

Canby Planning Commission
Regular Meeting
November 10, 1976

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

Also Present: Consultant Eldon Edwards, City Attorney Roger Reif, Public Works Director Ken Ferguson, Mr. Redfield, Ron Tatone, and Mr. and Mrs. Richard Boeckman

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

In regard to correspondence, Chairman Ross read a letter from the League of Oregon Cities. The Planning Commission workshop will be on Sunday at 2:00 p.m. Anyone wishing to attend should inform the secretary of the Planning Commission.

The minutes of the Planning Commission meeting held on October 13, 1976, were corrected as follows: Commissioner Hulbert's statement in the first paragraph should read: ". . . he prefers to partition the City Council to post "No Parking" signs on Knott Street." The words "both sides of" to be struck from the record. The minutes were approved as corrected.

Commissioner Edgerton commended Mr. Ferguson for the installation of the new stop signs on Cedar Street.

The Planning Commission was shown the plans for the proposed park improvements for the Canby Community Park and the North Maple Street Park. Commissioner Hulbert brought to the attention of the Public Works Department the fact that an access exists on the northeast corner of the property.

Item No. 1: CONTINUED: Consideration of a Zone Variance for lot width within the proposed subdivision of "Brooks Addition" which is to be located on the southeast corner of Territorial Road and North Maple Street and described as Tax Lot 2500, Section 28DD, T3S, R1E, W.M. Consultant Edwards presented slides of the area and made his presentation with a recommendation for approval as they have met the four requirements for the granting of a variance. Commissioner Shaw wanted to know if this will cause a problem in building on the lots which are of substandard width. Consultant Edwards stated that this would not cause a problem as we have 50 foot wide lots within the city that have no problem. Chairman Ross stated that at this meeting the Planning Commission will first act upon the variance and then on the revised preliminary plat. Commissioner Kahut asked if we had sidewalks on Maple Street on the other preliminary plat that had been submitted. Consultant Edwards answered in the affirmative. A discussion followed regarding the need for a variance and the resubmittal of the preliminary plat because the survey showed less land existed than was considered on the original preliminary plat. The plans before the Commission tonight show the new lot lines, updated streets and plans within the subdivision. Chairman Ross ask for proponents to speak for this subdivision. Mr. Ron Tatone stated he had nothing to add to what had been said. Commissioner Shaw asked if this would be a blanket variance rather than an individual variance for each lot. Commissioner Edgerton wanted to know if all the original conditions and stipulations would apply to this preliminary plat. Chairman Ross answered in the affirmative. Commissioner Kahut expressed concern of traffic congestion in the future and the possibility that some no parking signs should be placed in the area. City Attorney Reif asked that it be stated that the

all the Fasano requirements have been met. Consultant Edwards stated that the following requirements for a variance need to be met. At this time he read the conditions aloud for the Planning Commission. This request meets the requirements for the following reasons: (1) The size of this parcel is somewhat unique as any one and one-half acre parcel is not a normal size, usually they are larger or smaller and we have required an unusual amount of right-of-way to develop this subdivision so each of these are unusual conditions. (2) The preservation of the property rights which would be the right to subdivide his ground. (3) The authorization of the variance shall not be materially detrimental to the purpose of this Ordinance or be injurious to property in the zone we are rescinding in which the property is located. (4) It will not be objectionable to any other development plan or policy. A discussion followed regarding the highest and best use of the property. *Commissioner Shaw made a motion that the Variance request for lots 1, 2, 3 and 7 of the subdivision of "Brooks Addition" be approved as presented, primarily due to the fact that the Planning Commission is requiring a significant amount of land and there is enough land for the subdivision. The motion was seconded by Commissioner Kahut. The motion carried unanimously.

Chairman Ross stated that the chair would entertain a motion for approval of the preliminary plat of "Brooks Addition" as revised September 30, 1976. *Commissioner Kahut made a motion to approve the revised preliminary plat of "Brooks Addition" dated September 30, 1976. The motion was seconded by Commissioner Hulbert. Commissioner Shaw requested a review of the conditions of approval of the original preliminary plat. Chairman Ross read the original conditions of approval from the minutes of the meeting June 23, 1976. A discussion regarding 17th Avenue followed along with a discussion of the 10-year payback. Mr. Ferguson stated that only the sewer came under the jurisdiction of the city. The motion carried unanimously with the condition that the original conditions of approval apply to the revised preliminary plat and new approval. The secretary was directed to write a letter to the applicant stating the action of the Commission.

Item No. 2: Consideration of a Conditional Use application to allow the raising and selling of tropical fish in the basement of a dwelling located at 223 N. E. 5th Avenue in Canby and described as Tax Lot 1300, Section 33CA, T3S, R1E, W.M. Consultant Edwards showed slides and made his presentation with a recommendation for approval for one year with a review by the Planning Commission at that time. Mr. Boeckman stated there was no problem with regard to parking. A discussion followed regarding the reasons why this application came before the Planning Commission. Commissioner Edgerton asked the applicant if he would be placing any advertising signs. Mr. Boeckman stated he would do whatever the Commission wanted. He had hoped to have a sign which could be seen from the apartments. A discussion of the Fire Marshals requirements followed along with a discussion of the possibility of the Boeckman's having their wholesale business in the basement and conducting their retail business on the main floor of the residence. Consultant Edwards stated that a sign for the

business could be 9 square feet in a residential zone. A discussion of the Commission regarding the size of sign to be used recalled that only 6 square feet had been allowed previously for a home occupation. The Planning Commission made the decision that no more than 6 square feet should be used for a home occupation. Further discussion of the tropical fish business being retail in the upstairs of the residence and wholesale in the basement in order to meet the requirements of the Fire Marshal was held. It was the consensus of the Commission that Mr. Boeckman should get permission from the Fire Marshal to operate his business in this manner. Commissioner Shaw wanted to know if the Police Chief's question regarding traffic in case of fire had been answered. A discussion followed regarding access in case of fire and the existence and location of a fire hydrant in the area. *Commissioner Shaw made a motion that the Conditional Use request be granted subject to the following conditions: (1) All staff reports to be met with the exception of the Fire Marshals; (2) That the Fire Marshal be contacted and arrangements made to satisfy his requirements as suggested through the discussions held at the meeting; (3) The signing at the site to be limited to no more than 6 square feet and be non-electrified; and, (4) This approval to be reviewed in one year by the Planning Commission. The motion was seconded by Commissioner Edgerton. A discussion followed regarding the street and parking in the area. The motion passed unanimously. The secretary was directed to send a letter to the applicants stating the decision and the conditions of approval.

Item No. 3: Fred and Dorothy Hockett request a minor land partition to divide one lot into two lots located on the south side of S. W. Fifth Avenue between Aspen and Birch Streets and described as Tax Lot 2300, Section 4BB, T4S, R1E, W.M. Consultant Edwards showed slides of the area and made his presentation with a recommendation for denial of this application as presented but for approval of a lot having the dimensions of minimum street frontage (70 feet) and required square footage (7,000 square feet). A discussion followed regarding whether the Planning Commission had any right to consider this application because the street frontage of the request was only 50 feet. The lot does not have the required frontage and the street dedication would be needed. Mr. Redfield, representing the Hockett's, stated that if the lot were 70' x 100', it would go through one house. More discussion followed regarding the status of the street. Commissioner Edgerton stated that it was his feeling this application should be tabled until the matter regarding the street is resolved. A discussion regarding a zone change that had been heard previously came up and the possibility of a new zone change request being submitted followed. Commissioner Edgerton wanted to know how this property falls on the Comprehensive Plan for the City. Commissioner Shaw wanted to know if there is any residential program for this property on the Comprehensive Plan. We must recognize this is an R-1 zone. He stated there is flexibility in the area and the lots in the area don't meet the lot requirements in other parts of the City. It is his feeling that the Commission must look to the future for guidance and shouldn't do anything at this time. A discussion followed regarding requesting any additional requirements for street frontage on

this particular street. Consultant Edwards started a discussion with regards to the uses in the area and future uses in the area. Commissioner Edgerton expressed his opposition to this type of development in this area. Chairman Ross stated that although this lot presently is zoned residential if the zoning were changed to commercial, there is no lot size requirements in a commercial zone. *Commissioner Edgerton stated that because of the two reasons that the lot does not abut on a public street and because the frontage is not the required 70 feet of frontage required for a residential zone he moved to deny the application. The motion was seconded by Commissioner Shaw. A roll-call vote was requested. The vote was: Commissioner Edgerton - Aye; Commissioner Kahut - Abstained; Commissioner Shaw - Aye; Commissioner Cutsforth - Aye; and Commissioner Hulbert - Aye. The motion carried. Chairman Ross informed Mr. Redfield who was representing the applicant that they have 10 days to appeal the decision to the City Council. The secretary was directed to send a letter to the applicant so stating.

A discussion regarding the "gray" areas of the Comprehensive Plan followed. It was the concensus of the Commission that the Plan should be more specific. Commissioner Shaw asked who had the jurisdiction once the Comprehensive Plan is adopted. Consultant Edwards stated that any amendment to the Plan would have to be advertised, passed by the Commission and sent to the City Council. Chairman Rosss stated that interpretation is approximately 65 percent by the Planning Commission. A discussion followed regarding a more refined study of certain areas for the Comprehensive Plan in order to establish a better plan in each of those areas.

Chairman Ross stated that the next item on the agenda was the proposed zoning of the Bedwell property which was annexed to the city approximately two years ago. Consultant Edwards made his presentation and showed some slides of the area. Commissioner Shaw wanted to know if were possible to annex the remaining triangle of property to the city. Chairman Ross stated this was not possible as the city had requested it at the time the other property was proposed for annexation. The Boundary Review Commission only allowed the one area. Commissioner Edgerton wanted to know if Mr. Bedwell had promoted the annexation of the property or if the city had asked for this. Chairman Ross stated that Mr. Bedwell had a project on the property to the north and was intending to extend his development south at the time. A discussion followed on the criteria used by the Boundary Review Commission for annexation of property. Commissioner Shaw requested the Chairman read the Resolution by the City Council requesting the Planning Commission to rezone the property. The Chairman read the Resolution. A discussion followed regarding the Resolution stating the request for R-2 zoning and what would be appropriate zoning for the area. Chairman Ross stated that the rezoning of the Bedwell property should be placed on the agenda for the December 8, 1976, meeting. The Planning Commission will consider R-2 zoning along with other zones which may be appropriate for the highest and best use of the land.

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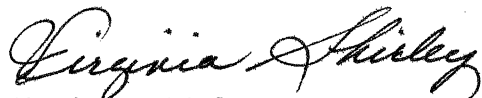
The next item to be discussed by the Planning Commission was the proposed annexation of the Collins property which the city recently purchased and the property where the city sanitary sewer facility is located. Mr. Ferguson explained that this item will be heard at a public hearing of the Boundary Review Commission in December. A discussion was held as to what possible zoning would be placed on the property once it has been annexed.

Chairman Ross stated that numerous builders had approached him with regards to the side yard setback requirements of our ordinance. They feel that the use of the further-most projection of the building is an unreasonable request. They would like to see a 10 foot setback from the foundation line. Consultant Edwards presented a run-down of the ordinances of other cities in order that the Commission have a better understanding of how other ordinances read and how ours compares. Commissioner Shaw stated that a lot of people are interested in living in Canby. The people like the open space they feel in Canby. This is not like Portland where one house is built right next to the other. We do have large lot sizes at a minimum of 7,000 square feet here in Canby. If the builders feel that strongly about this they should come before the Commission and not bother Mr. Ross with this. Further discussion concerning how the setbacks are used and what they could be used for followed. It was stated that the people living in the houses do not complain about the setbacks. A discussion followed regarding the size of houses being put on the lots and what is done in other cities in this regard.

Mr. Ferguson stated that the application for federal funding for the city parks had been submitted. He also stated that the Public Works Department is presently working on the other application for federal funding at the present time. A discussion was held regarding the plans submitted by Robert Perron, landscape architect.

These minutes have been recorded on tape.

Respectfully submitted,



Virginia Shirley, Secretary
Canby Planning Commission