

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
January 3, 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; and Kim Scheafer, City Recorder.

**OTHERS PRESENT:** Carol Palmer, Allen Manuel, Jason Padden, Regina Taylor, Bill & Karyn Fenton, Tony Crawford and Matt Dale.

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

**COMMUNICATIONS:** None.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Jason Padden, Canby resident, passed out pictures of a house being developed in the third phase of the Northwoods Development. He had previously been told that only one story homes could be built behind him. He had attended the community meeting before they broke ground and asked again to make sure the homes would only be single story. There was now a house being built as a two story home. When he asked Curt McLeod about it he was told that since it was a storage room it was not considered as a full second story. Due to the storage room, the roofline was past 28 feet tall which was as high as or higher than most of the two story homes located in this area. The room was accessible from inside the house, not the garage, and the house plan called it an upper floor. An open area was framed in beside this storage room. He believed this was a two story home. It was things like this that made citizens skeptical of development. It was a sneaky way of getting around a provision that was put into place to be beneficial to the development and the existing neighborhood.

Councilor Hensley asked if there were two windows in the upstairs room.

Mr. Padden said yes, that was correct.

There was discussion regarding the definition of single story home.

Mr. Padden was concerned that similar situations would occur all throughout the city.

Mayor Hodson thought the Planning Commission should look at the issue to get some of the loopholes closed up.

Councilor Hensley thought the Planning Commission should look at the code on nights that they didn't have items for a meeting.

Rick Robinson, City Administrator, said the Planning Department was overwhelmed with work right now and would not have time to look at code amendments.

Councilor Parker was going to recommend to the Budget Committee that money be set aside for someone to come in and assist in reviewing the code language. He also asked that the City Administrator bring back to the next Council meeting an analysis of the issue and the options.

**MAYOR'S BUSINESS:** Mayor Hodson said a Doodle poll had been sent out to schedule a goal review work session. He toured the Aurora Airport yesterday to get information on the planned runway extension. There was a lot of development planned for the airport and surrounding area. He met with a local business looking to expand in the next two years. The C-4 Committee would be finishing up their bylaws tomorrow night along with transportation and legislative updates. Metro would be putting a house and transportation bond on the November ballot. He would be participating in the selection of the consultant for the County housing needs assessment. The State of the City Address would be on February 6 at the Chamber Luncheon.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Smith said the last Fire District Board meeting was at the same time as the Council meeting and he was not able to attend. City staff presented at the French Prairie meeting regarding Canby's economic development program.

Councilor Dale said Canby Utility passed their annual audit with flying colors.

Councilor Heidt said that LINCC was going to be amending the master agreement and the IGA with the County for the Library District was going to be reviewed.

Mr. Robinson wrote a letter to the County Chair and Administrator expressing areas of concern regarding the Library District master agreement amendments. The most significant was regarding the tax proceeds not being used for operating purposes, but for capital purposes. He had received a letter back and would forward it to the Council.

Councilor Heidt also attended the Parks and Recreation Advisory Board meeting where Board member interviews were held. They also discussed the Traverso property donation. She had given an update on what was happening in the City to Kiwanis.

Councilor Spoon attended the Adult Center meeting where their auditor gave an update on their finances. They were a great example of how organizations should be run. She thanked staff for all of their work on the economic development that was happening in the City.

**CONSENT AGENDA: \*\*Councilor Dale moved to adopt the minutes of the December 6, 2017 City Council Regular Meeting. Motion was seconded by Councilor Hensley and passed 6-0.**

**PUBLIC HEARING:** TA 17-01 - Changing Name of the Historic Review Board to the Heritage and Landmark Commission and Adding a Non-Voting Membership Position of a Canby High School Student – Mayor Hodson read the public hearing format.

Bryan Brown, Planning Director, presented the staff report. This was a text amendment to change the name of the Historic Review Board and to add a non-voting membership position for a Canby High School student. The Planning Commission recommended approval of the amendment. The name would be changed to the Heritage and Landmark Commission to better fit with the work of the committee. They also wanted to involve high school students in their work. The student would be a non-voting

member. Verbiage was also being changed to be in line with the language of the other City advisory boards regarding electing the Chair and Vice Chair. The proposal was in line with State planning goals.

Councilor Hensley loved the idea of adding a high school student. She asked why the word Commission was used instead of Board or Committee.

Mr. Brown said he would let Ms. Palmer explain it.

Mayor Hodson opened the public hearing at 8:12 p.m.

Proponents: Carol Palmer, Historic Review Board Chair, said the reason they wanted to change the name to Commission was because they were trying to separate themselves from other entities. People often confused the Historic Review Board with the Historical Society. She wanted to make sure the group was associated with the City.

Councilor Heidt asked how a student would be chosen.

Mr. Palmer said she was working with the high school on how to recruit a member. The student would be able to get credit for it as well.

Mayor Hodson thanked Ms. Palmer for all of the work she had been doing.

Opponents: None.

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

Councilor Dale asked about using the wording Canby High School Student when there could be other high school students living in Canby but attending other high schools.

A discussion took place regarding changing the wording to “high school student residing within the Canby School District boundary” which would allow others to apply. There was consensus to make this change.

**RESOLUTIONS & ORDINANCES:** Resolution 1279 – Mayor Hodson said T5 Equities LLC would be renovating the former library building and would bring in a mix of businesses to occupy the building. This would be a lease to own situation and at the four year mark they would officially take ownership.

Mr. Robinson clarified the property would go back on the tax rolls when the lease was signed.

Councilor Smith would abstain from the vote as he had a client who had bid on the project.

Mr. Robinson explained the lease terms.

**\*\*Councilor Hensley moved to adopt Resolution 1279, A RESOLUTION OF THE CANBY CITY COUNCIL APPROVING A LEASE AND SALE AGREEMENT WITH T5 EQUITIES LLC FOR THE FORMER LIBRARY BUILDING LOCATED AT 292 N HOLLY STREET. Motion was seconded by Councilor Spoon and passed 5-0-1 with Councilor Smith abstaining.**

**Ordinance 1469 – \*\*Councilor Hensley moved to approve Ordinance 1469, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 16.110 BY CHANGING THE NAME OF THE HISTORIC REVIEW BOARD TO THE HERITAGE AND LANDMARK COMMISSION AND ADDING A NON-VOTING MEMBERSHIP POSITION OF A HIGH SCHOOL STUDENT RESIDING IN THE CANBY SCHOOL DISTRICT to come up for second reading on January 17, 2018. Motion was seconded by Councilor Heidt and passed 6-0.**

**NEW BUSINESS: Findings, Conclusion & Final Order APP 17-01, Appeal of Planning Commission's Decision on ZC 17-02/CUP 17-05/ SUB 17-04 S Ivy Park Rezone, Conditional Use Permit and Subdivision at 533, 553 and 583 S Ivy Street –**

Mayor Hodson explained how the findings supported the Council's decision to deny the appeal and uphold the decision that was made by the Planning Commission for this application.

Councilor Smith thought the findings encapsulated what was discussed, however they did not include his position that the map showed the lot frontages did not meet the code.

Allen Manuel, Canby resident, had heard and considered the stated objections of the governing bodies and citizens. He had substantially modified his proposal to answer most of the objections and requested a new evidentiary hearing before the Planning Commission so that they could hear the revised plan. He agreed to extend the 120 day deadline if the Council granted a remand.

Joseph Lindsay, City Attorney, said it would have been better to remand it back to the Planning Commission before a final vote had been taken. There were fees associated with applications, and it was up to the Council if they wanted to continue this process on one fee or to have Mr. Manuel come back with a new application.

There was discussion regarding the process for applications.

Mr. Robinson said staff had spent an extensive amount of time in developing this record. They were at the end of a particular path and the cleanest approach would be to start over again.

Councilor Spoon did not want to set a precedent for these types of situations going forward.

Mr. Lindsey said his comfort level would be to give finality to this process and to discuss if a fee waiver should be granted if Mr. Manuel submitted a new application.

Councilor Parker said it had not been noticed on the agenda that this would be a remand.

Councilor Smith would be in favor of a withdrawal so Mr. Manuel would not have to put in the time and money for a new application.

Councilor Hensley thought the cleanest way to do it was to finish this process and start a new one.

**\*\*Councilor Hensley moved to adopt the Findings, Conclusion & Final Order for APP 17-01. Motion was seconded by Councilor Parker.**

**\*\*Councilor Smith moved to amend the motion that a provision be added to the Findings allowing the applicant to resubmit an application within the year. Motion was seconded by Councilor Hensley.**

A discussion took place regarding whether or not these should be two separate motions.

Councilor Parker did not think they could make motion that might override a development ordinance if there was a rule that the applicant could not reapply for one year.

Mr. Lindsay suggested staff come back to the next Council meeting if they found a provision that did not allow Mr. Manuel to reapply within the year.

**The amendment to the motion failed 1-5 with Councilor Smith in favor.**

**The main motion passed 6-0.**

**ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** Mr. Robinson said the Traverso property transaction closed before December 31.

**CITIZEN INPUT:** None.

**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Adopted Resolution 1273.
3. Approved Ordinance 1469 to come up for second reading on January 17, 2018.
4. Adopted the Findings, Conclusion & Final Order for APP 17-01.

There was no Executive Session.

Mayor Hodson adjourned the Regular Meeting at 9:02 p.m.

Kimberly Scheafer, MMC  
City Recorder

Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood