

Canby Planning Commission  
Regular Meeting  
June 13, 1979

MEMBERS PRESENT: Chairman Ross, Commissioners Hart, Edgerton, Kahut, Davis and Schwartz

MEMBERS ABSENT: Commissioner Cutsforth

OTHERS PRESENT: City Attorney Roger Reif, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Councilman Bob Westcott, Stan Weber (Globe Union), Dave Bury, June Todd and Sharon Short

The minutes of the Planning Commission meeting of May 9, 1979, were approved as presented.

Chairman Ross informed the Commission there was some correspondence which would be taken up later in the meeting.

Item #1: Request for a Minor Land Partition to divide a .68 acre parcel into two parcels to contain approximately 10,000 and 13,000 square feet, respectively (excluding access strips). The property is located south of S.W. 4th Avenue and east of S. Fir Street and described as Tax Lot 8200, Section 4AB, T4S, R1E. The applicant is Sharon M. Short. City Planner Lashbrook gave his presentation and recommended approval subject to the following conditions: 1) All recommendations of other staff reports to be made conditions of approval; 2) The 27 foot access strip to be divided into two separate fee ownership strips of equal width, to be conveyed with each of the subject parcels; 3) The 27 foot access strip to be paved for full width from S. Fir Street to the western property line of parcel #2; and 4) Reciprocal easements, to the satisfaction of the City Attorney, to be recorded for the access area. Commissioner Kahut questioned whether some type of waiver of remonstrance for street improvements would be necessary. Mr. Lashbrook stated if the City ever wanted to turn the access strip into a city street some time in the future, a waiver of remonstrance and a dedication would be needed. Commissioner Kahut asked what the setback was on the house situated on parcel 1. Mr. Lashbrook stated it was situated more than 20 feet from the proposed access strip. City Attorney Reif asked whether there was a possibility that a street would ever be needed between S. Fir and S. Holly going through the back part of Tax Lot 8600. Mr. Lashbrook felt it was unlikely due to the location of the existing houses. June Todd (agent for applicant) stated Items #5 and 6 on the City Planner's staff report would cause a hardship for the applicant, Sharon Short. Commissioner Kahut asked the City Attorney to clarify how the cost of improving the access strip to a full city street would be divided. City Attorney Reif stated the two houses composing the flag lot would probably divide the cost of the front footage of their portion and the existing house facing Fir Street would incur the cost of the front footage along their property line. Commissioner Schwartz asked Public Works Director Ferguson what the street size would be on this access strip if it were to be upgraded to city standards. Mr. Ferguson stated this would be a forty foot paved street with curbs. The amount of dedication would be a total of 50 feet minimum. Commissioner Schwartz



felt if this access strip would never go through to Holly Street that it was not necessary to ask the applicant to make any dedication. \*Commissioner Edgerton moved to approve the minor land partition subject to the following conditions: 1) All recommendations of other staff reports to be made conditions of approval; 2) The 27 foot access strip to be divided into two separate fee ownership strips of equal width, to be conveyed with each of the subject parcels; 3) The 27 foot access strip to be paved for full width from S. Fir Street to the western property line of parcel #2; 4) Reciprocal easements, to the satisfaction of the City Attorney, to be recorded for the access area; 5) Owners to sign a waiver of remonstrance against street improvements which may eventually be undertaken on the property or on S. Fir Street; and 6) The sewer system is adequate and functional and it should be the developers responsibility to develop a method of connecting to the sewer system. The motion was seconded by Commissioner Kahut. Question was called and passed unanimously.

Mr. Lashbrook informed the Planning Commission that a letter from Stan Weber, Controller for Globe Union, had been received requesting an extension of time in meeting the Planning Commission's requirements for the minor land partition granted on December 13, 1978. Commissioner Ross stated it was his recollection that when Globe Union was originally negotiating to buy the property that a dedication of 20 feet for street improvements had been requested of the owners on the zone change. Chairman Ross then read into the record the letters from Globe Union dated June 6 and June 13, 1979 (see attached). Stan Weber stated that if it could be shown that a 20 foot dedication for street improvements had originally been requested on the zone change that the company would want to honor that request. Mr. Weber stated that Globe Union would like to address the problems on the minor land partition first but felt that the plant manager would be glad to work with the city in arriving at some decision on street dedication. Mr. Weber stated that since he is new to Canby Globe Union, he was unaware until recently of the requirements on the minor land partition and felt this should be considered in any decision. Mr. Ferguson informed the Commission that he had recently sent an engineer's report to the City Council on the L.I.D. for N.W. 3rd Avenue and N. Baker Drive including a right-of-way of 50 feet instead of 60 feet, and requiring a 15 foot dedication from Globe Union. The City Council accepted the engineer's report and Mr. Ferguson assumed the dedication was also accepted. A notice to Globe Union was sent regarding the L.I.D. and with it a letter from Mr. Ferguson respectfully requesting some kind of commitment from them by June 20th on whether they would be willing to make the dedication. Mr. Weber stated the Canby plant had received a copy of this letter from the head office. Commissioner Kahut asked who had made Mr. Weber aware that the 6 month requirement period on the minor land partition was about to expire. Mr. Weber stated that a phone call from Mark O'Donnell (attorney for Martin Clark) had brought it to his attention. Discussion followed on whether the street dedication could be made a condition of the extension request. City Attorney Reif stated that the item before the Commission this evening was a request for an extension on the minor land partition and that is all that should be under consideration at this time. City Attorney Reif read the ordinance applying to subdivisions and minor land partitions which stated that requirements of

approval had to be completed within six months. If the requirements were not met during the six month period, the application would have to be resubmitted to the Planning Commission and any revisions necessary to be made to meet changed conditions. The expiration date on this application is June 27, 1979. Mr. Lashbrook stated that upon City Attorney Reif's reading of the ordinance, it did not appear that an extension of time could be granted on the partition requirements. If the requirements were not met by June 27th, resubmittal of the application would be necessary. Chairman Ross notified Mr. Weber that Globe Union would have until June 27, 1979 to meet the requirements of the minor land partition, after which a resubmittal would be needed.

Mr. Lashbrook presented a blueprint of the Bo's Wash-N-Dry addition which John Stewart is proposing to build. Mr. Stewart requested a recommendation from the Planning Commission on how to meet the requirements of obtaining a building permit. Commissioner Kahut felt those recommendations should be made by the city planner. Mr. Stewart read the city planner's recommendations as follows: 1) Each car wash bay to be labeled indicating direction of ingress and egress; 2) Signs to be posted by applicant indicating parking and access restrictions; and 3) A copy of access easement on southeast property corner to be filed with application for building permit. Chairman Ross felt Mr. Stewart had two alternatives to solving his problem: 1) eliminate the dump station and get the access easement recorded; and 2) if the easement cannot be obtained, eliminate the car wash bay at the rear of the building and/or take out the trees along the south side of the property.

Item #2: Discussion of Proposed Condominium Ordinance. Mr. Lashbrook read over the rough draft of the proposed ordinance. The percentage restriction was discussed by Chairman Ross and Commissioner Kahut. Commissioner Kahut asked about the 20% figure that the Planning Commission had always works with and how it was determined. City Planner Lashbrook stated that figure had come from the old Interim General Plan (now the city's Adopted Plan). Chairman Ross asked about making guidelines for conversions of apartments. Mr. Lashbrook stated if the Planning Commission wanted to make guidelines, that could be added to the ordinance. Commissioner Edgerton felt the health and welfare of the buyers should be taken into consideration. Commissioner Schwartz felt the buyers would automatically be protected through the lending institutions just as they are when buying a house. Public Works Director Ferguson felt anything built under the building code would not need any changes made and those built before adoption of the building code would have to be inspected and brought up to the building code. Dave Bury stated he felt that regulations regarding bringing streets, curbing, sidewalks, etc. up to the same standards as subdivisions should be made a part of this ordinance. Chairman Ross highlighted the changes recommended by the Planning Commission as follows: 1) Page 3 Section B2b, to read: Deny any further applications for condominium conversions unless at least 80% of the total multiple family units shown are to be available as rentals rather than unit ownerships; and 2) Guidelines as to what is convertible and what isn't. Chairman Ross felt the next step was to have the first draft rewritten and brought back to the Planning Commission with the changes suggested at this meeting.

Canby Planning Commission  
June 13, 1979  
Page 4

City Attorney Reif explained to the Planning Commission that the Oregon Court of Appeals had ruled that Subdivisions require a quasi-judicial hearing and public notices mailed. Mr. Lashbrook stated we would be using the same procedures on subdivisions and minor land partitions as we do on other public hearings. This will end up costing the city more money so Mr. Lashbrook would like to write up an ordinance regarding fees for appeals, minor land partitions, subdivisions and condominiums to cover staff costs.

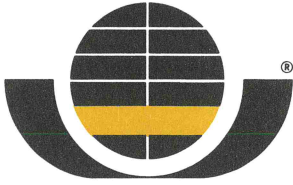
Public Works Director Ferguson notified the Planning Commission that Ron Tatone already had part of the curbing installed in "Harvest Oak Estates" without approval of the final plat. After checking the subdivision ordinance, it was discovered that if approval had been given to the construction plans, the developer could go ahead with the improvements before the final plat had been signed.

The meeting was adjourned at 10:50 p.m.

This meeting has been recorded on tape.

Respectfully submitted,

  
Virginia J. Shirley, Secretary  
Canby Planning Commission



**GLOBE** Battery Division • GLOBE-UNION INC.

June 13, 1979

Canby Planning Commission  
City of Canby  
Canby, Oregon

Re: Request for Time Extension to Meet Land Partition Conditions

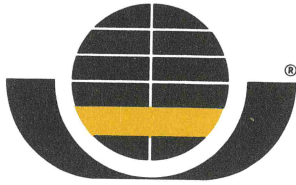
Our letter of June 6, 1979 indicated an objection to Condition 3 for a parking easement because we felt that adequate space for parking was available on the site.

The basis of this objection was that only 1.8 acres of the total 4.6 acres site was taken by building leaving 2.8 acres for parking and other usages.

If it is felt that additional parking space should be required by the Planning Commission, then we only ask for a clarification as to how many additional spaces should be required.

Sincerely

Stan Weber,  
Plant Controller



GLOBE Battery Division • GLOBE-UNION INC.

RECEIVED  
JUN 15 1979

June 6, 1979

Mr. Gordon Ross, Chairman,  
Canby Planning Commission  
P.O. Box 930  
Canby, Oregon, 97013

Re: Globe-Union Inc.- Minor Land Partition

Dear Mr. Ross:

Because of the change-over in management at Globe-Union and the resultant coordination difficulties with the surveyor, we are requesting a 90 day extension to complete the Planning Commission's requirements for the land partition.

It is typical that when there is a change in the management of a company, there is a transition period for the new management to become familiarized with the new environment and to carry on some of the preceding plans and projects. In our case, both Charlie Wood, Plant Manager, and myself are new to Canby Globe-Union and were unaware that there were any conditions attached to the land partition application approval of December 15, 1978. In fact I have not yet seen your letter of December 27, 1978, but I have been advised of its contents by Stephan Lashbrook whom I called on June 6, to question whether our land partition had been approved.

The conditions that are apparently required of us as related to me by Mr. Lashbrook include the following:

1. A roadway easement to NW 3rd Ave. for the new tax lot;
2. A utilities easement for the new tax lot;
3. An easement for parking;
4. and a statement of intent to consolidate the two tax lots at the end of the 25 year loan period.

On May 8, 1979, Blaine Schmeer of Pacific Surveys came to my office and informed me that he had been retained by Globe-Union to develop the utility and road easements. He showed me the roadway access easement layout (enclosed), but stated that he had been unable to develop the necessary utility easements due to other demands, and recommended that I pursue combining the tax lots pending lender approval and discontinuing any further actions on his part until it is seen that an easier solution is not possible. Due to my ignorance of the matter, I did not realize that this was related to approval of the land partition.

Mr. Ross, Chairman  
Canby Planning Commission

Page 2

Now that I know of the Planning Commission's requirements, we will proceed to hire a new surveyor to complete the easements required (conditions No. 1 and No. 2). Regarding condition No. 3 for parking; there is already existing more than one acre available for parking within parcel I, so an additional easement for parking on parcel II should not be necessary. Regarding condition No. 4; it is our intent to consolidate both tax lots at the end of the 25 year loan period.

Again I apologize for my lack of knowledge of these affairs and hope that you will grant us additional time for compliance as requested.

Please be assured that our Company will cooperate with the Planning Commission in any way that may be of help to you and will answer any questions you may have.

Thank you for your consideration of our request.

Sincerely,



Stan H. Weber  
Plant Controller

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Enclosure - \*See Below

cc. Stephan Lashbrook, Canby City Planner  
Roger Rife, Canby City Attorney  
Virginia Shirley, Secretary - Canby City Planning Commission  
Charles Wood, Manager - Globe-Union Canby plant

\*Map enclosed with letter put in Minor Land Partition file.