

Canby Planning Commission
June 11, 1980
Regular Meeting

Members Present: Chairman Kahut, Commissioners Cutsforth, Sowles, Hart, Davis, MacKenzie, and Baller

Others Present: City Attorney Roger Reif, City Planner Stephan Lashbrook, Secretary Virginia Shirley, William Stohr, Dave Bury, Pat Harmon, Andy Ditommaso, Mrs. Laurie Baker, Paul Sears, Mrs. Zapperaterino, Carol Warren, Earl Oliver, and others

The minutes of the meeting of May 14, 1980, were corrected on page 3, line 7, to read: *Commissioner Baller moved to postpone the public hearing . . . striking the words: a decision. The minutes were then approved as corrected.

Item No. 1: CONTINUED request for a Minor Land Partition from one lot to two lots and a Variance for Lot Width on property located on the southwest corner of N. E. Tenth Avenue and N. Pine Street, and described as Tax Lot 1300, Section 33AD, T3S, R1E. The applicants are Robert L. and Carol J. Warren. William Stohr, representing the applicants, presented three (3) different designs for the proposed division, and also showed one possible house plan. These designs were numbered 1, 2, and 3 and have been made a part of the permanent record. City Planner Stephan Lashbrook reminded the Commission of the need to take action on the variance prior to any action being taken on the minor partition. He also reminded the Commission of the findings of fact required to approve a variance and the findings of fact for a minor land partition. He also commented that the Commission should not think only in terms of this property but also in terms of what they would recommend to the City Council on ordinance changes which would preclude the need for a variance in similar cases in the future. With the Comprehensive Plan process, the City Council will be changing the zoning ordinance which will change some of the regulations. Commissioner Hart asked if the Commission is requested to approve one of the three proposals. Planner Lashbrook reminded the Commission that they had requested Mr. Stohr to present alternatives for them to consider at this meeting, and if any of the three meet the required findings they should approve it and make those findings. Chairman Kahut expressed the feeling that the ordinance didn't require changing and that any new subdivisions being considered should follow the present requirements. Individual lots should be considered on an individual basis. Discussion followed on the three plans submitted for division of the property by Mr. Stohr. Chairman Kahut asked for any further proponents for the application. None came forth and he asked for opponents for the application. Dave Bury is still against the variance because of setbacks. Thinks this property is not that special and the people who bought the property knew the square footage requirements of the ordinance. The Chairman asked if there was any further opposition and none came forth. Mr. Stohr asked where Mr. Bury lived in relationship to the property. The Chairman asked Mr. Bury and he stated he lived at 315 S. Township Road. Mr. Stohr pointed out that this had no relationship to the property in question. Mr. Stohr further explained that no variance was being requested for setbacks, only a variance for lot width on a corner lot. There being no further testimony, the public hearing was closed. Discussion followed regarding which of the proposed parcel division designs would alleviate the hardship and allow the property owner to divide the property. It was also suggested that the new house face Pine Street. *Commissioner Davis moved to

approve the request for a variance for lot width on property located on the southwest corner of N. E. Tenth Avenue and N. Pine Street and described as Tax Lot 1300, Section 33AD, T3S, R1E, and the applicants are Robert L. and Carol J. Warren. Included in the motion were the following findings of fact: The commission has established there are exceptional conditions that exist since this property line was established thirty years ago. There are exceptional or extraordinary conditions which apply to this property that do not apply generally to other properties in this vicinity. This would be the result of lot size or shape or topography and other conditions over which the applicant has no control. The land has existed in that form for thirty years and without this variance that land would probably just have to be of no use for development. The second finding of fact is that the variance is necessary to protect the property rights of this applicant to be that which is also possessed by owners of other property in the same zone or vicinity. In this instance the other properties are built up, it is a residential area and it seems wise that the piece of property also be used for a home. The third finding of fact is that the authorization of this variance shall not be materially detrimental to the purposes of this ordinance or injurious to other property in the same zone or vicinity in which the property is located or be otherwise detrimental to the objectives of any city development policy. The City seems to be in favor of using buildable lots and so it does go along with the objectives of the city development, and there was a petition submitted with a list of names of people in the area that were for this variance and the Commission has heard little argument against it. Fourth finding of act was that the variance is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship. The Commission feels this is the minimum amount on the width on the corner lot to meet this requirement. This is in reference to proposal #2. The fifth finding of fact is that exceptional or unique conditions of the property necessitate the issuance of a variance and these conditions were not caused by the applicant or his employees acting in deliberate violation of these or other city regulations. With those five required findings of fact, the motion was made for approval. The motion was seconded by Commissioner Baller. Commissioner Davis amended the motion to include the condition that the house fact N. Pine Street. Chairman Kahut stated this could be a condition of the minor land partition. He then asked for discussion on the motion. There being no discussion, the question was called for and the motion passed unanimously. The Chairman then opened the hearing on the minor land partition of this property. City Planner Lashbrook informed the Commission he had some conditions of approval to suggest to them regarding the partition. 1) Development of the lot to be limited to one single family dwelling, following the same general design as presented by Mr. Stohr. 2) The approval of the variance is for lot design #2 and is valid for a period of only six months, within which time the partition process must be completed. 3) Owners to dedicate then (10) feet of property for street purposes along N. E. Tenth Avenue, or prove that such dedication has already been completed. Owners are to be responsible for all costs associated with this dedication, including the cost of title insurance meeting the requirements of the City Attorney. 4) Owners to sign and record a waiver of remonstrance against any future improvements to N. E. Tenth Avenue or N. Pine Street, or prove that such a waiver has already been recorded. Such waiver to meet the requirements of the City Attorney. 5) Utility easements are to be provided to the satisfaction of the Canby Telephone Association. 6) All staff recommendations are to be made requirements. Chairman Kahut reminded the Commission this

must also have the appropriate findings of fact such as: The proposal conforms to the adopted city plan, complies with all applicable statewide planning goals, and also meets the requirements of the zoning ordinance and subdivision ordinance, and the design of the partition is appropriate in view of the development pattern of the surrounding neighborhood and the city overall. Commissioner Sowles so moved and the motion was seconded by Commissioner Baller and passed unanimously.

Item No. 2: Request for a Conditional Use Permit for an addition to the Parish Center of St. Patrick's Catholic Church located on N. W. Ninth Avenue approximately 150 feet west of N. Grant Street and described as Tax Lot 6500, Section 33BC, T3S, R1E. The applicant is St. Patrick's Church represented by Pastor James Dowd. City Planner Lashbrook gave his presentation and made a recommendation for approval if the Commission makes the appropriate findings of fact and subject to the following conditions: 1) Applicants are to continue the existing fencing along the east property line to the northeast property corner. 2) All lighting is to be directed in a manner which will prevent glare on neighboring residential properties. 3) The older parking area to the south of the parish hall is to be restriped in conformance with the requirements of the City Zoning Ordinance. 4) The fire hydrant is to be installed in the manner prescribed by the Fire Marshal and the Canby Utility Board. 5) The emergency access lane shown along the eastern property line is to be constructed in a manner which connects it to the parking lot to the west of the parish hall. The emergency access lane is to be clearly labeled "for emergency use only" and is to be posted for "no parking." 6) The proposed access easement to the northeast of the site is to be dropped from the plan with all access to be taken from N. E. Ninth Avenue. 7) Sufficient parking spaces are to be provided to accommodate either the church or the parish hall operating at full capacity. The parking areas are to be paved, adequately drained, and striped in accordance with City Ordinances. The staff does not recommend that parking spaces be provided for the combined occupancy of the church and the parish hall because it is felt that the two structures are not likely to be fully occupied at the same time. The City Planner explained the Utility Board easement and the fact that although it did not affect this application, the church should be aware of easement with regards to future expansion plans. The Chairman asked for proponents of the application. Paul Sears, 1128 Sears Lane, Woodburn, is representing the building committee for St. Patrick's Church. He informed the Commission that the church is no longer considering the exit on N. W. Tenth Avenue. Because there has been some opposition to the emergency exit, the building committee has decided not to pursue that property acquisition. The driveways and parking will take further consideration. The fence along the east side of the property which does not go all the way to the north property line does not belong to the church, and is not on the church's property. They are willing to continue the fence to the north property line, however. Mr. Sears was asked what type of fencing was there at the present time. He stated that it was a wooden fence approximately 4 feet in height. He further explained that the doors on the east side of the building were emergency exits only. The two main entrances are on the south side of the building. The Commission discussed the present and proposed traffic flow with Mr. Sears in order to better understand just what is being requested. The Chairman asked for proponents of the request. Dave Bury

stated he felt it was a very good proposal, but wanted to know if they had sufficient access to the property. Mr. Lashbrook stated that the zoning ordinance requirements are minimal. There being no further proponents, the Chairman asked for opponents. Patrick Harmon, residing at 415 N. W. Grant, stated he couldn't have a better neighbor than St. Patrick's. However, he had some questions regarding the application. The fence that will be going along the east side of St. Patrick's property, he asked to be of the maximum height. With the emergency access as shown on the plot plan, it makes a natural flow of traffic and questioned the necessity of black-topping. He recommended that it be left as a grass strip. That would cut down on any other possible vehicles going around there which would create a potential nuisance for the adjoining neighbors. The Chairman asked the City Planner to address the questions posed by Mr. Harmon. Mr. Lashbrook stated the maximum height that would be allowed for a fence by the zoning ordinance would be 6 feet. He suggested this new fencing be the same height as the existing fencing and lined up with the existing fence. Some type of surfacing would be required on the emergency strip as requested by the police department. The Chairman asked the applicant if the emergency strip would be only for emergency use or would it be for access for delivery trucks, police, etc. Mrs. Laurie Baker, a member of the building committee, stated that the idea was to have an access to the back of the property where a dumpster will be placed, by keeping the strip that goes along the emergency lane clear it will be used for emergencies but can also be used for other things. By keeping the emergency lane, they would cut down on fire hazard of dry grass, dust, dirt, etc. It would provide access all the way along, but principally it would be access for anything back in that area. Mrs. Zappaterino, 420 N. W. Tenth Avenue, wanted to make sure that the proposed access strip is not a road that everybody goes in and out of. Bob Zimmer, 975 N. Grant Street, expressed his interest in the comment that the emergency exit would be used for delivery trucks, police patrol, and garbage service, and he expressed the feeling that he didn't want that type of traffic behind his house. He also expressed the feeling that the proposed emergency exit should be left in grass. Discussion followed regarding possible changes in an emergency access and the location of the fire hydrants in the area. The Chairman then asked if there were any further opponents. Earl Oliver, Third and Ivy, stated he was not really in opposition but would like to ask a question. He didn't feel the emergency exit was needed - as there are other routes they can take. It was stated that both units wouldn't be used at the same time, but he was present at the church on a date when a funeral was in process and the people was arriving for loaves and fishes at the same time, so they may be used at the same time. He is not opposed to the overall project at all. Steven Thorsted was opposed to the proposed fire lane because it may be used to put through a road to 10th Avenue. If there is an access that is paved, he feared that the city might open it up to Tenth. Mrs. Baker explained to the Commission the reason for asking for the emergency access. Discussion followed with Mrs. Baker as to possible alternatives to this emergency lane. The Chairman closed the public hearing. The Commission continued to discuss the possible routes for an emergency access, that the doorway should be kept clear at all times, and designing the parking lot so that all vehicular traffic would be on the west side of the parish center. *Commissioner Sowles moved to approve the conditional use permit for St. Patrick's church situated on the north side of N. W. 9th Avenue approximately 200 feet west of North Grant Street. Under the required findings of fact this proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies of the city. As the church already exists at the present site, this will only be an extension.

Taking into account location, size, and design and operational characteristics it will have minimal adverse impact on the livability, value, and appropriate development of abutting properties and the surrounding area as compared to the development permitted outright. A church does not detract from property values. The location of the site and structure for the proposal will be as attractive as the nature of the use and aesthetics warrant. The enlargement of the parking lot will be helpful to the traffic flow and benefit the entire neighborhood. It is far better to the traffic flow and benefit the entire neighborhood. It is far better to expand this site than to build on a new site. The applicant has an appropriate purpose for proposing the expansion, and is not motivated solely by the alternation for renumeration. This proposal is in compliance with the state-wide planning goals. This approval would be subject to the following conditions: 1) Applicants are to continue the existing fencing along the east property line to the northeast property corner. This fencing is to be comparable to the existing fencing with a maximum height of six (6) feet at the northeast corner. 2) All lighting is to be directed in a manner which will prevent glare on neighboring residential properties. 3) The older parking area to the south of the parish hall is to be restriped in conformance with the requirements of the City Zoning Ordinance. 4) The fire hydrant is to be installed in the manner prescribed by the Fire Marshal and the Canby Utility Board. 5) The emergency access lane proposed to be situated along the eastern property line is to be deleted in favor of spaces reserved for emergency parking which are to be located at each of the main entrances to the parish center. 6) The proposed access easement to the northeast of the site is to be dropped from the plan with all access to be taken from N. E. Ninth Avenue. 7) Sufficient parking spaces are to be provided to accommodate either the church or the parish center operating at full capacity (whichever is greater). The parking areas are to be paved, adequately drained, and striped in accordance with City Ordinances. 8) Curb cuts are to be of sufficient width to allow minimum driveways of twenty (20) feet, or signs placed showing entrance and exit only. The motion was seconded by Commissioner Cutsforth. Discussion followed regarding the possible emergency exit on the west side of the proposed addition and existing parish center. The question was called for and passed unanimously.

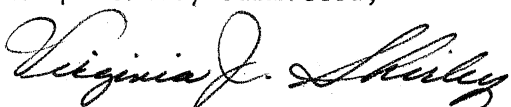
City Planner Lashbrook explained the contents of the order from the Planning Commission to the City Council recommending approval of the PUD overlay zone for the Willamette Green II property. It was the consensus of the Commission that the Chairman should sign the order.

City Planner Lashbrook stated that the proposed annexation on the south side of town by Estate Eight Inc., was still pending. Their attorney is writing up some findings of fact regarding this proposal.

The Commission was reminded of the City Council meeting on June 25, 1980, regarding proposed changes in the Comprehensive Plan.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission