

Canby Planning Commission  
Regular Meeting  
April 12, 1982

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

OTHERS PRESENT: City Attorney R. Roger Reif, Planning Consultant Bob Mahoney, Public Works Supervisor Bud Atwood, Secretary Virginia Shirley, Gordon Ross, David Bury, Dave Amato, Mike McGee, Dale Stephens, Jerry Bontrager, Herman Bergman, Dorothy McCormick, Gregory Gardner, Bob Westcott and others.

The minutes of the Planning Commission meeting of March 8, 1982, were approved as presented.

Item No. 1: Interpretation of Land Use and Planning Ordinance No. 690, as pertains to existing and proposed expansion of Home Occupations. Interpretation requested by Jerry Bontrager. Consultant Mahoney explained to the Commission the background regarding this request, and Mr. Bontrager's desire to expand a Home Occupation Conditional Use granted in 1973. Due to ordinance changes since that time, this expansion would appear to be an Expansion of a Non-conforming Use as opposed to expanding the Conditional Use Permit granted in 1973. Mr. Mahoney showed the Commission slides of the house and accessory building housing the "Bike Shop." City Attorney Reif clarified the difference between the two applications for the Commission. Mr. Bontrager explained the present bike shop and that he wanted to expand to include the use of roto-tiller, lawn mower, and other small motor repair to the existing business. After a short discussion, the Chairman asked each of the Commissioners to express his opinion as to the type of application that should be required in order for the Commission to hear Mr. Bontrager's request to expand. Commissioner Baller stated that he felt it should be a non-conforming use with a public hearing to allow the neighbors to be notified. Commissioner MacKenzie wanted neighbor's input and impact on neighborhood. Commissioners Davis, Shinn, Cutsforth and Schrader were in agreement. Mr. Bontrager asked if this was because his bike shop was not connected to his house. It was explained that it was the type of application required as determined by the Land Use and Planning Ordinance. Chairman Kahut informed Mr. Bontrager it was the consensus of the Commission that he should apply for an Expansion of a Non-conforming Use, if he desires to expand his present operation.

Item No. 2: Request for Expansion of a Conditional Use Permit for an addition to the Elmhurst Nursing Home. The applicant is Elmhurst Nursing Home, represented by Dale L. Stephens. Consultant Mahoney gave the staff report and made a recommendation to approve the application subject to conditions. Consultant Mahoney expressed some concern that because the addition onto the building would project into the parking lot, the replacement of those parking spaces plus spaces for the addition would be required. Chairman Kahut asked the applicant if he had anything he wished to add to the information already presented by the Planner. Mr. Stephens came forth and presented two pictures to the Commission which showed that the new addition would not decrease the amount of parking the nursing home already has, but they will be adding additional spaces for the new rooms. Chairman Kahut opened the public hearing and called for any proponents of the application. When

no proponents came forth, the Chairman called for opponents. There being no opponents, the Chairman closed the public hearing. A short discussion was held during which the Commission was assured that parking requirements would be met. Commissioner MacKenzie moved to approve the request to expand the Elmhurst Nursing Home with the following findings: The structure and use in question is an existing use which has demonstrated its value and need to the community; the expansion as proposed represents a minor modification to the building; Elm Street is improved to the extent that the anticipated traffic can be served; all required utilities are available; and, the expansion complies with the intent of the Canby Comprehensive Plan. This approval to be subject to the following conditions: 1) The parking area is to be restriped and adequate parking spaces provided; and, 2) Said modification is to be illustrated on the site plan and be submitted to the planning department for approval. The motion was seconded by Commissioner Baller and passed unanimously.

Item No. 3: Request for Planned Unit Development/Conditional Use Permit for construction of 30 units of elderly and handicapped housing. Gordon Ross representing the developer Mike McGee. Consultant Mahoney gave his staff report which was based on a plan review of the preliminary plans submitted by the applicant at a pre-planning conference. Since that conference, the plans have been revised to project the changes requested. The original plans have been changed to show a decrease in density, the modification of the setbacks in order to meet zoning requirements, a landscaping plan, and other requirements. The Planner recommended approval of the application, subject to several conditions. Gordon Ross, representative, spoke to the Commission explaining that the new site plan was still one parking space short, but the development must be started quickly. A pre-project meeting was held with the development agencies to expedite the handling of all details. Mr. Ross then explained numerous elements of the site plan to the Commission members and showed where additional parking spaces could be placed. Mr. Ross stated that he and his client felt this application complies with L.C.D.C. and H.U.D. requirements and is located within a few blocks of downtown shopping. He explained that with this application the density of structures will be higher, but the density of people will be lower. Each of the living units will have approximately 500 square feet of living space. A Commissioner asked if there was any other exterior lighting besides the three street lights in the project. Mr. Ross stated that each unit will have an exterior light outside the entrance door. The site has been designed for maximum usage and for the preservation of as many trees as possible. As for the need of the project, a representative from Loaves and Fishes is present to better explain Canby's need for this project. Mr. Ross stated that they feel they have met the needs of the City, State and federal governments.

During a short discussion with the applicant, the Commission determined that three (3) additional parking spaces would be required in order to meet ordinance requirements. This can be achieved by relocating the trash container and possibly removing a tree from the property.

Robert Westcott, 835 N. Elm Street, stated that as a member of the City Council when Ordinance 690 was passed, the Council felt the parking requirements were arbitrary - as the state only requires 1/2 space per unit.

Dorothy McCormick, 7471 Lone Elder Road, stated that Loaves and Fishes delivers meals to Canby Village and Canby West and that they hear the problems of the elderly and their concerns and desires for housing. The concern of all is the size of the unit, location, accessibility of religious meeting place, shopping. She quoted facts and figures as to the percentage of aged in the community in the community in search of affordable housing. Verified there is a long waiting list to get into Canby Village and now for Canby West senior citizen housing. There being no further proponents, the Chairman called for opponents.

Mr. Herman Bergman, 661 N. W. 4th Avenue, read a letter into the record which has been made a part of these minutes. In this letter he spoke regarding the following subjects: Noise level, over-crowding, safety for foot traffic, busy streets, lack of public transportation, and the availability of other sites.

In rebuttal, Gordon Ross stated that they were aware that there is some noise associated with the site, but that it is a small concern where adequate low-cost housing is concerned. As for foot-traffic, unless able, people do not walk to do their shopping, etc. There are presently no other sites available due to cost in commercially zoned area.

The Chairman closed the public hearing.

Commissioner Baller stated that it was his feeling that the need overrides objections to this project. Canby has a definite need for this type of housing. He further stated that the community could accommodate three or four more developments of this type. Commissioner MacKenzie stated that he did not feel there were any other available sites and that the pros of the project did outweigh the cons. Commissioner Davis stated that almost all sites of adequate size in the core area are gone - most of those wishing to walk to the shopping area will be able to do so. If not able to walk, it is only a short drive. Good opportunity for Canby. The site chosen is one of the best for this type of project. Chairman Kahut stated that sidewalks are available for walking in a roundabout way. Commissioner Shinn stated that he had many positive feelings for this type of development. Commissioner Cutsforth stated the location was good and that she did not feel there was any other available place downtown. Commissioner Schrader stated that he felt it was a good plan and will be an asset to Canby. Chairman Kahut stated that it was the consensus of the Commission that this will be a good development. The only thing left to do is work out the parking and other amenities. After some discussion regarding the possible site plan changes, Commissioner Schrader moved to approve the application for the "Gloria Belle" apartment complex for senior citizens and handicapped persons, as the project will provide for the housing needs of Canby; the development applies an increase in housing density helping to supply the increased demand for rental housing; utilities are available; and, this will provide additional housing variety. This approval to be subject to the following conditions: 1) Modification of

off-street parking to reflect three (3) more parking spaces, making a total of 26 spaces in all. 2) Landscaping to be subject to site plan dated April 8, 1982. 3) Compliance with all developing agencies requirements. 4) A minimum of two trash container sites. 5) Public Works Supervisor to provide crosswalk across Cedar at N. W. 5th Avenue for maximum cost of \$100.00 as agreed to by the applicant (Mike McGee). Motion seconded by Commissioner Baller and passed unanimously.

Item No. 4: Request for Annexation of 30.32 acres adjacent to the city limits on the east side. The applicant is Amato Bros. Enterprises, represented by Dave Amato. Planning Consultant Mahoney presented his staff report to the Commission. He addressed L.C.D.C.'s stand on urbanizable property, the desire to have urban services for the total site, and that a more coordinated planning effort could be achieved with the entire parcel under one jurisdiction. Mr. Mahoney further stated that it would be the duty of the applicant to justify the annexation of the property, due to the lack of a certified comprehensive plan. If the applicant can justify the need for this annexation, then the property should be annexed for a more coordinated planning effort.


Chairman Kahut informed the audience that this was not a public hearing. City Attorney Reif advised the Commission that the City Council depends on the Planning Commission for an in-depth study of these applications, so that they might provide the Council with a recommendation with findings to support it.

Dave Amato, representing Amato Bros. Enterprises, Inc., came forth and stated that it is the intent of the owners to develop the property when the economy is proper. This annexation is the preliminary hurdle towards development when the economy permits. Mr. Amato further stated that the land has been farmed by Harvey Tofte and will continue to be on a short term lease basis. The applicant previously owned the property where two schools and the swimming pool are located. Commissioner Davis asked if a road would be developed between S. E. Township and S. Ivy Street, through this property. At this time, Dave Amato stepped to the blackboard and drew a sketch showing just how the road would be designed. Chairman Kahut asked the applicant to address the L.C.D.C. goals, and to justify the need for this property to be annexed to the city at this time.

Mr. Amato stated that they had not done an economic study, as the last application they had presented to the City was denied due to transportation requirements. City Attorney Reif informed the applicant that the request for annexation would need to show that there is a need to take this property from agricultural use, that there is enough city water to supply the additional demand by urbanizing this property, that sewer capacity is adequate, and that electrical power is available.

The applicant was unable to provide the needed information to the Commission, and by mutual consent the application was continued to allow the applicant's representative time to acquire the needed data.

There being no further business, the meeting was adjourned. This meeting has been recorded on tape.

Respectfully submitted,  
  
Virginia Shirley, Secretary