

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
July 16, 2014**

**Presiding:** Mayor Brian Hodson.

**Council Present:** Todd Rocha, Clint Coleman, Traci Hensley, Tim Dale, Greg Parker, and Ken Rider.

**Staff Present:** Joseph Lindsay, City Attorney; Kim Scheafer, City Recorder; Angie Lehnert, Associate Planner; and Bryan Brown, Planning Director.

**Others Present:** Bob Cornelius, Pat Sisul, Ray Franz, Connie Vicker, Ralph Netter, Dan & Mary Stoller, Jim Davis, Jerry & Cynthia Rice, Kathy Polley, Lee & Kim Wiegand, Rick Anderson, and Gordon Root.

**CALL TO ORDER:** Mayor Hodson called the Regular Meeting to order at 5:00 p.m. in the City Hall Conference Room.

**\*\*Councilor Dale moved to go into Executive Session pursuant to ORS 192.660(2)(a) Employment of Public Officer. Motion was seconded by Councilor Hensley and passed 6-0.**

**OPENING CEREMONIES:** Mayor Hodson reconvened the Regular Meeting at 7:30 p.m. in the Council Chambers followed by the flag salute.

**COMMUNICATIONS:** Mayor Hodson said the City Administrator Finalists Social Reception would be held on July 29, 7:00 p.m. at the Police Department Community Room.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Lee Wiegand, resident of Canby, said First Baptist Church prayed for the Council every week and passed out prayer request cards.

Rick Anderson, Canby Chamber CEO, introduced himself to the Council. He was excited to be working with the City.

**MAYOR'S BUSINESS:** Mayor Hodson thanked the volunteers for the General Canby Day event. He also attended the West Linn Street Fair.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Rider reported on the last Transit Advisory Committee meeting where grant awards were discussed. Ridership was down by 18%. Parking of CAT vehicles was still an issue. Peggy Mendenhal was the rider of the month for June.

Councilor Parker said all of the committees he was liaison to were on vacation for the month. He also attended the West Linn Street Fair.

Councilor Dale attended the events at General Canby Day. Backflow testing for residential irrigation systems would soon be coming to Canby. He congratulated Canby Utility on their reliability statistics for the last quarter.

Councilor Coleman attended an Ethics Class that was hosted by the City at the Police Department, July 16, 2014 City Council Regular Meeting Page 1 of 7

General Canby Day, and the Library Board meeting. Roger Reif was the new Library Board Chair. The Traffic Safety Commission looked at the sidewalk issue across from the High School and voted unanimously that it was a top priority. The Traffic Safety Commission would hold a special meeting on July 18 to discuss the effectiveness of signage in the City.

Councilor Hensley attended the Bridging Cultures Saturday in the Park event, Ethics Class, retirement party for Fire Chief Ted Kunze, swearing in of Chief Davis, and General Canby Day.

Councilor Rocha attended the General Canby Day parade. There would be a public meeting regarding the dog park on July 24. He announced Jim Davis as the new Fire Chief.

**CONSENT AGENDA: \*\*Councilor Dale moved to adopt the minutes of the June 18, 2014 City Council Work Session and Regular Meeting and a Change of Ownership Liquor License Application for Rounders Canby. Motion was seconded by Councilor Rocha and passed 5-0 with Councilor Rider abstaining.**

**PUBLIC HEARINGS:** ANN 14-01/ZC 14-01 (Franz/Vicker) –

Mayor Hodson read the public hearing format.

**CONFLICT OF INTEREST:**

Councilor Rocha – No conflict, plan to participate.  
Councilor Hensley – No conflict, plan to participate.  
Councilor Coleman – No conflict, plan to participate.  
Councilor Dale – No conflict, plan to participate.  
Councilor Parker – No conflict, plan to participate.  
Councilor Rider – No conflict, plan to participate.  
Mayor Hodson – No conflict, plan to participate.

**EX PARTE CONTACT:**

Councilor Rocha – No contact.  
Councilor Hensley – No contact.  
Councilor Coleman – No contact.  
Councilor Dale – No contact.  
Councilor Parker – No contact.  
Councilor Rider – No contact.  
Mayor Hodson – Driven by site.

**STAFF REPORT:** Angie Lehnert, Associate Planner, said the proposed annexation was for 4.62 acres on N. Pine and .15 acres would be for street right of way. The density would be R-1, low density residential, which was in conformance with the Comprehensive Plan. The Planning Commission recommended approval of this application. If the Council approved, it would be forwarded to the November ballot. The annexation would allow approximately 18-19 single family homes. A traffic study was done and there were no significant issues. A neighborhood meeting was held and the primary concern was that the property would be developed into apartments, but that was not possible with R-1. For this property the Code required recordation of a Development Agreement as a covenant running with the land upon approval. There was a draft

Development Agreement for Council to approve at the next Council meeting. Half street improvements were required on Pine, which was a County road and subject to County standards. It was up to the Planning Commission during the subdivision stage whether a pathway connection to the Logging Road from the property was required as there was an existing connection to the south. There were no issues with utility service capacities. She explained the need for buildable land in the City and that the annexation was justified.

