

Canby Planning Commission
Regular Meeting
June 25, 1984

MEMBERS PRESENT: Commissioners Davis, McKibbin, Cutsforth, and Schrader

MEMBERS ABSENT: Chairman Kahut and Commissioners Shinn and Seale

OTHER PRESENT: Acting City Administrator Bud Atwood, Secretary Virginia Shirley, Marvin Dack, Charles Boyce, Richard Brown, Tracy Boyce and the Boyce's Attorney.

The minutes of the May 14, 1984, meeting were approved as presented.

This meeting was held for the purpose of determining the route of 13th Avenue through the Dack property located on the west terminus of 13th Avenue. By consensus, the Commission has established the remainder of the route to Berg Parkway.

Vice Chairwoman Davis asked Mr. Dack if he had any alternatives to the recommendation of the City staff for a road through his property for the extension of S. W. 13th Avenue.

Mr. Atwood stated that the substance of the matter is that the City's adopted Comprehensive Plan calls for this road to be put through in some form or other. It either has to be sited or the Comprehensive Plan will have to be changed. This street has been in the last two plans as accepted by the Council. Mrs. Davis stated that even if the Commission has heard Mr. Dack's thoughts on the matter, they would be happy to hear them again.

Mr. Dack addressed the Commission and gave them a history of how he remembered discussion of this road, along with various memos, letters, and maps. The first study had been made prior to his coming to Canby in 1964. This study showed the access road that was to go around Canby. At that time, the access road went through Mr. Dack's property, went straight ahead through the Kahut property, Industrial Seating, and angled up to Berg Parkway. Property has been split and sold since that time. From the time the City of Canby started looking at this access road, if they had been serious and decided there was going to be a road there, there should have been more done to preserve that route when the land was available, and, in fact, vacant. As late as 1979, Stephan Lashbrook stated in a letter to the Planning Commission giving an analysis of the possible alignments of an arterial to connect 99-E with S. W. 13th, that it already may be too late for the extension of this street. In the letter, Mr. Lashbrook showed three separate route selections. Mr. Dack stated that he had the original map and had tried to make a larger map for the Commission.

Mr. Lashbrook's fourth proposal - "no project." He read further from the letter which has been made a part of these minutes.

Mr. Dack then read a portion of the same letter regarding the curve at the northeast corner of his property and the L.D.S. Church property. Mr. Dack stated that the City Engineer, Ken Ferguson, decided that the road would not be built and elected to only secure an option of the 100-foot triangle with the remark to Mr. Dack that "no road will be built." Mr. Dack stated that he felt the Commission has to weigh the comments of past employees, because the citizens have been misled that no road was going to be built. The Commission must consider if the time is past for consideration of the road.

Mr. Dack stated that he is withdrawing the application for a mobile home park unless the Planning Commission approves the route for the road with 30-foot on his property and 30-foot on the high school property as shown on the application for the mobile home park. Mr. Dack asked that the City consider two alternatives: 1) no road be built; and, 2) if a road is built, the engineer come up with a curve on the northwest part of the Dack property that would take a fair share of Dack property and L.D.S. church property. Also, align the road down the northern part of the Dack property so as to take 30 feet of the Dack property and 30 feet of the high school property. If the City aligns the road up the narrow part of the Dack property then a fair amount to be apaid for that property and that the City pay the cost of said property with an exchange of City services. Also, that the City pay the cost of improving that section of the road. Mr. Dack further requested that the City rezone the property from R-1.5 to R-2 as this would allow the applicant more density in developing the balance of the property. Property was designated R-2 on the Interim Plan and changed without his knowledge to R-1.5 designation. If the City decides to build the road and selects a different route than above, they will be subject to inverse condemnation. Mr. Dack stated that he would answer any questions the Commission might ask. His final statement was that he felt the Commission should go back and take a hard look at the history of this road.

Commissioner Schrader stated that being a junior member of the Commission, he did not feel qualified to make the decision as to whether there should be a road or no road without the full Commission present. At previous meetings, the Commission knew they would not be deciding whether to build the road but only to site the road, if possible. The mobile home proposal by Mr. Dack brought the issue to a head.

Commissioner Schrader stated that he would like to start with point #2. Chairwoman Davis stated that when this started it was determined that they were to go ahead and plan for the road to be built. Mrs. Davis stated that she would like a reminder of why part of the road is not coming from the high school property. Mr. Atwood stated that it was originally up there - the high school seemed very opposed to it - so it was moved down. It was Mr. Dack's development that actually started this whole program, and Mr. Atwood didn't want to put the City in the position of having to buy the school's property. Originally, the recommendation the Commission sent to the Council had that piece on the southern part of the school's property - half on the school and half on Dack's. Mr. Atwood further stated that the church had been asked for a triangle which they gave and now they have built parking lots, etc. He stated that he would not want to go back and ask for more - would need to move curbs, parking lot, etc.

Commissioner Schrader asked if the diagram shown utilized fully the triangle we got from the church. Mr. Atwood stated that it did not, as it is not possible to use it and have a 250-foot centerline radius and that is essential for 25 mph curves. Commissioner Schrader stated that the options are to either leave the curve as is or somehow approach the Mormon Church again.

Mr. Atwood stated that he feels there is another alternative that may have gotten lost. At one time, just before this last series of meetings started, He recommended that the road be sited to the Dack property and leave him with alternatives as to how he will develop it. Possibly, Mr. Dack will sell the property and someone else would want to put in a subdivision in the future. He is speaking of withdrawing his mobile home park at this time; and, since it is not approved, he can withdraw it anytime. Commissioner Schrader wanted to know how it can be controlled. Mrs. Davis stated that she felt if the road is sited it should be sited all the way through.

Mrs. Davis informed the Commission that they should move on and discuss the high school property and the Dack property in relationship to the road. Mr. Dick Brown stated that he was going to have to leave and he wanted to make sure that the Commission understood the high school district's position. The Board Chairman re-emphasized that the feeling of the Board is not any different than it was the last time Mr. Brown appeared before the Commission. That position is that the school does not wish to relinquish any land because they don't have enough land to do what is anticipated as being needed in the future. School District presently negotiating to buy more land, because they realize they

don't have enough. If the road has to be, then the most advantageous portion would be on the west side of the property as far as the high school is concerned for access. The high school does not want access on the south side of the property. There would be more utilization in the future to parking areas on the west side. Mr. Brown stated that he did not want to paint a false picture, the Board's feeling are clear in that they do not want to relinquish anything; but, if it comes to where a dedication must be made, the west side is the least objectionable to them. Discussion followed regarding how much the school would benefit from the road on the south.

Mr. Dack wanted to know the school's position as to whether a road should go through from the terminus of S. W. 13th to Berg Parkway. Mr. Brown stated that at the present time the Board does not care whether or not there is a road.

Mr. Charles Boyce stood and asked Mrs. Davis if he could add something to the discussion. He stated that tonight's discussion had been about considerations for the church, Mr. Dack's problem, but no discussion or consideration for the industrial district. The proposed road would cut through the industrial district. He stated that although the 26 feet was more palatable than 60 feet, Oregon Bag Company still objects strenuously. Mr. Boyce reiterated the number of heavy trucks that use the road daily. As far as Oregon Bag is concerned they are on record with the Planning Commission and the City Council objecting strenuously and will probably follow through to the mat with the condemnation of their land. He further stated that they had tried to point out that a road through to Berg Parkway would be hazardous. If the road were to go through to Aspen, the users would be on the State Highway. They would not disturb any of the present industrial area.

Chairwoman Davis thanked the affected property owners for their participation and views of the proposed road, and stated that the Commission will continue the discussion among themselves. Chairwoman Davis asked if the Commission wanted to start with the question of whether there would be a road or not. It was the consensus of the Commission that they were definitely going to site a road.

Commissioner Schrader stated that points A and B of Mr. Dack's proposal had been discussed, and he would like to go on and discuss points C and D.

Chairwoman Davis read point C. Mr. Atwood stated that this is a point that would come under the City Council's jurisdiction as it is financial.

Chairwoman Davis read point D. She continued by saying that she didn't believe the Commission would be rezoning property as they are siting a road.

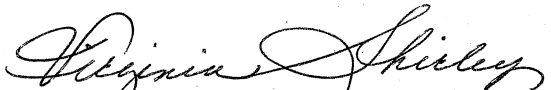
The discussion turned to Mr. Boyce's property. Commissioner Schrader stated that this discussion is not very palatable to anyone and some changes have been made in the amount of property to be acquired from Mr. Boyce, trying to take into account all the public testimony received.

*Commissioner Schrader moved to continue until the next regularly scheduled meeting for decision only on two aspects of the proposal as drawn by the staff for the June 25, 1984, meeting relating to: 1) The curve between the L.D.S. Church and Mr. Dack's property and whether or not it should - a) remain as in the report, or, b) take more of the L.D.S. Church property. 2) Place the south stretch of the road as drawn by the staff entirely on Mr. Dack's property, or take 30 feet of the school property and 30 feet of Mr. Dack's property. Upon deciding each of these points separately, the Commission to combine the final result into a proposal that will be recommended in some form to the City Council. The motion was seconded by Commissioner McKibbin. Chairwoman Davis asked if one or more of the Commission members can not be present at the next meeting, if they could vote by sealed letter. It was answered that if they listened to the tapes that would be possible. Mr. Atwood informed the Commission that the next meeting of the Commission would be held on June 9, 1984. A roll-call vote was called for and each Commissioner presented voted in favor of the motion. The motion carried 4 - 0.

This meeting has been recorded on tape.

There being no further business to come before the Commission, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,


Virginia Shirley, Secretary
Canby Planning Commission

DATE: June 22, 1984

TO: Canby Planning Commission

FROM: Bud Atwood
Acting City Administrator

SUBJECT: 13th Avenue Extension to Berg Parkway

After two time extensions, Mr. Dack has failed to submit an alternative to the staff proposal for extension of S. W. 13th Avenue to Berg Parkway. Therefore, unless Mr. Dack gives a convincing presentation at the June 25, 1984, Planning Commission meeting, I would recommend that the Commission forward the staff proposal to Council for action.

A copy of the route proposed by staff is attached.