

Canby Planning Commission
Regular Meeting
March 8, 1978

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

Others Present: City Attorney Roger Reif, Planning Consultant Eldon Edwards, Public Works Director Ken Ferguson, Dick Nichols, Dave Anderson, Don McIntosh, Police Chief Tom Cromwell, Bob Sallee, Larry Dean, Bob Kacalek, Tom Tye, Duane Weeks, and others

The minutes of the Planning Commission meeting of February 8, 1978, were approved as presented to the Commission.

Item No. 1: Request for approval of a Minor Land Partition from one lot to three lots on one acre of property located on the east side of S. Ivy Street just north of the intersection with S. Sixth Avenue and described as Tax Lot 500, Section 4AB, T4S. R1E. The applicants are Burton and Patricia Lindsay. Consultant Edwards gave his presentation and made a recommendation for approval. Discussion followed regarding the paving of the pole portion of the flag lots. By policy, the Commission has been requiring the paving of the pole portion of flag lots. Discussion then turned to the possible proposed street pattern east of Ivy Street. It was determined that no street pattern has been established for the area just east of Ivy Street. The Planning Consultant recommended the pole portion of the flag lot, since it would be serving a single family residence, need only be twelve (12) feet in width. Discussion followed regarding making the pole portion of the flag lot twelve (12) feet in width and requiring full paving of the pole portion. *Commissioner Kahut moved the application for a Minor Land Partition be approved subject to the ingress-egress being twelve (12) feet in width and fully paved. The motion was seconded by Commissioner Cibula. Discussion followed regarding the requirement of only twelve (12) feet in width for ingress-egress. It was stated that emergency vehicles need twelve (12) foot ingress-egress and the width was left to the discretion of the Commission. The motion passed unanimously.

NOTE: After the final item on the agenda had been heard, it was pointed out that under Section 12, Subsection 4, Canby Zoning Ordinance #583, a minimum of twenty (20) feet is required for ingress-egress to property. Twelve (12) feet is all that is required for a one-way street.

Item No. 2: Request for approval of a Minor Land Partition from one lot to three lot on 1.01 acres of property located on the west side of N. Cedar Street across the street from the Elementary School and described as Tax Lot 1003 and a portion of Tax Lot 1090, Section 32D, T3S, R1E. The applicants are Robert A. Kacalek and Robert F. Sallee. Chairman Ross informed the Commission he had a conflict of interest as both of these men worked for him, and would be unable to participate in the hearing of this item. Consultant Edwards made his presentation and gave a recommendation to approve with discussion regarding street development by the Commission. Mr. Kacalek passed out maps to the Commission and stated it was their intention to put in a fully improved street. The improved street is to have a fifty (50) foot right-of-way. The Commission discussed the possibility of placing a one-foot plug

at the west end of the new street being created. Sidewalks will be required the full length of the street on the north side. *Commissioner Shaw moved to approve this request for a Minor Land Partition subject to the following conditions: 1) The fifty (50) foot improved right-of-way be dedicated to the City; 2) The standard street improvements will be required; and, 3) Sidewalks are to be provided on the north side of the new improved street. The motion was seconded by Commissioner Kahut and passed unanimously.

The Chairman called for a recess at 9:02 and the meeting reconvened at 9:10 p.m.

Item No. 3: Request for approval of the final plat of Pettit's Addition No. 2 aka Hideaway Homes. This is located on the west side of S. Fir Street approximately fifty (50) feet north of S. W. Seventh Avenue. The plat contains 9 lots on 2.34 acres of land. The applicant is John Pettit. Presentation by Consultant Edwards with a recommendation of approval. Public Works suggested the street name be changed to S. W. 7th Avenue down to the turn where the street changes from east-west to north-south. *Commissioner Shaw moved the final plat of Pettit Addition No. 2 aka Hideaway Homes be approved subject to the street name change of S. Elm Court to S. W. 7th Avenue to the southerly turn and subject to the plat meeting the conditional approval dated December 14, 1977. The motion was seconded by Commissioner Cutsforth and passed unanimously.

Item No. 4: Request for approval of the preliminary plat of Schmeiser Tracts to be located on the north side of S. E. Township Road approximately 330 feet east of S. Locust Street. The property is described as Tax Lots 2001 and 2100, Section 33DD, T3S, R1E. The applicant is Anderson-Ritter Realty. Consultant Edwards gave his presentation and made a recommendation for approval. Don McIntosh, engineer, stated the two flag lots (Nos. 10 & 17) could be any width the Commission desired. It was the concensus of the Commission that since these lots are in a multi-family zone, the pole portion of the flag lots should be twenty (20) feet in width. It was brought to the attention of the Commission by Mr. Ferguson that the street between S. E. 5th Avenue and S. E. Township Road could be reduced to a fifty (50) foot right-of-way by ordinance. The discussion turned to sidewalks and it was determined they should be located on the south side of S. E. Fifth Avenue and on the west side of the street from S. E. Fifth Avenue to S. E. Township Road. It was determined the north-south street in the subdivision should be named S. Maple Street. *Commissioner Kahut moved to approve the preliminary plat of Schmeiser Tracts subject to: 1) All staff reports, 2) Sidewalks being located on the south side of S. E. Fifth Avenue and the west side of S. Maple Street; 3) The flag lots to have a minimum of twenty (20) feet of street frontage and to be paved the full width; and, 4) The Street to be known as S. Maple Street to be reduced to fifty (50) feet in width. The motion was seconded by Commissioner Edgerton. ** Commissioner Shaw moved the motion on the floor be amended to read that the pole portion of lots 10 and 17 be twelve (12) feet in width and fully paved. The motion was seconded by Commissioner Kahut. Discussion followed on the aspects of fire safety and public welfare, since these lots are located in a multi-family zone. Also, discussion on the number of units that could be placed on the lots. Mr. Edwards informed the Commission that a fourplex could be placed on each of the lots. The question was called for and the amendment to the motion failed. Discussion on the original motion followed regarding the possibility of tenants parking in the pole portion of the lots. It was determined that since this is private property, the parking can not be controlled by the Commission. The question was called for and the original motion passed unanimously.

The Commissioner requested the secretary to schedule, on the earliest possible agenda, a discussion of flag lots - restricting parking on the pole portion, and eliminating the square footage of the pole portion in the computation of the lot size.

Item No. 5: Request for approval of the preliminary plat of Clark's First Addition. The proposed plat is located on the west side of J. Juniper Street approximately 150 feet north of N. E. 13th Avenue and described as Tax Lot 400, Section 33BA, T3S. R1E. The applicant is Martin L. Clark. Consultant Edwards gave his presentation and made a recommendation for approval of the preliminary plat. It was brought up that the only paving to be provided in the plat would be the east-west projection of N. E. 14th Avenue. Tom Tye, representing the applicant, informed the Commission that the owners across the street on N. Juniper (on the easterly side of Juniper) are not ready to develop their property at this time. The City Engineer has requested a Waiver of Remonstrance and the applicant is agreeable to doing this. Discussion followed regarding the approving of half-streets and the fact that the City Council does not approve of them. Commissioner Shaw stated that until the Commission has some official direction by the Council, it is his feeling that it is still open to discussion. Public Works Director Ferguson informed the Commission that Mr. Clark has signed an agreement with the City that the thirty (30) feet for the extension of N. Juniper Street must be dedicated at the time of subdividing or within five (5) years, whichever comes first. Consultant Edwards doesn't feel the street should be developed at the present time, that a Waiver of Remonstrance would be adequate. Commissioner Shaw expressed his feeling that the preliminary plat as shown with six lots and improvement on N. E. 14th Avenue should also include the improvement of the half street on N. Juniper aligning along the frontage of the subdivision for two reasons: 1) We have other subdivisions that are still a problem because the improvements were not put in originally; and, 2) The improvement will never be as economical as it is today, and it is more reasonable to spread the cost over six lots than on two. Discussion followed regarding the dedication of a half-street versus improvements of a half-street. Mr. Clark stated that he didn't want to put in full improvements and then have to rip up the asphalt to put in utilities. Mr. Ferguson stated that a half-street was finished in Pitt's Addition and S. Fir Street and now Weygandt's Addition is going in and there are about four cuts in the pavement. The possibility of barricades on the east end of N. E. 14th Avenue was brought up. The logical thing to do in this case is to use a one-foot plug on the easterly boundary of the property. The discussion turned to sidewalks within the subdivision. It was determined that sidewalks should be placed on the south side of N. E. 14th Avenue to correspond with the subdivision to the west. *Commissioner Kahut moved to approve the preliminary plat of Clark's First Addition subject to the following conditions: 1) All staff reports within the file; 2) Sidewalks to correspond with Grace Addition to the west; 3) Dedication of thirty (30) feet on the east boundary of the property for the extension of N. Juniper Street with a one-foot plug the entire length of the property on the east side of the projection of N. Juniper Street. The motion was seconded by Commissioner Cibula. Discussion followed and it was determined that in the staff report from Mr. Ferguson the word "or" in condition No. 1 should be struck from the condition, and the one-foot plug on the east side of the thirty (30) foot dedication should be labeled a non-access strip. The motion passed with Commissioner Edgerton voting in opposition.


Item No. 6: Request for approval of the preliminary plat of Weber's Acres. The proposed plat is located on the west side of S. Ivy Street between S. W. Sixth Avenue and S. W. Seventh Avenue and described as Tax Lots 4400 and 4500, Section 4AB, T4S, R1E. The applicant is Canby Realty. Consultant Edwards gave his presentation and made a recommendation for approval of the preliminary plat contingent upon the cul-de-sac being a temporary cul-de-sac. The present cul-de-sac could only be approved if it is determined that it is only a temporary cul-de-sac. Discussion followed regarding the possibility of the street being extended either in a westerly manner to S. Fir Street or north to S. W. Sixth Avenue. The homes located between the proposed subdivision and S. Fir Street will probably be in the same location for a good number of years as they are in good condition and not too old. The only other possibility being to acquire a lot and bring the road through to S. W. Sixth Avenue. This possibility is up to the developer. Mr. Tom Tye, representing the applicant, addressed himself to the problem and stated he didn't feel there was any other method of development other than that shown on the preliminary plat. Discussion continued regarding the possibilities that were open to the developer that would enable him to develop the property and not have a permanent cul-de-sac over 450 feet in length, which is the maximum allowed by the Subdivision Ordinance. *Commissioner Shaw moved the preliminary plat of Weber's Acres be denied because it doesn't conform to the Subdivision Ordinance and evidence has not been presented that it is not a permanent cul-de-sac. The motion was seconded by Commissioner Hulber and passed unanimously.

Item No. 7: Mr. Lawrence Dean appeared before the Commission regarding his Upholstery Shop which is located on Knights Bridge Road. Mr. Dean had applied for a Conditional Use Home Occupation Permit for the upholstery business, however since the business is located in an accessory building, it can not be classified as a home occupation. After Mr. Dean had explained his problem to the Commission, it was the concensus of the Commission that he should apply for a one-year temporary conditional use permit and search for a permanent location for his business during that period of time.

There being no further business before the Commission, the meeting was adjourned at 11:25 p.m.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission