

Canby Planning Commission
Regular Meeting
January 10, 1979

MEMBERS PRESENT: Chairman Ross, Commissioners Hart, Kahut, Edgerton and Cutsforth (8:15 p.m.)

OTHERS PRESENT: City Attorney Roger Reif, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Dave Bury, Myra Weston, Robert Overton, Lawrence Dean, Martin Clark, D.G. Page, Pauline Kittinger, Gloria and George Belton, Janice Brunson, W.M. Lesueur, Almira Younce, Marvin Dack, Byron Smith, Cliff Dobson, David Gibb, Ron Tatone, Mr. and Mrs. Richard Morse, Pete Kelley, Lyle Read, Tom Tye, Don McIntosh, Brenda Lashbrook, Bob Swayze, Bob Westcott, Earl Oliver, and others.

The minutes of the Planning Commission meeting of December 13, 1978, were approved as presented.

Item #1: Request for a Conditional Use Permit to operate a beauty salon in a residence located at 635 Knights Bridge Road and described as Tax Lot 200, Section 32DA, T3S, R1E. The applicant is Pauline Kittinger. City Planner Lashbrook made his presentation and recommended denial based on the following: Planning Commission's previous denial (Sept. 14, 1977) on this same application; the Commission's concern over the increase in commercial activity within a residential neighborhood; and, also, due to the concern over the creation of a commercial strip along Knights Bridge Road. George Belton spoke for the applicant in pointing out that Knights Bridge Road is already heavily traveled and felt that people living in residential areas and having conditional use permits to operate businesses out of their homes are much more willing to tolerate heavy traffic. He expressed the feeling that this type of planning makes beautiful buffer zones to the immediate neighbors behind them. Janice Brunson spoke in opposition by stating that because there is already heavy traffic on Knights Bridge Road, by letting in one commercial business, gradually more businesses would appear in the area and the neighborhood would lose its residential quality. Ms. Brunson felt that the residential area on Knights Bridge gave a pleasant-appearing entrance to the city. W. M. Lesueur (698 Knights Bridge Road) spoke in opposition stating he would like to see the area maintained as a residential area and felt it would be setting a precedent. He was not opposed to commercializing Knights Bridge Road but would be opposed to doing it on a piece-meal basis. Mr. Lesueur also read a letter from Elizabeth M. Bastasch opposing the application (letter made a part of these minutes). Pauline Kittinger (applicant) explained that her residence would not change in appearance, there would be no signs outside, there would only be two cars parked outside at any time and that her business would not deteriorate the neighborhood. Commissioner Edgerton asked whether a need should be shown. City Planner Lashbrook stated this was true. Commissioner Kahut stated he felt approval of the application wouldn't help the already heavy traffic pattern existing on Knights Bridge Road. *Commissioner Kahut moved to deny the request due to traffic increase, opposition of the neighborhood and because of commercial encroachment in an existing residential area. The motion was seconded by Commissioner Edgerton.

Question was called and the motion passed unanimously. Commissioner Ross informed the applicant she had 15 days to appeal the decision of the Planning Commission to the City Council. Chairman Ross voted on this item.

Item #2: Request for a Conditional Use Permit to add classrooms, kitchen, cultural hall, stage and restrooms to the L.D.S. Church at 1285 S. Elm Street and described as Tax Lots 7400 and 7500, Section 4BD, T3S, R1E. The applicant is the Church of Jesus Christ of Latter Day Saints. City Planner Lashbrook made his presentation and recommended approval subject to the following:

1) No exterior or interior lighting to be designed or constructed in a manner which will create a nuisance to nearby residential properties; 2) All conditions of approval recommended in other staff reports to be required; 3) All construction to meet the requirements of the Superintendent of Public Works; and 4) Right-of-Way dedications. Byron Smith, Bishop of the L.D.S. Church, explained that the church has been built in stages and that Phase I and Phase II had previously been approved. They were now working on Phase III. Since the congregation had grown from 416 members to 618 members since 1976, there was a real need for additional space. Cliff Dobson, Architect for the church, explained that the original design of the church is such that additions do not greatly change the outer appearance of the structure. Due to the large number of youth activities, a cultural hall is being added. Since this is the final phase of expansion, if the church were to continue to grow, the congregation would be split and each half meet at different times. If the congregation outgrew the building, a new building site would be obtained and new facilities built in another geographical location. David Gibb, Sunday School Teacher from the church stated more classroom area is needed so Sunday school classes do not have to take turns using classroom space. Additional parking is also needed. Sidewalks and curbs would also be installed if the request is approved. Commissioner Kahut asked how high the present structure was and how high the addition to the building would be. Cliff Dobson stated the top of the ridge of the present chapel was approximately 24 feet but the steeple is higher. Commissioner Ross stated steeples are not included in the height requirement. Commissioner Hart asked if this would be an addition to the existing building or a separate building. Cliff Dobson stated the steeple is existing but a new roof line would be an addition to the present building and would be constructed of the same type of materials and would appear to have been built at the same time. Commissioner Kahut asked if an additional 94 parking spaces were being added. Mr. Dobson stated this was correct. Commissioner Edgerton asked whether there would be a day school during the week. Mr. Dobson stated the only use during the week was for an adult program called the "Relief Society" which meets in the morning. Commissioner Edgerton asked if there would be additional buses. Mr. Dobson stated the church had no buses. Chairman Ross felt the biggest issue relates to the development of 13th Avenue. The applicant had stated they would be in favor of some improvement. Chairman Ross also felt more clarification of the comprehensive plan was needed. City Planner Lashbrook explained that he had received a map done in 1976 showing a connection between Berg Parkway and S.W. 13th Avenue which would have taken a portion of the church property near the southwest corner. Mr. Lashbrook researched the Planning Commission minutes

and the City Council minutes of 1976 and could find nothing in them that would support adoption of a specific alignment to connect the two streets. Public Works Director Ferguson stated the city would need an additional dedication on the west side of South Elm Street of 10 feet and an additional dedication of 20 feet on S.W. 13th Avenue. Commissioner Kahut asked for a clarification on the dedication, was it to come from the rear portion of the property. Discussion followed concerning a plan of a few years back showing an arterial coming down from Berg Parkway or S. Aspen through the High School and Mary Dack properties and connecting to S.W. 13th Avenue. Commissioner Edgerton felt there was a conflict with the Interim General Plan and maybe the church would like some time to clarify this situation. *Commissioner Edgerton moved to continue the public hearing on the L.D.S. Church Conditional Use Permit request until February 14, 1979, so the city engineer and the designated church officials could work out the problems of an arterial street and any conflicts with the interim general plan. The motion was seconded by Commissioner Hart. Question was called and the motion passed unanimously. Commissioner Ross requested an interpretation of the Interim General Plan relating to the proposed arterial from City Attorney Reif and some input from City Planner Lashbrook on the possible alignment of the arterial.

