

**MINUTES**  
**CANBY PLANNING COMMISSION**  
Regular Meeting  
August 25, 1997  
7:30 P.M.

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**I. ROLL CALL**

**Present:** Vice-Chair Stewart, Commissioners O'Shea, Tallman, Prince and Keller.

**Staff:** James Wheeler, Planning Director; Jason Kruckeberg, Assistant Planner; and Joyce Faltus, Secretary.

**Others Present:** Edward Schram, Mary Ann Schram, John Meredith

**II. MINUTES**

Commissioner Keller moved to approve the minutes of **July 28, 1997** as amended. Commissioner Prince seconded the motion and it carried 4-0, with Vice-Chair Stewart abstaining.

Commissioner Tallman moved to approve the minutes of **August 11, 1997**, as amended. Commissioner O'Shea seconded the motion and it carried unanimously.

**III. CITIZEN INPUT ON NON-AGENDA ITEMS**

None

**IV. COMMISSION DISCUSSION OF PLANNING ISSUES**

Mr. Wheeler explained that each Commissioner's packet contained an updated version of a summary of the 1997 proposed ordinance amendments. It includes the voter annexation ordinance. The election is November 4th, he added, and the hearing is tentatively scheduled for November 5, 1997, should it pass. Mr. Wheeler further explained that the Canby Voter Annexation Ordinance was based on the Corvallis ordinance, with some of the Philomath ordinance included. Staff is proposing 2 election dates per year, although this does not preclude the possibility of special elections.

Further, Mr. Wheeler explained that under the miscellaneous amendments submitted for consideration, a Section 2 has been added which deals with residential driveway setbacks, especially for two driveways on the same lot. This section has been added because second driveways have become somewhat of an issue, as oftentimes, an RV driveway cannot be located within the current driveway setback or separated 40 feet from the first driveway, making current separation requirements very restrictive. This amendment will reduce the separation to 30 feet for single family residential lots.

Staff advised the Commission that conversations were held with CTA regarding the cell tower ordinance and there were no objections to the proposed ordinance.

Mr. Wheeler requested that the Commission review the proposed amendments and bring back any questions to the September 8th meeting. The joint meeting with the City Council will be held September 15th.

#### **IV. FINDINGS**

##### **ANN 97-05 - Gramor**

The Commission discussed findings #5 and agreed that the wording regarding advanced financing was more appropriately placed in the discussion section of the final order than in the "findings" section. Commissioner Keller moved to approve ANN 97-05, as amended. Commissioner Prince seconded the motion and it carried unanimously.

##### **MLP 97-06 - Marlon East**

Commissioner Keller moved to approve the final order for MLP 97-06. Commissioner Prince seconded the motion and it carried unanimously.

#### **V. PUBLIC HEARINGS**

**ZC 97-02**, an application by Edward and Mary Schram (applicants) and Clifford and Irene Busby (owners) for approval to rezone a 12,700.5 square foot parcel on N. Holly Street from R-1, Low Density Residential to R-2, High Density Residential. The parcel is addressed as 741 N. Holly Street, and is located on the west side of N. Holly, between N. W. 7th Avenue and Knights Bridge Road [Tax Lot 4900 of Tax Map 3-1E-33BC].

Vice-Chair Stewart reviewed the hearing process, procedures and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report dated August 15, 1997. Mr. Stewart asked if any Commissioner had a conflict of interest or ex-parte contact. Other than visiting the site but drawing no conclusions, none was indicated.

Mr. Kruckeberg presented the staff report. He explained that the property is currently R-1, Low Density Residential and that the applicant is requesting approval to rezone it to R-2, High Density Residential, to be consistent with the Comprehensive Plan designation. The site is addressed 741 N. Holly Street, and is located between N.W. 7th Avenue and Knights Bridge Road. There is an existing single family structure on the site, as well as a detached shop. The zone change would facilitate a minor land partition of the property to create an additional single family residential lot. Properties to the north, south, and east are zoned R-1, and properties to the west, across N. Grant Street, are zoned R-2. Mr. Kruckeberg explained that the applicants notified adjacent landowners of the proposed changes and requested comments. Although ten responses were received, only one was negative (unsigned), and stated there were too many houses in the area, and too much traffic. Mr. and Mrs. Robert Anderson, the adjacent property owners to the west, whose lot is smaller than the minimum square footage allowed in an R-1 zone, suggested that the structure on the lot created from the partition be developed a minimum of 10 feet from the property line to create more distance from their property, 263 Knights Bridge Road. The lot immediately to the west of Mr. and Mrs. Anderson, known as 750 N. Grant, is also smaller than the minimum square footage allowed in an R-1 zone. Staff pointed out that Chapter 16.20.030(D) states that interior yard setbacks must be 7 feet on one side and 10 feet on the other. The newly created lot will be approximately 5,673 square feet, which size permits development for a single family residential home in an R-2 zone. The subject property is located in Area "M", an area of special concern. Area "M" is described as a developed neighborhood of single family dwellings on conventional City lots, which is planned for eventual redevelopment to more of a multiple family and duplex character. Included in the Area "M" description, is the statement that any proposals for new development or redevelopment of the area, other than one single-family dwelling per lots, will require prior upzoning to R-2. Therefore, Mr. Krukeberg added, the proposed zone change is consistent with the intent of the Comprehensive Plan's, Special Area of Concern "M." Requests for comments were sent to all utility providers and no concerns were expressed with regard to the zone change request. Staff recommends that the Commission forward a recommendation of approval of ZC 97-02 to City Council.

### **Applicant**

**Ed Schram, 24605 S. Central Point Road** explained that the existing home will remain on a lot that will be 7000 square feet minimum and that the purpose of the application was to partition the lot to create another residential lot in Canby. He explained that the minimum lot size for a duplex in an R-2 zone would be 7,000 square feet, which is why he proposes to maintain at least 7,000 square feet on proposed Lot #1. The proposed configuration, he added, conforms to similar lots in the area. Additionally, because the existing home is surrounded by three streets, it appeared appropriate to situate it on a larger

lot. Mr. Schram explained that he would address the issue of setbacks on proposed Lot #2 during the minor land partition application hearing. Further, he explained that he would have preferred to retain the R-1 zoning, but partitioning the subject site could not create two R-1 lots of minimum size.

Mr. Wheeler explained that 7,500 square feet is the minimum lot size for a duplex in an R-2 zone. Five thousand square feet is required for the first unit and 2,500 square feet for the second. Therefore, there would not be enough square footage on the front lot for a duplex to be constructed in the future.

### Proponents

None

### Opponents

None

With no additional questions, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission questioned whether both lots will be zoned R-2, or just the new one. Mr. Krukeberg explained that both lots will be zoned R-2.
2. The Commission questioned the size of proposed parcel 2. Mr. Krukeberg explained that the minimum lot size in an R-2 zone is 5,000 square feet.

Based on the findings and conclusions contained in the staff report dated August 15, 1997, on testimony at the hearing, and on Commission deliberations, **Commissioner Keller moved to recommend approval of ZC 97-02 to City Council. Commissioner Prince seconded the motion and it carried unanimously.**

**MLP 97-07**, an application by Edward and Mary Schram (applicants) and Clifford and Irene Busby (owners) for approval to partition an existing 12,700.5 square foot lot into two lots, 7,027 and 5,673 square feet, respectively. The subject parcel is known as 741 N. Holly and is located on the west side of N. Holly, between N.W. 7th Avenue and Knights Bridge Road [Tax Lot 4900 of Tax Map 3-1E-33BC].

As everyone in attendance was present for the Zone Change public hearing, Vice-Chair Stewart did not reiterate the hearing process, procedures, and format. He referred to the applicable criteria posted on the wall and on page 2 of the August 15, 1997 staff report.

When asked if any Commissioner had a conflict of interest or ex-parte contact, other than visiting the site, but coming to no conclusions, none was indicated.

