

Canby Planning Commission
Regular Meeting
September 8, 1976

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

Absent: Commissioner Edgerton

Also Present: Consultant Eldon Edwards, City Attorney Roger Reif, Public Works
Director Ken Ferguson, Tom Tye of Compass Corporation, Ron Tatone,
Fred Stefani, Pete Kelly, and Marty Clark

The meeting was called to order by Chairman Ross at 8:15 p.m.

The minutes of the last meeting, held on August 25, 1976, were approved as presented.

CONTINUED ITEM: Art Lutz & Co., Realtors (Fred Stefani) requested minor land partition to divide one lot into two lots on property located at 606 Knights Bridge Road and described as Tax Lot 500, Section 32AD, T3S, R1E. Consultant Edwards presented two plans (drawings) for development of Tax Lots 500 and 6300. The owners of the other lots to the east are not interested in developing. Consultant Edwards showed slides of the subject property and adjacent land development. He also stated after the slide presentation that if the road were built it would be extremely difficult it appears. The question is: Just how practical is it? Chairman Ross asked what is the width of improvement necessary. Consultant Edwards stated a fifty (50) foot wide street would be necessary. Commissioner Shaw wanted to know why it must be fifty (50) feet - would it be possible for the Commission to vary the road width for only three homes. A discussion followed regarding the size of the lots if a cul-de-sac were used. Chairman Ross stated the Commission was faced with three alternatives: (1) Approve the minor land partition as presented; (2) Deny the minor land partition; and, (3) Grant the creation of a street thus making this a subdivision. Discussion of the three possibilities followed. City Attorney Reif discussed the size of roads for lots. Fred Stefani stated that Lot 6300 belongs to Mr. Knapp, and that their company only has a listing on Lot 500 and could not speak for Mr. Knapp. Mr. Knapp stated that he would like to develop at least one lot in back and two if it were possible. Commissioner Shaw stated that if a public street is put in the police then must patrol, the City maintain the street, etc. Commissioner Kahut stated that if that were true then all streets should be private streets. After the discussion on street development, a discussion of the Knapp property (Lot 6300) followed. Mr. Knapp was told he would need to make application for a minor land partition before any action on his property could be taken. Chairman Ross called for a motion. Commissioner Shaw made a motion to approve the minor land partition subject to the staff reports. Commissioner Kahut seconded the motion. A discussion of the motion and access onto Knights Bridge Road followed. It was established that this would be a legal lot. A vote was taken and the motion carried with Commissioners Hulbert and Johnson voting against the motion.

Item No. 2: A combined subdivision to be called Clark Subdivision No. 1 and Oliver Addition No. 9 on property located north of Knights Bridge Road and west of Birch Street on Tax Lot 2100 in Section 32AD, T3S, R1E, and part of Tax Lot 400, Section 32A, T3S, R1E. The combined subdivision to consist of 31 lots on 10.6 acres.

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Consultant Edwards made his presentation to the Planning Commission with a recommendation of approval with the addition of additional fire hydrants. He also showed slides of the property proposed for the subdivision and surrounding property. Commissioner Kahut asked about sidewalks on the subdivision. Consultant Edwards showed the Commissioners those that were shown on the plat. A general discussion of the proposal followed.

Chairman Ross called for a five-minute recess.

Chairman Ross reconvened the meeting and consideration of the Clark - Oliver subdivision. Chairman Ross read the staff reports. Tom Tye of Compass Corporation explained the half-street on the westerly side of the subdivision. The developer was concerned about the cost of utilities to service lots off of Northwest Ash Street. It is expensive. When the property develops to the west of the areas, that developer will be able to "tie-into" the services provided by Mr. Clark. Mr. Clark feels that he should be reimbursed for his costs on a pro-rata basis. City Attorney Reif told Mr. Clark that Ordinance No. 492 as amended by Ordinance No. 551 provides a procedure whereby you can obtain reimbursement. The drawback was that it was a cumbersome procedure to work with and there was a ten year time limitation. Mr. Clark objected not to the procedure, but to the ten year time limitation. After much discussion, he requested an opinion as to whether he could retain the two (2) foot strip on the westerly edge, and when the property to the west is developed, he will sell it to that developer for a pro-rata share of the cost. City Attorney Reif suggested that the City would be opposed to that because of the problems of title of an isolated two (2) foot strip of ownership. It was next suggested that Mr. Clark and the City enter into an agreement whereby the City would be deeded the property. The consideration for the transaction would be that the City would recover from the future developer the pro-rata cost of the improvements and subsequently turn the money over to Mr. Clark. City Attorney Reif was requested by the Planning Commission Chairman to look into this matter and see if anything could be worked out. City Attorney Reif stated that he couldn't give a definite opinion this evening. Tom Tye wanted to know if they could ask for approval of this plat and ask the City Attorney for an opinion before final subdivision plat is presented. Chairman Ross stated the City can handle up to the ten year plan. Commissioner Kahut wanted to know what would happen to the two feet if not developed within ten years. Chairman Ross stated it would be deeded to the City. Commissioner Shaw wanted to know if the Planning Commission had the authority to do this. City Attorney Reif stated that it is outside the Ordinance. Commissioner Kahut stated the preliminary plat did not show sidewalks on 10th Avenue on the north side; however, it does show sidewalks on the north side of 9th Avenue. Commissioner Shaw requested clarification of the public road to connect to Knights Bridge Road. Pete Kelly stated that this is currently a deeded public strip. A discussion followed regarding the width, length, and use of the strip. Chairman Ross called for a motion. *Commissioner Kahut made a motion to approve the preliminary plat subject to the staff reports; the installation of sidewalks on the north side of 9th Avenue and 10th Avenue and on the west side of Aspen; and, the deeding of the two (2) foot strip on the west side of the proposed Ash Street to the City. Commissioner Johnson seconded the motion. A discussion regarding the street construction followed. Chairman Ross called for the vote and the motion passed unanimously.

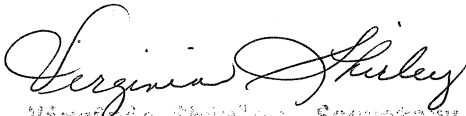
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Item No. 3: Approval of the final plats of Amundson Estates and Lundson (see Annex No. 1. Mr. Ron Jabone presented the final plats to the Planning Commission and requested approval subject to construction plans. A discussion followed with regards to giving final approval without the construction plans. Chairman Ross called for a motion after it was established that it was permissible. Commissioner Shaw made a motion to approve Amundson Estates and Lundson Estates Annex No. 1 subject to approval of the construction plans by the City Public Works Department. Commissioner Otaforth seconded the motion. A vote was taken and the motion passed unanimously.

Mr. Jabone spoke to the Planning Commission regarding the building of temporary cut-in-sidewalks for half-streets, thus giving traffic a place to turn around rather than using the driveway of a residence. Some discussion regarding the use of this provision followed.

The remainder of the meeting was spent in discussion of how to develop large lots remaining within the City without the development of too many flag lots.

Respectfully,
Virginia Shirley


Virginia Shirley, Secretary
Canby Planning Commission