

Canby Planning Commission  
Regular Meeting  
February 22, 1988

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

MEMBER ABSENT: Commissioner Schrader

OTHERS PRESENT: City Administrator Stephan Lashbrook, City Attorney John Kelley, Secretary Virginia Shirley, Janice Weeks, Don Bear, Dick and Carol Lee Morse, Lenora V. Bear, Leland Breedlove, W. L. and O. F. Brown, Ray Brown, John Lape, Gary T. Calvert, L. Jay Scott, James Kriegshauser, and others.

The minutes of the meeting of February 8, 1988, were amended on page 4, paragraph 4, condition #1 to read: Utility easements of 5 feet for interior and 12 feet for street frontage are to be provided except for the south side of Parcel III. The minutes were approved as amended.

The Commission received no citizen input on nonagenda items.

Item #1: Continued public hearing of a proposed zone change from R-1, Low Density Residential, to R-2, Medium Density Residential, of property located on the south side of N.E. Territorial Road west of N. Maple Street, and described as Tax Lots 1400, 1500, 1401, and 1300, Section 28DC, T3S, R1E. The applicants are W. L. and O.F. Brown, Raymond W. Brown, and William E. and Maxine Garmire. City Administrator Lashbrook reviewed the Petition which was submitted during the meeting February 8, 1988, and also reviewed a letter received from Janice Weeks. Mr. Lashbrook informed the Commission and audience that this property had been shown as multi-family as early as the 1976 Interim General Plan for the city's development. Mr. Lashbrook discussed the need for an extension of N. Manzanita to Territorial Road.

Chairman Kahut opened the public hearing portion of the meeting and called for proponents. Janice Weeks, 3585 N. Holly, stated that the application does comply with the standards and criteria for granting a zone change; and, there is a need for low cost rental units. Gary Calvert, Guardian Property, stated that his company currently manages three apartment complexes in Canby. These are low income, complexes and the residents are required to pay basic rent. The basic rents is between \$205 and \$310 per month. There is a definite need for additional units, as they have a waiting list on units in Canby. Farmers Home Administration requires the owner to maintain the residence and most are rented to local residents. John Lape, 3220 S.W. Sherwood Place, Portland, stated he would be the architect for the project. Mr. Lape further stated the project would consist of approximately 28 units in two buildings with a landscaped and parking area. The developer was prepared to dedicate ten (10) feet for right-of-way along Territorial Road and N. Maple Street. W. L. Brown stated he wanted the zone change so he could do something with the property. There being no further proponents, the Chairman called for opponents.

Don Bear, 1630 N. Maple, stated that apartments are only as good as the management. Mr. Bear informed the Commission that Mr. W.L. Brown had been to see him during the last week and had showed Mr. Bear pictures of the type of apartments the developer planned on siting on the property. Mr. Bear further stated that he had visited Canby West apartments and had visited a site in McMinnville where apartments are being built. Mr. Bear expressed concern that what has happened to Wilsonville will happen to Canby. Mr. Bear doesn't want that to happen to Canby. Mr. Bear expressed the feeling that each person, or developer, who requests a zone change should submit plans of what they plan for the property prior to a public hearing. Mr. Lashbrook informed Mr. Bear and the rest of the audience that the City does not have the authority to rule on design as a matter of zone change, unless the applicant wants to stipulate absolutely the design to be placed there. Chairman Kahut stated that when the Commission recommends to the City Council that the zone be changed on a certain piece of property, whatever is allowable to be built in an R-2 zone will come before the staff. It will not have to come before the Commission again, the Commission is only involved in the zone change. Mr. Bear stated that he realized that, but in a heavy density you could go to a mobile home court. The City Attorney stated that only the issues the Planning Commission can deal with should be brought up. Mr. Bear stated that he had something he wanted to bring up and then he would address the issues. Mr. Bear went on to speak of the history of growth in Canby. Mr. Bear read from the Comprehensive Plan Land Use section, Policy #6, Area "N." Mr. Bear proposed the following: A) That only low cost senior housing be built as a conditional use; B) The Commission obtain needed dedications to extend Manzanita through to Territorial Road, to alleviate some of the traffic on N. Maple; C) Propose that N. Maple be improved at the same time any construction is started, even if this means moving up the improvements of N. Maple. Mr. Bear asked Mr. Klem if there was adequate sanitary and storm water drains in N. Maple. Mr. Klem answered that there was adequate sanitary sewer and that storm drainage was handled on-site. Mr. Bear next stated that the street width in Canby was not consistent, as he had measured N. Maple from curb-to-curb and it was 39 feet. Next he measured N.E. 16th Avenue in front of his house and it was 40 feet from curb-to-curb. Mr. Bear stated that he had talked to Farm Home and was told that that location was too far from the shopping district for a senior citizen project. Mr. Bear stated that it was 1.2 miles from the shopping district. Mr. Bear asked the Planning Commission what they were going to do to improve N. Maple. He said that North Maple must be improved before another complex can be put in.

Leland Breedlove, 592 N.E. Territorial, asked the City Administrator two questions: On an earlier development, vehicular access onto Territorial Road was to be restricted; and, the mention of the possibilities of extending Manzanita. Mr. Lashbrook stated that the staff was trying to discourage backing motions onto Territorial Road. As for Manzanita, the staff has drawn a possible extension for the Planning Commission's consideration.

Lenora Bear, 1630 N. Maple Street, stated that she was interested in the safety factor. She cited an instance of a car being left with the motor

running which came into their yard; another instance was a young housewife in the apartments who was assaulted; and the third was the result of renting to teenagers who had friends visit and relieved themselves on the Bear's shrubbery. She said that rentals are rentals and single family homes are single family homes, and the tax payers and owners of single family homes are entitled to live without being surrounded by apartments.

Jay Scott, 730 N.E. 16th Avenue, stated that he had spoken to members of the fire and police departments, and they said that they will have to spread themselves a little thinner, but will handle it. However, both departments showed concern for low income apartments in this area.

Kaylene Clawson, 1770 N. Maple Street, stated that in order to accommodate the projected growth of Canby the City would need more apartments. The growth rate is not as fast as projected. So, she concluded, Canby should keep a lid on the building of apartments.

Mr. Breedlove stated that he did not feel the discussion was to the point, and should have occurred prior to the Comprehensive Plan being complete.

Richard Morse, 1944 Country Club Drive, stated that when he developed his subdivision he was informed that certain pieces of property could not have access to Territorial. Furthermore, certain pieces would need a turnaround for frontal access to Territorial. Mr. Morse went on to say that from a traffic standpoint Maple Street isn't half developed yet. There is the Maple Street Park to be developed further, and the property east of Maple is undeveloped. He said that if the Planning Commission is planning a zone change between N. Manzanita and N. Maple they should plan the extension for N. Manzanita.

Glenda Peck has lived on N. Maple for thirteen years, and when they moved in there was vacant property all around their property. Mrs. Peck asked how the property would be developed prior to moving in and was told the property was all R-1. Mrs. Peck was told that if it ever did develop it would be in houses. She moved to Canby from Portland because it is a good place to raise children. Maple Street has more traffic as soon as the weather is nice and people start using the park, the traffic is constant until midnight every night.

Kaylene Clawson stated that if the zone change goes through, she would like to see the speed limit changed on N.E. Territorial Road.

Mark Anderson, 530 N.E. Territorial Road, stated that he had appeared before the Commission before, when the McCarter zone change came before the Commission. Mr. Anderson stated that he was not opposed to housing developments, but was strictly opposed to duplexes or apartments. Mr. Anderson said that zone changes are always posted, but no reason to attend to oppose because it is going to be approved anyhow.

There being no further opponents, Chairman Kahut asked Mr. Brown if he had any rebuttal to the opponents. Mr. Brown stood and stated that he was not trying to "hoodwink" anybody.

John Lape, architect, stated that he had similar concerns to those of the neighbors and that was his reason for coming to the hearing. Unfortunately, these aren't reasons of substance in this hearing. There are certain qualifications which Mr. Lape felt had been met. Mr. Lape further stated that he would be glad to stay until after the next public hearing item to answer any questions. Janice Weeks stated that there was no assurance this apartment complex was going to be built. There has been an offer on the property, but nothing is definite. Chairman Kahut closed the public hearing portion of the meeting.

Chairman Kahut asked the City Administrator and City Attorney if either of them had anything they wished to add prior to the Commission discussing the zone change. City Administrator Lashbrook asked if the Commission would be interested in looking at the 1980 traffic count and/or the possible alignment for N. Manzanita. Chairman Kahut stated the Commission should look at both items. Mr. Lashbrook gave an explanation of how to read the traffic count map. Chairman Kahut asked the Commission if they had further questions for the City Planner. Chairman Kahut asked the City Planner how a recommendation or recommendations should be made on this application since there were three applicants. Mr. Lashbrook suggested that at the end of the deliberations, the Commission make three separate motions; because, if there are conditions of approval attached, the Commission can deal with each applicant. When it goes before the City Council, there will be three different ordinances. Commissioner Nicholson asked if the application was only for 1400 and 1500, as Mrs. Weeks had stated. Mr. Lashbrook stated that Mrs. Weeks only represents the two lots, but they considering all lots in the application. Commissioner McKibbin asked if the Commission would be hearing any testimony from the other two applicants. Mr. Lashbrook stated that Mr. Garmire had given his testimony at the last hearing, and the Commission has not heard from Raymond Brown. Raymond Brown stood and stated that the only reason for his portion of the application was because he considered it a good future investment. Mr. Brown also stated that as far as the extension of N. Manzanita was concerned, that would depend on what happens in the future. North Manzanita has deadended at its present location for twenty years, and the apartments have been there for twenty years. Mr. Brown expressed the opinion that the traffic is all coming from Maple Street Park. Mr. Lashbrook informed the Commission that when a zone change is contingent upon something such as a dedication for street purposes, if the applicant chooses not to dedicate the property, the street does not go through and the applicant does not get the zone change. Commissioner McKibbin asked the distance between intersections wanted by the City. Mr. Lashbrook stated that the key was not to have less than 150 feet between intersections. Chairman Kahut stated that the Commission would consider Tax Lots 1400 and 1500 first. Chairman Kahut asked what would happen if the Commission did not accept the Comprehensive Plan and agree it was correct. Mr. Lashbrook stated that he would strongly oppose the Commission, and the City Council would have one recommendation from the Commission and another from the City Administrator. Commissioner Seale stated there had been considerable testimony that N. Maple Street was not adequate to service another apartment complex. John Kelley stated that traffic problems appeared to

be the only legitimately addressed reason for denial. Commissioner Harmon asked Mr. Klem or Mr. Lashbrook if N. Maple Street would be able to handle the additional traffic. Mr. Lashbrook stated there was no specific criteria set. Many of the streets are in need of work being done, but he doubted that the City Council would want to declare a moratorium on development because of the streets. Commissioner Seale asked if they couldn't just declare a moratorium on high density development. Chairman Kahut stated that one of the problems was that the public hearings on the Comprehensive Plan were probably over prior to the petition signers moving to Canby. Commissioner McKibbin stated the Commission is sensitive to the wishes of the people and he is concerned about the traffic. Commissioner Nicholson stated that he was really concerned about the traffic issue also. He noted that the traffic counts on N. Ivy were nearly twice the traffic as N. Maple and that probably still holds true with new traffic counts, and N. Ivy is not in any better shape or better able to handle traffic.

Commissioner Lindsay expressed that he felt the application meets all the criteria for approval.

Commissioner Nicholson moved to recommend to the City Council that based on the findings the requested rezoning of lots 1400 and 1500, Section 28DC, T3S, R1E, is in conformance with the Comprehensive Plan, agrees with policies 1 H and C, Policies 2 A, B, & C, Policies 3 A, B, C, Policy 5 B, Policy 4, Policy 6 and that adequate services appear to be available to the area, subject to the following conditions: 1) The dedication of ten (10) feet of property along N.E. Territorial Road for future street widening and utility purposes; 2) A properly signed waiver of the right to remonstrate against future street, sidewalk or utility improvements is to be recorded for both N. Maple Street and N.E. Territorial Road. The wording of this waiver is to meet the requirements of the City Attorney; 3) At the time of future development of each of these tax lots, curbs and sidewalks to City standards are to be constructed along the street frontage of that tax lot. Commissioner Harmon seconded the motion. Commissioner McKibbin expressed the opinion that Policy 3, B had not been met. Commissioner Seale agreed with Commissioner McKibbin and further stated that from the public testimony given and his knowledge of N. Maple Street, he did not feel it was adequate to service additional traffic. Chairman Kahut stated he was going to poll the members individually for their vote. Commissioner McKibbin - no, Commissioner Seale - no, Commissioner Harmon - yes, Commissioner Lindsay - yes, Commissioner Nicholson - yes, and Chairman Kahut stated he would vote yes. Motion passed 4 - 2. Mr. Bear spoke up and asked the Chairman to make a point of order. Chairman Kahut indicated he could make a point of order, if there was one to be made. Mr. Bear stated that Commissioner Harmon was a Realtor and therefore he could be an advisor, but he deals in property and has a lot to say with what goes on. Mr. Bear stated that Mr. Harmon had a conflict of interest. Chairman Kahut stated that anytime he has had a conflict of interest, Mr. Harmon has so stated.

Chairman Kahut asked if the Commission wanted to consider the other two tax lots together as the alignment of N. Manzanita might take some of each tax lot. Commissioner McKibbin stated that he preferred a straight

alignment of N. Manzanita. Commissioner Seale expressed the feeling that N. Manzanita had to be extended and the drawing shown to the Commission would be alright. Commissioner Harmon was in favor of the extension, Commissioners Lindsay and Nicholson also felt that the extension was needed. Ray Brown asked if they were discussing putting a road through his property. He was given a copy of the map and Mr. Brown asked what he could do with the strip that was left. Mr. Brown asked what would happen if he withdrew the request for a zone change on his tax lot. Mr. Lashbrook stated that any applicant can withdraw at any point during the process. Mr. Brown withdrew his application on tax lot 1401.

Commissioner Harmon moved to recommend approval of tax lot 1300, Section 28DC, T3S, R1E, as it meets all of the requirements for a zone change, subject to the following conditions: 1) The dedication of ten (10) feet of property along N.E. Territorial Road for future street widening and utility purposes; 2) A properly signed waiver of the right to remonstrate against future street, sidewalk or utility improvements is to be recorded for N.E. Territorial Road and the extension of N. Manzanita; 3) At the time of further development of each of the lot, curbs and sidewalks to City standards are to be constructed along the street frontage for the lot; and, 4) Dedication of a triangular parcel in the northeast corner of the property for future extension of N. Manzanita. The motion was seconded by Commissioner Nicholson and the Chairman asked for a roll call vote. Commissioner McKibbin - no, Commissioner Seale - no, Commissioner Harmon - yes, Commissioner Lindsay - yes, Commissioner Nicholson - yes, and Chairman Kahut voted yes. The motion passed 4 yes and 2 no.

Item #2: Request for subdivision approval of Phase II of Morse Addition located in the southeast quadrant of N. Locust and N.E. Territorial Road. The applicant is Richard K. Morse. The staff report was given by Mr. Lashbrook and made a recommendation of approval, subject to several conditions.

Chairman Kahut opened the public hearing portion of the meeting and called for proponents. Leland Breedlove, 592 N.E. Territorial Road, stated that he was in favor of this subdivision. He further stated that although he was against multi-family development, he was not opposed to progress. There being no further proponents, Chairman Kahut called for opponents. There being no opponents, Chairman Kahut closed the public hearing portion of the meeting.

Richard Morse, applicant, stated that he had been working with the Assembly of God Church regarding the Church putting a cul-de-sac in their parking area and he (Mr. Morse) would pay the costs involved. Rusty Klem, Public Works Director, stated this would be better than a hammerhead at the end of N.E. 15th Avenue. Mr. Lashbrook stated it was an option open to Mr. Morse.

Commissioner McKibbin moved to accept phase II of Morse Addition subject to the following conditions: 1) Curbs and sidewalks are to be constructed along all street frontages other than the turnaround for N.E. 15th Avenue located in the southeast corner of the property (Lot 13). Curbs are required within that turnaround. 2) All utilities are

to be constructed to the satisfaction of the agency or entity which provides the utility service. This is to include a looped water line to the satisfaction of the Canby Utility Board. Fire hydrants to be installed per the requirements of the Fire Marshal. 3) Street name and "Stop" signs are to be provided to City standards. "Stop" signs are to be installed to control traffic headed east and west on N.E. 16th Avenue, at the intersection of N. Laurelwood Circle. 4) All other recommendations of other reviewing agencies to be regarded as conditions of approval. 5) All street, curb, sidewalk, storm sewer, and sanitary sewer improvements to meet the requirements of the City Public Works Director. 6) Utility easements, 12 feet in width along all exterior boundaries and 6 feet in width along all interior lot lines, are to be provided. The Planning Commission to adopt the same findings of fact as the February 23, 1987, meeting. Final disposition of the hammerhead on Lot 13, is for staff decision as to the final arrangement. The motion was seconded by Commissioner Seale. The motion passed unanimously with the Chairman voting.

The meeting adjourned at 10.30 p.m.

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