

Planning Commission
Regular Meeting
October 9, 1975

Present: Chairman, Ross, Commissioners Cutsforth, Edgerton, Hulbert and Shaw

Also Present: City Attorney Reif, Planning Consultant Edwards, Jerry Bontrager,
Mack Gaunt and Harold Neff

Absent: Commissioners Johnson and Merrill

Correspondence

A letter was received from Robert E. Birch, President of the Willamette Green Homeowners Association, indicating that the Willamette Green Developers, Inc. intend to proceed with development at Willamette Green, and that the Homeowners Association is concerned that the original intent of the Planned Unit Development, as presented to and passed on by the Planning Commission, be upheld. They want to know if the further development of the area will be reviewed by the Planning Commission prior to any actual construction. The developer wants to put up apartment houses, which the Homeowners Association does not want to happen. Chairman Ross advised that, in looking through old records in an attempt to locate the record of the decision of the Planning Commission on the original Planned Unit Development, he was unable to find the minutes or correspondence from the meeting at which the decisions were made.

With the arrival of Commissioner Cutsforth at 8:20 p.m., thus providing a quorum, the meeting was called to order by Chairman Ross.

With regard to the letter from the Willamette Green Homeowners Association, the Commission requested that a letter be sent to the Building Inspector stating that the Willamette Green Developers, Inc. must be placed on the Planning Commission agenda for review before any building permits can be issued for further development of the Willamette Green PUD.

A notice was received from the League of Oregon Cities, advising that the annual conference will be held November 16 to 18 at the Hilton Hotel in Portland. Any commissioners interested in going should contact the City Administrator. The City will pay registration fees, etc.

Copies of the New Zoning Ordinance as adopted by the City Council were distributed to the Planning Commission members.

The minutes of the Previous meeting, held on September 10, 1975, were approved as presented.

Public Hearing: Mr. and Mrs. Harold Neff, 1535 N. Manzanita, to construct a 6 foot high fence to within 5 feet of the curb. Planning Consultant Edwards presented the findings of the Planning Staff, with a recommendation for denial, basically for two reasons: to avoid setting a precedent; and to avoid creating a vision clearance problem for cars coming out of the parking lot from the apartments to the north of the property, onto Manzanita. The public hearing was opened and Chairman Ross called for proponents. Mr. Neff was present and stated that they feel that if they comply with the ordinance requirements, the children in the neighborhood will get into the yard and to the pool, which could be a real problem since both he and his wife are gone most of the day. The pool is to be an above-the-ground type, four feet deep, and is to be located in the northwest corner of the lot. They have also considered the vision clearance problem and feel that it would not create much of a problem for the apartment parking lot, certainly not

as much of a problem as the cars parked along the curb create. The commission expressed concern regarding the fact that the driveway to the Neff house is located on Manzanita right next to where the proposed fence would be, possibly creating a dangerous situation for cars pulling out of the Neff driveway onto Manzanita. The applicant felt that it would cause no problem. Mr. Neff also pointed out that the fence would cause no vision problem at the intersection of N.E. 15th and Manzanita, since it is located well away from the corner of the lot. Chairman Ross then called for further proponents. There being none, he called for opponents. There being none, he closed the public hearing. Commissioner Shaw asked the applicant why it is necessary for the fence to come that far forward, toward Manzanita. Mr. Neff replied that this the only part of the yard available for a play area for children. On the other side of the house, there is only about 15 feet between the house and the fence. If the fence were set back the required 20 feet from Manzanita and the pool put in on the other end of the yard, they would lose a great deal of play area. The Commission stated that, while they sympathize with Mr. Neff's problem, this is a problem faced by all people owning small corner lots which are eaten up by setbacks; the Commission has a responsibility to look out for the rest of the neighborhood and the vision problems for automobile traffic. If a six foot fence were allowed on this lot, others would also want six foot fences, which is what the ordinance is designed to avoid.

**Based on the discussion of this application, Commissioner Shaw moved to deny the application for a zone variance. Commissioner Hulbert seconded the motion, which was passed unanimously. The secretary was instructed to write a letter to the applicant informing him of the decision of the Commission and advising him that he has fifteen days in which to appeal the decision to the City Council.

Annual Review of Home Occupation Conditional Use for Jerry Bontrager, 384 N.W. 6th Ave., Bicycle Repair and Sales. Eldon Edwards advised the Commission that the conditions of the approval of Mr. Bontrager's conditional use permit have been met and that the business has apparently created no problems to neighboring properties. He recommended approval of the conditional use permit for another year, effective October 24, 1975. Mr. Bontrager was present at the meeting. When asked whether he had any plans for expanding the business, he stated that he had no such plans but would like to be able to place a sign in a more conspicuous place to indicate where the repair shop is located, as his customers have repeatedly complained to him about not being able to find the shop. He currently has a sign on the building housing the shop, which is back from the road, behind the house. The sign is about 18" high and about 3 or 4 feet long and is very hard to see from the street. He said he would like to either move that sign or perhaps put up a smaller one out on the street. The Commission expressed concern for the protection of the residential character of the area, stating that any such sign would have to be small and, of course, could not be neon or have moving parts, anything that would introduce a commercial type feeling to the residential neighborhood. It was suggested that he put something on his mail box, but he stated that his mailbox is one of a cluster of four on a stand by his neighbor's house.

** Commissioner Edgerton moved to allow Mr. Bontrager to install in his front yard a sign, 8" x 18", with an arrow indicating the direction of the shop and the words "Bike Repair" or "Bike Shop" on it. Commissioner Hulbert seconded the motion, which passed unanimously. The applicant was also advised that the sign cannot be higher than 3½ feet from the ground. He indicated that it was his intention to make it about 2 to 2½ feet high. The secretary was directed to write a letter to the applicant, informing him of the decision of the Commission.

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Further Business:


Mack Gaunt, from Mercury Development, asked the Commission to review the plan for access from Highway 99E to the new shopping center on S.W. 1st (Hwy 99E) and to recommend to the City Council that the access be approved by the City, after which they have requested that the Council send them a letter stating officially that the entrance is accepted by the City. The City Council has given tentative approval, contingent upon receipt of approval from the Planning **Commission. After some discussion, Commissioner Shaw moved to advise the City Council that the Planning Commission is in agreement with the proposed access to the shopping center from 99E, as presented by Mr. Gaunt. (Edgerton second--passed) Besides approving the location of the access, the Commission also wished to recommend to the Council that the ingress and egress on Fourth by the Douglas Station be blocked and that Fourth continue in a westerly direction to intersect with the shopping center access on 99E and, further, that a center refuge lane for turning and an acceleration/deceleration lane should be provided on the highway for access to and from the shopping center (and S.W. Fourth, should this route be kept open).

In other business, Eldon Edwards said that CRAG has asked the City to establish urban growth boundaries and needs the information very soon. Eldon stated that he would like to take care of this himself by giving them our growth element and letting them respond to that. The Commission agreed that Eldon should handle it for the City.

Commissioner Hulbert brought up the question of what the City plans to do about acquiring right-of-way on the narrow streets in town. He cited an example of a small house which was recently built on North Pine. The house is on a lot which probably goes back quite a way, yet the house is extremely close to the road, which will make future widening of the street difficult. Problems of this type can and must be avoided if there is to be future development of these narrow streets.

The meeting was adjourned at 9:40 p.m.

Respectfully Submitted,


Merrie Dinteman, Secretary
Canby Planning Commission

/mjd