

CANBY PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 12, 1990

1. ROLL CALL:

Present: Chairman Schrader, Commissioners Wiegand, Bear, Meeuwsen, Lindsay, and Nicholson. Absent: Commissioner Zieg.

Others present: City Planner Hank Skinner, City Attorney John Kelley, City Recorder Marilyn Perkett, Dick & Elva Wagner, Earl Gipe, Kenneth & Mavourn Stuart, John Schlett, Marcella Baker, Gugeborg Zappaterreno, John Stout, Jay Hoffman, Bob Rapp, Edna Vosika, Roger Reif, Lyle Read, Lynn Kadwell, Les Wilkins, Fred Kahut, Ronald Tatone, Curt McLeod, David & Cheryl Anderson, Delbert Hemphill, Gordon Ross, Drew Hunter, Linda Schwerzler, JoEllen Reif, Leo & Annette Grommesh, Mr. & Mrs. Jerry Simnett Jr., Jerry Janice Simnett, Lovelle Lack, Walt Daniels, Steve Krupicka, Archie & Lois McLeod, Mark Thompson, Dan & Pat Ewert, Wayne Scott, Robert J. Smith, Rex Samples, Susan Wilson, Sean McVicker, Ginny Jones, Jack Pendleton and Dena Worthington.

1. MINUTES: Minutes of Special Meeting, January 15, 1990.

Commissioner Schrader pointed out that page 8, paragraph 10, regarding the fire protection was in error. Mr., Skinner said he would review the tape.

Commissioner Nicholson commented that the minutes of both the 15th and the 8th, were too short and condensed.

The minutes of January 15, 1990, were accepted as corrected.

3. COMMUNICATIONS:

Planner Skinner informed the Commission that he had subscribed for one year to the publication, "Hearings", a copy of which was in the packet for Commissioner's review.

City Planner Skinner informed the Commission of a workshop session for planning, to be held in Bend, March 17, 1990.

4. UNFINISHED BUSINESS:

(A) 09-CUP-89 Continuation of decision on public hearing to locate transfer station and recycling center on property identified as Tax Lot 1500, Tax Map T3S, R1E, Section 32DC, located at the southwest corner of S.E. Third Street and N. Baker Avenue (Applicant Fred Kahut).

Planner Skinner reviewed the findings on which the Conditional Use Permit was denied. Criterion A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable polices of the

City - criterion "A" not met. Criterion B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features - criterion "B" not met. Criterion C. All required public facilities and services exist to adequately meet the needs of the proposed development - criterion "C" not met. Criterion D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone - criterion "D" was met.

Commissioner Bear noted that under criterion D, "no written objections by business owners", one was received from The Country Cupboard. Planner Skinner said that business was not in the zoned district.

Commissioner Nicholson felt that there was more testimony than the Planner addressed. Mr. Nicholson suggested the following wording for paragraph 3, of criterion "A": The Planning Commission finds no information in the record which demonstrates his development would not have a negative impact on surface and/or groundwater quality or its potential impact on municipal water resources located in close proximity to the site.

Mr. Nicholson addressed Policy #1, under criterion "B", he suggested the following wording for the first paragraph: The Planning Commission determined that the subject property lies within 800 feet of developed residential lands and truck traffic to the site will pass through that area.

Commissioner Nicholson and Lindsay both expressed concern about the second paragraph in criterion "B", regarding the number of vehicle trips per day. The Commission decided to **delete** the following sentence: The Commission found no information in the record which indicted the number of vehicle trips per day that would be associated with either the garage collection activities or the recycling activities.

Commissioner Nicholson suggested the following addition under criterion "A", Policy #3-R, CANBY SHALL REQUIRE THAT ALL EXISTING AND FUTURE DEVELOPMENT ACTIVITIES MEET THE PRESCRIBED STANDARDS FOR AIR, WATER, AND LAND POLLUTION - The Planning Commission finds insufficient evidence in the record to indicate that any conditions imposed to insure that prescribed standards for air, water and land pollution could be enforced. Specifically the record showed DEQ lacked the time and/or manpower to follow up and enforce regulations and that the City had been unable to enforce conditions on the applicant at another site. Therefore, the Planning Commission concludes that there is insufficient information in the record to show that the prescribed standards for air, water and land pollution would be met.

Commissioner Lindsay requested that the word "proposed" be in

front of the word improvements under criterion "B", third paragraph, last line.

Criterion "D", last paragraph, Mr. Lindsay took exception to that comment and requested that entire paragraph be **deleted**.

Commissioner Schrader noted that policy number 2, Economic Implications, regarding encouraging commercial development. He remembered hearing comments about how appropriate a transfer station was at the subject location, verses a M-2 zone or a different part of the City. A finding could read: There was serious concern raised about the appropriateness of the transfer station at this particular site in a M-1 zone verses a M-2 zone.

**Commissioner Meeuwsen moved that the Planning Commission adopt the Findings of Fact as modified this evening in the DENIAL of the Conditional Use Application CU-89-49. Seconded by Commissioner Bear. Planner Skinner noted that due to office and file reorganization, this particular file has a new number, CUP-89-11. Motion passed 6-0.

5. BUSINESS FROM THE AUDIENCE: None presented.

6. PUBLIC HEARING :

A. VAR-90-01, An application to vary the front yard setback requirements to allow a 7 foot 6 inch setback where 20 feet is required on property identified at 255 S.W. First, Canby. (Applicant, David Anderson)

Chairman Schrader reviewed the public hearing procedure for the benefit of the audience. Also, the hearing body was asked if anyone had a conflict of interest or exparte' contact, none was voiced.

STAFF REPORT: Planner Skinner briefly reviewed the staff report on the subject property and noted that it followed approval of a minor land partition. An office structure of 3,100 square feet on the ground floor and 900 square feet on the second floor. Mr. Skinner said that particular site is located in a block which historically has businesses located close to the highway and not within required setbacks. The proposed building will encroach on a sign placed on the Hiway Market building next door. Also, an outside entrance stairway will need to be considered for the proposed building due to the amount of square footage on the second floor; as well as reciprocal easements for access and parking. Staff concluded that the application met criteria for approval and set forth five conditions of approval.

Commissioner Nicholson questioned if a sidewalk would be installed.

Planner Skinner noted that even with the requested variance enough room was available for a sidewalk.

Commissioner Meeuwsen asked about the entrance for the second story.

Planner Skinner said that anything over 300 square feet needed a separate outside entrance and should be considered that in the long range, or future, it could house another business.

The Commission briefly reviewed the parking issue, and was informed that 30 stalls for both the new business and the old Century 21 building would be made available.

APPLICANT: David Anderson stated that he had two reasons for requesting the variance: exposure for the commercial use and to remedy a form of trespass which had been created by the Subway Shop patrons by parking on the lot. Mr. Anderson said the vision clearance meets the code and they will have a 24 foot wide driveway. Also, the second story of the proposed structure was for storage only and that it was not intended for office or business use.

PROPOSERS: Susan Wilson, 1050 S. Fir, an employee of Century 21, went on record as being in favor of the request.

OPPOSERS: Wayne Scott, 11310 S. Macksburg and owner of the Hiway Market Place, addressed the Commission and stated that the variance would create a hardship on his business since it would cover up part of a sign that he paid \$2,000 to remodel and pay for the required sign permits. Mr. Scott said that his surveyor reports that the sign is on his property and does not encroach onto the Anderson property. He felt the proposed building would clearly be a hindrance and this should be considered. Mr. Scott pointed out that he thought his Tax Lot number was 8600. Mr. Scott pointed out that he had to comply with strict requirements for other property development he had done in this community and felt this should also be considered.

Planner Skinner informed the Commission that the Building Official had informed him that no permit was necessary for the sign because only the face of the sign was replaced.

Wayne Scott reiterated that he had a receipt for the sign permit and the sign came down and was rebuilt and Bob Godon inspected it.

REBUTTAL; Mr. Anderson informed the Commission that at the time the sign came down, he informed Mr. Scott that he would be obscuring the sign when it went back up.

Chairman Schrader closed the public hearing at 8:44 p.m.

Attorney Kelley advised the Commission that they must consider finding number 4, "material detriment to the code or other properties", regarding the encroachment of the sign.

Mr. Anderson noted that his surveyor reported that the Market Place was built on the property line and the sign encroached approximately 12 inches onto the Anderson property. He also

pointed out that when he put up his own sign it would also obscure Mr. Scott's sign.

Attorney Kelley also reminded the Commission that all six criteria must be met for approval.

Commission Bear noted that there was a second sign on the Scott property. He felt that one sign was sufficient for advertising.

**Commissioner Bear moved to approve the request of David Anderson, VAR -90-01, at 255 S.W. First Avenue, Canby, Tax Lot 8600 (which was found to be the correct number), Tax Map T3S, R1E, Section 33CD and adopt the findings of fact as submitted by the staff with the following conditions of approval:

1. The building shall setback no closer than 7 feet 6 inches from the front property line along Hwy 99E.
2. The applicant shall provide a detailed site plan, drawn to scale, and meeting the requirements of Section 16.48 of the Canby Municipal Code to the issuance of a building permit.
3. The applicant shall prepare and record reciprocal easements for access for the purposes of off-street parking with the adjacent parcel, approved through Partition Application MLP-90-01. Said easements shall be permanently tied to the properties the properties thereby assuring adequate parking.
4. The existing Century 21 Real Estate sign shall be relocated so as not to overhand onto the Pacific Hwy 99E right-of-way.
5. The applicant shall obtain all necessary building permits as required by the Building Official, and all other applicable agencies.

Motion seconded by Commissioner Meeuwsen. Chairman Schrader called for a roll call vote: Voting yea - Meeuwsen, Bear and Lindsay; and voting nay - Nicholson, Wiegand and Schrader. Motion failed and request was denied.

Chairman Schrader called for a short recess at 9:20 p.m. and reconvened the session at 9:25 p.m.

B. CPA-90-01 & ZC-90-01 An application by Times Mirror Land and Development Company, to amend the Canby Comprehensive Plan and to change the zone from Agriculture to R-1, Residential, on approximately 30.19 acres of land in the northwest section of the City.

Chairman Schrader asked the Commission if there was any conflict of interest or ex parte contact, none was voiced. Also, due to weather conditions, this next public hearing would be continued on Monday, February 26, 1990, at 7:30 p.m., and they would only allow this evening's meeting to go until about 10:30 p.m.

STAFF: City Planner Skinner gave the staff report, pointing out that the proposal was a two part request: to amend the Comprehensive Plan to permit expansion of the Urban Growth

Boundary to include an additional 30.19 acres; and a zone change from City Agriculture to Low Density Residential (R-1). Mr. Skinner said this was very unique, in fact he had never seen this situation before, for the parcel to be inside the City limits and yet outside of the UGB. Planner Skinner reviewed the six criteria which must be considered. Several service agencies were sent notices of the proposal and only the Canby Fire Department responded saying the project would enhance the water system in that section of town. Also, Jim Sitzman, from LCDC, felt the Commission should consider whether Canby is a "bedroom community" or is striving for a more balanced growth pattern with residences growing in response to new industry and business. Mr. Sitzman also said the State would only support the proposal if the applicant agrees to trade, i.e., trade some UGB area outside the City limits for their 30.19 acres to maintain the same amount of available urbanizable lands. Staff made no specific recommendation, however, if the Commission approves, the following conditions were offered for consideration.

1. Applicant locate approximately 30.19 acres of territory outside the City limits and inside the UGB, that is currently designated for residential use in the Comp Plan. The property should be on the fringe of the UGB to the east and/or south. The applicant shall obtain a commitment on the part of owners of said property to agree to be removed from the UGB. This agreement shall be binding and must be reviewed and approved by the City Attorney prior to final approval for the Comprehensive Plan amendment.
2. Applicants shall be restricted to a City Zoning Designation of R-1, Single Family Residential, and shall have an appropriate Zone Change Application approved to reflect this.
3. Consideration of the street layout and subdivision design including all infrastructure shall be considered through a separate application.

APPLICANT: Lyle Read, 588 N. Juniper, introduced the other applicants, Ron Tatone, Fred Kahut, Lynn Kadwell and Curt McLeod. Mr. Read briefly reviewed the history of the subject property noting that it was intended to be residential and was so planned by a Citizen Advisory Committee. However, in 1984 the Comp Plan was rejected due to an excessive amount of residential zoning and this area was selected to be taken out of the UGB. Publishers Paper owns the property; tried to market it as agriculture with no results; and now request that the seven individual tax lots be zoned R-1. Mr. Read stated that development was necessary to complete the transportation system, specifically N.W. Tenth and Territorial. All lots have utility easements and utilities "stubbed" into the area.

A brief video was presented to show the surrounding area that is currently residential.

The following categories were reviewed to show justification for the requested Comp Plan amendment and zone change: Comp Plan, Urban Growth Boundary, Land Use, Environmental Concerns,

Transportation, Public Utility Services, Economics, Energy, Need for Change, Serve Public Need, Preserve Health, Safety & Welfare and Statewide Goals.

City Planner Skinner reviewed the record as follows: Notice of Public Hearing; list of notified property owners: and the following letters sent by citizens:

Marcella Baker, Feb. 7	Gary & Modena Worthington, Feb. 5
Delbert Hemphill, Feb. 7	Leo & Annette Grommesh, Jan. 31
Dick & Elva Wagner, Feb. 2	Henry & Dolores Githens, Feb. 7
Betty Langdon, Feb. 12	Jerry Simnett, Feb. 12
Lloyd Mendenhall, Feb. 11	Bob Westcott, Feb. 11
William Flippo, Feb. 6	Mr. & Mrs. Fred Zappaterreno, Feb. 6
Jack Parsons, OSU Professor, Feb. 6	

PROPONENTS: Rex Samples, 1105 N.E. 13th Circle, spoke in favor of the project due to the need for more housing.


Gordon Ross, 2442 N. Locust, noting that he had served on the Planning Commission for 13 years spoke in favor of the project. Mr. Ross pointed out that the subject property was always thought of as developable and did not know how it got out of the UGB. He stated that Canby is developing as a "bedroom community" and stated instead of industry, chain stores and shopping malls, Canby is developing with small businesses and services, as well as with residences.

Chairman Schrader closed the public hearing at 10:33 p.m. and noted that the public hearing on the Northwood project will be continued to February 26, 1990.

Planner Skinner informed the Commission that he is awaiting a letter from LCDC regarding this matter.

Chairman Schrader recommended that future staff presentations could be more brief and suggested that copies made available for the audience.

Chairman Schrader closed the meeting at 10:40 p.m.


Hank Skinner, City Planner

Kurt Schrader, Chairman