

Canby Planning Commission  
Special Meeting  
February 27, 1989

MEMBERS PRESENT: Chairman Kahut, Commissioners McKibbin, Meeuwsen, Lindsay and Harmon.

MEMBERS ABSENT: Commissioners Nicholson and Schrader

OTHERS PRESENT: Public Works Director/Planner Rusty Klem, Secretary Virginia Shirley, Lee Shirley, Darol Ingalls, David Kostrikin and others.

Approval of the February 13, 1989, minutes were postponed until the meeting of March 13, 1989, as both Commissioner Nicholson and Commissioner Schrader were absent.

Chairman Kahut called for citizen input on nonagenda items. David Kostrikin approached the dais and stated that he had been unaware of the fact that the logging road had not been annexed to the City and therefore he would be unable to annex to the City. Mr. Kostrikin further stated that he wished to withdraw and asked for a refund of his application fee. Mr. Klem informed the Commission that the City normally did not refund any fees. The Commission discussed the fee. Commissioner Harmon asked if the City would honor the fee if Mr. Kostrikin returned within thirty (30) days after the logging road was annexed. Mr. Kostrikin stated that he wanted the fee returned. Mr. Klem stated that it will be against City policy to return the fee. Mr. Kostrikin needs a definite date of when he would be able to annex so that it won't mess up his other deal, which is pending on the property. Chairman Kahut asked why he made an application if he wouldn't be allowed to annex. Mr. Klem stated that the staff gathers information after receiving an application. He further stated that it is hard to hand out some information prior to an application. \*Commissioner Harmon moved to recommend to the City Council that the full fee for application for an annexation be refunded. The motion was seconded by Commissioner McKibbin and passed unanimously with the Chairman voting. Since this discussion had taken place under Citizen Input, the first item on the agenda was not heard as an annexation.

Item #2: Request for a Minor Land Partition to divide one lot into two lots on property located on the west side of N. Birch north of 13th Avenue and described as TAX Lot 700, Section 32AA, T3S, R1E. The applicant is Rufus Kraxberger. The owner is Bob Backstrom. Mr. Klem gave the staff report and made a recommendation of approval subject to five conditions, which he went through one by one. After the presentation, Chairman Kahut asked if the City wouldn't require sidewalks. Mr. Klem stated that the whole street needs improvements after elevations and grades are set. No sidewalk exist presently on N. Birch. Commissioner Harmon asked about sewer lift stations and dedication. Mr. Klem informed the Commissioners these were private pressure lines and do not require dedication. Commissioner Lindsay asked what the County Comprehensive Plan has in mind for Territorial

Road. Mr. Klem stated the County doesn't have any plans for Territorial, as it will one day be incorporated into the City. The Commission asked if the Waiver of Remonstrance was only for L.I.D.'s because of the way it was worded. Mr. Klem stated he was not aware of anything else the waiver would be good for. Commissioner Lindsay asked that we word the condition of approval to say: "A waiver of the right to remonstrate against improvements to curbs, street, sidewalks and storm drainage on both N. Birch Street and N.W. Territorial Road. Wording of the waiver of remonstrance to be approved by the City Attorney." Mr. Klem explained to the Commission the necessity of setting elevations and grades in order to put in curbs and sidewalks. Chairman Kahut asked when Birch Street would be rebuilt. Mr. Klem stated that it was his hope to be started with the rebuilding in three months.

Chairman Kahut opened the public hearing portion of the meeting and called for proponents. When no proponents came forth, the Chairman called for opponents. Darol Ingalls, 1350 N. Birch Street, stated that he was opposed to their dividing this property for two additional building sites, that the sites would not have the required 12,000 square feet, and N. Birch was in no condition to handle more traffic. Mr. Klem and the Commission explained to Mr. Ingalls that they would only be creating one new lot for one additional single family residence. The City zoning of the property was R-1, Low Density Residential, with 7,000 square feet per lot required. The new home and the additional residence to be built have pressure sewer lines which run into the manhole on N.W. 12th Avenue. Commissioner Harmon stated that he did not want to see any driveway problems with the creation of this lot. The discussion turned to curbs and sidewalks and Commissioner McKibbin asked if the applicant could place the money in escrow or another account for sidewalks and curbs. Mr. Klem stated that it would be possible to put the money into an escrow account, or they could require the applicant to put in the sidewalk and curbs and as public works could set the elevation and grade. \*Commissioner Harmon moved to approve the minor land partition subject to the following conditions: 1. Provide an offer to dedicate twenty (20) feet for street widening along N.W. Territorial Road. 2. A waiver of the right to remonstrate against future improvements to curbs, street, sidewalks and storage drainage on both N. Birch Street and N.W. Territorial Road. Wording of the waiver of remonstrance to be approved by the City Attorney. 3. A survey recorded with the County surveyor is required prior to issuance of a building permit. One copy of the survey stamped by the County Surveyor is to be placed in the Planning Commission's file in the Public Works Office. 4. Any driveway accesses for the corner lot are to be a minimum of fifty (50) feet from the intersection. 5. Utility easements for City, CUB, CTA and NWT 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 is to be approved by the Public Works Director. And, 6. The applicant will place in a neutral escrow account, funds in the amount of \$2,400 for placement of curbs and sidewalks along N. Birch. Applicant has the right to place the curbs and sidewalks (prior to occupancy) if that is his preference. The motion was seconded by Commissioner Lindsay and passed unanimously with the Chairman voting.

Item #3: Request for a Minor Land Partition to divide one lot into two lots on property located on the west side of S. Fir Street approximately 220 feet north of S.W. 11th Avenue and described as Tax Lot 7735, Section 4BD, T4S, R1E. The applicant is David Anderson and the owner is Richard Weygandt. Mr. Klem gave the staff report and made a recommendation for approval subject to three conditions. Chairman Kahut opened the public hearing portion of the meeting and called for proponents. When none came forth, he called for opponents. There being no opponents, the public hearing portion of the meeting was closed. \*Commissioner McKibbin moved to approve a minor land partition for Tax Lot 7735, Section 4BD, T4S, R1E, as it is in conformance with the text and applicable maps of the Comprehensive Plan; the minor land partition is also in conformance with all other applicable land use requirements, the design and arrangement of parcels is functional, access from S. Fir and S. Fir Court is adequate and all public facilities are available. This approval to be subject to the following conditions: 1. Utility easement 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 Public Works Director. 2. Sidewalks are required at the time of construction on both the new lot and the retained lot with the existing house. 3. Waiver of the right to remonstrate against the formation of an L.I.D. for future improvements. The wording of the waiver of remonstrance must be approved by the City Attorney and the cost of recording borne by the applicant. The motion was seconded by Commissioner Meeuwsen and passed unanimously with the Chairman voting.

Chairman Kahut noted that the Planning Commission would not take action on the minutes of February 13, 1989, as they contained the conditions of approval for Deanza's mobile home park since Commission members who were in attendance were absent at this meeting.

Mr. Klem explained to the Commission that Mr. Dack had requested a postponement of his hearing on the nonconforming use of John Torgeson's gravel operation. Mr. Kelley had reset the hearing for April 10, 1989; therefore, the Planning Commission will have a free evening at which they could hear the Sign Ordinance at a joint meeting of the Commission and City Council or they had the option of holding a public hearing and the Council then acting on the record the Commission built. It was the consensus of the Commission to hold their own public hearing and build a record for the City Council on March 13, 1989. This hearing will be advertised and the public invited to attend.

There being no further business to come before the Commission, the meeting was adjourned.

Respectfully submitted,



Virginia J. Shirley, Secretary  
Canby Planning Commission