

Canby Planning Commission
Regular Meeting
May 12, 1976

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

Also Present: City Attorney Reif, Planning Consultant Edwards, John Arends,
Ralph Bonadurer, Mr. Brenneke, Hans Juhr, Sharon Netter, Ron
Tatone and Other Guests

The meeting was called to order by Chairman Ross at 8:03 p.m.

The minutes of the previous regular meeting held April 28, and special meeting
held April 21, were approved as presented.

Correspondence: Two applications were received from the Clackamas County
Planning Commission for Canby Planning Commission review:

1) A request for a conditional use permit on the southeast corner of the
intersection of S. Township Road and the Southern Pacific railroad line (across
from the Cemetery on Township). The J.M. Smucker Co. wants to conduct a metal
fabrication business in an existing building on the property. The existing
building is now being used as a receiving station, warehouse by a food processing
firm. This area is shown on our proposed comprehensive plan map for the City as
being in the potential industrial zoning area. The secretary was directed to
write to Clackamas County Planning Commission, stating that the Canby Planning
Commission has no objection to the application.

2) A request by Lori Lea for a greenway conditional use permit to allow the
construction of a single family residence over 150 feet from the ordinary low
water line of the Willamette River on the west side of River Bend Drive approximately
600 feet north of its intersection with River Lane Road. This is an existing
residential area. After brief discussion, the secretary was directed to send a
letter to them, stating that the Canby Planning Commission has no objections.

Charles Driggers and Zarosinski-Tatone Engineers, preliminary plat for Amundson
Estates Subdivision, to be located on N. Pine, between N.E. 10th and N.E. 14th
Clackamas County Tax Map No. 3 IE 33 AA, Tax Lots 200 and 300.

Eldon Edwards presented slides and stated that the applicant had requested an
on-site inspection of the property by the members of the Planning Commission.
Oak connects to 10th Ave. and, to the north, there is a stub of Oak which should
go all the way through the property, so that Oak will go through from 10th to
14th. Mr. Edwards also felt that the developer should put in sidewalks along
North Pine. He recommended that the subdivision be denied until a different
plat is presented. The reason that they want to avoid putting Oak Street through
is because there are a lot of trees right where the street would have to go. They
want to save the trees. Mr. Tatone's first reaction was to connect the street
from 10th to 14th but, after looking at it and walking through the trees, he
changed his mind. He now feels that it is very important to save the trees. It
was suggested that the street would go through and take out only one corner of
the trees. The park which the City is purchasing is right next to these trees
to the west, and the park has no trees. Some of the trees would have to be removed
to make some of the lots buildable. The commissioners decided to go to the property
and look at the problem. At 8:25, the commissioners, along with the applicant,
went to the site of the proposed subdivision. The meeting resumed at 8:46 p.m.

Mr. Tatone suggested that instead of extending Oak St. through, perhaps a 40 x 85 foot piece of land in Lot #8 could be deeded to the City for future use, as an access to the park area. There are three stubs for projected connection of Oak Street all the way from Tenth street to Territorial (one off of 10th, one from 14th to the south, and one from 14th to the north.) Mr. Tatone commented that the development of the piece of land which is to be the City Park has, perhaps, taken away some of the need for the street to go through. Commissioner Edgerton said he saw only about three big trees and some small ones that would have to be removed to put Oak St. through and that either a street or a house would cause the removal of some of the trees. Chairman Ross asked for proponents who wished to speak. Mr. H.L. Smith, who owns the lot at 1355 N. Oak, adjacent to the property in question, wants the trees to be left there. As a concerned citizen and as a taxpayer, he stated that we have spent tax money to provide greenway in the form of a park; now, you want to remove some of the trees and we will have to build a street which will have to be maintained with tax money (also, there are no such trees on the park land.). Jeff Terrill, who owns the lot at the corner of 14th and Oak (1385 N. Oak), stated that he had several reasons for not wanting the street to go through: he has three small children who play in the street; the dead end street is the reason that they bought the house; and within two or three blocks either way, there are streets which do run through (Pine and Maple). He suggested further that, with the park there, there might be lots of kids playing in the area - would it be desirable to have a street going through there? He feels that giving a corner of the development as an access to the park is a good idea. Chairman Ross asked both men whether they were aware that this was to be a through street at the time they purchased their houses. They both replied that they were aware of the fact, but that, now that there is a good alternative, they would like to see it go through this way, instead. Commissioner Edgerton asked if the existing stub from 14th to the proposed subdivision site might have to be made into a turn-around if it does not go through from 10th to 14th as planned, in order to conform to the requirements of the subdivision ordinance. Commissioner Hulbert felt that access from a residential area to the park might not be such a good idea, since there are three other accesses, that the more accesses you have, the more traffic problems you would have. He felt that, perhaps, we should stay away from more accesses to the park. Commissioner Shaw stated that perhaps we should have other than vehicular accesses to the park, such as a footpath type of thing, which this is intended to be. The hearing was closed at this time. Chairman Ross asked if there was any further discussion. Commissioner Edgerton stated that he lives next to the schools on N. Cedar and has observed that any little opening seems to be a spot for a lot of trouble and confusion. He cannot see the difference between having an access way or building a house or putting in a street. Commissioner Edgerton then moved to deny the plat as presented at this meeting. Commissioner Hulbert seconded the motion, and it passed unanimously. The secretary was directed to draft a letter to Ron Tatone and the applicant, stating the decision of the Planning Commission and the reasons for denial. City Attorney Reif suggested to Mr. Tatone that he take items 1, 3 and 6 from the staff report of the Superintendent of Public Works and incorporate them into the next plan. These items read as follows: 1) Extend N. Oak Street to join existing at northerly line of Lot No. 8, Block 1; 3) To what sewer is Lot No. 8, Block 1 connected?; and 6) How will storm drainage be handled? Ralph Hulbert moved to include in packets for future agendas an 8½ x 11" reduced map of the proposed subdivisions. Commissioner Edgerton seconded to motion, which passed unanimously. Ron Tatone requested a hearing at the May 26 meeting, which was granted.

John Arends (Juhr and Sons), review of apartment complex, Canby Village Apts., to be located at the end of N.W. 6th between Grant St. and Eccles Schools, Clackamas County Tax Map No. 3 1E 33 CB, Tax Lot #3200. Eldon Edwards showed slides of the area and presented his staff report. Mr. Arends was asked if he could show where the fire access was to go. He stated that there have been some changes in the plan and that there is now a plan to have an emergency access of 25 feet in the form of an easement through to Knights Bridge Road (through the Fisher property). Architect Ralph Bonadurer stated that a fence is to be provided on the School side, which would keep the children out and the elderly people in. There are trees and the Baker Prairie Cemetery along the easterly edge of the property. He also said that, because these are apartments for older people, there are many more restrictions placed on the developers by the Farm Home people than on a regular development. He suggested that a one-way traffic pattern would be best but that it is wide enough to go both directions, if necessary. The street width is 24 foot paved. Mr. Fisher does not want to have a full street go through his property to Knights Bridge Road at this time; however, he will grant an easement to the project for emergency access. Commissioner Hulbert posed two objections: 1) there is not sufficient parking; and 2) it is to be only for senior citizens, but we have no guarantee of this. Mr. Arends said that Mr. Brenneke has done a survey regarding this and will present it. Mr. Arends then said that this number of single bedroom units would not be planned for family project - that the intent was a senior citizens' project; also, a family project would have been planned on a less expensive piece of property. Commissioner Hulbert questioned how the developers can discriminate against a young couple vs an older couple? Mr. Arends stated that Mr. Brenneke would explain this. Regarding parking: these developments demand fewer parking spaces than a regular development - 25% parking is usually more than enough, since the older people do not drive much, many not having any cars. Commissioner Kahut wanted to see more parking. Commissioner Edgerton asked whether this comes under a planned unit development, to which Eldon Edwards replied that it does not - this is an apartment complex, whereas a planned unit development usually has mixed uses. There will have to be a zone variance approved for parking, which requires a hearing, and must be advertized. The zoning is already appropriate for apartments in this area. The minutes of the August 27 and September 10, 1975 meetings were read to refresh the commissioners' minds as to what was determined at that time. This was when the apartment complex was first brought to the attention of the Planning Commission, and the meetings which dealt with it were discussion sessions, only, to enable the Planning Commission to look at the plan and suggest changes which would make it acceptable. Commissioner Shaw reminded Commissioners that the zoning ordinance was passed September 7, 1975. In the Zoning Ordinance, Section 13, it states that N.W. 6th is one of the streets which is to remain a 40 foot right-of-way. This contradicts the Commission's wish to have a 60 foot right-of-way, which was expressed at the previous meetings. (This was as a result of a moratorium placed by the Council on building anything on less than a 60 foot right-of-way.) The parking requirements and the density have to be decided by the Planning Commission. Staff reports request that the developer improve N.W. 6th. The staff report of April 26, 1976, submitted by City Engineer Armstrong, states: "Sewer is available in N.W. 6th St.; Road surface in very poor condition. Suggest applicant be required to reconstruct street from Grant with curbs both sides and possibly sidewalk; Assessor's maps show 40.17 foot right-of-way width. If correct, and if School will not dedicate for total 60 foot right-of-way, might consider curbs 40 feet back to back without sidewalk; Should indicate handling of storm drainage; Roadways within complex should meet Fire Department requirements on widths and radii of turns."

Canby Planning Commission
Regular Meeting
May 12, 1976
Page 4

The Fire Department has requested water system map for hydrant locations; no parking signs on street; parking only at parking areas; parking areas should all be used so as to keep people from parking on street. The applicant will submit an application for a zone variance on parking. Mr. Brenneke, who represents the property management firm that is running the project, advised that his firm was asked to prove that this complex is needed in this area. The local senior citizens groups were asked, and the firm was to get signatures of 1½ interested qualified potential tenants for each unit which they plan to build. It was cut off at 140 names and they are still going strong--they were only required to get 70 names. (Those who responded were all people 62 and over and are qualified based on income, etc., to live in the units.) When asked whether they are able to discriminate on the basis of age, he answered, yes, they can and must. They have other such developments which are rented exclusively to elderly or handicapped persons. There are 75 people in one of the other developments (Washington Plaza) which has no parking at all and seems to work out very well. Hans Juhr, the principle developer, cited several other examples of such developments where there are many more people and greater density and there is either no parking at all or less than 25% parking. They intend to comply with all requests made by the Planning Commission. The applicant was asked to pin down the exact location of the easement being provided by Mr. Fisher. They were advised that, if they could get an application for a zone variance in to the Public Works office by Friday, May 14, it could be put on the agenda for the next meeting, on the 26th of May. Mr. Arends asked whether the variance on the parking and the letter confirming access from Mr. Fisher would be the only things left to determine, and was told that this was correct.

There being no further business, the meeting was adjourned at 10:02 p.m.

Respectfully submitted,

Merrie Dinteman

Merrie Dinteman, Secretary
Canby Planning Commission