

Canby Planning Commission
Regular Meeting
May 26, 1976

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

Absent: Commissioner Edgerton

Also Present: City Attorneys Bettis and Reif, Planning Consultant Edwards, John Arends, Jack Bristol, Ralph Bonadurer, Barry Brenneke, Curtis Gage, Gary Goode, Hans Juhr, Phil Mullard, Sharon Netter, Ron Tatone and Other Guests

Chairman Ross called the meeting to order at 8:05 p.m.

The minutes of the previous meeting, held May 12, 1976, were approved as presented.

Correspondence: The Commission received from Clackamas County Planning Department an application (File No. CU-46-76) from Charles F. Dietz, 10290 S. Township, Canby, (corner Bremer Road and Mulino Road) to put a mobile home on his land. Applicant stated that he is selling his home and barn and will keep all of his farm machinery in his mother's barn and would like to live close so that he could keep an eye on it. States further that there are three nice mobile homes in the area and that he will buy at least a 24' x 52' home or longer. Sewage disposal to be handled by septic tank and surface water to be taken care of by dry wells. After discussion, the secretary was directed to write a letter to the Clackamas County Planning Commission stating that the Canby Planning Commission has no objections to the application.

John Arends, Juhr and Sons, zone variance on parking requirements for an apartment complex to be located at the end of N.W. 6th, between Grant St. and Eccles Schools. The apartment complex has been discussed at previous meetings and the questions which had to be resolved at this meeting were whether or not to grant a variance in the parking requirements and the problem of emergency access to the property from Knights Bridge Road.

The Planning Commission received from Mr. Jack Fisher an agreement to ^{grant}~~sell~~ a 25 ^{easement,}~~foot wide~~ strip of land from Knights Bridge Road to the property where the apartment complex is to be located, as an emergency access to the project. Chairman Ross declared that the agreement was in order.

Planning Consultant Edwards recommended approval of the apartment complex, on condition that the City be able to require the improvement of the other 28 parking spaces in the future, if the Police Department or Public Works Department of the City decided it was needed, and subject to the staff reports. The developers were asked if they have received copies of all staff reports and replied that they had. Regarding the Public Works staff report, submitted by J.J. Armstrong, part of the report states: "Assessor's maps show 40.17 foot right-of-way width (on 6th Ave.). 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." The Commissioners felt that the sidewalks were more important than greater street width--that it would be better to sacrifice a few feet of street width in the interest of safety provided by sidewalks.

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Commissioner Hulbert mentioned that he would like to see fencing along the south side of 6th Ave. The improvement of 6th Ave. will have to be worked out with the Public Works Department, as curb, storm sewers, sidewalks dimensions of the street, etc. will all have to be considered.

Chairman Ross asked if anyone wished to speak in favor of the variance application. John Arends presented a section of a handbook prepared by the Housing and Urban Development, "Rental and Cooperative Housing for Lower-Income Families Section 236 Basic Instructions". The paragraph on parking states: "Car ownership by the elderly averages 18% to 20% of total units. Where local parking requirements appear excessive, sponsors should be advised to seek local zoning variances to permit reduced parking facilities." Hans Juhr then asked if the Planning Commission was thinking that it would be necessary to take out the existing sidewalks on the north side of 6th Ave. and whether that would be the responsibility of the developers. Chairman Ross answered that this is what the City Council would require, probably, in conjunction with the development of the street, and that it will have to be worked out with the Public Works Department.

The applicants were asked who is to provide the upkeep of the landscaping and the street within the development. They replied that the management, the owners, would be responsible for this. The driveway going through the development is to 21 feet paved, and is to have 34 feet radius to the center line on the curbs. This has been checked with the Canby Fire Department and is acceptable to them. The street will also be curbed all the way around. As to parking along the curbs inside the development, the Fire Department has requested that "No Parking" signs be placed to avoid this; however, this cannot be enforced by the City and is up to the management to enforce and make sure that people park only in the spaces provided. If there is a problem with overflow parking, then they will have to provide the extra 28 parking spaces. A man in the audience seemed concerned as to whether the people living in the development would all have boats and campers to park somewhere. He was assured that anyone who can afford to have boats and campers cannot qualify to live in the apartment complex.

Chairman Ross asked for further proponents. There being none, he asked for opponents. There was a letter received from the Canby Elementary Schools (School District #86) opposing the variance because they feel that parking is becoming more and more of a problem in the city, so any variance of the parking should not be changed. There being no further opponents, the public hearing was closed.

Mr. Bonadurer was asked what the depth of the parking stalls is to be, to which he replied that they will be 20 feet deep and 9 feet wide, all paved. The City Attorney suggested that the applicant be asked to sign an agreement with the City, stating that they will be willing to provide the extra parking at the request of the City Council. It was also recommended that the Public Works Department look at the possibility of providing parking on one side of 6th St. until need is greater. If parking were restricted to the north side of 6th St., there would be less possibility of children running out into the traffic.

**Commissioner Shaw then moved that the variance for reducing parking from 104 parking spaces to 24 parking spaces be granted, subject to the following conditions:

1. That the developers submit a letter to the Planning Commission and City Council agreeing to add the additional 28 parking spaces when requested to do so by the City.
 2. The N.W. 6th St. be improved with sidewalks on both sides, the details to be worked out by the Public Works Department.
 3. Compliance with all staff reports.
- X. This ^{action} is based upon the intent of the applicant to build a project for elderly residents.

The motion was seconded by Commissioner Johnson. During discussion which followed, it was suggested that the Fire Department or Police Department could write to the Council to say that the additional parking needs to be provided; then, since the Council will have the letter from the applicant assuring compliance, they can require the applicant to put in the additional parking spaces. The motion passed unanimously. The secretary was directed to write a letter to the applicant advising them of the decision of the Planning Commission and the conditions of approval. Commissioner Shaw also requested that a letter be sent to the Public Works Department requesting that they examine the possibility of restricting the parking on 6th Avenue to the north side due to the narrow street width.

The meeting recessed at 8:45 p.m.

The meeting resumed at 8:50 p.m.

Art Lutz & Co. Realtors, zone variance on setback requirements for a house to be built at 2880 N. Maple Ct. This is a very unusual lot having three street sides. The Zoning Ordinance requires 25 feet on each street side; thus the variance is for three feet on the north, 2 feet on the west and 5 feet on the south. Phil Mullard and Mr. Good of Art Lutz & Co. were there and stated that the setbacks as proposed on their plot plan were measured from the foundations, instead of the roof overhang, as is required in the ordinance. Commissioner Shaw suggested shifting the house one foot to the west so that there would be a full ten feet on the east side. There followed some discussion over the 25 foot requirements on corner lots in the Zoning Ordinance, and Eldon Edwards was asked to work up a change for the ordinance changing the 25 foot setback to something less stringent. Chairman Ross then asked for further proponents. There being none, he asked for opponents. There being none, the public hearing was closed.

**Commissioner Johnson then moved to approve the variance on setbacks to 20 feet on the north, 22 feet on the west, 18 feet on the south and nine feet on the east. Commissioner Kahut seconded the motion, which passed, four yes and one no. The secretary was directed to write a letter to the applicant stating the decision of the Planning Commission. Mr. Mullard asked if the house was to be shifted one foot to the west and was told that it was not. The application had been approved as presented, except that the setbacks were figured from the roof overhang instead of the foundation. If the house were shifted, it would have to go through another variance. Eldon Edwards stated, for the record, that he does not feel that this commits the Planning Commission to a precedent for an 18 foot front yard setback, as this is an unusual case.

Bristol Gage Addition, Jack Bristol and Curtis Gage, Final Plat, subdivision to be located on South Ivy St. south of S.W. 7th (Clackamas County Tax Map 4 TE 4 AB Tax Lot #3200). At the request of Ron Tatone, who was representing both of the next two items on the agenda, the two were switched, so that the final plat for Bristol Gage Addition could be handled before discussing the preliminary plat for the Amundson Addition. The Commission received a letter from the First National Bank stating that they have the funds in trust for the development of the Bristol-Gage Addition. The Subdivision Agreement with the City has also been signed and submitted and the subdivision development fee paid. The final plat presented tonight, Mr. Tatone stated, was identical to the preliminary plat which the Planning Commission approved. Eldon Edwards expressed a desire to have all final plats submitted to him prior to the meeting at which the Planning Commission is to take action on them, so that he can check through it to see that all conditions have been met and that no errors have been made. The City Attorney suggested that this be made a matter of policy that the Commission receive a letter of approval from the City Planning Consultant for all final plats. After reviewing the plat, the Commissioners ****decided that all was in order.** Commissioner Kahut moved to approve the final plat for the Bristol-Gage Addition, as presented. Commissioner Cutsforth seconded the motion, which was passed unanimously. The secretary was directed to write a letter to the applicant, stating the decision of the Planning Commission.

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 TE 33 AA, Tax Lots 200 and 300. This is the second submission of a plat for the Amundson Addition by the two applicants. At the May 12, 1976 meeting, the plat was denied as presented, mostly because the applicants did not want to continue N. Oak St. through from 10th to 14th, thus eliminating a through street which the Planning Commission feels is necessary. The plat had been changed so that Oak St. goes through as requested, thus changing some of the lots. In keeping with discussion of the last meeting regarding the possibility of using a few feet of the lot in the N.W. corner of the subdivision as a footpath-type access to the new City Park area which abuts this land to the west, Commissioner Shaw asked whether they would be willing to dedicate a few feet on the N.W. side of Lot 1 in the N.W. corner of the subdivision as an access to the park. Perhaps it would be a good idea to have a place like this for the children to walk into the park, instead of having to go all of the way around to the other accesses. Eldon Edwards read from the Subdivision Ordinance, Section 27, subsection 3, item (c): "Pedestrian Ways. In blocks over 800 feet in length a pedestrian way with a minimum width of 10 feet shall be provided through the middle of the block when desirable for public convenience. If unusual conditions require blocks longer than 1,200 feet, two pedestrian ways may be required. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually shaped blocks." This indicates that 10 feet are needed for the pedestrian way. It was also suggested that a turnstyle be installed to keep the path from being used by motor vehicles. It was also understood that the City would be responsible for putting up a fence to separate the path from adjacent homes and that the City would also be responsible for maintaining both fence and path. Sidewalks were proposed on Pine and on the east side of Oak up to 13th, then out to Pine on the south side of 13th; also the south side of the cul-de-sac. The Commissioners wanted to have the sidewalk put on the west side of Oak all the way through the subdivision, and on the west side of Pine all the way. They felt that sidewalks really served no purpose in the short cul-de-sac, but they wanted to see sidewalk on the south side of 13th.

