

Canby Planning Commission
Regular Meeting
June 8, 1981

MEMBERS PRESENT: Chairman Kahut, Commissioners Baller, Shinn, Davis and Schrader

MEMBERS ABSENT: MacKenzie and Cutsforth

OTHERS PRESENT: City Planner Stephan A. Lashbrook, City Attorney R. Roger Reif, Secretary Virginia Shirley, Carlos L. and Betty Diede, Marim W. Clark, Bob Westcott, Marjorie E. Brown, Wayne W. Brown, Richard Garvey, Larry Sample, Mention Ebel, Delpha Ebel, Fred and Tillie Kurtz, Larry Miguel, Gene Brown, Ray Leach, Larry Hepler, Ron Farnsworth, Susan Farnsworth, Cheryl and Jack Stark, R. Klingbeil, A. Klingbeil, Dennis McElroy, Dick Crites, Jerry Farnsworth, Jean Shefko, David Bury, Jean Clark, Sandra Garvey, Nola Leibrand, Anita B. Wold, Frances L. Simmons, James E. Crouchley, Karen S. Crouchley, Dick and Carol Lee Morse, Alice Kasner, Sheryl Youngblood, Sherry Bare, and Jim Reinking.

The Minutes of the Planning Commission meeting of April 13, 1981, were approved as presented.

Item No. 1: A request for a Minor Land Partition and Conditional Use Permit for property located on the east side of N. Knott Street approximately 250 feet north of N. E. 4th Avenue and described as Tax Lot 10502, Section 33BD, T3S, R1E. The applicants are Carol Lee and Richard Morse. City Planner Lashbrook went over the staff report with the Commission and gave a recommendation of approval of both the minor land partition and conditional use permit. These approvals are to be subject to four conditions of approval. Chairman Kahut opened the public hearing. Richard Morse, applicant, stated that he had spoken with the City Planner prior to construction of the existing duplex which they wish to convert to single family residential with common-wall construction, and had tried to follow all anticipated requirements for this type of construction. They feel these are experimental units, as the concept is new to Canby. Further, when the units were rented, they had explained to the renters that the units would be sold if their applications were approved. Mr Morse expressed the feeling that over cost units are needed to enable young people to acquire their first home. With the lower cost of construction for this type of dwelling units, possibly this will help the building industry in the future. Mr. Morse stated that his present renters have indicated they would like to purchase their units. Mr. Morse was asked what would happen in regards to maintenance if the two parties owning the building could not agree on what color to paint the outside when it was needed. Mr. Morse said he had spoken to a title insurance company and to other developers and found that the existing conditions take precedence over a change, if the individuals can not agree. The Chairman asked if there were any other proponents in the audience. Mr. Dick Crites stated he was for the application. There being no further proponents, the Chairman asked for opponents. When none came forth, the public hearing was closed. Commissioner Baller stated that if the population doubles in 50 years, as is expected, the people will need some place to live. Commissioner Davis expressed enthusiastic approval after having viewed the project. Commissioner Schrader stated that he was not as enthusiastic as the other members of the Commission. He would like to see a management plan for the units, i.e., maintenance of building and grounds, prior to approval. He does, however, approve of this type of dwelling units.

Chairman Kahut asked if there were any special state regulations on this type of construction. City Attorney Reif answered no, only on condominiums. Commissioner Schrader further expressed his reluctance because of no maintenance agreement, or any firm plan of requirements to produce the needed documents. The City Attorney stated that the lending institutions will take a very careful look into the matter of maintenance agreements, when the units are sold. He further expressed the opinion that the City should stay out of any sort of maintenance plan as it will be a civil matter. Commissioner Davis stated that she has had the same fear, but does feel this is the type of housing that people will be able to afford. *Commissioner Baller moved to approve the Minor Land Partition and Conditional Use Permit on Tax Lot 10502, Section 33BD, T3S, R1E. The applicant has met the standards and criteria in that the proposal is consistent with the comprehensive plan and applicable ordinances and policies, it is the best use of the property and the design is attractive and preserves the aesthetics of the area. The applicant has expressed a bona fide intent of developing in this manner from the beginning. These approval would be subject to the following conditions: 1) Easements are to be provided to the satisfaction of the City Engineer, Canby Utility Board and Canby Telephone Association. 2) Applicants are to prepare and record a waiver of the right to remonstrate against future sidewalk improvements along N. Knott Street. Said waiver is to meet the requirements of the City Attorney. 3) All utilities are to be separated from one unit to the next, with appropriate connection fees paid. The applicants shall bear full responsibility for securing proof of such utility separation and fee payment from each affected utility agency. 4) Maintenance and repair of the properties is to remain the sole responsibility of the owners, with the City taking on no liability as a result of this action. The applicants shall record a document with the survey map delineating the procedure to be followed by subsequent owners in determining the appropriate maintenance of the exterior of the building. The motion was seconded by Commissioner Davis and passed unanimously.

Item No. 2: Request for a Minor Land Partition and Conditional Use Permit for property located between North Maple Street and the possible extension of N. Oak Street, approximately 100 feet north of N. E. 14th Avenue. The applicant is the Seventh Day Adventist Church who wish to construct a permanent sanctuary on the site. The staff report was given by City Planner Lashbrook. After going through the staff report, he explained to the Commission the access and transportation problems that are faced by the applicant and the methods of mitigating problems within the neighborhood. The staff has made a recommendation for approval, subject to 19 conditions. At this time, Mr. Lashbrook read into the record a letter from Donald R. Baldwin, 740 N. E. 14th Avenue, stating his opposition to this application. Mr. Robert Westcott, representing the Seventh Day Adventis Church, spoke on behalf of the applicant. He stated that the proposed church would generate fewer vehicle trips than a mobile home subdivision. He further stated that the church would make fewer trips than a conventional subdivision. Mr. Westcott stated the church would be a benefit to the community. He requested the church be given more than one year to get the project started. He explained that the building committee had just started work and would like to have a three-year time limit, considering the length of time it takes to raise the funds, have the architectural work done, and get all of the required permits. Also with the parking, he would like to have an adjustment of the two-year time frame, making it comparable to the length of time given for starting the church. Mr. Westcott stated that it was the intention of the church to abandon the emergency easement

once N. Oak Street had been extended through the property and there was another access to the church. Because of the depth of the sanitary sewer lines in the area, the church would not be able to extend the sewer line the entire frontage of their property at this time. The church would be using a pressure-line in all probability. The easement is to be provided for emergency purposes only. Commissioner Schrader asked what the proposed activities were for the church. Mr. Westcott answered that they envisioned having sabbath school, mid-week prayer meetings, welfare work, and Vacation Bible School for one or possibly two weeks in the summer time. Commissioner Schrader asked the number of people who would be involved. The minister for the church stated that at the present time they had 87 members. Commissioner Baller expressed the feeling that the parking lot was quite small and asked how many cars could be parked within it. Mr. Westcott stated that the map had not been drawn to scale and that the exact size would be determined by the architect. Commissioner Baller also expressed concern regarding the parking lane being too narrow. Mr. Westcott stated that it could be wider, however he did not want to leave enough room for anyone to park. Chairman Kahut opened the public hearing and called for any proponents. Mr. Richard Crites stated he was in favor of the application and expressed the feeling that the church did good work in the community and should be encouraged. Chairman Kahut called for further proponents and when none came forth he called for opponents. Jack Stark stated that at the present time the back side of his house overlooks a green field, but they will be looking at a parking lot if the Minor Land Partition and Conditional Use are approved. Next, he asked just what the buffer strip would consist of, "barkdust, a row of trees, or maybe a hedge?" Mr. Westcott stated that it was unknown, but would be decided by the landscape architect. Mr. Stark then asked who would be using the emergency easement. Mr. Westcott stated it would be used for emergency access only. They would install either a gate or a break-away fence. Mr. Stark asked what the exterior finish of the church would be, how tall the building would be, what type of fencing would be used, and requested any other information of this type the applicant had. Jerry Bernard, 1410 N. Oak Street, stated that he lives across the corner from the church. He has four children who are not of school age and is most concerned for them, as all traffic must go in front of his house. He expressed the opinion that the application is premature, as they need a normal width easement from Maple Street. Larry Hepler expressed concerns for property values in the area, removal of a stand of fir trees on the affected property, and the possibility of the church purchasing Tax Lot 3000 and using it for a road from N. Maple Street to the church. He stated that he is opposed to the proposed at this time. Ray Leach, 1500 N. Maple Street, stated that his property adjoins this property for 410 feet. The proposed parking lot would be across from his bedroom. He stated that he is opposed for two reasons: his investment - would depress property values in the immediate vicinity of church and because of noise, disruption, and loss of peaceful area. Mr. Leach listed numerous functions the church would be involved with once they started growing. He would like to see the property remain for residential uses. Residential traffic is not as heavy as church traffic, in his opinion. There being no further opponents, Chairman Kahut asked Mr. Westcott if he had any rebuttal. Mr. Westcott stated that in regards to the easement, it would be strictly for emergency access. If they purchased Tax Lot 3000 it would be an expansion and they would need to have an additional public hearing. As to the type of building, they had not hired an architect so they would be unable to answer that question. However, once the plans had been drawn it was their intention to show them to the people in the

area and explain exactly what they intended to do. The church would be willing to work with the neighbors as far as the fencing was concerned. Mr. Westcott further stated that the church would like to see Oak Street go all the way through, as they would not have bought this property if it was only going to have one access. He stated the church would be willing to work with Mr. Leach on the parking lot problem. Mr. Westcott said the fir trees will not be cut down. The emergency entrance is for fire trucks only. There being no further testimony, the public hearing was closed. Chairman Kahut asked Mr. Lashbrook the maximum height the building could be. Mr. Lashbrook stated that the maximum height was 35 feet or 2½ stories. However, this did not include the steeple. There is no height limitation on steeples in our ordinance. Chairman Kahut recessed the meeting for a short break in the proceedings at 9:00 p.m. The meeting was reconvened at 9:15 p.m. Commissioner Baller stated he was opposed to the half-street construction. Further stated it should be a full street with curbing, sidewalks, and to include some sidewalks on 14th Avenue. He also expressed the feeling that the parking lot was too small. He noted the problems that exist when two ball games are going on at Maple Street Park. Commissioner Baller feels this is a worthwhile project as the city needs churches as well as schools, parks, etc. Commissioner Davis cited the three criteria for issuing a partition and stated that in her opinion this project was crowded into the proposed area and that the Commission would have a difficult time approving this application by the criteria they have to follow. Commissioner Shinn also expressed the feeling that the church would be crowded in this location. Commissioner Schrader indicated his concern about access to the site. He stated that a building design was needed in order to make a better judgment. Commissioner Shinn asked if there were any building size criteria. City Planner Lashbrook said that there were none except for the fact that they must meet the setback requirements. Chairman Kahut stated that it seems that the largest concern of the Commission was with the access and transportation pattern. *Commissioner Schrader moved to deny the application of the Seventh Day Adventist Church for a Minor Land Partition and Conditional Use Permit as the application does not meet the required findings of fact, the design is incomplete, there are possible problems with landscaping, and it is not the most functional design available with a half-street for ingress and egress. The motion was seconded by Commissioner Baller. City Attorney Reif stated that landscaping was not part of the application and should not be included in the denial. Commissioner Schrader stated he would withdraw that portion of the motion and Commissioner Baller, who seconded the motion, concurred. The motion passed unanimously. City Planner Lashbrook informed the audience that there were fifteen days to appeal the application. If it was the intent of the church to file an appeal, the church should contact him regarding the application and filing fee.

City Planner Lashbrook informed the Commission that in the future any applications for churches will be asked to submit elevations and more complete renderings of their proposal.

Mr. Lashbrook stated he will do more research on deed restrictions for housing with common-wall construction and report back to them as soon as possible.

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City Planner Lashbrook also stated that the City does have some problems with parking requirements in industrial zones. All of the City's ordinances are based on personnel and consequently when there are additions to industrial businesses that are called "warehousing" no further parking spaces is required, if there will not be any additional employees. What can, and sometimes does, happen is that the industry changes hands or a new industry locates in the building and the additional space is not used for warehousing. Now they have more employes but have not been required to have more parking space because of the manner in which the ordinance requirements have been applied to that particular parcel. This has been brought up only to alert the Commission that sometime in the near future work will need to be done to alleviate any problems that may arise because of the wording of the City's parking requirements.

The meeting was adjourned at 9:50 p.m.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission