

CANBY CITY COUNCIL

REGULAR MEETING

MARCH 16, 1988

(Televised Live on Channel 5.)

Mayor William F. Pulver presiding. Council members present: Nancy Kopelk, Walt Daniels, Shawn Carroll, Terry Prince, Scott Taylor, and Michael Jordan.

Also present: Administrator Stephan Lashbrook, City Attorney John Kelley, Public Works Director Rusty Klem, Librarian Beth Saul, Swim Center Director Scott Nelson, Police Chief Jerry Giger, City Recorder Marilyn Perket, Donald & Lenora Bear, Janice Weeks, John Lape, Lawrence Andrews, Bus & Freda Brown, Juke and Jacob Taasevigen, Patrick Harmon, Matt Dale, L. & M. Peck, Birdsall, Kaylene Clawson, Jim McKibbin, L.J. Scott, Bill Garmire, Hank Scouten, and others.

Mayor Pulver called the regular session to order at 7:30 p.m., followed by the flag salute and meditation.

Roll call of the Council showed a quorum present.

**Councilman Daniels moved to approve as distributed the minutes of regular and executive sessions of March 2, 1988. Motion seconded by Councilman Carroll and approved unanimously.

Mayor Pulver informed the audience that members wishing to present argument on the zone change must register on the sign-up sheet at this time prior to that agenda item.

Mayor Pulver read a proclamation, for Barber Shop Week in Canby from March 14 through 18, 1988.

COMMUNICATIONS: Administrator Lashbrook read a letter from Richard Brown, CUHS Superintendent, inform the City of their intent to withdraw their request to seek a hearing on the Amtrak speed in Canby. However, they will file a request with Southern Pacific to increase the warning times to 40 seconds at all crossings. Also, in the future they wish to be informed prior to the fact on such issues.

Administrator Lashbrook read a letter from Gary DiCenzo, Clackamas County Department of Human Resources, informing us of HUD funds that were allocated for renovation of apartment complexes in Canby.

ORDINANCES & RESOLUTIONS: **Councilwoman Kopelk moved to adopt

Ordinance No. 813, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON; AND DECLARING AN EMERGENCY, on application of Herman Hellhake. Motion seconded by Councilman Taylor and approved 6-0, by roll call vote.

Mayor Pulver noted that Ordinances 814 and 815, would be considered after the New Business item of the Zone Changes.

NEW BUSINESS: **Councilwoman Kopelk moved to approve payment of \$245,042.36 for accounts payable, motion seconded by Councilman Daniels and approved 6-0 by roll call vote. Councilman Jordan noted that the reason for the large amount was the payment of Water Bonds.

The next item of business was the zone change applications of Brown and Garmire. Mayor Pulver informed the audience that all members of the Council, except Councilman Taylor, had been contacted prior to the meeting regarding this issue. However, each member assured the Mayor that their personal contact would have no influence on their decisions on the issue. Mayor Pulver also instructed the audience of the procedure, noting that only the record would be considered, and no new evidence would be considered. All Councilors had listened to the Planning Commission tapes of the meetings where the zone changes were considered. Mayor Pulver also noted that the Council must consider the following: "the Comprehensive Plan of the City giving special attention to Policy 6 of the Land Use Element and Implementation Measures therefor, 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" and "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."

Staff Report - Administrator Lashbrook noted that the subject property is all on the south side of Territorial Road and west of N. Maple Street. The Brown property are Tax Lots 1400 and 1500 and the Garmires is Tax Lot 1300, total acreage is approximately 2 1/2, and the requested change is from R-1, Low Density Residential to R-2, Medium Density Residential. Lashbrook noted that it is predominately surrounded by single family dwellings and zones of R-1 and R-1.5. Public facilities are available, there are few sidewalks in the area, no complete dry well system, and the area is designated for high density R-2 zoning in the City Comprehensive Plan, and it has been identified as a "special concern area" due to need for some street improvements. The Planning Commission voted 4 to 2 in recommending approval with several conditions: dedication for street widening on Territorial; a properly signed waiver of the right to remonstrate against future street, sidewalk and utility improvements for N.E. Territorial Road and N. Maple; and curbs and sidewalks construction at time of development. One additional condition was set for the Garmire property: dedication of a triangular parcel in the northeast corner of the property for future extension of N. Manzanita.

BROWN ZONE CHANGE

Proponents - Janice Weeks, 3185 N. Holly, Canby, of Canby Realty represented the Browns, she asked for an affirmative vote and noted that the request conformed to the Comp Plan; all services exist, except sidewalks; there is a need for moderate and low income housing; and the 1980 Traffic Study indicated no overload for the streets in the area.

John Lape, 3220 S.W. Sherwood Place, Portland, and an architect for the potential purchasers of the Brown property, noted that the proposed development would be a quality one and managed by Guardian Management who currently manage the Canby West and Canby Village; and that the new owners would agree to the conditions.

Opponents - Lenora Bear, 1630 N. Maple Street, noted that a two story apartment complex was not good for the neighborhood; she said the traffic safety is a concern specifically since Maple Street is unimproved. Mrs. Bear said they felt "cheated and ignored" in this process and requested that one Councilor attend all Planning Commission meetings to see what transpired.

Donald Bear, 1630 N. Maple Street, asked if the Council had read his letter of February 29, 1988 (they indicated they had); cited the strain of traffic if a high density designation is approved; and noted that LCDC said ALL criteria had to met for a zone change.

Linda Peck, 1688 N. Maple Street, said the traffic was her main concern. She noted that since the 1980 Traffic Study, 29 new homes were constructed and the heavy usage of Maple Street Park created a lot of traffic. Mrs. Peck requested a traffic study be done now.

