

CANBY CITY COUNCIL
REGULAR MEETING
AUGUST 1, 1979

Mayor Robert E. Rapp presiding. Councilmembers present: Beryl Brown, Beauford Knight, Robert Westcott, Robert Swayze and Richard Nichols.

Also present: Administrator H.A. Wyman, City Attorney Wade P. Bettis, Planner Stephan Lashbrook, Public Works Supervisor Bud Atwood, Treasurer Myra Weston, Secretary Marilyn Perkett, Canby Herald Editor Jeff Durham, Oregonian Reporter Dianna Schmid, Architect Don Stastny, Ben Farrell, Harold Jeans, Clarence VanDorn, Dorothy Knight, Mr. & Mrs. Jim Haas, Mr. & Mrs. Dale Mallicoat, Vera Spagle, David Bury, Milly Goode, Dick Weygandt, Edith Fisher, Ronald Rhoden, Howard Barlow, Mr. & Mrs. Virgil Vandenburg, Mr. & Mrs. Richard Mole', Sylvia Jaillet, Ruth Dietz, Eva Herman, Martin Clark, John Falkenstein, Mr. & Mrs. Harold Johnston, Robert Weygandt.

Meeting was called to order at 7:30 p.m., followed by the flag salute and roll call.

Councilman Knight moved to approve the minutes of Regular Meeting of July 18, 1979, with the following correction: page 12, last paragraph, the motion should have the dates for overnight camping at the Canby Community Park as follows: August 2, 3, & 4 and August 9, 10 & 11. Councilwoman Brown seconded, approved 5-0.

Under Citizen In-Put on Non-Agenda Items, John Falkenstein, from the Community School, asked for a spot later on the agenda to share some ideas and knowledge. Also, Ronald Rhoden spoke to the Council regarding property at 1004 N.E. 4th and Pine that he and Edith Fisher are purchasing. They propose to put in a restaurant and also to feature disco entertainment for teen-agers plus some evenings with "big band" entertainment. They are requesting the City to bring the sewer line, which is now located approximately 190 feet north of the property line on Pine St. and 36 feet across Pine St. to the north property line. They are willing to sign a waiver to agree to pay for an further installation at a later date. Mr. Rhoden has spoke with the Police and Fire Departments and they are very much in favor of their proposal. Mr. Wyman said the sewer line is 172 feet short of going through to the end of the existing apartment complex. We have two alternative (1) build our trunk line up to southern point of subject property and put liens on property owners; (2) build the lines to start of the property and have the proposed new owners sign a waiver of remonstrance against further extension. Mr. Bettis requested staff to do some research to see if any violations of the Ordinances were made when the sewer was initially installed. Mayor Rapp noted the need for such an establishment and welcomed them to our community.

Mayor Rapp recessed the Regular Meeting at 7:44 p.m. and immediately opened the Continuance of the Public Hearing on the Martin Clark Minor Land Partition Appeal. Councilman Westcott stepped down from the hearing body due to conflict of interest. Planner Lashbrook gave a short summary: This being a 10 acre plot being split up into 3 smaller parcels and the condition of the 60 foot right of way on N.W. Baker Drive. This condition was rectified due to the change in the New Zoning Ordinance, changing N.W. Baker Drive to a 50 foot right of way. Applicant, Martin Clark, expressed his feelings to be the same as the staff report and hoped Council would concur.

August 1, 1979

There was no response from proponents or opponents on this appeal. The Public Hearing was closed at 7:47 p.m., and Regular Meeting immediately reconvened. Councilman Swayze moved that the Canby City Council approve the Minor Land Partiton of Martin Clark with the conditions set forth by the Planning Commission except provision number 2, N.W. Baker Drive which shall be a 50 foot right of way, and the Council adopt the Planning Commission finding of fact and the Council finds a public need and the need is best met by the partition. Seconded by Councilman Knight, approved 4-0.

At this time Councilman Westcott moved to remove from the table the Willamette Green Phase II decision. Seconded by Councilman Swayze and unanimously approved. Councilman Swayze moved:

I move after careful review of the testimony given at the July 18, 1979, meeting and review of the Willamette Green Phase I file that to preserve the health, safety and general welfare of the City of Canby, the Willamette Green Phase II Planned Unit Development project be approved with the following conditions and findings of fact:

- 1) Recommendations of the Canby Telephone Association to be made conditions of approval.
- 2) All ingress/egress to meet the requirements of the Canby Fire Marshal for fire trucks and shall include (at a minimum):
 - A) All turns in on-site roads to allow for use by large trucks.
 - B) The acute angle turn ($\pm 135^{\circ}$) at the north end of the property to have a 45 foot radius (based upon the design requirements of a culde-sac).
 - C) The road through the existing Willamette Green Development shall be connected with the proposed road in Willamette Green Phase II. A chain or other locking system shall be utilized to prevent a drive-through situation by other than authorized users of this gate.
 - D) A turnaround shall be provided at the termination of the road. This turnaround shall be designed and constructed to allow for a 180° turnaround by a full sized American car with only a single reverse motion.
 - E) Road to have a paved surface 32 feet in width through entire development. Building setbacks may be reduced to 0 feet along the northwest property line to allow for this road width.
- 3) "No Parking" signs to be posted in the turnaround areas and all other areas which are not intended for parking purposes.
- 4) "Dead End" and "Private Road" signs to be posted at the entrance to the development. A "Stop" sign to be posted at the exit point to Territorial Road.
- 5) Maximum number of units to be constructed to be 45. Minimum number of parking spaces to be 90. Parking spaces in driveways not to be counted in total if they block access to garage spaces.
- 6) Water lines to be as shown on the preliminary plot, with the addition of a 2 inch line to be run from the termination of the 4 inch line back to the main water line in the vicinity of building # 1.
- 7) Individual water meters to be required for each building.
- 8) An additional fire hydrant to be placed in the vicinity of building # 1.
- 9) On-site area lighting shall be the responsibility of the Association, with billing to be determined by the Utility Board.

August 1, 1979

- 10) Site drainage to be designed and constructed such that the resultant overall drainage capacity will be as good as, or better than, the pre-development drainage of the site. The adequacy of the drainage system shall be certified by a registered professional engineer.
- 11) A swimming pool, of the same general size, shape, and location shown on the applicant's plans, shall be constructed.
- 12) A Surety Bond for the estimated total cost of the project be executed by a Surety Company authorized to transact business in the State of Oregon in a form approved by the City Attorney in favor of the City of Canby to guarantee full compliance with these conditions.

The City Council adopts the following findings of fact:

- A) The design of the development, as originally submitted showing a maximum of 60 units, would create an excessive density in view of the single, private access road and compatibility with surrounding development;
- B) By limiting the development to 45 total units and requiring a wider road surface, these problems will be alleviated and the total density of the area will be in keeping with the developer's original intentions when Willamette Green Phase I was developed;
- C) The proposal conforms with the adopted City Plan;
- D) It complies with applicable Statewide Planning Goals;
- E) It meets the requirements of the City Zoning and Subdivision Ordinance;
- F) There is a public need for the development of 45 additional condominium units at this time; and
- G) The public need is best met through the development of this project, as conditionally approved.

Motion was seconded by Councilman Westcott. Attorney Bettis instructed Council to give some consideration of enforcements of the conditions. Planner Lashbrook suggested the possibility of a performance bond. Councilman Swayze asked for a 5 minute recess for Council discussion. Mayor Rapp recessed at 8:00 p.m. and reconvened at 8:07 p.m. Councilman Swayze amended his motion to have the 12th condition (see above motion). Councilman Westcott, the second of motion, approved the 12th condition. Motion was approved by Council 5-0 by roll call vote.

Attorney Bettis read Resolution No. 269. Councilman Westcott noted that he is a contract purchaser of property and would abstain from voting on the Resolution. Councilman Swayze moved that Resolution No. 269 A RESOLUTION AMENDING ENGINEER'S REPORT FOR PUBLIC IMPROVEMENTS ON N.W. THIRD AVENUE AND N.W. BAKER DRIVE (LID #9); CHANGING THE BOUNDARY OF THE DISTRICT TO EXCLUDE PROPERTY OF OBJECTING PROPERTY OWNERS; PROVIDING THE MANNER OF DOING THE WORK; AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION CONTRACT, be approved. Councilwoman Brown seconded, approved by roll call vote 4-0.

Ordinance No. 659 was read for the first time on Thursday, July 5, 1979, at a Regular Meeting and advertised for second reading after 7:30 p.m. on August 1, 1979. Attorney Bettis requested the affidavit of posting, which was presented by Administrator Wyman. After second reading, Councilman Swayze moved that Ordinance No. 659 AN ORDINANCE TO PROVIDE ZONING REGULATIONS; REPEALING ORDINANCE NO. 583; RATIFYING AND CONFIRMING PRIOR AMENDMENTS TO THE CITY'S ZONING MAP AND ORDINANCE NO. 517 RELATING TO PLANNED UNIT DEVELOPMENT PROCEDURES; ESTABLISHING PROCEDURES FOR AMENDING THE CITY'S INTERIM GENERAL PLAN OR COMPREHENSIVE CONSERVATION AND DEVELOPMENT PLAN; AND PROVIDING AN EFFECTIVE DATE, be approved and become part of the laws of the City of Canby. Seconded by Councilman Westcott and approved by roll call 5-0.

Administrator Wyman read a letter from the Chamber of Commerce requesting the City to help in their effort to relocate Canby's historical "little railroad depot". Planner Lashbrook pointed out on a map where the requested location would be, which is west of S. Elm Street, north of 99E and south of the railroad mainline and spur tracks. Councilman Knight moved that a letter be written by the City and signed by Mayor to the Oregon State Hiway Department requesting acquisition of state property adjacent to 99E and located approximately 250 feet west of S. Elm Street and south of Southern Pacific auxillary tracks to be used as a relocation of the historical Southern Pacific Depot. Councilwoman Brown seconded. Mrs. Weston noted that part of this was Southern Pacific property and also suggested that Mr. Lashbrook go to Salem to see Mr. O'Leary, Department of Transportation, and show him on the map the requested property, he could hand carry the letter and Mrs. Weston said she would be glad to accompany as a Chamber of Commerce member. Motion approved 5-0. Attorney Bettis informed Council of a Resolution prepared for the next agenda, the Resolution is for approving and authorizing an agreement with Clackamas County to move, relocate, improve and maintain a historic building, i.e. Canby Railroad Depot, which will allocate us \$42,900 for project funds.

Under New Business, Councilman Knight moved to approve accounts payable in the amount of \$32,539.12. Seconded by Councilwoman Brown and approved 5-0 by roll call. Also, Councilman Knight moved that a bill in the amount of \$7,122.18 and one in the amount of \$295.56 to be paid from water bond funds and the warrants to be drawn from Clackamas County Treasurer. Seconded by Councilman Swayze, approved 5-0 by roll call.

At this time, Councilman Westcott moved to go into Executive Session in accordance with ORS 192.660, Section B, to consider dismissal of complaints or charges brought against a public officer, employee, staff member or individual agent. Seconded by Councilman Swayze and approved 5-0.

Regular Meeting was recessed at 8:30 p.m. for Executive Session, Attorney Bettis and the press were invited to attend the session in the back room. Mayor Rapp reconvened the Regular Meeting at 8:50 p.m. Councilman Westcott moved that Judge Roger Warren be dismissed immediately and be replaced by Jon Henricksen as Municipal Judge, effective immediately. Seconded by Councilman Swayze and approved 5-0. Also, Councilman Westcott moved that Jon Henricksen's salary be the same as the current judges salary in the current budget. Seconded by Councilman Swayze and unanimously approved.

Under Unfinished Business, Councilman Knight moved to put the name of Anne Nolte in nomination to fill the vacancy created by Catherine Eversole, for the Library Board. Mrs. Nolte has the recommendation of the Library Board. Seconded by Councilwoman Brown and approved 5-0.

The unfinished business of appointing a new Councilmember was delayed by suggestion of Councilman Swayze with the rest of the Council concurring.

Under Other Reports, John Falkenstein, from the Community Education Program, went over the Spring Quarter and the Annual Report of participation in the Community Program with the Council. It was noted that the program had a considerable increase in participation since last year. Falkenstein informed Council that the program will be adding a secretary and a direct telephone to their office which should help also to enhance the success of the program. Several Councilmembers expressed their feeling of the good job Mr. Falkenstein has done with the program. Mayor Rapp noted that several from out of town, including as far as Alaska, have come to observe our Community Education Program.

Administrator Wyman noted that he received word that the federal monies we had applied for about a year ago are available and the traffic study will be started in the very near future.

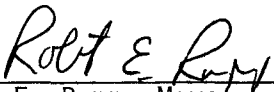
Mr. Wyman also received the notice by letter for the \$41,000 for the Maple Street Park and we will now start our Phase III.

Administrator Wyman requested permission from the Council to attend an ICMA Conference in Phoenix in October. Councilman Swayze moved to grant Mr. Wyman's request with expenses paid to the ICMA Conference in Phoenix. Seconded by Councilwoman Brown and approved 5-0.

Mayor Rapp informed Council that we had received a letter from the Canby Taxi requesting a rate increase and since this is not an emergency the item will be placed on an agenda.

Councilman Nichols brought up the fact that on S.E. 1st street the telephone crews laying the lines are destroying the sidewalks. Public Works will be instructed to look into this.

Meeting was adjourned at 9:15 p.m.



Robert E. Rapp, Mayor



Harold A. Wyman, Administrator/Recorder

August 1, 1979

EXHIBIT B

WAO

Hourly Rate Schedule

LEE ENGINEERING, INC.

The following hourly rate schedule applies to certain special services desired by clients of Lee Engineering, Inc. The type and extent of special services are generally difficult to determine ahead of time. This rate schedule is provided in order that the client can best accomplish the objective of the project without the burden of delays and added costs associated with needs to draft separate agreements for each new activity.

Inasmuch as the Agreement, of which this Exhibit is a part, is for an indefinite period, the client or the ENGINEER may, at the option of either on written notice, request a renegotiation of the following rate schedule to allow for changes in the cost of services. Such new schedule of compensation is to apply only to work performed by the ENGINEER after delivery date of such written notice.

- | | |
|----------------------------|-------------|
| 1. Principal of Firm | -- \$35/hr. |
| 2. Professional Associate | -- \$28/hr. |
| 3. Project Engineer | -- \$24/hr. |
| 4. Design Engineer | -- \$20/hr. |
| 5. Senior Draftsman, Tech. | -- \$17/hr. |
| 6. Intermediate Draftsman | -- \$15/hr. |
| 7. Junior Draftsman | -- \$12/hr. |
| 8. Secretarial | -- \$12/hr. |

Costs associated with special services such as testing, special surveys, mileage, travel, subsistence, phone calls, printing, etc., will be reimbursed at cost plus ten percent (10%).

LEE
ENGINEERING
PRELIMINARY
FOR DISCUSSION ONLY

1 BEFORE THE CANBY CITY COUNCIL OF CANBY, CLACKAMAS COUNTY, OREGON

2 In the Matter of the Application of)

3 DAVE J. BOLAND and HAROLD S. JEANS;)
request for approval of a preliminary plat)

4 of a subdivision to be called Willamette) ORDER
Green #2 on property described as Tax Lot 1900,)

5 Section 27C, T3S, R1E.)

6 The application of Dave J. Boland and Harold S. Jeans for approval
7 of a preliminary plat of a subdivision to be called Willamette Green #2
8 on property in the City of Canby, Clackamas County, State of Oregon,
9 described as Tax Lot 1900, Section 27C, T3S, R1E, came before the Canby
10 City Planning Commission on April 11, 1979. The matter was tabled
11 because of lack of sufficient information submitted to the Planning
12 Commission, and the matter was later considered by the Planning Commission
13 on April 25, 1979. The application was denied by the Planning Commission
14 by its order dated May 22, 1979, nunc pro tunc April 25, 1979, and the
15 applicants filed a timely notice of appeal to the Canby City Council.

16 The appeal hearing was duly and regularly scheduled for June 6,
17 1979, and proper notice of the time, place and purpose of the hearing
18 was given to all interested persons in the manner and for the time
19 required by City ordinance. At the time of hearing on June 6, 1979,
20 the hearing was continued for a full de novo evidentiary hearing on
21 July 18, 1979. The full de novo hearing was held by the City Council on
22 July 18, 1979, and was continued for decision only at the council
23 meeting on August 1, 1979. The City was represented at the hearing on
24 July 18, 1979, by Deputy City Attorney, R. Roger Reif.

25 On August 1, 1979, said hearing was convened for decision only
26 by the hearing body, and one of the applicants, Harold S. Jeans, appeared
Page

1 in person and the City of Canby was represented by City Attorney,
2 Wade P. Bettis. The hearing having been closed on July 18, 1979,
3 the Council, as the hearing body, proceeded to consider staff reports,
4 recommendations of the Planning Commission and its prior order,
5 presentations and oral arguments on behalf of the applicants during
6 the course of the hearing, and the entire record and file of this
7 matter.

8 The Canby City Council being fully advised in the matter made
9 the following

10 FINDINGS

11 (A) The design of the development, as originally submitted
12 showing a maximum of 60 units, would create an excessive density in
13 view of the single, private access road and compatibility with
14 surrounding development.

15 (B) By limiting the development to 45 total units and requiring
16 a wider road surface, these problems will be alleviated and the total
17 density of the area will be in keeping with the developer's original
18 intentions when Willamette Green Phase I was developed.

19 (C) The proposal conforms with the adopted City Plan.

20 (D) It complies with applicable state-wide planning goals.

21 (E) It meets the requirements of the City Zoning and Subdivision
22 Ordinance.

23 (F) There is a public need for the development of 45 additional
24 condominium units at this time.

25 (G) Section 29(D)(3) of Subdivision Ordinance No. 443 (as
26 amended) imposes the following general requirement in submittance and
Page

1 development of a planned unit development subdivision:

2 "(3) The development of the property in the manner proposed will not
3 be detrimental to the public welfare and will be in keeping with the
4 general intent of the remainder of the City's subdivision ordinance."

5 Furthermore, Section 29(D)(4) and (5) impose the following additional
6 general requirements:

7 "(4) The plan for the proposed development shall present unified and
8 organized arrangement of buildings and service facilities."

9 "(5) The development must be designed so that the land areas and build-
10 ings around the perimeter of the project are in keeping with the adjoining
11 properties."

12 The public need can only be met for the development of this
13 property as herein conditionally approved.

14 BASED ON THE EVIDENCE adduced at said hearing and the records
15 and the file of this matter and the findings of the hearing body,
16 it is hereby

17 ORDERED that Phase II of a planned unit development in the
18 Willamette Green Subdivision #2 on Tax Lot 1900, Section 27C, T3S,
19 R1E, in Canby, Clackamas County, State of Oregon, is approved for
20 the development of the property and the construction of a total of
21 45 residential units according to the design and plans otherwise of
22 said project as previously submitted to the Planning Commission, but
23 the approved development and construction project is subject to the
24 applicants full compliance with the following CONDITIONS:

25 (1) Furnish to or provide the Canby Telephone Association
26 with:

27 (a) One copy of the proposed plat vicinity map showing
28 the property, location and type of subdivision being proposed and the

Page

1 date the subdivider is proposing completion of project.

2 (b) Two approved copies of the completed plat vicinity map
3 no later than fifteen (15) days after final plat approval.

4 (c) A written agreement setting forth the amount and
5 condition for prepayment to the Association of the cost of utility
6 line construction before any work begins.

7 (d) Contact Canby Telephone Association at least fifteen
8 (15) days before telephone facilities are to be placed within the
9 subdivision.

10 (e) 6' utility easement on all interior lot lines.

11 (f) 12' utility easement on all exterior lot lines.

12 (g) Install 2" conduits under all existing and proposed
13 roadways, sidewalks, or any other areas covered by asphalt or cement
14 where telephone facilities are to be placed.

15 (h) Open all trenches for telephone utility lines with a
16 minimum depth of 30" of cover on final grade. The routing of all
17 trenches will be at the option of the Telephone Association. Trenches
18 will be opened in such a manner that telephone facilities can be placed
19 without delay.

20 (i) Assume responsibility for any damage that occurs to
21 the telephone facilities during the construction of other utilities
22 within the subdivision.

23 (2) Section 29(1)(C)(7) of Subdivision Ordinance No. 443 requires:

24 "A circulation plan indicating the proposed movement of vehicles, goods,
25 and pedestrians within the development to and from adjacent public thorough-
26 fares. Any special engineering features and traffic regulation devices
needed to facilitate or insure the safety of this circulation shall be shown.
Supporting data shall be supplied when requested by the Commission."

Page

1 Therefore, in order to meet the requirements of this ordinance provision
2 the following conditions are imposed:

3 (a) All ingress/egress shall meet the requirements of the
4 Canby Fire Marshall for fire trucks.

5 (b) All turns in on-site roads to allow for use by large
6 trucks.

7 (c) The acute angle turn ($\pm 135^\circ$) at the north end of the
8 property to have a 45 foot radius (based upon the design requirements
9 of a cul-de-sac).

10 (d) The road through the existing Willamette Green
11 Development shall be connected with the proposed road in Willamette
12 Green Phase II. A chain or other locking system shall be utilized to
13 prevent a drive-through situation by other than authorized users of
14 this gate.

15 (e) A turnaround shall be provided at the termination of
16 the road. This turnaround shall be designed and constructed to allow
17 for a 180° turnaround by a full sized American car with only a single
18 reverse motion.

19 (f) Road to have a paved surface 32 feet in width through
20 entire development. Building setbacks may be reduced to 0 feet along
21 the northwest property line to allow for this road width.

22 (3) "No Parking" signs to be posted in the turnaround areas and
23 all other areas which are not intended for parking purposes.

24 (4) "Dead End" and "Private Road" signs to be posted at the
25 entrance to the development. A "Stop" sign to be posted at the exit
26 point to Territorial Road.

Page

1 (5) Maximum number of units to be constructed to be 45.

2 Minimum number of parking spaces to be 90. Parking spaces in drive-
3 ways not to be counted in total if they block access to garage spaces.

4 (6) Water lines to be as shown on the preliminary plat, with
5 the addition of a 2 inch line to be run from the termination of the
6 4 inch line back to the main water line in the vicinity of building #1.

7 (7) Individual water meters to be required for each building.

8 (8) An additional fire hydrant to be placed in the vicinity
9 of building #1.

10 (9) On-site area lighting shall be the responsibility of the
11 Association, with billing to be determined by the Utility Board.

12 (10) Site drainage to be designed and constructed such that the
13 resultant overall drainage capacity will be as good as, or better than,
14 the predevelopment drainage of the site. The adequacy of the drainage
15 system shall be certified by a registered professional engineer.

16 (11) Section 29(1)(D)(9) of the subdivision ordinance requires
17 that a planned unit development plan (as in this case) must show:

18 "The location of adjacent utilities intended to serve the development
19 and a layout of utilities within the development."

20 Therefore, a swimming pool of the same general size, shape and location
21 as shown on the applicants' plan shall be constructed.

22 (12) A surety bond for the estimated total cost of the project
23 shall be executed by a surety company authorized to transact business
24 in the State of Oregon in a form approved by the City Attorney in
25 favor of the City of Canby to guarantee full compliance with these
26 conditions.

Page

1 It is further ORDERED that City building or other use or
2 occupancy permits shall not be issued for any development or use
3 of the said property, or any partitioned part thereof, until the
4 City Engineer has certified to the Canby City Council that the
5 conditions imposed by this order have been complied with or met or
6 that satisfactory assurance for completion of them have been filed
7 with and approved by the City Engineer.

8 DATED this 15 day of August, 1979.

9
10 Robt E Rapp
11 Robt. E. Rapp, Mayor

Robert A. D. Westcott
Robert Westcott, Councilperson

12 Beryl Brown
13 Beryl Brown, Councilperson

Robert Swayze
Robert Swayze, Councilperson

14 W Beauford Knight
15 W. Beauford Knight, Councilperson

Richard Nichols
Richard Nichols, Councilperson