

Canby Planning Commission
Regular Meeting
February 23, 1987

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

MEMBER ABSENT: Commissioner Clift

OTHERS PRESENT: City Administrator Stephan Lashbrook, Director of Public Works Wayne Klem, Secretary Virginia Shirley, City Attorney John Kelley (late), Dr. Edmund Davies, A. Wayne Scott, Dick Morse, Ben Maxwell, Dan Weber, Mr. Cederquist, Ron Molinsky, Mr. Orr, Kay Larro, Shaun Smith and others

The minutes of the meeting held December 8, 1986, were approved as presented.

Item #1: Interpretation of Ordinance Wording request by A. Wayne Scott. City Administrator Lashbrook read the ordinance in question which pertains to shared parking. He then read Mr. Scott's letter requesting an interpretation. Commissioner Harmon stated that he had inquired as to the prime time use for motels and restaurants and found it to be early evening. Mr. Scott stated that the realty office and the tax office would generally be closed when the motel is busy. Commissioner McKibbin asked if the tax office was open all during the year. The manager stated that it was only open from January through April. Commissioner Nicholson stated that the ordinance states that one business must be closed for another to use its parking. Commissioner Seale stated that real estate and the motel would not overlap. Commissioner Schrader stated that it would be precedent setting. Commissioner Schrader moved that the Planning Commission accept the interpretation of the City Planner on parking requirements. The motion was seconded by Commissioner Nicholson. Commissioners McKibbin, Seale and Harmon voted nay and Commissioners Nicholson, Schrader and Chairman Kahut voted yea. Motion failed due to the tie. City Administrator Lashbrook stated that until he received other instructions he would continue to interpret the ordinance as he had previously. Chairman Kahut informed Mr. Scott of his right to appeal to the City Council.

Item #3: Request for change of ownership for Day Care Center located at Shopping Center. City Administrator Lashbrook reviewed the Planning Commission minutes which included a condition that any sale of the property (Day Care Center) be approved by the Planning Commission. Commissioner McKibbin moved to approve the change of ownership and that the condition of approval requiring the Planning Commission's approval for future changes in ownership be stricken. The motion was seconded by Commissioner Schrader and passed unanimously with the Chairman voting.

Item #2: Request for time extension on preliminary plat of "Lillian Acres." The developer is Ronald G. Tatone. Administrator Lashbrook

reviewed the information for the Commission and recommended that the Commission allow an additional six months for the filing of the final plat. Commissioner Schrader moved to approve the time extension for the allotted six months period. The motion was seconded by Commissioner McKibbin and approved unanimously with the Chairman voting.

Item #4: Request for a minor land partition and lot size variance to divide a single tax lot into two parcels. The variance is for lot size for a duplex. The property is located on the east side of N. Juniper north of N.E. Tenth Avenue. The applicant is Martin Clark.

Commissioner Harmon declared a conflict of interest and stepped down from his seat on the Commission. Commissioner McKibbin informed the Commission that he had been approached and asked to build a swimming pool for these people; and, he has had prior business dealings with the applicant. It was the consensus of the Commission that he did not need to step down.

City Administrator Lashbrook gave the staff report and stated they should consider the variance first. He then read the criteria for the granting of a variance. Commissioner Seale asked if there were any findings for the variance. The City Administrator stated that he had not prepared any but would be willing to on their recommendation. Commissioner Schrader questioned whether the application was in conformance with the Comprehensive Plan. Martin Clark, the applicant, stated he had buyers for the development who had formerly lived in Canby and have wanted to move back for quite some time. Mr. Clark told the Commission that as shown in the attached drawings, this would make a good functional use of the property. Commissioner Nicholson asked Mr. Clark when he had purchased the property. Mr. Clark said about six weeks ago. Commissioner Schrader wanted to know if the conflict with the fire department was cleared up and Mr. Clark stated that it was, as he had agreed to provide the additional space between building sites as requested by the Fire Marshal.

Chairman Kahut opened the public hearing portion of the meeting by asking for proponents of the request. Clyde Powell stated that he had lived here for 18 years before moving away. Wants to return to Canby and has spent the last year looking for a duplex lot on the north side. Mr. Powell said that this will not be a rental it will all be family. Shaun Smith stated that he has been a resident of Canby for four years and wants to build a house on the north side. He plans on living on the lot in front of the duplex. Ben Maxwell stated that he has been looking for a lot to build on and there is very little available. Most of those which are available are priced out of his range. Mr. Maxwell added that he had seen Mr. Clark's homes built before and that he was impressed by Mr. Clark's skills as a builder.

There being no further proponents, the Chairman called for opponents. Dr. Edmund Davies stated that it was his understanding that this portion of Canby was to have large lots for single family residences. He stated that he did not want his property value brought down so someone could "make a buck." Dan Weber stated that this land had been single family for a long time on large lots. Mr. Weber asked if this would be a

single story or if they intended to build a two-story duplex. Mr. Cederquisit stated that it would bring too much additional traffic to the neighborhood. Pat Harmon asked if it could have covenants or restrictions on the deed to limit the number of vehicles and to specify the level of maintenance that the property will receive. Ron Molinsky stated that he was opposed to two-story as they would have a birds-eye-view of every backyard in the neighborhood. Mr. Orr stated that he was just opposed to a duplex in the neighborhood.

There being no further opponents, the Chairman, stated that the applicant could have five minutes to rebut the opponents testimony. Mr. Clark stated that both the ordinance and the Comprehensive Plan called for the use of duplexes in single family zones. There will be no windows in the back of the second floor of the duplex, so they will only receive light. The windows are next to the ceiling on the west side (front) and do not afford a view. The Chairman closed the public hearing portion of the meeting.

The Commission began by discussing the five criteria which must be met in order to issue a variance.

Chairman Kahut called for a ten minute recess at 9:15 p.m. The meeting reconvened at 9:25 p.m.

Commissioner Schrader stated that he didn't feel the applicant had met the criteria for the granting of a variance. Commissioner Nicholson stated that he didn't feel that findings one, two or four had been met. Commissioner Seale stated that the findings for granting a variance had not met to his satisfaction. Commissioner McKibbin made no comments.

Commissioner Schrader moved to deny the variance on the grounds that condition number 2 of the criteria has not been met and the Commission is unable to grant a variance unless all five criteria have been met. The motion was seconded by Commissioner Seale and passed with four ayes and one nay, Commissioner McKibbin, and the Chairman voting.

The Chairman called for the staff report on the minor land partition. City Administrator Lashbrook gave the staff report applying to the minor land partition and stated the Commission should delete condition no. 5 in the conditions of approval. Since there were no questions, the Chairman opened the public hearing portion of the meeting and called for proponents. Kay Larro, realtor, stated that she was in favor of the minor land partition as the City is in need of lots on the north side. Ben Maxwell stated that he is looking for a lot and Canby needs lots that are buildable. Mr. Maxwell added that people are being forced out of Canby because a few people control the land. Shaun Smith stated that he wants to live on the north side of Canby but had been unable to find an affordable home.

There being no further proponents, the Chairman called for opponents. There being none, the Chairman closed the public hearing portion of the hearing.

Commissioner Schrader moved to approve the minor land partition as it is in conformance with the Comprehensive Plan. This approval is subject to the following conditions: 1) The owner is to prepare and record a waiver of the right to remonstrate against future street or utility improvements to N. Juniper Street. This waiver must meet the requirements set by the City Attorney. 2) Access strip to rear parcel is to be paved for a full twenty (20) foot width and is to be posted as a private driveway. 3) Utility easements for City, CUB, CTA, and NWT use are to be recorded. Such easements are to be twelve (12) feet in width along exterior property lines and six (6) feet in width along interior lines. Wording of the easement(s) to meet the requirements of the City Administrator. 4) A sidewalk, meeting City standards, is to be constructed along the street frontage. 5) A sight obscuring fence, six (6) feet in height, is to be constructed around the developed portion of the rear lot. Where existing fencing or landscaping adequately obscures the site, and where adjoining property owners do not object, this condition shall be considered to be met. 6) Any recommendations of other agencies or departments are to be adopted as conditions of approval. The motion was seconded by Commissioner Nicholson and passed unanimously with the Chairman voting.

Item #5: Request for a 35 lot subdivision to be done in two phases. This property is located in the southeast corner of N. Locust Street and N.E. Territorial Road. The applicant is Richard K. Morse. Commissioner Nicholson declared a conflict of interest stating that he lived just across Locust Street from this property and would not be able to be objective regarding this development. He took a seat in the audience. City Administrator Lashbrook gave the staff report with a recommendation for approval of the first phase with conditions of approval. Public Works Director Klem answered Commission questions regarding his staff report. Mr. Morse, applicant, spoke to the Commission and stated his intention to develop phase I and then develop phase II when it was needed.

Chairman Kahut opened the public hearing portion of the meeting by calling for proponents of the development. Ben Maxwell stated that he was in favor of the development of more lots within the City. Shaun McVicker stated that as a fireman he didn't feel that we needed either the easement or a hammerhead at the end of N.E. 15th Avenue. Richard Cameron asked for clarification of phase I and phase II. There being no further proponents, the Chairman called for opponents. When none came forth, the Chairman closed the public hearing portion of the meeting. Discussion followed regarding access to the back of a long lot adjacent to this property on the south side, storm drainage, sanitary sewer lines and laterals, and the hammerhead on the west end of N.E. 15th Avenue. Commissioner Schrader brought up solar access. Commissioner Seale moved to approve phase I and request a new staff report on phase II prior to final submittal. This preliminary approval to be subject to the following conditions: 1) Ten (10) feet of property along Territorial Road is to be dedicated to the City for right-of-way purposes. 2) Sidewalks are to be constructed along all street frontages. Due to the narrow right-of-way of N. Locust Street, sidewalks there are to be constructed on an easement for the purpose. 3) Sidewalks along

Territorial Road are to follow the same setback and design as those in the adjacent Crestview Replat subdivision. 4) Curbs are to be constructed in conformance with City Standards. 5) A six (6) inch water line is to be constructed to the satisfaction of the Canby Utility Board. 6) All other requirements of the Public Works Department, CUB, CTA, and NWT are to be met, with construction of utilities to the standards set by those organizations. 7) An access easement, or other reasonable guarantee of access, is to be provided to the property which is just outside the subdivision at its southwest corner. 8) Access to lots 10 and 11 (phase I, block 1) is to be limited such that no driveways are located on Territorial Road. Access to lots 6 through 9 is to be designed so as to eliminate the need for backing movements onto Territorial Road. 9) Street name, stop, and deadend signs to be provided at developer's expense for the small deadend street between lots 10 and 11 which will temporarily exist between the completion of phase I and phase II. Also, a barricade to the satisfaction of the Public Works Director is to be provided at that deadend. 10) Developer is encouraged to save as many of the existing mature trees as possible. 11) Existing house and out-buildings on lot 4 are to be removed prior to issuance of a building permit for new construction on lots 3, 4, or 5 of phase I. 12) All other recommendations of other agencies and organizations are to be regarded as conditions of approval. The motion was seconded by Commissioner McKibbin and passed unanimously with the Chairman voting.

There being no further business, the meeting was adjourned at 11:15 p.m.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission