

Canby Planning Commission
Special Meeting
December 19, 1983

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

MEMBER ABSENT: Commissioner Shinn

OTHERS PRESENT: City Planner Atwood, Secretary Virginia Shirley, Gordon Ross, Lloyd Mendenhall, Arlene Monen, and others.

The minutes of the Planning Commission meeting of September 26, 1983, were approved as presented. The minutes of the Planning Commission special meeting of October 3, 1983, were approved as presented.

Item No. 1: Request for a Variance to the side-yard setback to allow a covered deck to remain on property located on the north side of N. E. Tenth Avenue directly east of N. Birch Street and described as Tax Lot 3104, Section 32AD, T3S, R1E. The applicant is Lloyd Mendenhall. City Planner Atwood gave the staff report and did not make a recommendation on this application. The Planning Commission questioned Mr. Mendenhall regarding the particulars of the request, and circumstances that made it necessary for Mr. Mendenhall to apply for a variance.

The Chairman opened the public hearing and called for proponents. When none came forth, he called for opponents. There being no opponents, the Chairman closed the public hearing.

Commissioner Baller moved to approve the variance with the following conditions: 1) The structure will be removed upon acceptance by the City's Building Official of any application for building construction on property abutting the subject tax lot's easterly property line. Removal will be completed within 30 days of notification by the Building Official. 2) The conditions will be recorded with the deed to the property. The motion was seconded by Commissioner Cutsforth and passed unanimously with the Chairman voting.

Item No. 2: Request for a Zone Change from R-1, Low Density, to C-R, Commercial/Residential, on property located on the east side of S. Ivy Street between S. E. Township Road and S. E. Third Avenue and more particularly described as follows: Tax Lots 6000, 6100, 6200, and 6300, Section 33DC, T3S, R1E. Various applicants. City Planner Atwood gave the staff presentation and made a recommendation for approval. Commissioner Baller expressed the belief that now was the time make the change. The City presently does not have any property zoned in this manner and there is a need for such zoning. Commissioner Davis stated that she was encouraged that there was more than one property involved in the change.

Gordon Ross, representative for the applicants, went through the report that was submitted with the applications.

Chairman Kahut opened the public hearing and called for proponents. When none came forth, he called for opponents. There being no opponents, the public testimony portion of the hearing was closed. A short discussion was held by the Commission in which each expressed a desire to see this zoning implemented in

Canby. This was the only area shown on the Comprehensive Plan for this type of zoning.

*Commission Schrader moved to recommend approval for the zone change from R-2, Medium Density Residential, to C-R, Residential/Commercial, zone for the four tax lots comprising 2.94 acres (Tax Lots 6000, 6100, 6200 and 6300, Section 33DC, T3S, R1E). They meet the standards and criteria, the applicants have requested the zoning designation as is proposed in the Comprehensive Plan, the C-R zone will help prevent expanded access onto S. Ivy, easing the future traffic congestion in the area, there is no present C-R zoning and the need is evident for small commercial operations combined with the residence. The change will allow lower cost housing, combining home and future ventures, the combination will also conserve energy. During the formulation of the Comprehensive Plan, the area from S. E. Third to S. W. Seventh was the only area chosen for the C-R zoning. This area zoning is the only area permitting a church as an outright use and the Bethany church is located on one of the parcels requesting the change. The existing church, answering service, and proposed insurance agency support the public need for the change. The C-R zoning will provide lower density than other commercial areas as indicated in the discussion and will create less vehicle traffic and population density, thereby protecting the health and safety of the residents. The Statewide Planning Goals are addressed in the staff report and are to be included as part of this recommendation. This recommended approval should be subject to the following conditions: 1) Dedication of ten (10) feet of property for street purposes along the projects south boundary, Township Road. This dedication to be from the Bethany Church property; and, 2) Waiver of Remonstrance against street improvements on S. Township Road. The motion was seconded by Commissioner Baller and passed unanimously with the Chairman voting.

Item No. 3: Request for a Variance from the street-yard setback requirement of twenty (20) feet from S. E. Township to ten (10) feet to allow for street dedication along S. E. Township Road and the proposed addition to the Bethany Evangelical Free Church. This property is located in the northeast quadrant of S. Ivy and Township and more particularly described as Tax Lot 6000, Section 33DC, T3S, R1E. City Planner Atwood gave the staff presentation and made a recommendation for approval. Gordon Ross, representing the applicant, gave a presentation to the Commission. In his presentation he explained that it was only going to be a 3/4 gym and if they lost ten feet they would lose the purpose of the gym. Since this is a 117° corner there will be no problem with vision clearance through the issuance of the variance. The church is looking at the addition and a method of providing a neighborhood center. This variance will not be detrimental to the city, and the church is not a heavy use of the property in question. The requested variance is caused by the city's request for a ten foot dedication.

Commissioner Davis asked if the addition could not be placed where future parking was indicated on the plans and Mr. Ross explained that that area would be needed for vehicular parking. Discussion followed regarding the uses of the church and the amount of parking that would be needed.

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Chairman Kahut opened the public hearing portion of the meeting and asked for proponents. When none came forth, he called for opponents. There being no opponents, the public hearing portion of the meeting was closed.

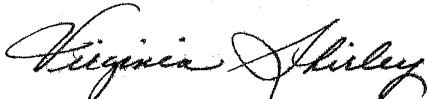
After a short discussion, it was the consensus of the Commission that this variance request would not be detrimental to the City. *Commissioner Baller moved to approve the variance from a street setback requirement of twenty (20) feet to ten (10) feet on S. E. Township. The applicant has met the five conditions necessary for the issuing of a variance. The Commission accepts the findings of fact in the staff report and presentation of the applicant. This approval to be subject to the City Council's approval of the zone change. The motion was seconded by Commissioner Davis and passed unanimously with the Chairman voting.

City Planner Atwood gave the Planning Commission information on the proposed 13th Avenue extension to Berg Parkway. After a lengthy discussion of the two proposed routes, it was the consensus of the Commission for the Chairman to write a letter to Mayor Gabrión requesting a postponement of the matter before the City Council and that a joint Commission and Council workshop be held on the matter in January of 1984.

There being no further business to come before the Commission, the meeting was adjourned at 9:52 p.m.

This meeting has been recorded on tape.

Respectfully submitted,



Virginia Shirley, Secretary
Canby Planning Commission