

Canby Planning Commission
Regular Meeting
July 12, 1978

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

Member Absent: Commissioner Edgerton

Others Present: Planning Consultant Rod Shoemaker, City Attorney Roger Reif,
Martin Clark, Robert Hill, Hugh Harper, Dick Nichols, Betty
Lundsten, Peter Kelley, Art Goglin, and others.

The minutes of the meeting of June 28, 1978, were approved as presented.

Item #1: Request for a Variance to use two private driveways which require paving for adjoining lots. The proposed variance is requested in the subdivision of Popp's Addition Annex No. 1, and the applicant is Martin Clark. Consultant Shoemaker gave his presentation with a recommendation for approval with a living screen to be installed at the rear property line of lot 1. This variance is for the required paving of the two flag lots. Martin Clark stated that he would like to pave thirty (30) feet of the two accesses and then use the same thirty (30) feet of paving to service the duplexes rather than make another curb-cut in the cul-de-sac. He further stated that he would be willing to put up a living fence. The Chairman called for opponents and name came forth. The Chairman closed the public hearing. Some discussion followed regarding the number of units the driveway will serve. It was determined the driveway would serve four units - two single family dwellings and one duplex. The question arose as to who would maintain the roadway. Mr. Clark stated that the owners of lots 2 and 3 because it is private property, or something could be written into the easement that they would maintain the driveway. The Commission was in agreement that provision for maintenance of the thirty (30) foot paved driveway should be written into the easement agreement. Discussion followed regarding the four requirements for granting a variance. It was determined that these requirements had been met. *Commissioner Kahut moved the variance be approved for thirty (30) feet of paved driveway on lots 2 and 3 of Popp's Addition Annex No. 1, rather than the required forty (40) feet of paving as we have two back to back flag lots that would require an exorbitant amount of paving. The motion was seconded by Commissioner Hulbert and passed unanimously.

Item #2: Reconsideration of the street width requirement of S. Pine Street and proposed location of proposed major arterial as shown on the Interim General Plan Map. Consultant Shoemaker re-read the staff report of the first meeting when the Planning Commission considered the subdivision of "Canby Park East Phase I. Commissioner Hulbert stated he had a conflict of interest in this matter. Consultant Shoemaker further explained to the Commission that under Ordinance #608, which is the Interim General Plan, the map is very general and not to be used for the requirements of exact streets regarding the width, location and improvements. He then showed the Commission where the streets would go if this were exact. This would place the arterial on a diagonal through the property in question. However, based on the map, S. Pine Street is a collector street and would require a sixty (60) foot right-of-way. The Chairman stated that the next step in order to adhere to the subdivision ordinance is to establish how much development is taking place

on this sixty (60) foot - full street development, half-street development or whatever. The Consultant stated that at the last Planning Commission meeting there was discussion of thirty (30) feet of dedication and paving to the center-line. The Chairman stated that it had been established that S. Pine is to be a sixty (60) foot right-of-way rather than an eighty (80) foot right-of-way. The motion of the Commission on June 28, 1978, was that Phase I of Canby Park East be approved subject to a thirty (30) foot setback on 99-E, dedication of thirty (30) feet along South Pine Street the length of Lot 1, and the paving of thirty-nine (39) feet west of the ten (10) foot curb-line and subject to all staff reports. Basically, what is needed tonight is clarification of the eighty (80) foot or sixty (60) foot right-of-way for industrial or commercial streets. The Chairman further stated that the action taken on June 28th requiring thirty (30) feet of dedication should be reduced to a dedication of twenty (20) feet, and then the paving requirements would still be basically the same. This would mean that we don't have ten (10) feet of street property behind the curb. Discussion followed regarding the width of the street that was presently needed, the need for setback from the curbline, and the amount of paving that would presently be required. The City Attorney stated that at the last meeting the Public Works Department recommended thirty-nine (39) feet of paving, and discussion should be held on whether the Commission does want that much paving or not. Commissioner Cibula stated that he felt the Public Works recommendation was based on an eighty (80) foot right-of-way being required. Additional information tonight has established that only sixty (60) feet of right-of-way is required. The Consultant stated that Mr. Ferguson had made the statement that the city will not accept substandard streets for maintenance. Therefore, it would be the developers obligation to maintain the street. The question was raised that if we go with thirty (30) feet of paving, what if the adjacent property owner came in and wanted a zone change on the property to the west, will we ever get the full dedication if he feels that the thirty (30) foot of paving is adequate for his purposes? This could be controlled through the building permit - construction would not be allowed to occur until this was taken care of. The feeling was expressed that the city should have some monies for use in condemnations, but we don't have it at this time. The Chairman of the Commission stated that the maker of the original motion would need to make a motion to bring the decision back onto the floor. *Commissioner Shaw moved to bring the decision of the Planning Commission meeting of June 28, 1978, on the Phase I of Canby Park East subdivision back onto the table. The motion was seconded by Commissioner Kahut and passed with Commissioner Hulbert abstaining due to a conflict of interest. *Commissioner Shaw then moved to amend the previous motion of June 28, 1978, concerning Canby Enterprises and the development of S. Pine Street in the following ways: 1) Dedication shall be reduced from thirty (30) feet to twenty (20) feet off the westerly property line; 2) There shall be paving twenty (20) feet to the east of the center of S. Pine Street and ten (10) feet to the west of the center S. Pine Street; 3) Paving of three-quarters of the cost of S. Pine Street is fair to the City of Canby and the applicant, because it is being developed as industrial property; 4) The City needs a minimum of thirty (30) feet to

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support industrial traffic on S. Pine Street. The motion was seconded by Commissioner Cutsforth and passed unanimously. Commissioner Hulbert did not vote due to a conflict of interest.

The meeting adjourned at 9:55 p.m.

This meeting was recorded on tape.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission