

Canby Planning Commission  
Regular Meeting  
April 12, 1978

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

Others Present: Planning Consultant Eldon Edwards, City Attorney Roger Reif, Police Chief Tom Cromwell, Richard Mosier, Dick Nichols, Gene Sallee, Bob Kacalek, James Hall, Ron Dole, Marcella Lawrence, Jim Warren, Glenn Grand representing Globe Union, Sonya Blackston, Linda Bair, Tom Rahn, Darrell Blake, John Harpster, John Dryden, Jim Eastman, Hugh Harper, Darrell George and others.

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

Chairman Ross stated there were several public hearings on the evenings agenda and the Chairman or the Chairman in charge of the public hearings will open the particular hearing and the Planner will give his input, the Commission will ask questions of the Planner and after the questions the public hearing will be opened with the proponents and those wishing to speak for the application - the applicant will then present his case. After the proponents have had their chance to speak then the opponents will have their chance to speak. Please do not be repetitious, but if you have something to add to the testimony please speak. The Chairman also informed those present that Item No. 5 would be moved up to Item No. 3 in order. These are very weighted items and there will be several conflicts of interest this evening due to business relations. Those people on the Commission who do have a true conflict of interest, please state your conflict and remove yourself from your chair and do not participate in the discussion. In order to conduct the meeting in an orderly fashion, the gavel will be passed to the City Attorney Roger Reif and he will conduct the three hearings this evening as I (Chairman Ross) have a conflict of interest on the Minor Land Partition, the first Variance and Item No. 5 which has been changed to Item No. 3 on the agenda.

City Attorney Reif took the gavel and noted that he was not a voting member of the Commission and is only allowed to conduct the meeting because of the conflict of the Chairman. There will be six members voting unless there is further conflicts. Commissioner Cibula stated that he felt he had a conflict on this particular item and would therefore be not participating in this hearing. Mr. Reif further stated that should a tie take place the item would have to be denied as he could not break a tie vote.

Item No. 1: Request for a Minor Land Partition of 1.22 acres into two parcels. This property is located on N.W. Territorial Road approximately 520 feet East of North Birch Street and is described as Tax Lot 809, Section 32AA, T3S, R1E. The applicant is Richard Mosier. Chairman Ross and Commissioner Cibula are not taking part due to a conflict of interest. Consultant Edwards gave his presentation and made a recommendation of approval contingent upon the satisfaction of the plot plan requirements as stated in the March 13, 1978, letter from Bruce W. Henderson, of the Clackamas County Department of Public Works, and a

twenty (20) foot dedication in of the property on Territorial in keeping with the City Ordinance which designates Territorial as a probable eighty (80) foot right-of-way to make it even with the rest of the area. Discussion followed regarding the extension of any street that could go through it. It was determined that this property would probably not be affected by any North-South street through as there is a nursery in the area. Some discussion followed on the pole portion of the flag lot and paving for it. It was determined that there should be at least twelve (12) feet of paving the length of the newly created lot. Mr. Mosier stated that when the plan was drawn up the twenty (20) feet of dedication was not considered and proposed that as an alternate to going twenty (20) feet to the south that they use fourteen (14) feet of the pole portion of the back lot for the proposed new lot. He also stated that it was acceptable to just go an additional twenty (20) feet deeper into the lot for the creation of the new lot. The Consultant was in agreement with this plan which would make the newly created lot 100' x 125' and give a twenty (20) foot dedication for the widening of Territorial Road. Some discussion followed and it was suggested that all buildings be kept clear of the forty (40) feet ingress-egress back to Tax Lot 811. The Consultant stated that he felt it would be better to make the lot deeper to achieve the required twenty (20) feet of dedication rather than taking property from the pole portion of the lot. Also, the pole portion of the flag lot should be paved at least for the length of the new lot. \*Commissioner Shaw moved the application for a Minor Land Partition by Richard Mosier for Tax Lot 809 be approved subject to the following conditions: 1) Twenty (20) feet of right-of-way be dedicated along the total frontage of Tax Lot 809 to the City; 2) The application be modified by shifting the proposed new lot twenty (20) feet to the South to account for the twenty (20) feet of dedication; 3) The twelve (12) foot driveway be paved from Territorial South, the length of the newly created lot; 4) That the neck not be built upon; and, 5) All staff reports including the March 13, 1978, letter from Bruce Henderson be met. The motion was seconded by Commissioner Hulbert and passed unanimously.

Item No. 2: Request for a Variance to setback requirements of Canby Zoning Ordinance on property located on the Southwest corner of South Elm Street and Highway 99-E and described as Tax Lots 6500, 6600, 6700 and 6800, Section 33CC, T3S, R1E. The applicant is Commercial Stockholders, Inc. Commissioner Shaw stated that the architectural firm which he works for is doing the drawings and therefore he has a conflict of interest and will be unable to participate in the hearing of this Variance. The members who will be hearing this item are Commissioners Edgerton, Kahut, Cibula, Cutsforth and Hulbert. The Commissioners with a conflict are Commissioners Ross and Shaw. The Planning Consultant gave his presentation and made a recommendation of approval subject to a five (5) foot dedication on South Elm Street. The question of traffic flow came up. It was suggested that "no parking" signs be placed on at least one side of South Elm and possibly on both sides. Gordon Ross, representing Commercial Stockholders, stated the project would be called "Cedarwood Square". He passed out some additional statistics to the Commission members regarding setbacks of other businesses located on Highway 99-E. They have two requests in this Variance: 1) To reduce the setback from forty (40) feet to twenty (20) feet on Highway 99-E which would make the building thirty-five (35) feet from the curb; and,

2) Asking for 0' setback which would be five (5) feet from the curb. Mr. Ross then read his presentation which is part of the file. They will be using the present curb cuts. Further stated that the plan presented is not necessarily the plan that will be used for the new shopping center. Some discussion followed with the applicant concerning the proposed ingress-egress, the 0' setback on S.W. 2nd Avenue. The Acting Chairman asked for proponents and none came forward. He then asked for opponents. Chief Cromwell came forward stating that his concern was with the zero variance requested on S.W. 2nd Avenue. Further stated that if the existing map stays as is, it will be great and there will be no problem. However, if the Variance is granted and they continue the building to Elm there will be a mess as far as traffic is concerned. He requested there be no further building in an easterly direction than is shown on the map in the file. Mr. Ross stated that he was in agreement with Chief Cromwell and that he only wanted the 0' setback on S.W. 2nd Avenue on that portion of Tax Lot 6500 fronting on S.W. 2nd Avenue, which would be about 100 feet. The Chairman closed the public hearing and that there are two Variances to be considered this evening. One is on 99-E and the other on S.W. 2nd Avenue. The Variance on 99-E will be considered first. Discussion followed regarding how many such Variances have been granted in recent years, and if a forty (40) foot setback is needed on Highway 99-E. The Planner informed the Commission the original reason for such a setback was probably to insure the available property in case the state would need to widen the highway through Canby. A Variance is used to give somebody in an area the same kind of right as are enjoyed by other people, regardless of how other people got them. In this case it is partly because of the industrial zone wrapping around the site and partly because of pre-existing buildings. \*Commissioner Cibula moved that the forty (40) foot setback on Highway 99-E be reduced to twenty (20) feet and the findings of fact are the staff reports and also the purpose of having a variance is to provide the property owner with the same or similar rights enjoyed by others. The motion was seconded by Commissioner Kahut. Commissioner Edgerton moved to amend the motion to read for only the frontage of Tax Lot 6500. The motion to amend the motion was seconded by Commissioner Cibula. There was no discussion on the amendment to the motion and the amendment passed unanimously. There being no further discussion on the motion as amended, the question was called and the motion as amended passed unanimously. The Chairman called for discussion on the second part of the Variance request, which is S.W. 2nd Avenue. The Chairman also reminded the Commission they had not discussed the requested five (5) foot dedication on South Elm Street. The applicant was asked what type of plantings were being considered for S.W. 2nd Avenue and South Elm Street, and the applicant assured the Commission they would only be low plantings and would not be sight-obscuring. The Planner expressed some reservations regarding the proposed ingress-egress next to the building on S.W. 2nd Avenue. The applicant stated that it was placed in that position to enable truck traffic to use the secondary street for loading and unloading. Police Chief Tom Cromwell came forth and stated that if you are going to discuss the ingress-egress pattern of this development you can run into numerous problem because of the traffic light on Elm and 99-E. \*Commissioner Kahut moved the Variance from forty (40) foot to 0' foot be granted on the Southwesterly portion of this development

only on Tax Lot 6500, and the developer dedicate five (5) feet on the West side of Elm for the full length of Tax Lot 6700 and 6800. There are the same findings of fact as on the previous motion. The motion was seconded by Commissioner Edgerton and passed with Commissioners Edgerton, Kahut, Cibula and Cutsforth voting for the motion and Commissioner Hulbert voting against the motion.

Item No. 3: Request for an Interim General Plan amendment from LI, Light Industrial, to MR, Medium Density Residential, and a Zone Change from R-1, Low Density Residential, to R-2, Medium Density Residential, of property located West of North Cedar Street, South of N.W. Sixth Avenue and immediately North of the Globe Union property. This parcel is described as Tax Lot 1002 and a portion of Tax Lot 1090, Section 32D, T3S, R1E. The applicants are Bob Kacalek and Gene Sallee. Commissioner Shaw has rejoined the Commission for the hearing of this item. Chairman Ross has abstained from this item due to a conflict of interest. The Consultant made his report to the Commission and made a recommendation of approval of this application with the following conditions. The Residential traffic circulation plan for the property in question, and the adjoining properties be submitted to the Planning Commission for approval prior to the issuance of building permits. The applicants were represented by James E. Hall, Planning Consultant. He asked that the letter report which accompanied the application be made a part of the record. He then went through the report speaking to soils, sewers, water, streets, schools, vacancy rates in multi-family developments, development trends, Canby Interim General Plan, C.R.A.G., and L.C.D.C. Goals for development. He presented housing statistics and spoke to the letter in the file from Globe Union. City Attorney Reif acting as Chairman, read the letter in the file from Globe Union into the record. Mr. Hall was asked how much more taxation would occur if the property were Zoned Industrial rather than multi-family. Mr. Hall stated he would be unable to answer the question because if it were used as a parking lot the taxes would be very low. Mr. Cibula asked if it were not true that the price was approximately 29¢ per square foot for raw land. Mr. Hall stated he did not know where the figure came from. Mr. Cibula clarified that this would be for industrially Zoned Land. Mr. Hall stated that this would probably be a low figure. This was brought up because the question of taxation came up in the report with regards to multi-family, Mr. Cibula went on, but one of the needs in Canby are for more taxation base to assist the school district. Ask further, would it not be a better public need to have this piece within the Light Industrial? Mr. Hall answered no - you have a housing need here, you have a need for multi-family housing, after establishing the need you look to the best locations to provide what is needed. Further stated the property in question was the most right parcel to provide the needs. Must look at what it will do to adjacent properties - this particular piece of property provides a buffer between Industrial and Low Density Residential - it provides a screen between the two. Take the other alternative of Light Industrial Uses - you then have a problem of some significant traffic problems for that piece of property, if it is purchased by anybody other than Globe Union. How are they going to get out of there - they will get out of there via Cedar Street or else going over to Baker and traveling down the twenty (20) foot public road. The Acting Chairman asked for proponents and asked that they stand and state their name and address for the record. Gordon Ross, speaking as a realtor and not address anything but the economics. As he had stated earlier he has a conflict of interest because the gentlemen asking for the Zone Change are employed by him. His concern is for people owning a single family residence abutting next to Light Industrial be-

