

Canby Planning Commission  
Regular Meeting  
December 13, 1978

MEMBERS PRESENT: Chairman Ross, Commissioners Edgerton, Kahut,  
Hart, Hulbert, Cutsforth and Cibula

OTHERS PRESENT: City Attorney Roger Reif, City Planner Stephan  
Lashbrook, Public Works Director Ken Ferguson,  
Mr. and Mrs. Richard D. Crites, Mr. and Mrs. Harold  
Wyman, Mrs. Marshall, Glenn Grand, Tom Tye, Dave  
Anderson, Martin Clark, Robert Overton, Ronald G.  
Tatone, Richard Morse, City Councilman Westcott  
and Dave Bury

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

Item #1: CONTINUED request for a Minor Land Partition to divide a 28,314 sq. ft. parcel into 3 smaller parcels, the smallest being 8,400 sq. ft. and the largest 10,500 sq. ft. The property is located at 1338 N. Maple Street between 10th Street and 14th Street and described as Tax Lots 2400 and 2401, Section 33AA, T3S, R1E. The applicant is Richard D. Crites.

City Planner Lashbrook stated he had not prepared a new staff report as Planning Consultant Eldon Edwards had previously prepared a report for the November 8, 1978, meeting. He stated he did not have any additional recommendations to make. He further stated the Planning Commission could approve, deny or modify the request. Commissioner Ross stated the previous minutes seemed to show a question on the width of the ingress and egress on the flag lot and discussion was held on the location of that particular pole portion for ingress and egress. Commissioner Hulbert asked whether Mr. Crites and his neighbors were able to come up with an amiable solution to the question of placement of the driveway on the flag lot. Mr. Crites stated there was no change in attitude on anyone's part so the application would stand as originally submitted. Commissioner Edgerton asked what the problem was concerning this particular decision since he was not present for the November 8, 1978 meeting. Commissioner Ross explained that the ingress and egress ran along the side of one house and along the back side of another house and encroached upon the privacy of those homes. Commissioner Ross felt if the "flag were flipped" there wouldn't be any problem with the neighbors. Commissioner Ross felt the applicant should be able to utilize his property to its highest and best use but the neighborhood should also be protected. Commissioner Ross recommended to the Planning Commission that the lot be "flip flopped" and approved. Commissioner Hulbert felt it was not the Planning Commission's job to change Mr. Crites plan but that it should be acted upon as it was presented. Commissioner Edgerton asked for clarification on the discussion of the previous meeting. City Attorney Reif explained the two points of discussion were 1) the proposed width of the pole portion - according to the ordinance, (Page 15, #4) the width should be 20 feet. 2) The location of the pole portion, no one seemed

to be in opposition except for the placement of the pole portion. The people living just to the east felt the traffic would be coming through there and would be bothersome. City Attorney Reif stated the applicant preferred not to develop Lot #2 at this time and that if he did use Lot #2 that it would be bothersome to his guests, children, whatever, to play across that area from a safety standpoint. City Planner Lashbrook pointed out that the Planning Commission has the option to approve the application as submitted, deny the application as submitted or modify the application as they see fit and that the applicant has the right to appeal the decision to the City Council. \*Commissioner Edgerton moved to deny the request due to the fact the applicant had been given a choice to move the pole portion to reduce the likelihood of creating a nuisance for neighbors. The motion was seconded by Commissioner Kahut. Question was called for and passed with Commissioners Cutsforth, Hart, Cibula, Kahut and Edgerton voting for the motion and Commissioner Hulbert voting against the motion. Commissioner Ross explained to the applicant that he could appeal the decision to the City Council within 15 days.

Item #2: Request for a Minor Land Partition to divide a 16.9 acre parcel into 2 smaller parcels, the smallest being 4.596 acres. The property is located at 800 N.W. 3rd Avenue and described as Tax Lots 1006 and 1008, Section 32D, T3S, R1E. The applicant is Globe-Union, Inc. City Planner Lashbrook explained that when the Public Works Department received their revised county assessor's maps, the property in question had been partitioned without application to the City of Canby and in violation of the city's subdivision ordinance and possibly a violation of state law which requires Planning Commissions to review any partition where a road is created. City Planner Lashbrook explained that he had written a letter to Glenn Grand of Globe-Union, Inc. and had just recently received a letter from Harvey Rogers, Attorney for Globe-Union, Inc. which City Planner Lashbrook read to the Commission (copies of both letters made a part of these minutes). City Planner Lashbrook stated he had to look at this application pessimistically due to the fact that there was always a possibility that Globe-Union could default on their contract and a chunk of land out of the middle of another lot could change hands, the things which seem most critical are access and easements, things which can be guaranteed over a period of time. City Planner Lashbrook felt approval of this application would be feasible and appropriate as long as there was a condition that all other easements will be taken care of for any other utility lines, that all easements be recorded making those easements perpetual. Also, because the buildings and parking lot are on two separate tax lots, it would be possible to have an easement for parking privileges. Glenn Grand (Globe-Union) asked for clarification on the easements since there was already a 60 foot easement for ingress and egress. Commissioner Ross explained that Globe-Union should furnish proof to the City that easements for ingress and egress, for utilities and for use of the parking lot were recorded. Glenn Grand explained to

the Commission that the length of the bond was for twenty-five (25) year at which time the title would revert back to Globe-Union. City Attorney Reif asked Mr. Grand whether it would be acceptable with Globe-Union that at the end of the 25 years, the two tax lots would again revert back to one tax lot. Mr. Grand felt that would be the best way to do it. He recommended that it be written into the motion. City Planner Lashbrook stated he had checked on the setback requirements of the building with the building inspector and that there wouldn't be a problem on that. \*Commissioner Kahut moved to approve the Globe-Union Partition subject to 1) The Commission being supplied with a recorded document of the easement to the new tax lot; 2) Easements shall be provided across the original tax lot to the new tax lot for the utilities; 3) An easement be created for the existing parking lot to tie it to the structure; and 4) At the end of 25 years when the title to the newly created tax lot reverts to Globe-Union the necessary papers to create just one tax lot will be processed through Clackamas County. The motion was seconded by Commissioner Edgerton. Question was called and the motion passed unanimously.

Item #3: Request for approval of the final plat of a subdivision to be called "Canby Park East". This property is described as Tax Lot 400, Sections 33 and 34, T3S, R1E. The applicant is Canby Enterprises, Inc. City Planner Lashbrook made his presentation and recommended approval subject to: 1) "Dedicated to the City of Canby" should be added to the note which reads "Tract A 1 Foot Reserved Strip". 2) The utility easement note should be amended to indicate that easements along interior lot lines are to be 6 feet in width and easements along exterior lot lines are to be 12 feet in width (they're shown as 5 and 10 feet). Commissioner Hulbert noted a conflict of interest and did not participate. Commissioner Edgerton asked about the number one lot. Chairman Ross explained that the number one lot was three lots, they erased the lot lines in between. Moak Chevrolet has three lots under purchase agreement. Discussion came up on building across lot lines and building across easements if the plat was recorded. If a building was put on top of a lot line there would always be some question on what to do with the easement. So they erased the lot line and brought it back and made it one parcel. \*Commissioner Edgerton moved to approve the final plat of Canby Park East subject to the changes recommended by the city planner's December 5th memo and all previous staff reports. The motion was seconded by Commissioner Kahut. Question was called for and the motion passed unanimously.

Item #4: Request for approval of a preliminary plat of a subdivision to be called "Sorenson Addition". This property is located north of N.E. 4th Avenue and west of N. Locust Street and described as Tax Lots 8500, part of 9100, 10300, part of 10400, and 10500, Section 33BD, T3S, R1E and Tax Lot 1400, Section 33CA, T3S, R1E. The applicant is Martin Clark. Commissioner Cibula declared a conflict of interest and

did not participate. Chairman Ross stated it was his understanding that there would be a resubmission of the same application to include other property. Chairman Ross recommended postponing the application until all information was submitted. At that time one final action on the whole parcel could be made so it wouldn't have to be done twice. City Planner Lashbrook stated the Commission could either delay action on the preliminary plat until January 10, 1979 or modify the proposal. City Attorney Reif stated approval of the preliminary plat must occur within 40 days from the first regular Planning Commission meeting following submission so final action must take place at the next meeting. Commissioner Ross suggested that the property be surveyed, the necessary changes made in the preliminary plat, include the future proposed development and then resubmit the preliminary plat for the January 10, 1979 meeting. City Attorney Reif suggested to Tom Tye that a letter be placed in the file from the woman who owns Lot #6 stating she doesn't object to a lot line adjustment. The hearing on "Sorenson Addition" was postponed until the meeting of January 10, 1979.

Item #5: Request for approval of a preliminary plat of a planned unit development to be called "Greenwood North". This property is located north of N. Lupine Court and east of N. Locust Street and described as Tax Lots 7100 and 7800, Section 33AB, T3S, R1E. The applicant is Ronald G. Tatone. Since the applicant was not yet present, a short recess was called by Chairman Ross. City Planner Lashbrook made his presentation and recommended denial based on the following facts: 1) The use of private roads in a growing residential neighborhood is not in the best interest of well-planned public transportation; 2) A critical portion of the proposed development is not within the City's jurisdiction; 3) Approval of this plat would set a precedent for the construction of private roads in other developing areas of the City; 4) The earlier actions of the Planning Commission (1971 and 1973) cited the importance of an adequate neighborhood transportation flow in the area; and 5) The importance of adequate access and circulation in the area is increased by the existence of a number of multiple-family residential units and a large church to the northeast of the subject property. At this point, City Planner Lashbrook showed a number of slides to the Commission for clarification on location of the subject property. Discussion pointed out that the Planning Commission would only be able to act on that portion of property that lies within the city limits and if that portion is approved, the applicant would still have to come back after annexation of the remaining portion. City Planner Lashbrook stated a call from the county staff had noted that there was already a Greenwood Subdivision in the county and that the name on this development would need to be changed. Commissioner Ross read Public Works Director Ferguson's staff report of December 7, 1978. The staff reports of the police department and fire department were also brought to the commission's attention. Ronald G. Tatone stated

he had listened to the staff reports and didn't feel he had heard anything positive. The developers felt they were adding something to benefit Canby, that would be answering a need, a particular family style. As far as the streets are concerned, in the transportation plan it says that local streets shouldn't particularly be through streets as we don't want fast traffic. The developers have no objections to the streets being public streets. They felt the city probably wouldn't want them to be public streets. The streets would be 32 feet wide with roll type curbs on each side which would give a total of 36 feet to drive on if a car was parked and passing area was needed. The developers are not trying to get a higher density for the area than is normally allowed in the area. They are trying to provide a lifestyle to those couples who basically have their families raised and want to live in a minimum maintenance area. Mr. Tatone stated the proposed development could not proceed without some idea from the Planning Commission as to whether the concept would be approved. Commissioner Ross stated he would like some discussion on the fact the interim development plan indicates the area is low density residential. The interim development plan also shows that 14th Street should be a public street and that Lupine should be a public street and extend north through the property to Territorial Road. That would alter the plan considerably. Commissioner Ross also stated this was the third preliminary plat on this property and depending upon what the Boundary Review Board does and when they would hear this item there could be four meetings on the same parcel of property. Commissioner Ross did not feel it was in the best interest of the city to hear applications for the development of this parcel four different times. Discussion followed regarding through streets. Mr. Tatone did not feel there would be any bottleneck if Lupine did not continue through to Territorial Road. Mr. Richard Morse, owner of the property directly north of the proposed subdivision, stated the extension of N.E. 15th Street to the west would place a hardship on him because the entire street would have to go through his property. There would also be two blocks of which he would receive only half the street for use due to street alignment. Mr. Morse felt the development and continuance of the streets in question should be looked at closely in considering this application. Commissioner Ross stated that plans had to be submitted for all the exterior structures per Ordinance 517. Commissioner Hart mentioned that a 1,200 sq. ft. unit would probably cost at least \$40,000 and he didn't see how any senior member could afford to pay \$400 a month to live there. Commissioner Cibula asked Mr. Tatone whether this particular development was meant only for senior members. Mr. Tatone said the monthly rate would probably be based on a per capita basis so it probably wouldn't be too feasible for families with children. Commissioner Cibula concurred with Chairman Ross in that he felt the property should be annexed before action is taken on this application. Both Commissioners Kahut and Edgerton agreed with this statement. City Planner Lashbrook felt that if this preliminary plat was not approved, that Mr. Tatone should be sent away with some ideas of what the Planning Commission would like to see when reapplication is made. \*Commissioner Cibula moved that the request for a preliminary plat of a planned unit development to be called "Greenwood North" be

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denied based on the following facts: 1) At least 25% of the area is outside the city limits; 2) There is at least one dissident land owner on a preliminary plat that was shown, and 3) More consideration has to be given regarding public versus private street concepts. The motion was seconded by Commissioner Hart. Question was called for and the motion passed unanimously.

There being no other business before the Planning Commission, Tom Tye presented a drawing of a proposed new subdivision showing six flag lots and requesting general discussion from the commission members. The commission members were in agreement that the general concept would be acceptable for submission.

The meeting was adjourned at 11:00 p.m.

This meeting has been recorded on tape.

A handwritten signature in cursive script, reading "Virginia J. Shirley".

Virginia J. Shirley, Secretary  
Canby Planning Commission