

Canby Planning Commission
Regular Meeting
July 14, 1976

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

Also Present: City Attorney Reif, Planning Consultant Edwards, Public
Works Director Ferguson, Bob Kacalek, Tom Tye and Other
Guests

Chairman Ross called the meeting to order at 8:08 p.m.

The minutes of the previous meeting, held on June 23, 1976, were approved
as presented.

Correspondence: A letter was received from Juhr and Sons, thanking the
Planning Commission for the fair treatment afforded their representatives
during the hearings on the proposed Canby Village Apartment development,
and stating that they were proceeding with the planning stages of the devel-
opment and do plan to develop N.W. 6th St. as directed at the final meeting
on this matter. They also agree that, should the City Council request the
addition of twenty eight parking spaces should the need arise, they will
install the needed spaces.

Norman D. Carroll, minor land partition application, to divide one lot into
two on property located on N. Birch, just south of Territorial (Clackamas
County Tax Map 3 1E 32 AA, Lot No. 802). Eldon Edwards gave his report with
a recommendation to approve, mostly because a precedent had already been set
in the area by the granting of two other similar divisions. He stated that,
based on the way the other lots in the area are developed, he can see no reason
not to approve this. Bob Kacalek, who represented Mr. Carroll at the meeting,
stated that this land will be adequate for a residence and still comply with
the neighboring lots; also, septic tank approval has been granted by Clackamas
County for both lots. There was discussion of possible future development of
the surrounding area: Lot 805, to the east of Lot 802, could be developed
later because it has enough land area, but the rest of the lots do not have
enough land. The 25 foot strip on Lot 900 (one of the other two lots divided
like the proposed lot), which abuts Lot 805 to the east, could be duplicated on
Lot 805 to open up several lots on these large deep lots. The rear lot on the
proposed minor land partition could have a 40 foot setback requirement for the
structure so that it would not get in the way of the street if it should be
brought through in the future.

Commissioner Kahut stated that he felt it would be helpful to see the location
of houses in the surrounding area on future applications, if possible, and Eldon
Edwards said that he could give a pretty accurate picture with the use of aerial
photographs of the area and overlays. Commissioner Shaw commented that he saw
no way to force a street through here, but that the minor land partition should
be granted in such a way that the street could go through if someone wants it
to in the future - such as the owner of Lot 805. The houses have to be built
in the locations proposed in order to put in operable septic systems. The setbacks
are adequate as proposed by the applicant. The Canby Utility Board has reported
that water and electricity are available in the area and that they have no
objections to the application. The Canby Telephone Association requests a five
foot utility easement on all interior lot lines and a ten foot utility easement
on all exterior lot lines.

**Commissioner Shaw moved that the minor land partition be granted, subject to staff reports and subject to a southerly line setback of 40 feet. The motion was seconded by Commissioner Hulbert and passed, five yes to one no (Commissioner Johnson cast the negative vote.). The secretary was directed to write a letter to the applicant advising them of the decision of the Planning Commission and of the restrictions placed on the approval.

Leisure Resources, Inc. and Compass Corporation, Filbert Estates, S. Elm and S.W. 13th (Clackamas County Tax Map 4 1E 4 B, Lot No. 300), preliminary plat. Eldon Edwards reported that Mr. Davis of Leisure Resources had come to see Eldon and said that he wants to move forward as quickly as possible with this development. Eldon told him that the only problems would be with the design of the subdivision and suggested that the applicant submit more than one plan. They have provided us with four possible alternative plans. Eldon sees Plan "A" as the best of the four plans. The east-west access for the proposed street is an absolute necessity, and the access to the north could provide good access for the circulation pattern. Also, the street that goes east-west can go straight through to Fir St. Commissioner Hulbert objected to the fact that four or five houses would have access onto S.W. 13th.

Tom Tye of Compass Corporation stated that there are people who are interested in developing the land to the north of this in conjunction with what is proposed for this property. He stated further that, of the four layouts, Plan "A" is the one that is preferred by the developer.

The meeting recessed briefly at 8:55 p.m. to allow time to check into proposed right-of-way for S.W. 13th Ave., according to the Zoning Ordinance. Meeting resumed at 9:05 p.m.: the right-of-way for 13th is still to be 80 feet.

As a point of interest, Chairman Ross explained what "mountable curbs" are and asked Ken Ferguson to look into adopting this as a City specification. Ken said that he does not like them because, although there are advantages in that the contractors who build houses do not have to tear out the existing curbs in order to build, there are also drawbacks in not having the curbs there after the houses are finished and people are living in them. People back up right into each other's yards because there is no curb there to stop them - thus there can be a lot of property damage.

Regarding sidewalks, they should be provided on 13th and on Elm and on one side of the streets on the interior. Commissioner Edgerton proposed telling the applicant what is needed to consider the plat. The following items were suggested: a ten foot dedication (or whatever it takes to make 40 feet to the center line) to be shown on S.W. 13th; a ten foot dedication to be shown on S. Elm; a bigger scale is needed for this to show the dedications, etc.; sidewalks on the west side of interior north-south street, all the way down, and into the cul-de-sac, to "die" at one of the property lines within the cul-de-sac.

This is to be placed on the agenda for the next regular meeting July 28. Tom Tye asked if they could bring in a preliminary plat for the land to the north at that time, and Chairman Ross said that he could not, because of the time limit for staff reports. Staff needs 21 days prior to meeting time to get staff reports prepared and distributed. However, they can bring a preliminary drawing to show how the land to the north could be developed to tie into this proposed development.

**Commissioner Shaw moved to deny the plat as submitted and Commissioner Edgerton seconded the motion, which passed unanimously. The secretary was directed to write a letter to the applicants stating the decision of the Planning Commission.

Before the next agenda item was opened, Chairman Ross brought up the fact that the Gagliardi-Clark application decision which was made last month had been appealed to the City Council at the last meeting and that it had been tabled until the next meeting. It will be presented again on Monday, July 19, and he asked that anyone who can possibly make it to that meeting come to help support the decision of the Planning Commission on this. Attorney Reif explained that Mr. Bettis had not been prepared for the hearing at the last meeting and that, since that time, he has familiarized himself with the circumstances and ordinance requirements and has written to the Council, stating his opinion that the application was illegal and that the Planning Commission had no other choice but to deny the application as it was presented.

Commissioner Edgerton then asked if it was appropriate for the Planning Commission to recommend to the Council things such as placement of traffic signs. It was agreed that it is appropriate to do this. Edgerton explained that there are lots of kids walking from the School and riding bicycles along North Cedar towards Knights Bridge Road, and ~~there are no sidewalks~~ along there. There is also a bend in the street on N. Cedar just north of N.W. 6th, which makes it hard to see oncoming traffic. A four-way stop might help to minimize accident danger at the intersection of N.W. 6th and Cedar.

**Commissioner Edgerton moved to recommend to the Traffic Safety Committee that a four-way stop be created at the intersection of N.W. 6th and N. Cedar. Commissioner Shaw seconded the motion, which passed unanimously. Copies are to be sent to Harry Wynn, Ken Ferguson and the City Council.

Guest Hearing: Ken Ferguson requested a discussion of the problem of obtaining right-of-way for improvement of South Locust Street. Mr. Ferguson presented a map of S. Locust with indications of City owned right-of-way, private property, proposed right-of-way and paving lines. He wanted the Planning Commission's opinion of how to develop this street. If you pave ten feet in from the desired right-of-way, you would have a 40 foot paved street. There were several suggestions proposed during discussion. The main problem seemed to be several houses on the west side of the street which are so close to the property lines that any additional right-of-way would take the entire front yard and, in one case, part of the house. The 40 foot street could be put right up against the east property line (the west side of Popp's addition). This would be on the edge of the concrete driveways at the apartments on the south end of Locust. It was also suggested that the paved portion of the street could be left where it is proposed on the north and, when it comes down to Popp's Addition, bring it into the east edge until it clears the houses on the other side of the street. Then bring it back to the west again. But the Commissioners felt that the City must stick to one plan and not make allowances for certain pieces of property. People could come in and argue too much about that. Eldon Edwards stated that he felt the right-of-way should go straight down the middle and that the City should go for the normal improvement width; an LID would be nice, but it is not too likely. Ken Ferguson said that this right-of-way is presently being picked up a little at a time as people develop the land

that the sidewalks are not continuous

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along here. What he wants is to know what the Planning Commission thinks would be the best course of action. He wants a recommendation that the proposed right-of-way line not be changed; that we include this in the Zoning Ordinance with our future streets; and that our building permit requirements for setbacks of 20 foot from the right-of-way line be enforced along S. Locust from the proposed right-of-way. Chairman Ross stated that the people who own houses already too close to the right-of-way would have to be given zone variances. Commissioner Edgerton stated that he feels the City must maintain street line in the middle and that right-of-way has to come off both sides, equally. The Commissioners were in concurrence with the proposed alignment submitted by Ken Ferguson.

There being no further business, the meeting adjourned at 10:03 p.m.

Respectfully Submitted,



Merrie Dinteman, Secretary
Canby Planning Commission