

Canby Planning Commission
Regular Meeting
October 13, 1976

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

Absent: Commissioners Johnson and Edgerton

Also Present: Consultant Eldon Edwards, City Attorney Roger Reif, Ron Tatone of Zarosinski-Tatone Engineers, Inc., Councilman Dick Nichols and Gene Sallee.

The meeting was called to order by Chairman Ross at 8:05 p.m.

The minutes of the Planning Commission meeting held on September 22, 1976, were approved as presented.

In regards to correspondence, Chairman Ross read a letter from City Attorney Roger Reif and passed out copies of an outline of the new Subdivision Approval Procedure handout to be used by the Public Works Department. Chairman Ross requested that any additions, deletions or corrections be submitted to the City Attorney, the Planning Commission secretary or himself. Chairman Ross also read a letter from the League of Oregon Cities regarding their convention which will be held at the Hilton Hotel in Portland, November 14-16. He stated he would be attending this convention. A third letter read into the record was from City Administrator, H. A. Wyman requesting the Planning Commission to initiate a zone change on the Bedwell property which has been annexed into the City of Canby. A discussion of rezoning this property and what zone would be appropriate followed. The appropriate action to be taken in rezoning the Bedwell property is to be considered at the next meeting of the Planning Commission (November 10, 1976), thus giving the City Attorney and the Planning Consultant time to study the request and the Metropolitan Boundary Review Commission's approval of the annexation.

Item No. 1: Otto Popp request approval of a preliminary subdivision to be known as "Popp's Addition Annex No. 1" and located on the east side of Locust Street and northwest of Township Road adjacent to Popp's Addition on the south side. Consultant Eldon Edwards gave a presentation of the proposal and made a recommendation for approval. A discussion of the street frontage in the subdivision followed. One question regarding this parcel of land is will this subdivision be single family residential or a multifamily development? Mr. Popp was questioned on how this subdivision and Popp's Addition is being developed. Mr. Popp stated that since the property is located in an R-2 zone he doesn't know how to control the building on the site. One lot may pass through several owners before anyone builds on it. That person who does build has the right to build the maximum amount allowed on the property. Or, he may buy two or three lots and combine them and build an apartment house. Chairman Ross stated that the method of control would be via the use of deed restrictions. A discussion followed regarding how the

plat of Popp's Addition was approved. Mr. Popp stated that it was his intention to build duplexes, triplexes and a fourplex along with single family residences on the property. The Planning Commission turned the discussion to off-street parking for multifamily units once he approved and the proposed plats. Mr. Popp wanted to know if a deed restriction would be valid if a newer owner acquired the property. He was informed that the deed restriction would be valid no matter who owned the property. Chairman Ross asked the members of the Commission if they were satisfied they were approving 7 lots in an R-2 zone. City Attorney Reif questioned the road conditions on the two flag lots. He felt that if triplexes were built on these two lots, it could create dust problems. Commissioner Shaw asked if the developer was proposing sidewalks in the subdivision. Ron Tatone stated that sidewalks were proposed for the west and south side of the street. At this time, Mr. Tatone also stated they would like to make a formal request that Lots 2, 3 and 4 have only 20 feet of street frontage. A discussion followed regarding the paving of the long driveways of Lots 2 and 3. Mr. Popp stated that he wanted the two lots (Lots 2 and 3) restricted to single family residential. At this point, Chairman Ross stated that possibly this was too restrictive should the other lots be sold as multifamily. A discussion regarding the impact of the subdivision in this zone followed. Mr. Kahut stated he would not vote for approval of multifamily on flag lots. Mr. Hulbert questioned the possibility of Lot 4 facing on a private easement. It was stated that this was not possible. Mr. Popp again expressed his willingness to restrict Lots 2 and 3 to single family residential. *Commissioner Shaw made a motion to approve the preliminary plat of Popp's Addition Annex No. 1 with the conditions that it be subject to the staff reports, subject to deed restriction that paved ingress and egress of Lots 2 and 3 be provided, and subject to deed restrictions be placed on Lots 2 and 3 for single family residences. The motion was seconded by Commissioner Cutsforth. Commissioner Hulbert, Shaw and Cutsforth voted in favor of the motion and Commissioner Kahut voted in opposition. The motion carried. The secretary was directed to send a letter to the applicant stating the results of the hearing.

Commissioner Shaw requested the Planning Commission set aside a time for discussion of flag lots within a subdivision. It is his feeling that too much time is spent at each hearing trying to decide what should be done about flag lots. A standard procedure for handling these should be established. The other Commissioners were in agreement that a meeting to establish procedure should be held. Consultant Edwards stated that he has information regarding design review procedures for the Planning Commission to consider also.

Item No. 2: Reconsideration of the approval of preliminary plat of "Brooks Addition."

Mr. Tatone gave an explanation for the resubmission of this approved preliminary plat. The survey of the property revealed the fact that less property actually existed than was previously considered. Consequently, the lots were a little smaller than in the original preliminary plat but they did all have the minimum 7,000 square feet. Consultant Edwards stated that although this was a deviation from the Subdivision Ordinance, he would be inclined to recommend approval due to the large amount of land which the Planning Commission required for roads. A

discussion regarding the minimum lot width; and, the fact, that many of the lots within this subdivision are under the minimum width required followed. The Chairman stated that the Planning Commission feels that the dedication of a full street on the southerly portion of the property and the dedication on the west side of the property to Maple was an equal trade-off for the narrowness of Lots 1, 2 and 3 and that we have justified that, or we can go through the Variance proceedings and justify it the very same way allowing the granting of a Variance on those particular lots because of the circumstances. It all boils down to the same justification if we are looking for justification as submitted. The Chairman asked the City Attorney which procedure to follow and would the justification stand up? City Attorney Reif stated that he felt the justification would stand up, however he would feel more comfortable if there was a Variance procedure followed with the notification of surrounding property owners, legal notice in the newspaper and following the procedure of a public hearing because it is his opinion that justification is there for approval. The members of the Planning Commission concurred with the City Attorney. Chairman Ross directed the secretary to publicize and notify for the next public hearing on November 10, 1976.

Chairman Ross called for a recess at 9:25 p.m.

Chairman Ross reconvened the meeting at 9:40 p.m.

Item No. 3: Request by James F. McCann to divide the property into two lots which is located on the east side of S. Knott Street approximately 575 feet south of S. E. Second Avenue and described as Tax Lot 3500, Section 33DC, T3S, R1E, W.M. Planning Consultant Eldon Edwards made his presentation and made a recommendation stating that the 1.05 acres is an awkwardly shaped piece between Knott Street and Locust Street in the southeast quadrant of Canby. The whole general area has been divided in bits and pieces and parcels and is an incredible jumble of ownerships. There does not appear to be any satisfactory solution to developing a coordinated land ownership pattern with any cross circulation between Locust Street and Knott Street. However, this parcel is over an acre in size and the proposed division would create an even stranger shaped piece of land. The Staff recommends that the applicant should be requested to show how the land could be further divided in the future to show logical lots and provide adequate street access. In addition, South Knott Street is 40 feet wide and an extra 10 feet should be required on the west property line. Gene Salle of Centennial Realty represented the owner of the property. He stated they had a sale pending the approval of the minor partition with the proposal of developing the property as multifamily. Commissioner Kahut wanted to know if there were little old houses on the property at the present time. The only dwelling on the property is on parcel I. The proposed multifamily development will be on Parcel II. Mr. Salle wanted to know how it would be possible to dedicate 10 feet with regards to the present location of the dwelling on Parcel I. Chairman Ross wished to speak as a proponent of this minor partition and requested the City Attorney to accept the gavel and chair the remainder of the hearing on this item.

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The City Attorney accepted the gavel. Commissioner Hulbert stated that he doesn't feel we can accept this proposal without knowing how it is going to be developed. Since they are planning to develop as multifamily, the Planning Commission should know where the buildings will be located and where the parking will be located. Also, is there any plans for re-subdividing? Mr. Ross stated that the owners of Tax Lot 3700 won't sell, the owners of Tax Lot 3600 won't sell and the Tax Lot 3300 is owned by an investor and he wants to keep it at the present time. Mr. McCann wants to sell off the large portion as he doesn't want to have to maintain it. The party who wants to purchase the parcel plans to put 13 units on the property. A discussion followed regarding the possible ways that it could be developed. Consultant Edwards stated that he could appreciate Commissioner Hulbert's concern, however he had thought it was going to be developed as single family residential. There was further discussion regarding the single family residential which surrounds this proposed multifamily development of 13 units. Commissioner Shaw pointed out the fact that the Planning Commission does have the authority to put certain restrictions on minor partitions. Commissioner Hulbert stated that Knott Street from 2nd Avenue to Township Road is a good road. Mr. Ross stated that Knott Street was to extend southerly at a future date. Commissioner Hulbert stated that he prefers to ~~parti-~~ ^{strike} ~~tion~~ the City Council to post "No Parking" signs on ~~both sides of~~ ^{from record} Knott Street. Consultant Edwards requested withdrawal of his request for dedication of 10 feet along the west side of the property as Knott Street is of adequate width at the present time. *Commissioner Kahut made a motion to accept this minor land partition as presented subject to all staff reports as amended. The motion was seconded by Commissioner Cutsforth. Discussion followed regarding the possible parking in the front yard setback. Commissioners Shaw, Kahut and Cutsforth voted for the motion and Commissioner Hulbert voted in opposition. Commissioner Ross disqualified himself and abstained from voting. The secretary was instructed to write a letter to the applicant stating the decision of the Planning Commission.

Chairman Ross directed the secretary to send a letter to Ken Ferguson, Public Works Director, letting it be acknowledged that on-street parking is not allowed and that Lots 3 and 4 of Ross Addition developed by Barry Larson do not have the required off-street parking required and that parking is not allowed within the front yard setback. He is to see if there is any means or possibility of providing off-street parking in the rear of Lots 3 and 4 to circumvent the congestion problem.

The meeting adjourned at 10:35 p.m.

This meeting is recorded on tape.

Respectfully submitted,


Virginia Shirley, Secretary
Canby Planning Commission