City Attorney Reif brought up the fact that there were three questions from the staff report submitted by J.J. Armstrong which were stressed at the last meeting as being points which should be dealt with specifically on the next submission of the plat. He stated that when there are important engineering questions listed in preliminary staff reports, then the plat is denied and the plat comes back, he thinks the Planning Commission should deal with them to be sure they are resolved. Chairman Ross replied that engineering questions are to be handled by the Public Works Department, that the Planning Commission cannot handle these.

Mr. Tatone was asked whether there would be any deed restrictions placed on the subdivision and replied that he was sure that there will be some, although he does not yet know what they will be. Chairman Ross, in summary, stated that the lots are all of sufficient size; Oak St. is planned as a through street; we need to determine what deed access to park would be required and exact placement of sidewalks.

**Commissioner Johnson then moved to approve the preliminary plat subject to deeding to the City 10 feet north-south and 20 feet east-west on the north end of lot 1 block 2 plus a sidewalk on N. Pine, and a sidewalk on the south side of 13th, and sidewalk on the west side of N. Oak and subject to staff reports. The motion was seconded by Commissioner Cutsforth.

A letter can be drafted to the City Council recommending that any fencing along the pathway be up to the City and that a turnstyle or something be installed at the entrance so that it is only a pedestrian way and no motorized vehicles will have access to it. There was no provision put into the motion for street improvement; Subdivision Ordinance requires that the developer improve the street to the existing pavement. Section 32 reads: "Improvement Requirements. If any part of the subdivision is within the City, the following improvements shall be installed at the expense of the subdivider:

(1) Streets. All streets, including alleys within the subdivision, streets abutting or only partially within the subdivision, and the extension of the subdivision streets to the intercepting paving line of existing streets within which subdivision streets intersect shall be improved to the following minimum standards:

(a) The roadway shall be improved in accordance with standards adopted by the City for acceptance of streets for maintenance.

1. The entire width of the right-of-way shall be brought up to proper grade.
2. Concrete curbs shall be installed on all streets as per standards.
3. Other street improvements installed at the subdivider's option, such as permanent surfacing and street trees shall be in accordance with City standards for such improvements."

This clearly defines what the subdivider is required to do. Also Mr. Tatone is familiar with these requirements since he has worked so often with the Planning Commission on subdivisions within the City.

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It was decided to amend the motion to include the fact that the reason for the dedication is for access to the City Park. The maker of the motion and the second both concurred.

**The motion then read: to approve the preliminary plat, subject to:

1. Deeding to the City 10 feet north-south and 20 feet east-west on the north end of Lot 1 Block 2 for access to the City Park;
2. A sidewalk on N. Pine;
3. A sidewalk on the south side of 13th;
4. A sidewalk on the west side of N. Oak; and
5. Staff reports.

The motion then passed unanimously, and the secretary was directed to write a letter to the applicants informing them of the decision of the Planning Commission and the conditions of approval of the preliminary plat.

Mr. Tatone suggested that the City should be responsible for the sidewalk in front of the ten feet of the property which is to be dedicated to the City. The Planning Commission agreed that this was reasonable. The filing of the deed to this dedication is to be on the plat. The City Attorney is to handle the deed of the ten feet.

Further Business: There was discussion of the problem of the 25 foot requirement for setbacks on corner lots, which was encountered earlier in the meeting with the zone variance for Art Lutz & Co. The Commissioners felt that it need not be that far from the property, so long as the vision clearance on the corner is maintained. Eldon Edwards is to try to work out a better setback requirement. The secretary was also directed to write a letter to Bob Hill, the Building Inspector, reminding him that the setbacks are to be measured from the furthestmost projection of the structure, or the roof overhang.

Chairman Ross reminded the Commissioners that it is getting close to the end of the current fiscal year and that the annual banquet paid by the City must be held before then. After discussion, it was decided that the 18th of June would be the best date for the dinner. Those present are to include the commissioners, the City Attorney, the City Planning Consultant, Mayor, City Administrator and wives, husbands or guests. The secretary was directed to make reservations for a full table at the Benihana of Tokyo restaurant at 315 S.W. 4th Ave. in Portland.

The meeting was adjourned at 10:25 p.m.

Respectfully submitted,



Merrie Dinteman, Secretary
Canby Planning Commission