

Canby Planning Commission
Regular Meeting
April 13, 1977

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

Others Present: Consultant Eldon Edwards, City Attorney Roger Reif, Public Works
Director Ken Ferguson, Dave Anderson, Peter Kelly, Lloyd Clark,
Martin Clark, Sally Windmere, Jerry Thompson, Dee Shull, Larry
Jones, Tom Bispham, Marv Seaton, Mr. Van Dorn and others.

The meeting convened at 8:07 p.m.

The minutes of the Planning Commission meeting of March 9, 1977, were approved as
presented.

Item No. 1: Consideration of a zone change from R-1, single family residential,
to C-2, highway commercial, on property located on the south side of Highway 99E
immediately north of the Canby Manor Mobile Home Court and described as Tax Lot
802, Section 33DA, T3S, R1E. Applicant - David Anderson of Anderson-Ritter Realty.
Consultant Eldon Edwards read his recommendation for approval subject to one drive-
way for the entire parcel and also that a planting and screening buffer be provided
along the south property line to protect the mobile home park. Dave Anderson gave
his presentation as the proponent-applicant of this request. A copy of his presenta-
tion is in the file. The Commission expressed the opinion that this request seems
to meet the Fasano requirements. A discussion followed regarding the availability
of sanitary sewer disposal for this property. It was determined that the sewer line
does reach to approximately the southwest edge of the property. Since is a change
of land use request, the only staff report included in the file is from the Planning
Consultant. Chairman Ross asked if any of the Planning Commission members had a
conflict of interest regarding the hearing of this request. There were none. The
Chairman then ask for further proponents. None came forth. The Chairman next asked
for opponents. None came forth. Discussion followed regarding other zoning in the
immediate area. Commissioner Kahut asked for more information regarding the 20 foot
alley behind the property. It was stated that the alley belongs to the city. Further
discussion followed regarding the length of the alley. Commissioner Edgerton asked
if the proposed use would be able to meet the 40-foot setback requirement in a C-2
zone. Mr. Anderson stated there may be a need to apply for a variance. Consultant
Edwards stated that the property scaled out about 125 feet deep, so a 40 foot setback
should not be a problem. Commissioner Hulbert stated that it was his belief that the
Commission had been involved in the 40 foot setback several times with regards to
construction in a C-2 zone. Chairman Ross stated that it was his understanding that
it was put into the ordinance to keep a large development or shopping center from
building right out on the curb or right behind the sidewalk. This was to get them
out the highway and provide for some landscaping. Discussion followed regarding the
use of the setback area for parking. Consultant Edwards stated that it was the in-
tent to use the setback area for parking rather than have the building interfere with
the vision. *Commissioner Hulbert made a motion that the Planning Commission approve
the application for a zone change from R-1 to C-2 based on the survey of existing
commercial ground available, based on the highway frontage which is appropriate for
commercial and inappropriate for residential, based on the fact that it is adjacent
to a number of commercial uses, and, primarily because the Interim Development Plan
shows this property as commercial and a need has been shown. The motion was seconded
by Commissioner Kahut and passed unanimously.

Item No. 2: G & T Construction Company, Inc., request a subdivision to be known as "Canby Country Estates" and located on the east side of N. Maple Street approximately 460 feet south of Territorial Road and described as Tax Lot 2700, Section 28DD, T3S, R1E, W.M. Preliminary Plat. Consultant Eldon Edwards gave his presentation and showed slides of the area. He made a recommendation for approval contingent upon the inclusion of sidewalks, street lights and fire hydrants in the final plat. Commissioner Kahut asked how this project connected with Brooks Addition to the north. It was stated that there is a parcel between the two developments. Commissioner Kahut asked how much of a parcel was between the two developments. Consultant Edwards stated there was approximately 85 feet of frontage on Maple Street. Chairman Ross asked if the applicant was present. Mrs. Sally Wickham came forth to represent G & T Construction Company, Inc. She stated that basically the fact that there is a dire need for housing in the area and they are very anxious to get started. City Attorney Reif asked if they were planning on including any deed restrictions on the final plat. Mrs. Wickham stated they were not at the present time, but considering the cost of the land they intend to build good homes and they could incorporate deed restrictions. Chairman Ross asked if G & T Construction held title to the property. The question was answered in the affirmative. Commissioner Shaw questioned the fact that lot 9 was on the corner but did not have 75 feet of frontage. Mrs. Wickham stated the 5 feet would be added to this lot and 5 feet deducted from lots 16 and 17. Chairman Ross stated that the Planning Commission has been asking the developers to place deed restrictions on their developments in order to get some conformity to the building in the city of Canby to upgrade the construction and things of that nature. The standard procedure has been: a minimum of 1200 square feet, a break in the roof line, double car garage, etc. If you wish this evening to follow that particular leaning, we would like to hear you say so and if you don't we would like to hear that also. Mr. Thompson of G & T Construction Company, Inc., said this would be acceptable to them. Chairman Ross further stated that when the Commission passes a preliminary plat the preliminary plat is passed either with or without deed restrictions as represented by the applicant. So, we need to know for sure at this point if we pass the preliminary plat if, in fact, you are going to have deed restrictions and what they are. Commissioner Shaw stated that if the preliminary plat was passed with deed restrictions they would show on the final plat. Mrs. Wickham stated the ones quoted by the Chairman would be fine with them. Consultant Edwards wanted to know what happens when the area to the east develops and the temporary cul-de-sac is no longer need, who in fact pays for the improvement on the north-south segment and secondly who takes out the temporary cul-de-sac and puts in the curbs. Commissioner Hulbert stated that in the past the city has removed the cul-de-sac and straightened the property line and reverted the arc back to the property. Chairman Ross stated that if his memory served him correctly it was calibrated through the engineering department - the cost of that work. Those monies were funded to the city, then when it became necessary to remove the cul-de-sac the city, of course, had monies for some reimbursement for their work. Discussion followed regarding the temporary cul-de-sac and how it would be put in. Mr. Lee Johnson who lives at 1500 N. Maple spoke to the Commission with regards to the half street on the east end of the proposed subdivision. He owns the property to the south and would like to have paved access to his property. Discussion followed regarding the paving of the half street. Chairman Ross stated that all improvements are to be put into the subdivision at the time of development. Commissioner Edgerton wanted to know where the sidewalks were going

to be placed in this subdivision. Consultant Edwards stated they would be required to have sidewalks on the north side of 16th Avenue and along the east side of Maple Street. Commissioner Kahut expressed the feeling this application should be tabled for more information. Commissioner Shaw requested the secretary to get the additional information required regarding the relationship of this subdivision to Brooks Addition to the north. Commissioner Cibula asked if it would be up to the city at a later date to rip up the temporary cul-de-sac from their own funds. Commissioner Shaw asked that before Mr. Ferguson answer the question he could ask a question regarding the funds are held by the city pending the completion of a street due to an addition, does that money get invested. Mr. Ferguson stated that he didn't know of any money that the city was holding as was being suggested at the present time. He further stated that this was the reason he had suggested that the cul-de-sac be moved further to the east in the half street. Consultant Edwards asked if there was a fund available into which the money could be put. Mr. Ferguson stated there was not at the present time and that they would probably have to create a new budget line item. He felt the thing to do would be to make some kind of decision now as to who will bear the expense in the future and let it go at that. Consultant Edwards felt that the decision had been made to earmark the money at the present time for future use. How the thing is handled is up to the city. Chairman Ross stated that he felt the Commission had enough information to act on this request. It will need to be redrawn by changing the lot lines, shifting the temporary cul-de-sac further to the east, then the motion will take care of the sidewalks, the deed restrictions, and the street grid is very clear. *Commissioner Shaw made a motion that the preliminary plat of "Canby Country Estates" as amended by the applicant with the lot changes, Lot 9 to be increased to 75 feet and Lots 16 and 17 to be reduced by 5 feet, the cul-de-sac change by moving it further east into the half-street, the aforementioned deed restrictions of a broken roof-line, 1200 square feet of living area, and a double garage be approved subject to the staff reports and the inclusion of sidewalks on the north side of 16th Avenue and along the frontage of Maple Street; subject to the standard improvement of Maple Street to the centerline from the subdivision pavement and curbing and that it is understood that the entire street improvement of 16th and future extension of Oak Street be included. Commissioner Cutsforth seconded the motion. Commissioner Edgerton asked to amend the motion to include the statement that: Cost of the final curbing should be determined now that amount deposited with the city and the city will do the future work required for removal of the temporary cul-de-sac and placing of the permanent curbs and sidewalk. Commissioner Shaw agreed to the amendment to his motion and second, Commissioner Cutsforth, agreed also. After some brief discussion the motion passed unanimously.

Item No. 3: Larry Jones, request a subdivision to be known as "Neva Place" and located on the northwest corner of S. Fir and S. E. 13th Avenue and described as Tax Lot 200, Section 4B, T4S, R1E. Request is for Preliminary Plat approval. Consultant Edwards gave his presentation and showed slides of the area. He made a recommendation for approval ontigent upon the inclusion of sidewalks on the north side of S. W. 13th Avenue and the west side of S. Fir Street. He also requested the driveway of Lot 1 be paved from the north lot line to the south lot line the full length of the driveway.

Canby Planning Commission
Regular Meeting
April 13, 1977
Page 4

Commissioner Hulbert requested information regarding the street dedications as shown on the preliminary plat. A seven (7) foot dedication is all that is required on S. Fir Street to bring it to a full 60-foot width. Twenty feet are needed on S. W. 13th Avenue. Commissioner Edgerton requested reassurance the the flag portion of Lot 1 would be paved. Chairman Ross explained this could be handled in the motion. The type of street improvements to be made was brought up. Consultant Edwards - the policy set by the Planning Commission is for paving to the centerline with curbs. Commissioner Edgerton asked the developer if there would be any deed restrictions. Developer Larry Jones - No. Sidewalks - it was the concensus of the Planning Commission that sidewalks were needed on the full frontage of S. Fir Street and S. W. 13th *Avenue. *Commissioner Shaw moved to approve the preliminary plat as presented subject to a deed restriction on Lot 1 for the paving of the access driveway, improvement of S. Fir and S. W. 13th Avenue adjacent to this subdivision with a full specification half-street improvement including paving, curbing, and sidewalks along the frontage of the subdivision on both S. Fir Street and S. W. 13th Avenue, and to all staff reports. The motion was seconded by Commissioner Cibula. The motion carried unanimously.

The meeting was recessed at 9:50 p.m.

The meeting reconvened at 10:00 p.m.

Chairman Ross asked Tom Bispham of the Department of Environmental Quality (DEQ) to address the Planning Commission regarding the rules and regulations of DEQ with regards to the proposed steel foundry. Tom Bispham - You have some questions or concerns about what the emissions would be and what standards or requirements DEQ has. Any source such as this industry would require prior review and approval (prior to installation of such a source). This particular industry would then require a permit on this facility and this would be an air quality permit. Our concerns with the foundry - we would be looking at particulate matter, and there are a number of other areas looked at by DEQ. At the present time there is no 100 percent effective control device to stop all emissions. DEQ standards are presently requiring the highest and best particle treatment of the emissions of this type. They are concerned about dust or particulate that comes off the melting of the metal. This is regulated in many ways. Visual pollution is also watched. They can't meet a 100 percent collection efficiency - probably looking at a 99.9 percent efficiency. Typically, foundries are built in industrial not located close to residential areas. The only one known that doesn't is Dura-Metals located in Tualatin where development is going on - commission members could look at that plant. It is a very clean foundry and DEQ hasn't had any complaints from a pollution standpoint on it. There are other things to consider besides air pollution. How the metal will be handled - where it will be stored - method of transportation. This plant will require bag-house control. DEQ would concentrate there efforts on the hooding and making sure all the fumes were collected adequately - by the highest and best methods. The decibel of noise is a concern in that in relation to air pollution equipment makes noise. The bag-house will be running while the plant is in operation and a certain amount of noise is made by the bag-houses. DEQ could project the noise level off the plant site knowing what equipment was going to be operated. The standard that would apply in regard to the decibels of noise for a new source would be that you can't increase the decibels by more then 10db's. DEQ doesn't have the requirements on noise that they do on air because noise is a new field. The intent of the regulation is that you are not increasing the noise so much you will affect people's

Canby Planning Commission
Regular Meeting
April 13, 1977
Page 5

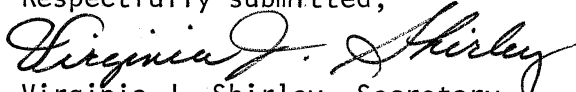
sleep. Knowing what the plant proposes, DEQ can project what the tons per year of emissions from it will be. Marv Seaton, the engineer for the project, spoke to the subject of foundries this close to residential areas. There are not to many foundries in the northwest and the new ones are being built to the relatively new standards and the old ones are being upgraded. With regards to the db's, if you go from 20 feet to 40 feet away from what you are hearing, the sound decreases by about 60 db's. There are certain ceilings on noise levels, but they are not fixed ceilings. Tom Bispham continued on saying that control of noise levels was a new area for DEQ. The addition of future industries would be controlled by the ceiling that exists on a new source that is 55 db's in the daytime and 50 db's at night. The Planning Commission after further discussion requested that additional information be obtained by the Planning Consultant, the Company Engineer and DEQ Representative through a joint effort and brought back to the Planning Commission for further clarification.

Item No. 4: Eugene Schaefer request minor land partition to divide one lot into two lots on property located at 701 S. Fir Street and described as Tax Lot 7300, Section 4BA, T4S, R1E. Mr. Hank Fairweather, representing the applicant, stated that the proposal before the Planning Commission tonight is only for a minor land partition. Mr. Edwards gave his presentation and showed slides of the area. The Staff made a recommendation for approval. Some discussion followed and it was determined that a street dedication would be required in order to provide the necessary street width along S. Fir Street. The owner is aware of the possibility of the need for a 27-foot dedication to straighten out S. Fir Street. After some discussion regarding whose responsibility it was to improve the street, it was determined there would be a dedication with no remonstrance against street develop-
*ment. Commissioner Edgerton moved to approve the minor land partition subject to the 27-foot dedication required along S. Fir Street, no remonstrance against street improvements and subject to staff reports. The motion was seconded by Commissioner Cibula and passed unanimously.

Mr. Martin Clark and Mr. Van Dorn appeared before the Commission requesting clarification regarding property south of N. E. 22nd Avenue and annexation of the property. Mr. Van Dorn was under the impression the property had been annexed. However, the Metropolitan Boundary Review Commission had not approved the annexation and therefore the property is still outside the city limits. In order to annex property into the city, application must be made to the Planning Commission who in turn make a recommendation to the City Council who in turn make a recommendation to the Metropolitan Boundary Review Commission who makes the final determination. The property in question is within CRAG's plan for the city and application for annexation would be heard at a public hearing when presented to the Commission.

This meeting is recorded on tape. The meeting adjourned at 11:30 p.m.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission