

Planning Commission

Regular Meeting

April 23, 1975

Present: Chairman Ross, Commissioners Custforth, Edgerton, Hulbert, Johnson, Merrill and Shaw

Also Present: City Attorney Bettis, Planning Consultants Edwards and Walsh, Supt. of Public Works Whiteside, Councilman Kariker and Several Guests

A joint meeting with several members of the Mayor's Citizens Advisory Committee, City Council and Planning Commission began at 7:30 p.m. Councilman Kariker turned the presentation of the growth plan portion of the comprehensive plan over to Planning Consultant Edwards. Mr. Edwards proceeded to go through the different sections of the growth plan, describing what has been set forth and answering questions. Discussion of the growth plan is to be continued at the next joint meeting, May 14, 1975.

The regular Planning Commission meeting was called to order at 8:35 p.m.

The minutes of the previous meeting, held on April 9, 1975, were approved as presented.

Correspondence: There is to be a Northwest Sign Legislation Seminar on Friday, May 16, 8:00 a.m. - 5:00 p.m., at the Hotel Benson in Portland. Registration must be received by May 1. Supt. of Public Works Whiteside encouraged the Commissioners to attend this seminar because Canby needs sign regulations and will have to draft a sign ordinance in the near future. Anyone interested in attending can obtain a registration blank from the Public Works office.

Review of Conditional Use - Terry E. Laxton, South Knott and Township, to build and operate a day care center, granted April 24, 1974. Mr. Laxton has done nothing, to date, which raised the question of whether there should be a permit time limit in the ordinance for conditional uses, since perhaps the opinion of the Planning Commission would change in a year's time. Since this was the concern of the second item on the agenda, Commissioner Shaw moved that the review of the conditional use for Terry Laxton be tabled until after discussion of the second agenda item. Commissioner Edgerton seconded the motion, which passed unanimously.

Discussion of Implementation and Enforcement of Stipulations Placed on Conditional Uses Approved by the Planning Commission. City Attorney Bettis advised that if a time limit has not been imposed on conditional uses in the past, it should be in the future. In a case such as Mr. Laxton's, Mr. Bettis recommended that the Planning Commission take action to revoke the conditional use previously granted, and notify the applicant of that action. This will force him to advise the Commission of his intentions with regard to the day care center, if he still plans to do it.

At this time, Commissioner Shaw moved that the tabled item be brought back to the attention of the Commission. Commissioner Edgerton seconded the motion, and it passed unanimously.

Commissioner Hulbert moved to revoke the motion of April 24, 1974, which approved Terry Laxton's application for a conditional use to build and operate a day care center, because there has been no development of the planned project, and that Mr. Laxton be notified of the action of the Commission. Commissioner Cutsforth seconded the motion, and it was passed unanimously.

City Attorney Bettis then presented a list of suggested methods of insuring compliance by the applicant with the conditions of the conditional uses granted by the Planning Commission. He reminded the commissioners that these suggestions do not cover every situation and that each case is different and must be considered on its own.

1. Delay final approval of the application until the imposed conditions are fully met.
2. Delay the issuance of a building permit.
3. Hold back the occupancy permit until the conditions are met. (This is the most widely used and most effective method.)
4. Ask the applicant himself for his suggestions as to what kind of conditions you should make that he could perform or live with. Ask him to put it in writing!
5. Grant the application in steps or stages. Ex: temporary approval subject to a first completion stage, then preliminary approval subject to the next stage, and final approval with the final stage.
6. A bond or undertaking, some type of guarantee. Perhaps impose the conditions yourself or ask the applicant for suggestions. Cash money bond if at all possible, the cash to be forfeited to the City upon failure to comply with the conditions.
7. Mandatory injunction through Civil Courts of the County. This is a last resort and involves expense. Sometimes the act of filing has the desired effect in itself, without having to go through with the court trial. But you must have a good case, and the record of the intent of the Commission must be very clear.
8. Criminal charges for ordinance violations. This is a misdemeanor and would be prosecuted through the D. A.'s office. However, this is not good public relations and is not recommended.

Mr. Bettis also informed the Commissioners that his office will be represented at every regular Planning Commission meeting without additional charge, beginning July 1, 1975, according to the new contract with the City Attorney's office.

It was suggested that a clause be written into the zoning ordinance regarding the establishment of time limits for conditions placed on conditional uses. Mr. Bettis advised that this is taken care of in the restrictions which the Commission is able to place on the uses. One of the conditions can always be a time limitation. Other suggestions were having the applicant state, on the application, what his anticipated completion date is, and stating a specific order in which the conditions are to be met. For review and bringing the commission up-to-date on past conditional uses, Mr. Bettis suggested that, a day or two before the meeting, someone take a look at meeting minutes from the previous year and review files on any conditional uses to see whether all conditions have been met.

Chairman Ross asked that the suggestions of the City Attorney be typed up and distributed to the Commissioners so that they can attach them to their copies of the zoning ordinance.

Commissioner Shaw asked that the secretary be directed to review one-year previous conditional uses before each meeting, as suggested by the City Attorney.


Commissioner Edgerton reminded Planning Consultant Edwards that the Budget Committee needs an itemized statement with facts and figures dealing with the increase in the budget amount.

The City Council sent the zoning ordinance back to the Planning Commission because of some problems which they saw in the off street parking section and the proposed setbacks for street right-of-way. (Bud Dresen, Earl Oliver, Don Peterson, Duane Weeks and Myra Weston were in attendance to provide input regarding these questions.) There were two sections in the ordinance numbered 14, one of which was the setback requirement section. This has been eliminated completely and should be removed from the ordinance. The Council felt that off-street parking restrictions for C-1 zone are too strong and would stop development in the downtown area. However, the Commission feels that, if off-street parking is not required in the C-1 zone, there will be no parking for new businesses and, if there is no parking, the people will be driven out to the shopping centers. The main purpose for the parking requirement was so that new businesses would have to provide parking, with old structures being covered by a variance procedure. Duane Weeks stated that he feels there is now quite a bit of parking in the C-1 zone and that so much parking chases out little businesses and is good only for big ones. He made several suggestions: 1) that Ivy to Elm and First to Third (or whatever area seems appropriate) could be C-1C (core area), with conditions. Perhaps businesses with under 7,500 sq. ft. would not be required to provide parking, because of the parking on the street, and new businesses of over 7,500 sq. ft. could provide parking. Then C-1 outside of the core area could go to provisions in the presently proposed ordinance. 2) In C-1 zone, there is no provision for service stations. This could provide 30 or 40 spaces which employees in the core area could rent. We are dependent on small businesses and they must have more consideration. 3) Perhaps we could include a clause in the ordinance which states that, in no case, would a building have to be torn down or made smaller in order to provide parking for an existing structure. Earl Oliver suggested that, when the railroad property parking lot is finished, the Police Department be asked to mark cars on the lot once or twice a month, unannounced, in order to establish what the use is. The most strongly stressed point was that parking requirements in the C-1 zone should be based on new construction. Commissioner Shaw suggested that, since it is quite obvious that the core area of town is going to be where it is now, perhaps we should hire a professional to do some planning in the downtown area with regard to setting aside certain areas for parking. Another idea, brought up by Commissioner Hulbert, was the cash in lieu of parking concept, whereby businesses could pay a certain amount for parking in a common lot instead of providing their own off-street parking. This could be handled through an LID.

Chairman Ross then suggested that the information gathered this evening be considered until May 28, at which time off-street parking will be placed on the Planning Commission agenda again.

The meeting adjourned at 10:45 p.m.

Respectfully submitted,

  
Merrie Dinteman, Secretary