

Planning Commission
Regular Meeting
February 11, 1976

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

Absent: Commissioners Cutsforth and Merrill

Also Present: City Attorney Reif, Planning Consultant Edwards, Councilman Westcott, City Administrator Wyman, Police Chief Graziano, Interim Fire Chief French, Superintendent of Public Works Armstrong, Grant Schiewe, John Tatone, Ron Tatone, and Several Other Guests

The meeting was called to order by Chairman Ross at 8:06 p.m.

The minutes of the previous meeting, held January 14, 1976, were approved, with one addition: on page two, after the sentence which reads, "City Attorney Reif said that it could be done in this manner, if the Commission so wished." (the eleventh line from the top), City Attorney Reif wished to insert the following: "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."

Correspondence: Clackamas County Planning Department sent a notice of application from W. and E. Robinson, 22115 S. 99E, Canby, to divide total 6.42 acres into three parcels through a minor land partition, with septic tank for sewage disposal and well for water supply. After discussion, the Chairman directed the secretary to write to the Clackamas County Planning Department informing them that the Canby Planning Commission has no input on this application, subject to county zoning and ordinances.

There was also a letter of resignation from Commissioner David Merrill, in which he stated that he had enjoyed the opportunity to serve on the Commission, but because of time conflicts, he did not feel that he could really do justice to the office, and felt that he must resign. This leaves a post open on the Commission which must be filled as soon as possible. Chairman Ross directed the secretary to send a copy of Mr. Merrill's letter to Mayor Roth.

The first item on the agenda was: Grant Schiewe, preliminary plat review for Pitts Addition, S.W. 13th, between S. Ivy and S. Fir, and conditional use to allow duplexes on 20 lots in an R-1 zone. This is a newly designed plat of the same piece of property for which Mr. Schiewe submitted a plat at the last Planning Commission meeting, and is considerably different from the previous plat. There is now a proposed access on S. Ivy from the subdivision and also a 25-foot alley-way running parallel to S.W. 13th to provide the access to the southerly lots without having access from 13th, both of which were questionable, in the opinion of the Commission. The plat was based on an 80 foot right of way on S.W. 13th, as proposed in the Zoning Ordinance, but since the Planning Commission has recommended that all proposed 80 foot rights of way be changed to 60 foot, Mr. Schiewe thought that an additional ten feet could be taken from the street right of way and added to the access alley-way which parallels S.W. 13th. However, since the Zoning Ordinance still reads that S.W. 13th is to be an 80 foot right of way and no formal action has been taken by the Council to change this, the Pitts Addition must be considered on the basis of this streets's being an 80 foot right of way. City Attorney Reif reminded the Commissioners of this fact several times during the discussion. Chairman Ross asked for further proponents. There being none, he asked for

opponents. Mr. Terry Cullison, 215 S.W. 7th, who was also present at the last meeting, stated that he is very much against having duplexes on South Ivy. He is concerned that renters will not take care of the property and will let it get run-down within a few years. He stated further that he is in favor of the outlet from the subdivision onto South Ivy. Rich Birkemeier, who operates the orchard across S.W. 13th from the property, related that he does not think Canby needs any more apartments and duplexes at this time; that we need to place emphasis on quality instead of quantity. He feels, as does Mr. Cullison, that renters moving in and out all the time will have no interest in keeping the places looking nice. He would like to see larger lots and nicer homes. Chairman Ross then called for further opponents. There being none, the public hearing was closed. The Commissioners then asked questions of Police Chief Graziano. When asked what the speed limit is by the schools, he stated that the limit is 20 miles per hour but that people usually do about 30 to 35, thus creating a situation which could be very hazardous. They also asked about the pedestrian walkways proposed in the subdivision, to which Mr. Graziano replied that, although there is heavy pedestrian traffic along S. Ivy, the Police Department has had no real problems with it. He suggested in his staff report that the proposed access from S. Ivy into the subdivision be an "entrance only" to provide emergency access without creating a dangerous situation with cars coming out onto Ivy without being able to see around the curve, which, he said, is actually much sharper than it appears to be on paper. The curve to the north of the subdivision, together with a heavy traffic flow which will develop when the new grade school opens, heavy flow of traffic from the Middle School, moderate flow in and out of the Community Pool, and a busy intersection just to the south (S.W. 13th and Ivy) combine to make this proposed access dangerous as an egress route. The Commissioners asked whether he thought it should be closed off altogether, and Chief Graziano advised that it would not make too much difference to the Police Department, but that it could make a big difference to the Fire Department. Interim Fire Chief French agreed that the Fire Department needs this emergency access to the houses within the subdivision. The question of what to do with this access cannot be decided until the plat has been submitted to the State Highway Department, since South Ivy St. is State Highway 170. The plat should have been submitted to both the State Highway Department and the County, according to the provisions of Section 11 of the Subdivision Ordinance. Copies must go to the County Surveyor, the County Planning Commission, and the State Highway Department before even tentative approval can be given by the Canby Planning Commission. Jack Armstrong, City Engineer, stated that he would be happy to go along with Eldon Edwards or Ron Tatone, or whoever would like to go to the State Highway Department to discuss this with them. The Commissioners asked how storm sewer was to be handled in the development, to which Ron Tatone replied that the storm drain pipe leads to drywells which can be connected to the main trunk line as the subdivision is developed. The Public Works Department has indicated approval of the storm and sanitary sewer system, as presented on this plat.

After further discussion, it became apparent that there were areas of concern with which the Planning Commission must contend:

1. The ingress and egress on South Ivy
2. The dedications and street widths on Ivy and 13th
3. The 25-foot ingress-egress on the lots on blocks 7 and 8
4. The amount of improvement to each respective street (13th and Fir)

The first problem must go to the State Highway Department before we can begin to deal with it; the second must be handled according to the present Zoning Ordinance, unless the developer wishes to wait until the general plan for the City has been

approved, dictating exactly what the right of way is to be on each of these streets; regarding the third problem, if it must remain 25 feet instead of 35, we could require a twenty-foot setback on the alley side of the lots as well as the front, in order to provide the needed off-street parking and apron for each lot, to avoid parking on the 25 foot alley and keep it open to traffic; the fourth item, improvement of streets, depends partially on Clackamas County, as far as S.W. 13th is concerned. Both 13th and Fir are in very bad condition and are being used more and more all the time. This subdivision would put heavy use on these streets, and the developer should be required to do his fair share of the street development and improvement; however, if the City wants the full improvement of both streets, we will have to try to generate the balance of the improvement, through local improvement district and with the help of Clackamas County, if possible. If the development does not include immediate improvement of the streets, there would be a waiver of remonstrance included in the deeds to the lots so that the property owners could not remonstrate against any future improvement. Commissioners Hulbert and Edgerton both expressed a desire to see street improvement done at the time of development of the subdivision. It was felt that a special effort should be made to see that these streets are improved in the best possible manner, since the subdivision will be adding a great deal of traffic and these people should have good quality streets to use. If the streets are allowed to go unimproved, the property values in the area will go down-- we have to try to avoid this in any section of town.

Along the Ivy St. side, the developer proposes a ten-foot planting strip along the backs of the lots, to try to improve the appearance of these lots from the Ivy side (the back yards would face Ivy St.). However, the planting strip would be the responsibility of the individual property owners and would not be uniform. Also, there would be three or four lots which would have to provide for the vision clearance on the corners of street intersections. After discussing this, it was suggested that perhaps these lots should face Ivy with access from inside the subdivision, as with the lots on 13th.

The meeting recessed at 9:40 p.m.

The meeting resumed at 9:50 p.m.

