

Canby Planning Commission  
Regular Meeting  
April 8, 1985

MEMBERS PRESENT: Chairman Kahut, Commissioners Davis, Shinn,  
McKibbin and Cutsforth

MEMBERS ABSENT: Commissioners Seale and Schrader

OTHERS PRESENT: City Administrator Bud Atwood, City Attorney John  
Kelley, Secretary Virginia Shirley, Mr. and Mrs.  
Lawrence Housen, Dwayne Moore, Dick Sposito, Bill  
Stevens, Ron Berg, Councilwoman Helen Brennan,  
Dave Wisham and others

The minutes of the Special Meeting of March 25, 1985, were approved  
as presented.

Item No. 1: Request for a Conditional Use Permit to use a dwelling  
unit as Sunday School classrooms and for small meetings located at  
139 S. W. Second Avenue and described as Tax Lot 6900, Section 33CD,  
T3S, R1E. The applicant is Zoar Lutheran Church. The staff report  
was given by Bud Atwood with a recommendation for approval. Dave  
Wisham represented the church and stated that a sidewalk from the  
church to the building was planned along with lighting in the parking  
lot. He further stated that the church planned for expansion in the  
future and the use of the house for classrooms was only temporary.  
Commissioner Shinn asked what the time frame for expansion would be.  
Mr. Wisham stated that within six years, but that no specific plans  
had been made as yet. Commissioner Davis asked if they had drawn  
up plans for the expansion. Mr. Wisham stated no that they were  
still in the talking stage. Chairman Kahut opened the public hearing  
and called for proponents. Ron Berg, 230 S. W. Third Avenue, stated  
that he and his father had discussed the use and they both felt the  
use is compatible with the area, is a good use and will be an asset  
to the community. There being no further proponents, the Chairman  
called for opponents. When none came forth, the Chairman closed  
the public hearing portion of the meeting. Commissioner Davis asked  
how the Commission felt about putting a time limit on the conditional  
use. After a short discussion, it was the decision of the Commission  
that no time limit was needed. \*Commissioner Davis moved to approve  
the conditional use for Zoar Lutheran Church on property described as  
Tax Lot 6900, Section 33CD, T3S, R1E, to use a dwelling unit for  
classrooms and small meetings. This conditional use is to be subject  
to: 1) All other department requests to become conditions of approval;  
and, 2) A walkway to be constructed from the church to the residence  
to help prevent use of the street by pedestrians. The motion was  
seconded by Commissioner Shinn and passed unanimously with the Chair-  
man voting.

Item No. 2: Request for a front and one sideyard variance in order  
to build a new single family residence to be located at 1075 N. W.  
13th Avenue on property described as Tax Lot 1800, Section 32AB,  
T3S, R1E. The applicant is Lawrence Housen. City Administrator Bud  
Atwood gave the staff report and made a recommendation for denial.

Mr. Housen gave his presentation using a large drawing on an easel in order to show the Commission different points. Mr. Housen also presented the Commission with suggested findings to approve the application and passed around snapshots taken of the surrounding area. During his presentation, he spoke of the steep bank at the rear of his lot, the extra cost of having an engineer design a foundation for a sloping site, the fact that neither he nor his wife wanted a two-story residence. There being no questions, the Chairman opened the public hearing and called for proponents. When none came forth, he called for opponents. There being none, the public hearing portion of the meeting was closed. Commissioner Shinn stated there was enough property on which to build a residence maybe not enough for the house which Mr. Housen had designed, but enough to build a house. Chairman Kahut expressed the feeling that they had presented more than enough evidence to warrant the granting of a variance and that they should have it. Commissioner McKibbin stated that he was opposed to building so close to the steep bank to the rear of the property. City Administrator Atwood stated the Commission could waive the front and rear setbacks, but didn't see how they could vary the side when the lot is 100 feet wide. Commissioner McKibbin asked if this would set a precedent. City Attorney Kelley stated that in order to grant a variance, the applicant must meet the conditions and when this is done there is no precedence when conditions warrant. Commissioner McKibbin stated that he was inclined to go with the variance. Commissioner McKibbin moved to allow a variance for front and one side yard based on the findings one through five submitted by the applicant. The motion was seconded by Commissioner Cutsforth. The Chairman called for a roll-call vote; McKibbin - yes, Davis - yes, Shinn - no, Kahut - yes, Cutsforth - yes. Motion carried 4-1.

Item No. 3: Request for a ten lot subdivision along the north side of Highway 99-E which will contain three blocks. The applicant is Southern Pacific Land Company.

Commissioner McKibbin stated that he rented two buildings from Southern Pacific, but he felt that he did not have any particular difficulty in hearing the item and being objective. The Chairman asked Dwayne Moore, Southern Pacific Land Company, if he felt Commissioner McKibbin should remove himself from hearing this item. Mr. Moore had no objection to his sitting on the Commission to hear this item.

Mt. Atwood gave the staff presentation with a recommendation for approval with conditions. Mr. Dick Sposito, engineer representing the applicant, stated the present buildings were to stay - there would be no immediate change. The vacant property could be sold and built upon. He stated that an easement for fifteen (15) feet

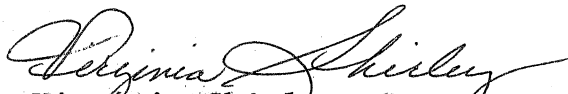
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had been given to the State Highway Department approximately 50 years ago, but never recorded. Mr. Sposito gave a copy of the easement to City Attorney John Kelley, and answered questions concerning the railroad spur that is on the north side of the property. Commissioner Davis asked what company owned the property and was given a breakdown of the different divisions of Southern Pacific and just what they owned by Dwayne Moore. City Attorney Kelley stated that he had read the easement papers, however they didn't give him the answers he was seeking in regards to disposition of the 15 feet. Chairman Kahut opened the public hearing and called for proponents. When none came forth, he called for opponents. There were no opponents, but Mr. Housen asked if they would be subdividing on the north side of the railroad tracks where the parking lot is located. Mr. Moore stated that was a possibility within the next five years. Commissioner Davis stated that she would like to continue this until the next meeting for more information. City Attorney Kelley stated that he needed to investigate the easement. Commissioner Davis moved to continue the hearing for the Southern Pacific Land Company subdivision until the meeting of April 22, 1985, for more information. The motion was seconded by Commissioner Cutsforth. City Administrator Atwood asked if there was any further information they would like. Commissioner Davis stated that she would like a map of which subsidiary owned which parcels at the next meeting. The question was called for and the motion passed unanimously.

Meeting adjourned at 10:10 p.m.

This meeting has been recorded on tape.

Respectfully submitted,

  
Virginia Shirley, Secretary  
Canby Planning Commission