

Canby Planning Commission  
Regular Meeting  
December 14, 1987

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

OTHERS PRESENT: City Administrator Stephan Lashbrook, City Attorney John Kelley, Bob Kacalek, Tim and Catherine Davis, Butch Olsen, Esther Andrus Nelson, and Gordon and Agatha Andrus.

NONAGENDA ITEMS: Esther Nelson stated that she was present with regards to the property where Canby Tour and Travel has been located.

Chairman Kahut stated that this matter was not on tonight's agenda and asked the City Administrator to address Ms. Nelson. Mr. Lashbrook stated that the City was still waiting for a report from the State Accident Prevention Office. Mr. Lashbrook further stated that he had called the man who made the tests on December 1, 1987, and Mr. Lashbrook was told the report would be out in approximately ten days. The gentleman stated the report would go directly to the Davises and the City would need to get a copy from the Davises. He refused to give any information to Mr. Lashbrook. Commissioner Schrader asked Mr. Lashbrook if he had contacted DEQ again. Mr. Lashbrook stated that DEQ was unwilling to become involved and DEQ's attitude was that they deal with outdoor air quality problems and not the indoor variety. Mr. Lashbrook expressed the feeling that it would not be appropriate to go further with DEQ until Rod Austria had finished his tests and made his report for the Accident Prevention Division. Mr. Lashbrook said he didn't realize that would entail weeks of wait. Mr. Lashbrook said that it was his feeling that some pressure should be put on DEQ to make their equipment available for the use of other state agencies. Commissioner Schrader felt that it might be more effective if the City made the request rather than the property owner. Commissioner Schrader asked the City Attorney about the nuisance abatement procedure and if he had researched it further. City Attorney Kelley stated that there are public nuisances and private nuisances. Private citizens have the right to sue privately to remove a nuisance if it is directly effecting them and the City could institute a public nuisance procedure under the ordinance. Mr. Kelley explained that there is a proof problem and that as City Attorney he is reluctant to institute the legal action that would be necessary. Such action would have to be authorized by the City Council. Mr. Kelley stated that he is not confident that the City would prevail with the action without additional proof. If the City Council felt otherwise, Mr. Kelley would initiate the legal action. Discussion followed regarding Workman's Compensation and what they have paid and what action they may take in the future. Since the Chairman of the Commission had been absent from the meeting held November 23, 1987, Ms. Nelson, Tim Davis, Stephan Lashbrook and John Kelley informed him of the proceedings at the first meeting.

Commissioner Schrader moved to recommend that the City Council research the problem associated with the potential health hazard of the smoker at

Fisher's Meat and take appropriate action. The motion was seconded by Commissioner Lindsay and passed unanimously with the Chairman voting. Commissioner Schrader stated that the Davises and the Nelsons should check and see if they can bring an application before the Planning Commission regarding the alleged food processing located in a C-1 zone. Commissioner Lindsay stated that the Commissioners needed a definition of processing, and that this should be brought back as an agenda item. The Commission has heard about the situation as a nonagenda item and now it is time for it to be an agenda item. Commissioner Lindsay further stated that the Commission had requested to be updated. He ask Esther Nelson and Catherine Davis if they had any information to give the Commission. Catherine Davis stated that the remainder of the crew are well. Trish is still ill and Tami quit working at that facility as her doctor advised. Tami was never as ill as Trish. The doctor has told Trish that she has completely worn down her resistance.

Continued request for a planned unit development containing 13 lots on property located between the fairgrounds and N.E. Tenth Avenue and west of N. Pine Street. the applicant is Arthur Olsen. Stephan Lashbrook reminded the Commission that the public hearing portion of the meeting had been closed. The Commission also requested specific information and the applicant has returned with more information. Mr. Lashbrook informed the Commission that a preconstruction meeting had been held and Mr. Edwards attended. Representatives of development agencies from the City were present and did not have any particular problems with the plans. Mr. Lashbrook stated that he still did not have information about the easement for the City's sanitary sewer mainline which runs through the property. The Commission will consider the same conditions of approval as before, plus the additional conditions the Commission put on at the last meeting. Mr. Lashbrook stated that he would consider the fence line of the Fairgrounds as a rear property line and all others as side property lines for setback purposes.

Mr. Eldon Edwards, representing the applicant, informed the Commission that the applicant had provided a twenty (20) foot setback on all sides of the property. The applicant has made provisions for the sewer line easement and a secondary easement for the water line. The houses will have approximately 1200 square feet if single story and as much as 2400 square feet, if two-story. An additional ten parking spaces were provided in two groups of five. Mr. Edwards stated that he had inquired from other cities and he and the applicant have worked out CC&R's that both they and the city should be able to live within. Chairman Kahut stated that he would want to see total and complete designs for everything, if it were up to him. Commissioner Harmon asked the reason for changing the driveway entrance to a twenty (20) foot driveway rather than the separated one-way drives. Mr. Edwards stated that the fire department preferred the single driveway over the separated one-way drives. Mr. Lashbrook stated that the twenty foot driveway means that there will be no on-street parking anywhere in the development. Mr. Lashbrook stated that he intends to be sure that some specific wording is put in the by-laws that allows anybody in the development to be able to have a car towed if it is parked illegally. Discussion turned to parking and the location of parking spaces, driveway engress/egress and the directional flow of the traffic.

Chairman Kahut asked if the private drive for this project would be built to certain specifications. Mr. Lashbrook stated that there were really no specifications, it would be up to the developers. Discussion turned to the island and whether it was for landscaping or if it would be a traffic coordinator. Eldon Edwards stated that people would maintain their own yards, but the association would be responsible for streets, streetlights, common areas, anything owned by the association. Commissioner Harmon asked if there would be a separate water meter for the common area and a sprinkling system put in. Mr. Edwards stated that normally a separate metering system was put in for the common areas. Commissioner Schrader stated that as he saw the picture Mr. Edwards has addressed all the concerns of the Commission to some extent and was asking the Commission to leave the "fine tuning" to Mr. Edwards. Mr. Edwards stated that he and his client were at the concept point and that other information could come later. Chairman Kahut stated that in the final analysis he would not be ready to approve the PUD tonight. Chairman Kahut went on to say that the concept was good but he wants additional details before giving his final approval to the project. Mr. Lashbrook stated that since this was a subdivision and subdivisions needed a two-step approval process, the Commission could schedule a plan review before signing the final plat. The Planning Commission could make a tentative plat approval with conditions that had to be met prior to submittal and approval of the final plat. Mr. Edwards was in agreement with the idea. Chairman Kahut asked if Mr. Olsen intended to develop the subdivision himself. Mr. Olsen stated that he did intend to do the building himself. Commissioner Lindsay stated that he felt the consensus idea was good due to the time constraints on the earnest money agreement. Now, the applicants want approval and from here they would want final approval.

City Administrator Lashbrook stated that the Commission had discussed fifteen conditions and the Planning Commission could add to those. Commissioner Schrader moved that the private access drive be twenty (20) foot in width the entire way around with an extra five-unit parking area east of that access drive where it enters the loop, no parking on the private drive and a one-way sign be put at the loop to indicate the direction of traffic on the inside. The motion was seconded by Commissioner Seale and passed unanimously.

Mr. Lashbrook explained to the Commission that he would now be going through the conditions one by one. 1, ok; 2, ok; 3, ok; 4, Commissioner Schrader suggested that this condition be approved by the Commission at the final of approval of the final plat; 5, to be worded as per the previous motion; 6, strike No. 6; 7, this was covered; 8, this is to be five feet in width; 9, ok; 10, building to be removed prior to issuance of any building permit for improvement and landscaping in place prior to occupancy of any units; 11, ok; 12, ok; 13, this is to be a private streetlighting system; 14, ok. Mr. Lashbrook asked what additional information the Commission wanted prior to approval of the final plat. Chairman Kahut stated landscaping. Chairman Kahut asked if the requirement for a two-car garage would be part of the deed restrictions. Mr. Edwards stated they may not do all the building but they will not let anyone down-grade the development. Commissioner Kahut requested a

Minimum of 1100 square feet per unit, double car garage, minimum of one break in the roofline. Mr. Lashbrook stated that the Commission should examine the CC&R's in detail, prior to approval of the final plat. Commissioner Nicholson asked if the covenants would include assurance that the open space would remain open, plus a description of how the maintenance will be provided in the open areas, private drives and fence. Commissioner Lindsay stated in the common area and access area the developer should think of the needs of handicapped people. Mr. Edwards stated this would be no problem as he hoped at least some of the homes would be purchased by handicapped people.

City Administrator Lashbrook stated that if the Commission was in agreement with the conditions proposed, then a motion should be made to that effect and the City would consider this tentative plat approval. Chairman Kahut asked if the cul-de-sac was going to be curbed. Mr. Lashbrook stated that the City didn't have a standard other than where there are parking areas. The applicant must handle on-site drainage by the use of drywells.

Commissioner Schrader moved to approve the tentative plat for "Fairground Park" PUD subject to conditions one through fifteen as outlined in the November 23, 1987, meeting and reviewed at the December 14, 1987, meeting. Conditions 6 and 12 being deleted as of discussion on December 14, 1987, meeting. The final plat approval be contingent on a finished homeowner's agreement and covenant with details as discussed at the December 14, 1987, meeting. A more complete design, again as discussed and outlined by the Commission at the December 14, 1987, meeting, subject to Planning Commission review. Commissioner Schrader noted that the proposal conforms with the Comprehensive Plan. The motion was seconded by Commissioner Seale and passed with the Chairman voting.

Amendment to Canby's Comprehensive Plan to consider deleting the planned extension of N.E. Second Avenue from its present terminus to N.E. 4th Avenue, near the County Fairgrounds. The applicant is Mohasco Company and the agent is Bob Kacalek. Commissioner Harmon left his seat on the Commission due to a potential conflict of interest. Administrator Lashbrook presented the staff report and made a recommendation to approve the request subject to some modification. There is a need for a standard cul-de-sac at the end of N.E. Second Avenue. Bob Kacalek, representing the applicant, stated that he was in agreement with the staff report, and he noted possible industrial development if street requirement is removed. Chairman Kahut opened the public hearing portion of the meeting and called for proponents. When none came forth the Chairman called for opponents. There being no opponents, the Chairman closed the public hearing portion of the meeting. \*Commissioner Schrader moved to recommend that the Council delete the planned extension of N.E. Second Avenue from the Comprehensive Plan, based on the following findings and conclusions: 1) After review of the contents of the remainder of the Comprehensive Plan, specifically the Land Use, Transportation, and Economic's Elements, it has been determined that this change will present no problems relative to any portion of the Plan which is not being changed. 2) There is a public need for this change evidenced by the letters submitted and the lack of adverse testimony received at the hearing. Letters in the file from the following: Bob Kacalek, representing Mohasco Corp.; Violet P. Beck; Charles A. Tucker; Mr. and Mrs. Thomas L. Johnson. 3) There is no other way to meet this need but to delete this street extension completely from the

Comprehensive Plan. There is no alternative road alignment in the area which would serve any real purpose. 4) There Plan amendment will preserve and protect valued industrial-zoned land and, in so doing, will benefit the public. There is a scarcity of developable industrial-zoned property in Canby and this Plan amendment will help to maximize the available land with this zoning. No health, safety, or welfare issues are involved. 5) The four assumptions of the staff listed in page 4 of the staff report are all accepted by the Planning Commission. 6) Statewide Planning Goals, particularly those dealing with transportation, public facilities, and the economy have all been considered. This Plan amendment in no way conflicts with those Goals. The motion was seconded by Commissioner Nicholson and passed 6-0 with the Chairman voting and Commissioner Harmon abstaining.

This meeting has been recorded on tape.

Respectfully submitted,

A handwritten signature in cursive script, reading "Virginia J. Shirley".

Virginia J. Shirley, Secretary  
Canby Planning Commission