

Canby Planning Commission
Regular Meeting
August 23, 1978

MEMBERS PRESENT: Vice Chairman Hulbert, Commissioners Kahut, Edgerton, Shaw, Cutsforth and Cibula

MEMBERS ABSENT: Chairman Ross

OTHERS PRESENT: City Attorney Roger Reif, Planning Consultant Rod Shoemaker, Dave Anderson, Don McIntosh, Martin Clark, Attorney Mark O'Donnell, Councilman Swayze, Councilman Westcott, and Public Works Director Ken Ferguson

In the absence of Chairman Ross, Vice Chairman Hulbert conducted the meeting. This was made a matter of record.

The minutes of the Planning Commission meeting of August 9, 1978 were approved as presented.

Commissioner Edgerton referred to an article in the Canby Herald concerning Mr. Dack's property and the fact that Mr. Dack is going to limit the type of people who can rent those particular units. Commissioner Edgerton feels it "smacks" of discrimination. Was this fact brought out in the Planning Commission meeting that only one child per unit would be allowed to live in these particular units? Commissioner Shaw understood that it was an average of one child per unit which would make a difference. Commissioner Cibula stated they would prefer a "Senior Estates" plan development unit. The developer didn't know the constitutionality of limiting children but he would explore that. The intent of the Planned Unit Developer was to have more of a "Retired or Quasi-Retired" environment. Commissioner Edgerton stated this was a poor way to try and make the Planning Commission feel this was the way it would be arranged. The senior apartments on Sixth Street were approved because it was definitely stated there that they would strictly be elderly people living there. Because this fact was only "inferred" in the Dack case, Commissioner Edgerton felt it was a very poor thing and he does not believe a project of this size can be put in just for elderly people. Commissioner Cibula addressed City Attorney Reif on how "Woodburn Senior Estates" and other planned unit developments were able to be approved. City Attorney Reif was certain that the only condition was that he (Dack) voluntarily limited the number of units. As far as the number of children, he didn't think we limited him in that way at all. Commissioner Edgerton stated with this many units, he didn't think we should be approving it and getting an imbalance within our community. The discussion pointed out this has already been approved and is up for a motion of approval or denial by the City Council. Commissioner Edgerton stated he simply wished to state his views.

Item #1: Request for approval of the final plat of Schmeiser Tracts 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. Planning Consultant Rod Shoemaker made his presentation and

recommended approval. Discussion pointed out that the working drawings did not show sidewalks but would be shown prior to approval of the Public Works Department. *Commissioner Kahut moved that the final plat of Schmeiser Tracts be approved and that the Planning Commission Chairman be notified to sign the approval the morning of August 24, 1978. The motion was seconded by Commissioner Shaw and passed unanimously.

Item #2: Consideration of the Overton-Clark Annexation as requested by the City Council. (Material to be submitted at the Planning Commission meeting by representing Attorney.) Vice Chairman Hulbert asked whether there was any correspondence from the City Council concerning this item. Commission Secretary Shirley stated no correspondence had been received, only verbal. Discussion followed concerning the previous Planning Commission meeting on this item where the vote was not a "majority of the quorum". Commissioner Cibula pointed out that he had not voted on the preliminary hearing due to a conflict of interest concerning a business venture with Mr. Clark. Commissioner Cibula addressed City Attorney Reif regarding whether a conflict of interest would exist at this agenda. City Attorney Reif advised that since Commissioner Cibula had stepped down at the previous meeting, he should leave his chair to be consistent. At this point, Commissioner Cibula left his chair. Discussion also pointed out that the City Council at it's last meeting on this item needed more "Findings-of-Fact". Planning Consultant Rod Shoemaker reviewed his original presentation and recommendation which was presented at the Planning Commission meeting of June 14, 1978. Commissioner Shaw asked whether the extent of the amount of property included right-of-way of the street. Mr. O'Donnell explained that when the plat was filed with Clackamas County many years ago, Juniper Street was dedicated but the dedication was not accepted. He has talked with Clackamas County and according to ORS Chapter 373, the county will surrender jurisdiction of both Locust and Juniper Streets to the City of Canby and also give approximately \$5,000 for street improvements. Mr. O'Donnell stated the annexation request is being amended to delete the potential half street into Territorial Road. It would wind up with jurisdiction of Juniper and Locust Streets being surrendered to the City of Canby. Commissioner Shaw asked whether the annexation boundary would include both Juniper and Locust Streets? Mr. O'Donnell stated it would not. Commissioner Edgerton asked whether the half street problem on both Juniper and Locust would be resolved. Mr. O'Donnell stated Juniper would be a full street with Mr. Clark improving it. Public Works Director Ferguson asked whether there would be an additional dedication on Locust Street. Discussion followed concerning improvements of Juniper and Locust Streets and whether this was a responsibility of the developer. It was determined that only a forty (40) foot right-of-way is required on Locust. Discussion then centered on whether the Commission was considering purely an annexation or an annexation with a condition that has a subdivision on it and that the subdivision has to be considered at the same time. City Attorney Reif stated the commission was considering an annexation. Mr. O'Donnell read the headings of his exhibit and presented nine (9) photographs for the file. He addressed the

fourteen (14) L.C.D.C. goals that are applicable to this annexation. Discussion returned to the question of responsibility on the developer's part concerning improvement of streets, meeting utility requirements, etc. *Commissioner Edgerton moved the annexation be approved using Mr. O'Donnell's L.C.D.C. Requirement Report subject to the following conditions: 1) No opinion be expressed on utilities; 2) Recommend that Canby Utility Board be present when the annexation is presented before the City Council; 3) Provide that this annexation meet all present requirements of Canby City subdivision ordinances in regard to streets and all other ordinance and staff requirements. The motion was seconded by Commissioner Kahut. Discussion followed concerning whether any conditions could be put on the recommendation. Commissioner Edgerton requested an amendment to the original motion as follows: 1) That improvements on Locust Street will be to the centerline and Juniper Street will have full city improvements; 2) Specifically use Mr. O'Donnell's report on Sections IV and V; 3) Change the tax rate of \$6.60 per \$1,000 of assessed value to \$5.00; 4) Adopt the staff reports of May 1978, and 5) Adopt the first two paragraphs of Mr. O'Donnell's recommended motion of approval. The motion was seconded by Commissioner Cutsforth. Commissioner Kahut moved that Mr. O'Donnell's third paragraph on Page 2 pertaining to a motion of approval be added to the amendment. The motion was seconded by Commissioner Shaw. The amendment to the motion passed with Commissioner's Kahut, Cutsforth and Shaw voting for the amendment and Commissioner Edgerton and Vice Chairman Hulbert voting against. The vote on the amendment to the motion passed by a vote of 3 to 2. City Attorney Reif then instructed the Commission to vote on the motion as amended. The motion as amended passed unanimously with Vice Chairman Hulbert Voting.

There being no further business before the Commission, Commissioner Shaw brought out the fact that he would be resigning from the Planning Commission as of September 1, 1978, due to a move to Longview, Washington. Commissioner Shaw stated he had enjoyed serving on the commission.

Public Works Director Ken Ferguson stated that the Public Works Department would be interviewing and hiring a full time City Planner for the City of Canby during the next few weeks.

The meeting was adjourned at 10:30 P.M.

This meeting has been recorded on tape.

Virginia J. Shirley
Virginia J. Shirley, Secretary *mf*
Canby Planning Commission