

Canby Planning Commission  
Regular Meeting  
February 8, 1978

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

Others Present: Consultant Eldon Edwards, City Attorney Roger Reif, Public Works Director Ken Ferguson, Don McIntosh, Earl Oliver, Walter Schmeiser, Robert and Jeanne Thorson, David E. Olson, Richard Weygandt, Troy Grimshaw, Brig Young, and others.

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

The Minutes of the Canby Planning Commission meeting of January 11, 1978, were approved as presented to the Commission.

Item No. 1: Request for a Minor Land Partition to divide one parcel into two parcels. This property has access from Township Road and is adjacent to the Thorson property on the Northwest corner of South Locust Street and South Township Road and described as Tax Lot 1900, Section 33DD, T3S, R1E. The applicant is Walter O. Schmeiser. Consultant Edwards made his presentation to the Commission and made a recommendation to table for a variance. However, if the two accessory buildings were taken down and the Tax Lot connected to Tax Lot 1600, he would recommend approval. Mr. Brig Young, representing the applicant, stated the applicant intended to make the larger building smaller and would be willing to tear down the smaller building. After a brief discussion, the Chairman recessed the hearing until after the next item on the agenda to allow the applicant and his representative to discuss the situation concerning the building and then present their decision on just how they planned to proceed.

Item No. 2: Consideration of a Variance for setback on a corner lot from the required 25 feet to 20 feet on North Grant Street. The property is located on the Southwest corner of North Grant Street and Northwest 12th Avenue and described as Tax Lot 629, Section 33BB, T3S, R1E. The applicant is David E. Olson. The Chairman stated that Mr. Olson had approached him prior to the meeting and stated the fireplace for the residence would also protrude into the setback area on North Grant Street. Consultant Edwards made his presentation with a recommendation for approval of a 20 foot setback on North Grant Street. Mr. Olson stated the fireplace would be one foot six inches further into the Grant Street setback, if it were allowed. It was explained to Mr. Olson that due to a typographical error, the Commission has been granting variances from twenty-five feet to twenty feet on corner lots. The problem with this request is that to allow the additional variance of one foot six inches would set a precedent. It was further stated that many times in the past these have been denied and in some cases even caused decks, etc. to be removed. Mr. Olson stated this would be only nine square feet of projection, the fireplace is six feet long and one and one-half feet deep beyond the eve line. There being no further proponents for the application, the Chairman asked for opponents. Troy Grimshaw stated he had asked for a variance and was told it had to meet certain qualifications, and since his didn't he did not pursue it. The Chairman stated that was right and the Commission would get into that part during the discussion. There being no further proponents or opponents, the public hearing was closed.

The Commission re-read the letter submitted from Mr. Olson which addressed itself to the four requirements for granting a variance. Discussion followed regarding the possibility of redrawing the plans and moving the fireplace, because of the precedent that would be set by granting this variance to eighteen feet six inches. The applicant stated the plans could be redrawn, that he was most interested in the placement of the building to face 12th Avenue. \*Commissioner Edgerton moved to approve this request for a 20 foot street sideyard as requested because the City of Canby is making a change in the Zoning Ordinance to change this to twenty feet because of a typographical error which required twenty-five feet on each street side of a corner lot. The motion was seconded by Commissioner Cibula and passed unanimously.

Hearing on Item No. 1 Reopened: Mr. Young informed the Commission that the conditions expressed by the Planning Consultant would be met and no variance would be applied for. The Planning Consultant restated the situation for the Commission, which was that the two accessory buildings be removed and the property on the west side of the tax lot being partitioned be made a part of Tax Lot 1600. Discussion followed regarding the street dedication that took place on the Minor Land Partition of Tax Lot 1600. The dedication is a part of that Minor Land Partition and will still be required. Discussion turned to the twenty-five foot access that Tax Lot 1900 has on S. Township Road. Since this is only used for a single family residence, no action with regarding to surfacing will be taken at this time. More discussion followed regarding accessory buildings and accessory uses. It was determined that an interior yard may be reduced to three feet for a detached accessory structure not exceeding one story and erected 60 feet or more from any street other than an alley. \*Commissioner Edgerton moved the Minor Land Partition be approved as presented subject to Parcel "A" being added to Tax Lot 1600 because accessory building do not require more than six feet and these buildings will only be used as accessory buildings. The motion was seconded by Commissioner Shaw. The motion passed with Commissioner Hulbert voting nay.

Item No. 3: Preliminary Plat of "Schmeiser Tracts" to be located on the North side of South Township Road approximately 450 feet East of South Locust Street and described as Tax Lot 2001 and 2100, Section 33DD,T3S, R1E. The applicant is Anderson - Ritter Realty. The staff presentation was made by Eldon Edwards with a recommendation that the preliminary plat be either denied or tabled for revision, he further stated there should be a street through the subdivision to Township Road. The applicant was represented by Mr. Don McIntosh, who stated that the idea in this subdivision is to provide lots for duplexes. Further, that larger lots could have been provided but the developer did not want large apartment complexes. A discussion by the Commissioner members and Mr. McIntosh followed regarding the density, access to the subdivision (only access to the subdivision is by S. Locust Street and Southeast 4th Avenue), and on flag lots and their ingress and egress. In conclusion, Mr. McIntosh stated they would be willing to redesign the subdivision with some of the ideas that had been brought up during the discussion. \*Commissioner Shaw moved the preliminary plat be tabled. The City Attorney expressed the opinion it should be acted upon, as the Subdivision Ordinance states a decision will be made within 40 days. Commissioner Shaw withdrew his motion. \*\*Commissioner Kahut moved to deny the subdivision as presented. The motion was seconded by Commissioner Cibula and passed unanimously.

Item No. 4: Consideration of a Zone Change from R-1, Single Family Residential, to R-2, Multi-Family Residential, on a portion of Tax Lot 2100, Section 33DD, T3S, R1E. The applicant is Anderson - Ritter Realty. This application was withdrawn by the applicant's representative Mr. Don McIntosh.


Item No. 5: Request for approval of the final plat of "Weygandt's Addition". This proposed subdivision is located on the West side of South Fir Street approximately 400 feet North of Southwest 13th Avenue. The applicant is Richard D. Weygandt. Consultant Edwards made a recommendation of approval as presented. A short discussion was held regarding the need for a one-foot plug on the North and South sides of the excluded property. \*Commissioner Shaw moved the final plat of "Weygandt's Addition" be approved contingent upon placement of the one-foot plug on the North and South sides of the excepted area being placed on the plat and dedicated to the city. The motion was seconded by Commissioner Cutsforth and passed unanimously.

Item No. 6: Proposed application fee changes and additions. The proposed list of fee changes were read and the Chairman asked for opponents. No opponents to the proposal came forth. \*Commissioner Kahut moved the list of proposed fees changes be sent to the City Council with a recommendation for approval. The motion was seconded by Commissioner Shaw and passed unanimously.

Public Works Director Ken Ferguson spoke to the Commission regarding South Locust Street. At the present time, South Locust Street is not a dedicated street. Thirteen people will need to dedicate property in order that it can be fully dedicated street. Mr. Ferguson proposes that South Locust be made a fifty foot street, as there is not enough space to have a sixty foot street. Some discussion followed. By consensus, the Planning Commission approved Mr. Ferguson's plan to propose a fifty foot dedication for street purposes on South Locust from Southeast Second Avenue to South Township Road, to the City Council.

The meeting adjourned at 10:25 p.m.

Respectfully submitted,

  
Virginia J. Shirley, Secretary  
Canby Planning Commission