Mr. Kruckeberg presented the staff report. He noted that the subject site is addressed at 741 N. Holly and the existing home is situated on a 12,700 square foot lot. The applicant is proposing the partition the subject site into two lots, a 7027 square foot lot and a 5673 square foot lot, respectively. In addition to the existing home, there is a detached shop building on the subject site. The site of proposed Lot #2 is too small to meet the lot size requirements in an R-1 zone, so the minor land partition is dependent upon Council approval of the zone change. Properties to the north, south and east are zoned R-1. Across N. Grant, to the west, properties are zoned R-2. After investigating other lots in the immediate vicinity to inventory the lot sizes. Most range from 6,000 to 19,000 square feet. Staff determined that other partitions in the area were possible and, therefore, would be compatible with the current request, as would the proposed zone change. The proposed partition will create an additional unit and slightly more dense development is consistent with the higher density intention of the Area of Special Concern "M" of the Comprehensive Plan. The only issue that was raised from utility providers responding to staff's request for comments concerned the issue of curbs. Curbs are currently installed along the entire frontage along Knights Bridge Road, as well as the frontage on N. Holly, although there are no sidewalks. There are no sidewalks or curbs on N.W. 7th Avenue. Staff recommends that the Commission condition sidewalks along the entire frontage along Knights Bridge Road. The Public Works Supervisor has raised issues regarding the provision of sidewalks and curbs along N.W. 7th. Mr. Hester has stated that N.W. 7th is an oil mat surface and is considered more an alley than a street. Only homeowners fronting N.W. 7th use that street. Staff agrees that sidewalks and curbs should not be conditions along N.W. 7th because through traffic is very low and installing curbs and sidewalks would channelize stormwater which would overload the existing stormwater system and in order to handle the excess stormwater the City would have to install a complete stormwater system along 150 feet of frontage. Mr. Kruckeberg pointed out that there are no trees on N. Holly, that the two mature street trees are on N.W. 7th, but a sidewalk along N. Holly is not necessary as it would be unconnected and that there is adequate right-of-way existing. The adjacent owner, Mr. Anderson, requested two conditions of approval: first, that only a single-family dwelling be permitted on proposed lot #2, and that the unit be required to maintain a 10 foot setback from the Anderson property line. As the ordinance requires interior side yards be 7 feet on one side and 10 feet on the other side, Mr. Kruckeberg pointed out that the applicant would best address this issue. As the partition application meets the applicable criteria and will provide additional density in an area of Canby that is equipped to handle additional density, staff recommends approval with conditions, and dependent upon the zone change approval by City Council.

## Applicant

Edward Schram, 24605 S. Central Point Road explained that because of the size of the proposed lot #2, he requests approval to maintain a 7 foot setback on the west side of the property. The proposed house has been designed with no windows on the west side, facing where Mr. Anderson has altered his garage for living quarters. Mr. Schram then submitted the house plan for review. The existing shop building, 26 feet by 38 feet, will be retained, and the garage will be constructed where the original garage door is presently situated. Mr. Schram explained he plans to add an addition to the existing structure. If the western side yard is required to be 10 feet, Mr. Schram pointed out, it would limit the applicant to constructing a 2-bedroom home, which would not be cost-effective when considering its future resale value, as it would be approximately 1114 square feet. If the western side yard setback was permitted to be 7 feet, the 3-bedroom house would be 1216 square feet. With regard to sidewalks, he explained that it is appropriate to construct sidewalks along Knights Bridge, but that the houses near his on N. Holly do not have sidewalks.

## Proponents

None

## Opponents

None

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

1. The Commission discussed half street improvements on N.W. 7th Avenue. Staff explained that this decision hinges on the channelization of stormwater and the additional costs the City would incur. Currently, staff explained, stormwater flows off to the side of the oil mat and percolates. Further the Commission discussed the fact that only one previous development on N.W. 7th Avenue was required to construct improvements, but the Council overturned the Commission's decision.
2. The Commission discussed the sidewalk issue on N. Holly and agreed that a sidewalk must be required on the N. Holly frontage of the subject site.
3. The Commission discussed the side yard setbacks and agreed that a 7 foot side yard on the northwest side of the new home is acceptable. The Commission agreed that a 10 foot side yard setback along the northwest property line would be too restrictive and cause a hardship for the applicant.

4. The existing shop structure on proposed lot #2 was discussed. Staff explained that it was built with the possible future intention of being converted into a single family home and meets construction standards for the walls and floor.
5. N.W. 7th Avenue, and its description as being similar to an "alley" was discussed. Staff explained that two houses front on N.W. 7th, but because of the amount of use it gets and the pavement structure, it is very similar to an alley. Staff quoted the characteristics of an alley as defined in the Ordinance, as a narrow street of 1 block primarily used for vehicular service access to the back or side of properties otherwise abutting another street.

Based on the findings and conclusions contained in the staff report dated August 15, 1997, testimony at the hearing, and on Commission deliberations, **Commissioner Prince moved to approve MLP 97-07 with the following conditions:**

1. The approval of this minor land partition is contingent on the approval of the change of zoning of the subject property (ZC 97-02), from R-1 (Low Density Residential) to R-2 (High Density Residential).

**For the Final Plat:**

2. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 97-07.
3. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The final partition plat shall identify the newly created parcels in conformance with County Surveyor and County Tax Assessor standards. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
4. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
5. All monumentation and recording fees shall be borne by the applicant.
6. Twelve (12) foot utility easements shall be provided along all exterior lot lines. The interior lot lines shall have six (6) foot utility easements.

**Prior to Occupancy of New Lot:**

7. A sidewalk, five (5) feet in width, shall be constructed along the full Knights Bridge Road frontage of both proposed lots and on the N. Holly Street frontage of proposed Lot #1.

**Notes:**

8. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat approval according to Section 16.60.060.

**Commissioner O'Shea seconded the motion and it carried unanimously.**

**VII. NEW BUSINESS**

None

**VIII. COMMUNICATIONS**

Staff referred to a letter from John Meredith, which explains that Longhorn Development has purchased property from Tom Kendall, northeast of the intersection of N. Holly/Territorial (SUB 96-03 - Leura Meadows). In his letter, Mr. Meredith states that Longhorn Development is proceeding with the development of the parcel in accordance with the approved preliminary plat. Due to conditions requiring the improvement of the full width of N. Ivy Street, which required a dedication of land from the Methodist Church. Mr. Meredith further explains that the project was delayed in order to assure that the project costs would be acceptable, in light of the 460 linear feet of sanitary sewer main that had to be run in Territorial from Juniper to the project site. After meeting with staff on August 7th and clearing up the issue of which costs the City will share, Longhorn found themselves well into the busiest season of the year for engineering and surveying and finds it will not be able to submit the final plat prior to August 26th. Staff explained that the Planning Commission can grant up to a 6 month extension.

**John Meredith, 135 NE Territorial** explained that he has a house on the subject site. He further explained that this development will connect N. Ivy Street with NE Territorial Road.

**Commissioner Keller moved to approve the request for a 6 month extension. Commissioner O'Shea seconded the motion and it carried unanimously.**



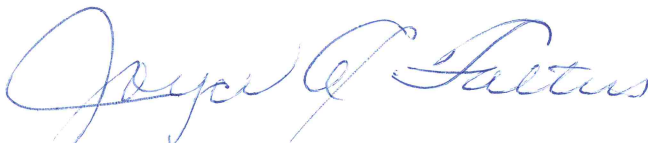
## VIII. DIRECTOR'S REPORT

Staff reviewed a draft of an Intergovernmental Agreement with METRO regarding green space, green corridor, the Oregon City reserve areas (reserved **from** urban development), and buffer zone with the Commissions. There has been some difficulty working with Clackamas County because they are the body that is responsible to implement the agreement, as it is out of METRO's and Canby's jurisdiction. The Commission and staff reviewed the map depicting the zones.

## IX. ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,



Joyce A. Faltus