

Canby Planning Commission
Regular Meeting
November 12, 1980

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

Others Present: City Attorney R. Roger Reif, City Planner Stephan Lashbrook, Secretary Virginia Shirley, Bud Atwood, Pat Maynard, Gordon Ross, Dave Bury, Dennis Naumann, and others

Item No. 1: CONTINUED FOR DECISION ONLY: A request for a Minor Land Partition and Variance to Lot Width and Size requirements of the R-1 zone to allow the division of a .39 acre lot into two smaller lots, one of which is to have an average width of approximately 65 feet. The property is located on the northwest corner of N. E. Tenth Avenue and N. Juniper Street and is described as Tax Lot 3200, Section 33BA, T3S, R1E. The applicant is Dennis Naumann, represented by Gordon Ross. City Planner Lashbrook explained to the Commission the only lot width variances which had been approved recently had not yet been built upon, making it difficult to see the end result of such an approval. Chairman Kahut requested the City Planner review the public hearing on this application, which was held on October 29, 1980. Planner Lashbrook related the public testimony and explained that the Commission had discussed the possibility of making this a standard lot and issuing a variance for the sideyard setback of the existing dwelling unit on the property. Discussion followed regarding the feasibility of granting a side-yard variance to the existing dwelling rather than creating the undersized lot. It was the consensus of the Commission that the granting of the side-yard variance would be the minimum variance allowable, which would allow the property owner to divide his property. Commissioner Baller abstained from voting on this item as he had not been present at the original hearing. Commissioner Cutsforth also abstained from voting on this item as she had not been present for the original hearing. *Commissioner Sowles moved to grant the side-yard variance to the existing dwelling creating a standard size lot for the following reasons: this had been two lots in the recent past, the newly created lot will contain 7,000 square feet and 70 feet of frontage, the creation of a new lot will not be detrimental as it will add only one single family residence to the neighborhood, the minimum variance to alleviate the hardship is 5 feet from the property line to the existing dwelling unit. This variance is to be granted with the following conditions: 1) Approval of the variance to be valid for a period of six months, within which the partition process must be completed and formally recorded, and, 2) The setback on the south side of the newly created lot to be fifteen (15) feet and conform to the ordinance on the north side. The motion was seconded by Commissioner MacKenzie and passed with 4 ayes and 2 abstentions.

**Commissioner Sowles moved to grant the Minor Land Partition with 70 feet of frontage on N. Juniper Street for the following reasons: this proposal does comply with the adopted City Plan by providing an additional lot within the present city limits, it complies with the applicable Statewide Planning Goals in that it allows flexibility of size and area, it meets the requirements of City Zoning and Subdivision regulations and by making this a standard size lot the design is appropriate. This approval would be subject to two conditions: 1) Easements are to be provided to the satisfaction of the Canby Utility Board and the Canby Telephone Association; and, 2) Owner to prepare and record a waiver of the right to remonstrate against future street, sidewalk, or utility improvements to N. Juniper Street or N. E. Tenth Avenue. The motion was seconded by Commissioner Hart and passed with 4 ayes and 2 abstentions; Cutsforth and Baller.

