

Canby Planning Commission  
Regular Meeting  
September 22, 1976

Members Present: Chairman Ross, Commissioners Shaw, Cutsforth, Hulbert and Kahut (arrived late)

Absent: Commissioners Johnson and Edgerton

Also Present: Consultant Eldon Edwards, City Attorney Roger Reif, Public Works Director Ken Ferguson, Tom Tye of Compass Corporation, Ron Tatone of Zarosinski-Tatone Engineers, Inc., H. M. Gaunt of Mercury Development, Eugene Schaefer, Hugh Grant and others.

The meeting was called to order by Chairman Ross at 8:20 p.m. At that time Chairman Ross requested City Attorney Roger Reif to Chair the meeting due to the lack of a quorum without the vote of Mr. Ross.

Mr. Ross read letters from City Administrator Harold Wyman and City Attorney R. Roger Reif into the record. A discussion followed regarding the annexation of the Collins, Bedwell and Vraves property. Commissioner Ross made a motion to accept the recommendations of City Attorney Reif regarding minor land partitioning in the City of Canby. The motion was seconded by Commissioner Shaw. A copy of City Attorney Reif's recommendations are attached to these minutes.

Mercury Development, Inc., for a zone variance on setbacks for the Canby Inn Restaurant in the Canby Square Shopping Center (Clackamas County Tax Map 4-1-5A, Tax Lot 100). Consultant Eldon Edwards gave his presentation regarding the property and made a recommendation for approval. Commissioner Hulbert questioned how the mistake was made as the map was correct. Public Works Director Ferguson gave an explanation of what happened and for a waiver of the fee since the mistake was the City's error. Hugh Harper wanted to ask if these people (Mercury Development) was aware that it was a C-2 zone. Mr. Gaunt of Mercury Development stated they were under the impression it was a C-1 zone. Since there were no opponents to the request, the public portion of the hearing was closed. The Planning Commission held a discussion of this and similar instances having happened before, a method of this reoccurring, and how to handle any future problems of this nature. Commissioner Hulbert wanted to know if we were positive of the zoning, where did we get into a lot of trouble on C-1 and C-2? Commissioner Ross stated that a 40 foot setback is required for a C-2 zone. Commissioner Hulbert stated that it was his feeling that we would have lived up to the Ordinance, we could have had a 40 foot setback. A discussion followed regarding future procedure to be followed. \*Commissioner Ross made a motion to approve the zone variance. Commissioner Hulbert seconded the motion. Discussion followed and Public Works Director Ferguson asked if the fee would be waived as the City was at fault. City Attorney and Acting Chairman Reif stated the City Council would have to rule on the waive of fee. The motion pass unanimously. Mr. Reif directed the secretary to write a letter to Mr. Gaunt of Mercury Development stating the results of the hearing.

Item No. 2: Schaefer, Harper and Stout request a subdivision to be known as Hideaway Homes on the west side of S. Fir Street directly across from 7th Avenue and described as Tax Lot 7300, Section 40A, T3S, R1E, preliminary plat. Consultant Eldon Edwards presented his findings to the Planning Commission and showed slides of the area. Blaine Smear of Pacific Surveys, representing the applicants, stated that the additional road would not be compatible with this plan to bring this road up from the south would bring to many intersections the way it is so the way it is drawn is about the only way it can be. A discussion of the street design for the three subdivisions which are in the same vicinity followed. Commission Shaw stated that on Pettit Addition to the south we had some sidewalks and we should have some sidewalks on the same side of the street in this subdivision. Acting Chairman Reif stated that there is a lot with less than 70 feet frontage in this subdivision however the Planning Commission has the power to approve it. Consultant Edwards found the minutes approving the preliminary plat of Pettit Addition and the stipulation for sidewalks on the west side of the street. Commissioner Hulbert asked if we had a street design for the street. Commissioner Ross stated it would be oil matting. Commissioner Shaw expressed his concern for street lighting at major intersections and stated it was possible send the owners of Pettit Addition and Hideaway Homes a letter stating the placement of street lights. A discussion on the placement of street lights within subdivisions followed. Commissioner Shaw wanted to know why Lot 10 was so large. The representative of Pacific Surveys explained that the existing residence is situated on that lot. Further discussion of street width and design followed. Commissioner Ross asked Consultant Edwards if the preliminary plat is acceptable as drawn. Consultant Edwards stated that it was. Commissioner Hulbert stated the motion should be made that according to the shape of Lot 6 that it would be substandard width but that it would be agreeable to the Planning Commission to have a lot with 43 feet of frontage. Commissioner Shaw stated that it has been the policy of the Planning Commission to request curbing and it has also been the policy of the Planning Commission that adjacent developments meet that curbing. Consultant Edwards stated that seventy (70) foot of street frontage required by the Zoning Ordinance or approval of the Planning Commission. A discussion of Fir Street followed. This discussion centered around the fact that Fir Street is presently oil matted and the future for the road. Commissioner Shaw made a motion to approve the preliminary plat subject to the staff reports, sidewalks along the west and north side of the proposed street, and curbing and full street specifications along Fir Street for a half-street along the boundary of the subdivision. The motion was seconded by Commissioner Cutsforth. After some discussion a vote was taken with Commissioners Ross, Shaw, Cutsforth and Hulbert voting for and Commissioner Kahut abstaining due to arriving during the hearing of this item.

City Attorney Reif turned the meeting back to Planning Commission Chairman Ross who called for a recess at 9:10 p.m.

Chairman Ross reconvened the meeting at 9:25 p.m.

Item No. 3: Otto Popp requests approval of a preliminary plat to be known as Popp's Addition Annex No. 1 and located on the east side of Locust Street north-west of Township Road adjacent to Popp's Addition on the south side. Consultant Edwards made his presentation and showed slides of the area under consideration. Commissioner Shaw asked what the present zoning was. Consultant Edwards stated the present zoning is R-2. Chairman Ross questioned the fact that there was no formal application or letter of consent from the present owner of the property in the file. Ron Tatone representing Mr. Popp stated that they considered this to be an extension of the present development and that they were not required items. Chairman Ross stated that the Planning Commission would be unable to hold a hearing due to the fact that we do not have a formal application or the present owner's signature(s). This application is to be placed first on the agenda for the October 13, 1976 meeting.

Under Other Business: Chairman Ross stated that we now have the proper signatures and a temporary turnaround at the north end of the half-street as requested in the Clark Subdivision No. 1 and Oliver Addition No. 9 combined preliminary plat. Commissioner Shaw stated that it should not be used for parking or as a driveway. Chairman Ross read a portion of the Subdivision Ordinance pertaining to temporary turnarounds. Commissioner Kahut stated that according to the Subdivision Ordinance the temporary turnaround cannot be used for a driveway or for parking. \*Commissioner Kahut made a motion to accept the revised preliminary plat of the above mentioned subdivision as submitted to bring it into conformance with the Subdivision Ordinance Section 26, subsection 9, with the stipulation that the temporary turnaround cannot be used for parking or as a driveway. Commissioner Hulbert seconded the motion. After some discussion the motion passed unanimously.

Commissioner Shaw stated that the motion on the subdivision of Hideaway Homes requiring a full half-street along Fir Street sets a precedent. A discussion regarding the setting of a precedent followed. It was the concensus of the Planning Commission that it was a good precedent and now possible due to the City of Canby having an engineer to accomplish it.

Mr. Ferguson stated that Austen's Body Shop has installed a six (6) foot high wooden fence that is not site obscuring, but that our ordinance requires a chain-link fence. Mr. Ferguson requested approval of the presently installed fence. A discussion of the fence and other types of fences that are and can be used followed. Commissioner Shaw requested a sketch of where this fence is located. Mr. Ferguson used the blackboard and drew a sketch for the Planning Commission members. \*Commissioner Shaw made a motion to approve the fence as shown on the sketch. The motion was seconded by Commissioner Kahut. A discussion followed regarding trying to enforce a site obscuring fence along the highway and restrictions requiring street frontage. The vote was taken on the motion and passed unanimously.


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The Planning Commission members held a discussion regarding the fees charged for different applications heard by the Planning Commission. It was the concensus of the Commission to write a letter to Mayor Roth and the Councilmen requesting raising the fees presently charged and initiating a fee of \$75.00 for all minor land partitions.

Meeting adjourned at 10:25 p.m.

This meeting is recorded on tape.

Respectfully submitted,

  
Virginia Shirley, Secretary  
Canby Planning Commission