

Canby Planning Commission
Regular Meeting
February 28, 1979

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

MEMBERS ABSENT: Commissioners Schwartz and Perkett

OTHERS PRESENT: City Attorney Roger Reif, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Charles Driggers, Rufus Kraxberger, Jon Henricksen, Mr. Van Dorn, Martin Clark, Tom Tye, Curt McLeod, Ron Tatone, Dave Bury and Dianna Schmid, Marvin Dack

The minutes of the Planning Commission meeting of February 14, 1979, were approved as presented.

Chairman Ross read correspondence from Marvin Dack regarding the intent of the minutes of the February 14, 1979, Planning Commission meeting. Mr Dack did not feel that the diagram of the "Proposed extension of S.W. 13th Avenue" reflected what was said at the meeting and planned to appeal the Planning Commission decision on the L.D.S. Church Conditional Use Permit regarding placement of the extension of S.W. 13th Avenue if the drawing was not changed. Chairman Ross read condition #5 of the L.D.S. Church Conditional Use Permit as follows: 5) Agree to sell to the City of Canby for a sum of \$10 a parcel in the shape of an isosceles triangle with 100 foot legs in the southwest corner of Tax Lot 7500 for purposes of constructing a road from S.W. Berg Parkway through to S.W. 13th Avenue. Mr. Dack stated the current diagram on the street extension would take approximately 27,600 square feet of his property and 5,000 square feet off the church property. Mr. Dack felt it was unequal in the division of property and would take out nine trees on his property. He further stated the radius turns discussed at the previous meeting did not seem to be what showed up on the diagram. Chairman Ross explained to Mr. Dack that the talk on the radius turns was part of the discussion only and were not made a part of the motion on the church application. Mr. Dack stated in 1976 he brought drawings in to the Planning Commission on a proposed extension of S.W. 13th Avenue and felt he had been given approval on his drawings. Chairman Ross pointed out that on a Zone Change, there is no platting of the property and no approvals given on street design. City Attorney Reif stated the minutes of the Planning Commission meeting of February 14, 1979 regarding the Latter Day Saints Church property was a formal action with regards to the church only and not on Mr. Dack's property. Attorney Reif also suggested a clarification from Mr. Dack as to whether he will be appealing the Planning Commission decision on the L.D.S. property to the City Council. After a short conference with his attorney, Mr. Dack stated there would be no appeal. Chairman Ross restated there were no changes needed in the minutes of the previous meeting and the minutes would stand approved.

Item #1: CONTINUED consideration of a proposed annexation of 7.13 acres to the City of Canby. This property is located east of N. Locust Street and north of N.E. Territorial Road and described as Tax Lot 900, Section 28DC, T3S, R1E.

The applicants are Rufus and Francys Kraxberger and Charles R. and May Driggers. City Planner Lashbrook made his presentation and determined that the applicant needed to submit information on the following items: 1) The "need best met" requirement of "Fasano"; and 2) Justification for an exception to Statewide Planning Goal #3 (Agricultural Lands). Mr. Lashbrook stated with Mr. Henricksen's testimony this evening, the Commission could possibly better evaluate the specific requirements for a goal exception and come to a decision on whether there is an exception to Planning Goal #3. If that finding is made, the city planner would recommend approval of this annexation request. Jon Henricksen (Attorney for applicants) stated since Canby has an adopted Interim General Plan, Land Use Goal #1 (to guide and influence the location and nature of land development so that different activities are harmonious with each other and their environment as it progresses) and Land Use Goal #2 (to arrange the uses of land so they are orderly, convenient, and suitably related to each other, fulfill the needs of residences and property owners, and are adequately provided with necessary improvements and facilities) must be addressed. Since this property is within the urban growth boundary of the City of Canby and is surrounded by prior annexed properties zoned R-1, the annexation of this property would be harmonious with the surrounding property. Annexation of this property would also permit orderly and convenient development from the outward urban center. Therefore, it is apparent that this annexation request is in conformance with the intent of the city's plan. The property is sewerable and will be used for residential development and is compatible with the surrounding area. L.C.D.C. Goals 1 and 2 are the same as those just stated. Goal #3 deals with Agricultural Lands. Historically, during the past ten years, the land was used by a crop tenant farmer and as recently as 5 years ago, the land was used for raising carrots. It has not been used since for economic farm use. It is currently not used for agricultural purposes nor can it economically be used for agricultural purposes. Future use is planned for residential development. An adjoining property owner is using his land for raising trees for a tax advantage only and not for any economic benefit. This land does not lend itself to being preserved for agricultural purposes. Mr. Henricksen recommended to the Planning Commission that they consider the Exceptions Process has been presented to the Commission for its consideration to make a decision on Goal #3. Goal #4 does not apply to this property. Goal #5 - Open Spaces, Scenic and Historic Areas and Natural Resources - the trees along Territorial Road will be preserved by the developer for historic value. Goals 6, 7 and 8 do not apply. Goal #9 - Economy of the State - approximately 22 homesites would be created on the property. This would create an economic benefit on increased tax base. Goal #10 - Housing - this annexation would not violate the percentage of industrial, commercial, single family residential, multi-family residential units. Considering the availability of this proposed lot size, it is apparent there is a need in that portion of the City of Canby and elsewhere for available lots. Goals 11 and 12 do not apply. Goal #13 - Energy Conservation - Any time people who work in the area can live in the area, you are conserving energy. People are also spending their money locally. Goal #14 - Urbanization - This is to prevent leapfrogging of property. This property is adjacent to the city limits on the east and land south across Territorial is

now in the process of being annexed. This property is also within the urbanization plan of the city. Goals 15, 16, 17, 18 and 19 do not apply. Mr. Henricksen then addressed the four considerations for a Goal exception concerning Goal #3 (Agricultural Lands): 1) "Why these other uses should be provided for"- Mr. Henricksen felt it was more in tune with counties than cities to preserve agricultural land. He didn't know of other cities providing for agricultural ground within the city. 2) What alternative locations within the area could be used for the proposed uses - Mr. Henricksen did not know what other areas around Canby might want to be kept for agricultural use. Mr. Henricksen felt there probably were other areas around Canby that would be suitable for residential development but this property is contiguous with the city limits. 3) What are the long term environmental, economic, social and energy consequences to the locality or the state from not applying the goal or permitting the alternative use - Mr. Henricksen did not know what the long range economic impact might be. He felt it would be more economically beneficial for this property to become a residential area than to remain agricultural land. 4) A finding that the proposed uses will be compatible with other adjacent uses - since this property is now surrounded by residential use, it would be compatible with the surrounding properties. Mr. Lashbrook stated it was up to the Commission to establish whether there was a need not to preserve this property for agricultural use. Commissioner Kahut felt this property should be viewed for what it has done in the past, what it is being used for today and what are the needs of Canby. His only concern was that approving this annexation might set a precedent. *Commissioner Edgerton moved to approve the annexation request subject to Mr. Henricksen's findings of facts presented to the Planning Commission regarding the four considerations to a goal exception be presented in writing to the City Council. Also to include the May 1978 Staff Report signed by H. A. Wyman and labeled "Exhibit A" regarding availability of land in Canby as a finding of fact. The motion was seconded by Commissioner Kahut. The question was called for and passed unanimously. Mr. Henricksen is to present the Commission with written facts to accompany the annexation application.

Item #2: Request for approval of a final plat of Replat of Crestview Sub-division. The property is located east of N. Juniper Street and south of N.E. Territorial Road and described as Tax Lots 100 through 1300 inclusive, Section 28CD, T3S, R1E. The applicant is Martin Clark. City Planner Lashbrook explained that the annexation fee had not been paid at this time but this situation was being worked out with the City Council. Mr. Lashbrook stated there were two choices on approving the final plat. Either postpone any action on it until the next Planning Commission meeting or have the Chairman sign the plat at a later date if the commission members approve the plat. *Commissioner Kahut moved that the final plat of Replat of Crestview Subdivision be approved subject to payment of the annexation fee and final direction from the City Council. The motion was seconded by Commissioner Cutsforth. The question was called for and passed unanimously.

Item #3: Request for approval of a final 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, 8600, 8800, part of 9100, 10300, part of 10400, 10500, Section 33BD, T3S, R1E and Tax Lot 1400, Section 33CA, T3S, R1E. The applicant is Martin Clark. City Planner Lashbrook gave his presentation and recommended approval. *Commissioner Kahut moved to approve the final plat of Sorenson Addition. The motion was seconded by Commissioner Edgerton. The question was called for and passed unanimously.

Item #4: Request for a Variance to reduce front yard setback to less than twenty feet in order to build a home on the site and save two large trees. The property is located west of N. Oak Street and approximately 200 feet south of N.E. 14th Avenue and described as Tax Lot 211, Section 33AA, T3S, R1E. The applicant is Curt McLeod. City Planner Lashbrook gave his presentation and recommended denial based upon the fact that the variance is requested to alleviate a self-imposed hardship (i.e., the construction of a residence with a particular floor plan when other designs are feasible without necessitating a variance). Curt McLeod (applicant) stated if the house were moved farther back on the lot, a large tree (approx. 28 inches in diameter) would have to be removed. Mr. McLeod stated he had gone over the house plan and could not see how this plan could be redrawn and still be sitting between the trees in question. The buildable area is in an L-shape. The applicant also noted the house had a basement so the square footage was not all on one floor. He stated the house would not create any vision problems in regards to the street. Ron Tatone (developer of the project) stated he supported the variance request. Commissioner Edgerton asked Mr. McLeod whether the house was designed before he purchased the lot. Mr. McLeod stated the house was designed after he purchased the lot. He had an architect design it. *Commissioner Edgerton moved to deny the variance application due to the fact the applicant did not have sufficient findings of fact to show there were exceptional or extraordinary conditions applying to his property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control (Per Section 28 of the Zoning Ordinance). The motion was seconded by Commissioner Kahut. The question was called for and passed unanimously. Chairman Ross explained to Mr. McLeod he would have 15 days to appeal the decision to the City Council.

The Chairman called for a short recess and the meeting reconvened at 9:45 p.m.

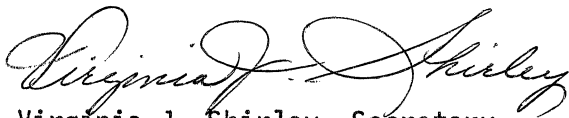
Item #5: Public Hearing on proposed changes to Ordinance #583 (Canby Zoning Ordinance). City Attorney Reif stated there is now a question as to whether the City Recorder or the City Planner has the authority to enforce the provisions of the Zoning Ordinance. Chairman Ross opened the public hearing and called for any proponents who wished to speak. There being none, he then called for opponents. None came forth. He asked if anyone had any questions concerning the proposed amendments. When no one came forth to speak, he closed the public hearing.

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*Commissioner Cutsforth moved to adopt the proposed changes to Ordinance 583 as presented and recommend to the City Council the adoption of the amendments. The motion was seconded by Commissioner Hart. The question was called for and passed unanimously.

The meeting was adjourned at 10:30 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