Item No. 2: City of Canby requests a Minor Land Partition to divide one lot into two lots. This property is located south of N. E. Fourth Avenue, west of N. Pine and north of the Southern Pacific railroad tracks, and described as Tax Lot 500, Section 33DA, T3S, R1E. City Planner Lashbrook made his presentation and explained the situation of trying to relocate the railroad depot. Although the Committee has looked at many sites, this is the only feasible site that is available. Chairman Kahut opened the public hearing and asked for any proponents. Dave Bury, 315 S. Township Road, asked if the depot would be able to meet all of the setback requirements. The City Planner explained that the property was located within the M-1, Light Industrial, zone and that no setbacks are required. Mr. Bury further stated that he did not want to see this building moved, fixed up and then given to the Chamber of Commerce. The Chairman asked for any further proponents and none came forth. He then asked for opponents and when none came forth the public hearing was closed. The Commission held a short discussion regarding the availability of parking spaces, landscaping for the depot in its new location, and the timetable for the move. City Planner Lashbrook answered their questions regarding the parking which will have a minimum requirement, that landscaping will be provided and that the depot will be moved as soon as possible. *Commissioner Davis moved to approve the minor land partition to the City of Canby for a parcel of property located south of N. E. 4th Avenue, west of N. Pine Street and north of the Southern Pacific railroad tracks for the purpose of relocating the rehabilitating the depot, accepting the findings of fact presented by the City Planner and with the following conditions: 1) Relocation of the water line to be coordinated with, and meet the requirements of, the Canby Utility Board; 2) Property to be fenced and fully landscaped in a manner which is aesthetically pleasing; 3) The holding tank system shall be checked regularly and pumped when necessary to avoid any unsanitary conditions; 4) When sanitary sewer lines have been installed and are accessible by this property the holding tank system is to be properly abandoned and the property shall connect to the sewer system; and, 5) The building to be so situated as to avoid a vision clearance problem. The motion was seconded by Commission Baller and passed unanimously.

Item No. 3: The City of Canby requests a Conditional Use Permit for the construction of shop facilities for the Canby Utility Board and City, plus expansion of the Sewage Treatment Plant as may be required. This property is located adjacent to, and upon, the sewage treatment plant and described as Tax Lot 600, Section 27, T3S, R1E. City Planner Lashbrook gave his presentation and stated the reasons for approving the City's request subject to five conditions. Some discussion followed regarding the possibility that it might be better to re-zone this property then to issue a conditional use permit for the use requested. Chairman Kahut opened the public hearing and asked for any proponents of the application. Pat Maynard of the Canby Utility Board stood and indicated he was in favor of the application to relieve the congestion at the present site. Bud Atwood, Public Works Supervisor, informed the Commission that such a facility was needed and he felt this was the best location for it. Gordon Ross spoke in favor of the application. Dave Bury indicated that he was for the building of the City shops at the requested location, but expressed concern that a twenty (20) foot road would be of sufficient size. There being no further proponents, the Chairman asked for opponents. There being none, the public hearing was closed. Commissioner Baller expressed his objection to the work proceeding prior to the issuance of a conditional use permit or other action the Planning Commission chose to take. He further stated that he felt the approval of this application

as a conditional use permit would be precedent setting for other applications. City Attorney Reif explained that since this is a public service facility belonging to the city it would not set a precedent. He further expressed the feeling that the zoning should stay the same and a conditional use permit be issued as they could then keep a handle on what was placed on the property. Commissioner MacKenzie reminded the Commission of the study two and one-half years ago which stated the city shops and public works department should be located at the requested site. Commissioner Sowles expressed the feeling that this should be a conditional use permit as he has some concerns regarding expansion and a conditional use permit would give the Commission better control of what was done with the property. The Commission held further discussion regarding the proposed use, the proposed landscaping, and the need for preserving the trees for a buffer strip. *Commissioner Sowles moved to approve the conditional use permit for the City of Canby and to accept the City Planner's findings of fact as the basis for approval, subject to the following conditions: 1) Access road to be surfaced to a minimum width of twenty (20) feet; 2) Paved parking area to be provided for all employees and guests, and for areas where equipment is to be parked; 3) Landscaping to be provided on perimeters of site to obscure vision from adjoining properties; 4) Grading to follow essentially the same contours as the sewage treatment plant; and, 5) Fire hydrant locations to meet the requirements of the Canby Fire Marshal. The motion was seconded by Commissioner Cutsforth. Discussion followed regarding the amount of landscaping to be placed on the site. The question was called and the motion carried with Commissioner Baller voting against the motion.

City Planner Lashbrook passed out copies of the proposed comprehensive plan to the Commissioners. He also informed the Commissioners that Marv Dack had been given a one-year extension and the City of Canby had initiated a zone change to R-2/PUD.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission