

Canby Planning Commission
Regular Meeting
June 8, 1977

Members Present: Chairman Ross, Commissioners Edgerton, Kahut, Shaw, Hulbert, and Cutsforth (Commissioner Cibula arrived at 8:55)

Others Present: City Attorney Roger Reif, Planning Consultant Eldon Edwards, Public Works Director Ken Ferguson, Jerry and Leroy Thompson, Dave Bury, Bob Weygandt and Pete Kelley

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

Item No. 1: Final plat approval of "Canby Country Estates" is requested by G. & T. Construction Company for 17 lots located on the east side of N. Maple Street approximately 460 feet south of the intersection of Maple and Territorial Road. Consultant Edwards gave his presentation of the final plat and a recommendation for approval. Discussion followed regarding the paving of the half-street, placing the deed restrictions on the final plat. The question of placing a one-foot plug on the 30 foot stubs on the north and south and a one-foot plug on the most easterly lot line was brought up next. It was determined these plugs should be placed on the plat and put in control of the City of Canby. The question of the temporary cul-de-sac was brought up next. The Chairman stated that the cost of the final curbing should be determined at the present time and the amount deposited with the City; the City will do the future work required for removal of the temporary cul-de-sac and the placing of the permanent curbs and sidewalks. Mr. Ferguson stated that the amount of money deposited with the City - the City doesn't really want the money because they don't have anyplace to put it due to the way the computered budgeting system is set up. What they want is the money put into a bond or escrow drawing interest, so that at the time the City takes the money out it will almost cover the cost at the time. However, escrow money does not draw interest, so it will have to be something else. The Chairman stated that it could be paid to the City and they would have to put it into a savings account. *Commissioner Shaw moved to approve the final plat of "Canby Country Estates" contingent upon the deed restrictions as outlined in the preliminary plat approval motion, and inclusion of a one-foot plug property to be deeded to the City on the north, south and easterly boundaries of the half-street (Oak) at the east end of the subdivision; and, subject to satisfaction of the conditions of the preliminary plat motion. The motion was seconded by Commissioner Edgerton and passed unanimously.

Item No. 2: Proposed amendment to Ordinance No. 583 (Zoning Ordinance) for corner lot setbacks. The proposed change is to change the requirement from 25 feet on each side to 20 feet on each street side. This item had been discussed at the Planning Commission workshop in March of 1977. At that time, it was the concensus of the Commission that it was originally a typographical error which had caused the corner lots to have a twenty-five (25) foot setback from each street side; and, that it would be changed back to the twenty (20) feet which it should be. The Chairman stated that the Planning Commission would need to make this recommendation to the City Council formally by way of a motion to the City Council recommending that this change be made to Ordinance No. 583. This action will be forwarded to the City Council. Consultants Edwards stated that all other ordinances had been checked, which are about 25, and he could see no reason for having the 25 feet on the street sides as opposed to 20 feet. *Commissioner Shaw moved that Ordinance No. 583,

Zoning Ordinance, that the requirement for a 25 foot setback on corner lots in an R-1 zone be amended from 25 feet to 20 feet on each street side. The motion was seconded by Commissioner Cutsforth and passed unanimously. The secretary was instructed to include that the Planning Commission felt from the discussion at the workshop that this had been a typographical error and there is no reason to require 25 feet on corner lot setbacks.

Chairman Ross explained that at the last meeting of the Planning Commission they denied an application for a zone change from R-1 to C-2 on property located between the high school and Canby Shopping Center. The applicant, Mr. Anderson, is appealing to the City Council. Mr. Reif has drafted a letter which basically says that based upon the evidence and testimony at the public hearing and based upon the findings of fact the application was denied. The Chairman stated that the minutes of the Planning Commission meeting of May 11, 1977, should be included as Addendum A to the letter drafted by City Attorney Reif and made a part of the findings of fact. It was brought up that the letter contained the findings of fact for denying the zone change. Commissioner Kahut stated that findings since the meeting indicate there has never been a twenty (20) foot dedication on the east side of the shopping center. Discussion followed regarding the shopping center position of dedication on the east side of the property and physical inspection by some of the planning commission members of the site since the meeting. It was brought up that maybe this could be considered as a Planned Unit Development (Commercial PUD). The Planning Consultant agreed that although the present proposal had been turned down we could consider a Commercial PUD. The City Attorney advised the Commission to adopt the minutes of the meeting as part of their papers to be forwarded to the City Council. *Commissioner Shaw moved the Order be adopted as presented. The motion was seconded by Commissioner Hulbert and passed with Commissioners Hulbert, Cutsforth, Shaw and Edgerton voting aye and Commissioner Kahut voting nay.

Mr. Ferguson stated that on Monday evening he and Eldon Edwards had met with the City Council at a workshop and discussed a method of presentation to the Council on appeals. The Council was in agreement that Mr. Edwards should make the same presentations to the Council that he makes to the Planning Commission. By doing it that way, there wouldn't be any bias as the Council will receive the same information as the Planning Commission. City Attorney Reif stated that Mr. Edwards was staff and that there should be at least one planning commission member present also. This member should review the minutes, the order and be prepared to speak on the action of the Planning Commission.

Consultant Edwards informed the Commission that at the meeting with the City Council on Monday evening the Council expressed serious concern about not getting the same type of information the Planning Commission receives on appeals especially. The result of the meeting was that he is supposed to make a presentation to the Council stating the same information the Planning Commission receives and the result of the Planning Commission hearing. When the Planning Commission makes a decision it is based upon objective fact and therefore they are neither for or against any specific proposal. A member asked if the Planning Commission isn't

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supposed to follow certain ordinances and also the Interim General Plan that so many people worked on for year in making their decisions. Doesn't feel that a member should take a position of whether he or she personally favor or does not favor a certain proposal. The Consultant answered that if the Planning Commission makes a recommendation, the Council takes the position of who gets sued in the case that the matter should go to court - the Council would be the body that was sued. In a sense that reflects directly back to the Planning Commission having a position that they proposed to the Council which adopted that position orally. They are the ones who would be sued for the position that they take. Discussion followed regarding the position taken by the Planning Commission and the acceptance by the City Council without having all of the facts that were presented to the Planning Commission. The City Council will receive the same information as the Planning Commission on all future appeals and zone changes. Mr. Ferguson stated that in the future it had been decided that Mr. Edwards would present the City Council with a summary of everything that had transpired at the Planning Commission meeting. With the summary the City Council will have the information from the Planning Commission meeting, which they don't have at the present time. A discussion followed regarding the holding of a joint meeting of the Planning Commission and the City Council in the near future to make policies and set procedures.

Mr. Edwards informed the Planning Commission that Canby had received an L.C.D.C. grant. There was a 15 percent cut-back from the requested amount. The Canby Plan will be two years to completion. Discussion followed regarding the timetable for completion and how the work will be done. Mr. Edwards further explained that the present plan had five basic elements - land use, housing and neighborhoods, transportation, public facilities and park and recreation. The way the state wants you to put a plan together it will have fourteen elements - fifteen elements actually including the greenway (Willamette River Greenway). What we have to do is take our plan and couch it in state terms basically. Discussion followed regarding the reason for working on the plan and how it will enhance the present plan.

Mr. Bob Weygandt appeared before the Commission requesting information from the Commission regarding a proposed minor land partition. The Chairman explained that without the information from the serving agencies it would be impossible to give him any information on the partition. He was informed to place an application with the Commission secretary and after the information had been gathered it would be heard at a public hearing.

Mr. Ferguson reported that on the improvement of 13th Avenue he had talked to Winston Kurth and feels that we will get a commitment from him whereas the County will pick up the tab for improvement of half - we are talking about a 36-foot width - and the developers on the north side along with the Utility Board will pay for paving their half. He will report further when he has more information.

*Commissioner Shaw moved for adjournment and the motion was seconded by Commissioner Kahut and passed unanimously.

Respectfully submitted,



Virginia J. Shirley, Secretary, Canby Planning Commission