

Canby Planning Commission
Regular Meeting
June 14, 1982

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

MEMBER ABSENT: Commissioner Cutsforth

OTHERS PRESENT: City Attorney R. Roger Reif, City Planner Bud Atwood, Canby
Utility Board Manager Stephan Lashbrook, Councilman David
Anderson, Secretary Virginia Shirley, Bill Stevens, Marv
Dack, Gary Thompson, Arthur Roskott, Mr. Smith, and others

The Commission approved the minutes of the meeting of May 10, 1982, as presented.

Item No. 1: Request for a Variance to the side yard setback from 10 feet to 5 feet to allow for the reconstruction of a carport and the addition of a storage building. This request is located on the east side of N. Locust Street approximately 250 feet south of N. E. Tenth Avenue and described as Tax Lot 1800, Section 33AC, T3S, R1E. The applicant is Arthur Roskott. City Planner Atwood gave the staff report and made a recommendation of approval subject to three conditions. Pictures taken on-site and of the surrounding neighbors were viewed by the Commission. Chairman Kahut read the Commission the five required findings necessary to approve this request. Mr. Roskott stated that he had no further comments over and above those made in his letter to the Commission. A short discussion followed regarding the present setback distance of Mr. Roskott's carport and the setback distances of other properties in the immediate area. *Commissioner MacKenzie moved to approve the variance request from 10 feet to 5 feet as there are exceptional circumstances in that all the lots in the immediate vicinity on N. Locust Street are narrow and have been built upon close to the property line on at least one side, the variance is necessary to allow proper maintenance of the existing dwelling unit, the allowance of the variance will not be detrimental to the area as the other residences in the immediate area all are built close to at least one of the property lines, this variance is the minimum which will alleviate any hardship, and the applicant purchased an already existing house and lot which was already built too close to the property line. This approval is to be subject to three conditions: 1) The proposed addition is to be a minimum of five (5) feet from the north property line; 2) The proposed addition is to be designed and constructed to meet all other applicable code requirements of the City of Canby; and, 3) All recommendations of other staff agencies are to be required as conditions of approval. The motion was seconded by Commissioner Shinn and passed unanimously.

Item No. 2: Request for Expansion of a Conditional Use Permit to allow for the construction of a storage building in conjunction with the church located in the northwest corner of S. Elm Street and S. W. 13th Avenue and described as Tax Lots 7400 and 7500, Section 4BA, T4S, R1E. The applicant is Church of Jesus Christ of Latter Day Saints. City Planner Atwood gave the staff presentation with a recommendation of approval subject to several conditions. Chairman Kahut then read a letter into the record (copy attached to minutes) from Mary Dack, 715 S. W. 13th Avenue. In his letter, Mr. Dack stated the church was using that

portion of S. W. 13th Avenue west of S. Elm Street, which is unimproved, for egress and ingress to their parking lot. Since they use this entrance rather than the entrance on S. Elm, they should improve S. W. 13th Avenue. Mr. Dack further stated in the letter that should the City not require the church to improve 13th Avenue at this time, they should at least ask for a Waiver of Remonstrance against future street improvements. City Attorney Reif stated the point of the letter was well taken, and the Planning Commission should consider at least a Waiver of Remonstrance.

Gary Thompson, spokesman for the applicant, stated that the church has limited access on S. Elm Street due to an engineering error in crowning the street. This has made the use of the S. Elm Street entrance almost nonexistent. Cars will either drag or hang-up. So, instead of having any problems they use the 13th Avenue entrance. The fire access and water line is located across Elm Street. A 6-inch water line runs through the church property and they will be putting the fire hydrant in immediately. Mr. Thompson further stated that it had been their plan to paint the concrete block building to match the exterior of the church rather than doing any landscaping.

The Commission asked why the building was located in the particular location shown on the plot plan. Mr. Thompson stated this was away from the other building, and would leave the parking area complete. The building has been designed for the storage of explosive materials. This appears to be the best location on the site for a storage building.

Chairman Kahut called for proponents of the application. When none came forth, he called for any opponents.

Bill Stevens, 1505 S. Douglas Street, stated that two citizens using S. W. 13th Avenue west of S. Elm Street was not too bad, although it is only a small trail. He further stated that he did not feel that it was Mr. Dack's responsibility to improve 13th Avenue, although he had agreed to when his zone change was approved for multi-family housing. The church's driveway on 13th Avenue receives a tremendous amount of traffic, and is used extensively.

Marv Dack, 715 S. W. 13th Avenue, stated that the real problem is in wet weather. They don't seem to have too much trouble in the dry weather but get stuck in the mud during wet spells, as someone has to go in the mud in order for two cars to pass on the unimproved portion west of S. Elm Street.

Chairman Kahut called a recess to review the conditional use permit file approved in 1979. Chairman Kahut re-opened the meeting at 8:35 p.m.

City Attorney Reif stated that the most concern had been shown for getting curbs and sidewalk on S. W. 13th Avenue, when the permit was expanded in 1979.

Marve Dack reminded the Commission that the parking area had been developed in three phases, and it was during the third phase that an access from 13th Avenue was established. This information coincided with the placement of curbs and sidewalks being built during the last (third) expansion.

Gary Thompson stated that the church gave the City of Canby an "Offer of Sale" on a triangular parcel in the southwest corner of their property, at a nominal fee. This offer of sale will expire in five (5) years if no street is built within that time. Mr. Thompson further stated that the congregation would prefer to use the S. Elm Street entrance, but because of the condition of S. Elm they are using 13th Avenue.

Chairman Kahut closed the public hearing.

City Planner Atwood stated that there was the possibility of the city taking temporary measures to make the entrance on S. Elm Street negotiable, if the applicant was willing to give the City a Waiver of Remonstrance on S. W. 13th Avenue, and restrict their use of the 13th Avenue access.

Mr. Thompson stated the church would like to be able to use the entrance on S. Elm Street, but it was against church policy to give a Waiver of Remonstrance. He did not know if it would be possible for the church to give such a waiver or not. This matter would have to be taken up with their people in Salt Lake.

Discussion followed on how it would be possible to restrict the traffic on S.W. 13th Avenue. It was determined that without fixing S. Elm Street there was no entirely acceptable method of eliminating traffic on the unimproved portion of S. W. 13th Avenue. If the entrance on S. Elm Street is made more accessible, then a chain could be placed across the entrance on S.W. 13th Avenue, which would virtually eliminate traffic on the unimproved portion of 13th Avenue. Commissioner Shinn stated that a waiver of remonstrance should be sufficient due to the size of the application. Commissioner Baller stated that he was in favor of the new building, but would like to see the fire hydrant in place, and the owners have a Certificate of Occupancy as required by the last Conditional Use Permit issued. He would also request the church sign a waiver of remonstrance for 13th Avenue. Commissioner MacKenzie stated that he agreed with Commissioner Baller. Commissioner MacKenzie further stated that he would like to have a waiver of remonstrance on S. Elm Street also, due to its present condition. Commissioner Shinn stated he was for the conditional use after the fire hydrant, Certificate of Occupancy, and receiving a waiver of remonstrance.

At this point, Gary Thompson came forward and drew a profile of that portion of S. Elm Street which affects the access drive to the church's parking lot. After he completed the drawing and explanation, the Commission held further discussion regarding the condition of S. Elm Street. Commission Davis expressed the opinion that the waiver should include S. Elm Street as well as S. W. 13th Avenue.

Commissioner Schrader stated that he was against issuing a new conditional use permit, as he wants to see the fire hydrant in place. He further stated that he felt the City should be responsible for S. Elm Street, but that it was prohibitively expensive. Also, expressed a need for the waiver of remonstrance on S. W. 13th Avenue.

*Commissioner Shinn moved to approve the expansion of the Conditional Use Permit for the church located in the northwest corner of the intersection of S.W. 13th Avenue and S. Elm Street as the proposal is consistent with the Comprehensive

Plan and objectives and policies of the City; the small building will not have adverse impact on the area and the segregating of flammable liquids is in the best interest of all; the design and location will be as attractive as the use intended; the proposal will preserve assets and add protection to the community; and, the applicant does intend to use the land as proposed in the application. This approval is to be subject to the following conditions: 1) All conditions of approval recommended in other staff reports to be required. 2) No building permit for the storage building to be issued until the fire hydrant has been installed and approved. 3) No exterior lighting to be designed or constructed in a manner which will create a nuisance to nearby residential properties. 4) The storage building is to be landscaped in a manner making it unobstrusive to the residential character of the neighborhood. 5) A Waiver of Remonstrance for street improvements on S. W. 13th Avenue and S. Elm Street to be signed and recorded. Such waiver to meet the requirements of the City Attorney. The motion was seconded by Commissioner Baller. Discussion followed regarding the condition of both S. W. 13th Avenue and S. Elm Street. It was the consensus of the Commission that a letter should be forwarded to the City Council requesting temporary improvements to S. Elm Street once the waiver of remonstrance has been signed. Motion carried by unanimous vote of the Commission.

Item No. 3: Public hearing on proposed revisions to the Land Use and Development Ordinance (Ordinance #690). Stephen Lashbrook proceeded through the amended portion of the ordinance as set forth in the letter from Wade Bettis, City Attorney, dated May 4, 1982 (a copy of that letter attached to these minutes). After going through the changes stated in the letter, the Planning Commission considered setback changes in the single family and multi-family zones. The proposal was for minimums of six (6) feet and nine (9) feet sideyard setbacks for single story housing, with fifteen (15) foot rear yards. The minimums to be seven (7) feet and ten (10) feet sideyards for two-story residences, with a twenty (20) foot rear yard. Street yard setbacks were not to be changed. After some discussion, Commissioner Schrader stated that he was in favor of changing the setbacks and felt they would^{be} aesthetically pleasing. Commissioner Davis stated that since we now allow for a lot width of sixty (60) feet, smaller setbacks will be necessary. Commissioner Shinn stated that he felt the proposal was reasonable. Commissioner MacKenzie stated that with smaller lot width being allowed, we will be looking at a greater density. Commissioner Baller expressed a liking for the proposed new setbacks as it will allow better utilization of smaller lots. Chairman Kahut stated that since this proposal was first brought to his attention, he has talked to numerous people. There does seem to be a problem getting housing to meet our presently required setbacks, and a change should be made. It was the consensus of the Commission that these changes should be incorporated into the amendments of the ordinance at this time, and that the proposed setbacks be measured from the foundation line rather than the furthest most projection of the building. A two (2) foot overhang to be allowed into the setback area.


The discussion turned to accessory buildings and their placement on the property. After a lengthy discussion, it was the consensus of the Commission that the staff should investigate farther, and bring all revisions back to the Planning Commission on July 12, 1982.

The public hearing on these proposed changes will be continued on that date, and a recommendation made to the City Council.

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There being no further business to come before the Commission, Chairman Kahut adjourned the meeting.

Respectfully submitted,

A handwritten signature in cursive script, reading "Virginia Shirley". The signature is written in dark ink and is positioned above the typed name.

Virginia Shirley, Secretary
Canby Planning Commission