Item #3: Consideration of a proposed annexation of 9.38 acres to the City of Canby. This property is located east of N. Locust and south of N.E. Territorial Road and described as Tax Lots 1000, 1001 and 1100, Section 28DC, T3S, R1E.
The applicant is Richard Morse. City Planner Lashbrook gave his presentation and recommended approval subject to the following: 1) The proposal complies with the adopted City plan for land use; 2) The subject property lies within the City's interim immediate urban growth boundary and within the urban growth boundary adopted by C.R.A.G. in December 1978; 3) There is a public need for the annexation to occur in order to supply additional vacant land for residential development purposes; 4) The proposed annexation is the best means of meeting the public need; and 5) The proposal complies with applicable Statewide Planning Goals. Richard Morse (applicant) stated since the property west of his has now been annexed to the city, he would like to participate in the street improvements so he decided to annex at this time. Ron Tatone asked for clarification of the Public Works Department Staff Report concerning access and sewer service. City Planner Lashbrook stated from the information available to him, this annexation would not have the effect of overdrawing any of the services available to the point where any of the presently vacant land in the area couldn't be developed. Public Works Director Ferguson stated the sewage treatment plant was adequate to handle everything that will be developed in the city limits plus everything that will come into the city limits that is designated in the urban growth boundary. There are plans now for a sewage treatment plant expansion program in approximately two years. Commissioner Ross stated that any problems with access would come under the subdivision ordinance when the property is subdivided. Richard Morse asked whether the annexed property comes into the city zoned R-20 (County Zoning) and then at a future date is considered for a zone change. Commissioner Ross stated this was correct. Commissioner Edgerton asked whether the city could annex clear around a parcel of county land. City Planner Lashbrook stated this may actually make it easier to annex that parcel at a later date. Commissioner Kahut asked whether $\frac{1}{2}$ of Territorial Road would be brought

into the city with this annexation. Public Works Director Ferguson stated to be in conformance with the annexation of Martin Clark's property on Territorial Road, the city was also requesting $\frac{1}{2}$ of Territorial Road be brought in on Mr. Morse's annexation. Mr. Tatone stated although he was not considering annexation at this time, if the City of Canby wanted to annex his parcel of property (just south of the applicants parcel) along with Mr. Morse's annexation, he would have no objection. City Attorney Reif stated formal application for annexation would have to be made on Mr. Tatone's property but this item could be red flagged to the City Council stating this parcel is an "island" and it should be pursued for annexation. *Commissioner Kahut moved to recommend approval of annexation of Mr. Morse's property (Tax Lots 1000, 1001 and 1100) based on the following findings of fact: 1) The proposal complies with the adopted City plan for land use; 2) The subject property lies within the City's interim immediate urban growth boundary and within the urban growth boundary adopted by C.R.A.G. in December 1978; 3) There is a public need for the annexation to occur in order to supply additional vacant land for residential development purposes; 4) The proposed annexation is the best means of meeting the public need; 5) The proposal complies with applicable Statewide Planning Goals; 6) To include all staff reports including the engineer's which specifically states that $\frac{1}{2}$ of Territorial Road be obtained and 7) To include the staff report of May 1978. The motion was seconded by Commissioner Edgerton. Question was called and the motion passed unanimously.

Chairman Ross called for a 10 minute recess and the meeting reconvened at 9:30 p.m.

Item #4: Request for a Variance for less than 75 feet of frontage on a corner lot, request for a Variance for less than 7,500 square feet on two separate lots, and a Variance from a 60 foot right-of-way required for a street to a 40 foot right-of-way. The property is located North of N.E. 4th Street and described as Tax Lot 1400, Section 33CA, T3S, R1E. The applicant is Martin Clark. City Planner Lashbrook made his presentation and recommended approval of the variance request to create a lot which is less than 70 feet in width due to the following findings-of-fact: 1) The exceptional conditions applying to the property include its unusual shape and unique access problems; 2) The variance is necessary for the enjoyment of a substantial property right of the applicants, in a manner similar to that enjoyed by other property owners in the vicinity because the subject property cannot be subdivided or the road extended north from N.E. 4th Avenue without the variance being granted; 3) Granting the variance should have no adverse impacts upon neighboring properties or property owners and may serve to reduce the seasonal fire hazard of tall dry grass on the site; 4) The variance will be the minimum necessary to alleviate the hardships because the lot will be as wide as possible allowing for the required road right-of-way; and 5) A public need exists for the overall development of the site because of the lack of buildable vacant property which has full urban services. Approval of the variance is the best means of meeting this need. City Planner Lashbrook recommended denial of the variance request for a 40 foot right-of-way for a street since the ordinance doesn't appear to provide for the creation of city streets with rights-of-way less than 50 feet in width. Mr.

