

**CANBY CITY COUNCIL  
CITY COUNCIL WORK SESSION  
February 1, 2017**

**PRESIDING:** Mayor Brian Hodson.

**COUNCIL PRESENT:** Tyler Smith, Tim Dale, Tracie Heidt and Sarah Spoon. Councilors Greg Parker and Traci Hensley were absent.

**STAFF PRESENT:** Rick Robinson, City Administrator; Joseph Lindsay, City Attorney; Renate Mengelberg, Economic Development Director; and Kim Scheafer, City Recorder.

**OTHERS PRESENT:** None.

Mayor Hodson called the Work Session to order at 6:45 p.m. in the Willow Creek Conference Room.

The Council met in a work session to discuss the marketing process for the old library building.

Renate Mengelberg, Economic Development Director, was asking for feedback on the vacant library building and the process to occupy it again. She suggested sending out a Request for Interest for potential tenants of the building. She wanted to keep it open for two months.

Rick Robinson, City Administrator, said staff had considered a number of different uses for the building. The Hanlon project would add 20,000 square feet of retail/commercial/restaurant space on the City Hall block. They did not want to leave the building vacant indefinitely. He thought the best way to market the building was to allow people to give them their best conceptual idea for what they wanted and explain how they would accomplish that vision. They would have a simple, straightforward approach for soliciting requests. Staff would weigh the proposals against the criteria, make a recommendation, and bring it back to Council. They wanted to get the property back on the tax rolls and either do a lease arrangement or outright purchase.

Councilor Smith wanted to make sure they opened it up to a wide audience and gave people enough time put together a proposal.

There was discussion regarding whether or not this process excluded some businesses, how this process gave them more control over how the project would fit with the larger picture of downtown as opposed to just listing it on the MLS, whether the two month window was too short, and how it would be noticed and advertised.

There was consensus to go with the Request for Interest process, keep it open for three months, and to make sure the process was open and fair.

Mayor Hodson adjourned the Work Session at 7:15 p.m.

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**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
February 1, 2017**

**PRESIDING:** Mayor Brian Hodson.

**COUNCIL PRESENT:** Tyler Smith, Tim Dale, Tracie Heidt and Sarah Spoon. Councilors Greg Parker and Traci Hensley were absent.

**STAFF PRESENT:** Rick Robinson, City Administrator; Joseph Lindsay, City Attorney; Bryan Brown, Planning Director; Bret Smith, Chief of Police; Jorge Tro, Police Lieutenant; Rod Grafe, Municipal Court Judge; Britton Nelson, Police Officer; Steve Christman, Police Officer; Tim Warren, Sergeant; Sergeant; Bradley Shafer, Police Officer; Scott Farmer, Sergeant; Chris Scharmota, Detective; Tim Green, Detective Sergeant; Laney Fouse, Office Specialist; and Kim Scheafer, City Recorder.

**OTHERS PRESENT:** James Bergon, Bob Cavanaugh, Liz Belz-Templeman, Lisa Martinez, Fire Chief Jim Davis, Pamela White, Carol Kramer, Jason Bristol, Sharon Braden, Sharon Stormo, Connie Austen, Sara Hepler, Anna Valdez, Andrew Hale, and Connie Linton.

**No Executive Session was held at 5:30 p.m. due to lack of a quorum.**

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

**Barbershop Singing Week Proclamation** – Mayor Hodson read a proclamation proclaiming February 12-18, 2017, as Barbershop Singing Week and presented it to Bob Cavanaugh.

**Swearing In Ceremony** – Rod Grafe, Municipal Court Judge swore in Britton Nelson as a Canby Police Officer.

Police Chief Bret Smith read a letter of commendation for Sergeant Mike Smith.

**COMMUNICATIONS:** None.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Lisa Martinez, American Cancer Society, said that they were requesting to use Wait Park for the Relay for Life event on June 24 until 11 p.m.

Rick Robinson, City Administrator, said he could review the application once it was submitted to the Planning Department.

**MAYOR'S BUSINESS:** Mayor Hodson said the Council had a work session to discuss the future of the old library building. They would be advertising for letters of interest in the next few weeks. The Clackamas County Coordinating Committee would meet tomorrow night to finish discussing bylaws and the transportation package in the upcoming state legislative session.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Smith thanked the *Canby Herald* for their article about two elementary students and their fight with cancer. The Fire Department had a new fire engine they would be having a ceremony for on February 10 at 8:00 a.m. At the Fire Board



meeting, some Fire Fighters were sworn in and the audit was reviewed. They took an average of ten calls per shift.

Councilor Dale said Canby Utility had not met since the last Council meeting.

Councilor Heidt said the Library would have a Pints from the Past program on February 6 and author's talk on February 8. Canby Area Transit closed on the purchase of property for the bus yard. The Transit Master Plan update was presented at the last Planning Commission meeting and it would be presented to the Council soon. There would also be a community outreach event. The School District had their Board Appreciation Month in January. The School Board met with Representative Kennemer and Senator Olson regarding school funding and highlighted Carus School for their Maker Space. She attended the Clackamas Cities Association Dinner in Milwaukie.

Councilor Spoon said the Southwest Neighborhood Association was looking for a new secretary. She and Councilor Heidt met with Jamie Stickel regarding the Canby Independence Day Celebration event planning. There would be a kick off meeting on February 9. She attended the FFA Auction at the high school.

**CONSENT AGENDA: \*\*Councilor Dale moved to adopt the minutes of the January 18, 2017, City Council Regular Meeting; Change of Privilege/Location Liquor License Application for Puddin' River Chocolates & Wine Bar; Reappointment of Walt Daniels to the Canby Utility Board for a term to end on February 29, 2020; and appointment of Clint Coleman to the Traffic Safety Commission for a term to end on June 30, 2018. Motion was seconded by Councilor Heidt and passed 4-0.**

**PUBLIC HEARING: ZC 16-05 ZC 16-05 Zone Change of 548 N Locust Street from Low Density Residential (R-1) to High Density Residential (R-2) – Mayor Hodson read the public hearing format.**

Councilor Smith declared an ex parte contact. He talked to the Planning Commission Chair about this decision for his report.

STAFF REPORT: Bryan Brown, Planning Director, said this was a fairly straight forward application for a zone change. There was more low density residential in the City than high density, and the Comprehensive Plan designated this area to be redeveloped as high density. The property was located at 548 N Locust Street. It was adjacent to R-2 zoning to the south and the subject property was in the Comprehensive Plan as R-2. The request was to rezone from R-1 to R-2. The Planning Commission recommended approval of the zoning change. It was a logical progression to extend the zoning to an adjacent lot. The applicant had no immediate plans of redeveloping the property, but the rezone would give him the opportunity to do so in the future or sell it to someone else who would. If approved, the property would be subject to the development standards of the R-2 zone which required a minimum of four dwelling units on this size of property. It would be a change from the small house that was currently on the property to four dwelling units.

Councilor Smith asked if the tax lots had been combined or if they were talking about two parcels instead of one.

Mr. Brown said tax lots did not necessarily make legal lots of record, but there was only one tax lot listed for the legal description of the lot. Since the Planning Commission hearing, one letter had been received from Karen Bayless regarding her concerns about additional traffic on N Locust and NE 4<sup>th</sup>

Avenue. She was opposed to the request to protect the current single family nature of the area. He thought there was adequate infrastructure to accommodate the future growth. High density zoning was in short supply.

Mayor Hodson opened the public hearing at 8:19 p.m.

## PUBLIC TESTIMONY

APPLICANT: Jason Bristol, Canby resident, said the property was currently in disrepair. The house did not have a foundation, there was a lot of rot, and the plumbing and electrical and roof was bad. In five years it would need lots of money or demolition. He wanted to make the best use of the land that he could. The Comprehensive Plan designated it as an area of special concern. It was designed for multi-family and duplex development. Directly across the street there were two duplexes and single family homes, around the corner was a 15 unit townhome project going in, and there were multiple duplexes in the area. It was not a single family only neighborhood, but was mixed and was in transition. He was not planning to develop the property soon and requested that any improvements to the sidewalks, curbs, or roads would be done at the time of development.

Councilor Smith asked if he knew if there was a property line adjustment that eliminated the two lots. If this was two lots of record, the setbacks for any buildings would apply to both lots. He was concerned about rezoning something to a zone that the parcel was not capable of accomplishing and the land would remain vacant with a deteriorating home and a wrong zone.

Mr. Bristol said there was a lot 11 and 12 which divided the parcel in half which created 50 foot wide lots. He thought both were large enough for a duplex and the duplexes could be placed side by side. He was not clear if they were lots of record as there was no dividing line on any map and they only received one bill for property taxes. He thought either way there was space to build the high density.

OPPONENT: Liz Belz-Templeman, Canby resident, was speaking on behalf of the Bike and Pedestrian Committee and as a resident. She was concerned about the developer's request to waive the improvement conditions imposed as part of the zone change approval. She asked that the approval of the zone change be postponed until there was a wording change regarding the waiver. She suggested it say, "The applicant requested the improvement conditions be included in the development plans submitted to the City at a future date." The east side of N Locust was mostly unimproved with minimal curbs and sidewalks. She showed pictures of the sidewalks in the area. She was in favor of changing the zone to a higher density, but it meant more people and the need for sidewalks. She explained the reasons for putting in sidewalks were for safety and walkability. If cost was an issue, it could be part of the selling price or rental price. There was no date for the road repairs between 10<sup>th</sup> and 4<sup>th</sup>, but they needed to be done as there were many potholes. They could not wait for the street to be repaired before the sidewalks were put in.

Joseph Lindsay, City Attorney, said the zone change could be approved without having to change the wording. It already stated when the applicant went through the development process the improvements would have to be done at that time.

Councilor Smith asked if they were allowed to attach a condition to a zone change.

Mr. Brown said it was not typical, but it was allowed. They could require improvements to be done at the time of rezoning, but they were typically done at the time of development. The applicant was not



requesting to waive the improvements, but to waive the improvements now and do them at the time of development which what they had always done in Canby.

Mr. Robinson said the repairs to the road would tentatively happen in 2018/19.

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

Councilor Smith didn't think a waiver should be included in the findings. He did not think it was appropriate to impose conditions for sidewalks on an everyday residential lot. The Code governed when they did and did not require sidewalks. He suggested changing the Code to not allow conditions on rezone applications.

**RESOLUTIONS & ORDINANCES:** Resolution 1258 – **\*\*Councilor Heidt moved to adopt Resolution 1258, A RESOLUTION CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES FOR THE CITY OF CANBY. Motion was seconded by Councilor Spoon and passed 4-0.**

Ordinance 1457 – **\*\*Councilor Smith moved to approve Ordinance 1457, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOT 2900 OF TAX MAP 3-1E-27AC to come up for second reading on February 15, 2017. Motion was seconded by Councilor Heidt and passed 4-0 on first reading.**

**NEW BUSINESS:** Findings, Conclusion & Final Order ZC 16-05 Jason Bristol – **\*\*Councilor Dale moved to adopt the Findings, Conclusion & Final Order ZC 16-05 Jason Bristol. Motion was seconded by Councilor Spoon and passed 4-0.**

Update on Sequoia Grove Apartments/Arneson Gardens Parking Lot – Mr. Robinson gave a PowerPoint presentation regarding the shared exit for the Sequoia Grove Apartments and Arneson Gardens. He explained how the plan was to go through the Arneson Gardens parking lot to the Sequoia Grove Apartments and exiting on Sequoia Parkway. This plan had been approved with the project. He showed pictures of how the new traffic flow would occur and what the original exit looked like. He discussed the questions he had received regarding the new layout.

Mr. Robinson would have a stop sign installed where the access road met the shared road where people were coming out of the apartments to the exit.

**ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** Mr. Robinson said Clackamas County had identified the Berg Parkway extension as a regional priority.

**CITIZEN INPUT:** None.

#### **ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Adopted Resolution 1258.
3. Approved Ordinance 1457 to come up for second reading on February 15, 2017.
4. Approved Findings, Conclusion & Final Order ZC 16-05.

Mayor Hodson read the Executive Session statement.

**\*\*Councilor Heidt moved to go into Executive Session pursuant to ORS 192.660(2)(h) Litigation. Motion was seconded by Councilor Smith and passed 4-0.**

Mayor Hodson recessed the Regular Meeting at 9:12 p.m.

Mayor Hodson reconvened the Regular Meeting at 9:35 p.m. and immediately adjourned.



Kimberly Scheafer, MMC  
City Recorder



Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood