

Canby Planning Commission
Regular Meeting
February 14, 1983

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

MEMBER ABSENT: Commissioner Shinn

OTHERS PRESENT: City Attorney Lynn Molander, City Planner Bud Atwood, Secretary Virginia Shirley, R. Roger Reif, and Mrs. and Mrs. John Sullivan

Chairman Kahut opened the meeting at 7:40 p.m.

The minutes of the Planning Commission meeting of January 10, 1983, were corrected to read: ". . . Commissioner Baller and passed . . .," last line of the 4th paragraph. The minutes were approved as corrected.

Item #1: Consideration of the revised preliminary subdivision plat consisting of 14 lots, located on the east side of N. Maple Street approximately 200 feet north of N. E. 23rd Avenue. The applicant is Willamette Valley Country Club. City Planner Atwood gave the staff presentation and made a recommendation for approval, subject to a number of conditions. R. Roger Reif, representing the Country Club, stated they wished to leave the property in open space as long as possible for the deferred taxes. The Country Club is willing to make whatever provisions are appropriate to allow traffic to turnaround in the Club's parking lot. Mr. Reif further stated that the applicants are in agreement with all the requirements except for the requirement of sidewalks. Since there presently are no sidewalks to connect to, and since people don't walk to the Club, there doesn't seem to be any reason to have sidewalks.

Discussion followed by the Commission on requiring sidewalks. Points of the discussion concerned the country appearance, lack of sidewalks in subdivision in the vicinity, and the existing trees along the proposed "Country Club Way."

The Chairman opened the public hearing portion of the meeting and asked for further proponents. There being none, he called for opponents. When no opponents came forth to be heard, he closed the public hearing portion of the hearing.

More discussion on sidewalks - there need and placement. It was the concensus that sidewalks should be located on both sides of Country Club Way and N. E. 24th Avenue and cul-de-sac should also have sidewalks, but that no sidewalk should be placed along N. Maple Street.

It was pointed out that Chairman Kahut and Commissioner Cutsforth were both members of the Country Club. Mr. Reif stated that he had no objection to their participating in this hearing. No objections were voiced by other present, or by other members of the Commissioner. Both commissioners continued to participate in the hearing of this application.

City Planner Atwood read the 13 conditions of approval proposed by staff. It was the concensus of the Commission that the developer be allowed complete control over the trees that are on private property.

*Commissioner Davis moved to approve the subdivision of "Country Club Estates - Annex No. 4," located on the east side of N. Maple Street on both sides of the roadway into the Country Club. The proposed subdivision has been found to be in conformance with the adopted City Plan, complies with the applicable State-wide Planning Goals, meets the city's zoning and subdivision ordinance, and the design is appropriate for the area. This approval is to be subject to the following conditions: 1) Recommendations and requirements of other staff reports to be made conditions of approval of this project; 2) N. Maple Street to be fully improved to City standards for a width of 24 feet from the south to north boundary of the subdivision and starting at the east curblin; 3) The proposed Country Club Way to be fully improved to City standards for a width of 40 feet, east of N. Maple to the east subdivision boundary and Willamette Valley Country Club is to furnish the City of Canby an irrevocable agreement to allow public access to the country club parking area; 4) Single family dwelling units only; 5) Upon completion of streets and all underground utilities, the street right-of-way from curb to property line will be placed in a maintainable condition approved by the Public Works Department. During construction, maintenance of street right-of-way will be the responsibility of the subdivider; 6) No lots are to be redivided; 7) Sidewalks are required on both sides of Country Club Way and N. E. 24th Avenue. In the event trees block construction of a 5-foot sidewalk, the width will be adjusted by the Public Works Superintendent; 8) No trees to be removed in the area between street curb lines and private property lines without prior approval by the Public Works Superintendent; 9) Final plat to be submitted within one year after approval of the tentative plat. If the applicant wishes to proceed with the subdivision after the expiration date, he must formally request an extension of the time, in writing, stating the reasons therefor. The Commission may allow an extension of not more than 6 months, provided the request is properly filed prior to the end of the one year approval period; 10) The subdivider shall, without delay, submit the final plat to the County Assessor and the county governing body for signatures as required by ORS Chapter 92. Approval of the final plat shall be null and void if the plat is not recorded within 6 months of the date of the signature of the Chairman of the City Planning Commission; 11) After the plat has been approved by all City and County officials, two reproducible copies of all data (plat face, dedications, certifications, approvals) and one copy of recorded restrictive and protective covenants shall be returned to the Public Works Office; 12) Street signs as required by the Public Works Department shall be furnished at the expense of the developer; and, 13) Site drainage to be handled to the satisfaction of the Public Works Department.

The motion was seconded by Commissioner MacKenzie. Commissioner Schrader stated that although the Commission is allowing the developer discretion to either cut down or retain the trees on this site, it should not be a precedent for future developers as trees are a very important to the livability of Canby. Each case should be considered separately. There being no further discussion, the Chairman called for the "question." The motion passed unanimously with the Chairman voting.

Item No. 2: Request for a minor land partition from one lot to three lots of property located on the north side of N. E. Territorial Road approximately 500 feet west of N. Maple Street, and described as Tax Lot 500, Section 28DC, T3S, R1E. The applicants are John E. and Gail L. Sullivan. The staff report was read by Planner Atwood with a recommendation of approval subject to five conditions. The Chairman asked the applicants if they had any further information

for the Commission. They stated they did not, as they felt it was all contained within the application. Chairman Kahut then opened the public hearing. There being no additional proponents for the application, he called for opponents. When none came forth, he called the public hearing. Discussion followed regarding the need for "offers of Dedication" on both the south and west sides of the property. Planner Atwood explained to the Commission that Territorial is designated as a major arterial requiring an 80-foot right-of-way, and that another street north between Locust and Maple is needed as the property to the north is developed. The applicant were questioned regarding their willingness to make this offer of dedication, and they stated that they did not object. The offers of dedication will require the adjustment of the north-south property line between the two northerly lots to the east in order to achieve the minimum required lot size, but this will not be detrimental to the design of the lots. Planner Atwood explained that although there is an existing well in the proposed street right-of-way will have an easement allowing continued use.

There being no further discussion, *Commissioner Baller moved to approve a minor land partition of Tax Lot 500, Section 28DC, T3S, R1E, from one lot to three lots as the application conforms with the Statewide Planning Goals, the adopted city plan, and meets the requirements of the zoning and subdivision ordinance. The approval is to be subject to the following conditions: 1) All recommendations in other staff reports to be made conditions of approval; 2) The Offer of Dedication to be given for 10 feet along the south boundary and 20 feet on the west boundary. These offers to remain in effect for 15 years from date of recording; 3) A Waiver of Remonstrance against street improvements to be provided; 4) Recordation of an accurate survey map, prepared by a registered engineer or licensed surveyor, complying with the conditions and requirements of the city, must be completed within one year of the approval of the tentative map. One copy of the recorded survey map shall be filed with the City Planner for appropriate record keeping; and, 5) The applicant shall bear full responsibility for compliance with applicable State and City regulations regarding the recordation of documents and subsequent transfer of ownership. The motion was seconded by Commissioner Schrader and passed unanimously with Chairman Kahut voting.

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