

**CANBY CITY COUNCIL
WORK SESSION MINUTES
July 18, 2012**

Presiding: Mayor Randy Carson

Council Present: Rich Ares, Traci Hensley, Brian Hodson, Walt Daniels, Greg Parker, and Tim Dale.

Staff Present: Greg Ellis, City Administrator; Joseph Lindsay, City Attorney; Bryan Brown, Planning Director; and Kim Scheafer, City Recorder.

Others Present: Keith Galitz, Ray Hughey, David Soloos, and Laurel Butman.

Mayor Carson called the Work Session to order at 6:35 p.m. in the City Hall Conference Room.

The Council met in a Work Session to discuss the Clackamas County dark fiber project.

Joseph Lindsay, City Attorney, stated under Oregon Revised Statutes, the City could exclude or reject any organization's carrier from the rights-of-way and could grant permission for rights-of-way with franchising permits.

Councilor Ares said no one was underserved within the City limits.

There was discussion on Keith Galitz's letter regarding placing the lines underground and separate from other carriers. There was further discussion regarding the funding and special conditions of the County broadband grant.

Mr. Lindsay said Oregon City and Canby were the only two jurisdictions who had not agreed to participate.

Councilor Ares thought if the County used the public rights-of-way, they should be on the same footing as anyone else who used the public rights-of-way such as in paying a fee and bringing the street back to the same standards it was before the lines were put in.

There was discussion regarding the requirement for telecommunication cables to be underground.

David Soloos, Clackamas County Broadband Project Manager, apologized for the conduit violation on Fourth Avenue where the County had not taken out a permit or paid a franchise fee. It would be fixed. The County was not asking for a waiver of putting the cables underground. The County would like to serve the Fairgrounds and health clinic in the high school. It would be a cost based network. The revenue numbers and map in the grant were two years old and had been changed. The County was not going to be competing with other telecommunication companies to provide service.

Staff would work on a franchise fee or privilege tax for the County to have equal standing with other telecommunication franchises, the issue of how the County would get to their anchor institutions would be addressed, and work with the County to fix the violation on Fourth Avenue.

Mayor Carson adjourned the Work Session at 7:20 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
July 18, 2012**

Presiding: Mayor Randy Carson

Council Present: Rich Ares, Traci Hensley, Brian Hodson, Walt Daniels, Greg Parker, and Tim Dale.

Staff Present: Greg Ellis, City Administrator; Joseph Lindsay, City Attorney; Bryan Brown, Planning Director; and Kim Scheafer, City Recorder.

Others Present: Craig Gingerich, Robert Kauffman, Lila Gottman, Ray Hughey, Bob Cornelius, Karen Daniher, and Bev Doolittle.

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

Disability Awareness Month Proclamation – Mayor Carson read a proclamation declaring the month of July 2012 as Disability Awareness Month.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Lila Gottman, General Canby Day Chair, on behalf of the General Canby Day Board thanked the Council for their support. There were over 20,000 people in attendance on the Fourth of July. She reported on the success of the event. It took about \$12,000 to put on the event and they made \$12,300 so the event was now self-sufficient.

There was discussion regarding the improvements to the parade.

MAYOR'S BUSINESS: Mayor Carson presented "Best in Show" at the Clackamas County Kennel Club Dog Show on June 24, attended an Energy Summit hosted by Senator Alan Olsen on June 27, participated in the July 4 parade, did a Police ride along on July 7, and attended the Canby Response Team meeting on July 10.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Ares said the Eco Park parking lot expansion was almost complete. A small lot on Teakwood was dedicated to the City as a park and could not be sold for another use. The Parks and Recreation Advisory Board decided the lot would be included in their next Park Development Plan for its use, such as a sport court.

Joseph Lindsay, City Attorney, would forward options for the lot to the Council and Board.

Councilor Ares said the Parks and Recreation Advisory Board also discussed the location of the off leash dog park along with the need for additional soccer, baseball, and lacrosse fields.

Councilor Hensley served pancakes at General Canby Day, walked in the parade, participated in the Relay for Life walk, and attended Hawksoft's open house. A 75th anniversary of the library would be held in September. Friends of the Library would be having two more book sales on July 28 and August 25.

Councilor Hodson also served at the pancake breakfast. He met with the Main Street Manager to discuss 1st Avenue and downtown. He asked that people be careful driving through construction zones. 1st Avenue construction was going well and on time. He encouraged citizens to visit the businesses on 1st Avenue and asked for those businesses to not park in front of their businesses so that customers could park in those spots.

Councilor Daniels said the Historical Society pancake feed went well. The Depot Museum was open Thursday – Sunday. CAT ridership had dropped off the same percentage as the routes diminished. He explained the cuts in service that had taken place. The two new buses were in service. The new schedules and shopping shuttles went into effect June 30. He announced after 26 years he would not be running for re-election to the Council.

Councilor Parker had been working with the Main Street Manager and talking with 1st Avenue businesses. He discussed how the buses were at capacity for carrying bicycles and thought the issue should be looked at. He attended the Bridging Cultures picnic at Locust Street Park.

Councilor Dale also attended Senator Olsen's Energy Summit, Hawksoft's open house, served at the pancake breakfast, participated in the parade, attended the Cash Mob on First Friday, Chamber of Commerce morning show, and Annie Tran's farewell party. Regarding Canby Utility, due diligence was being done on the permitting for the new substation on Knights Bridge Road and the generator for the substation had been ordered. Canby Utility far exceeded the national yearly reliability statistics.

Councilor Daniels said there would be shuttle service to the Clackamas County Fair.

CONSENT AGENDA: **Councilor Daniels moved to adopt the minutes of the June 20, 2012 City Council Work Session & Regular Meeting. Motion was seconded by Councilor Hodson and passed 6-0.

PUBLIC HEARING: ANN 12-01/CPA 12-01/ZC 12-01 Hope Village Annexation –

Mayor Carson read the public hearing format.

CONFLICT OF INTEREST:

Councilor Ares – No conflict, plan to participate.
Councilor Hensley – No conflict, plan to participate.
Councilor Hodson – No conflict, plan to participate.
Councilor Daniels – No conflict, plan to participate.
Councilor Parker – No conflict, plan to participate.
Councilor Dale – No conflict, plan to participate.
Mayor Carson – No conflict, plan to participate.

EX PARTE CONTACT:

Councilor Ares – no contact.

Councilor Hensley – no contact.

Councilor Hodson – attended the Planning Commission meeting where the application was presented.

Councilor Daniels – driven by the site.

Councilor Parker – no contact.

Councilor Dale – familiar with the site as it was next to his residence.

Mayor Carson – no contact.

STAFF REPORT: Bryan Brown, Planning Director, said the application involved two tax lots, 0.79 acres, adjacent to the east side of the four acres that were annexed last year. The frontage was on Ivy Street. The property was outside the City limits and Urban Growth Boundary and was zoned for exclusive farm use. The Comprehensive Plan designated it as residential commercial. He explained the criteria for the application. A transportation study had been done and the change would not be an intensification of the use, was already anticipated in the Transportation System Plan, and there was no need for mitigation. The applicant was granted a waiver on the development of a concept plan as this was less than an acre. This property and the other four acres would be developed together. The applicant was also requesting a higher number of dwelling units than allowed in the residential commercial zone. The jurisdiction of Ivy Street would remain in the County at this time. There was a need for more property zoned R2. All of the public input received was in support of the annexation. The City Engineer concurred with the applicant's analysis that adequate public infrastructure would be in place. The access would be to the Hope Village campus, not on Ivy. There were no conditions and the Planning Commission recommended sending the annexation to a vote.

There was discussion regarding the waiver of the concept plan, Buildable Lands Analysis, and the need for higher density in the City.

Mayor Carson opened the public hearing at 8:34 p.m.

PUBLIC TESTIMONY

APPLICANT: Craig Gingerich, Hope Village Executive Director, said there was a tremendous need for retirement services and Hope Village had the capacity to meet the need. He encouraged the Council to send the application to the voters.

PROPONENTS: None.

OPPONENTS: None.

REBUTTAL: None.

Mayor Carson closed the public hearing at 8:38 p.m.

Councilor Ares said Hope Village was an asset to the community and the application made sense to combine it with the four acres already annexed to make a well planned area.

****Councilor Hodson moved to approve ANN 12-01/CPA 12-01/ZC 12-01; submitting this annexation to the electorate for a vote on the November 6, 2012 general election, that upon annexation the land use plan map be changed from Residential-Commercial (RC) to High Density Residential (HDR) designation, and that the zoning of the property be designated High Density Residential (R2) based on the Facts, Findings, and Conclusions presented in the June 25, 2012 staff report and supporting the findings from the July 9, 2012 Planning Commission and Council public hearings held. Motion was seconded by Councilor Hensley and passed 6-0.**

RESOLUTIONS & ORDINANCES: Resolution 1137 – Mr. Lindsay said that WAVE was following the franchise agreement that required any change of control be approved by the City Council. He explained the financial changes taking place.

Karen Daniher, WAVE Broadband Operations Manager, said the infrastructure and management would not change; it was only a change in stockholders.

****Councilor Hodson moved to adopt Resolution 1137, A RESOLUTION GRANTING CONSENT AND APPROVAL OF THE CITY OF CANBY TO CHANGE OF CONTROL TRANSACTION FROM WAVE DIVISION HOLDINGS, LLC TO OAK HILL CAPITAL PARTNERS III, L.P. Motion was seconded by Councilor Daniels and passed 6-0.**

Resolution 1138 – ****Councilor Daniels moved to adopt Resolution 1138, A RESOLUTION CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES FOR THE CITY OF CANBY. Motion was seconded by Councilor Ares and passed 6-0.**

Resolution 1139 – ****Councilor Ares moved to adopt Resolution 1139, A RESOLUTION APPROVING A COMPREHENSIVE PLAN LAND USE MAP AMENDMENT TO THE HDR DESIGNATION AND ANNEXATION OF 0.79 ACRES OF LAND WHICH SHALL BE ZONED R-2 HIGH DENSITY RESIDENTIAL, PENDING ANNEXATION APPROVAL BY THE CANBY ELECTORATE. Motion was seconded by Councilor Hensley and passed 6-0.**

Ordinance 1360 – ****Councilor Hensley moved to adopt Ordinance 1360, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2012-2013. Motion was seconded by Councilor Hodson and passed 6-0 by roll call vote.**

Ordinance 1361 – Mr. Lindsay stated Ken Robinson had been providing this service since 1996. There was no change from the previous contract.

****Councilor Ares moved to approve Ordinance 1361, AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A CONTRACT WITH KEN ROBINSON DBA KR MAINTENANCE TO PROVIDE SERVICES AT THE CITY OWNED ZION MEMORIAL CEMETERY; AND DECLARING AN EMERGENCY to come up for second reading on August 1, 2012. Motion was seconded by Councilor Hodson and passed 6-0 on first reading.**

Ordinance 1362 – ****Councilor Daniels moved to approve Ordinance 1362, AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN LAND USE MAP FROM RESIDENTIAL-**

COMMERCIAL TO HIGH DENSITY RESIDENTIAL FOR TAX LOT 1100 AND 1101 OF TAX MAP 4S-1E-4D LOCATED ADJACENT TO AND ON THE WEST SIDE OF THE 1600 BLOCK OF S IVY STREET to come up for second reading on August 1, 2012. Motion was seconded by Councilor Hodson and passed 6-0 on first reading.

NEW BUSINESS: ANN 12-01/CPA 12-01/ZC 12-01 Findings, Conclusions & Order –

****Councilor Ares moved to adopt ANN 12-01/CPA 12-01/ZC 12-01 Findings, Conclusions & Order. Motion was seconded by Councilor Daniels and passed 6-0.**

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Greg Ellis, City Administrator, announced a ribbon cutting on August 7 for 4th Avenue in front of the Clackamas County Event Center at 10:30 a.m. Some of the police cars were being parked at the new police facility to free up space in the Railroad Parking Lot. A letter would be written for businesses to give to their landlords asking for relief on leases and to explain the Façade Improvement Program. A dangerous tree near the high school would be removed. The City was partnering with the School District to make new crosswalks, the intersection of Township and Redwood would become a four-way stop, and an on-demand blinking light would be placed on Knott and Township. He hoped to have a visioning meeting sometime during the week of September 17.

Councilor Parker suggested an on line survey as a component of the visioning.

Mayor Carson would be attending the Oregon Mayor's Association Conference July 26-28.

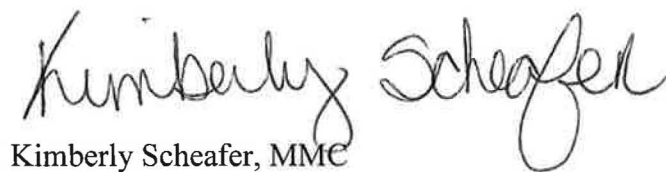
CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Resolution 1137.
3. Adopted Resolution 1138.
4. Adopted Resolution 1139.
5. Adopted Ordinance 1360.
6. Approved Ordinance 1361 to come up for second reading on August 1, 2012.
7. Approved Ordinance 1362 to come up for second reading on August 1, 2012.
8. Adopted ANN 12-01/CPA 12-01/ZC 12-01 Findings, Conclusions & Order.

There was no Executive Session.

Mayor Carson adjourned the Regular Meeting at 9:06 p.m.

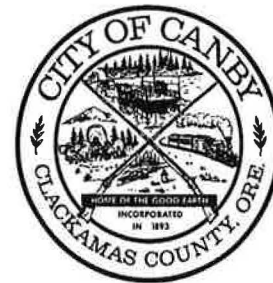


Kimberly Scheafer, MMC
City Recorder



Randy Carson
Mayor

Assisted with Preparation of Minutes - Susan Wood



BEFORE THE CITY COUNCIL OF THE CITY OF CANBY

**A REQUEST TO ANNEX 0.79 ACRES OF
OF LAND INTO THE CITY OF CANBY;)
TO APPROVE A COMPREHENSIVE)
PLAN AMENDMENT CHANGING THE)
LAND USE MAP FROM RC TO HDR;)
AND CHANGE THE ZONING FROM)
CLACKAMAS COUNTY EFU TO CITY)
OF CANBY R-2)**

**FINDINGS, CONCLUSIONS & ORDER
ANN 12-01/CPA 12-01/ZC 12-01**

NATURE OF APPLICATION

Hope Village, Inc. seeks to annex 0.79 acres of property adjacent to their senior housing complex into the City of Canby for future senior housing and amend the Comprehensive Plan Land Use Map from Residential-Commercial (RC) to High Density Residential (HDR) to establish the desired residential density; and have the High Density Residential (R-2) zoned district assigned to the property to match the requested Comp Plan amendment.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting on July 9, 2012. The Planning Commission forwarded a recommendation of approval to City Council. The City Council held a second public hearing to consider the application and the Planning Commission's recommendation at its August 18, 2012, meeting. The planning director presented the staff report. Robert Price spoke on behalf of the applicant. The Council voted to approve the annexation, Comprehensive Plan Amendment and zone change application and to forward the annexation application on to the Canby voters for a final decision on this matter.

CRITERIA AND STANDARDS

The Planning Commission forms a recommendation for the City Council to consider after conducting a public hearing. If the City Council approves the application, that approval is forwarded to Canby voters as a ballot measure where a final decision is reached during a general election. Section 16.84, 16.88, and Section 16.54 of the Canby Municipal Code states the applicable review criteria when reviewing a proposed annexation, comprehensive plan amendment and zone change for which the Council shall give consideration, including the following:

For An Annexation:

1. Whether the subject property is required to submit either a Development Agreement or a Development Concept Plan;
2. Analysis of the "need" for additional property within the city limits;
3. Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part;
4. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park

and school facilities;

5. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
6. Statement of additional facilities, if any, required meeting the increased demand and a proposed phasing of such facilities in accordance with projected demand;
7. Statement outlining method and source of financing required to provide additional facilities, if any;
8. Statement indicating the type and nature of any comprehensive plan text or map amendments or zoning text or map amendments that may be required to complete the proposed development;
9. Compliance with other applicable city ordinances or policies;
10. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222;

For a Comprehensive Plan Amendment:

11. the remainder of the Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
12. A public need for the change;
13. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
14. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community.
15. Statewide planning goals;

For A Map Amendment (Zone Change):

16. Consider the Comprehensive Plan of the City, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;
17. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

FINDINGS AND REASONS

The City Council deliberated on all evidence and testimony presented at the July 9, 2012, Planning Commission public hearing. The City Council incorporates the prepared June 25th, 2012 staff report, including all attachments thereto, the Planning Commission recommendation, and Council deliberations as support for its decision.

CONCLUSION

The City Council concludes that, based on the findings and conclusions contained in the June 25th, 2012 staff report, including all attachments thereto, the Planning Commission recommendation, together with testimony received and Council deliberations at the August 18th, 2012 public hearing:

1. The application processing is in conformance with applicable provisions set forth in CMC 16.89.
2. The requirement for submittal and approval of a Development Concept Plan in conjunction with this annexation request was provided appropriately provided an exception through a formal waiver by the City Council prior to the application being submitted.
3. The proposed annexation meets the approval criteria set forth in CMC 16.84.040.A.
4. The Comprehensive Plan Amendment meets the approval criteria set forth in CMC 16.88.180.C., making the requested change in the Land Use Map designation from RC to HDR appropriate.
5. The zoning of the property, if annexed, should be R2 pursuant to the approval criteria set forth in CMC 16.54.040.
6. The requested R-2 zoning is in conformance with the concurrent requested Comprehensive Plan Land Use Map Amendment to High Density Residential (HDR).
7. The application complies with all applicable Oregon Revised Statutes.
8. There are sufficient public and private utility and service capacity to serve the site at the anticipated development intensity.
9. This portion of S. Ivy Street is a County maintained arterial road which should stay under the County's jurisdiction and not be annexed at this time, in accordance with provisions of the City's Urban Growth Management Agreement with the County.
10. It has been determined as set forth in CMC 16.84.040.A.2. there is less than a three-year supply of High Density Residential (R-2) zoned land within the City limits – a policy set by the Canby City Council to guide decisions on annexation requests. There is a High Density Residential (R-2) zone deficiency within the City limits and a long-term High Density Residential (HDR) designation deficiency within the UGB. Therefore, the supply does not exceed a three-year supply and there is a “need” for high density residential zoned land at this time.
11. Adequate access is available to the site, and is intended to connect to the north into the contiguously owned property.
12. The annexation proposal is in compliance with other applicable City ordinances or policies.
13. No natural hazards have been identified on the subject property, and there are no specially designated open spaces, scenic, historic or natural resource areas identified on the subject property.
14. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

15. The annexation and concurrent land use map change and zoning change are shown to conform to the adopted Transportation System Plan with no significant impact on the surrounding transportation network and no mitigation measures necessary to satisfy TPR requirements.

DECISION:

The City Council **APPROVED** annexation, comprehensive plan amendment, and zone change application **ANN 12-01/CPA 12-01/ZC 12-01** with the following provisions:


1. Upholding previous Council action granting an exception pursuant to CMC 16.84.090 waiving the Development Concept Plan requirement;
2. That ANN 12-01/CPA 12-01/ZC 12-01 as indicated in the June 25, 2012 staff report be submitted to the electorate for a vote on the November 6, 2012 general election;
3. That upon annexation, the land use plan map be changed from Residential Commercial (RC) to High Density Residential (HDR) designation;
4. That upon annexation, the zoning of the property be designated as R2 High Density Residential.

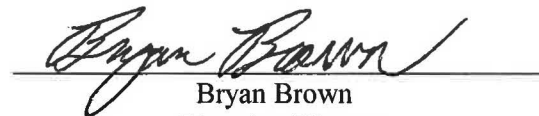
ORDER

IT IS ORDERED BY THE CANBY CITY COUNCIL that annexation **ANN 12-01/ZC 12-01** is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the November 06, 2012, general election ballot.

I CERTIFY THAT THIS ORDER approving **ANN 12-01/ZC 12-01** was presented to and **APPROVED** by the Canby City Council.

DATED this 18th day of July, 2012.


Randy Carson, Mayor
City of Canby


Bryan Brown
Planning Director

ATTEST:

WRITTEN FINDINGS – July 18, 2012

AYES: ARES, HENSLEY, HODSON, DANIELS, PARKER & DALE

NOES: None.

ABSTAIN: None

ABSENT: None