

Canby Planning Commission
Regular Meeting
May 10, 1982

MEMBERS PRESENT: Chairman Kahut, Commissioners Baller, MacKenzie, Davis,
and Shinn (arrived at 8:25 p.m.)

MEMBERS ABSENT: Commissioners Cutsforth and Scharder

OTHERS PRESENT: City Attorney Roger Reif, Public Works Supervisor/City Planner
Bud Atwood, Secretary Virginia Shirley, Gordon Arnold, Pat Griffy, David Bury,
Marie Bonner, Jerry Bontrager, Richard L. Jones and others.

The minutes of the Planning Commission meeting of April 12, 1982, were approved
as presented.

Item No. 1: Application for Expansion of a Non-Conforming Use - Bontrager.
City Planner Atwood presented the Commission with the staff report on this appli-
cation, but withheld any staff recommendation due to the lack of information
particulars. Mr. Bontrager stated that he was still confused on why this was
a non-conforming use rather than the Conditional Use he had gotten in 1973. It
was explained that the difference was in the ordinances and his request to ex-
pand. He further stated that his hours of operation were from 9 to 6 p.m.
Monday thru Saturday and that he would like to keep those hours. Chairman
Kahut opened the public hearing and asked for any proponents to the application.
Richard L. Jones, 675 N. Grant, stated that due to the economy and the need for
work, he felt that Mr. Bontrager should be allowed to fix small engines in his
garage. Mr. Bontrager stated that if the business is successful, they will be
moving to a commerical location to pursue it further. There being no further
proponents, the Chairman called for opponents. When none came forth, the Chair-
man closed the public hearing. Commissioner Davis asked if the business could
continue, if there was a change in ownership. City Attorney Reif stated that
it was a possibility. The discussion turned to the requirements of off-street
parking, business, hours, and traffic generated by this business. Commissioner
Davis moved to approve this non-conforming use for a period of one year as it
will have a minimal adverse impact on the livability and value of abutting prop-
erties, the location and design of the site and structures are as attractive as
the nature of the use and setting warrants, the proposal will preserve assets
of the neighborhood; and the applicant has a bona-fide intent and capability of
developing the proposed use. This approval to be subject to five conditions of
approval: 1) The hours of operation will be restricted to 9:00 a.m. to 6:00 p.m.,
Monday thru Saturday. 2) A twelve (12) foot driveway must be provided to the
garage with a dust-free surface. 3) A paved parking area for three (3) vehicles
will be provided off-street. This parking area will be so located as to eliminate
the need for any backing motion onto N. W. Sixth Avenue 4) This permit to be
reviewed by the Planning Commission prior to renewal of the business license for
this use. There will be no charge to the applicant for this review. 5) This
approval is personal to the applicant and can not be purchased or be assigned.
The motion was seconded by Commissioner MacKenzie and passed 4-0, Chairman
Kahut voting.

Item No. 2: Request for annexation of 1.24 acres located in the southwest corner of N. E. Territorial Road and the Crown Zellerbach Logging Road. This property is described as Tax Lot 2201, Section 27C, T3S, R1E. The applicants are Gordon and Cecilia Arnold. City Planner Atwood made a presentation of the facts surrounding this request and made a recommendation of approval. Chairman Kahut asked the applicant if he had anything he wished to add to the presentation by the City Planner. Ms. Pat Griffy, representing her father Gordon Arnold, stated that since this is not a large parcel and they only want to add one single family residence on the property; because the property is not agricultural either by size or use, because the few large fir trees on the property are used for landscaping; and, because of their desire to have city services which are located in close proximity they did not feel this would create a problem or hardship for anyone. Chairman Kahut read aloud the findings from the staff report along with the recommendation. Commissioner Davis asked if it could be found anyplace where an annexation could be allowed strictly for humanitarian purposes; if so, this would be a good application to justify for that reason. Discussion followed regarding the location and availability of sanitary sewer, potable water, and access to the property. The size of the parcel, trees located on the parcel, and the amount of development were considered. Next on the list of considerations was flooding, natural resources, and potential hazards to development if the property is annexed. After due consideration, *Commissioner MacKenzie moved to recommend to the Canby City Council that a recommendation of approval resolution be sent to the Portland Metropolitan Boundary Review Commission for the annexation of 1.24 acres located in the southwest corner of N. E. Territorial Road and the Crown Zellerbach Logging Road. This request appears to meet all the goals and guidelines of the City's Comprehensive Plan and L.C.D.C's Statewide Planning Goals. This recommendation is supported by the following findings of fact:

The territory to be annexed is within the City's Urban Growth Boundary. The Comprehensive Plan supports the eventual annexation of this site and subsequent development for residential purposes. The property is in priority group "A." (The Land Use Map indicates this property could be zoned R-2, Higher Density, but the intent is to annex the land to make it available for a disabled family relative to live.)

Public facilities and services are adequate and conveniently located to serve the site. Territorial Road is designated as an arterial; water is located along the north boundary of the proposed annexation along Territorial Road; and, sanitary sewer is located on the north and east sides of the parcel in question. Fire and Police service is available at this location.

The property adjoins the City on the north side, directly south of the development of Willamette Green, and is a logical extension of the City boundaries and utility services.

Size, location and existing development has already committed the parcel to urban development.

Small parcels are located to the east and the west with single family residences on each. None of the parcels in the immediate area are of adequate size to make agricultural production economically feasible. Directly east of this property, across the Crown Zellerbach Logging Road, is a small subdivision of four lots.

There is a need to incorporate into the City those parcels which can be used for the logical extension of city services without forfeiting land which can be used for agriculture.

The property owners desire annexation to facilitate planned residential development of the site.

The development of this property as residential with public sewer and water will not create long-term environmental or energy consequences. The subject property is not subject to natural disasters and hazards, nor will the single family dwellings have any adverse effect on the air, water and land resource quality of the City of Canby.

Because of the availability of public facilities and services and the proximity to the present city limits and compatibility with surrounding development, there are no better alternative locations.

There is negligible effect on the district's school systems.

There are a minimum number of fir trees on the property, but they are used for landscaping purposes as opposed to timber production as contemplated by Goal 4 of the L.C.D.C. Goals and Guidelines. No conflict exists.

The motion for a recommendation of approval was seconded by Commissioner Baller. After a short discussion, the motion passed 4 - 0. Chairman Kahut voting.

Item No. 3: Request for a Minor Land Partition to divide one parcel into three (3) parcels. This property is located on the south side of N.E. Tenth Avenue approximately midway between N. Locust and N. Pine Streets and described as Tax Lot 300, Section 33AD, T3S, R1E. The applicant is Marie Bonner. Bud Atwood gave the staff presentation and made a recommendation for approval subject to a change in the alignment of the pole portion of the flag lot and several conditions. The pole portion of the flag lots to come from the main lot rather than partially from the adjoining lot to the west as shown on the drawing presented to the Commission. This will allow a straight alignment. Each of the newly created lots to have a ten (10) foot pole portion to N.E. Tenth Avenue with a reciprocal easement for each lot. Marie Bonner stated that she had no objection to the new alignment. Edna Heaston, 713 N.E. Tenth Avenue, asked why it was not possible to use part of the easement they had and not have two roads running side by side. The Planner explained that the corner was not negotiable and that each of the lots being created needed to have access onto the street to keep from being landlocked. The drawing as amended, seems to be the best way to accomplish this goal. Mrs. Bonner stated again that she had no objection to this plan. There were no opponents to the application, and the Chairman closed the public hearing. The Commission had a short discussion regarding the access, easements, and the need for a dust-free surface on the pole portion of each flag lot. *Commissioner

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Baller moved to approve the minor partitioning of Tax Lot 300, Section 33AD, T3S, R1E, into three parcels as the design of the partition is appropriate for the area, this proposal is in conformance with the Land Use and Planning Ordinance as all lots are of adequate sign and design, and the proposed partitioning complies with the statewide planning goals in that it acts as a "fill-in" to already urbanized property. This approval is to be subject to the following conditions: 1) Owner to dedicate to the City a ten (10) foot strip of property along N.E. Tenth Avenue. Owner to bear all costs for such dedication including title insurance meeting the requirements of the City Attorney. 2) Owner to prepare and record a waiver of the right to remonstrate against any future improvements to N.E. Tenth Avenue. Such waiver to be to the satisfaction of the City Attorney. 3) Owner to prepare and record a reciprocal easement for ingress and egress to both rear lots. Easement wording to meet the requirements of the City Attorney. 4) Utility easements to be provided to the satisfaction of the Canby Utility Board. 5) Pole portion of the flag lots for a width of 20 feet to be paved or have other satisfactory dust-free surface. 6) All staff reports to be considered as requirements of this approval. The motion was seconded by Commissioner MacKenzie and passed 4-0, Chairman Kahut voting.

Proposed amendments to the Land Use and Zoning Ordinance were passed out to the Commission members in order that they could study them prior to the public hearing on the proposed changes at the next Planning Commission meeting June 14, 1982.

There being no further business to come before the Commission, the meeting was adjourned.

This meeting has been recorded on tape.

Respectfully submitted,



Virginia Shirley, Secretary
Canby Planning Commission