

Canby Planning Commission  
Special Meeting  
March 26, 1984

MEMBERS PRESENT: Chairman Kahut, Commissioners McKibbin, Seale, Davis, Shinn, Cutsforth and Schrader

STAFF PRESENT: City Attorney John Kelley, Planning Consultant Stephan Lashbrook, City Planner Atwood, and Secretary Virginia Shirley

OTHERS PRESENT: Mr. and Mrs. Tony Pizzuti, Mr. and Mrs. Anselmo Pizzuti, Neal Cournoyer, Dick Brown, Charles Boyce, and Steve Kleffner

The minutes of the meeting of March 12, 1984, were corrected to show Mr. Beck had been into the office, Area #10 add: ". . . Whitman's shop property. . ." and page 7 second paragraph, lines 4 and 5 delete Globe Union and insert "the industrial area." The minutes were approved as corrected.

Item No. 1: FOR DECISION ONLY - Zone Change/Plan Amendment of Area No. 6, continued from meeting of March 12, 1984. Commissioners Davis and Shinn stated that they had listened to the tape of the meeting of March 12, 1984, and were familiar with the proposal before the Commission. Chairman Kahut stated that in his opinion this area should be rezoned to commercial, as a street makes a better buffer than an alley. Commissioners McKibbin, Seale and Davis expressed the opinion that the area should be rezoned. Commissioner Shinn stated that long-term planning would call for this property to be rezoned. Commissioner Cutsforth stated that C-1 makes good planning. Commissioner Schrader stated that maybe the area should be a transition area zoned R-2 at the present time. Commissioner Davis stated that by keeping a large core-area it will be a better core area than one made up of remodeled homes. \*Commissioner McKibbin moved to recommend that Area No. 6 be rezoned C-1. This area is described as the north 1/2 and the southwest corner of the block bounded by N.W. 4th and N.W. 3rd, from N. Douglas to N. Elm Streets for the following reasons: 1) It is the largest parcel left for development in the core area; 2) A street makes a better buffer than an alley; 3) The amount of truck traffic on N.W. 3rd; and 4) This is cleaning up area with zoning to meet the requirements of the Comprehensive Plan. The motion was seconded by Commissioner Cutsforth and passed 6 - 1, with Commissioner Schrader voting against the change.

Item No. 2: Request for a subdivision preliminary plat approval to divide a single parcel into 10 lots on the west side of N. Pine Street, approximately 500 feet south of N.E. Tenth Avenue. Proposed lot sizes are to range from 5,000 to 13,200 square feet. The property is described as Tax Lot 1600, Section 33AD, T3S, R1E. The applicant is David Anderson, agent for Charles Hartwell. City Planner Atwood gave the staff presentation and made a recommendation for approval subject to six conditions. Commissioner Schrader asked

about the 20-foot strip west of lot #1. Planner Atwood stated that this would be used for future development of other lots to the south of this track or for further development of lot #2. Consultant Lashbrook stated that ownership should go to the city rather than into private ownership. Commissioner Schrader asked about the electrical transformers being placed in the front of the lots. Consultant Lashbrook stated that C.U.B. had problems getting to them when they were in the rear of the property so they are placing them at the front of the property now. Commissioner Davis stated that she doesn't want to see a duplex develop on a cul-de-sac of single family residences. The change in lot size of lot #4 should not be made. Next, the Commission asked about street lighting and Consultant Lashbrook stated that one street light would be required. City Planner Atwood stated this would be placed on the east side of lot #9, also a street light will be required on S. Pine near the south corner as requested in the zone change. Dave Anderson stated that he will be developing the property and building "low cost housing" on the lots. A discussion followed regarding the location and size of the houses that Mr. Anderson has built during the last year. Chairman Kahut asked if it was possible to build on the back portion of lot #2. Mr. Anderson stated that it was possible. Commissioner Schrader asked if this would landlock the property to the north. Mr. Anderson stated no, that the property to the north could be developed from N.E. 10th Avenue. Commissioner Davis asked if the houses would have double garages. Mr. Anderson stated that each house would be required to have two off-street parking places. He was not certain of double garages. Commissioner Schrader asked if there would be any building restrictions. Mr. Anderson stated there would be none. The Commission having no more questions, Chairman Kahut opened the public testimony portion of the hearing calling for proponents of the subdivision. Scott Taylor, 925 N. Pine Street, came forward and stated that he was in support of this development as this will be better than having apartments next door. There being no further proponents, the Chairman called for opponents. When none came forth, the Chairman closed the public testimony portion of the hearing. Commissioner Schrader asked about drainage for this development. City Planner Atwood stated that drainage would not be a problem, but that the developer had to furnish all drainage for the development. Commissioner McKibbin asked if it would be possible to have an eight-foot fence next to the fairgrounds. Mr. Atwood stated that they could only have a fence six foot high. Commissioner Schrader questioned the location of public facilities and stated that in the future he would like to see them placed on the preliminary plat. Chairman Kahut stated they used to have all this information and should

have it in the future. Commissioner Davis stated that this area is appropriate for this development, and asked the time frame for development and building. Mr. Anderson stated that it should be about one year, depending on financing. Chairman Kahut stated that the preliminary plat could be sold and someone else develop it, so everyone better be sure this is the way it should be. Commissioner Davis stated that she would like to see more complete information on the preliminary plat. Commissioner Schrader suggested that the preliminary plat requirements be taken care of and then the Commission would act on it. The six Commissioners stated that they were in favor of the development, but that the 20 foot piece must be taken care of. Mr. Anderson stated that if it would hasten approval of the preliminary plat they could make that 20 foot part of lot #2. A discussion followed regarding what the Commission members want to see on future preliminary plats. Chairman Kahut stated that the Commission had established that the 20 foot piece is to become a part of lot #2, the preliminary plat meets the subdivision criteria, and the application is in compliance with the Statewide Planning Goals and L.C.D.C. requirements. \*Commissioner Schrader moved to approve the preliminary plat of "North Pine Addition" for 10 lots. This subdivision conforms to the Comprehensive Plan, the small lots are appropriate in the R-2 zone, the application meets the L.C.D.C. requirements, and the Statewide Planning Goals. This approval to be subject to the recommendations of all staff reports with the exception of the requirement to place additional square footage in lot #4 to enable the building of a duplex. All development requirements of Ordinance 740 will become conditions of approval, all lots must contain a minimum of 5,000 square feet after final survey, Pine Street to be improved from the proposed curb and sidewalk to existing oil surface, site drainage to be approved by the Public Works Department, traffic control signs to be installed as required by Public Works and at developer's expense, street light to be placed on lot 9, and existing fire hydrant to be moved north as required by the Fire Marshal, and the small parcel shown as 20' to be attached to lot #2. The motion was seconded by Commissioner Shinn and passed 7 - 0, with the Chairman voting.

Chairman Kahut called for a recess at 8:40 p.m. The meeting reconvened at 8:50 p.m.

Item #3: S.W. 13th Avenue siting decision. City Planner Atwood gave the Commission a history of the proceedings to date. Commissioner Seale asked if this siting was only going to the Dack property. Commissioner Schrader stated that he was opposed as Mr. Dack may never develop. Commissioner Shinn stated that he was in favor of the plan which came out at Burgerville, as that plan does a good job of dividing the uses; gives a long-term solution for the high school; and the signalization could be changed. Further expressed his opinion that siting the road at that location would take care of the long-term future. Commissioner McKibbin stated

that if the street were built by Burgerville it would put three businesses out. Commissioner Shinn stated one yes, but the other two only maybe. Chairman Kahut stated this would make another street for the kids to cross as the high school has an open campus. Commissioner Davis stated that Berg Parkway was the logical place to make a turn. City Planner Atwood stated that traffic volume could force the City to buy another access in the distant future. Chairman Kahut stated that the Commission must also be considering a new exit on the east side of the City. Trucks will use this route because of the bad turns which they are presently required to make in order to get onto 99-E.

Charles Boyce, owner of Oregon Bag Co., stated that his position had been made clear in the letters sent to the Council and Commission. He further stated that three to four days a week Oregon Bag has three eighteen-wheelers in their yard, as well as other trucks which use Berg Parkway. In Mr. Boyce's opinion the traffic light has no bearing on the issue, nor does Mr. Dack's property enter into the decision. Oregon Bag is presently planning a 15,000 square foot building expansion and would like the City to make a decision in order that they may proceed with their plans. Mr. Boyce implored the Commission to seriously consider alternatives as this is a busy road with a lot of congestion in the area.

Commissioner Schrader explained that the problem was not caused by Mr. Dack. The extension of this street has been talked about for years, but no route was ever chosen.

Dick Brown, Canby High School, stated that the School District is not interested in any road or street; not interested in giving up any property; and if something is going to be done it should be to open Aspen Street. School District does not advocate a new street, but if the City must do something that would be best. Commissioner McKibbin asked Mr. Brown if future school development plans call for another street. Mr. Brown stated only if the school expands and opens up the west and south side of their property.

Chairman Kahut stated that there has been talk every since his move to Canby in 1973 and still nothing has been done. Since that time property has been sold, buildings built, and the property split up and still no decision about placement of the street extension.

Mr. Brown stated that the School District owned a lot on S. Douglas Street which they could use to access the back portion of the school's property.

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The Commission held a short discussion on different methods of accessing the southerly portion of the school's property. Commissioner Schrader stated that in his opinion the proposed plan will help the school with their access problems.

More discussion regarding traffic flow, types of traffic that will use the street, and the destination of those using the street.

City Planner Atwood informed the Commission that he wanted to be certain that they understood that Oregon Bag did not approve of the plan, but that it would be less offensive than taking more property. The Commission should consider what will happen when Mr. Dack does develop.

Commissioner Schrader stated that the Commission has put a great deal of work into this project and it isn't possible to make everyone happy, so the Commission must consider what is best for Canby. The Commission knows the street won't be developed today, but we have to choose a route. Commissioner Schrader stated that the Commission should first decide if the street should go through to 99-E, and if the decision is for the street, then we must decide which route.

Mr. Boyce asked the Commission if they had discussed the legal issue with the City Attorney. Chairman Kahut stated that the Commission will only be making a recommendation to the City Council who will make the final decision. City Attorney Kelley gave a brief description of the procedure that would be followed if the City were placed in a position of having reverse condemnation brought against them.

Chairman Kahut asked for a consensus of whether a road should be sited from 13th Avenue to the highway. Commissioner McKibbin stated that although the City doesn't have the money to build the road, we should site it as the road should be put through to alleviate traffic through town. Commissioner Schrader stated that he was in favor of siting the road. Commissioner Seale stated that he would not support either route as the Commission should look to the east for siting a road to the highway. Commissioner Davis stated that although she was in favor of the road, if the City isn't going to have the money to build a road then the Commission should not ask the property owners to save the property. Commissioner Shinn stated that at this point there is no good route, but this is a vision of a future Canby. City will need a road on the west and on the east. Commissioner Cutsforth stated that the placement of this road will be hard on the industrial area and we don't want to lose it. City should investigate a route to the east. Chairman Kahut polled the Commission and found six members in favor of establishing a route and one opposed. Next Chairman Kahut polled the Commission and found that six members preferred the Berg Parkway route and one was opposed.

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Commissioner Schrader asked if the Commission should set a tentative route through the Dack property or should they let Mr. Dack establish the route through his property. Commission consensus was that the Commission should allow Mr. Dack until April 23, 1984, to establish an acceptable route through his property or the Commission would establish the route for him.


Consultant Stephan Lashbrook addressed the Commission and requested a public hearing on April 9, 1984, to hear an amendment to the proposed Comprehensive Plan as requested by L.C.D.C. This amendment would be in the Land Use Element and pertains to the "Areas of Special Concern." The amendment to the Comprehensive Plan would alleviate the need to upzone property to conform with the Comprehensive Plan Land Use Map.

The Commission informed Mr. Lashbrook they would hold a meeting on April 9, 1984, as requested in order to hear the amendment to the Comprehensive Plan as requested by L.C.D.C.

There being no further business to come before the Commission, Chairman Kahut adjourned the meeting at 10:50 p.m.

This meeting has been recorded on tape.

Respectfully submitted,

  
Virginia Shirley, Secretary  
Canby Planning Commission