City Attorney Reif suggested that the matter be tabled until the next meeting so that the questions of State and County requirements and right of way on Ivy and 13th could be considered. We have to have that information before we can make adequate decisions. As to the conditional use hearing, which has been on the agenda several times and has never been held, the preliminary plat must be approved before the conditional use hearing can be held; therefore, the hearing is to be removed from the agenda until the preliminary plat has been approved. Commissioner Shaw asked Mr. Schiewe how much this street pattern relates to the necessity of making the perimeter lots rental or ownership. Mr. Schiewe said that he feels they would be more desirable as duplex lots, but that he could make them single family lots.

*Commissioner Shaw then then moved that the consideration of this subdivision be tabled for two weeks and that we meet again at that time if the proper information from the State and County is available. The information we are seeking is on Ivy and 13th. We need the Council to make a decision on the width of 13th. After some discussion, the motion was amended, striking the last two sentences, so that the motion read:

*...that the consideration of this subdivision be tabled for two weeks and that we meet again at that time if the proper information from the State and County is available. Commissioner Edgerton seconded the motion, and it was passed unanimously.

The hearing is to be held at 7:30 p.m. on Wednesday, February 25. The early meeting time is due to the fact that there are comprehensive plan hearings scheduled elsewhere for the same night. Mr. Ron Tatone asked if the Planning Commission could give tentative approval tonight with the condition that any buildings on 13th abutting the alley way would have to be a 20 foot setback from the alley way. Attorney Reif again stressed the fact that no decision can be made by the Planning Commission until the County and State have been consulted. Commissioner Shaw then requested that the Planning Commission write a letter to the State Highway Department stating that the access onto Ivy is desirable from the point of view of the Planning Commission, as shown on the plat, to be used for ingress only to the subdivision, although the particular alignment could be shifted one way or the other, at the discretion of the Highway Department. The secretary was directed to write the letter. The conditional use hearing is tentatively scheduled for March 10.

The next item on the agenda was: John Tatone, preliminary plat review for Canby Heights, subdivision to be located at the west end of N.W. 13th Avenue. This is also a re-design of a subdivision plat which was previously submitted to the Planning Commission and reviewed on December 10, 1975. The plat, as submitted at that time, was rejected by the Planning Commission because it would have created a cul-de-sac of 898 feet and would not fit in with the City's comprehensive plan regarding a major arterial which is to go through the area. The applicant then appealed this decision to the City Council, who upheld the decision of the Planning Commission. The plat, as presented at this meeting, February 11, 1976, provides a 50 foot right of way for a street on the east side of the proposed subdivision, to connect 13th Avenue with 12th Avenue. Twelfth Avenue is projected on this plan to be developed similarly in the future. The developer, John Tatone, does not want to see an arterial, or any through-street, running across this land. He stated that the land in question has a peaceful beauty which should not be destroyed by large amounts of traffic. He also said that the people who have bought lots in Westwood Acres subdivision, which is adjacent to this property to the east and which was also developed by John Tatone, built there with the understanding that the area was to remain the same and not have streets running through it. At the Council hearing for the appeal on the prior denial, there were many people, some owners of lots in Westwood Acres, some owners of lots on N.W. Territorial, and some owners of large tracts of land adjacent or near that which Mr. Tatone wishes to divide to create Canby Heights. These people all were opposed to having a major arterial running from N.W. Territorial, down through Mr. Tatone's and other people's land, and onto Knights Bridge Road, although they did not seem to mind the idea of having interconnections to connect the streets within the subdivision. Mr. Tatone reminded the Commission of a 1962 transportation plan calling for a through street from Knights Bridge Road to Territorial, and the fact that land for this purpose was dedicated to the County at that time by himself and other land owners. This dedication of land became N. Birch St. and was to be the major route between the two east-west streets (Knights and Territorial). Now, Mr. Tatone says, the City is asking them to do the same thing again a little farther over. Commissioner Hulbert agreed that a major arterial should be avoided in the area, but did want to see a connection between the properties to the north and south. A north-south stub is needed and, in order to make the subdivision acceptable, it must be brought down to connect with N.W. 12th St. to provide for traffic circulation now, instead of creating a long dead end road with only stubs for future connection.