cause of uses allowed in an Industrial Zone. The property values go to zip. Feels this is a consideration that the Commission should take a long look at - what will happen to the property values in the area. Bob Kacalek, one of the applicants, stated they had asked Mr. Hall to represent them because he is very qualified and has much experience in Land Use Planning. This property has been idle for quite some time and they look upon it as something they can provide that Canby needs. Has built other projects in the area and try to keep them eye appealing and conducive to good living. Would like to continue on this piece with multi-family and feels that by providing a buffer of multi-family it will actually help the area. There being no further proponents, the Acting Chairman asked for any opponents. Sonya Blackston - 880 N.W. 6th Avenue - Stated she didn't receive notification. City Attorney Reif stated that notification had been sent to property owners and that anyone could file an appeal. If anyone felt their rights had been violated they could appeal the results of the hearing to the City Council. If there is an appeal and you get a notice, tell your neighbors about it. Jim Warren - 1005 N.W. 6th Avenue - has money in his privacy and backyard and feels he would take a loss if this developed into a two-story arrangement. Can't build a fence high enough to keep people from looking in, just as soon have a smoke stack. Wants to keep his privacy. Linda Bair - 955 N.W. 6th Avenue - feels there would have been a difference if the survey of apartments had been taken in Canby as they are different, as they have more children. Has no objection to being close to Globe Union and would have no objection to the property in back continuing as Light Industrial. Doesn't feel a buffer is needed - doesn't like the idea of apartments. Ron Dale - 1000 N.W. 6th Avenue - apartments, rental apartments, the owner is living in a remote part of town he is not supervising the property, you find scrap cars and dogs running at large. It would be unsitely for those living behind the apartments. Feels a Light Office Industrial does not produce children or dogs to run at large. Marcella Lawrence - 517 N. Baker - Residential causes a traffic problem - if it is Light Industrial they will have to come out on Baker Drive and would rather have that than people going in and out at all hours of the night. Mr. Reif stated that property is presently Zoned for Single Family Residential and there is no proposal at this time to change the property to Industrial. Glenn Grand, representing Globe Union, and stated they have no intentions of purchasing the property in question they try to be good neighbors - prior to construction of the apartments to the East of Globe Union there was relatively no complaints from any of the property owners regarding noise, traffic or anything else. After the apartments went in the complaints came up. The point is that they would like to avoid that - feels that property in question could best serve the community as Light Industrial. Wayne Cox - 610 N. Birch - He is about two hundred yards from the back of Globe Union and so far Globe Union has been a good neighbor as there is no noise problems. Believes there would be more noise problem and less neighborly atmosphere with multiple dwellings and the comment made that the area has been surveyed and various surveys taken that there is very little or no other land available for multiple dwellings - finds that hard to believe. Also the comment was made that if that area went into Light Industrial the value of the adjacent property owners would decline - wonders what would happen with multiple dwelling units. No one who lives next to multiple dwelling units is happy about it. Tom Rahn - 725 N.W. 6th - Questioned statistics believes the single family is filling up just as fast as the multi-family. No matter what is built on the

property it will be used and as a property owner, would like to see it used to his advantage. Darrell Blake - 650 N.W. Baker - Believes that if the property was Zoned Multi-Family as contended, the people buying on Sixth wouldn't have been so anxious to buy there. Look around at the apartments and people have tried to move away from them. Feels a buffer is needed between apartments and single dwellings as much as is needed between Residential and Industrial. Hohn Harpster - 194 S. Elm Street - has been apartment dweller and feels there is a better place to live. Feels the same survey in Oregon City would show the same results. Knows that 90 percent of the people who live in apartments in Canby don't work in Canby. Do we really need to build more apartment to provide housing for people who work in other cities. The need for development of the area is for jobs here for the residents of Canby. John Dryden - 905 N.W. 6th - Hopes the Commission can not be swayed by figures - figures can be used for anything you want them to be used for. He had investigated before he bought his property and knew the property was Zoned Single Family. Stated the restrictions on their residences. Told just what their neighborhood is to look like and trys to cooperate, doesn't desire to have five Residential units on a lot the size of his lot. Jim Eastman - 885 N.W. 6th - Back yard faces Globe Union and doesn't mind that - was aware of it when he bought the residence - would like to keep it as it is presently. There being no further opponents, Mr. Hall was given time for rebuttal. At this time, he tried to answer each of the opponents that appeared before the Commission and spoke regarding the Interim General Plan Amendment and Zone Change. City Attorney Roger Reif, acting as Chairman, closed the public hearing. Before the discussion started, Mr. Reif informed the Commission that last week a Supreme Court case down against the City of Durham, located over by Tualatin, said that in the City of Durham they tried to raise their residential density, from 7,000 square foot minimum lot and the Supreme Court said they did not consider Goal 10 of the L.C.D.C. requirements and they had to take into consideration the needs of the community for lower cost housing to supply this. This should enter into your decision tonight. First of the Commission is to consider the Interim General Plan Amendment because if the Interim General Plan fails, there is no way you can allow the Zone Change must be in conformance with the Interim General Plan. Please confine your discussions to the Interim General Plan Change. Mr. Cibula asked if they were to consider that this property is considered Light Industrial in the Interim General Plan. He further stated that recently in the Canby Newspaper and a task force was set up with the intention of bringing more industrial, more industry, into the City of Canby. The City of Canby feels that we have a tremendous amount of residential dwellers, therefore, he feels that the public feels that the public need has not been established by the presentation tonight concerning this particular property. Feels there is a far greater public need for Light Industrial Use, and there would be less water useage and we will be addressing water useage in the future in Canby. There would be greater taxation benefits for the school. We have just approved a twenty lot multiple complex on the South side of town. So, feels Canby is doing their very best to accommodate housing. Disagrees wholeheartly with the concept that apartment dwellers are second class citizens. Also feels the Commission must address another need that L.C.D.C. dictates - transportation. In light of all these facts, does not feel a public need has been established. \*Commissioner Cibula moved to deny the Interim General Plan Amendment on the subject site

from proposed Light Industrial useage to a medium density useage. Does not feel that the application sufficiently has satisfied all fourteen of the L.C.D.C. goals and does not feel the application has definitely established the public need and feels there are other available properties. The motion was seconded by Commissioner Kahut. Commissioner Kahut stated that in the Interim Plan it is proposed as Light Industrial. We talk about putting a buffer of apartments in there but can't believe it would be better to take proposed Light Industrial from presently someone's back yard. Mr. Reif read to the Commission the Light Industrial uses that could be placed on the property. Commissioner Shaw wanted to know the restriction on the setback from Single Family. It was answered that it was five (5) feet. Any one of those uses could be built within five (5) feet of the property line. Commissioner Cibula feels that it should be brought to light that even though there are diverse uses under Industrial there are Governmental Regulatory Agencies to make sure the proper deseminatation and any noxious problems are controlled. Generally these particular uses are only during the day - not at night. Commissioner Shaw one of the things that is of concern is that some people feel that Light Industrial is one thing and the Ordinance is something completely different. Doesn't want the people who feel the Industrial means there will be a doctor's office on the property or an insurance office or something like this, when, in fact, that is not Light Industrial at all. Light Industrial as read by Mr. Reif throws a completely different light on what was discussed earlier, about what possible uses could be on the property. What was read would be far more disagreeable use against either Multi or Single Family Residential. There are other points in the motion - one had to do with other available land in the city. Not speaking to the need to establish more R-2 land, but in looking at the zoning map there is essentially no or very little land that has not either been subdivided or already built upon in the City of Canby. The question has been raised by the audience and by the Commission that there is R-2 land available and does not believe that is necessarily true. That would need to be proven one way or the other. Commissioner Edgerton stated he had seen communities where Multi-Housing blends in very good with Single Family Housing by the fact that they do not take big areas of land and say this is going to be Multiple Housing. They take only small areas. This way you do not get big blocks of Multiple Housing areas such as we have in Canby. In the area that was discussed in the report, Westwood Area, have been there and there is quite a few Multiple Housing but there is also Single Family dwellings mixed among them and so this way they don't get a heavy concentration in one spot. Feels the City of Canby should change their method of making big areas of certain types of housing. So, if we do need Multiple Housing does not agree to put it all in one area. Commissioner Shaw has a problem with the reasons for the motion. Does not necessarily disagree with the motion. Thinks the Commission needs to discuss whether Multiple Family Housing or housing of any type is suitable buffer, whether it should be a buffer at all between Residential and Industrial which is the key issue. Also the Commission must consider this individual piece of property has a certain uniqueness about it which every piece of property does. One of the things about it is the access and the traffic pattern it would create if it was developed one way or the other. The other is the geometry of the property which is very long and narrow and whether it is even realistic to believe that it will be developed in a Light Industrial manner unless the property is attached to an

existing piece of Industrial property such as the Globe Union Property which a representative of Globe Union said this evening they are not interested. Realizes their interest could change, but the testimony was given that they are not interested. You would have to then assume that the piece in question would have to be purchased or developed by someone as Industrial property in the geometry that exists. Commissioner Edgerton stated that from what he has observed of Globe Union they have been very good neighbors. Commissioner Cibula stated that since only the Interim General Plan Amendment is being considered at the present time, what Commissioner Shaw addressed himself to was not pertinent to the Interim Plan Change. They can only address themselves to whether the Interim Plan is correct or not correct. Commissioner Shaw stated they could change the Interim Plan to be buffer. Commissioner Cibula expressed that the proposal is not so much to change it to a buffer because he is in disagreement with apartment house people as buffers. Further stated that he did not feel that sufficient public need established tonight to show that we need more Residential Housing particularly in this area. This is all that can be discussed at the present time. Has there presentation to show that there will be an Interim Plan Change which is completely separate as to whether that particular property should be Zoned Residential or should be Zoned Commercial or should be Zoned something else. We have already concluded that the Interim Plan is Industrial and we must address ourselves to that problem. Commissioner Shaw wanted to know if he was saying was that it had not been shown there is a need for more Residential property in the city. Commissioner Cibula stated that was correct. Not for that particular piece of property to be considered anything other than what the Interim General Plan designates it as. He is saying there has not been sufficient need established that the Interim Plan should be changed to incorporate that particular strip as something other than what we established it in the Interim General Plan. Commissioner Edgerton requested the motion be re-read. Before this was done, Commissioner Shaw stated his concern that it has been brought out that there is not sufficient evidence Residential property is needed in the city. Commissioner Cibula stated this was not the point, the point is he doesn't feel there has been sufficient evidence brought out that this particular piece of property should be made anything other than what it is included in the Interim General Plan. That does not say that we have to much or that we don't have enough Residential property in the City of Canby. Commissioner Shaw thought Mr. Hall had presented evidence of a need for Residential property in the City of Canby and also a need for Multiple Family Residential in Canby because of the cost of housing. What further evidence is needed. Commissioner Cibula stated we must address ourselves to what the City of Canby's need. When there is an editorial in the paper, when there is a task force that has been promoted by the Chamber of Commerce to not only look for industrial people but to help them on Industrial Areas - that establishes that there is a greater need for Industrial property, particularly if it is covered in the Interim General Plan rather than to convert it to something other than what the City of Canby is looking for. This is part of my motion - I put the citizen's task force and I put in the fact that there was an editorial in the Canby Herald specifically talking about taxation, specifically thinking in terms of water problems because of the influx of Residential dwellers and the uses the Light Industrial has been proven to be a lesser user of water and sewer - not Heavy Industrial but Light Industrial. Don't feel the public need part of the application has been determined by the presentation. Does not feel the applicant has answered all



fourteen of the L.C.D.C. Goals and Guidelines, one of which is the public need of the community. Mr. Reif read the motion on the floor to deny the application for amendment of the Interim General Plan because of the following reasons.

1) The applicant did not prove there was a public need. 2) He did not prove the application was in conformance with the fourteen Goals and Guidelines of L.C.D.C. 3) The applicant did not prove there was not other available property in the City of Canby. There being no further discussion Mr. Reif asked for a roll call vote. Commissioner Edgerton - Aye; Commissioner Kahut - Aye; Commissioner Cibula - Aye; Commissioner Shaw - Nay; Commissioner Cutsforth - Aye; and Commissioner Hulbert - Aye. The motion to deny carried with five voting Aye and one voting Nay.

\*Commissioner Shaw moved the Zone Change application be denied on the basis that it is not in conformance with the Interim General Plan. The motion was seconded by Commissioner Cutsforth. Mr. Reif called for a roll-call vote: Commissioner Hulbert - Aye, Commissioner Cutsforth - Aye, Commissioner Shaw - Aye, Commissioner Cibula - Aye, Commissioner Kahut - Aye, and Commissioner Edgerton - Aye. The motion for denial carried unanimously.

After a short recess, City Attorney Reif turned the gavel back to Chairman Ross who had sit out the previous three public hearings. The meeting resumed with the public hearing for a Variance requested by Rufus Kraxberger.


Item No. 4: Request for a Variance to sideyard setback requirements of Canby Zoning Ordinance on property located on the West side of North Oak Street approximately 400 feet North of N.E. Tenth Avenue and described as Tax Lots 319 and 320, Section 33AA, T3S, R1E. The applicant is Rufus Kraxberger. Consultant Edwards gave his presentation and made a recommendation for approval. There were no proponents and no opponents to this request. The Commission held a short discussion regarding the two walkways to Maple Street Park off of North Oak Street. One being located on the North end of Tax Lot 211 and the other being located between Tax Lot 319 and Tax Lot 320. \*Commissioner Hulbert moved the setback Variance from ten (10) feet to six (6) feet on the North side of Tax Lot 320 be granted and the findings of fact will be Mr. Kraxberger's application. The motion was seconded by Commissioner Cutsforth and passed unanimously.

Item No. 5: Request for approval of a preliminary Industrial Subdivision plat containing six lots on 8.16 acres located on the South side of Highway 99-E and East of South Pine Street and described as Tax Lot 400, Section 34C, T3S, R1E. The applicant is Canby Enterprises. Commissioner Hulbert excused himself from the hearing of this item as he has a conflict of interest. Consultant Edwards gave his presentation and made a recommendation of approval contingent upon the dedication of twenty (20) feet on the East side of South Pine Street. Dave Anderson, representing Canby Enterprises, stated that Mr. Ferguson's recommendation to the Commission recommended paving 39½ feet of South Pine Street the length of the property. Canby Enterprises is willing to curb the East side of South Pine the length of the property and are also willing to pave (20) twenty feet. South Pine Street is an existing city street in poor condition. They are willing to dedicate the (20) twenty feet. Feels it is unfair to be asked to pave the entire width of the existing city street. This is not a new street being created and that in all fairness the city can't ask for more than paving of half of the

street. The Chairman stated the city does not accept for maintenance any street that is not dedicated to full width, and presently there is only a twenty (20) foot dedication on South Pine Street. The discussion turned to half-streets and the development of them, and if a half street is not going to be developed the only alternative would be to run a short street down the middle ending with a cul-de-sac. This would be bad because you would be ignoring Pine Street and not giving it any improvement. Pine Street does lineup somewhat with the street across to the North and could be used for part of the thoroughfare. Discussion followed regarding the amount of paving that would be required on South Pine Street. No decision reached at this time. The applicants stated they would agree to thirty (30) foot setback from Highway 99-E, although the ordinance does not require it. Discussion returned to the proposed right-of-way, and no conclusion was reached. \*Commissioner Edgerton moved to table this request for additional information from the Public Works Department. The motion died for lack of a second. Discussion returned to the dedication of right-of-way on the West side of the subject property, and the applicant stated they are willing to deed thirty (30) feet on the East side of Pine Street and pave thirty (30) feet. This will give paving to the centerline of the road and the curb will be ten (10) feet from the property line. Discussion returned to half-streets with no conclusion. City Attorney Reif informed the Commission they should send it to the City Council if they are unable to make a decision. \*Commissioner Shaw moved to approve the preliminary plat subject to dedication of thirty (30) feet of right-of-way on the East side of South Pine Street the entire length of the property, subject to a thirty (30) foot setback along Highway 99-E, subject to the access driveway on the Southerly most lot being paved upon development of that lot, and subject to the staff reports. This motion is based upon the fact that South Pine Street is to be an arterial by the Interim General Plan and eighty (80) feet of right-of-way is required. The motion was seconded by Commissioner Edgerton. The record is to show the paving is to begin at the center line of South Pine Street and curbed thirty (30) feet over with the additional ten (10) feet to be reserved for future right-of-way. The motion carried with Commissioner Kahut voting in opposition.

Item No. 6: Consideration of the proposed annexation to the City of Canby of property located on the West side of North Maple Street and South side of N.E. 22nd Avenue at the intersection, and described as Tax Lot 100, Section 28DB, T3S, R1E. The applicant is Gro-Enterprises, Inc. \*Commissioner Shaw moved to table this request until the special meeting of April 26, 1978, because of lack of sufficient information to make a determination. The motion was seconded by Commissioner Cibula and passed unanimously.

This meeting has been recorded on tape.  
Respectfully submitted,

  
Virginia J. Shirley, Secretary  
Canby Planning Commission