

CANBY CITY COUNCIL & PLANNING COMMISSION
JOINT WORK SESSION
November 17, 2021

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Christopher Bangs, David Bajorin, Traci Hensley, Sarah Spoon, Greg Parker, and Shawn Varwig.

PLANNING COMMISSIONERS PRESENT: Chair John Savory, Jeff Mills, James Hieb, Jason Padden, and Michael Hutchinson.

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; Melissa Bisset, HR Director/City Recorder; Don Hardy, Planning Director; Jamie Stickel, Economic Development Director; and Maya Benham, Deputy City Recorder.

CALL TO ORDER: Mayor Hodson called the Work Session to order at 6:40 pm.

DISCUSSION REGARDING FRAMEWORK UPDATE FOR ZONING CODE CHANGES:

Don Hardy, Planning Director, said Canby's Title 16 Planning and Zoning Code needed updating. Long term updates would require information from other studies being completed over the next year. The need for urban boundary expansions would also be evaluated and the Transportation System Plan from 2010 needed to be updated as well. This was an informational work session, and additional work sessions on these topics would be held in 2022. Although, some code items had been updated over the years, the entire code had not been fully updated. These updates would also lead to the anticipated Comprehensive Plan and Transportation System Plan updates starting in the fall of 2022. The Housing Needs Analysis, Housing Production Strategy, and Economic Opportunities Analysis process would start in December 2021 and would finish by late fall of 2022. He explained the zoning code policy considerations that would be part of the HNA, HPS, and EOA processes. The possible near term code updates included a new food cart ordinance, Planning Commission public hearing process change so the applicant presented first instead of staff so that the applicant was carrying more of the burden of justifying the project based on code consistency, code text for a remand from City Council back to the Planning Commission, fences with focus on height restrictions, change of business use process, revision of subdivision plat extension timelines to match state law, making boundary line adjustments a Type 1 process instead of a Type 2 process with notice, and updates to the Historic Preservation chapter. The possible long term code updates included parking standards for commercial and industrial projects, residential zones: should there be more than three residential zones including consideration of an urban expansion area, residential setbacks, residential minimum lot sizes per zone and average lot size provisions, density transfer provisions, clarification for park land dedication acceptance, providing greater clarity of intent for the Areas of Special Concern, and adding a Public Facilities zone. He discussed the timeline for the near term and long term updates. It would take about six to nine months for the near term updates, and nine to 12 months for the long term updates. Some long term updates would require the HNA, HPS, and EOA to be completed first.

There was discussion regarding the public perception of increased traffic not aligning with the traffic studies in applications, making sure there were enough staff and resources to do the work, moving forward with food carts as quickly as possible, separating administrative approvals from those that should go to the Planning Commission, assessing the Urban Growth Boundary expansion, how the golf course skewed the buildable land numbers and should not be included, park land dedication matrix and including how much SDCs were being forgone by taking the land dedication, requiring Canby Utility to underground utilities, considering employment land reserves outside the UGB, how public involvement was critical, considering downtown height restrictions, parking downtown, requiring large housing buildings to have retail/commercial space on the first floor, funding for the TSP and Comprehensive Plan updates, making sure public facilities were not included in buildable lands, timeline for the work, making sure the update to the City's code happened soon after the HNA, HPS, and EOA were done, finding out the cost of the code updates and setting aside funds in the budget, and making sure private parks did not qualify for an SDC transfer.

DISCUSSION REGARDING TRANSPORTATION SYSTEM PLAN AND TRAFFIC WITH DKS CONSULTANTS:

Chris Maciejewski, DKS Associates, gave a presentation on transportation growth management. He discussed the range of services offered by DKS and other clients they served. He explained the long range planning context and Canby's TSP goals to develop and maintain a transportation system which was safe, convenient, and economical. Canby was expected to grow to a population of approximately 26,000 by 2030. Growth was evaluated using three major characteristics: trip generation, trip patterns, and trip routing. He discussed forecasting future demand, forecasted traffic increases from growth, outcomes of the Transportation System Plan, Traffic Impact Studies for land use applications, how infrastructure projects were implemented, how projects were funded, current bottle-necking issues, and planned solutions for the Walnut Street extension and Ivy multimodal improvements. Every 5-10 years, TSP updates were required. He explained the topics that should be considered in the scope of work for the next TSP update and next steps.

There was consensus to have a more robust discussion on transportation at a future date.

Mayor Hodson adjourned the meeting at 7:41 pm.

CANBY CITY COUNCIL REGULAR MEETING November 17, 2021

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Christopher Bangs, David Bajorin, Traci Hensley, Sarah Spoon, Greg Parker, and Shawn Varwig.

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; Melissa Bisset, HR Director/City Recorder; Erik Forsell, Associate Planner; Don Hardy, Planning Director; and Maya Benham, Deputy City Recorder.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:50 pm.

PRESENTATION REGARDING PICKLEBALL COURT DONATIONS: Jamie Stickel, Economic Development Director, announced the donations from Dr. Ashley McFerron and Mark and Laurie Shuholm. Dr. McFerron was not able to be in attendance tonight.

Mark Shuholm said he and his wife were honored to support the community. He presented the check to Mayor Hodson.

Mayor Hodson thanked them for the donation.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Jason Padden, Canby resident, said the Canby Industrial Park sign needed maintenance. He thought there should be a mid-year budget review.

CONSENT AGENDA:

****Council President Hensley moved to approve the minutes of the October 6, 2021 Special & Regular City Council Meetings and OLCC Off-Premises License from Conasuper Meat Market located at 733 1st Street in Canby. Motion was seconded by Councilor Varwig and passed 6-0.**

PUBLIC HEARING: ANN 21-01/ZC 21-02, Annexation of Approximately 42.5 Acres of Land into the Canby City Limits, Development Concept Plan, and Zone Change –

Mayor Hodson opened the public hearing and read the hearing statement.

CONFLICT OF INTEREST:

Councilor Bajorin – No conflict, plan to participate.

Councilor Bangs – No conflict, plan to participate.

Councilor Parker – No conflict, plan to participate.

Councilor Varwig – No conflict, plan to participate.

Councilor Spoon – No conflict, plan to participate.

Councilor Hensley – No conflict, plan to participate.

Mayor Hodson – No conflict, plan to participate.

EX PARTE CONTACT:

Councilor Spoon – Walked by the site regularly.

Councilor Bajorin – Did a recent job for one of the homeowners in this area, but did not discuss the application.

Councilor Parker – No contact.

Councilor Bangs – No contact.

Councilor Varwig – No contact.

Councilor Hensley – No contact.

Mayor Hodson – No contact.

STAFF REPORT: Erik Forsell, Associate Planner, presented the staff report. This was a request for approval of an annexation and zone change. He explained the process for annexations and zone changes. The subject area included three tax lots which were currently zoned Clackamas County Exclusive Farm Use and had significant frontage along the Molalla River. The Comprehensive Plan designations for the property were LDR (low density residential) and MDR (medium density residential). He reviewed the approval criteria. The zone change would rezone the properties from County EFU to City R-1 and R-1.5. The zoning was consistent with the Comprehensive Plan designations and this was not identified as an area of special concern in the Comprehensive Plan. There were no known deficiencies in services and facilities to serve future development of the site. The applicant proposed to annex approximately 42.5 acres of land into the City limits. The annexation area was subject to a Development Concept Plan. The area would be able to provide adequate infrastructure for future development. He showed maps of the conceptual water infrastructure plan, Development Concept Plan, conceptual stormwater infrastructure plan, conceptual sewer infrastructure plan with grading, and existing conditions plan. Staff evaluated the applicant's conservative analysis of the amount of available developable land and found that the additional supply would adequately contribute to reducing an identified deficit of developable R-1 and R-1.5 land. The applicant had been responsive to staff's request to provide detailed information related to the Molalla River interface area including wetland reports, geotechnical analysis, existing conditions surveys, and other material which detailed the current physical conditions of the property. The applicant conducted a neighborhood meeting on May 25, 2021 consistent with the requirements in the code. The applicant had provided conceptual infrastructure plans for the proposed annexation area that demonstrated future development would be adequately accommodated by future infrastructure. Park facilities would be reviewed and analyzed according to the code with coordination between the applicant, Parks Board, staff, and ultimately approval by the Planning Commission. Staff was aware of the recent park land dedication concerns and planned to thoroughly vet these during the subdivision process. A Transportation Planning Rule memorandum addressing the zone change and annexation was completed by DKS. A detailed traffic study was required for the subdivision which would further evaluate demands on the road network as a result of any future development. No additional facilities had been identified to meet increased demand outside of what would be typically reviewed in a new land division project. Staff found that the applicant was compliant with all relevant City ordinances and policies and State regulations. He then discussed the public comments that had been received and summarized the City Council's charge. The Planning Commission recommended approval by a 5/0 vote in favor. He explained the special recommended conditions for the application.

Questions for Staff: Mayor Hodson asked about the challenges to the sewer line layout. Mr. Forsell said there was some initial concern about using structural fill to facilitate gravity feed for the sewer lines. The applicant had given more details about that, and the City Engineer thought it was sufficiently addressed.

Mayor Hodson asked if the park land dedication had been taken to the Parks Board. Mr. Forsell said there had been initial discussions with the Board and there would be more discussions in the future. Staff intended to vet any park dedication as thoroughly as possible to follow the code and be transparent about the process.

Mayor Hodson asked how many houses were projected for this development in the R-1 area. Mr. Forsell said about 140-165 new homes.

Councilor Bangs asked who would build the roundabout on Ivy Street. Mr. Forsell said they would require the right-of-way for the roundabout from the applicant. Because the project was not in the capital improvement plan, they could not ask for an exaction to construct it. Until the City had the rights-of-way for all four corners, they could not construct the roundabout.

Applicant: Mimi Doukas, AKS Engineering, would be representing the applicant.

Dan Pahlisch and Jerry Jones, applicants, gave a background on Pahlisch Homes.

Ms. Doukas gave a project overview and discussed the annexation criteria. The Development Concept Plan showed infrastructure availability, forecasted single-family housing, connectivity with full access to Ivy Street and perimeter street extensions, and parks and open space including the Emerald Necklace Trail and HOA pocket park. She described the setbacks. The geotechnical report recommended the most conservative setback and the future homes had an additional 20 foot rear setback. The benefits of the project included implementing the City's land use pattern vision for the area, unlocking the southern edge of the Development Concept Plan Area, providing needed housing consistent with the Canby Comprehensive Plan, providing additional, high quality open space and multi-use trail per the Canby Parks and Recreation Master Plan, infrastructure improvements and connections, and System Development Charges.

Mayor Hodson asked about improvements to SE 16th and 17th. Ms. Doukas said those streets had ¾ improvements and the subdivision project would complete them. Regarding how many dwelling units, the subdivision application they were working on proposed 167 units across both zones. The majority would be in the R-1 zone, and about 20 were in the R-1.5.

Councilor Spoon asked about the intention of the pocket park, would it be privately owned or public land? Ms. Doukas said the internal park would be owned and maintained by the HOA and would have a public access easement. It would not have parking as it was meant to be a walk to park.

Proponents: None

Opponents: Kamal Salem, Canby resident, discussed his concerns about the setbacks to the bluff and safety of the walking path due to erosion.

Gene Bruno, Canby resident, requested the packet of information he had submitted previously be given to the City Council. Mr. Forsell said he would submit it for the subdivision application, which would address his chief concerns.

Mr. Bruno was also concerned about the setbacks. The Molalla was a meandering river and he thought erosion would be an issue. The emerald trail would dead end at private property. He was also concerned about safety of people walking on the bluff.

Don Hardy, Planning Director, noted Mr. Bruno's past comments were submitted for a different application that had a different design than what was being proposed. Staff had requested a geotechnical report to address the concerns, and the future subdivision application would address these issues further.

Dave DeVore, Canby resident, was concerned about the growth and how it would impact traffic and the City's infrastructure. He was also concerned about the burden of the HOA to maintain the park and how people would park on the street to use the park. He wanted to make sure the new construction would fit in with the current neighborhood.

Tyson Hemrich, Canby resident, was in support of the trail not ending at his private property, but routing it back up to 13th. He was concerned about the design plans and need for additional vegetation on the bank. He was also concerned about trespassing and erosion, especially with the recent rain. He suggested extending the buffer further. He questioned who would be responsible for the trail maintenance.

Mr. Bruno suggested the Council go to the site to look at the cliff and erosion.

Rebuttal: Ms. Doukas thought the geotechnical issues were more relevant for the subdivision application review process. A full geotechnical report was done for the site, which included test pits, measuring groundwater infiltration rates, and soil composition. They specifically looked at the stability of the bluff and the soil and developed a series of setbacks. The areas where there was sluffing had greater setbacks of over 100 feet. The areas that were more stable had a 50 foot setback.

Mayor Hodson suggested noting on the subdivision plans where those larger setbacks were located.

Ms. Doukas said the setback was measured from the top of bank per City code. Regarding the HOA bearing the cost of the park maintenance, this would be a separate HOA among the new residents, not the current HOA with the existing residents. The design had to follow what was in the Development Concept Plan and if it did change, it would be part of the review and vetted through a public process. The hard surface trail would be maintained by the City, and the landscape adjacent would be maintained by the HOA. The subdivision would provide on and off street parking. If people drove to the park, she thought there would be enough parking to accommodate that.

Mayor Hodson closed the public hearing.

Councilor Bangs asked about the pocket park dedication fulfilling the requirements of the code. He also asked if the nearby 20 acres in the DCP area that were not part of this application would also have a park. Mr. Forsell said those 20 acres would likely continue the emerald necklace trail. Every time land came into the City, there was a requirement for either dedication of park land or payment of SDCs in lieu of dedication.

Mr. Hardy said it was not a given that the City would consider the pocket park dedication. It would need to be evaluated and vetted at the subdivision level. The emerald necklace was different as it was memorialized in the plans and something the City desired.

Councilor Spoon said if the City did not own the land, she would like a legal determination for whether or not the pocket park qualified as a dedication in lieu of SDCs. Mr. Forsell said there was criteria that spoke to partial credit for private park space. Staff was sensitive to these issues and would be fully vetting them with the applicant.

Mayor Hodson said it had been a long term plan that the growth of the City would occur in this area. They were looking at the transportation and infrastructure systems to address the growth.

ORDINANCES & RESOLUTION:

Ordinance 1566 – ****Council President Hensley moved to approve Ordinance 1566, AN ORDINANCE PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 42.5 ACRES OF REAL PROPERTY DESCRIBED AS A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE QUARTER OF SECTION 3, THE NORTHEAST ONE QUARTER OF SECTION 4, AND THE SOUTHEAST ONE QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON ALSO IDENTIFIED AS CLACKAMAS COUNTY ASSESSORS' MAP AND TAX LOTS 41E03 02300, 41E04D 01200, AND 41E04D 01300. THIS ORDINANCE ALSO CONCURRENTLY AMENDS THE EXISTING COUNTY ZONING FROM EXCLUSIVE FARM USE (EFU) TO CITY LOW DENSITY RESIDENTIAL (R-1) AND MEDIUM DENSITY RESIDENTIAL (R-1.5) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS to come up for second reading on December 1, 2021. Motion was seconded by Councilor Spoon and passed 6-0 on first reading.**

Ordinance 1564 – Councilor Spoon said at the last meeting there was discussion about using SDCs for this project instead of the Park Maintenance Fee.

Scott Archer, City Administrator, said staff had yet to make that determination. He didn't see any reason for not using SDCs if that was Council's preference.

There was consensus to use SDCs for this project.

****Councilor Bangs moved to approve Ordinance 1564, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH LANDSCAPE STRUCTURES INC. TO PURCHASE A PICNIC SHELTER FOR LOCUST STREET PARK. Motion was seconded by Council President Hensley and passed 6-0 by roll call vote.**

Ordinance 1565 – ****Councilor Varwig moved to approve Ordinance 1565, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AGREEMENTS FOR THE PURCHASE OF RIGHT OF WAY FROM PAR 3 INVESTMENTS, LLC, PROUDEST MONKEY DEVELOPMENT, LLC, AND JAMES AND KAREN LYONS FOR THE FUTURE WALNUT STREET EXPANSION. Motion was seconded by Council President Hensley and passed 6-0 by roll call vote.**

Resolution 1360 – Jamie Stickel, Economic Development Director, said this was an extension of the Open Air Canby Program through June 30, 2022. Staff was working on opportunities for a potential permanent program.

Councilor Spoon wanted to specify that the outdoor space should be used for seating, not storage.

****Council President Hensley moved to approve Resolution 1360, A RESOLUTION ADOPTING A TEMPORARY PROGRAM FOR USE OF PRIVATE PARKING LOTS AND PRIVATE OUTDOOR AREAS as amended to add, “for immediate customer use”. Motion was seconded by Councilor Bangs and passed 6-0.**

MAYOR’S BUSINESS: Mayor Hodson said C4 discussed the affordable housing bond program and funding disbursement. This weekend residents could drop off leaves at Public Works. Light the Night would be held on December 3.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Parker reported on Canby Adult Center building maintenance.

Councilor Bajorin met with Fire Chief Davis.

Councilor Spoon congratulated the Canby Cougars on a great season. It was time for the Canby Kiwanis Food and Toy Drive. She thanked the Economic Development Department and Public Works for the Oregon Film Trail Sign installation.

Council President Hensley attended a meeting with ODOT regarding congestion pricing and a meeting on the Aurora Airport Master Plan. The Traffic Safety Commission learned about a Clackamas County safety campaign and was working on parking issues on South 2nd and 3rd.

Councilor Bangs reported on the School District meeting and Library Board meeting.

CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS: Mr. Archer reported on the bi-monthly reports in the Council packet. He introduced Maya Benham, new Deputy City Recorder. He gave an update on the Quiet Zone/Archway project.

Ms. Stickel gave an update on the Shop Small, Shop Canby Program.

CITIZEN INPUT: None

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Approved Ordinance 1566 to come up for second reading on December 1, 2021.
3. Adopted Ordinances 1564 and 1565.
4. Adopted Resolution 1360.

Mayor Hodson adjourned the meeting at 10:26 p.m.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood