

**CANBY CITY COUNCIL & PLANNING COMMISSION
SPECIAL JOINT MEETING MINUTES
August 25, 2008**

Presiding: Planning Commission Chair Dan Ewert.

Council Present: Mayor Melody Thompson, Paul Carlson, Wayne Oliver, Walt Daniels, Randy Carson and Tony Helbling. Councilor Teresa Blackwell was absent.

Planning Commission Present: Janet Milne, Bruce Holte, & Charles Kocher. Commissioners Misty Slagle and Jared Taylor were absent.

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; Matilda Deas, Project Planner; Melissa Hardy, Associate Planner; and Kim Scheafer, City Recorder Pro-Tem.

Others Present: Bob Backstrom, Leonard Walker, Jay Dearborn, Dave & Amber Wohlers and Gary Spanovich.

CALL TO ORDER: Planning Commission Chair Dan Ewert called the Special Meeting to order at 7:02 p.m. in the Omni Room at Canby High School.

PUBLIC HEARING: TA 08-03 Adoption of New Annexation Criteria – Chair Ewert read the public hearing format.

Matilda Deas, Project Planner, said she had spoken with other cities and the natural resource protection policy was easier to deal with as a City policy rather than an annexation criterion so it was deleted from the document. She suggested a future work session to discuss if they wanted to do that as a policy. If the Planning Commission approved their findings at the meeting they would then be forwarded to the Council on September 3. They had done public education about annexations and had decided to modify their public advertisements of the annexations.

Ms. Deas reviewed the criteria that staff was proposing to be changed. Staff had been advised by a land use attorney that when they were asking for a concept plan, the cleanest way was to attach it to the zoning of an annexed property. They made many changes to the Standards and Criteria section. Criteria was reviewed that would be applied to all annexation requests including the annexation development map and development concept plan. The three year need policy was something they wanted to keep. A statement of potential physical, aesthetic and related social effects of the proposed development would be required. Changes to the Comprehensive Plan would have to be called out in the application. Each annexation would need to be in compliance with other applicable city ordinances or policies.

Chair Ewert went through each section of the proposed document and asked if there were any questions or changes to be made. He asked about the new policy for zoning of newly annexed areas.

John Kelley, City Attorney, said applicants would be required to submit a zone change application that would change their current County zoning to what the zoning was in the Comprehensive Plan for that property.

Commissioner Jan Milne asked for clarification of the terms waiver of nexus or rough proportionality objections to future exactions.

Mr. Kelley explained that case law said they had to have a rough proportionality or waiver of nexus with the condition they were attaching to the requirement they wanted the developer to make. It had to be proportional and connected to the improvements for the development.

Chair Ewert asked for Ms. Deas to explain the difference between a development agreement and a development concept plan.

Ms. Deas went over each, explaining the development agreement was not as involved and extensive as a development concept plan and was intended for smaller parcels, whereas the concept plan was drawings and master plan for a larger area.

Chair Ewert asked about the concept plan being binding for all the property owners in an area and how they would need agreement from all parties. Ms. Deas explained the process and that it was for continuity in designing a large area.

Mayor Thompson said she could see where it made sense and was beneficial when property owners all agreed. She could also see it being a detriment if all of the property owners did not want to get on board.

There was discussion regarding having a larger picture of how things should be developed with input from the service providers prior to applications being submitted.

Councilor Carson asked who was going to decide if a proposed development would have a negative impact on the community and neighborhood.

Chair Ewert said they were asking the applicant to go to the community prior to bringing it to the Commission and if they got negative feedback, they wanted to know how they were going to answer those issues. The Commission would look at the application according to the criteria.

Councilor Helbling suggested striking the word negative.

Commissioner Milne suggested changing “negative effects” to “neighborhood concerns” but she was not in favor of leaving negative out. It was changed to “mitigate identified concerns”.

The rest of the document was discussed, with most of the points detailing how they did the process currently, but was laid out in a more orderly way.

There was discussion regarding who would define the concerns on an application.

Planning Commission Chair Ewert opened the public hearing at 8:50 p.m.

Public Testimony:

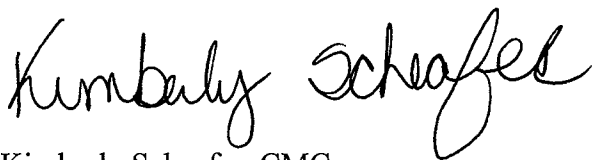
Leonard Walker, Chairman of the Northeast Canby Neighborhood Association, said they were in support of the change. They felt the current criteria was not sufficient. Master planning was important. The small areas were generally going to have the master plan in effect anyway, as they already knew where the streets and water had to go. Larger areas were what they were concerned with. They had pushed for a master plan on the property on the east side of Redwood, south of Territorial. People should have an opportunity to know what the facts were, especially since they voted on the annexations.

Robert Backstrom, Riverside Neighborhood Association, said his neighborhood association had developed a belief statement. One of the tenants said a development should improve the livability of the neighborhood. The second tenant said a development should improve the livability of the city. They firmly believed these two things were important. If they as leaders didn't like the Code they should propose some ordinances and resolutions to change it. He asked that they take proactive positions. The City was beautiful but was becoming ugly because some things were more expeditious and difficult to fight. Their neighborhood association had always favored impact statements. They were currently working hard with a developer on the north side of town to get something passed. They were not against development. If it fit the criteria of improving the livability they would work hard to get it passed.

Chair Ewert closed the public hearing at 9:00 p.m.

Mr. Kelley said the plan was that once the public hearing was completed, the Council would adjourn. The Planning Commission would continue with their meeting and vote on a recommendation. The Council would take up the Planning Commission's recommendation and findings at their next Council Meeting.

Mayor Thompson adjourned the Special Meeting at 9:01 p.m.



Kimberly Scheafer, CMC
City Recorder Pro Tem



Melody Thompson
Mayor