

Canby Planning Commission  
Regular Meeting  
May 14, 1980

MEMBERS PRESENT: Chairman Kahut, Commissioners Sowles, Hart, MacKenzie, Cutsforth, Baller and Davis (arrived at 7:47)

Others Present: Charles Barlow, Dave Bury, City Planner Stephan Lashbrook, City Attorney Roger Reif, Public Works Director Ken Ferguson, Secretary Virginia Shirley, William Stohr, Robert Westcott, Jim Haas, Marie Bonner, Edna Heaston, Carol Warren and others

Chairman Kahut opened the meeting at 7:35 p.m.

The minutes of the Planning Commission meeting of April 9, 1980, were approved as presented.

Item No. 1: A request for a Zone Change from R-2, Medium Density Residential, R-2/PUD, Medium Density Residential/Planned Unit Development, on property located immediately north of the present development of Willamette Green and adjacent to the Willamette Valley Golf Course on the north. The applicant is the City of Canby. City Planner Lashbrook explained that negotiations have been going on between the City and the owners of the proposed Willamette Green II, and one of the conditions requested by the City was that an overlay zone of PUD, Planned Unit Development, be placed on the property. Planner Lashbrook then read his letter to the Commission (this letter is in the zone change file and part of the record). After reading his letter to the Commission, the Planner instructed the Commission this was a public hearing item and they would be making a recommendation to the City Council. After Planner Lashbrook had read his letter to the Commission, Commissioners wanted to know if the zone change would apply to the present owners as well as any new owners if the property was sold, and if this zone change was to protect the existing development of Willamette Green. Planner Lashbrook informed the Commission that it was due to these concerns that a zone change was being requested.

Chairman Kahut opened the public hearing and asked for any proponents of this zone change. Dave Bury stated he was for the zone change and felt it should have been changed long ago. Jim Haas, a Willamette Green resident, stated that the people within the present development of Willamette Green were in favor of this zone change. There being no further proponents, the Chairman asked for opponents. None came forth, and the public hearing was closed. After a brief discussion of the merits of this zone change,\*Commissioner Hart moved to recommend approval of the zone change from R-2, to R-2/PUD to the City Council on the following findings of fact: 1) The proposed zone change from R-2 to R-2/PUD of the property commonly referred to as Willamette Green II complies with the stated purpose of the PUD overlay zone. 2) The proposal conforms with the adopted City Plan and no other agencies are known to have jurisdiction over the development of the site. 3) There is a public need for the zone change. 4) The public need is best met through this particular change. 5) The change will help to preserve and protect the health, safety and general welfare of the residents of the area. 6) The proposal complies with the applicable State-wide Planning Goals. The motion was seconded by Commissioner Cutsforth and passed unanimously.

Item No. 2: A request for a Minor Land Partition from one lot to two lots on property located on the south side of N. E. Tenth Avenue approximately 1,100 feet west of N. Pine Street. The applicant is Marie Bonner. Planner Lashbrook gave his presentation and made a recommendation of approval subject to several conditions. The Chairman opened the public hearing and asked for proponents of the application. Marie Bonner informed the Commission that she wanted to create a lot for her son to build a home, and that at her age the present lot was just too much for her to take care of. Edna Heaston stated that she was in favor of the partitioning as long as the applicant built and maintained the access to the new lot. There being no further proponents, the Chairman asked for opponents to the application. None came forth and the public hearing was closed. During the Commission discussion, Commissioner Baller expressed the feeling that this type of partitioning was a good way to open up more area within the city for building. Commissioner MacKenzie stated that in the future we will need to look at greater density in most areas. Commissioner Davis questioned who's responsible for maintaining the proposed shared access. City Attorney Reif informed the Commission they would need a reciprocal easement agreement in writing. \*Commissioner Sowles moved to approve the Minor Land Partition subject to the following conditions: 1) Dedication to the City of a ten (10) foot strip of property along N. E. Tenth Avenue to allow for future road widening. The applicant to be responsible for bearing all costs for such dedication including title insurance meeting the requirements of the City Attorney. 2) Record a waiver of the right to remonstrate against future public improvements in that area. This waiver is to meet the requirements of the City Attorney. 3) Prepare and record a reciprocal easement, signed also by the owners of the property to the west of lot being divided, for ingress and egress to both lots. Easement to meet the requirements of the City Attorney and to include provisions for maintenance of the access strip. 4) Utility easements to be provided to the satisfaction of the Canby Telephone Association. 5) The access strip to the newly created parcel is to be fully paved, including that portion which is situated on the adjacent property. This approval to be based on the following findings of fact: A) The design of this partition is appropriate, in view of the existing development patterns of the surrounding neighborhood and the City overall. B) The proposal conforms with the Comprehensive Plan of the City. C) The proposal conforms with the City's Zoning and Subdivision Ordinances. D) The proposal complies with applicable Statewide Planning Goals. The motion was seconded by Commissioner Baller, and after brief discussion passed unanimously.

Item No. 3: A request for a Minor Land Partition from one lot to two lots and a Variance for Lot Width on property located on the southwest corner of N. E. Tenth Avenue and N. Pine Street, and described as Tax Lot 1300, Section 33AD, T3S, R1E. The applicants are Robert L. and Carol J. Warren. City Planner Lashbrook gave his presentation requesting the Commission to take action first on the Variance and then on the Minor Land Partition. The Planner presented all of the facts regarding the requested Variance and partitioning, but did not make a recommendation to the Commission. Mr. William Stohr, representing the applicants, presented material to the members of the Commission (which has been made a part of the file). Chairman Kahut asked if there were any further proponents of the application. None came forth, so he called for any opponents

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to the application. Dave Bury stated he was an opponent as he did not feel there were unique circumstances. There being no further opponents, the Chairman closed the public hearing. Discussion followed with Commissioner Davis expressing the feeling that a fourteen (14) foot variance was precedent setting and a very large variance to be given. The discussion turned to ways to allow a division of the property without such a drastic reduction in street width on a corner lot. \*Commissioner Baller moved to postpone a decision on the Variance until the Planning Commission meeting of June 11, 1980, in order to allow the applicant to bring in alternative plans for division of the property. The motion was seconded by Commissioner Cutsforth and passed with Commissioner Davis voting against the motion. A decision on the minor land partition can not be made until a decision on the variance has been reached.

There being no further business, the meeting was adjourned.

This meeting has been recorded on tape.

Respectfully submitted,

  
Virginia J. Shirley, Secretary  
Canby Planning Commission