

Canby Planning Commission
Regular Meeting
June 26, 1989

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

MEMBER ABSENT: Commissioner Nicholson

OTHERS PRESENT: City Attorney John Kelley, City Planner Wayne Klem, Secretary Virginia Shirley, Councilman Bob Smith, John and Sandi Torgeson, Marv Dack, Bill and Iris Steven, Dan and Karen Onion and Lee Shirley

The minutes of the June 12, 1989, meeting were approved as presented.

Item #1: Appeal of an administrative decision to approve a lot line adjustment between Marv Dack and DeAnza Development located on Tax Lot 700, Section 4C, T4S, R1E. The appellant is John Torgeson.

Staff Report

Mr. Klem gave the staff report and pointed out the Planner's authority for issuing an administrative decision, and the requirements to be met. He further informed the Commission that staff had not seen any easement agreement and accepts no responsibility as the owners are responsible to leinholders, easement agreements, etc.

Questions of Staff

Where was the easement? How did it affect would it have on the lot line adjustment?

Commissioner Schrader gave the Commission an explanation of where the easement is purported to be located.

Presentation by Appellant

Referred to Ordinance #740 and stated that the City Planner should refer cases where it will "significantly alter" development of other property. Mr. Torgeson contended that this lot line adjustment would interfere with his easement to his property. Mr. Torgeson further contended there were several easements to his property. He produced a map showing several easements which he claimed were on both the Stevens and Dack property.

City Attorney

Mr. Kelley asked how the plans alter the easements? A lengthy discussion followed regarding the easements and possible locations.

Public Hearing

No Proponents

Opponents: Marv Dack stated that the easement as shown was across the wetland and up a very steep bank. The contended easement is fifteen (15) foot wide and straight up a sixty (60) foot bank. The easement was never used and it would be impossible to use.

Mr. Stevens expressed the opinion that the Planning Commission should not be interested in the easements across the property.

Torgeson Rebuttal

Stated there still was a road up the bank and that Mr. Dack had drove his jeep up and down the bank.

Public Hearing portion closed.

Discussion

City Attorney Kelley told the Commission that he could not see how the easement was altered by the lot line adjustment. If the Commission feels that the easement has been altered they can deny the lot line adjustment.

Commissioner McKibbin stated the Commission should uphold the City Planner's decision.

Commissioner Harmon stated that with all the easements they appear to have this would not landlocked parcel.

Commissioner Lindsay stated that he didn't feel the easements would be altered.

Commissioner Schrader expressed the opinion that there was conflicting evidence on easements at this hearing.

Action

Commissioner Schrader moved to deny the appeal and approve the lot line adjustment made by staff as it meets 16.58.040 and 16.58.060. The motion was seconded by Commissioner Lindsay. The motion was passed unanimously with the Chairman voting.

Request for a conditional use permit to build a mini-storage building in a C/R, Residential/Commercial, zone on property located on the east side of S. Ivy Street approximately 30 feet south of S.W. Seventh Avenue and described as Tax Lot 1300, Section 4AB, T4S, R1E. The applicant is Daniel D. Onion.

Staff Report

Mr. Klem gave the staff report and made a recommendation of approval subject to two (2) conditions.

Questions of Staff

The Commission wanted to know if these would be one- or two-story buildings. If landscaping was planned on the east side of the property? The hours of operation.

Dan Onion, Applicant

Mr. Onion stated that the proposed hours of operation would be from 8:00 a.m. to 8:00 p.m. and then locked up. He further stated that the area would have perimeter fencing and he didn't intend to plant shrubbery on the east side. It was further explained that all the buildings would be one-story and that he would have a resident caretaker.

Public Hearing

No proponents or opponents.
Chairman Kahut closed public hearing portion of the meeting.


Action

Commissioner McKibbin moved to grant a conditional use permit as it meets all of the criteria for approval. This approval to be subject to the following conditions: 1) The applicant will construct curb in front of the entire parcel to grade set by the City. The street will be repaired from the remaining pavement to the new curb to City specifications. Sidewalks will be constructed along the width of the entire parcel to City standards. 2) All input from other jurisdictions will be considered conditions of approval including needed easement recommendations.

There being no further business to come before the Commission, the meeting was adjourned at 9:00 p.m.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission