

Canby Planning Commission
Regular Meeting
December 8, 1986

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

MEMBER ABSENT: Commissioner Clift

OTHERS PRESENT: City Attorney John Kelley, City Administrator Bud Atwood, Secretary Virginia Shirley, Public Works Director Wayne Klem, Betty Shroeder, Marilyn Hahn, Mr. and Mrs. Glen Carpenter, Carma Edington, and others.

The minutes of the November 13, 1986, special meeting were approved as presented.

Item #1: Request for a minor land partition of Tax Lot 6100, Section 33CC, T3S, R1E, and located between S. W. First and S. W. Second Avenues on the east side of S. Birch Street. It is the applicant's desire to partition the lot into three parcels. The applicants are Betty Shroeder and Marilyn Hahn. Commissioner McKibbin declared a conflict of interest as it is his intention to purchase one of the parcels from this partition. At this time, he left his seat to sit in the audience. Mr. Atwood presented the staff report, and due to fact that one of the buildings is partially in the right-of-way did not give a staff recommendation. He did however state that is discussions with staff it seemed more appropriate to request a vacation from the Council than an easement. Problems of vision clearance, the requirement of 8-foot sidewalk and ingress/egress from 99-E were asked by the Commission. Mr. Atwood stated that there were no vision clearance problems, the 8-foot sidewalks are required by ordinance, and that the owners would need to get an ingress/egress permit from the State Highway Department.

Mrs. Shroeder stated that there were two ingress/egresses onto Highway 99-E at the present time. She also stated that there would be some changes in the sizes of the lots, but that it would basically be the same. Commissioner Nicholson was concerned with where sidewalks would be put on S. Birch. Mr. Atwood explained that they would be in the right-of-way. Mr. Atwood explained that they could vacate ten feet on S. Birch in exchange for sidewalk.

Chairman Kahut opened the public hearing portion of the meeting, by calling for proponents. Mr. and Mrs. Glen Carpenter, 10259 59th Street, Vancouver, Washington, stated that they were in favor of the application. Ms. Carma Edington, 15161 S. Highland Road, also stated that she was in favor of the application. There being no further proponents, Chairman Kahut called for opponents. When none came forth, he closed the public hearing portion of the meeting.

Mrs. Shroeder asked if the purchasers would be allowed time to put in the required sidewalks. Mr. Atwood stated that if they were not part of the partition, the City would be unable to enforce the requirement. Mrs. Shroeder explained that they are trying to make

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this sale prior to January 1, 1987, due to the new tax rules. Mr. Atwood questioned Mr. Kelley about the legality of having the purchasers post a bond for the sidewalk. Mr. Kelley stated that this would be permissible; however, the premium may be to costly.

Mr. McKibbin stated that on the lot he intended to buy, the sidewalk would cost approximately \$1,200.00.

*Commissioner Schrader moved to approve the requested minor land partition as it meets the standards and criteria, and with sidewalk will be in conformance with the Comprehensive Plan. The development of sidewalks in this location will be an improvement for the area. This approval to be conditional on the following requirements: 1) Vacation of ten feet on the east side of S. Birch approved by Canby City Council; 2) Eight-foot sidewalks and curbs along S.W. Second Avenue, S. Birch Street and S.W. First Avenue (Highway 99-E), and 3) Easements as required by Ordinance #740. The motion was seconded by Commissioner Davis and passed unanimously with the Chairman voting.

This meeting has been recorded on tape.

Respectfully submitted,



Virginia Shirley, Secretary
Canby Planning Commission