

Canby Planning Commission
Regular Meeting
June 22, 1977

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

Member Absent: Commissioner Cutsforth - *Shaw*

Others Present: City Attorney Roger Reif, Planning Consultant Eldon Edwards,
Pete Kelley, Don Kelley, Martin Clark, Gard Good, Bob Carlson,
Mr. Giger, Debbie McCart and others.

The Minutes of the Planning Commission meeting of June 8, 1977, were approved as presented.

Item No. 1: Request for approval of the final plat of "Neva Place" submitted by Larry Jones. Consultant Edwards stated that he had not brought along the final plat; however, did make a recommendation for approval based on his review of the final plat. *Commissioner Kahut moved that the final plat of "Neva Place" be approved subject to the approval of the Planning Commission Chairman and approval of the Planning Consultant. The motion was seconded by Commissioner Hulbert and passed unanimously.

Item No. 2: Request for a Minor Land Partition of property located on N. E. 4th Avenue northwest of Knott Street and described as Tax Lot 1400, Section 33CA, T3S, R1E. The particular request is to divide one lot into two lots. The applicant is Martin Clark. Consultant Edwards gave his presentation and eluded to an illegal minor land partition on Tax Lot 1401 and recommended denial of this application because it relates directly to an illegally partitioned lot which is undersized, and also because of layout and transportation. The consultant also showed slides of the area. The question arose as to the creation of Tax Lot 1401. This lot was recorded in 1975. It has been recorded as a separate ownership and no minor land partition was requested. Parcel No. 1 in the requested partition is to have 21,250 square feet and Parcel No. 2 is to have 27,000 square feet and could accommodate nine dwelling units. Parcel No. 1 could accommodate seven dwelling units or if the two remained in one parcel there could be 18 dwelling units built. Some discussion followed regarding how Tax Lot 1401 came into being. The Chairman asked for proponents of this Minor Land Partition. Martin Clark came forward and introduced his attorney Don Kelley who he wanted to make his presentation for him. Mr. Kelley came forward introduced himself and stated there was no intention to redivide parcel No. 1 as the lines were placed on the drawing for there own purposes. The plan is to retain it as one parcel with six units on it. We agree that it could hold seven units and they would not be adverse to placing seven units on the property if the Planning Commission so desired. Felt that to much emphasis was placed on Tax Lot 1401 rather than on whether the plan presented was a good plan or not. Therefore, some history must be presented. The house was built under a city building permit issued on 1-29-68 and it has been there since that time. It is a legal lot. Whether it was or was not legally partitioned - it probably was not. It does meet all the requirements for a lot. In light of the events of the past, we have to disregard this lot and think about whether or not the division being requested is property. It will use Parcel No. 1 virtually to capacity. It will not hinder the development of Parcel No. 2 at a later date. As regards the transportation plan, raising it up to seven units

would increase the traffic and that would not be desirable. In terms of a street running through the property, I suppose that everyone is aware of the fact that at one time the city thought there was going to be a public street through the property. Feels that the requested use of the land is probably the best use of the land. Stated there was presently one flag lot and if the proposal is approved there will still be a flag lot. The attorney was asked what the intent of dividing the property was, why not develop all of the property? The present owner is unable to develop the property by herself. Discussion followed regarding the access - ingress and egress. The Chairman explained that on flag lots the Commission has approved down to 15 or 16 feet of ingress and egress on a flag lot. Since there is presently only 12 foot of ingress-egress allowed on Parcel No. 1, it may be better to take an additional 10 feet from Parcel No. 2 since it will not be used as much as Parcel No. 1. More discussion on ingress-egress followed. The Chairman then asked for further proponents of the Minor Land Partition. None came forth. Chairman Ross then asked for any opponents to the Minor Land Partition. David Anderson who lives at 641 Baker Drive in Canby came forth and explained that his family has owned land to the north of this proposed minor partition for many years. He passed out maps to Commission members showing a road from N. E. 4th Avenue to N. E. 9th Avenue. Stated there was approximately six acres of property north of the property in question that has no road access. Stated that in the near future, if the city would allow a 40-foot street through the property in question and then widen to 60-feet, it is conceivable to open up a vast amount of land that presently has no access. This would be helpful in the transportation element. Discussion followed regarding the time frame for such a project due to the number of property owners involved. Mr. Anderson stated that he could give the Commission more accurate figures regarding the time frame in another month. The Chairman asked the applicant if he were interested in joining Mr. Anderson in developing this street. Mr. Kelley, attorney for the applicant, stated that he doesn't feel this is good street planning after reading the City of Canby ordinances. More discussion followed regarding the development of a street through from 4th Avenue to 9th Avenue versus development of a cul-de-sac. The Chairman asked for further opponents to the application, and since none came forth closed the public portion of the hearing. Mr. Anderson was asked if in a month he could give the Commission any firm answers. He stated he would have more answers at that time. The Chairman reviewed the application before the Commission and the oppositions proposal for construction of a road to release land-locked property north of the property in question. He then asked the City Attorney what the Commission's responsibility to an applicant who wants to do something now and the possibility of the projection of a street to open up land-locked property. The City Attorney replied that according to our City Ordinance and O.R.S. 227.090, you (the Commission) are to consider future planning of streets. So, you must consider whether you do want a street in this location or not. He further stated that the Commission must act on this application, and if they are not able to make a decision at this meeting it can be tabled until another meeting. However, discussion should center around the transportation because you do have a duty to reach a decision on the roadway. If a cul-de-sac is used it may only be 450 feet long and will leave some property land-locked. Also pointed out there is no need to partition this lot as it is zoned R-2 and they have the right to go in and build multi-family units without benefit of a road as long as it is one tax lot. The Planning Consultant stated he felt it would be beneficial to get some type of roadway through the property - be it a 40-foot road or whatever. More discussion followed regarding methods of accomplishing a roadway through the property. *Commissioner Hulbert moved that the Planning Commission table this request for development of additional information

until the meeting of July 13, 1977. The motion was seconded by Commissioner Kahut. Commissioner explained that he felt very strong that when the opportunity to continue a street through, we should do so. There seems to be an indication that the development of this property north of 4th Avenue would go as much as 50 feet, which doesn't seem necessary. If they would go as much as 50 feet, surely something 40 feet wouldn't hinder the development of their property should be satisfactory. We have had enough indication from the property owners on through to 9th and we know that there is that strip on 9th Avenue at the present time that it should be considered. Doesn't like to hold anybody up on development of property, but feels it is necessary to give an opportunity to get further discussion from everyone. The question was raised as to when this would be before the Commission again. It was the concensus of the Commission that this application should be continued until the meeting of July 27, 1977. Commisisoner Kahut asked the Planner to draw a sketch of some footages going in both directions of how the street would relate to specific properties. He was asked if he wanted alternatives also. Another Commissioner stated that it would be good and maybe Public Works could help. It is the obligation of the Planning Commission to the City and the citizens of this community to go ahead and look at all the alternatives prior to making a decision. Commissioners ~~Shaw~~, ^{not present} Hulbert, Cibula, and Kahut voted for the motion and Commissioner Edgerton voted against the motion. This item is to be placed on the agenda for July 27, 1977, as the first item to be considered.

Item No. 3: Request for a zone variance for front yard setback on a corner lot from 25 feet to 20 feet on the south side (S. W. 9th Avenue) of property located on the northeast corner of S. Fir Street and S. W. 9th Avenue and described as Lot 1, Block 1, Pitt's Addition. The applicant is Ken Paul. The Chairman stated that he would conduct the meeting but would be unable to participate due to a conflict of interest. The Planning Consultant made a presentation and gave a recommendation that the Zoning Ordinance be: 1) Amended to delete "except 25' on corner lots" in the R-1 zone; and, 2) Amended to revise the column headed "Width" to read "Street Yard" in the R-1 and R-2 zones. He further stated that the Planning Commission has determined the 25 foot setback requirement was a typographical error. Mr. Bob Carlson, representing the applicant, felt the situation had been well defined by the Planning Consultant and there was nothing to be added. There were no further proponents. The Chairman asked for opponents and none came forth. Mr. Giger asked if this concerned how the houses would line up along the street with regards to his home (Mr. Giger's home faces S. Fir Street). The Chairman explained that in the old ordinance there was a 20 foot setback on the street side and when the new ordinance was drafted a typo went in and 25 went into the ordinance instead of 20. Basically the Planning Commission is desirous of rectifying this situation through an ordinance amendment and bringing the setback back to 20 feet. It will not affect the setbacks on your (Mr. Giger's) lot. *Commissioner Edgerton moved to approve this proposal due to the typographical error in the ordinance. The motion was seconded by Commissioner Cibula and passed unanimously.

There being no further business the meeting was adjourned at 10:00 p.m.

This meeting is recorded on tape.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission