

Canby Planning Commission
Regular Meeting
March 8, 1982

MEMBERS PRESENT: Chairman Kahut, Commissioners Baller, MacKenzie, Davis
Shinn and Schrader (arrived late)

OTHERS PRESENT: City Attorney R. Roger Reif, Planner Robert Mahoney, Canby
Utility Board Manager Stephan Lashbrook, Public Works Super-
visor Bud Atwood, Secretary Virginia Shirley, Mr. and Mrs.
Ray Franz, David Bury, and others

The minutes of the February 8, 1982, meeting were approved as presented.

Item No. 1: CONTINUED: Request for a Planned Unit Development Subdivision on property located on the south side of S. W. Third Avenue approximately 500 feet west of S. Ivy Street and described as Tax Lots 5500 and 5501, Section 33CD, T3S, R1E. Applicant plans to subdivide property into eleven (11) lots and build zero-clearance dwelling units. The applicant is J. B. Kosta, represented by Spencer Vail. City Planner Mahoney recommended that the Planning Commission deny this application as the information requested at the last public hearing by the Commission has not been received. Neither the applicant nor his representative has contacted the City, and the City has tried both by mail and telephone and received no reply. Chairman Kahut asked if it was correct that none of the requested additional information had been received. The planner stated this was correct. *Commissioner Baller moved to deny the application for a Planned Unit Development on property described as Tax Lots 5500 and 5501, Section 33CD, T3S, R1E, on the basis that the applicant has failed to demonstrate any need for this project, and to bring forth the requested additional information, there is no reason to further consider the application. The motion was seconded by Commissioner MacKenzie and passed unanimously.

Item No. 2: Request for a minor partition of .94 acre parcel described as Tax Lot 4300, Section 34BB, T3S, R1E, from one lot to three lots to allow residential development. The applicants are R. Schaefer and R. Franz. Presentation by Planner Robert Mahoney with an emphasis on road frontage to the rear lots. He proposed a second twenty foot flag for parcel 2 and an offer of dedication for the 40 feet the entire length of the property from west to east. This offer of dedication could be executed at the time the property to the north develops. The recommendation was for approval subject to three conditions. Commissioner Baller asked if a thirty foot dedication the full length of the property would not be possible. Discussion followed regarding how the property to the north will develop in coordination with this property. The next item of discussion was the sanitary sewer for the property. It was stated that lots 2 and 3 would need pumps for sanitary sewer disposal. Commissioner expressed the desire for an acceptable method of disposal to be one of the conditions of approval.

At this time, Chairman Kahut asked the applicant if he had anything to add to the discussion. Ray Franz stated that he and Mr. Schaefer would be willing to go along with a 25 foot offer-of-dedication, however they are opposed to 40 feet. They would be unable to develop with 40 feet of street to improve. They must consider their financing and they don't want to dedicate all of the street. Both the Planner and Commission Chairman stated this would only be an offer-of-dedication. City Attorney Reif stated that offers of dedication need to have a time-limit stipulation. These offers usually run for a period of five to twenty

years, depending upon the expectations of development. Chairman Kahut asked Mr. Franz if they are planning to divide the rear lot into two lots at a later date. Mr. Franz stated that they had considered this but because of the problems involved did not know if it would be feasible. Mr. Franz further stated that since he lives in the neighborhood, he wants a quality development. Mr. Franz again stated that they were not willing to give 40 feet of their property for street right-of-way.

There being no further discussion, Chairman Kahut opened the public hearing and asked for any proponents for this application. When none came forth, he asked for opponents. There being no opponents, the public hearing was closed. Planner Mahoney stated that he would not be opposed to a 25 foot offer of dedication the full length of the property from east to west. More discussion followed regarding the access to the rear of the property. Stephan Lashbrook approached the Commission and proposed that lots 2 and 3 each have a 12½ foot pole portion of flag to North Pine Street with a reciprocal access easement. This would give each lot access onto N. Pine Street. City Attorney Reif stated that he was in favor of the 12½ foot street accesses. *Commissioner MacKenzie moved to approve the minor partition as the proposed partition conforms with the City of Canby's policies for urbanization and will provide for the creation of additional residential building sites in compliance with the city's housing goals. The property will provide a variety in residential development in that lots will be larger, configuration will differ due to lot depth, width, access and size. The zoning standards have not been altered except for access standard for lots 2 and 3. Access will be provided for Lot 1 from N. Pine Street and Lots 2 and 3 will have access via a flag with reciprocal easements. The building sites will provide for residential lots designed to accommodate single family dwellings which comply with setback and lot area requirements. North Pine Street will act to provide adequate access to residential development on the premises. This approval is subject to the following conditions: 1) The interior lots 2 and 3 to be redesigned for each lot to have a 12½ foot flag and that they have reciprocal easements for ingress/egress. 2) That a 25 foot strip extending east from N. Pine Street be offered to the City for future right-of-way. Said 25 foot strip to extend the full distance of the length of the property (330'), in addition, a waiver of remonstrance is to be filed with the city pertaining to future street improvements should the city execute the offer of dedication and the proposed street be improved. This strip includes both flags for Lots 2 and 3, which will have reciprocal easements. The offer of dedication to remain open for a period of ten years. A ten (10) foot dedication will be required on North Pine Street. 3) All setbacks for residential buildings to be measured from future right-of-way lines to assure compliance with R-1 zoning regulations. 4) Sanitary sewer to be subject to approval of the City Engineer. 5) A waiver of remonstrance is to be required for the improvement of the proposed dedication and N. Pine Street. 6) This approval is subject to all staff reports as conditions of approval. The motion was seconded by Commissioner Baller and passed with 4 ayes and 1 nay (Schrader).

Stephan Lashbrook presented the Commission with a list of minor changes that should be made in Ordinance No. 690. A copy of this report has been made a part

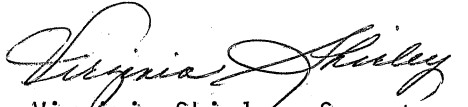
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of these minutes. After going over the report, it was the concensus of the Commission that Mr. Lashbrook and the City Attorney should proceed with writing an ordinance amendment to cover the changes proposed in items 1, 2, 3, and 5. Proposed change No. 4, "'Public building or uses' should be added to the list of permitted uses in all zones.", the Commission felt should not be implemented.

There being no further business to come before the Commission, the meeting was adjourned at 9:30 p.m.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia Shirley, Secretary
Canby Planning Commission