There was consensus for a Work Session regarding the City taking jurisdiction over County roads such as Pine Street.

Mayor Hodson opened the public hearing at 8:16 p.m.

#### PUBLIC TESTIMONY

APPLICANT: Pat Sisul, Sisul Engineering, said Ray Franz had grown up on the property and felt the time was right to bring it into the City. It was the last parcel on the east side of North Pine that was not in the City limits. The neighbors did not want this to be high density, and the proposal was for low density residential lots. He discussed the analysis that was done which showed the need for more buildable land. In February only 40 single family lots were available which was a ten and a half month supply. This parcel would not be developed until next year, but the numbers were far below the three year supply needed. He discussed the proposed subdivision which would be 18 lots if the existing house was retained, or 19 if it wasn't. Regarding the access to the Logging Road, Public Works did not think it was necessary as there was access to the north and south of the property and maintenance was an issue. He could make it fit if needed. Utilities were available to the site. Pine Street would be annexed into the center line right-of-way, but the road would still be under County jurisdiction. The County would likely require a half street improvement plus a travel lane on the other side.

PROPONENTS: Gordon Root, Stafford Land Development Company, said the electorate in Canby kept pace with what was needed. He encouraged them to ratify the Planning Commission's recommendation that the annexation be referred to the voters. He was the applicant on the Beck property which was to the north of this property. They wanted to develop as soon as possible and would be putting in an access to the Logging Road. There was a resurgence of demand for land and housing in the Metro area and there was a need for this annexation.

OPPONENTS: None.

REBUTTAL: None.

Mayor Hodson closed the public hearing at 8:35 p.m.

**\*\*Councilor Rocha moved to approve annexation/zone change file ANN/ZC 14-01 pursuant to the recommendation made by the Planning Commission. Motion was seconded by Councilor Hensley and passed 6-0.**

CONFLICT OF INTEREST:

Councilor Rocha – No conflict, plan to participate.  
Councilor Hensley – No conflict, plan to participate.  
Councilor Coleman – No conflict, plan to participate.  
Councilor Dale – No conflict, plan to participate.  
Councilor Parker – No conflict, plan to participate.  
Councilor Rider – No conflict, plan to participate.  
Mayor Hodson – No conflict, plan to participate.

EX PARTE CONTACT:

Councilor Rocha– No contact.  
Councilor Hensley – No contact.  
Councilor Coleman – No contact.  
Councilor Dale – No contact.  
Councilor Parker – No contact.  
Councilor Rider – No contact  
Mayor Hodson – No contact.

STAFF REPORT: Bryan Brown, Planning Director, said the annexation involved five property owners and was 32.10 acres. The property was located north of SE 13<sup>th</sup> Ave, east of Teakwood, and west of the Logging Road and Sequoia Parkway extension. It had the potential to generate 127 lots. The Comprehensive Plan showed R-1 low density residential on the two western lots and R-1.5 medium density residential on the remainder of the property. The property owners created a Development Concept Plan as required which was to be adopted by the Council before the zoning was assigned. There was a last minute change to the Concept Plan. The park size was changed from 3.4 acres to 1.2 acres. The Planning Commission was aware of the change and staff was in support. A traffic study was done and two street entrances would be allowed onto SE 13<sup>th</sup>. For sanitary sewer there would have to be construction of a lift station. A permanent lift station could be built by the City if a large industrial customer came in, or a temporary lift station could be built by the developer. These details would be worked out in the subdivision application. The property would likely be developed in phases. The Planning Commission recommended approval of this application and if Council approved, it would be placed on the November ballot.

Mayor Hodson opened the public hearing at 8:50 p.m.

PUBLIC TESTIMONY

APPLICANT: Mr. Sisul said the area was identified in the Comprehensive Plan as requiring a Development Concept Plan. One property did not want to be included in the annexation, but was included in the Concept Plan. The area was surrounded by the City on three sides. He discussed the lack of buildable land in the City and how there was even less available land in the R-1.5 zone. He explained the zoning designations and existing conditions of the site. Regarding the park, it was not planned to be an active park with ball fields and playground but a passive park with a place to ride bikes and have a picnic. The reason the park was reduced was because the Parks Department budget was trimmed and park maintenance was an issue. Even if the annexation did

not pass the vote, the Concept Plan would remain and the properties could come in as separate applications. There was a problem with equity as one property was dedicating all of the park land where the others were not and the 1.2 acre park made it more equitable. It would be in the same corner of the site and would preserve the large stand of trees along with walking paths, a restroom, benches, and picnic tables. He explained the new street plan with the reduced park. Stormwater would be accomplished by injection drywells. The City Engineer thought it was more likely that the permanent lift station would be built in this area and industrial development would trigger the need for the lift station. He explained the water connections to serve the area. The City was in need of additional land, particularly R-1.5.

PROPOSERS: Mr. Root was impressed with Canby's proactive stance on economic development. Potential industrial users would ask where their employees would live. There was a lack of housing right now and this annexation would make a significant difference. Mr. Sisul had worked extremely hard to get the property owners to agree on the Concept Plan. It was important that there was a balance between affordability and choice in housing. This would be a good addition to the investment the City had already made.

OPPOSERS: None.

REBUTTAL: None.

Mayor Hodson closed the public hearing at 9:12 p.m.

Mayor Hodson asked about the plans for the piece of property in back of the proposed annexation that was owned by the School District.

Mr. Brown said they had no idea what the School District's plans were.

Mayor Hodson asked about the parking at the proposed park.

Ms. Sisul said in their discussion with staff they discussed adding a wider street and sidewalk at the park for parking. The School District did not have any plans for their property at this time.

**\*\*Councilor Hensley moved to approve annexation/zone change file ANN/ZC 14-02 pursuant to the recommendation made by the Planning Commission with an amendment of a smaller park. Motion was seconded by Councilor Dale and passed 6-0.**

TA 14-01 – Mayor Hodson read the public hearing format.

CONFLICT OF INTEREST:

Councilor Rocha – No conflict, plan to participate.  
Councilor Hensley – No conflict, plan to participate.  
Councilor Coleman – No conflict, plan to participate.  
Councilor Dale – No conflict, plan to participate.  
Councilor Parker – No conflict, plan to participate.  
Councilor Rider – No conflict, plan to participate.  
Mayor Hodson – No conflict, plan to participate.

## EX PARTE CONTACT:

Councilor Rocha – No contact.  
Councilor Hensley – No contact.  
Councilor Coleman – No contact.  
Councilor Dale – No contact.  
Councilor Parker – No contact.  
Councilor Rider – No contact.  
Mayor Hodson – No contact.

STAFF REPORT: Ms. Lehnert said the Planning Commission recommended approval of the text amendments. The amendments made various changes to the industrial zone chapters and extended a Type II review process for the Industrial Overlay Zone to expedite the process if there were no discretionary decisions in the application. One written comment was received from a property owner in the Trend business center and the Planning Commission made changes to the text amendments and the owner was satisfied. She reviewed each text amendment.

There was discussion regarding the 12 employees per acre requirement. Staff had proposed changing the number to six, and the Planning Commission thought the requirement should be eliminated completely. Mr. Brown explained there was no good mechanism to verify businesses were following the requirement. The Planning Commission thought because it was difficult to enforce, it should be eliminated. Potential businesses also had trouble with the requirement for 12 employees per acre.

Councilor Parker wanted to leave it at 12 employees per acre and have further discussion regarding enforcing the requirement.

Councilor Dale was not excited about transferring approvals by the Planning Commission to the Planning Director. He thought industrial development which was larger with more land value should be looked at by more eyes.

Mr. Brown said this idea came about through the visioning process. The Economic Development Director had been working on ways to expedite development and was in favor of the idea. The Planning Commission had not expressed concern over the change.

There was consensus to leave the 12 employees per acre requirement and eliminate the Type II process changes.

Mayor Hodson opened the public hearing at 9:50 p.m.

## PUBLIC TESTIMONY

APPLICANT: None.

PROPONENTS: None.

OPPONENTS: Kathy Polley, property owner, said she had inherited two lots in the Industrial Park and jointly inherited with her brother two more lots. She was pleased with what she had heard that night. She did not object to anything now. Many people had lived in Canby for

generations and it was important for the Council and Planning Commission to look at the history of why things were done especially in the 13th and Berg Parkway area. She would like to be informed about anything dealing with the Industrial Park.

REBUTTAL: None.

Mayor Hodson closed the public hearing at 10:00 p.m.

Staff would bring back the text amendments with the changes discussed by Council.

**RESOLUTIONS & ORDINANCES:** Ordinance 1398 – This ordinance would be brought back to a future meeting.

Ordinance 1403 – **\*\*Councilor Hensley moved to adopt Ordinance 1403, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH OWEN EQUIPMENT OF PORTLAND, OREGON FOR THE PURCHASE OF ONE (1) 2014 VACTOR TRUCK FOR THE CANBY COLLECTIONS DEPARTMENT; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Coleman and passed 6-0 by roll call vote.**

**NEW BUSINESS:** TA 14-01 Findings, Conclusion & Final Order – This item was removed from the agenda.

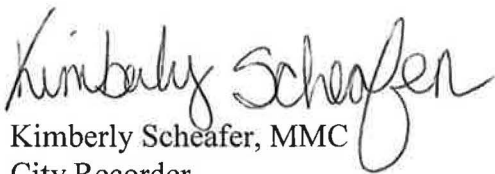
**ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** None.

**CITIZEN INPUT:** None.

**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Approved ANN/ZC 14-01.
3. Approved ANN/ZC 14-02 with an amendment to a smaller park.
4. Adopted Ordinance 1403.

Mayor Hodson adjourned the meeting at 10:05 p.m.



Kimberly Schaefer, MMC  
City Recorder



Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood