

Canby Planning Commission
Regular Meeting
January 12, 1977

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

Also Present: Consultant Eldon Edwards, City Attorney Roger Reif, Ron Tatone, Curtis Gage, Gary Reddaway, Public Works Director Ken Ferguson, Councilmen Robert Westcott and Richard Nichols, Pete Kelly and others.

The meeting was called to order at 8:00 p.m.

The minutes of the Planning Commission meeting of December 8, 1976, were approved as presented.

Chairman Ross stated that a letter from the City Attorney regarding Ordinance No. 583, which is a followup on the keeping of animals within the city limits. Also, a letter was received from John Carlson and Associates which was received today. The Chairman instructed the Commissioners to take it home and study it and it would be on the agenda for the meeting on February 9, 1977.

Item No. 1: Presentation of the final plat of "Popp's Addition Annex No. 1" for Planning Commission approval. Ron Tatone representing the developer stated that everything was in order as approved on the preliminary plat. Chairman Ross stated that Lots 2 and 3 had deed restrictions and paved ingress and egress on the flag lots and the deed restrictions of Lots 2 and 3 for single family residential only. Mr. Tatone stated the plat contained building restrictions, however the deed restrictions had not been included but could be part of a separate filing whatever the Commission wanted. Chairman Ross stated they should become part of the recorded document, because if they were not it would become a policing problem. Consultant Edwards read the Commission's approval of the preliminary plat. Chairman Ross stated that according to the preliminary approval the final plat would need deed restrictions placed on the plat. A discussion followed regarding the conditions of approval of the preliminary plat. Commissioner Kahut asked if there would be a follow-up on the deed restrictions. Chairman Ross stated the Commission could approve the final plat subject to the final inclusion of the deed restrictions on the plat. When they are on the plat the Chairman can sign it. *Commissioner Kahut made a motion to approve the final plat of "Popp's Addition Annex No. 1" subject to the deed restrictions being placed on the final plat. The motion was seconded by Commissioner Cutsforth. The motion carried unanimously.

Item No. 2: Presentation of the final plat of "Brooks Addition" for Planning Commission approval. Consultant Edwards read the conditions of approval of the preliminary plat dated September 30, 1976. Chairman Ross stated that the difference between the original preliminary plat and the revised plat was that upon survey the area was missing square footage so the lines had to be shifted in width. Commissioner Shaw asked if the original conditions of approval spoke to sidewalks, etc. The original plat required a variance for lot width which was granted on September 30, 1976, in the revised plat. Some discussion followed regarding the original conditions of approval as stated at the June 23, 1976 meeting. The variance for lot width was approved on November 10, 1976. Commissioner Shaw asked what was used

as a comparison when reviewing the actual construction drawings. Chairman Ross stated it would be the approved preliminary plus a copy of the minutes of the meeting at which it was approved along with staff reports. Mr. Ferguson answered in the affirmative. Commissioner Shaw wanted to know what was used for a comparison for street lights, sidewalks, etc. Mr. Ferguson stated it would be the preliminary plat. *Commissioner Shaw made a motion the final plat of "Brooks Addition" be approved as submitted. The motion was seconded by Commissioner Edgerton. The motion carried unanimously.

Item No. 3: Continued request for a zone change of property annexed into the City. The property is described as Tax Lot 201, Section 34BC, T3S, R1E, and located north of Highway 99E between Pine Street and the Molalla Forest Road. Consultant Edwards gave his presentation including the Planning Commission request for a report on the area presently zoned R-2 within the city. A copy of the report is attached to these minutes. Chairman Ross stated that the report tabulation shows there could be another 230 units built on the present ground available. Councilman Wescott stated that he had attended the meeting because of the minutes of the December 8, 1976, meeting and the agenda tonight and the way it reads. It tends to indicate that perhaps there is a misunderstanding on how the Council has presented this thing to you. It seems to pre-hear them, by resolution as requested zone change. The Council when it gave the resolution said we were giving the opportunity for it to be heard and considered for zone change rather than any direction being given at the Council level as to how we would enter in the hearing situation. In any case, Mr. Bedwell needs a zone change to continue with what he has in mind and because of some delays that have happened we would take the burden of the legal costs and hearing costs and so forth and initiate it rather than have him carry that burden on this particular case. This thing has been on-going for three and a half or four years. So, that is why the city initiated it, was to bare the cost and allow it to be heard at this time. I don't want any misunderstanding that there is pressure from the Council one way or other on this. It is simply being us giving Mr. Bedwell the opportunity to be heard and perhaps a zone change be granted by your body. Chairman Ross thanked Councilman Westcott for appearing before the Commission. He then asked the Commission if they had any questions. There being no questions, he asked Consultant Edwards if he had a recommendation to make to the Commission regarding this zone change. Commissioner Edgerton asked Mr. Edwards to explain the discrepancy in the acreage totals on the chart regarding the present R-2 in the city of Canby. Mr. Edwards explained that 25 percent must be taken out for streets within the area zoned R-2, then went on to explain that you have a great deal of area zoned multi-family but in fact is actually single family residential which is pre-existing. Some discussion followed regarding other uses within the R-2 zone which are not multi-family housing. Consultant Edwards stated that his recommendation was the same. We have the opportunity to provide industrial ground in other places and he believes that the main question was to make this industrial or multi-family. There is a viable community of multi-family dwellings started. The Canby Gardens seems to be a well-kept and the Timber Terrace to the north is a nice well-kept development. The fact that we have 10 to 15 percent of the total acreage vacant and unused at the present time does not seem to be an overwhelming percentage at the present time. He will go with the original recommendation that should be multi-family. Commissioner Edgerton questioned the fact

that the consultant did not consider this an overwhelming amount of vacant land in the R-2 zone. He wanted to know on what the comparison was made. The consultant stated that it was a difficult question to answer because you compare with other cities, however each city has its own unique set of circumstances. Commissioner Edgerton stated that eventhough we do seemingly have a good situation here, he had heard talk that we are lacking in some of our manufacturing areas. How are we balanced in that respect? Consultant Edwards feels that we have alot of room to provide another industrial area. Some discussion followed regarding the amount of industrial ground presently zoned and its location along with the future location of new industrially zoned property within the city. City Attorney Reif stated he wanted to go through what must be taken into consideration according to the Fasano requirements. Four things that you must look at are: The proposed change must be in conformance with the comprehensive plan. There must be a public need for the type of change proposed. That need must be best served by changing the classification of the particular property in question as compared with other property. The proposed change must further the general welfare of the community and public need. You are supposed to look at the characteristics of the area in question, suitability of the area for the land use contemplated, the existing land use, improvements in the area, trends of development, density, property value in the area, the need for business enterprises in the future development of the area, access requirements, natural resources in the city with respective needs for development thereof, public need for healthful safe aesthetic surroundings and conditions. Now public need when it gets right down to it is what the Planning Commission accesses as public need, as long as these areas are discussed. Commissioner Shaw asked what the availability of services for this particular parcel of land was with regards to sewer, lights, water, etc. Mr. Ferguson stated the services are available as mentioned. Chairman Ross stated that the comprehensive plan showed this parcel as multi-family in the plan. Commissioner Shaw asked about problems in regard to drainage. Mr. Ferguson stated there would be no more problem there than elsewhere. Commissioner Shaw wanted to know if the drainage could be handled on-site. Mr. Ferguson stated there was going to be work done on Pine Street with regard to storm drainage and surfacing during the coming year. Chairman Ross asked the consultant if the Planning Commission could show a need at this time. Consultant Edwards stated that when you are down to 10 percent of the available need you can show the need for additional multi-family housing in an area (R-2 zoning). Commissioner Edgerton asked if the chart presented by Consultant Edwards could be made a part of the record in order to establish need. Consultant Edwards stated that it would show the need. Chairman Ross stated that this parcel of land was adjacent to multi-family zoning on two sides at this point. All other portions would have to be in the upward extremity from this point so we would be pushing the line further up. Commissioner Shaw stated that looking at this particular piece of property rather than looking at the city as a whole, looking at what the best use might be for this particular piece of property and some of the characteristics of it. First of all it is on Pine Street which is a major arterial for the northern part and eastern part of the city. There are very few streets that go through from the highway to that part of Territorial directly through. The fairgrounds is a major block to any north-south traffic over to the downtown area. So, it is the heavy street that leads to residential development. It's at a position on this street where its at the beginning or one end of the street. It seems to be undesirable to put industry in this

position on essentially an entrance to a central part of the city on the highway. The industry would tend to generate traffic on a street that is already substandard. The multi-family on the other hand would generate probably more traffic in numbers, but it would be residential in nature. There doesn't appear to be any great benefit for this particular piece of property as industrial land as it does not have railroad access. The only real benefit as far as access goes is that it is fairly close to the highway, trucks could get on and off very easy rather than go through other residential areas to get it were it industrial. The consultant has pointed out earlier that there are other more desirable areas within or adjacent to the city that would be better suited for industrial use, as this small piece of ground say for industry. The property is adjacent to some existing multi-family zoning and apartment development. To leave the property zoned R-1, single family, would not be desirable, because it would leave an island of R-1 there. The property would not tend to hold value as R-1 property. So, it has come around to it, that it seems that taking these kinds of things into consideration that the R-2, multi-family, would be the best use for that piece of property. There evidently is a need in the city for apartment type housing, just on the basis of the low vacancy rate. The only undesirable thing with any type housing is the railroad. The R-2 seems to be the best use. Commissioner Edgerton asked what would happen to the narrow entrance into the property once it was rezoned. Chairman Ross stated that on the staff report they have a little side note that any plans submitted for this property should be flagged, then on the development plan there should be a double access - two ingresses and two egresses - within that 156 feet he has got to bring the line in and out somehow to better the circulation flow. A discussion followed regarding the placing of conditions on a zone change. It was determined that you can not place conditions on a zone change, however the Public Works Department can make certain requirements for the health safety and welfare of the people. The Chairman instructed the Planning Commission that they were to approve the application, deny the application or table the application for further information. Commissioner Edgerton asked if the chair was open for a motion. The chairman answered yes. Commissioner Shaw requested that before a motion was made he would like to know if any deficiency can be made up through the zone change process. The Chairman stated that only the zoning of the parcel could be considered. Consultant Edwards stated that there has been the position in the past that if the applicant indicated a willingness to dedicate land for something that would make the rezoning more logical, but that in effect is the contract in some cases. The City Attorney agreed with the Chairman regarding the attachment of conditions to a zone change. *Commissioner Edgerton made a motion that this parcel of property be rezoned from County zoning to R-2, Medium Density Residential, because of these reasons following: First, because of the survey that Eldon Edwards made of the apartments available in the city, it seems that the city of Canby has very few if any vacancies at this time. Also in the northeast section there is no land available for building of medium density residential apartments. The area would not lend itself to manufacturing because of the R-1 and R-2 nature of the surrounding areas. The motion was seconded by Commissioner Hulbert. The motion passed unanimously. The Chairman directed the secretary draft a letter of the Planning Commission recommendation to the City Council along with a supporting letter of the findings of the Planning Commission.

The chairman called for a short recess.

1.10.77

R.2

AREA	ZONED	USED RZ	VACANT	UNITS	VACANT
1. NW.	98.00	6.25	12.00	44	0
2. NE.	22.31	13.50	0.00	181	0 (1)
3. SW.	18.70	0.66	3.50	8	0
4. SE.	69.00	10.60	7.80	139	2
TOTAL	208.01	31.01	23.30	372	2

(1) TWO APARTMENTS WERE TAKING RESERVATIONS.

Item No. 4: Environmental Homes requests approval of a preliminary subdivision to be known as "Grace Addition" and located on the east side of Holly Street approximately 450 feet north of 12th Avenue and described as Tax Lot 100, Section 33BA, T3S, R1E. Consultant Edwards gave his presentation and showed slides of the area. He made a recommendation that the extension of Ivy Street be curved to the east so that Ivy Street can be connected to Territorial Road without running through the church property to the north. Lot No. 1 of Block 3 has 73.74 foot of frontage which is less than the 75 foot of frontage required by the zoning ordinance, but as you know may be approved by the Commission. This plat should be approved contingent upon installation of sidewalks, street lights and fire hydrants. Chairman Ross referred back to Lot 1, Block 3 which has 73.74 foot of frontage on 14th Avenue. He felt the lot was of sufficient size. He then ask Mr. Reddaway if he had a presentation to make. Mr. Reddaway stated that he was representing Environmental Homes and with regard to the lot the Commission is talking about I chose to use the 73.74 foot frontage along there because the lot directly behind it two lots back abutts on 13th at exactly the same dimension and it didn't seem logical over fifteen inches to accommodate that, when the lot is 125 feet long. I talked to the people with the city about curving Ivy over east and I think that can be accommodated and still be able to keep lots 1 and 2 of Block 2 are of such a size that decreasing the size won't building houses upon them, actually it will probably help the two lots across the street because those were the two small lots. We were asked to save the two pine trees through a deed restriction that are located in front of the existing house. Evidently they were planted there in 1894 by Baker Prairie School children and that's fine with us as we had planned on saving them. I thought if anything was going to destroy them, it might be the widening of Holly Street. Chairman Ross asked the consultant if in light of the possibility of a church being built directly east of this proposed subdivision, do you have any recommendation as to the 14th Avenue cul-de-sac? Consultant Edwards stated that this would be a stub street and would provide access to the church property and at least provide a secondary access out of this subdivision. There was some discussion regarding the possibility of the church ending the street at the end of the stub provided by this subdivision. Consultant Edwards stated that he had two things that somehow didn't address very thoroughly and one is sufficient right-of-way on Holly Street. A discussion followed regarding the present width of Holly and the proposed width of Holly. A ten-foot dedication is possible, however you may become involved with the two pine trees. Required dedication is going to hurt those lots. The lots are a 109 feet deep. If we took 9 feet from lots 1, 2, 3 & 4 and another foot from lots 5, 6 and 7, which is ten feet there should be no problem. Chairman Ross asked Mr. Reddaway if he had considered any deed restrictions within the subdivision as the developer? Mr. Reddaway stated that they were written on the preliminary plat and proceeded to read the deed restrictions proposed. Commissioner Edgerton asked if the minimum floor area was living space. This was answered in the affirmative. He also asked if in this area where you are having cul-de-sacs aren't we in the habit now of putting sidewalks on at least one side. Mr. Reddaway stated they were aware they would be involved with sidewalks and they were willing to work with the city as to how they would like this done. Consultant Edwards stated there were two things that need to be brought up. One is that according to our past most recent precedent on these kinds of things we would need ten feet of right-of-way and curbed and paved to match existing Holly Street. The second requirement is what is required in the

utility companies and the Public Works Department. The third thing bothering the consultant is who tears out the blacktop and puts in the curb in the existing cul-de-sac. Chairman Ross said he thought money had been put aside with the city to do that when the street did go through. Some discussion followed with regards to whether this money had been placed with the city to assure completion of the street. Chairman Ross stated that basically what the Commission is talking about is the sidewalks and where to place them, ten foot dedication on North Holly Street, curbing and paving to the existing hard-surfacing on North Holly, a realignment of Ivy Street to make it closer to, or adjacent to, the property line of the two northerly properties. Commissioner Shaw asked if the intent was to extend Ivy Street through to Territorial Road eventually through the flag lot. Consultant Edwards stated it would go through the neck of the flag lot. Commissioner Shaw stated the Commission did not have any information as to the exact location of the existing house on the property. It is located in a position that the additional street dedication will not hinder it. Commissioner Edgerton asked if the curve of Ivy Street would start at the south edge of Lot 2, Block 2, to a point approximately 30 feet east at the north edge of the subject property. Chairman Ross stated that several items had been covered at this meeting and the plat will have to be redrawn and resubmitted showing the dedication on North Holly of ten feet, the location of sidewalks, the realignment of Ivy Street as indicated to Mr. Reddaway, the inclusion in the deed restrictions of the tree preservation, and further clarification of living area square footage within the deed restrictions. Commissioner Edgerton stated that he would like to see the plat redrawn prior to making any decision on it. Chairman Ross ask if Mr. Reddaway had all the material needed for redrafting the preliminary subdivision. Mr. Reddaway asked when the material should be submitted. The chairman stated the next meeting was on the 9th day of February. Mr. Reddaway asked if they could proceed towards a final plat with the needed items incorporated. The Chairman stated that he believed a preliminary plat is pretty well covered, now on the adoption of the preliminary plat then it is a matter of making the final plat conform to the preliminary and your home free. The time frame on the working drawings could be the biggest problem. Consultant Edwards stated that in the past a final plat has been submitted at the same time as the preliminary however if some changed are required it might be a waste of money. Chairman Ross asked Mr. Reddaway if he had enough information to redraft the plat. This item will be placed on the agenda for February 9, 1977, for reconsideration.

Improvement of 13th Avenue between S. Fir Street and the subdivision of Filbert Estates. Public Works Director Ferguson gave a presentation of the proposed improvement of South 13th Avenue between Ivy Street and Elm Street. The subdivision of Pitts Addition will be making improvements between Ivy Street and Fir Street and the subdivision of Filbert Estates will be making improvements east of Elm Street. This leaves a small parcel unimproved. Mr. Ferguson's presentation included his conferences with the County with regards to full improvement of 13th Avenue and was presented to the Planning Commission for information only and will be brought to the City Council at their meeting on January 17, 1977.

Flag Lots: Consultant Edwards explained the report he had presented to the Commission regarding flag lots in other cities in the surrounding vicinity (a copy is attached to these minutes). Chairman Ross stated that he felt it is a beneficial use to get the highest and best use of the land. Commissioner Hulbert expressed the feeling that the flag pole portion of the lot should not be a part of the total square footage of the lot. The minimum square footage should not be included in the pole part of the lot. A discussion was held regarding the use of a flange or apron at the street on flag lots. The discussion of flag lots will continue at a later meeting.

L.C.D.C.: Consultant Edwards reported that the committee is presently working on the requirement for citizen involvement, which the City Council has appointed. This committee is meeting and will review the plan evaluation and will set out a work program to try to bring the plan into compliance with L.C.D.C. requirements. The only report to make is that the committee is in the process of doing it. I think our time structure is such that we are going to have to move ahead on it right now and bring it to the planning commission probably have it has been submitted to CRAG and L.C.D.C. for your review and amendments as you want, but right now we are pretty much as fast as we can to get it in on time.

Public Works Director Ferguson informed the Planning Commission that the annexation of the property located east of the Molalla Forest Road containing the city's sewer treatment plant and that property south to Territorial Road had been approved by the Metropolitan Boundary Review Commission and would be affective the end of January. This is the property that was known as the Collin's property.

He also informed the Commission that the application to EDA for monies for park improvement had been turned down, now we are in the middle of coming up with some money to develop Maple Street Park. We are going to spend about \$7,500 on Community Park to put in some tables, fix the park, some benches and some landscaping. The park will be closed until the end of May, 1977, when we have all the improvements in we will open it up. Maple Street Park we have \$47,000 in revenue sharing money budgeted, we got \$10,000 in matching money and Mr. Wyman is going to apply to BOR for another \$37,000; so we are talking about almost \$100,000. This sum is general maintenance for parks and starting working them up.

The third thing is whether a builder or developer can sell a house and have it occupied prior to approval of the subdivision. We have contacted five cities who say no, three cities will not allow building in a subdivision until it is accepted by the city. This will be coming up before the City Council and I would like to have your ideas. Chairman Ross stated that he had thought about it and it is my feeling is that a building permit shouldn't be issued prior to three months from the completion of the full street improvements. That means that if a permit for construction is issued, it is going to take on the average of three months to finish that house. When that house is completed, that subdivider should have all the streets in. Mr. Ferguson stated that was not really practical in that if a house is completed

now, he can't possibly put in his curbing or his paving until spring. Chairman Ross answered that that was right. That is why he stated that the house shouldn't be sold until the property is fully improved. A discussion followed regarding the issuance of building permits on recorded lots, the bond requiring completion of the streets. Mr. Ferguson stated that when the utilities were all in place and the street rocked but not paved, then allow a building to be occupied. Chairman Ross stated that if they went into Pitts Addition for instance right now and laid a heavy bed of gravel the contractor could get in there and build. He could complete a house in three months, however they probably won't be able to pave the street by that time. Now, if that house sells in April or the latter part of March, that person is going to be going through a quagmire, your going to have problems, they are going to be complaining, the whole bit. So, that is what I see. You are going to have to take the seasons into consideration and generally estimate when the good weather is going to hit. When the good weather hits the developer should be required to do the street improvements. If you allow a builder, prior to completion of the street, then you are going to have to say O.K., when the street can be done on a certain date. You should not issue a building permit for that house until maybe February; so, that in three months it is completed and the contractor finishes the streets. Mr. Ferguson stated that the only reason he has brought it up is to see if he can get something from the Planning Commission, either pro or con - a motion or something, on the record so that put it down. More discussion followed regarding the occupancy and a certificate of occupancy which is not required for single family residential. Commissioner Hulbert stated that it was his understanding that the property in Pitts Addition was to be developed in three phases and he understood that the streets and all improvements would be put in in Phase I at the time that the construction started, and then they would move on with there improvements in Phase II. Chairman Ross stated that it was his belief that they were doing the improvements in Phases I and II together at the present time. Chairman Ross asked we building permits had been allowed on the Driggers property where they are abutting existing streets? Mr. Ferguson answered in the affirmative. Chairman Ross stated that in that case a precedent had already been set. In that instance, it would be alright to allow building permits on those lots abutting existing streets, but none on the interior lots. Commissioner Hulbert was in agreement with the Chairman. Commissioner Shaw asked if this was covered by ordinance. Mr. Ferguson stated the city did not have an ordinance covering it. The only ordinance is that you can not issue a building permit on an unrecorded lot or plat. Consultant Edwards stated that while he was working with Commonwealth - maybe the laws have changed - but there were a lot of times that you wanted to let the gravel set and you wanted to let it be driven on for a little while and you didn't put the sidewalks in until after the buildings were in, we didn't put the final paving in until some of the buildings were in. The people knew it when they bought there, but they knew it was for a limited period of time and if they are not bright enough to realize that that is going to happen then let them yell. If it served any useful purpose other than just the ease of administration, then it is something to think about - prohibiting it - but to put an additional restriction on that doesn't really gain any ground I don't see the point of it.

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The forestry people wanted to rebuild at the northwest corner of Holly and Territorial Road. They went to the County and our secretary found it on their agenda. There agenda was for Monday night and we got the thing on Friday. No one ask us anything, so I (Consultant Edwards) called them up and said we would like to get at least 10 feet of right-of-way off the west side of the street (Holly) so we can count on Holly being a sixty-foot right-of-way in the future. They (Clackamas County Planning Commission) passed it without getting the requested right-of-way.

Respectfully submitted,

A handwritten signature in cursive script that reads "Virginia J. Shirley". The signature is written in dark ink and is positioned above the typed name.

Virginia J. Shirley, Secretary
Canby Planning Commission