

Canby Planning Commission  
Regular Meeting  
September 12, 1988

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

OTHERS PRESENT: City Administrator Stephan Lashbrook, Public Works Director Rusty Klem, City Attorney John Kelley, John and Sande Torgeson, Lance King, Bill Stevens, Marv Dack, Bob Westcott, Tom Tye, Willlliam Bartlett and Bobbie Bartlett, Elsie Cutsforth

The minutes of the September 1, 1988, meeting were approved as presented with the exception of the findings of fact which will be considered separately.

Findings of Fact for Torgeson Conditional Use. Commissioner Schrader, acting as Chairman of this meeting, stated that condition #16 was not the same as his notes. He stated further that his notes indicated that "bleaching or related processing" were not to be included in the application. The second part of that is that it would not include batching, blending, or bleaching. On the findings of fact, ". . . electrical service is available to the sight through an agreement with PGE." Vice Chairman Schrader for voice vote from those in favor of the findings. There were four ayes and two naves.

Request for a zone change from R-1, Low Density Residential, to R-1.5, Medium Density Residential on property located at the west end of S.W. 13th Avenue and described as Tax Lot 1000, Section 4B, T4S, R1E, and Tax Lots 700, 800, 900, 1000, 1001, and 1100, Section 4C, T4S, R1E. The applicant is Bill Bartlett. Commissioner Harmon stated that he had been involved on a consultation basis and therefore would withdraw from the Planning Commission due to a conflict of interest. Mr. Harmon then took a seat in the audience. City Administrator Lashbrook introduced John Borge, County Planner, and stated that the next application to come before the Commission would be the first application that Mr. Borge had handled. Mr. Borge gave the staff report bringing to the attention of the Commission the road alignment which must traverse through the applicant's property and the steep slope which the City will require assurance of its stability prior to development of the tax lots in question and ended by making a recommendation for approval with conditions. City Administrator Lashbrook asked the Commission to consider an additional condition not to allow a lot line adjustment or a minor partition without a development plan for the whole area. Mr. Lashbrook read a letter from Canby Union High Superintendent into the record, stating the School Board was opposed to this zone change.

Tom Tye, Compass Engineering, representing the applicant, stated the applicant wished to discuss conditions numbers two and three. Vice Chairman Schrader asked if the applicant was referring to the building of a street through the project. Mr. Tye stated they were and wished to have the street moved further north and the applicant will build half of

the street at the time he develops. City Attorney John Kelley explained the waiver of remonstrance and informed the applicant that he retained his right to complain about the assessment, the method of assessment, etc. Mr. Tye stated the applicant would like to have an agreement on the placement of the right of way. Mr. Borge was in agreement that it was an important point. Mr. Borge went on to say that new studies have shown the design accepted by Canby, may not be the best design to use. Vice Chairman Schrader opened the public hearings and called for proponents. There being no proponents, the Vice Chairman called for opponents. John Torgeson, and his wife Sande, stated that they wished to see this application denied for three reasons. First, a zone change is inconsistent with the Comprehensive Plan, second, the proposed site lacks public services, third, the probability of wetlands on the subject property. Mr. Torgeson submitted a booklet which outlined his opposition to the zone change, this booklet was made a part of the file record. Mr. Torgeson stated there was an easement over this land to the bottom land. Mr. Lashbrook asked the location of the easement on the subject property. Mrs. Torgeson stated that the easement was on the county maps, but that she did not have a copy of it. Mr. Schrader stated that he was aware of county easements that lapsed because they were not used. Mr. Lashbrook stated that the City did not have recordation of easements which were not given to the City. Marv Dack stated that he had an easement removed from the property at the time he purchased it in 1964. Mr. Dack further stated that the only easement on the property at this time is one he gave to the Canby Utility Board when they laid the water line through the property. Bill Bartlett, Vice president of DeAnza Development, stated that although Mr. Torgeson had stated that the application was in conflict with the Comprehensive Plan the planning staff had said the application was not in opposition to the Comprehensive Plan. Secondly, concerning drywells they have been used throughout the City for a long time. Mr. Bartlett went on to say that Mr. Torgeson had taken a totally different position when looking at this application than he had when asking permission to bring in a rock crusher. Mr. Bartlett further stated that all of the concerns will be addressed prior to development of the land. Mr. Bartlett explained his company was willing to develop half of the street, but would be unable to develop all of the street. Vice Chairman Schrader closed the public hearing. Commissioner Seale asked why the siting of the road was needed in order to change the zone. Planning Consultant Borge stated that specific siting was not necessary as long as the Commission was willing to give direction as to how the Commission wanted the road to go. A lengthy discussion on how the road should be sited and the methods generally used to site new roads with more than one property giving access (usually both parties will donate property) equally. Specific alignment may not be bad for the developer, once it is determined. Commissioner Seale asked the planning consultant if he were in agreement with the alignment proposed by the city. Mr. Borge expressed the opinion that there were too many turns in the proposed alignment to allow easy movement as the turning radius allows for sharp corners. Mr. Tye stated that they tried to get professional advice when they were going through the application as they didn't feel confident. He still feels they need professional opinion of where the street should go, but not at a public hearing. Vice Chairman Schrader stated the City had completed two studies of the proposed road alignment, the most recent in

1983. Mr. Schrader went on to say that the road had been very nebulous until the Planning Commission was willing to get involved. There was a lot of discussion with property owners in the area at the time of the study. The City's ability to go out and condemn property is very limited, depending on how much the City is willing to pay for the property. Mr. Schrader went on to say that he felt the "fairness doctrine" entered into the alignment of the road also. The other major issue was the reason for making an alignment in 1983, was that we would be ready when the property was brought before the Commission for development. The school board was put on notice in September of 1983, that although the work of the boosters was not held hostage, they knew that their property was going to be considered part of any Berg Parkway Extension. If they came in with another application; we were going to require a waiver. - The Planning Commission will require the same things that we are requiring on the application before us tonight. Mr. Schrader continued by saying that he supported the decision made in 1983, even though it may need some straightening out, and urged the other Commissioners to do the same. Commissioner McKibbin stated that he would like to go over condition #5 one more time. Mr. Lashbrook stated condition #5 was proposed to be worded: "No lot line adjustments or partitions of these tax lots will be approved without a master plan approved for the full property." Commissioner Seale moved to recommend approval of this 19.91 acre tract at the west end of S.W. 13th Avenue from an R-1, Low Density Residential, to R-1.5, Intermediate Density Residential, zoning based on the testimony heard by the Commission, the standards and criteria have been met, the application agrees with the Comprehensive Plan and the staff has told the Commission that all required public services and facilities exist. This approval would be subject to: 1) An engineering study which is to be completed for the area along the bluff, prior to the approval of any building permits for dwelling units. Slope stability and the possible impact of using drywells for storm drainage are to be addressed. 2) The applicant is to provide the City with an offer of dedication of property to allow for the extension of S.W. 13th Avenue. The area to be included within this offer is to be determined by the City Council, acting on the recommendation of the Planning Commission, at the time of adopting the ordinance for this zone change. The form of the offer of dedication is to meet the requirements of the City Attorney. 3) The applicant is to provide the City with a recorded waiver of the right to remonstrate against the formation of a Local Improvement District for the full improvement of S. W. 13th Avenue. The form of the waiver is to meet the requirements of the City Attorney. (The City may require the immediate improvement of the road to City standards as a condition of approving any subsequent development of the site). 4) The cost of all facility or utility improvements to the site are to be borne by the developer. 5) No lot line adjustments or partitions of these tax lots will be approved without a master plan approved for the full property. The motion was seconded by Commissioner McKibbin. Vice-Chairman Schrader stated that the findings of fact may include Policy #6 from the Comprehensive Plan designating this as a special area of concern; Findings No. 2, Policy 2 increased density in this special concerns area. The ultimate development of these parcels must return to the Commission either in the form of a subdivision or a use permit. The motion carried unanimously with the Vice-Chairman voting.

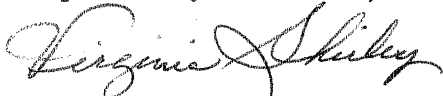
Item #3: Continued public hearing on the sign code. Vice-Chairman Schrader suggested the Planning Commission take advantage of Mr. Lashbrook's expertise as this would be his last meeting as a City employee. Commissioner Seale asked if the Commission hadn't been through the sign ordinance proposal already. Mr. Lashbrook stated they had, but there were still a few questions. It was the consensus of the Commission to let Mr. Lashbrook ask them questions on the parts that weren't clear. First, Mr. Lashbrook brought up the vision clearance areas. Mr. McKibbin suggested that we leave the vision clearance as it has been. Mr. Schrader expressed the feeling that it was mostly explanations that were needed, not change. Mr. Kelley asked Mr. Klem if he and the Police Chief hadn't wanted changes in how the vision clearance was figured. Mr. Klem stated that it would be more functional if changes were made. Mr. Lashbrook asked if they wanted to expand driveways for vision clearance. Discussion turned to alleyways in the commercial and industrial districts. Mr. Westcott expressed that in industrial zones, there are 40-foot trailers parked and that doesn't leave much for vision clearance. Mr. Westcott further stated that taking triangles off of buildings isn't going to help unless the large trucks park some place else. He had been under the impression the industrial park would not have vision clearance problems, but found ". . . in practice its not the same." Mr. Lashbrook stated that the staff had come up with those numbers after a workshop session. Commissioner Seale recommended the Commission stay with the driveway 15 feet and 30 feet as outlined in the proposed ordinance on vision clearance. Mr. Lashbrook asked the Commission about the time designations for the Chief of Police's action on sign removal. Mr. Lashbrook further stated that in his opinion some language needed to be added stipulating that the sign had to be an immediate hazard either for vision clearance or dangerous due to improper installation. Commissioner Schrader agreed that some change needed to be made in the language to clarify the Commission's intention to not alarm the citizenry. Mr. Lashbrook stated the last item of concern was double-faced signs. Citizens had stated that a person could only see one side of the sign at a time and consequently, should only be counted once. To do this could have a great deal of difference in the amount of signs allowed for each building. Commissioner Schrader stated that since there were not a lot of people in the audience concerned about this part of the ordinance, they should leave it as presently written. Commissioner Lindsay stated that he hadn't found anything in the ordinance that told them what to measure and what not to measure. Mr. Lashbrook stated that was a matter of staff procedure and how it has been handled through the years. He went on to say that portion has never been challenged in court, but there has been a lot of challenges at the front counter over how we do it. Next, Mr. Lashbrook ask them about setting an area for vacant lots, right now the wording is "If there is up to five hundred square feet in the use . . ." this has been changed to "0" in order that the minimum size of signs could be placed on the vacant lot. Mr. Lashbrook next brought up the square footage allotment for billboards, if the lot were vacant there would still be an allowance of 50 square feet for a billboard. Mr. Lashbrook stated that he was ready to put the sign ordinance in final hearing form for the Commission to hold their public hearing and forward their recommendation to the City Council. Mr.

Lashbrook stated that he would send the final form to L.C.D.C. with the information that the final Planning Commission hearing will be held on November 14, 1988.

Vice Chairman Schrader thanked Stephan Lashbrook for his many years of service to Canby doing everything to be helpful and working at all hours of the day and night.

This meeting has been recorded on tape.

Respectfully submitted,

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

Virginia Shirley, Secretary  
Canby Planning Commission

9-12-88