Lashbrook also recommended denial of the variance request to allow the construction of duplexes on lots of less than 7,500 square feet since sufficient area exists in the subdivision to allow for considerable alteration in lot shape and overall design without necessitating the creation of lots smaller than those required by zoning. Commissioner Ross stated that the first variance to be heard would be on the street width as it would effect the variance request for lots of less than 7,500 square feet. Martin Clark (applicant) stated when the property was purchased, it was his understanding that a 40 foot right-of-way for street width would be allowed. Because of the duplex lots, the only way he would have proper lot size for the zone is to put in a 40 foot street. Don McIntosh stated Section 13 of the Zoning Ordinance lists Locust Street and Juniper Street as having 40 foot rights-of-way. He stated when this parcel had been mentioned for development in the past, the Planning Commission stated it would consider a 40 foot street. Tom Tye stated that from an engineering standpoint, there would be no problem with putting in a 40 foot street with 5 foot easements. City Planner Lashbrook stated that Section 13 of the Zoning Ordinance did state Locust and Juniper would have 40 foot rights-of-way but no mention was made of Knott Street. He stated further that after examination of previous Planning Commission minutes, he could find no mention of any commitment being made regarding right-of-way width on the future expansion of N. Knott Street. Public Works Director Ferguson stated that his report did not recommend denial of a 40 foot street, merely that the Planning Commission and the City Council previously were not allowing 40 foot right-of-ways. Commissioner Ross recommended that the developer install 39 feet of paving with 6 inch curbs and 5 foot easements on each side of the proposed street. Due to the fact there is going to be a temporary turnaround, a 40 foot street would be necessary for emergency vehicles to have proper access. Commissioner Kahut asked how many feet in length a cul-de-sac should be. City Attorney Reif stated it would be 450 feet on a street that would not be continued. Commissioner Kahut also asked who would be extending the street through to North Ninth. He wondered if the street would ever be continued and if it was, who would pay for it. Don McIntosh stated that Mr. Frank A. Case, owner of Tax Lot 9100 on North Ninth (directly north of the development) would be retiring and leaving the area in approximately two years and at that time, the property would be available for continued development of the subdivision and completion of N. Knott Street through to Ninth. Commissioner Edgerton wondered what assurance the city had that the street would continue through. Chairman Ross stated there could be no assurance that the street would continue through but because of the ownership of the properties in question, there was a good possibility that it would. Mr. Clark stated Mr. Case is planning for N. Knott to continue through to Ninth when his property is sold. *Commissioner Edgerton moved that the variance for street width be approved subject to: 1) A 40 foot right-of-way (39 feet of road surface plus curbs); & 2) a 5 foot utility easement be placed on each side of the right-of-way; based on the city planner's findings-of-fact. The motion was seconded by Commissioner Cutsforth. Question was called and the motion passed unanimously. The variance request on Lot #17 for frontage was the next item for discussion. The lot already has a structure built on it. Martin Clark stated the setback requirements had already been met regarding the structures that were built.

Commissioner Edgerton asked the applicant if the duplex lot now had a driveway. Mr. Clark stated the driveway was gravel at this time but would be paved when the street was put in. The approaches and sidewalk would also be put in at that time. *Commissioner Kahut moved that the variance request for lot frontage on Lot #17 be approved from 70 feet to 67 feet on N.E. 4th Avenue based on the city planner's findings-of-fact. The motion was seconded by Commissioner Cutsforth. Question was called and the motion passed unanimously. The variance request for less than 7,500 square feet on two separate lots did not need to be heard as granting of the variance for a 40 foot right-of-way did not reduce the two lots in question below 7,500 square feet.

Item #5: Request for approval of a preliminary plat of a subdivision to be called "Sorenson Addition". This property is located north of N.E. 4th Avenue and west of N. Locust Street and described as Tax Lots 8500, 8600, 8800, part of 9100, 10300, part of 10400, 10500, Section 33BD, T3S, R1E and Tax Lot 1400, Section 33CA, T3S, R1E. The applicant is Martin Clark. City Planner Lashbrook gave his presentation and recommended approval based on the following conditions:

- 1) Placement of a sign to instruct drivers that this section of N. Knott Street is a dead end;
- 2) Surface width of street to be 39 feet. All construction to be to standards required by local ordinance and subject to review by the Superintendent of Public Works. 5 foot easements on each side of the street for utilities will be required;
- 3) Applicants shall dedicate to the City a one foot strip for future expansion of N. Knott Street;
- 4) Applicants shall agree to salvage all possible trees over 20 feet in height;
- 5) A temporary turnaround, meeting the requirements of the Fire Marshal, to be constructed at the north end of N. Knott Street;
- 6) All information relative to utility easements shall be provided;
- 7) Other conditions stipulated in other staff reports;
- 8) Applicants to submit written evidence of permission to utilize the name "Sorenson Addition";
- 9) Structure or structures located on Lot #8 to be moved or demolished to assure adequate setbacks as required by zoning; and
- 10) Applicant to provide driveway approach, curbing and sidewalk on Lot #17 (duplex lot) at the time of street development.

Martin Clark (applicant) stated he wouldn't mind dedicating an additional 10 feet on 4th Avenue but did not see that it served any purpose as none of the other residents on the street had made dedications. D. G. Page (4th Street resident) stated his deed showed his property line right out to the curb so he would not be able to dedicate 10 feet. Lyle Read spoke in favor of this application by stating Mr. Clark's proposed development would be alleviating a lot of problems in the area. Discussion followed regarding parking problems on the street and whether any conditions should be attached to this approval. Commissioner Kahut felt there were no parking problems in this case, and if such were to occur, it could then be turned over to the city for correction. *Commissioner Kahut moved to approve the preliminary plat of Sorenson Addition subject to the planner's 10 conditions plus the following: 11) Dedication of an additional 10 feet on N.E. 4th Avenue; and 12) No parking signs be placed in front of Lots #6, 7, 10, and 11. The motion was seconded by Commissioner Edgerton. Question was called and the motion passed unanimously.

Item #6: Request for a Zone Change from R-20 (County Zoning) to R-1 (City Zoning) on recent annexation of property to the city which must conform to city zoning. The property is located east of N. Juniper Street and south of

N.E. Territorial Road and described as Tax Lots 100 through 1300 inclusive, Section 28CD, T3S, R1E. The applicant is Martin Clark. City Planner Lashbrook gave his presentation and recommended approval (subject to payment of the annexation fee) based on the following findings-of-fact: 1) There is sufficient public need to justify the zone change; 2) The change is the best method of meeting the public need; 3) The proposal complies with the adopted City plan and applicable Statewide Planning Goals; and 4) The change complies with the general welfare standards of the City of Canby and the immediate surrounding neighborhood of the subject property. Tom Tye, engineer, stated this application was to bring the annexed property into conformance with city zoning. *Commissioner Kahut moved to approve the zone change request for Crestview based on the city planner's findings-of-fact and to include: all findings-of-fact submitted by Attorney Mark O'Donnell; and because the R-1 is the most restrictive zone within the city. The motion was seconded by Commissioner Edgerton. Question was called and the motion passed unanimously.

Item #7: Request for approval of preliminary plat of Crestview Subdivision. The property is located east of N. Juniper Street and south of N.E. Territorial Road and described as Tax Lots 100 through 1300 inclusive, Section 28CD, T3S, R1E. The applicant is Martin Clark. City Planner Lashbrook gave his presentation and recommended approval subject to the following conditions: 1) Building layout and site improvements to be such that the residents of Lots #1, 22 and 23 will not have to back into the flow of traffic on Territorial Road; 2) Approval to be contingent upon final adoption, by the City Council, of the ordinance to change the zoning to R-1; 3) All improvements to be at the expense of the subdivider unless the City Council rules that all or part of the annexation fee can be applied to such improvement costs; 4) Access strips to all flaglots to be paved to the same basic structural standards as city streets; 5) Subdivider to record appropriate documents to assure that access strips of flaglots will remain unobstructed and that each facing flaglot shall share the total access strip (30 feet in width) for ingress and egress purposes. Tom Tye explained that only Lot #22 would need access to Territorial Road as the access on Lots #1 and 23 would be on to Juniper Street (Lot #1) and Locust Street (Lot #23). Public Works Director Ferguson stated that any access onto a county road has to be approved by the county and has to be by permit (driveway access permit). This is a state law. Discussion followed regarding the placement of sidewalks and the Planning Commission stated the determination of placement of sidewalks would be up to the Public Works Department. Public Works Director Ferguson read his staff report and recommended: 1) Juniper and Locust Streets be paved 40 feet in width and sidewalks be installed on Locust Street; 2) Curbs and paving to oil mat on Territorial Road; 3) A waiver of remonstrance should be put on plat for street and sanitary sewer improvements on Lots #1, 22 and 23 fronting on Territorial Road; 4) All construction to be in accordance with City of Canby specifications. Commissioner Edgerton asked about obstruction on the access strips of flaglots. City Attorney Reif suggested having a reciprocal easement on those access strips. Martin Clark asked about putting in a half street on N. Juniper Street so he wouldn't be burdened with paying the full development of the street. The Planning Commission suggested full improvement of N. Juniper Street and explained that the applicant could appeal this decision to the City Council. *Commissioner Kahut moved to approve the preliminary plat of the

resubdivision of Crestview subject to the following conditions: 1) Building layout and site improvements to be such that the residents of Lots #1, 22 and 23 will not have to back into the flow of traffic on Territorial Road. Lots #1 and #23 to front on Juniper and Locust; 2) Approval to be contingent upon final adoption, by the City Council, of the ordinance to change the zoning to R-1; 3) All improvements to be at the expense of the subdivider unless the City Council rules that all or part of the annexation fee can be applied to such improvement costs; 4) Access strips to all flaglots to be paved to the same basic structural standards as city streets; 5) Subdivider to record reciprocal easements to assure that access strips of flaglots will remain unobstructed and that each facing flaglot shall share the total access strip (30 feet in width) for ingress and egress purposes; 6) All other requirements of accompanying staff reports to be met; 7) Curbs and paving to existing oil mat surface on Territorial Road; 8) Waiver of remonstrance on plat for street improvements and city utilities on Territorial Road for Lots #1, 22 and 23; 9) A 10 foot dedication on Territorial Road to city from Lots #1, 22 and 23; 10) Lot #1 frontage on Juniper Street to be a minimum of 75 feet; 11) Sidewalk placement to be determined by Public Works Department on Juniper Street. The motion was seconded by Commissioner Cutsforth. Question was called and the motion passed unanimously.

There being no other business before the Planning Commission, City Planner Lashbrook read a memo to the Planning Commission from Building Inspector Bob Godon regarding a violation of setback requirements of a residence at 815 S. Douglas Street. Don McIntosh, owner of the residence in question, felt the violation should have been discovered after framing of the garage (where violation occurs) instead of after occupancy of the residence. The Planning Commission advised Mr. McIntosh he had three alternatives: 1) Appeal the violation decision to the Appeals Board; 2) Remove the overhang; or 3) Apply for a variance to the zoning ordinance. Public Works Director Ferguson suggested a meeting be set up with Mr. McIntosh, the building inspector and the Public Works Director to try and resolve the problem. Mr. McIntosh was in agreement with the suggestion.

The meeting was adjourned at 11:30 p.m.

This meeting has been recorded on tape.


Virginia J. Shirley, Secretary
Canby Planning Commission