

Canby Planning Commission
Regular Meeting
September 10, 1980

MEMBERS PRESENT: Chairman Kahut, Commissioners Hart, Cutsforth, Davis, Sowles,
and MacKenzie

MEMBER ABSENT: Commissioner Baller

OTHERS PRESENT: City Planner Stephan Lashbrook, City Attorney Roger Reif, Secretary Virginia Shirley, Mr. Lenhardt, Mr. Wayne Gile, Martin Clark, Dave Bury and others.

The minutes of the Planning Commission meeting of August 13, 1980, were approved as presented.

Item No. 1: A request for a Minor Land Partition to divide a 2 acre lot into three smaller parcels. The property is located on the south side of Territorial Road, west of N. Holly Street, and is described as Tax Lot 200, Section 33BB, T3S, R1E. The applicant is Arlie Lenhardt, representing Mrs. Gladys Satter. City Planner Lashbrook has presentation, listing the findings of fact that must be made to approve this application and stated he had spoken to the fire Marshal and Chief of Police. Neither could foresee any problem with the application. Planner Lashbrook also reviewed the Statewide Planning Goals that were applicable before making a recommendation for approval subject to seven (7) conditions. Mr. Lenhardt informed the Commission that he had been working with the City Planner and that Mrs. Satter did not have funds for full subdivision development. He further stated that the tree farm is located on the west and still producing filbert orchard was located on the east side of the property. The owner is flexible as to the location of the road through the property. Chairman Kahut asked if the owner would like to subdivide the property. Mr. Lenhardt stated that it was not feasible without sanitary sewer being available. The Chairman asked for further proponents and Dave Bury, 360 S. Township Road, stated he was in favor of the application and the possibility that Grant Street would eventually go through to Territorial Road. There being no further proponents, the Chairman asked for opponents. Mr. Wayne Gile, 436 N. W. Territorial Road, stated that if N. Grant Street goes through, it will be right in line with his garage. He was opposed to the application for this reason. There being no further opponents, the Chairman closed the public hearing. Discussion followed regarding the street alignment and the feasibility of developing a full subdivision at the present time. City Attorney Reif asked the City Planner if it would be possible to include a deed restriction for placement of residences on these large lots. Otherwise, a problem could develop in the future making it difficult if not impossible to divide the lots to a smaller size. Mr. Lashbrook stated this would partly be taken care of by the County Sanitarian in the placement of the leachfields. More discussion on the possibility of making this a subdivision with sanitary sewer and full street improvements at the present time. Mr. Lashbrook was uncertain of the availability of sanitary sewer at this time, but could check into it for the Commission if they desired. *Commissioner Cutsforth moved to continue the public hearing on this item until October 8, 1980, to allow the Planner to get further information for the Commission. The motion was seconded by Commissioner MacKenzie and passed unanimously.

Item No. 2: A request for a Minor Land Partition to divide a lot of .42 acre into into two smaller parcels. The property is located at the southeast corner of North Juniper Street and N. E. Territorial Road and is described as Tax Lot 101, Section 28CD, T3S, R1E. The applicant is Martin Clark. Planner Lashbrook gave his presentation listing the required findings of fact that must be made, the applicable Statewide

Planning Goals, and made a recommendation for approval subject to two conditions. The Chairman opened the public hearing and asked the applicant for any comments he wished to make. Mr. Martin Clark stated he felt Mr. Lashbrook had covered all the pertinent facts, and that he had no further comments to make. There being no further proponents, the Chairman called for opponents. None came forth, and the Chairman closed the public hearing. Discussion followed during which time it was brought up that when the original Replat of Crest View had been filed this was to be two lots. However, when the final plat was recorded it had been combined into one lot. There is adequate street frontage for two lots. *Commissioner Sowles moved to approve the application of Martin Clark for a minor land partition from one lot to two lots on the southeast corner of N. Juniper Street and N. E. Territorial Road as the application does conform with the adopted City Plan, the proposal does comply with the applicable Statewide Planning Goals, the proposal does meet the requirements of City Zoning and Subdivision regulations, and the design is appropriate in view of the existing development patterns of the surrounding neighborhood. This approval would be subject to the following conditions: 1) Any fences to be constructed along or within twenty (20) feet of the right-of-way of, N. E. Territorial Road shall be a maximum of three and one-half (3½) feet in height; and, 2) Driveway access to parcel #2 shall be specifically designed to prevent the necessity of backing onto Territorial Road. Access to parcel #1 is to be taken from N. Juniper Street. The motion was seconded by Commissioner Cutsforth and passed unanimously.

Item No. 3: A request for a Minor Land Partition and Variance to the lot width requirements of the R-2 zone to allow the division of a .37 acre lot into two smaller parcels, one of which is to have an average width of approximately 60 feet. The property is located on the west side of N. Knott Street, north of N. E. 4th Avenue, and is described as Tax Lot 1403, Section 33CA, T3S, R1E. The applicant is Martin Clark. City Planner Lashbrook informed the Commission that as on other occasions, the Commission would need to act on the variance prior to any action on the minor land partition. The Planner then gave his presentation to the Commission enumerating the findings of fact that must be made to approve a variance. He further stated that in this particular case, the splitting of the parcel into two parcels would lower the density as the applicant would only be able to place a duplex on each of the newly created parcels while as one lot he would have been able to place a five-plex on the single lot. The Planner recommended approval subject to a single condition. The Chairman opened the public hearing and asked Mr. Clark for any comments he wished to make to the Commission. Mr. Clark stated he felt the material had been well covered. The Chairman asked for any further proponents and none came forth. The Chairman asked for opponents and Dave Bury, 360 S. Township Road stepped forth and stated that he was opposed to the application as he didn't feel there was any hardship and that it was not a must situation. There being no further opponents, the Chairman closed the public hearing. Discussion followed regarding the curve in N. Knott Street where this lot is located and the fact that it was not possible to divide the lot without a variance. *Commissioner Hart moved to approve the variance for lot width as there are circumstances and conditions over which the applicant has no control, the variance is necessary for the preservation of a property right of the applicant, this variance will not be materially detrimental to the purposes of the ordinance or otherwise detrimental to the objectives of any city development plan or policy, the variance is the minimum variance from the provisions and standards of the ordinance which will

Canby Planning Commission
September 10, 1980
Page 3

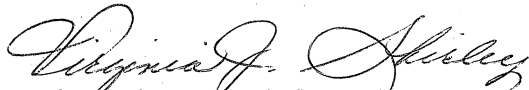
alleviate the hardship, and, this need for a variance was not caused in deliberate violation of City regulations. The motion was seconded by Commissioner MacKenzie. Discussion followed regarding the fact that this was recently subdivided property and the fact that the subdivision had numerous owners. Since subdividing this lot had proven to be too large and a variance is necessary to partition the property into buildable size lots. The motion passed unanimously.

Having approved the variance, *Commissioner MacKenzie moved to approve the Minor Land Partition of which one lot has an average lot width of 68 feet as the proposal does conform with the adopted City Plan, the proposal complies with the applicable Statewide Planning Goals, the proposal meets the requirements of the City Zoning and Subdivision regulations with the variance, and the design of the partition is appropriate. The motion was seconded by Commissioner Cutsforth and passed unanimously.

The meeting adjourned at 9:35 p.m.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission