

Canby Planning Commission
Regular Meeting
April 11, 1979

MEMBERS PRESENT: Chairman Ross, Commissioners Hart, Kahut, Cutsforth and Edgerton

MEMBERS ABSENT: Commissioner Schwartz

OTHERS PRESENT: City Attorney Roger Reif, City Planner Stephan Lashbrook, Ron Tatone, Dave Bury, Harold Jeans, Dave Boland, Mr. and Mrs. Dave Anderson, John Stout, Sharon Imholt, Antonio Seco, Mr. and Mrs. Sam Reusser, James Bolton, Eleanor Hanson and Barbara Bush

The minutes of the Planning Commission meeting of March 14, 1979 were corrected as follows: Delete last line on Page 3 and first line on Page 4. Commissioner Kahut stated no motion was made. Change name on Page 2, line 47 from Antonio Savon to Antonio Seco. Change Page 3, line 24 to read - "the west half block in question was designated to be General Commercial,". The minutes were approved as corrected.

Chairman Ross read an order on the Curtis J. McLeod and Janice L. McLeod variance appeal to be heard by the City Council April 18, 1979. *Commissioner Edgerton moved to accept the order as presented. The motion was seconded by Commissioner Kahut. The question was called for and passed unanimously.

Item #1: Consideration of an Interim General Plan Amendment from Central Commercial to General Commercial and a continued request for a Zone Change From C-1 and R-2 to C-2 of property located on the north side of N.W. 1st Avenue between N. Douglas and N. Elm Streets and described as Tax Lots 5700 and 5800, Section 33CC, T3S, R1E. The applicant is Donald J. McIntosh. City Planner Lashbrook read his memo of March 27, 1979 and reviewed the meeting of March 14, 1979. Mr. Lashbrook then read "Implementation Measure L-7" of the present adopted Interim General Plan. Mr. Lashbrook also explained to the Commission that the Citizen Advisory Committee, in its meeting of April 10, 1979, approved a motion to retain the present designation of C-1 in the area in question. Since this was an official action and because the C.A.C. intends to use the same area designation when making recommendations on the proposed Comprehensive Plan, Mr. Lashbrook forwarded this information on to the Planning Commission. Commissioner Edgerton pointed out that the Planning Commission was concerned about the fact the businessman requesting the zone change was not the owner of the property and it is conceivable that any use designated as C-2 would be able to locate in the area if the zone is changed. City Attorney Reif did not feel it was necessary to have two separate public hearings on the request for an Interim General Plan Amendment and a zone change. The hearing on the Plan Amendment should be heard first and if the plan is recommended for change, then a separate hearing on the zone change could be heard. If the plan is not recommended for change, there will be no need for a hearing on the zone change as it will not comply with the Interim General Plan. The planner clarified the area being considered for the change by stating the Plan Amendment and Zone Change involved

only Tax Lots 5700 and 5800 (4 lots). Commissioner Ross opened the public hearing on the Interim General Plan amendment by explaining that, if approved, three lots will be changed from a C-1 zone to a C-2 zone and one lot from an R-2 designation to a C-2 zone. Dave Anderson (agent for applicant) requested that all previous testimony be entered into the record and that he would reserve his right to rebuttal. Antonio Seco (133 N.E. 37th) spoke in opposition to the Plan Amendment and stated to the Commission that there is other light industrial zoned property available in Canby according to the adds printed in the Canby Herald. Mrs. Anne Reusser (587 N.W. 2nd) stated there was a garage operating on N.W. First Street and it was determined that the garage was not operating in the proper zone. Since the garage was not allowed, it did not seem logical to Mrs. Reusser that The Power Shop should be allowed. Sharon Imholt explained that the garage was located in a C-1 zone but that its operation was classified as a C-2 use. Therefore, it could not operate in that zone. Ms. Imholt also stated that at the Citizen Advisory Committee "Open House", Planning Consultant Eldon Edwards felt the zoning being asked for is not the proper zoning for that area. Ms. Imholt felt if only one person were to benefit from the plan amendment and zone change that something should be done as she did not feel this was correct. Chairman Ross stated that the Planning Commission makes their decision on an application based upon the area and the overall use and not just the use of the applicant. City Planner Lashbrook stated to the Commission he felt Ms. Imholt's testimony should be considered as "hearsay" evidence as Mr. Edwards was neither present to give his opinion nor did he submit it in writing. He further stated the Citizens Advisory Committee is viewing this area as remaining C-1 in the proposed Comprehensive Plan. James Bolton (opponent) drove down 99E to see what property might be available for C-2 use. He stated there was a lot available at the corner of 99E and S. Birch (The Fun House). He stated there was also a lot available next to the new Art Lutz office on the east end of 99E. He said there was a lot available in the new industrial park (Canby Park East) offered for sale by Anderson-Ritter. Also stated there was 2½ acres for sale just past the logging road on the right hand side going north on 99E. Chairman Ross pointed out to Mr. Bolton that that property was outside the city limits. Antonio Seco (opponent) asked what would happen if the zone were changed to C-2 and a conditional use were allowed in the area in question. Chairman Ross stated any request for a conditional use must have a public hearing before the Planning Commission and may or may not be allowed. Chairman Ross stated there is a possibility to stop some uses if the zone were changed by amending the Interim General Plan and creating a new zone which would be a lesser use than C-2. Within the plan amendment, the new zone might be called C-2A which would allow certain items and exclude those which are objectionable. Mr. Seco stated when Ms. Imholt bought her property (adjacent to the property in question) it was explained to her that it would be in the Comprehensive Plan as a C-1 designation. Ms. Imholt planned to build a nice restaurant sometime in the future but did not want a metal building with a power shop in it next to her business. Eleanor Hanson (175 N. Elm St.) stated if she had wanted highway commercial property, she would have bought property along the highway. Dave Anderson spoke for the applicant by addressing the question of other available property. He stated the lot on the corner of 99E and S. Birch

(Fun House) was not economically feasible. The lot next to the new Art Lutz office was not available for sale to his knowledge and the lot in the new industrial park was not the proper lot shape to accommodate Mr. Stout's business. Mr. Anderson also addressed the concerns of the opponents by stating Mr. Stout's new building would be designed to eliminate any noise pollution. He also felt that N.W. First Avenue was being used as a highway with Globe-Union using it for their trucks, with school busses traveling down it and with the railroad tracks being adjacent to the property in question. He felt this area was no longer suitable for C-1 use. He also stated there were many other businesses that could locate there right now that he felt would be more objectionable to the surrounding property owners than Mr. Stout's proposed shop. Chairman Ross then closed the public hearing. When a member of the audience asked for a rebuttal, City Attorney Reif explained the proper proceeding for a public hearing. Commissioner Edgerton asked whether Item #35 of the Zoning Ordinance relating to a C-1 zone would give the Planning Commission any latitude on other uses. City Attorney Reif read this item as follows: Similar commercial uses as determined by the Planning Commission. City Planner Lashbrook indicated the Planning Commission had already determined that Mr. Stout should be in a C-2 zone when he asked for an interpretation on the zone at the February 14, 1979, Planning Commission meeting. Commissioner Kahut felt the zone should be changed to C-2. He felt the biggest problem would be the transition from residential to commercial use. He felt with the heavy truck traffic already existing due to the Globe-Union plant, now would be the time to change the zone designation. Chairman Ross stated that Southern Pacific is considering putting in a sawmill on their property which would be in close proximity to the area considered on this application. Commissioner Edgerton asked how large an area this Plan Amendment would encompass. Chairman Ross stated this amendment would only be the two tax lots involved in this application. City Planner Lashbrook stated if this amendment is approved, he would advise the Planning Commission notify the Citizen Advisory Committee of this action and provide them with copies of the minutes as they should consider this to avoid the non-conforming use situation in the future. *Commissioner Kahut moved to recommend to the City Council that the Interim General Plan be amended to show the four lots (two tax lots) in question as General Commercial due to the following findings of fact: 1) The industrial park is to the north-west of the subject property; 2) Elm Street is the only access in and out of the industrial area; 3) There are many trucks already going through this area; and, there is another 26 acres being developed into industrial businesses which will bring more trucks into the area; 4) With the railroad directly adjacent to the subject property, there is already a noise factor involved; 5) There is very little foot traffic in this area; 6) There is very little property available in Canby for businesses in a C-2 classification. The motion was seconded by Commissioner Hart. Question was called for and the motion carried with a vote of 3 to 1 with Commissioner Edgerton voting against. The request for a Zone Change from C-1 and R-2 to C-2 was considered next. Dave Anderson (agent for the applicant) indicated he had nothing further to add to his testimony. Barbara Bush of 552 N.W. 2nd (opponent) stated that because of the school close by and the number of children in the neighborhood, residents of the area will be considering a petition recommending the industrial area have their own access road to help alleviate heavy truck traffic through the adjacent residential area. Antonio Seco (opponent) asked whether Globe-Union made any commitment about

an alternative access route when their plant was built several years ago. Chairman Ross stated the only thing he remembers being mentioned was a railroad spur, but it was never developed. There being no further opponents and no rebuttal, Chairman Ross closed the re-instated public hearing.

*Commissioner Kahut moved to recommend to the City Council that the zoning classification on Tax Lots 5700 and 5800 be changed to C-2 using the same findings of fact as previously stated on the plan amendment. The motion was seconded by Commissioner Hart. The question was called for and passed unanimously.

Chairman Ross called for a 5 minute recess and the meeting reconvened at 9:30.

Item #2: Request for approval of a preliminary plat of a subdivision to be called "Willamette Green #2". This property is located north of Willamette Green and west of the Molalla Forest Road and described as Tax Lot 1900, Section 27C, T3S, R1E. The applicants are Dave J. Boland and Harold S. Jeans. City Planner Lashbrook made his presentation and recommended approval subject to the following conditions:

- 1) All recommendations of other staff reports to be made conditions of approval;
- 2) All ingress/egress to meet the requirements of the Canby Fire Marshal for fire trucks and shall include (at a minimum):
 - a) All turns in on-site roads to allow for a design speed of 20 M.P.H.;
 - b) The acute angle turn ($\pm 135^{\circ}$) at the north end of the property to have a 45 foot radius;
 - c) The end of the access road at the southwest corner of the site to either be connected with the road through the existing Willamette Green development and left open, or an adequate turnaround provided, If a turnaround is utilized, a gate shall be required at the end of the road to allow the Fire Department to have access in the event of an emergency;
- 3) Maximum number of units allowed to be 60 and thereby impose a minimum parking space requirement of 120 stalls;
- 4) "No Parking" signs to be posted in all areas not intended for parking purposes;
- 5) "Dead End" and "Private Road" signs to be posted at the entrance to the development and a "Stop" sign placed at Territorial Road;
- 6) Water line to be 6 inches in diameter rather than reduced to 4 inches as shown on the preliminary plat. Also, a water line of at least 4 inches in diameter to be run from the termination of the 6 inch line (southwest corner of the development) along the southern property line, to connect with the main water line in the vicinity of Building #1. This requirement is necessary to provide a loop water system for fire protection and water quality purposes;
- 7) Individual master meters at each building will be required; and
- 8) Temporary blow-off valves for each phase of the project so the dead end lines can be cleaned out; and
- 9) The storm drainage provided on this site shall be adequate to handle water entering the site from the surrounding area sufficient to prevent any hazardous situations.

The city planner recommended that the Commission adopt the following findings of fact: A) The proposal conforms with the adopted City Plan; B) It complies with applicable Statewide Planning Goals; and C) It meets the requirements of City Zoning and Subdivision Ordinances. City Attorney Reif asked whether the plans for this development met with the requirements of Ordinance #516. Mr. Lashbrook felt that it did meet all the requirements. Commissioner Hart wondered

whether the length of the dead end street (thought to be approximately 450 feet long) was allowable in an R-2 zone. City Attorney Reif pointed out that since it was a private street, the city's subdivision ordinance did not apply. Therefore, the Planning Commission would have to determine whether the street was adequately designed. Commissioner Edgerton expressed the feeling there was more work to be done on the plans and that there was not enough correct information submitted. He felt this application should be brought back at a later date. City Planner Lashbrook stated by examining the plans, he had come up with approximately 101 parking spaces which would not meet the necessary 120 spaces. Harold Jeans (applicant) stated that when the original "Willamette Green" was being designed, they were told that a circulating traffic pattern was not wanted. Mr. Jeans then addressed some of the areas brought up in the staff reports and the recommendations given by the city planner (i.e., traffic patterns, parking, water lines, sewer, etc.). Mr. Jeans stated when the building permit is applied for, they will have to meet the parking requirements and all U.B.C. codes at that time. Commissioner Hart asked Mr. Jeans whether there was any backup water from the Willamette River. Mr. Jeans stated in the approximately 12 years he has been involved in this development, there has not been any flooding problems. Mr. Jeans explained to the Commission that this development is basically an extension of the original planned unit development. Chairman Ross stated what they were dealing with now is a continuation of the original passage of "Willamette Green". The traffic pattern is basically the same as the original plan. The density of this development is higher than the original. Costs and land use would have to be weighed on that issue. Chairman Ross suggested a breakaway gate instead of a cul-de-sac in this development for emergency vehicle use. City Attorney Reif stated the developers were supposed to submit tables showing density and lot coverage for this development. The maximum lot coverage in an R-2 zone is 40%. After going over the submitted plans, it was the consensus of the Planning Commission that the lot coverage planned was just over the maximum amount allowable. Ron Tatone (engineer for the applicant) addressed the water issues by stating there were two questions involved with the water system: volume and quality. He stated there is a 6" water line running down Territorial Road that goes through an easement into this property. He addressed the requirements of the staff reports regarding water lines and stated the developers would comply with all recommendations. *Commissioner Edgerton moved to table this application until all the problems are worked out. He did not feel the person issuing the permit for construction of this project should be given the responsibility of checking out the plans to see that everything is correct. Commissioner Kahut asked the applicants if they had any dimensions for buildings, parking spaces, etc. Mr. Jeans stated they had dimensions if 60 units were to be built. Chairman Ross asked if there was a second to the motion prior to any further discussion. Commissioner Kahut seconded the motion to table the application. Commissioner Kahut continued on saying there were no dimensions on the plans as to the size of the turnaround. Discussion followed concerning the turnaround and the requests made by the Fire Marshal. Commissioner Kahut stated he had trouble reading the plans and also asked the applicant why the street was not going to loop. Mr. Jeans stated the homeowners association (original Willamette Green)

never did want the streets in this development to loop. City Planner Lashbrook pointed out that some of his staff recommendations were based on verbal discussion with staff personnel. He also stated it was up to the Planning Commission to set any conditions of approval which it feels are appropriate prior to permits being issued so that what is being requested on the permit is what was approved by the Planning Commission. Mr. Boland stated that time is very important to the developer. Commissioner Edgerton called for the question. The motion passed unanimously. Chairman Ross stated this application would be continued at the Planning Commission meeting of April 25, 1979, to be convened at 7:30 P.M.

Item #3: Discussion regarding condominiums and conversion of apartments to condominiums. City Planner Lashbrook stated with the continuing requests for condominiums and conversion of apartments to condominiums, he felt that the city should adopt an ordinance relating to condominium conversions and not present them to the Planning Commission as a discretionary item. Chairman Ross stated one of the problems with conversions is that a large number of apartment dwellers are left without housing due to the cost factor involved in buying the units. Mr. Lashbrook felt we should adopt a system to monitor the applications, but not to approve or deny them. He felt we should have some set requirements if it is necessary. The question of utilities was also brought up and it was the concensus of the Planning Commission that all utilities should be brought to the property line and then it is the developers responsibility. It was the concensus of the Planning Commission that Mr. Lashbrook should request the City Council to draw up an ordinance on this matter.

There being no other business before the Commission, Mr. Lashbrook asked the Planning Commission members for their interpretation of a residence in a C-1 zone. A citizen living in a home in a C-1 zone, who is also running his business out of his home, wants to add on to the house. Can he build to the property line? City Attorney Reif felt the ordinance had to be interpreted in the most restrictive vein. Therefore, the setback requirements of an R-2 zone would have to be adhered to.

Mr. Lashbrook then asked for nominations for Vice Chairman on the Planning Commission. Commissioner Cutsforth nominated Commissioner Kahut for the position. The nomination was seconded by Commissioner Hart. The nominations were closed and the nomination passed unanimously.

The meeting was adjourned at 11:20 P.M.

This meeting has been recorded on tape.

Respectfully submitted,



Virginia J. Shirley, Secretary
Canby Planning Commission