

Planning Commission
Regular Meeting
March 26, 1975

Present: Chairman Ross, Commissioners Cutsforth, Edgerton, Hulbert, Merrill and Shaw

Also Present: Councilman Gerber, Planning Consultant Walsh and Supt. of Public Works Whiteside

Absent : Commissioner Johnson and City Attorney Bettis

The meeting was called to order at 8:02 p.m.

The minutes of the previous meeting, held on March 12, 1975, were approved as presented. Commissioner Edgerton suggested that it would be a good idea to keep Country Club Estates Annex #3 on the agenda until after May 20, 1975, the extension date requested by Leavitt Brothers. Supt. of Public Works Whiteside was asked to advise the Commission of any new developments which might occur between now and then.

Correspondence: A memo was received from Mr. Whiteside, stating that the City Administrator wants the Commission to give reasons for the increase in amount budgeted for Eldon Edwards Planning Consultants. There will be a budget committee meeting on the 31st of March, but we cannot collect information by then. For April 9th meeting, we will review whether Eldon's costs will change and discuss reasons for an increase so that input can be given to the budget committee. A Tri-Met Newsletter was also received.

Zone Variance, Charles P. Scott, 229 S.W. 6th: Planner Walsh presented the planners' findings, with a recommendation to approve. Chairman Ross called for proponents. Charles Scott stated that they will not be building the top story, due to excessive cost. They plan, instead, to add a room in the rear of the house, which will conform to requirements of the zoning ordinance. The hearing was closed, and the applicant was advised to talk to John Whiteside regarding building regulations. Commissioner Shaw moved to deny the zone variance application. Commissioner Edgerton seconded the motion, which passed unanimously.

Zone Variance and Extension of Conditional Use, The First Christian Church of Canby, 444 N. Holly: Mr. Walsh presented the findings of the planners, with recommendations to approve both the zone variance and conditional use extension. Chairman Ross asked for questions to the planner, before opening the hearing. There being none, he called for proponents. Ron Tatone, speaking for the Church, stated that the applicant was in full agreement with the Planning Consultants' recommendations. In response to questions from the Planning Commission, Mr. Tatone and Mr. Jay Hoffman, Minister of the First Christian Church, stated further that the proposed building is to be for Sunday School purposes, not a regular church school. It is to be two stories and a basement and is to be built to continue the lines of the existing educational unit and will be the same as the existing unit. The reason they want to build so close to the property line is so that they can as much classroom space as possible. The rental house on the northwest corner of the block will be torn down, probably within six months, to make room for additional parking. The rental house to the southeast of the church will be razed and the lot landscaped, unless it is needed for parking. The annex (parsonage) will be taken out eventually, but it is used for classrooms at present and will be needed even with the new building. There is a walkway between the church and the annex to allow access to and from the courtyard behind the annex. Chairman Ross then called for further

proponents. There being none, he asked for opponents. Thomas Kerr, who owns the lot on the southeast corner of the block, asked whether the alley is to be used for ingress and egress to the parking lots and was told that it will be used for loading and unloading the buses, as well as for some automobile traffic. The alley is a dedicated public way, the use of which cannot be controlled by the Planning Commission. Mr. Kerr would like to see some other means of access to the parking, because of the dust problem created by excessive use of the alley and because the buses create a hazard when pulling out onto Ivy, since they have to pull out so far into the street in order to turn. Mrs. Andrus, owner of the property between the proposed parking lots, asked that barriers be required in the parking lots to keep the cars from driving onto her property. She has had her fence knocked down several times by people using the existing parking lot. Supt. of Public Works Whiteside relayed the comments of Mrs. Schwartz, owner of the lot on the easterly side of the proposed new parking lot, since she was unable to attend the meeting. She is concerned about the dust caused by the traffic and the use and surfacing of the parking lot. She would prefer not to have the buses parked next to her house, although she does have a sight-obscuring hedge along the property line. Chairman Ross called for further opponents. There being none, the public hearing was closed. Commissioner Edgerton asked what could be done to provide paving of the alley. Mr. Whiteside stated that it is not the policy of the City to pave an alley, although the City would try to maintain it in as good condition as possible. The Church could volunteer to pave the alley, or there could be an LID for this purpose. It was felt that the Church had an obligation to take care of the alley because they are the main users and its condition is directly related to Church use. Commissioner Hulbert stated that part of the original conditional use agreement made with the Church in 1965 was that the parsonage (annex) was to be removed and that space used for parking, and that the Church would purchase additional lots in the same block as they became available. The Church has purchased additional property, most of which will be used for parking. However, the parsonage is still there. Commissioners Hulbert and Edgerton both felt that the building should be taken out, that the Church should not be allowed to continue to build around the parsonage. They would like to have a definite date for the removal of the building. On the other hand, it was pointed out that the Church building and the annex are the same type of construction and, if the roofs were joined, would be considered one building. There are 50 off-street parking spaces required by the ordinance for the Church. The existing lot and the presently proposed lot, together, will provide 40 spaces. When the house on the northwest corner is razed, there will be additional parking there. The Willamette Savings and Loan, across Holly St. from the Church, allows parking on Sundays for 14 cars; however, this cannot be a permanent arrangement, as Willamette Savings and Loan may not always own said property. The problem with parking is to provide space for parking the buses. All parking should be provided for on Church property, without having to depend on outside agreements. However, it was also pointed out that the only time when there is a large number of cars is on Sunday mornings, a time when the business community is not active, thereby not needing street parking, which leaves this parking open to the Church. The proposed parking lot is to drain into the alley and then into the street. A drywell was suggested, as the City's storm sewer system is inadequate and is already overloaded on Holly St. during rainy periods. The rear setback elimination seemed to present no problems; however, the side setback raised several questions. If this were granted, a precedent would be set and the other property owners could do the same thing, and there would be two two-story buildings, six feet apart. Although this area is projected to be in the commercial zone in the future, which would change the setback requirement, it is still R-2 at present and must be handled as such.

At this point, it was determined that there were actually two conditional uses and two zone variances to be considered: 1) Conditional Use to allow building expansion; 2) Zone Variance to allow reduction of setback on the east and elimination of setback to the north of proposed structure; 3. Conditional Use to allow parking lot in an R-2 zone; and 4) Zone Variance to allow parking within a front yard setback in an R-2 zone. Commissioner Shaw moved that the conditional use to allow an educational addition to the First Christian Church be approved, subject to the following conditions: 1. That adequate parking per the zoning ordinance be provided with a minimum of 50% being provided on contiguous church property, additional parking to be within 300 feet of the church property and under written agreement with the property owner. 2. That all roof drainage due to the building be provided for on the site. The motion was seconded by Commissioner Cutsforth. The 50% minimum was questioned and subsequent discussion centered on whether parking should be on the church property or be allowed to be elsewhere. Commissioner Shaw withdrew the motion.

* Commissioner Shaw then moved to approve the conditional use for an educational facility addition to the First Christian Church, with the following conditions:

1. That adequate parking according to code be provided on the site.
2. That roof drainage also be provided on the site.

Commissioner Cutsforth seconded the motion. After brief discussion, a third condition was added:

3. Upon approval of other conditional use and variances.

Both the maker and second of the motion concurred with this amendment, and the motion, as amended, passed unanimously

* Commissioner Shaw moved that the zone variance for elimination of the rear yard setback along the alley be approved and that the seven foot variance on the easterly side of the property be denied. Commissioner Edgerton seconded the motion, which was passed unanimously

* Commissioner Shaw moved that the conditional use to allow a parking lot in an R-2 zone be approved, with the following conditions: 1.

1. That parking lot drainage be taken care of on Church property
2. That the corners of the lots where abutting adjacent residential property be provided with some kind of protectors to avoid driving onto adjacent property.
3. That parking lot provide adequate wheel stops to avoid driving onto adjacent property.
4. That dust free all weather surface, 20 feet wide, the full length of the alley, be provided, of a specification better than or equal to oil mat surface.

Commissioner Herrill seconded the motion. The question was raised as to whose responsibility traffic safety at the ends of the alley would be. Since this is City property, it is a City problem. However, the hedges at the intersection of the alley and N. Ivy are in the vision clearance area and must be taken out. This will be dealt with by the Council in the near future. The motion passed unanimously.

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Commissioner Shaw then moved that the variance to park within front yard setback on N. Holly be approved and that the front yard setback on N.W. 5th be reduced from 20 feet to 10 feet and that the 10 feet be landscaped and that the landscaping be no higher than 3 feet. Discussion on this motion revolved around the need to provide 50 parking spaces, according to ordinance, as stated in the first motion. Commissioner Shaw rescinded the motion. The Church was asked to submit a plot plan showing parking facilities and a letter from Willamette Savings and Loan, confirming parking for 14 cars on Sundays. The Church is to try to get as many parking spaces as possible on the Church property and then, if more is needed, to apply for reduced parking requirement or reduced setbacks for the purpose of off-street parking. The Church will present a proposal at the April 9 meeting. Commissioner Edgerton moved to continue the hearing on this matter until the regular meeting of April 9, 1975. The motion was seconded by Commissioner Merrill and passed unanimously.

Commissioner Shaw suggested that the Planning Commission send a letter to Mr. Wyman, notifying him of action on this alley, stating that the Commission recognizes that there is problem with vision clearance and that it should receive the City's attention.

The meeting was adjourned at 10:40 p.m.

Respectfully submitted,


Merrie Dinteman, Secretary
Canby Planning Commission

/mjd