchasing 35 self-contained breathing apparatuses. Todd Gary, Fire Marshal, and the Fire Marshal from Molalla inspected a majority of businesses in Canby. Bob Bunnell was promoted to Captain and Doctor Davies was retiring.

Councilor Parker said the Bike and Pedestrian Committee met and divided the City into quadrants to look for safety hazards. He attended the grand opening for Cutsforth's Burgers & Brew patio and the annual Main Street Conference.

Councilor Hensley said the SW Canby Neighborhood Association adopted their bylaws. The *Canby Herald* had misreported that the Legion would be having a breakfast on June 5. There would be no more breakfasts until September.

Councilor Dale announced Canby Utility would be holding two informational meetings tomorrow

on water taste and odor issues.

Councilor Heidt reported that the Transit Advisory Committee took a ride on one of the new buses. They were also working on a Transit Master Plan. She explained the Oregon Rising organization who was working on a vision for Oregon schools. The School Board approved new curriculum. There was a new Communications and Project Management Coordinator at the District. High school graduation was on Friday and the last day of school was next Wednesday. The Chamber partnered with the high school to put on a Job Expo. Kids could sign up for the Summer Reading Program starting today. She attended the Clackamas Cities Association Dinner in Tualatin. There would be a bike rodeo on Saturday. Tomorrow was National Gun Violence Awareness Day.

Councilor Coleman said the Planning Commission held two public hearings. They approved an accessory dwelling request and lot line adjustment request. The Traffic Safety Committee would be meeting on Friday. People were encouraged to bring their classic cars to the Cutsforth's patio on Fridays and Saturdays and get a discount on a meal. The Sherwood Cruise In would be held next Saturday and a Cruise In at Clackamette Park on June 17. He thanked Daniel Pearson for his work at the *Canby Herald*.

CONSENT AGENDA: **Councilor Dale moved to adopt the minutes of the April 29, 2016, Work Session and May 4, 2016 Council Regular Meeting. Motion was seconded by Councilor Hensley and passed 6-0.

PUBLIC HEARINGS: ANN/ZC 16-01 Oliver/Walch (1.85 Acres) – Mayor Hodson opened the public hearing and read the public hearing format which would be used for all three public hearings.

Mayor Hodson asked if anyone had a conflict of interest with any of the three annexations.

CONFLICT OF INTEREST:

Councilor Rocha – No conflict, plan to participate.

Councilor Parker – Mr. Oliver was his insurance agent, but he had no material interest, plan to participate.

Councilor Hensley – No conflict, plan to participate.

Councilor Dale – Mr. Oliver was his insurance agent. No conflict, plan to participate.

Councilor Heidt – No conflict, plan to participate.

Councilor Coleman – Attended the Planning Commission meetings where these items were discussed. No conflict, plan to participate.

Mayor Hodson – No conflict, plan to participate.

Mayor Hodson asked if anyone had ex parte contact regarding any of the three annexations.

EX PARTE CONTACT:

Councilor Rocha – No contact.

Councilor Parker – No contact.

Councilor Hensley – No contact.

Councilor Dale – No contact.

Councilor Heidt – No contact.

Councilor Coleman – No contact.

Mayor Hodson – Has spoken with Mr. Oliver, but not regarding the annexation.

STAFF REPORT: Bryan Brown, Planning Director, said the Council would be considering the Planning Commission's recommendations and would confirm these applications met the SB 1573 criteria. This bill pre-empted voter approved annexations as long as the applications met certain criteria. All three annexations were in the North Redwood Development Concept Plan area which had been adopted by the City Council in 2015. The plan addressed all of the infrastructure that would be needed for development of the area. The buildable lands supply was analyzed by staff. There were 91 R-1 vacant lots available, 7 R-1.5 lots, and 30 R-2 lots in the City. The average consumption rate was 45 lots per year and there was about a 2 year supply for R-1 and it was much lower for the other zones. About 20-25 lots were developed since the end of February, so the supply was less. A traffic analysis was done when the Concept Plan was adopted. The adjacent Redwood Street could handle full development of the area if it was to be developed and the Territorial and Redwood intersection could also handle the traffic. The Transportation Planning Rule had been satisfied. The necessary infrastructure was there and they knew where it would be extended. There was no need for Comprehensive Plan amendments or rezoning to follow the Concept Plan as it was today. All three applications were in compliance with all other City ordinances, policies, and applicable Oregon Revised Statutes. The Planning Commission unanimously recommended approval on all three annexation applications. The first application was a request to annex 1.85 acres to be zoned R-1.

Councilor Parker would like to have a work session regarding the buildable land supply.

Mayor Hodson opened the public hearing at 8:18 p.m.

PUBLIC TESTIMONY

APPLICANT: Ryan Oliver said this application had been brought to the Planning Commission and the Commission approved the annexation request. He was asking for Council approval.

PROPONENTS: Daniel Webb said he was in support of this annexation. It would enable the applicant to use the parcel to its highest advantage and best use.

OPPONENTS: None.

REBUTTAL: None.

Mayor Hodson closed the public hearing at 8:20 p.m.

ANN/ZC 16-02 ManDan LLC (4.57 Acres) –

STAFF REPORT: Mr. Brown said this was a request to annex 4.57 acres. Half of the property would be zoned R-1.5 and the other half would be R-2.

Mayor Hodson opened the public hearing at 8:22 p.m.

PUBLIC TESTIMONY

APPLICANT: Allen Manuel said he had tried to annex this property in 1999. He thought the time and place to do this was now. They had followed the Concept Plan and surveyed the street.

Councilor Heidt asked if 20 units were being proposed.

Mr. Manuel said he did not have a proposal at this time. There was probably room for 40 units on the property. This property was the southernmost part of Redwood.

PROPOSERS: Mr. Webb was in support of the annexation. He discussed the issue of a new neighborhood park near this annexation and how it would add to the social and aesthetic effects of the development. Staff indicated this criterion was satisfied. The applicant would pay for the necessary costs of the development with the exception of the proposed park that could be funded with shared costs from SDCs. A lot of time and money was spent on the design for the new park and open space and the method and source for financing the development of the park. The issue of maintenance of the parks was never addressed and the current policy was that the park would not be developed unless there were funds to maintain it. He thought the City should be required to provide the park as they were currently collecting SDCs for parks, but no parks were being built. Would the City continue to have residents pay for parks that they might never see or be able to use? He did not think the City was following its own criteria. He suggested the City employ an engineer to design the construction of the park and provide a cost estimate for construction and long term maintenance and in turn the City should provide a source of funding for the project and stipulate new parks would be developed as soon as the land was dedicated to the City. Until this was done, the City should either not accept applications for subdivisions or table the annexation applications to a future date.

Mr. Brown said it was a difficult question, but he did not think they could let a maintenance funding issue hamper their only possibility for addressing the desire to have open spaces and parks within the community. If the park was left in a natural state until funding could be identified, it put the park in reserve for the future and to use the money that had been collected over time to develop the park. They did not have the opportunity or funds to go back and secure the land later. Maintenance was a temporary problem and he thought they needed to look long term. He thought Mr. Webb's concern was not about the annexations, but at the time of development if they still had no way to do something with the parks.

Rick Robinson, City Administrator, said the acquisition of the park land would depend on annexation of these properties. The most cost efficient thing would be to create an eco-park to enjoy the natural habitat and grants could be available for habitat restoration. He agreed they should not make a decision that would affect the future based on today's circumstances that might not exist in the future. He thought this was a good opportunity for the community to embrace and improve a native area. It was not a short term project.

Mayor Hodson said the Council was working on finding funding for maintenance. The property would continue to be open space until it could be developed.

OPPONENTS: None.

REBUTTAL: None.

Mayor Hodson closed the public hearing at 8:43 p.m.

ANN/ZC 16-03 Manuel et al (31.83 Acres)

STAFF REPORT: Mr. Brown said this was a request to annex 31.83 acres, the largest area that would have the parkland dedication and would be zoned all R-1. When this area would be developed, they would have to work out the details for how to transfer density and SDC credits especially for those whose land would be used for the park.

Councilor Coleman asked how many acres would be dedicated to park land.

Mr. Brown replied it would be about 9 acres for the entire Redwood development.

Mayor Hodson opened the public hearing at 8:45 p.m.

PUBLIC TESTIMONY

APPLICANT: Ethan Manuel said he lived on N. Redwood Street and represented several other property owners who were part of the annexation. The 9 or 10 acres of parkland was for the whole 65 acres. The park as it was drawn in the Development Concept Plan was contained in this group of property owners. The City did not take responsibility of the parkland at the annexation stage. That was a decision for the future development application along with what the park would look like and possible funding.

PROPONENTS: Daniel Webb was in favor of this annexation, but had the same feelings about this application as the prior one regarding the parkland. He did not want all the components to be forgotten, such as the trails and bridge across the creek. He lived by Willow Creek Park, and the City was not maintaining that park and it was an eyesore. He did not want the same thing to happen here.

OPPONENTS: None.

REBUTTAL: None.

Mayor Hodson closed the public hearing at 8:49 p.m.

****Councilor Dale moved to approve annexation/zone change file ANN/ZC 16-01 pursuant to the recommendation made by the Planning Commission. Motion was seconded by Councilor Coleman and passed 6-0.**

****Councilor Dale moved to approve annexation/zone change file ANN/ZC 16-02 pursuant to the recommendation made by the Planning Commission. Motion was seconded by Councilor Coleman and passed 6-0.**

****Councilor Dale moved to approve annexation/zone change file ANN/ZC 16-03 pursuant to the recommendation made by the Planning Commission. Motion was seconded by Councilor Heidt and passed 6-0.**

RESOLUTIONS & ORDINANCES: Resolution 1236 – Mr. Robinson said this was an amendment to the existing property lease agreement between the City and Canby Telephone. The lease was entered into in 2004 and Canby Telephone was requesting an expansion of a 30 x 30 foot square on the road that accessed the Public Works Department on Territorial Road. It would be set back five feet from the original 30 x 30 foot square in order to accommodate the trees. This was a 50 year lease with 38 years remaining and the balance due with inflation would be \$5,750. The money would be put in the Sewer Fund which was the source for the acquisition of the land originally. If for any reason Canby Telephone abandoned the site and did not use it for a period of two years, the City had the right to take over the property and Canby Telephone forfeited the lease payment and would have to return the land to its original condition. This would improve the quality of cable service in this area.

