

CANBY PLANNING COMMISSION
REGULAR MEETING
JUNE 25, 1990
7:30 p.m.

APPROVED

I. ROLL CALL

Present: Chairman Schrader, Commissioners Lindsay, Bear, Mihata, Zieg and Wiegand.

Others Present: Rusty Klem, Director of Public Works; Joyce Faltus, Planning Secretary; Dan Larson, Miriam Larson, Harold R. Wodtli, Arthur Ellickson.

II. MINUTES

The June 18, 1990 minutes were approved unanimously.

III. COMMUNICATIONS

Rusty Klem explained that the City received a request from Compass Corporation for a postponement of the hearing on CUP 90-02, the Elmwood II Mobile Home Expansion, due to concerns with the title to the property. As five items are scheduled for the July 9th Planning Commission agenda, all of which have been noticed, it was decided to postpone CUP 90-02 to July 23, 1990.

IV. UNFINISHED BUSINESS

None.

V. BUSINESS FROM THE AUDIENCE

None.

VI. PUBLIC HEARING

Chairman Schrader explained the public hearing rules and guidelines and procedures relative to the applicable criteria. He called for ex-parte contact or conflict of interest. Commissioners Wiegand, Zieg, Bear and Schrader explained they had visited the site.

MLP 90-04, a request by Miriam Larson for approval to divide a 6.41 acre parcel into two lots containing 3.00 acres and 3.41 acres on property identified as Tax Lot 1200 of Tax Map 3-1E-34C. This hearing was continued from May 14, 1990.

Rusty Klem presented the staff report and explained that staff is concerned that 16.20.030(B) of the Code requires 60 feet of frontage on a newly created interior lot. As the property lies within an R-2 zone, 56 dwelling units could be constructed on the property. If proposed as a PUD, the possibility exists for more units. Therefore, staff is further concerned about approving the creation of a 3.4 acre parcel with only forty feet of frontage on a street. Staff recommends approval of the partition with the conditions that prior to the issuance of building permits, the applicant shall submit proof that street frontage equal to the minimum requirements of the Code is available to the southern parcel. Additionally, staff recommends that a formal site plan review be conducted prior to development of either the northern or southern parcel. The main concern is one of access. Other than the public right-of-way, access in this portion of the City is lacking.

Rusty explained that the City met with several adjacent property owners concerning the alignment of Pine, a collector street, from Hwy. 99 and Pine from Township Road. An outcome of the meeting was to minimize the arc through Mr. Wodtli's property, come as far as possible down the existing right-of-way, make a 100' radius to the east and another 100' radius to the south, back to meet Township. Although it is a tight radius, a large truck could maneuver it. When the area is developed, there are a number of options available to change S.E. 5th Avenue. They would be discussed during the Design Review stage.

A discussion was held regarding the street vacation process. Mr. Klem explained the procedures involved.

Mr. Klem discussed the judgment the City received regarding this property. He explained that it is a summary judgment - a negotiated settlement between property owners. The City believes Canby should have been a third party to the action and, therefore, does not recognize it as a legally created parcel and building permits do not have to be issued, although the Planning Commission can deem it legally created.

Applicant

Dan Larson, 390 N.W. 2nd, Canby stated there are no plans for developing the property at this time. He said he is in agreement with the staff report and with the alignment of Pine Street. Originally S.E. 5th Avenue was planned to angle up and extend to Pine, in order to give the southern portion the 60' requirement of street frontage to S.E. 5th. and so that both lots would have access to improved City streets. Mr. Larson stated that although there is a problem with developing the portion with a 40' frontage, he hoped the Commission could address it with conditions regarding density on the southern portion. He further stated he saw no problem with adjusting the lot lines or vacating a portion of the property. Mr. Larson referred to 16.46(A) which cites access limitations in high density areas and stated it lends credence to the argument of using the stem to the flag lot as a private road or driveway.

Miriam Larson, 555 Hartke Loop, Oregon City stated that she is very anxious to sell the property. With regard to the 8' depth of the sewer adjacent to the northwest corner of the property, she state she believed there would be no problem with at least developing the northerly portion of the property.

With no additional testimony, the public portion of the hearing was closed for Commission deliberation.

Issues discussed:

1. The availability of utilities to the parcels and the slope of the terrain which is the limiting factor to hooking up to the sewer line in 5th Avenue. Coming in off Pine would be a way to avoid building a lift station.
2. The design options available with respect to S.E. 5th Ave.
3. Adequate access to the southern parcel and input from the Fire Marshal regarding such access with regard to safety issues, especially if developed to full capacity.
4. The impact to traffic from a fully developed southern parcel.
5. Criteria for evaluation of a minor partition and conditions the Commission could impose to insure conformance.
6. Adopting 16.46, would have to fit Criteria D, which states that no minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcel. Imposing a condition that the road would have to be privately maintained was discussed.

Commissioner Lindsay moved for approval of MLP 90-04, incorporating the conditions of approval as recommended in the April 4, 1990 staff report, amending Condition #8 to read:

8. The new 60' right-of-way for South Pine Street, as determined by the Public Works Director and adjacent lot owners, and presented at the June 25, 1990 Planning Commission meeting as staff's Exhibit "A", be adopted by the Planning Commission and recommended to the City Council for approval. Dedication of this right-of-way will be required prior to final recordation of the partition map with the Clackamas County Surveyor.

and adding Conditions 11, 12 and 13, as follows:

11. The Fire Marshal shall review and make recommendations at any pre-construction conference on either subject parcel. Approval subject to applicant's ability to arrive at suitable access after satisfying staff and adjacent property owners.

12. All sewer concerns shall be discussed and adequately developed to satisfy the Public Works Director for any large scale development of either parcel.
13. Development of this partition shall come back before the Planning Commission at the time of site plan review.


Commissioner Zieg seconded the motion and it was approved unanimously.

Mr. Klem marked as "Exhibit A", the street plan he submitted to the Commission at this hearing.

VII. ADJOURNMENT

With no further business before the Commission, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,


Joyce A. Faltus
Secretary