

Canby Planning Commission
Regular Meeting
April 14, 1986

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

MEMBER ABSENT: Commissioner Shinn

OTHERS PRESENT: City Attorney John Kelley, City Adminis-
trator Bud Atwood, Secretary Virginia
Shirley, Public Works Director Rusty
Klem, Martin and Lloyd Clark, Thomas
Long, Gary Haberman, Dick Brown, Ron
Tatone, John Harpster and others

The minutes of the March 10, 1986, meeting were approved as
presented.

Item #1: CONTINUED public hearing of a proposed subdivision
of ten lots on the west side of N. Ash Street, approximately
350 feet north of Knight's Bridge Road and described as Tax
Lot 300, Section 32A, T3S, R1E. The applicants are Ronald
G. Tatone and Gloria J. Ives. The staff report was given by
Bud Atwood with a recommendation to approve subject to
certain conditions. Ronald Tatone objected to the request
for a one-foot reserve strip at the west end of N.W. 9th
Avenue. Mr. Tatone was asked about the shape of lot 1. He
explained that it was shaped as such in order to not leave
land to grow grass but to be usable. Some discussion
followed regarding putting the road through if that lot was
sold. Mr. Tatone stated that he would put some wording into
the sales agreement to enable the road to go through. More
talk on how the City could have assurance that the road
could go through if that lot were under new ownership. It
was suggested that Mr. Tatone give the City an offer of
dedication. The City Attorney told the Commission that an
offer of dedication would be acceptable.

Chairman Kahut opened the public hearing portion of the
meeting and called for proponents. When none came forth he
called for opponents. There being none, the public hearing
portion of the meeting was closed.

Commissioner Schrader asked if there was a new letter from
the Canby Utility Board. Mr. Atwood stated that we were not
in receipt of one. Commissioner McKibbin stated he didn't
feel there was any need for a one-foot reserve strip. Com-
missioners Seale, Davis, Clift and Schrader agreed that a
reserve strips should be approved as Mr. Tatone has not
proved their was not a need for them.

After a short discussion, *Commissioner Davis moved to approve the requested subdivision as drawn for the meeting of April 14, 1986, as it conforms to the Comprehensive Plan, conforms with the applicable requirements of the Land Development and Planning Ordinance, and the overall design and arrangement of lots shall be functional and shall adequately provide building sites. This approval to be subject to the following conditions: (1) Construction will not start prior to satisfactory resolution of the Clark Bargain and Sales Deed; (2) Offer of dedication for extension of N.W. 11th Avenue (area shown as 1-B on preliminary plat); (3) Easements as stated in the Canby Utility Board and Canby Telephone Association memos dated 12/5/85 and 11/26/85. (4) Where N.W. 9th Avenue will stop at the end of Phase II, there is to be one-foot reserve strip dedicated to the City. ((5) Where N.W. Ash Street is being widened and will stop between Phase I and Phase 2, there is to be a one-foot reserve strip dedicated to the City. The motion was seconded by Commissioner Schrader and passed unanimously with the Chairman voting.

Item #2: Request for Expansion of a Conditional Use Permit to add a portable classroom on the present campus of Canby High School located on the south side of S.W. 4th Avenue and described as Tax Lot 700, Section 4B, T4S, R1E. The applicant is Canby Union High School by Richard Brown, Superintendent. The staff report was read by Bud Atwood with a recommendation to approve. Dick Brown explained they have housed the mentally retarded for E.S.D. and they wish to continue to help them. With this portable classroom they will have the room to let the handicapped and mentally retarded continue to use the space they have used in the past and use the new space for a classroom.

Chairman Kahut opened the public hearing portion of the meeting and called for proponents. When none came, forth he called for opponents. There being none, the public hearing portion of the meeting was closed.

*Commissioner Seale moved to approve the expansion of a conditional use permit for Canby Union High School as the required findings have been met and the staff recommendation is in agreement. The motion was seconded by Commissioner Clift. The motion passed unanimously with the Chairman voting.

Item #3: Request for a variance from ten (10) foot to zero (0) feet for a sign on Highway 99-E. The applicant is Gary Haberman. The staff report was given by Mr. Atwood who made a recommendation for approval. Thomas Long spoke for the applicant explaining the need for the sign, location of the sign, and the loss of placing the sign further back on the property. There being no questions, the Chairman opened the public hearing. First he called for proponents. None came

forth, so he called for opponents. The manager of the car wash located next door stated that he was against the sign as it was too large and would block out his sign and also his building. John Harpster who owns South Birch Animal Clinic stated that the new sign would hid his sign so people could not locate the animal clinic. He further stated that they have a sign which they can use which does not hide anybody else's sign. Mr. Harpster had brought with him a video tape which he set up for the Commission's viewing. This was viewed and a discussion held regarding what the Commissioners had seen.. Commissioner Schrader stated that the Commission should follow the ordinance. Commissioner Clift he was for the application due to the location of the business. Commissioner Davis stated that most signs are not aesthetically pleasing to the eye but expressed the opinion that this sign was more pleasing than the old sign which could have the faces replaced. In favor of new sign. Commissioner Seal stated that he didn't feel the sign would sufficiently block other businesses. Commissioner McKibbin stated the sign won't restrict the view as there is good visibility. Chairman Kahut stated that he didn't feel it would be detrimental. Possibly what should be done is the speed limit reduced.

*Commissioner Clift moved to approve the variance and to accept the findings of the staff report dated 3.31.86. (These findings have been made a part of the minutes.) The motion was seconded by Commissioner Davis and the motion carried with Commissioner Schrader voting against the motion.

City Administrator Atwood reminded the Commissioners that Jim Sitzman from L.C.D.C. would be here to speak to them at their workshop on Thursday, April 17, 1986.

There minutes have been recorded on tape.

Respectfully submitted,



Virginia J. Shirley, Secretary
Canby Planning Commission

Possible Justification

- (1) The immediate highway area sites building and signs that were built under different regulations and to some extent restrict highway view of a properly placed sign on the applicant's property. The property line is 14 feet behind the highway curb.
- (2) The variance would provide the applicant the same sign visibility enjoyed by adjoining properties.
- (3) The variance would not be detrimental to the purposes of the Ordinance or to properties in the vicinity. The sign would be 14 feet behind the highway curb. A greater distance than some signs in the area.
- (4) A lesser variance would place the sign deeper into the property than other signs in the area.
- (5) The conditions that caused the requested variance were pre-existing and not caused by the applicant.