

Canby Planning Commission
Special Meeting
January 24, 1979

MEMBERS PRESENT: Chairman Ross, Commissioners Perkett, Edgerton, Hart, Schwartz, Cutsforth and Kahut (7:58 p.m.)

OTHERS PRESENT: City Attorney Roger Reif, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Dick Nichols, Mr. Burdge, Glen Cutsforth, Bob Stuart and Dave Bury

The minutes of the Planning Commission meeting of January 10, 1979, were approved as presented.

Chairman Ross read correspondence from Robert W. Shaw of Crook, Shaw and Associates and requested the original be put into the Latter Day Saints Church Conditional Use Permit file. He also read into the record a letter from Glynn Richkoff of Glenn Matteson, Inc. stating their intent to re-locate in Canby.

Item #1: Request for approval of a preliminary plat of a subdivision to be called "Marlon Townhouses Subdivision". This property is located east of South Ivy Street and south of S.E. 3rd Avenue and described as Tax Lots 6606, 6607, 6608, 6609, 6610 and 6001, Section 33DC, T3S, R1E. The applicants are A. M. Burdge, John T. Perta and Rabel J. Burdge. City Planner Stephan Lashbrook made the staff presentation and recommended approval of the project subject to eight conditions. Commissioner Schwartz asked if it would create any problems for the city if the owners were unable to sell all the units. Discussion followed indicating this would be handled by the owner's association. The next question concerned parking. Planner Lashbrook indicated they would be unable to provide additional parking, and the present parking was approved by the City at the time of original construction. At this time, Chairman Ross asked for the presentation by the applicant. Dick Nichols, Iron Mountain Realty, came forth as the representative of the applicant. He presented the Commission with a set of pictures which will be made a part of the record. He explained that the entrance to the units off of S.E. 3rd was comparable to Willamette Green. He further explained that he had been in contact with the Canby Utility Board. They do not want to change the services, but this can be covered through the association. City Attorney Reif gave the Commission an explanation of how this would be handled. Mr. Nichols went on to explain he has been in contact with the telephone company. They will be able to install separate services through easements provided. The question was asked if the corporation would continue to exist in perpetuity and Mr. Nichols stated that it would. Discussion followed regarding the density, the possibility of additions to the units (none can be made), future of present tenants if they do not buy their unit, recreation area, and if approving this request would set a precedent. This is the first application of this type and more will be forthcoming, due to housing costs. The applicant has requested, in writing, that the subdivision fee for this project be waived. It was explained that the Commission does not have the power to waive the fee. Only the City Council can waive a fee. Public Works Director Ferguson explained they could fill out Agreement B for subdivisions and since the fee is based on improvement costs and there are no

improvements to be made, the fee would be "0". City Attorney Reif felt the matter should still go to the Council for their consideration. The Planning Commission concurred. *Commissioner Schwartz moved the preliminary plat of Marlon Townhouses be approved subject to the following conditions: 1) All requirements of utility agencies and other staff reports to be met; 2) Easements to be provided as necessary for all public utilities and facilities; 3) Wording of the proposed by-laws to be modified to indicate that all activities occurring on the premises will comply with local, state and federal regulations; 4) Applicants to be responsible for full compliance with state requirements of ORS Chapter 91 and 92 to the satisfaction of the State Real Estate Commission; 5) Full responsibility for the maintenance, repairs, and access to utilities shall be borne by the homeowner's association; 6) All costs of water service and street lighting shall be borne by the association. The motion was seconded by Commissioner Cutsforth. Commissioner Edgerton requested the motion to include as findings-of-fact: 1) Project is approved because of its unique merits; 2) This approval does not constitute a blanket approval of similar projects city-wide. The maker of the motion and the second concurred to make this a part of the motion. The question was called for and the motion passed unanimously.

Item #2: Appeal Order - Minor Land Partition of Richard Crites. Chairman Ross read the Order prepared by City Attorney Reif in the Richard Crites Minor Land Partition denial. By consensus, the Planning Commission adopted the Order and instructed the Chairman to sign the Order. This Order will be sent to the City Council along with Mr. Crite's appeal and other relevant material from the file.

Item #3: City Planner Lashbrook informed the Commission the County has requested input on a Conditional Use Permit application by the Methodist Church for construction of a church at the southeast corner of N. Holly Street and Territorial Road. The Planning Commission expressed the opinion that the church should be developed to city standards and should be annexed to the City. They also expressed concerns that should the development be approved prior to annexation, N. Ivy Street may never be extended through the site to Territorial. The Commission instructed the City Planner write the County regarding their consensus of opinion on the application and requesting denial.

The Chairman adjourned the special meeting for a workshop on proposed amendments to the zoning ordinance. A public hearing is scheduled for February 28, 1979, for final consideration of the ordinance changes. This proposed amended ordinance will then be forwarded to the city council for their consideration and adoption.

The meeting was adjourned at 9:30 p.m. for a workshop on the proposed zoning ordinance.


Virginia J. Shirley, Secretary
Canby Planning Commission