Kaylene Clawson, 1770 N. Maple Street, she asked that the Police and Fire Department service be considered. Mrs. Clawson said a police officer told her that the Manzanita apartment area was one of the high crime and domestic violence areas in town. She said that traffic was a major problem and felt the intersection of N. Territorial and N. Maple could not handle another apartment complex.

Rebuttal - Janice Weeks noted that there are apartments in all parts of the City and that the Police Chief said he sees no problems with the proposed 28 units regarding traffic on Maple Street.

Mr. Lape noted that \$50,000 from the utility fees would go towards street improvements.

Mr. Bear said the Comp Plan indicated that improvements must be concurrent.

Mrs. Clawson reported that a study, which was presented at the Planning Commission hearing, indicated that 8 to 15 trips per apartment dweller would be made daily.

GARMIRE ZONE CHANGE

Proponents - Janice Weeks, said there was a need for additional rental units, specifically in the moderate income level, in Canby.

Opponents - None.

Administrator Lashbrook informed the Council that the \$50,000 in connection fees that Mr. Lape referred to, are not used for street improvements.

**Councilman Taylor moved that Ordinance No. 814, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON; AND DECLARING AN EMERGENCY, application by W.L. and O.F. Brown, be properly posted and come up for final action on April 6, 1988; and the Council adopt the Planning Commission's Findings of Fact. Motion seconded by Councilman Carroll. Councilman Jordan said that he felt that the traffic concern was a valid service to consider for the area. Mr. Jordan also noted that since Raymond Brown withdrew his application for a zone change on his property, which is between the Garmire and Brown property, the City could not ask for the dedication for the necessary street in that area. Councilman Taylor shared some of Mr. Jordan's concerns, however, he felt that the issue would be no different for any other street in town. Council approved the motion 4 to 2, with Councilors Kopelk and Jordan voting nay.

**Councilman Taylor moved that Ordinance No. 815, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON; AND DECLARING AN EMERGENCY, application by William and Maxine Garmire, be properly posted and come up for final action on April 6, 1988; and the Council adopt the Planning Commission's Findings of Fact. Motion seconded by Councilman Daniels and approved 4-2, with Councilors Kopelk and Jordan voting nay.

Mr. Bear, holding up Ordinance NO. 740 and the Comp Plan, said these two documents are worthless.

Mrs. Bear, indicated to the Council that the City had let the homeowners and petitioners "down".

Mayor Pulver informed the audience that when the Comprehensive Plan was drafted a few years ago, a number of public hearings were held for citizen input.

Mrs. Clawson accused the Council of making the decision before they came to the Council. Also, when she got notices in the CUB billings they didn't indicate what the hearings were about.

(Most of the audience left at this time.)

Administrator Lashbrook pointed out that the Land Use Map that was set forth in 1976 listed the subject project for high density zoning, this was prior to Mrs. Clawson's living in the area.

The next order of business was two property dedications for street purposes. **Councilman Jordan moved to accept for recording

dedication for reet purposes from Terry L. Fairfield and Victor Scheer and from Herman Hellhake. Motion seconded by Councilman Daniels and approved unanimously.

A liquor license application for the Vagabond Saloon was considered, this was a new owner, Marion Wolfe. **Councilwoman Kopelk moved to approve the liquor license application for the Vagabond Saloon. Seconded by Councilman Carroll and approved 6-0.

The Council next considered an agreement with Clackamas County for the street cuts in County roads: inspect all City work in County roads to assure in good condition; provide County written notice of all proposed construction in a County Road; get County's authorization to proceed prior to starting work unless an emergency; provide County with cost estimate ; and insure all work is done in safe manner and roads are passable within one week of completion of the work. **Councilwoman Kopelk moved to authorize the Attorney and Administrator to sign the Utility Agreement with the Clackamas County, motion seconded by Councilman Carroll. Councilor Taylor questioned if the Section 2, (d), asking if the City did not repair a location in a timely manner if the County could do the work and bill the City. The City Attorney said yes this was possible. The motion on the floor passed 6-0.

The Council next considered the City's contract services and whether the City should proceed with a bid process on services. The general Council consensus was to let staff make the decision on the contracts that they work with on a daily basis know more about (accounting, machine maintenance, custodial, etc.) and to proceed with preparations for a bid on financial audit services and to return to the Council with costs and expiration dates for the other major contracts for analysis (insurances, liability, retirement and workers comp.)


Administrator Lashbrook requested that the Council consider contracting with Clackamas County for Planning services. The contract will cover only a portion of planning duties and be reviewed in July. LCDC grant money will be used to defray expenses. **Councilman Daniels moved to authorize the City Attorney and City Administrator to negotiate a contract with Clackamas County for planning services. Seconded by Councilwoman Kopelk and approved 6-0.

UNFINISHED BUSINESS: Administrator Lashbrook informed the Council that we have had a good response on our survey regarding construction of a mausoleum. Current tally: 96 yes; 27 no; and several that wish more information. Lashbrook noted that many respondents do not seem to realize that this is a City cemetery.

OTHER REPORTS OR ANNOUNCEMENTS: March 30th, RCA, the consulting firm that is doing an industrial study for the south side of town, would like a workshop session with the Council and Planning Commission at 7:00 p.m.

- ACTION REVIEW:
1. Draft County planning contract
 2. Prepare for audit contract bid and compile major contract information for Council.
 3. Post Ordinances No. 814 and 815.
 4. Record street dedications.

Mayor Pulver adjourned the regular meeting at 9:15 p.m.


Marilyn K. Perkett, City Recorder


William F. Pulver, Mayor