

Canby Planning Commission
Regular Meeting
June 13, 1988

MEMBERS PRESENT: Chairman Kahut, Commissioners McKibbin, Harmon, Lindsay, and Nicholson

MEMBERS ABSENT: Commissioners Seale and Schrader

OTHERS PRESENT: City Administrator Stephan Lashbrook, Secretary Virginia Shirley, Doug Gingerich, Norm Trotter, Bonnie Zacher, Karen Oliver, Dave Jesse, Al Sasse, Matt Knoblauch, and others

The minutes of the previous meeting were approved as presented to the Commission.

Item #1: Request for expansion of a conditional use to allow Philander Lee School to build a 28' x 64' modular building for classroom space on property described as Tax Lot 701, Section 4A, T4S, R1E. The applicant is Canby Elementary School District. Mr. Lashbrook gave the staff report and made a recommendation for approval. Commissioner Harmon asked if the new building would be landscaped and if sidewalk would be provided between this building and the school. The Commission was assured there would be sidewalk and some landscaping. Chairman Kahut asked if they would be placing sidewalk along S. Ivy Street. The representative of the school, Doug Gingerich, stated the school did not plan for sidewalks in this budget year. Mr. Gingerich went on to say that it was imperative that the school be allowed to build the modular unit for the kindergarten as the school was full. Mr. Kahut asked the staff what the costs would be to install curbs and sidewalks, explaining the need for sidewalks. Mr. Lashbrook gave a rough estimate of \$2,000 for sidewalk along S. Ivy Street. But said he wasn't sure of the total length of street frontage involved. The Planning Commission continued to discuss the placement of sidewalks along S. Ivy Street. Chairman Kahut opened the public hearing portion of the meeting and called for proponents of the application. When none came forth, he called for opponents of the application. There being no opponents, Chairman Kahut closed the public hearing portion of the meeting. Commissioner McKibbin stated there should be sidewalks in front of the school, as S. Ivy Street is a very busy street. Commissioner Harmon agreed. Chairman Kahut expressed the opinion that since business and housing in new subdivisions were required to have sidewalks, the school should also have sidewalks. Commissioner Nicholson stated that he would like to see sidewalks along S. Ivy if they would not be ripped up for a new street.

*Commissioner Harmon moved to approve this request as it appears to meet the criteria in that the proposal will be consistent with the policies of the comprehensive plan and the requirements of this title and other applicable policies of the city; the characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features; all required public facilities and services exist to adequately meet the needs of the proposed development; and, the proposed use will not alter the character

of the surrounding areas. This approval is subject to the applicant providing a curb and sidewalk along S. Ivy Street if they can get the grades from the County, if not, the City will require a waiver of remonstrance for curbs and sidewalks for S. Ivy Street. Commissioner Nicholson seconded the motion and it passed unanimously with the Chairman voting.

Item #2: Request for a variance to exceed the height limitation of 45 feet and build an enclosure for existing equipment and storage silos to 55 feet on property located on the south side of N.E. Third Avenue and described as Tax Lot 2101, Section 33DB, T3S, R1E. The applicant is Georgia Pacific Corp. The staff report was given by Mr. Lashbrook with a recommendation for approval with no conditions required. Commissioner Nicholson asked why they should be given a variance if they are polluting the air. Commissioner McKibbin stated that he had been to the operation and knew the material they were working with, and he didn't feel there was an air pollution problem. Don Klus of Georgia Pacific stated that a small amount of dust had leaked from their blowers but he didn't feel that would constitute pollution. Mr. Klus further stated that the buildings were needed to protect their pipes, valves, etc. from the elements; and the building would not be over 55 feet at its highest point. Chairman Kahut opened the public hearing portion of the meeting and called for proponents. There being no proponents, he called for opponents. There being no opponents, he closed the public hearing portion of the meeting. The question of sidewalks along N.E. Third Avenue came up. Mr. Lashbrook stated that the only frontage which they had was the driveway, twenty-five feet in width. If the Planning Commission wanted to, they could ask for a waiver of remonstrance on the twenty-five feet. Commissioner Nicholson was concerned with the unique condition which existed causing them to apply for a variance. Mr. Nicholson further stated that Georgia Pacific knew the ordinance on height limitations prior to installing the silos. Commissioner Lindsay expressed the opinion that the building of the silos would be more aesthetically pleasing, control noise and also control any dust from the operation.

*Commissioner McKibbin moved to approve the variance to allow Georgia Pacific to enclose existing equipment with a building not over 55 feet in height as they do meet the standards and criteria of exceptional or extraordinary circumstances which do apply to this property; the variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the City and within the same zone; granting this variance will not be materially detrimental to the intent or purposes of the City; granting this variance will not be materially detrimental to other properties with the same vicinity; the requested variance is the minimum variance which will alleviate the hardship; and, the exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives acting in deliberate violation of these or other City regulations. The motion was seconded by Commissioner Lindsay and passed four ayes and one nay (Nicholson).

Item #3: Interpretation of Land Development and Planning Ordinance as to whether a "flea market" is an outright permitted use in a C-1, Downtown Commercial, zone. The request was received from Dave Jesse. City Administrator Lashbrook gave the staff report and instructions that the Commission must determine whether the proposed use is enough like other uses in the zone to become an allowable use.

Commissioner McKibbin asked if this was one store or should be considered a large number of separate business stores. The applicant, Dave Jesse, informed the Commission there would be a maximum of thirty (30) vendors allowed at any one time and there would be no admission charged.

Matt Knoblauch, 190 N.W. Second Avenue, stated that he did not consider a flea market as retail business. With a flea market, you do not need to purchase and stock merchandise in advance for sale. Bonnie Zacher, 476 N.W. First Avenue stated that parking was crucial in that part of downtown. She further stated that their busiest time was week-ends and that would be the busiest time for the flea market. Mr. Lashbrook stated that parking at a specific site was not a consideration at this point. The interpretation was for conformance anywhere within the zone. Mrs. Zacher stated that in her opinion it did not fit in the zone (C-1). Karen Onion, 995 S.W. Tenth Avenue, stated that she and Patty Longstreet were building a new restaurant on the corner of First and Elm. Mrs. Oliver stated that a flea market would not be a good image and, in fact, would be detrimental to the downtown area of the City.

Stephan Lashbrook read a letter into the record which had been submitted by Richard Morse, who was not present. Al Sasse, representing the American Legion, stated that parking was not supposed to enter into the discussion of whether or not a flea market is the same as other downtown commercial businesses, but it did. Mr. Sasse then read the list of permitted uses in the downtown area and informed that Commission that these businesses are changing all of the time. Mr. Sasse contended that a flea market would have no greater impact on the area than some of the other uses permitted in the zone.

Commissioner Lindsay stated that he would not be opposed if this was located on the highway. Commissioner Nicholson expressed the opinion that it was more within the guidelines of the C-2 district.

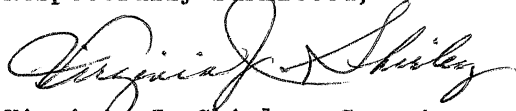
Commissioner McKibbin moved to deny a flea market as an outright permitted use within the C-1, Downtown Commercial, zone as a flea market does not appear to be the same as a retail store or shop, the flea market is not enough like other uses permitted in the zone, and the volume of traffic proposed by this use would be unable to park in the downtown area. The motion was seconded by Commissioner Lindsay and passed unanimously with the Chairman voting.

City Administrator Lashbrook informed the Commission that they would be having a public hearing on the proposed changes in the sign ordinance at their meeting June 27, 1988.

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

This meeting has been recorded on tape.

Respectfully submitted,

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

Virginia J. Shirley, Secretary
Public Works Department