****Councilor Rocha moved to adopt Resolution 1236, A RESOLUTION ADOPTING AN AMENDMENT TO THE PROPERTY LEASE AGREEMENT BETWEEN THE CITY OF CANBY AND CANBY TELEPHONE ASSOCIATION. Motion was seconded by Councilor Hensley and passed 6-0.**

Ordinance 1441 - ****Councilor Hensley moved to adopt Ordinance 1441, AN ORDINANCE AUTHORIZING A CONTRACT BETWEEN THE CITY OF CANBY AND TRUE NORTH ENVIRONMENTAL FOR THE PURCHASE OF A 2016 CAMERA VAN WITH SPECIFIC EQUIPMENT, INSTALLATION SERVICES, AND DELIVERY. Motion was seconded by Councilor Heidt and passed 6-0 by roll call vote.**

Ordinance 1442 - ****Councilor Dale to approve Ordinance 1442, AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 2.0 ACRES INCLUDING 1.85 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 1100 AND 1101 OF SECTION 27C, T3S, R1E, WM (ASSESSOR TAX MAP 3-1E-27C AND .15 ACRES (6600 SQUARE FEET) OF ADJACENT N. REDWOOD STREET RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO CITY LOW DENSITY RESIDENTIAL (R-1) AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS to come up for second reading on June 15, 2016. Motion was seconded by Councilor Coleman and passed 6-0 on first reading.**

Ordinance 1443 - ****Councilor Heidt moved to approve Ordinance 1443, AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 4.71 ACRES INCLUDING 4.57 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 300, 301, AND 302 OF SECTION 34B, T3S, R1E, WM (ASSESSOR TAX MAP 3-1E-34B AND .14 ACRES (6270 SQUARE FEET) OF ADJACENT N. REDWOOD STREET RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO CITY MEDIUM DENSITY RESIDENTIAL (R-1.5) FOR TAX LOTS (301 & 302) AND TO CITY HIGH DENSITY RESIDENTIAL (R-2) FOR TAX LOT (300) AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS to come up for second reading on June 15, 2016. Motion was seconded by Councilor Rocha and passed 6-0.**

Ordinance 1444 - ****Councilor Dale moved to approve Ordinance 1444, AN ORDINANCE PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 31.83 ACRES INCLUDING 31.38 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 300, 301,**

500, 1200, 1300, 1301, AND 1302, OF SECTION 27C, T3S, R1E, WM (ASSESSOR TAX MAP 3-1E-27C) AND TAX LOTS 700 AND 701 OF SECTION 34B, T3S, R1E WM (ASSESSOR TAX MAP 3-1E-34B) AND .45 ACRES OF ADJACENT N. REDWOOD STREET RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO CITY LOW DENSITY RESIDENTIAL (R-1) AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS to come up for second reading on June 15, 2016. Motion was seconded by Councilor Coleman and passed 6-0.

UNFINISHED BUSINESS:

****Councilor Dale moved to adopt ANN/ZC 16-01 Findings, Conclusions and Order. Motion was seconded by Councilor Hensley and passed 6-0.**

****Councilor Heidt moved to adopt ANN/ZC 16-02 Findings, Conclusions and Order. Motion was seconded by Councilor Coleman and passed 6-0.**

****Councilor Coleman moved to adopt ANN/ZC 16-03 Findings, Conclusions and Order. Motion was seconded by Councilor Rocha and passed 6-0.**

NEW BUSINESS: None.

ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Robinson said he had conversations with Clackamas County Public Works staff about the City taking over jurisdiction of North Redwood Street. He explained the methods used to calculate the value and cost of the annexation. The cost was high, and he was engaging in discussions with the County to see if a workable solution could be found as the half street improvement on the east side of the road was developed.

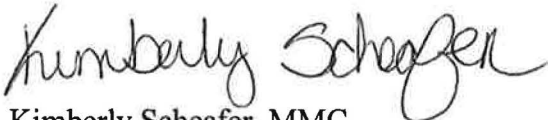
CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Approved ANN/ZC 16-01, 16-02 and 16-03.
3. Adopted Resolution 1236.
4. Adopted Ordinance 1441.
5. Approved Ordinances 1442, 1443, and 1444 to come up for second reading on June 15, 2016.
6. Adopted the Findings, Conclusions and Orders for ANN/ZC 16-01, 16-02, 16-03.

There was no Executive Session.

Mayor Hodson adjourned the meeting at 9:14 p.m.



Kimberly Scheafer, MMC
City Recorder

Assisted with Preparation of Minutes - Susan Wood



Brian Hodson
Mayor