

Planning Commission  
Regular Meeting  
May 28, 1975

Present: Chairman Ross, Commissioners Hulbert, Johnson, Merrill and Shaw

Also Present: City Attorney Bettis and Planning Consultant Edwards

Absent: Commissioners Cutsforth and Edgerton

The meeting was called to order at 8:38 p.m., following a review of the Land Use portion of the Comprehensive Plan with members of the Council and the Mayor's Citizens' Advisory Committee.

The minutes of the previous meeting, held on May 14, 1975, were approved as presented.

Correspondence: A letter was received from Arthur M. Clark, 2585 S.W. 16th, Portland, regarding a letter from the Canby Planning Commission of April 29, 1975. According to Mr. Clark, the conditions of his building permit have been met, and he has asked the Commission to re-check the matter. Chairman Ross indicated that the staff will do so as soon as possible.

Minor Land Partition, Rufus Kraxberger, North Oak and 10th. City Planner Edwards presented the planning staff's findings, with a recommendation to approve the application, subject to a waiver of remonstrance for future street improvement. Chairman Ross opened the public hearing and asked for proponents. Mr. Kraxberger stated that the lot size is well over the minimum required and that he had just invested a considerable amount of money in installation of a sewer line into North Oak Street. There being no further proponents, Chairman Ross called for opponents. Bonnie Hansen, 984 N.E. 10th, stated that she and others in the neighborhood would like to see the neighborhood stay the same as it is now, and that, when the land was bought by the present owners, they did not realize that the two remaining lots could be re-divided - this might have caused them to look elsewhere for land, if they had known about it. Chairman Ross reminded them that it is up to the buyer of a piece of property to check into everything which can affect the property before purchasing it, and that they should have checked to see if there were deed restrictions to prohibit re-division. Robert Shollenberger, 1095 N. Oak, stated that on the plot plan of Canby Gardens, the intent was to make the lots 110 feet each, and asked if allowing less front footage would set a precedent. The Commission informed him that the subdivider does not have to go beyond the requirement of the ordinance, which is 70 feet for an R-1 zone. ~~The subdivision, as it is now, is non-conforming, because of the large size of the lots, and has not been accepted by the City.~~ <sup>North Oak Street from N.E. 10th,</sup> Oak Street is a public right-of-way dedicated to the City at the time of subdivision as an access route to the lots in the subdivision, thus the lots do abut a public right-of-way and are considered to be legal lots. The street will not be an accepted City street until it has been fully improved. This is why the waiver of remonstrance is required as a condition of approval of the Minor Land Partition, so that the developer or future owners of the lots cannot object to a Local Improvement District to improve the street. Larry Cole, 1135 North Oak, stated that he realizes that Mr. Kraxberger has made a large investment in the property, but that he and his neighbors have made a large investment, too, and this should be taken into consideration. Even though the divisions proposed by the applicant are perfectly legal, Mr. Cole felt that such a division would have an adverse effect on the neighbors, monetarily. Rosina Feller, 900 N.E. 10th, stated that such small lots would prohibit building a home with more than a single-car garage, and expressed concern over congestion

caused by parking cars on the street. It was pointed out that lots in the new subdivisions in town have lots smaller than those proposed by Mr. Kraxberger and have had no trouble in providing double-car garages for homes built on the lots. Pete Feller, 900 N.E. 10th, stated that they want nice homes built on the lots, like the ones already there, and expressed some doubt as to whether the smaller lots could handle this. Mr. Kraxberger assured the opponents that he has no intention of downgrading the neighborhood. The houses built on these lots would have to conform to City and State codes and to the zoning ordinance. The Planning Commission can deal only with the land itself, and cannot tell the owner what type of house to build or how to build it. There being no further opponents, the public hearing was closed. After some discussion, Commissioner Shaw stated that, on the one hand we have an application which meets the ordinance of the City of Canby and which has been recommended for approval by the City Planning staff. On the other hand, we have a group of people who have established a certain character of the neighborhood in the way it has been built. They are naturally quite interested in the neighboring property and have a right to maintain the quality. The owner of the two lots in question can re-divide them as long as he is within the legal boundaries. Both parties have good reasons for the way they feel. A certain lot size was established and was apparent and it was a considerable investment by several property owners. Since this precedent was established it probably should be maintained.\* For this reason, Commissioner Shaw moved to deny the Minor Land Partition. Commissioner Johnson seconded the motion, which passed unanimously. The applicant was informed that he has ten days in which to appeal this decision to the City Council. The secretary was directed to write a letter to the applicant stating the decision of the Commission.

Minor Land Partition, Hood View Builders, Inc., S.W. 5th and South Elm. City Planner Edwards presented the planning staff's findings and recommendation for approval with three conditions: 1) sidewalks and curbs be put in along South Douglas and South Elm Streets; 2) sewer, water and other utilities be installed underground; and 3) a waiver of remonstrance for LID be obtained from the developer. The lots on Douglas Street are buildable as they are now, and so are three of the lots of Elm. The applicant wishes to create a fourth lot on the Elm Street side of the property. The problem is that, while the lot would have the required square footage, it lacks the depth required by the ordinance, thus making it a substandard lot. Chairman Ross called for proponents. Frank Moore, President of Hood View Builders, Inc., explained the purpose for the request and said that he would put the curbs in and pave the street from the existing paved surface to the property line, in lieu of a waiver of remonstrance. He has also agreed to provide sewer service for the lots, and to dedicate ten feet right-of-way on Elm in order to straighten out the curve in the street at that location. Frank Kendall, owner of the land, stated that the deed restrictions on the property allowed for duplexes to be built on it (although this cannot be done, since the land is zoned R-1) and requires a minimum square footage for the house of 1100 or 1200 square feet. There being no further proponents, Chairman Ross called for opponents. Ed Johnson, 593 S. Elm, asked if there would be any zone change involved, and was assured that the zone would remain R-1. Ruth Stinson, 605 S. Douglas, asked whether the rest of the people in the area would be forced to hook up to the sewer if he extended it down Douglas Street. According to City ordinance, any structure within 100 feet of city sewer is required to hook up within 90 days after it becomes available to them. Since the County is trying to get everyone off of septic tanks and onto sewer, this will happen eventually, anyway. The sewer problem was discussed at some length, but it was felt that the Planning Commission could not comment officially on where the sewer is to be put without first obtaining technical advice on the subject. The Minor Land Partition application being considered had to do with the use of the lots, with sewer being up to the Public Works Department and engineers. There being no further opponents,

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the public hearing was closed. The problem with the Minor Land Partition is that the fourth lot on the Elm Street side is a substandard lot, and would be so even if part of the footage from the northly lot on the Douglas Street side were added to it. In order for the Minor Land Partition to be approved, there has to be a zone variance to allow building on the substandard lot. Therefore, a zone variance hearing was set for June 11 at 8:00 p.m. \*Commissioner Shaw moved to approve the Minor Land Partition, subject to staff reports, including the City Planners' report; compliance with all ordinances; and a zone variance on the one substandard lot in the northeast corner of the property. The motion was seconded by Commissioner Merrill and passed unanimously. The secretary was directed to write a letter to the applicant stating the decision of the Planning Commission and advising him that the hearing on the zone variance is to be held on June 11. The applicant was asked to submit an application for the zone variance on Thursday, May 29, 1975.

New Zoning Ordinance - Off-Street Parking in C-1 Zone. As was requested at the last meeting, Eldon Edwards presented several suggestions for alternative methods of handling off-street parking requirements. In the discussion which followed, it became apparent that a solution cannot be found without much more extensive information. It was suggested that two-hour parking signs be put up in C-1 zone areas where there are none presently, such as around Wait Park, and that the Police Department be asked to mark tires once or twice a month in these areas to find out what the parking pattern is. It was felt that employees in the downtown area should be encouraged or even required to park in the railroad parking lot in order to provide more street parking closer to the stores for the customers. The Commission decided to table discussion on this subject until the downtown section of Comprehensive Plan can be completed (this should provide in-depth planning information in the area of off-street parking). In order to avoid holding the Zoning Ordinance up any longer than necessary, Commissioner Shaw moved to rescind the Commission's recommendation to strike the words "other than a C-1 zone" from the narrative in Section 10 "Off-Street Parking", page 12 of the zoning ordinance. Commissioner Hulbert seconded the motion, which passed unanimously.

The meeting was adjourned at 11:50 p.m.

Respectfully submitted,

*Merrie Dinteman*

Merrie Dinteman, Secretary  
Canby Planning Commission

/mjd