

Canby Planning Commission  
Regular Meeting  
February 11, 1981

MEMBERS PRESENT: Chairman Kahut, Commissioners Davis, Cutsforth, Baller, and MacKenzie

OTHERS PRESENT: City Attorney R. Roger Reif, City Planner Stephan A. Lashbrook, Secretary Virginia Shirley, Sharon Imholt, James Kreigshauser, John Tatone, David Bury, James F. Nims, Ralph Bonadurer, John Arends, J. Richardson, and others

The minutes of the meeting of January 14, 1981, were approved as presented.

Item No. 1: CONTINUED: Request for a Minor Land Partition from one parcel to three lots. This property is located in the northwest corner of N. E. Territorial Road and North Maple Street, and described as Tax Lot 200, Section 28DC, T3S, R1E. The applicant is James C. Kriegshauser. City Planner Lashbrook gave his presentation of the proposed application and recommended approval subject to five conditions. Mr. Kriegshauser was present. However, he stated he had nothing further to add. Chairman Kahut opened the public hearing and asked for any proponents of the application. None came forth and so he asked for opponents. When none came forth, he closed the public hearing. Discussion followed regarding the resub-division of the large lot and possibly even the two smaller lots which are being partitioned off. In the five conditions recommended by the City Planner, there is a stipulation for locating the house on each of the two smaller parcels. Commissioner Baller expressed concern that the Commission was over-reaching their given responsibility by trying to locate the houses on the property. This should be left to the discretion of the property owner. \*Commissioner MacKenzie moved to approve the minor land partition as they have met all the required findings as the design of this partition is appropriate, the proposal conforms with the City's zoning and subdivision ordinances and comprehensive plan, and complies with the applicable statewide planning goals. This approval to be subject to five conditions of approval: 1) All other recommendations of staff agencies are to be made conditions of approval; 2) Easements are to be provided to the satisfaction of the Canby Utility Board and the Canby Telephone Association; 3) Owners are to prepare and record a waiver of the right to remonstrate against future improvements to N. E. Territorial Road and N. Maple Street. Said waiver to meet the requirements of the City Attorney, 4) Owners are to dedicate ten (10) feet of property along Territorial Road and ten (10) feet along N. Maple Street for future road widening purposes. Owners to bear all costs associated with this dedication including the costs of title insurance meeting the requirements of the City Attorney, and 5) Building sites on parcels I and II to be located near the outside corners of the property to allow for eventual redivision of those properties with access strips located between parcels I and II. The City Planner is to be responsible for reviewing proposed construction plans to assure that this requirement is met. The motion was seconded by Commissioner Cutsforth. Commissioner Baller staed he did not feel that condition #5 should be apt of the approval, as the location of the building should be at the discretion of the owners. Commissioner Davis agreed with Commissioner Baller. After some discussion the maker of the motion and the second agreed to withdraw condition #5. The question was called for and the motion passed unanimously.

Item No. 2: Request for a Zone Change from R-2 (Medium Density Residential) to C-2 (Highway Commerical) of property located at the northeast corner of N. Douglas Street and N. W. First Avenue, and described as Tax Lot 5900, Section 33CC, T3S,

R1E. The applicant is Sharon D. Imholt. City Planner Lashbrook gave his presentation and made a recommendation that the Planning Commission recommend approval of this zone change subject to two conditions. Ms. Imholt, the applicant, stated that it was her feeling that the entire block should be zoned commercial. Chairman Kahut opened the public hearing and asked for any proponents. Mr. J. Richardson, S. Gribble Road, stated that he would be leasing the property for a family type restaurant. He further explained the type of operation he planned to open in Canby. There being no further proponents, the Chairman asked for opponents. When none came forth, he closed the public hearing. Commissioner Davis expressed the feeling that the proposed use would be good in the area, however some C-2 uses would not be appropriate for the area. Parking was discussed as all C-2 area must have off-street parking. The required number of parking spaces are available for this application. \*Commissioner Baller moved to recommend to the City Council the zone change for this property as it does conform with the comprehensive plan, there is a public need, this change will serve the public need better than other available property, it will preserve and protect the health, safety and general welfare of the residents, and it does meet the statewide planning goals and guidelines. This recommended approval to be subject to two conditions: 1) Applicant to prepare and record a waiver of the right to remonstrate against future water line project benefitting the property. Said waiver to meet the requirements of the City Attorney; and, 2) Full sidewalk improvements to be made prior to the change from residential to commercial use. The motion was seconded by Commissioner MacKenzie and passed unanimously.

Item No. 3: Request for a zone change from R-1 (Low Density Residential) to R-2/PUD (Medium Density Residential/Planned Unit Development) of property located on the south side of Knights Bridge Road, east of N. Cedar Street and described as part of Tax Lots 2900 and 3100, Section 33CB, T3S, R1E. The applicant is Canby West Apartment, Oreg. Ltd., represented by Hans H. Juhr. City Planner Lashbrook gave his presentation and made a recommendation to the Commission to recommend approval subject to one condition. The applicant was represented by John Arends who in turn introduced Ralph Bonadurer, architect, and James Nims, Engineer. They gave a slide show presentation of the present senior citizen apartments and the land where the requested zone change is to take place. Chairman Kahut opened the public hearing. Muriel Burford, 640 N. Dahlia Place, stated that she was for the zone change which will allow additional units to be constructed for senior citizens, but does not want a two-story right behind her as she will lose her view of Mt. Hood. There being no further proponents, the Chairman asked for opponents. None came forth and the public hearing was closed. The Commission asked if the surrounding neighbors had been notified of the public hearing. This was answered in the affirmative. The question was raised due to the lack of public interest. The Commission also considered the driveway access, and were assured that it would all be compatible with the existing development. \*Commissioner Davis moved to recommend approval of this zone change to the City Council as the application does conform to the comprehensive plan of the City, County, State agencies and local districts in order to preserve functions and local aspects of land conservation and development, there is a public need for the change, this change will serve the public need better than other available property, the change will preserve and protect the health, safety, and general welfare of the residents in the area, and the application does meet the statewide planning goals and guidelines. The Commission recommends one condition be attached which is: The Zone Change to remain valid for a period of one year within which the applicant must apply, and receive approval, for the complete

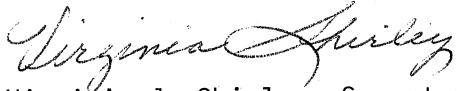
Canby Planning Commission  
February 11, 1981  
Page 3

Planned Unit Development. If such Planning Commission approval is not received within the one year period, or if it is received but the applicant fails to meet the time limits for completion specified at the time of approval, the zoning shall automatically revert to R-1 (Low Density Residential) without the necessity of any special action by the Planning Commission or City Council. The motion was seconded by Commissioner Baller and passed unanimously.

City Planner Lashbrook presented the Commission with copies of the proposed new land use ordinance for their perusal.

This meeting has been recorded on tape.

Respectfully submitted,



Virginia J. Shirley, Secretary  
Canby Planning Commission