When Chairman Ross stated that the Planning Commission cannot give more consideration to an individual group of homeowners than to the City as a whole, Mr. Tatone stated

that he was sorry to hear that the Planning Commission is not concerned with the ideas of the people who are directly concerned with the development of this land-- that the consideration is only for the whole City, instead of the people who are being directly affected by it. He stated further these people do not want any street of any kind going through the area. At this point in the discussion, City Attorney Reif advised that the Planning Commission has two main functions: zoning and planning. In any matter being reviewed by them, the Commissioners must consider the impact on the town as a whole, the grid system, etc., as well as those people immediately affected by it. Certainly, the opinions of these people must be considered, but the responsibility of the Planning Commission is to all of the people in the City, present and future. He stressed the fact that the impact on Birch St. of this and other future subdivisions to the west of Birch must be given careful consideration. Eldon Edwards suggested that perhaps, since the City is going through the final phases of adopting its general plan, this matter should be tabled until the general plan is adopted, thus eliminating some of the questions regarding the intended use of land in this part of town, street widths, etc.

Commissioner Edgerton then moved to approve this addition to the subdivision with the 60 foot street to the northerly and southerly property lines at the same location as the proposed 50 foot street on the preliminary plat. Commissioner Johnson seconded the motion. Attorney Reif was concerned with the legality of the motion since this street is a proposed 80 foot arterial in the ordinance. After some discussion the motion was withdrawn.

*Commissioner Edgerton then made a motion to approve this addition to the Canby Heights subdivision provided that the proposed 50 foot street be a 60 foot street between 12th and 13th and be extended to the northerly property line and be improved to City specifications and staff reports. Commissioner Johnson again seconded the motion. After brief discussion, the word "street" was changed to "right-of-way" to avoid confusion over the exact width to be dedicated. The motion then read: "To approve this addition to the Canby Heights subdivision provided that the proposed 50 foot street be a 60 foot right of way between 12th and 13th and be extended to the northerly property line and be improved to City specifications and staff reports. The motion carried. Chairman Ross directed the secretary to write a letter to the applicant and advise him of his right to appeal within 15 days to the City Council. Mr. Tatone asked whether the entire length of the street had to be paved at the time of development of the subdivision or whether the northerly stub could be used as garden space or recreation area by the people in the neighborhood until such time as development to the north requires it to go through. The Commissioners advised him that it would be required to be paved completely during development.

Next on the agenda were four conditional use reviews:

1. Canby School District #86-C, conditional use to construct additions to the present Middle School, located at S. Ivy St. and S.E. 13th Ave., approved by Planning Commission January 8, 1975.
2. Canby School District #86, conditional use to construct an elementary school including support facilities on property located north of the Middle School on S. Ivy St., approved by Planning Commission January 8, 1975.
3. Charles Stirber, 139 N.E. 4th, conditional use for home occupation at his residence, blacksmith shop, approved by Planning Commission January 27, 1971.

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4. Robert Westcott, 455 N.W. Cedar, conditional use for home occupation, WESCO ELECTRONICS, approved by Planning Commission February 24, 1971.

Due to lack of time, these were not reviewed separately; however, none of the Commissioners had any information which would indicate that any of the uses was being violated, and Eldon Edwards Planning Consultants had drawn up staff reports after visiting these locations, with recommendations for renewal of conditional use in all four instances. They were, therefore, all approved for renewal.

Further Business:

A brief discussion followed regarding a minor land partition being handled by City staff for Mr. Amstutz on industrially zoned property at N.E. 4th and Pine. Eldon Edwards brought up the question of asking Mr. Amstutz how he would feel about exchanging what is now Pine in the front of his property for a like dedication in the rear of the property, in order to connect Pine with N.E. 4th without having the present loop effect. This would give property owners along Pine St. railroad frontage, which is very desirable in industrial zones.

The meeting adjourned at 11:45 p.m.

Respectfully submitted,


Merrie Dinteman, Secretary
Canby Planning Commission