

Canby Planning Commission  
Regular Meeting  
October 10, 1979

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

OTHERS PRESENT: City Attorney Roger Reif, Public Works Director Ken  
Ferguson, City Planner Stephan Lashbrook, Jeff Durham, Dave  
Bury, Myra Weston, Stuart Nibley, Janelle Chorzampa, Bob  
and Sharon Westcott, Gary Sowles and others

The minutes of the Planning Commission meeting of September 12, 1979 were corrected as follows: Page 5 - discussion on Bo's Wash N' Dry. It was the concensus of the Planning Commission that since the ordinance required 12 feet of paving as an access strip, that the planting of shrubs would be allowed if the space in question were in excess of 12 feet. After correction, the minutes of September 12, 1979, were approved.

It was brought to the attention of the Planning Commission that the League of Oregon Cities Convention would be held Nov. 11, 12, and 13, 1979. Any interested members should contact the Planning Commission Secretary.

Item #1: Request for approval of a preliminary plat of a subdivision to be called "Baker Drive Industrial Park". This property is located north of N.W. 3rd Avenue and west of N.W. Baker Drive and described as being in Section 32, T3S, R1E. The applicants are Gary H. and Diane M. Sowles and Robert D. and Sharon J. Westcott. City Planner Lashbrook gave his presentation and recommended approval listing the following required findings: A) There is a public need for a development of this sort; B) The public need is best met through this particular project; C) The application conforms with city zoning and subdivision ordinance requirements; D) The application conforms with the Adopted City Plan; and E) The proposal complies with applicable Statewide Planning Goals. The approval was subject to the following conditions: A) The turnaround area at the end of N.W. 5th Place to be posted "No Parking"; B) "Dead End" and "Stop" signs to be placed at the intersection of N.W. 5th Place and N.W. Baker Drive; C) To specify on the plat that each tenant or owner of property in the subdivision shall be required to file an affidavit in the Department of Public Works, clearly stating that they understand that the City's domestic water source is adjacent to this subdivision and that they will not allow any toxic substances to be introduced into the soil in the area; and D) Have the 6" water line which would presently serve the two westernmost properties continue through those properties for the possibility of a loop system connection at a later date. Commissioner Kahut asked if the Utility Board had been given the information they had requested in making a complete recommendation. Mr. Lashbrook stated that information had been received and in the Utility Board's second letter of October 2nd, they had no objections to the proposed subdivision. Commissioner Edgerton asked whether N.W. 3rd Avenue and N.W. Baker Drive would be fully improved. Mr. Lashbrook stated N.W. 3rd Avenue would be improved and N.W. Baker Drive would be improved to the north of the subdivision property but would not be improved up to the residential area to the north. Chairman Ross pointed out that the Public Works Staff Report recommended that no "wet industries" be allowed in the subdivision.

Commissioner Edgerton asked whether the extension of the 6" water line would be done before any building took place. Mr. Lashbrook explained that it was important that it be extended on to the western property line at this time. The loop system would not be completed until the property to the south was developed. Bob Westcott (applicant) showed the Commission some pictures of other industrial subdivision developments in other areas. The applicants were planning their subdivision to have concrete tilt-up buildings with common walls and the actual ownership of the property by each tenant. There would be sufficient parking for each unit and the units would contain 4-hour fire walls for additional fire protection. Mr. Westcott then addressed the L.C.D.C. goals and guidelines. Goals 1 through 8 do not apply to this application. Goal 9 - Economy - this subdivision should employ approximately 40 people and contain 35,000 square feet. By employing that number of people, it would be helping the local economy both through the tax assessment of the property itself and the earning potential of those 40 jobs, without causing any adverse effects on the school system. Goal 10 does not apply. Goal 11 - Public Facilities and Services - water is available to the site with excellent fire flows. It is assumed that the tenants of this project would not be large users of water. Sewer will be provided when L.I.D. #9 is completed. Electric service is available through the Canby Utility Board. Goal 12 - Transportation - Baker Drive and 3rd Street will be paved full width and depth for industrial use thus allowing truck transport to the subdivision. The only cul-de-sac in the entire industrial area will be supplied through this subdivision. The radius will be 52 feet which is designed in conjunction with the recommendations of the Public Works Director and City Planner to make certain the largest truck could turn around in that area. The project is 6/10th of a mile from Tri-Met transportation and local taxi service is available. Goal 13 - Energy Conservation - By providing local employment, less gasoline will be used in the transportation of workers, thereby conserving energy. By using zero setback buildings with common walls on two sides, energy consumption for heating will be minimized and energy will be conserved through design. Goals 14 through 19 do not apply. Mr. Westcott then addressed the "Fasano" requirements. He stated the applicants felt there was a public need for this industrial subdivision in Canby. Seeing the fast sale of lots in "Canby Park East" industrial park and looking for a location for his own business, Mr. Westcott felt there was a definite need for small industrial lots to house smaller businesses. The "need best met" is done by subdividing in this manner as Canby has no small industrial lots. If the property were not subdivided, the property could only be used by one industry and perhaps there would be an unused and undeveloped portion. By subdividing in this manner, the applicants felt the land would be used more efficiently and best meet the needs that Canby now has. Gary Sowles (co-applicant) felt there were no small units like these in Canby which would accommodate the smaller businesses. Commissioner Edgerton asked if there would be a zero setback on the buildings, where would large trucks unload? Mr. Westcott explained there are utility easements to each unit which are twelve feet wide. The building would have 15 by 15 foot roll up doors to allow the trucks to back in. The 40 foot parking area in front would allow a 40 foot trailer to back right up to the door. Mr. Lashbrook pointed out

that the zero setback is at the rear and sides of the lot rather than at the front. Commissioner Hart asked the applicants if they intended to construct the building themselves and lease the units. Mr. Westcott explained it was the intent to sell the units rather than to lease them. He intends to retain two of the units himself, one for his business and one for expansion which he would rent out. Chairman Ross asked the applicants if they intended to file for their preliminary and final plat simultaneously. Mr. Westcott stated if the preliminary plat seemed to be in order with whatever conditions of approval might be attached, they had brought the final plat with them for staff review and possible approval. Mr. Lashbrook stated both he and Public Works Director Ferguson had reviewed the final plat so whatever action the Planning Commission wanted to take would be fine. Commissioner Kahut pointed out that if the final approval were given to this subdivision, the Planning Commission could not hold the applicants to any one type of design or keep them from selling the parcels to another party. Commissioner Davis asked if there would be any problem with leaving any of these small lots vacant rather than building on all 12 lots. Mr. Lashbrook stated he did not see a problem in that case. Commissioner Hart felt it would be significant to know what would be placed on the 12 lots shown. Chairman Ross explained that industrial zoning was the least restrictive zoning. The minimum lot size is 5,000 square feet and there can be a zero setback on the back and sides of the lot. As long as the applicant has kept within those requirements and as long as the industrial uses are within what's allowable in the zoning ordinance, the subdivision can be approved. City Attorney Reif stated it has been shown in Canby through other small businesses that this type of development is needed in Canby. Commissioner Kahut stated there are several small businesses along 99E who could use this area as they really don't require the highway frontage but need to be in a business area. Chairman Ross opened the public hearing. Dave Bury (proponent) stated he felt the project was a good idea. Chairman Ross called for any opponents. There being none, he closed the public hearing. \*Commissioner Kahut moved that the Baker Drive Industrial Park preliminary plat be approved subject to: A) The turnaround at the end of N.W. 5th Place be posted "No Parking"; B) The "Dead End" and "Stop" signs be placed at the intersection of N.W. 5th Place and N.W. Baker Drive; C) Each tenant or owner of the property in the subdivision shall be required to file an affidavit with the Department of Public Works clearly stating that they understand that the City's domestic water supply is adjacent to this subdivision and that they will not allow any toxic substances to be introduced into the soil in the area; and D) That there will be no "wet" uses such as cannery wastes or things like that. Commissioner Kahut felt the applicants had addressed all the goals that apply to this particular subdivision and had addressed the "Fasano" requirements. He requested that Item E) To adopt the applicants findings of fact as the Commission's findings of facts be added to the motion. City Attorney Reif suggested that Item C regarding the affidavit on toxic substances be added as a notation on the final plat when it's recorded so it would be picked up. Commissioner Kahut amended Item C to state that the affidavit will be put on the final plat in regards to the "wet" uses and the toxic substances. The motion was seconded by Commissioner Edgerton who added his request to include the proposed 6" water main as a part of the motion. Commissioner Kahut agreed to add the inclusion of all staff reports as a part of

the motion. City Planner Lashbrook suggested specifying that the water line is to be extended through the property to the west of the subject property as it was not clear in the Utility Board's staff report. The maker of the motion and the second concurred. Public Works Director Ferguson stated to be specific, a "wet" industry would be any industry that discharges into the City sewer system anything other than domestic waste. Anything that is discharged in the process is a "wet" industry. The only thing that is allowed to be discharged into the sewer system is domestic waste from the restrooms, the washing of hands, anything that is generated inside a restroom. A vitamin plant is, in essence, a "wet" industry in the sense it uses a lot of water. But that water is used and shipped out as part of the product. So there is actually no discharge into the sewer system although there is a lot of water usage. Mr. Ferguson felt it should be understood that no industry is allowed to discharge any material into the City sewer system other than what is normal domestic waste. You could word the motion to say "no toxic materials to be introduced into the soil whatsoever and any industry to meet the requirements of the City's existing sanitary sewer ordinance". Commissioner Kahut stated he would add that to his motion under Item C to make the motion more specific. Commissioner Edgerton, who seconded the motion, concurred. Chairman Ross asked Commissioner Kahut if he wished Item C be placed on the plat for recording. Commissioner Kahut stated he did. Commissioner Kahut also stated he wished to add the city planner's findings of fact to his motion. City Attorney Reif clarified the last sentence of Mr. Ferguson's definition by stating - any industry to meet the requirements of the City's then existing sewer ordinance. There being no further discussion, the question was called for and the motion passed unanimously. Chairman Ross then brought up the subject of the final plat and stated it would be subject to the inclusions of the deed restrictions. He stated the Planning Commission could authorize the Chairman to sign it when it has been approved by the City Planner and Public Works Director. City Attorney Reif advised the Chairman to explain to the Commission why this procedure was being followed. Chairman Ross explained the reason the applicants were requesting approval of the final plat at this time was to get the plat recorded as soon as possible so they could participate in the Local Improvement District now in progress on N.W. Baker Drive. Since the L.I.D. has a specific time limit involved, if they are not included in the L.I.D., the cost of improvements will have to be incurred by the applicants and would be a substantial expense. Commissioner Kahut asked whether N.W. 5th Place was now included in the L.I.D. Mr. Lashbrook stated only the property was included. Mr. Westcott explained that digging on N.W. Baker Drive for the L.I.D. had already started. If the City Council would accept a "Change Order" to include N.W. 5th Place in the L.I.D., then the manholes for the industrial subdivision could be put in at this time and the street wouldn't have to be dug up at a later date. He stated the street (N.W. 5th Place) would be requested in the change order and would include paving the street. Commissioner Kahut stated he felt there were some developers that were using the L.I.D. system for financing. Mr. Westcott stated that an L.I.D. is a tool available to everyone and that it's up to the Council and the City's bonding capabilities as to whether an L.I.D. is approved. If the Council turns it down, the developer has to pay for his own improvements. At this point,

they just wanted to get the manholes in while the contractor is still digging. Commissioner Kahut stated that the Planning Commission was approving the final plat only and that it was up to the City Council to approve this subdivision as a part of the L.I.D. Mr. Westcott stated that was correct. He said once the final plat is recorded, N.W. 5th Place then becomes a city street and can, if approved by the Council, become a part of the L.I.D. \*Commissioner Kahut moved to approve the final plat of Baker Drive Industrial Park subject to all changes required by the preliminary plat and the deed restriction being placed on the plat, said deed restriction to read: "Any industry locating within this subdivision agrees to meet the requirements of the City's present sanitary sewer ordinance or as amended, and that no toxic materials whatsoever shall be introduced into the soil within the subdivision." The motion was seconded by Commissioner Cutsforth. Chairman Ross asked the maker of the motion and the second if they were authorizing the Public Works Director, the City Planner and the Chairman to sign the plat upon the inclusions necessary. The maker and the second stated they were. Question was called and passed unanimously. Mr. Lashbrook stated the record should show that there is a ten day appeal period on the approval in which the plat still cannot be signed.

Item #2: Request for a Conditional Use Permit to add a gymnasium with supporting facilities. The property is located north of N.W. 5th Avenue and east of N. Cedar Street and described as Tax Lot 1100, Section 32D, T3S, R1E. The applicant is Canby Elementary School District #86. City Planner Lashbrook gave his presentation and recommended approval subject to: a fire hydrant being installed on the north side of the building in a centrally located area as recommended by the Fire Marshal. Commissioner Kahut stated he had a question regarding parking. He felt the area on the west side of the building should be designated as a parking area and improved. City Planner Lashbrook felt some of the parking that goes on at Eccles School is by citizens using the recreation facilities. It would be like forcing the School District to do that improvement for the benefit of the whole community. Mr. Lashbrook did not feel that a problem on parking for school-related activities actually existed. Janelle Chorzampa (proponent), architect for Martin/Soderstrom/Mattson, who is doing the work for the School District stated that what was being done was expanding the present play area and adding a full gymnasium with support facilities which consists of showers, etc. She stated Goal 8 was fulfilled in that they are providing a facility for indoor recreation for the entire community of Canby besides just the school, which did not exist previously. It will serve all groups for the entire year and will provide evening facilities for adults. Goal 11 is also fulfilled in that the addition will upgrade the present public facilities that exist at the school. It should help to increase the educational opportunities of the school by providing better facilities to teach children general physical education skills. Goal 13 - Energy Conservation - insulation will meet or exceed existing requirements for insulation and will also upgrade the existing energy conservation systems in the school. Chairman Ross called on proponents to speak. There being none, he called on any opponents. There being none, the public hearing was closed. Commissioner Edgerton asked if there was anything in the ordinance requiring additional parking for a gymnasium. Mr. Lashbrook stated that parking spaces for public gathering places are based on

seating capacity and he had not made additional parking a part of his recommendation. Commissioner Kahut asked if anyone from the school board was present and could address the parking issue. Doug Gingerich, Vice Principal of the Junior High School, stated the School District had a cooperative arrangement with the City and various ball teams to use the fields in back of the school and it does create a slight expense in cleaning up after its use. \*Commissioner Kahut moved that the expansion at Eccles School be approved subject to:  
1) All staff reports which would include the request for an additional fire hydrant by the Fire Marshal in his letter of October 8, 1979; 2) To include the findings of fact as stated by the City Planner; and 3) That the applicant has met the five required findings suggested by the City Planner. The motion was seconded by Commissioner Edgerton. Question was called for and passed unanimously.

Item #3: Request for a Conditional Use Permit to add classrooms, library and covered play area to existing structure. The property is located north of N.W. 4th Avenue and west of N. Grant Street and described as Tax Lot 1400, Section 33CB, T3S, R1E. The applicant is Canby Elementary School District #86.  
City Planner Lashbrook gave his presentation and recommended approval subject to the following conditions: A) That the school supply twelve additional parking spaces meeting the requirements of the zoning ordinance; and B) The sidewalk on the west side of N. Grant Street to continue north to the corner of N.W. 6th Avenue. Commissioner Kahut asked if the school employees were parking in the setback area on N. Grant at this time. Mr. Lashbrook stated that was correct. He stated that the area he would recommend for the additional parking was on the south side of the school near the trees and that area would have to be paved. Stuart Nibley, (proponent) architect for the school district explained the addition would consist of 6 classrooms, a library and support facilities. The overcrowding in the school district has demonstrated a need for this addition. This addition should cover the needs of the school district for some time to come. The covered play area would accommodate children playing outdoors in the winter. There will be an adult basketball court under the covered play area which will be lighted for night use. It will be available to the public at night and on the weekends. In that way, he felt they were meeting a public need, and the need was certainly best met by adding to an existing structure. This facility will be utilizing heat pumps for heating and cooling of the building which is highly energy efficient. Mr. Nibley said the school district was willing to provide the additional parking for this addition to comply with city zoning requirements. Chairman Ross stated that when an office complex is eventually built on the school property, a more complete parking plan will have to be submitted. Commissioner Edgerton asked whether the new addition would have any effect on vision clearance on the corner of N. Grant and N.W. 6th. Mr. Lashbrook stated the vision clearance area requirements are measured to the curb rather than to the right-of-way. Our setback requirements are measured to the right-of-way. There doesn't appear that there would be any problems at that corner. Commissioner Davis asked if children arrive at the school by bus and where the buses park. Mr. Nibley stated the buses arrive on N. Fir Street and the children will enter the school through the new play structure. Chairman



Ross then opened the public hearing by calling for any proponents. There being none, he called for any opponents. There being none, the public hearing was closed. \*Commissioner Kahut moved to approve the conditional use permit for the additional classrooms and playground facilities at Knight School subject to: 1) The construction of 12 additional parking spaces to meet the zoning ordinance; 2) The continuation of the sidewalk on the west side of N. Grant Street up to N.W. 6th Avenue; and 3) Adopting the findings of fact of the applicant and the city staff. The motion was seconded by Commissioner Cutsforth. Question was called and passed unanimously.

Item #4: Request for a Variance to reduce front yard setback from 20 feet to 17 feet 3 inches. The property is located north of N.W. 4th Avenue and west of N. Grant Street and described as Tax Lot 1400, Section 33CB, T3S, R1E. The applicant is Canby Elementary School District #86. City Planner Lashbrook gave his presentation and recommended approval subject to the following findings:

1) Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control; 2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity; 3) The authorization of the variance will not be materially detrimental to the purposes of this ordinance, be injurious to property in the zone or in which the property is located, or be otherwise detrimental to the objectives of any city development plan or policy; 4) The variance requested is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship; and 5) The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, his employees or relatives acting in deliberate violation of these or other City regulations.

Stuart Nibley (proponent), architect for the school stated the building would extend 2 feet 9 inches into the setback and there would not be any overhang. Mr. Nibley showed a blueprint of the new addition to the Commission so the size of the classrooms and the circulation pattern could be explained. Commissioner Kahut asked why the building couldn't be constructed behind the setback and slant the corridors between the buildings. Mr. Nibley stated that would interfere with the circulation pattern. Commissioner Hart asked the size of the proposed classrooms. Mr. Nibley stated they were approximately 25 feet by 40 feet. Mr. Nibley then addressed the five required findings by stating: 1) The extraordinary conditions are the fact that the building needs to be a particular dimension and that does affect the setback. 3) The existing building is already far beyond the point that this building would go so no eyesore or unusual projection would be created. 4) This was the minimum variance needed to maintain the classroom size desired. 5) This condition was not caused by the applicant.

Chairman Ross opened the public hearing and called on any other proponents to speak. There being none, those opposing this application were called on. Dave Bury (opponent) did not feel the doors had to match up and that moving the building back three feet would not cause a hardship for the school. There being no other

opponents, the public hearing was closed. Chairman Ross felt the applicant had met four of the five findings but did not feel that Finding #1 had been addressed adequately. Commissioner Kahut felt that Finding #1 had been met due to the lot shape and the building size. Commissioner Edgerton stated he felt #1 had been met due to the need for the new building to align with the existing structure. Commissioner Kahut felt since the new addition would be considerably farther back from the street than 20 feet, that the projection into the setback would not be harmful in any way. \*Commissioner Edgerton moved to approve the variance subject to: 1) The five findings of fact adopted by the Planning Commission; and 2) Subject to all staff reports. The motion was seconded by Commissioner Hart. Question was called and passed unanimously.

City Planner Lashbrook reported to the Commission that on the morning of October 16, 1979 at 9:00 a.m., representatives from H.U.D. dealing with flood control and Montgomery Engineers, who have done specific flood mapping for Canby, will be meeting with Mr. Lashbrook and Mr. Ferguson. Any Commission member wishing to attend this meeting is welcome to do so. They will be discussing the flood potential of the Molalla and Willamette Rivers.

Dave Bury brought up the subject of Canby's parking ordinance. He felt that the ordinance should set certain parking restrictions for any new structure. Discussion followed on parking standards in the downtown area.

Chairman Ross read a newspaper article regarding the condominium ordinance just enacted by Los Angeles, California.

The meeting was adjourned at 10:00 p.m.

This meeting has been recorded on tape.

Respectfully submitted,



Virginia J. Shirley, Secretary  
Canby Planning Commission

VJS/mlp