

Planning Commission
Regular Meeting
January 14, 1976

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

Absent: Commissioners Merrill and Shaw

Also Present: City Attorney Reif; Planning Consultant Edwards; City Administrator Wyman; Police Chief Graziano; S. French, Fire Marshal; Bud Atwood, Public Works Foreman; E. Cole, Canby Telephone Association; B. Dresen, Canby Utility Board; Ron Tatone, Zarosinski-Tatone Engineers; and Other Guests

At 7:35 p.m., Chairman Ross called to order a special meeting between the Planning Commission and the various department heads from whom the Commission receives staff reports to be used in making decisions on public hearings and subdivisions, etc. The reason for the meeting was to try to express what the Planning Commission needs in staff reports. The response to requests for staff reports is often "no objection" or "no problem", which really gives them no information. What the Planning Commission needs to know is, for example: what capacities are for water and sewer lines, so that they will know how many homes we can have in different areas; what water supply is with regard to water use by the houses and also fire use for fighting fires in each area of town. However, this information is not readily available to anyone, as no intensive study has been made along these lines. Mr. Wyman stated that the new City Engineer, who is to begin work for the City in February, can probably do a study of the sewer and water systems. Mr. Wyman suggested that the Planning Commission ask the City Council for a study of the sewer system so that we can tell from that what development can go into which areas and what needs to be done before more can go in. The Planning Commission needs as much guidance from the staff as possible, and needs to be kept abreast of the latest information available in development policies in each department. Mr. Wyman asked that the Planning Commission make up a list of types of information needed as they come up, and give the list to the department heads so that staff will know what the Commission wants.

The regular meeting of the Planning Commission was called to order by Chairman Ross at 8:10 p.m.

The minutes of the previous meeting, held on December 10, 1975, were approved as presented.

The first item on the agenda was a minor land partition for Maynard Nofziger and Clifford Conrad, located at 866 N.E. 10th Ave. Commissioner Hulbert disqualified himself. Planning Consultant Edwards presented the Planners' findings, along with a recommendation for approval with a waiver of remonstrance for street improvements. Regarding additional right-of-way along the lots in question, the Commission felt that any additional right-of-way should come from the south side of N.E. 10th in that area, since the present alignment of the street is crooked, with the property lines on the south side of the street being extended out beyond where the line is across Locust St. on 10th, causing a "jog" in the traffic flow. When asked about curbing, it was stated that curb would probably go in later as part of an LID to get curbing on the entire length of the street. There being no opponents to the application, the public hearing was closed.

**Commissioner Edgerton moved to approve the minor land partition with the waiver of remonstrance for street improvements. Commissioner Cutsforth seconded the motion, which passed unanimously.

* However, he did not recommend it for the reason that the conditions were of major importance and there may be questions at a later date as to what was agreed upon. For that reason, he recommended to the commissioners that the plat not be given tentative approval, subject to certain conditions.

The next two items on the agenda were to be handled together: A conditional use for 25 duplex lots in an R-1 zone, and a preliminary plat review for the Pitts Addition, Grant Schiewe, Developer, located between S. Ivy and S. Fir, on S.W. 13th Ave. Planning Consultant Edwards presented the planners' findings with a recommendation to table the preliminary plat for the following reasons: 1) Below minimum lot area or lot width; 2) Above maximum block length on Block 5; 3) All lots do not have approximate dimensions; 4) No street names; and 5) 50 foot right-of-way where 60 foot is required. Ron Tatone then presented the plat, with a few changes drawn in, according to staff reports received by the applicant prior to this meeting. He asked if perhaps the plat could be given tentative approval, subject to certain conditions, instead of being tabled. City Attorney Reif said that it could be done in this manner, if the Commission so wished. * Mr. Schiewe then stated that it had come to his attention that there is a rumor circulating around about this project being a low-cost housing development. He wished to set everyone straight on that score by stating that this is certainly not the case. He has thought about putting deed restrictions on the property but must be careful to avoid discrimination. If the Commission wishes to put deed restrictions on the property, he is willing to comply with whatever they recommend. He also requested that, instead of tabling the plat, the Commission approve it, with conditions which would be met with the final plat. Mr. Tatone and Mr. Schiewe then proceeded to answer questions raised by the Commission and to state the intention of the developer in the development of the land. Regarding the minimum lot area, the applicant stated that there is no intention of developing any lot that is less than the standard. The plan presented is not to an exact scale and does not show lots as they are actually to be. They did not realize that the scale had to be exact for this preliminary plat, which is why they developed only the layout, without lot dimensions for each lot. There was discussion throughout the hearing regarding the "flag lots" which appear on the plan. The developer inquired about these at a previous meeting and was led to believe that they were acceptable, which is why they were included in the plan. Commissioner Hulbert stated that it was his understanding that a flag lot was something which was allowed only when a piece of land could not otherwise be used, that it is to be avoided whenever possible. The other Commissioners agreed that this has been the policy in the past and that they would prefer to stay away from this type of lot. It was suggested that perhaps, instead of putting in only minimum sized lots, perhaps some of the lots should be larger to accommodate a larger house, thus eliminating the flag lots and creating a more attractive subdivision with more variation in the types of lots which are available for building. The general feeling of the Commissioners was that they would like to see the developer avoid the flag lots and develop larger lots. Planning Consultant Edwards apologized to the developer and to the Commission, as he believed that he had misled the developer with regard to the flag lots' being acceptable, as he (Edwards) had believed them to be. Regarding the above maximum block length on Block 5, the general feeling among Commissioners and City staff was that they want to see a cross street to break the long block and provide access between the inner and outer streets of the subdivision. Section 27, subsection 2 of the Subdivision Ordinance states: "Sizes, Blocks shall not exceed 1,200 feet in length between street lines, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation..." Since the proposed street is 2,100 feet long, it was felt that it would be desirable to have a cross street on the east side interior of the subdivision to provide access to both streets. Mr. Schiewe was agreeable to this, stating that he would have such a cross street put into the plan if that was what the Planning Commission wanted. This was particularly important to the Police and Fire departments, since they would have to go all the way around to either S.W. 13th or S. Fir just to get into the subdivision, and then if someone had given them an incorrect address which was on the opposite side of the block from where the problem really existed on Block 5, they would have to go all the way around to either of the two entrance streets to get onto the proper street on the

eastern side of the subdivision, wasting precious time in getting to a fire or other dangerous situation for which they were called. Also, once the Police got into the subdivision, it would be hard for them to get out again if there were an emergency call elsewhere in town. Mr. Wyman stated that the City is not against the subdivision, but there is concern about safety and access for emergency vehicles. We must have the best possible access for such equipment since we are limited by lack of funds in providing for manpower, and limited staff must cover a large territory. There was some discussion as to whether there should be a street put through all the way to Ivy St. At first, it was felt that it would not be advisable due to the curve in Ivy St. and the vision problems which would be caused by it. But after discussing it further, it seemed better to have an access onto Ivy than to have to go all the way around to S.W. 13th or S. Fir. Mr. Schiewe also suggested that they could plan for a stub to project to the north of the property, to be taken on out to Ivy if the property to the north is developed in the future. S. Ivy is a busy street with a lot of traffic; however, S.W. 13th is slated to be a major arterial which may be as busy or even more so than S. Ivy in the future. For this reason, perhaps access onto Ivy would not be such a problem, after all, although we need to know what the impact would be on Ivy and what kind of foot traffic there would be to the schools and the pool, across Ivy. As to the 50 foot right-of-way where 60 feet is required, this would take a zone variance to accept what is proposed. The inner circle is to serve only those lots in the center of the project, which was why they thought it might be alright to make it a 50 foot right-of-way; but, the Planning Commission would like to see 60 foot right-of-way throughout the subdivision, as the ordinance stipulates. Mr. Schiewe stated that he was willing to make it 60 foot right-of-way if that was what was desired. The Commission also wanted to know how right-of-way is to be handled in front of the property in the N.W. corner owned by Mr. Virgil Giger. The developer stated that 27 feet (the same as that to be dedicated by Mr. Schiewe) is monumented back onto the Giger property and is in his initial deed as being dedicated for street right-of-way. Eldon Edwards is to check into this to be certain there is no question about the right-of-way on that corner. The developer wanted to know if the lots on the southerly side of the project (S.W. 13th) could face outward onto S.W. 13th, thereby making more room to provide larger lots and additional street right-of-way within the subdivision and eliminating the double sided lots on that side and thus the need for duplexes on that side. Because S.W. 13th is to be a major arterial, the Commissioners did not like the idea of having cars backing onto that street. Mr. Schiewe wanted to know if the proposed duplex lots would be accepted in the R-1 zone. He repeatedly asked that the Commission give some kind of verbal opinion as to whether or not he will be allowed to include these, so that he will know what type of plat to draw up. He does not want to have to spend all the time and money to have the plat drawn with the duplexes in if they are just to be rejected by the Planning Commission. He wants to know if there is at least a good chance of getting it through. The reason they want to have the duplexes on the perimeter of the project is because these lots will have double frontage, which is not desirable for a single-family dwelling but is suitable for a duplex. Attorney Reif advised that the Commission could not at that time tell them definitely one way or the other because there have to be public hearings on it, but that there could be a consensus agreement as to whether or not the Commissioners feel that it is an acceptable use. It was suggested that, perhaps, a conditional use could be granted on the condition that, if the preliminary plat did not go through, the conditional use on the duplexes would be null and void. Mr. Earl Oliver suggested that the developers draw up their plat with 70 foot lots around the perimeter, with overlays having 100 foot, or duplex, lots in place of the single family lots, so that they will be prepared, no matter which way the conditional use hearing goes. Mr. Edwards stated that, under the zoning ordinance, the duplexes are allowable use according to the discretion of the Planning Commission. The Planning Staff feels that this is an appropriate use for the area. He also stated that the comprehensive plan indicates low density housing in this area and that, unlike apartment buildings, duplexes are considered to be low-density. Mr. Hulbert reminded the developer that he will need to

provide for four off-street parking spaces for each duplex, and that said spaces cannot be within the 20 foot front-yard setback. Commissioner Edgerton asked whether allowing this use would set a precedent for the rest of S. Ivy St. Would the land to the south of this be the same way if it were developed into a subdivision? Since the public hearing on the conditional use had been announced and there were interested persons present at the meeting, Chairman Ross called for opponents to the duplexes. Larry Beck, who lives at 804 S. Ivy, asked whether the sewer is adequate to handle such a large addition and was told that the sewer load would be handled by a lift station, that the facilities are adequate to handle the subdivision. He objected to the duplex lots around the perimeter of the property, as this area is zoned R-1, and he believes it should remain just that, with single family lots, as was originally planned for the area. Mr. Beck also expressed concern over commercial zoning on S. Ivy--he does not like that idea, either. Mr. Terry Cullison, 215 S.W. 7th, also was in opposition to the duplex lots going in, as he doesn't like the idea of having multiple family dwelling units that close to the schools. He felt that the whole project could be designed better. Following these comments, Chairman Ross asked the Commissioners what would be their feeling as to whether or not duplexes might be an allowable use in this subdivision. A vote of the commissioners resulted in 3 yes votes and 1 no vote, with two commissioners absent. Chairman Ross advised the developers to redraw the plan, allowing for larger lots instead of flag lots, providing ingress onto Ivy for safety equipment access, widening streets where necessary, and working with the City Planning Consultants and Police and Fire departments to tighten the project up completely. This is the biggest subdivision that has been put before the City, and the commissioners want to see as much thought put into it as possible.

**Commissioner Edgerton then moved to table any decision on this subdivision until all of the planner's recommendations are complied with, including a new subdivision layout with lot dimensions, and this shall be presented with new staff reports; also these plans should be drawn so that the exterior lots on 13th and Ivy streets be drawn for single family housing and then, upon passage of the conditional use, the lots can be changed as designated. The motion was seconded by Commissioner Hulbert and passed unanimously. The secretary was directed to write a letter to Mr. Schiewe and parties involved, including the verbage on the streets, and meeting with the emergency vehicle departments and Eldon Edwards to come up with something which might be satisfactory to all parties involved. The applicant was advised that the plat and anything else to be submitted to the Planning Commission must be in 21 days before the date of the meeting at which they want to be heard. He suggested that they have one map with one or two overlays.

Further Business: There followed a brief discussion regarding 60 foot vs. 80 foot rights-of-way in the comprehensive plan for major arterials. The question was whether 80 foot is actually needed, or if 60 foot, fully developed, would be adequate. A 60-foot right-of-way would provide for uniform requirement throughout the City. Commissioner Edgerton then moved that the Planning Commission go on record as recommending to the City Council that the streets that are so designated to be 80 foot be reduced to 60 foot. Commissioner Johnson seconded the motion, which passed unanimously.

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Merrie Dinteman

Merrie Dinteman, Secretary
Canby Planning Commission