

CANBY CITY COUNCIL

REGULAR SESSION

OCTOBER 5, 1983

Mayor Michael Gabrion presiding. Councilmembers present: David Anderson, Nancy Kopelk, Scott Taylor, Bill Pulver, Gary Sowles and Eugene Clift.

Also present: Administrator Doug Zenor, City Attorney John Kelley, Public Works Director Bud Atwood, Deputy Recorder Marilyn Perkett, Police Chief Jerry Giger, CUB Manger Stephan Lashbrook, Myra Weston, Al Moore, Cheryl Anderson, Dorothy Knight, Charlie Hartwell, Jim Renner, Marjorie Bond, Shelia Samu, Eloise Early, Naomi Clift, Steve Frederick, Bob Westcott, Neil Cournoyer and Attorney Roger Reif.

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

Roll call of Council showed a quorum present.

**Councilman Taylor moved to approved as distributed the minutes of regular session, September 21, 1983, and special session, September 28, 1983. Seconded by Councilwoman Kopelk and carried 6-0.

Mayor Gabrion welcomed back Councilman CLift who had recently had surgery.

CITIZEN INPUT ON NON-AGENDA ITEMS: Jim Renner presented the Council with calendars from the Booster Club which had recently been the topic of a possible "scam" situation.

COMMUNICATIONS: Administrator Zenor read a letter from the Depot Committee, once again urging Council support in requesting "emergency contingency funds" from CDBG Funds for exterior finishing of the recently moved historical depot. Council showed concern regarding the possibility of endangering any additional funding for the Senior Center Project. Council consensus was to arrange a meeting with City staff, Councilman Sowles, Depot Committee representatives and Gary Dicenso, to compose a letter of support, however, Council intent is to protect the Senior Center Project as top priority of funding.

ORDINANCE & RESOLUTIONS: Administrator Zenor read Ordinance No. 736, by title only for second reading. **Councilman Pulver moved to approve Ordinance No. 736, AN ORDINANCE CONSENTING TO CANBY TELEPHONE ASSOCIATION MORTGAGING AND/OR ASSIGNING PROPERTY TO SECURE A LOAN MADE OR GUARANTEED BY THE UNITED STATES OF AMERICA ACTING THROUGH THE ADMINISTRATOR OF THE RURAL ELECTRIFICATION ADMINISTRATION, AND DECLARING AN EMERGENCY and have it become part of the laws of the City of Canby. Seconded by Councilman Sowles and carried by roll call vote, 6-0.

October 5, 1983

Ordinance No. 737 was read by title only by Administrator Zenor for second reading. Attorney Kelley expressed that Council add a short Statement of Purpose section to the Ordinance. CUB Manager Lashbrook addressed the Council and asked that areas in the ordinance pertaining to the water system be excluded, specifically: page 2, k,3 ; page 3, last sentence; and page 5, top of page, sentence two. Council direction was to have the ordinance retyped for review and brought back to the Council at the meeting of October 19, 1983 for final action.

NEW BUSINESS: **Councilwoman Kopelk moved to approve payment of accounts payable in the amount of \$ 15,954.17, seconded by Councilman Clift and approved 6-0, by roll call ballot.

A draft copy of an Economic Development Policy was presented by Mr. Zenor for Council consideration. **Councilman Taylor moved to approve adoption of the Economic Development Policy as presented by the City Administrator. Motion seconded by Councilman Pulver. Councilman Taylor requested a workshop session on the matter of the Economic Development Policy. Mr. Westcott, CUB Board Member, pointed out that the proposed policy was in concert with the approved Comprehensive Plan and it was essential to know if the Council planned to change their course of direction due to rate studies and planning in the utility area. Council consensus was to further review the proposed policy at a future workshop session. **Councilman Anderson moved to table the motion on the floor. The motion of privilege was approved 6-0.

Council reviewed staff recommendation to purchase a hi-rate filter system for the Swim Center. **Councilwoman Kopelk moved to approve the purchase of an EPD 201 Hi-Rate filter system manufactured by Dough-boy Recreations, Inc, and supplied by William Smith and Associates, Inc., of Bellevue, Washington, for the price of \$14,545.00. Motion seconded by Councilman Pulver and approved by roll call vote, 6-0.

A liquor license application from Eloise Early, Charles and Catherine Bellon, as new owners of the El Gazebo Saloon was reviewed by the Council. Both the Police and Fire Department had given approval of the application. **Councilman Clift moved to approve the application for a retail malt beverage liquor license for the El Gazebo Saloon, under the new ownership of Elosie Early, Charles Bellon and Catherine Bellon. Motion seconded by Councilman Anderson and carried 6-0.

Mayor Gabrion called for a short recess at 8:25 p.m., reconvening the regular session at 8:35 p.m.

The next order of business was a request by David Anderson for a zone change from a R-1 to a R-2 of approximately 2.81 acres on N. Pine street, with a recommendation from the Canby Planning Commission for denial. Mayor Gabrion cautioned that this was not a Public Hearing and arguments will be based upon the record and no new testimony will be submitted. Roger Reif, Attorney representing the applicant, pointed out that Mr. Anderson was not the owner, however, he did have a financial interest in the application and therefore has declared a conflict of interest. Also, Councilman Scott Taylor, as an abutting property owner, has also disqualified himself on the issue.

Mr. Reif addressed the Planning Commission's findings; the proposal does not comply with the public need at this time; a vacancy rate of 20% in the existing area; and there are better R-2 zones available to build on in other areas. In rebuttal, Mr. Reif submitted a 5.4% vacancy rate for an overall view of the City; there are no other pieces of property of this size available; all City facilities were available; and thirty applicants for the proposed twenty units had been received. Attorney Reif strongly urged consideration of the approved Comprehensive Plan, specifically 10.9.45. Mr. Atwood cautioned that consideration tonight was for a zone change only and not consideration as to what would be the development on the property. Councilman Sowles noted that, in listening to the tapes, there was "heavy testimony" regarding the health, welfare and safety. Mr. Sowles advocated a R-2, PUD project. Mr. Anderson clarified that eventually there would be 45 units on the proposed property. Mr. Lashbrook noted, that in compliance with the Comprehensive Plan, a PUD overlay was intended as a tool for negotiation not processing. City Attorney Kelley also pointed out that in the Comprehensive Plan, 10.3.85, a PUD was to be considered only for unique characteristics, size, shape or location. Mayor Gabrion pointed out three options: deny; approve; or send back to the Planning Commission. **Councilman Pulver moved that the application of David Anderson for a zone change from R-1 to R-2, consisting of property approximately 2.81 acres, commonly described at Lots 1600 and 1601, Section 33AD, T3S, R1E W.M. be approved based on the findings of fact as presented by the applicant (a copy is attached to the minutes of this meeting). Motion seconded by Councilman Clift, roll call vote was as follows: Councilman Sowles and Councilwoman Kopelk, voting nay and Councilmen Clift and Pulver Yea; in compliance with the City Charter, Mayor Gabrion voted in the tie, yea, approval was 3-2.

UNFINISHED BUSINESS: Mr. Zenor reviewed the requested fuel bids, with a recommendation of continuing to purchase local as long as the quote was within 2% of an out of town vendor and the service was satisfactory. Council consensus was to remain with current fuel supplier and to maintain the local vendor in such situations as long as they were within 2% in quote range.

OTHER REPORTS: Administrator Zenor handed out the proposed schedule for the 1984-85 budget sessions.

Mr. Zenor also announced that on the day the new burglar alarm was installed at the City shop an intruder was apprehended for a burglary attempt.

Mayor Gabrion announced the death of Earl Oliver's mother and extended the City's sympathy.

Mayor Gabrion adjourned the regular session at 9:25 p.m.


Michael L. Gabrion, Mayor

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Marilyn K. Perkett, Deputy Recorder

within our province to require such findings as an essential part of the boards procedure." It is respectfully argued by the applicant that there was absolutely no findings of fact to support its conclusion that there was other available land and for that reason the conclusion of the Planning Commission cannot be upheld on appeal.

CONCLUSION

It is respectfully requested that the City Council not follow the recommendation of the Planning Commission. The following motion is suggested:

"I move that the application of David Anderson for a zone change from R-1 to R-2, consisting of property approximately 2.81 acres, commonly described as Lots 1600 and 1601, Section 33AD, T3S, R1E W.M. be approved."

This motion is based upon the following finds of fact which are made pursuant to Section 10.3.85 Ordinance 690:

1. The Comprehensive Plan of the City, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation development.
 - a. It is the policy of the City of Canby to encourage a gradual increase in housing density. This application will increase the density in an area that is a logical extension of higher density residential development.
 - b. The Comprehensive Plan of the City encourages housing mixes in all residential areas.
 - c. It is the policy of the City of Canby to locate higher density housing where the city has the ability to provide utilities, public facilities and functional transportation. Staff reports indicate that utility services are available, that Pine Street is a collector street and can handle the additional traffic.
 - d. The policy in Canby's Comprehensive Plan dictates that Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the city. The city is "on record" in encouraging "low income housing" by the private sector. The applicant has the right to expect that the city will follow its policy as set forth in the Comprehensive Plan.

2. A public need for the change.
 - a. There are thirty (30) applications for a twenty-unit proposed apartment complex. Obviously there is a need for housing of this type when thirty (30) people apply for a twenty-unit complex when there has been no excavation or work of any type.
 - b. Public works survey indicates that in the City of Canby there is only ten (10) vacancies out of 185 units. A 5.4% vacancy rate is minimal.
3. Whether the change will serve the public need better than a change which might reasonably be made on other available property.
 - a. ~~Staff research reveals no other available property of this size with R-2 capabilities.~~
 - b. The area is presently committed to multi-family units and this is a logical expansion of the area.
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the area.
 - a. Pine Street can handle the traffic.
 - b. Traffic signals can coordinate the traffic on Pine Street.
 - c. Utilities are available.
 - d. Development of this property is a logical extension of the higher density development in the area.
5. State wide planning goals.
 - a. Goals 1 (Citizen Involvement) and 2 (Land Use Planning). The goals have been addressed by the city adopting its own Comprehensive Plan.
 - b. Goal 3 (Agriculture Lands). Soil is Class I, however, this application was in an urban area, committed to urban use and is not restricted from development by LCDC. It is recognized that urban areas agricultural soils will have to be developed to accommodate the needed expansion and development of the urban area.
 - c. Goal 4 (Forest Lands). This does not apply since the property has not been so designated nor has it at any time been so designated.

- d. Goal 5 (Open Space). This is not applicable.
- e. Goal 6 (Air Water and Land Resources Quality). This goal is met. There is no information that there would be any adverse effect on any of the water or land resources. Any effect on the air quality would be minimal and the result of urban expansion.
- f. Goal 7, 8 and 9 are inapplicable.
- g. Goal 10 (Housing). This goal is to provide the housing needs of the state. There is a vacancy rate of 5.4% for multi-family development for multi-family housing in the city. There is a need to provide alternative housing for all citizens as evidenced by thirty (30) applications for twenty (20) units.
- h. Goal 11 (Public Facilities and Transportation). As previously stated water and utility services are available and staff has determined that Pine Street as a collector, can handle the traffic.
- i. Goal 12 (Transportation). The property is located off a collector street. It is near a highway (99E) and accessible to public transportation.
- j. Goal 13 (Energy Conservation). Land and uses developed on the land shall be managed and controlled as to maximize the conservation of all resources. Proposed zone change would be close to employment centers, recreation centers, and thereby reduce the home to destination distance. By reducing this travel distance, energy, particularly petroleum products, will be conserved.
- k. Goal 14 (Urbanization). This parcel of property is within the urbanization plan of the city and is therefore a defined urban area. We believe there is a need for multi-family housing because of the minimum 5.4% vacancy rate.
- l. Goals 15 and 19 are inapplicable because they have to deal with the Willamette Greenway.

Respectfully submitted,


R. Roger Reif

APPROVED BY:


David Anderson