

CANBY PLANNING COMMISSION  
REGULAR MEETING  
JULY 9, 1990  
7:30 p.m.

APPROVED

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I. ROLL CALL

Present: Chairman Schrader, Commissioners Lindsay, Bear, Mihata and Zieg.

Others Present: Hank Skinner, City Planner; Joyce Faltus, Planning Secretary; Bob Traverso, Ron Suchanek, Loyal Crawford, Betty Crawford, Father R. Cieslinski, Earl Dawson, Ron and Kim Wright, Dean Bayless, Todd Bayless, Betsy Ross, Ron Tatone and Earl Oliver.

II. MINUTES

The May 21, 1990 minutes were approved unanimously.

The June 25, 1990 minutes were approved unanimously, as amended.

III. COMMUNICATIONS

Hank Skinner discussed a letter received from Bob Traverso, Clackamas County Fair Board president, responding to the conditions of approval for the Bayless Minor Partition, which will be heard by the Commission at this meeting.

Further, he brought to the Commission's attention a letter from Ed Sullivan requesting an indefinite postponement of the Cedar Creek Subdivision application. The Commission discussed the delay and agreed that unless a totally new proposal is submitted, it would postpone the hearing to August 13, 1990, with the expectation that written testimony from the applicant and Mr. and Mrs. Torgeson be received by the City ten days prior (August 3) for both City and Commission review.

IV. UNFINISHED BUSINESS

None.

V. BUSINESS FROM THE AUDIENCE

None.

VI. PUBLIC HEARING

Chairman Schrader explained the public hearing format, guidelines and procedures relative to the applicable criteria. He asked for ex-parte contact or conflict of interest. None was expressed.

MLP 90-07, a request by Dean Bayless for a Minor Land Partition to divide a 0.71 acre parcel into two lots, 0.46 and 0.25 acres, respectively. The property is located at 705 N. Pine (Tax Lot 1601 of Tax Map 3-1E-33AD).

Hank Skinner presented the staff report and explained that the subject property lies to the east of the existing fairgrounds, immediately west of N. Pine Street. He explained the request was based on the need for additional parking for employees and staff during the time the fair is in operation. The applicants have made no indication of any intention to develop the property beyond its use as a parking area. Mr. Skinner explained that Pine Street is identified as a major roadway in the Comprehensive Plan and is in need of improvements. Staff had recommended installation of five foot sidewalks along both parcels. After careful consideration, staff now suggests these improvements follow when other properties are improved along the same right-of-way. He suggested the Commission require a waiver of remonstrance be provided for future street improvements.

When asked why the City has not required sidewalks consistently, Mr. Skinner responded that he plans to propose that City Council adopt, by resolution or ordinance, a policy requiring sidewalk improvements with all changes of land use.

With regard to on-site improvements, Mr. Skinner explained the requirements of Zoning Ordinance Section 16.10.070(A-J), with regard to driveway and/or parking surfaces. He added that either a hard surface driveway or oil matte construction would be acceptable and asked that these improvements be completed no later than July 1, 1991. He stated that staff recommends approval of this application with conditions.

**Applicant**

Bob Traverso, 29322 S. Needy Road (President, Clackamas County Fair, displayed an aerial photograph of the area, while discussing the background and purpose for

the minor land partition. He explained the goals of the Clackamas County Fair Board of Directors. The Bayless property will provide necessary, private access and parking for employees associated with activities related to the new stage area. Mr. Traverso explained that a security guard would be posted during Fair season, and that it would be enclosed with a gate during off-season. No trucks would use the area for access to the fairgrounds. He referred to his letter of July 5, 1990 and discussed the issues of parking areas and sidewalks. Maintaining a grass turf parking area would be consistent with the majority of Fair parking facilities that now exist. Mr. Traverso stated it would most likely be used only sporadically, with the majority of the usage being just before, during and just after the Fair, the driest three weeks of the year. He agreed to submit a letter to the effect that the stage would only be used during fair season.

With regard to improvements along N. Pine Street, Mr. Traverso stated the Board is not opposed to the improvements, but would like to participate when it coincides with the entire street upgrading process.

#### **Proponents**

**Todd Bayless, 705 N. Pine** stated that street improvements should have been enforced a long time ago. He added that there are no improvements along the N. Pine subdivision either.

With no additional testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed:

1. The Commission discussed the applicant's July 5, 1990 letter and his testimony.
2. The Commission discussed primary activities planned for the new stage and the periods of usage planned for both the stage and parking area.
3. The Commission discussed rewording Condition #6 to include sidewalk improvements.
4. The Commission agreed to delete Condition #7.
5. The Commission discussed CMC Section 16.10.070(A-J) and agreed that there were exceptional or extraordinary circumstances that apply to this parking area that would involve circulation due to the timeframe for the usage. It was agreed to waive conformance to this section.

6. The Commission discussed the historical significance of the Fairgrounds.
7. The Commission discussed the superior maintenance of the existing turf parking areas.

Commissioner Bear moved for approval of MLP 90-07, based on the Findings and Conclusions in the June 29, 1990 staff report and the Commissions deliberations, modifying the conditions to read:

1. A final plat, modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final plat shall reference this land use application - City of Canby Planning Department, File No. MLP 90-07.
2. The applicant shall provide a survey (final partition plat) prepared by a registered engineer or licensed surveyor. The final plat shall be registered with the Clackamas County Surveyor's office and recorded with the Clackamas County Clerk, in compliance with all applicable 1990 State and County Survey and Recording Standards.
3. Deeds and legal descriptions for the two new tax lots shall be prepared and recorded with the Clackamas County Recorder. The deed for the 0.46 acre lot shall include an easement for access, as necessary, to permit traffic to access the existing Fairgrounds property.
4. A copy of the recorded survey, or a set of the official recording numbers, shall be provided to the Canby Planning Department.
5. All surfaces intended for driveway and/or parking shall remain in a turf condition, but may be used only during fair season (approximately a three week period). A letter from the Clackamas County Fair Board, agreeing to this condition, shall be provided to the City of Canby Planning Department.
6. The applicants shall provide the City a signed nonremonstrance agreement for both properties for future street improvements anticipated in North Pine Street. These street improvements shall include sidewalks.

Commissioner Lindsay seconded the motion and Commissioners Schrader, Lindsay, Bear and Zieg voted yes. Commissioner Mihata voted no.

ANN 90-03, a request by Ron Tatone to annex a 1.6 acre parcel along the east side of N. Locust Street to the City of Canby. If annexed, the parcel would be zoned R-1.5 (Medium Density Residential). (Tax Lot 1200 of Tax Map 3-1E-28)

Hank Skinner presented the staff report. He reviewed the applicable criteria and explained that the property is a legally established tax lot within Clackamas County and within the Canby Urban Growth Boundary. The property is well suited for either agriculture or development and is adequately serviced for annexation and future development. Staff recommends approval of ANN 90-03 with one condition which Mr. Skinner amended to read, "Prior to development of this property, the applicant shall submit a complete subdivision application for Planning Commission review and approval and the plat shall be recorded with the County Surveyor."

#### Applicant

Ron Tatone, 1127 N. Locust Street, P.O. Box 114, Canby stated he agreed with the staff report recommendation and amended condition.

With no further testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed:

1. The Commission discussed the amended condition, as stated by Mr. Skinner.

Commissioner Zieg moved for approval of ANN 90-03 based on the Findings and Conclusions in the June 29, 1990 staff report and the Commission's deliberations, amending the condition to read:

1. Prior to development of this property, the applicant shall submit a complete subdivision application for Planning Commission review and approval and the plat shall be recorded with the Clackamas County Surveyor.

Commissioner Mihata seconded the motion and it carried unanimously.

CUP 90-03, a request by Ronald Wright to construct a single family dwelling in a C-1 (Downtown Commercial) zone (Tax Lot 3100 of Tax Map 3-1E-33 [Lot 11 of Lee's Addition]).

Hank Skinner presented the staff report, referring to the property on the wall map. Mr. Skinner explained that in the C-1 zone there is no minimum lot size. He stated that in this instance, residential use would be more consistent than commercial use, as the character of the area is residential. The property does not lend itself to commercial development because of the lack of available parking. Staff recommends approval with conditions. The applicant would have to develop a site plan, showing the survey markers on the lot, especially between lots 11 and 12, before a building permit could be issued. Additionally, the applicant should maintain all single family residential setbacks should be maintained.

#### Applicant

Ron Wright, 29830 S.W. Montebello, #48, Wilsonville, explained that a sidewalk does exist across the entire road frontage on the property. He further explained that the home would not exceed 1,100 square feet and that the setbacks would be met.

With no further testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed:

1. The Commission considered testimony from the applicant regarding road frontage, square footage of the house and setbacks.
2. The Commission discussed the property's surrounding land uses.
3. The Commission considered the fact that in Commercial zoning, no setbacks are required, but because residential development is requested, residential setbacks shall be imposed.
4. The Commission discussed the sidewalk issue. The applicant clarified that a sidewalk does exist across the entire road frontage of the property.
5. The Commission discussed conditioning approval upon conformance with the development standards of the R-2 zone, specifically the setback

requirements of the R-2 zone in keeping consistent with the uses permitted outright.

Commissioner Lindsay moved for approval of CUP 90-03 based on the findings and conclusions in the June 29, 1990 staff report and the deliberations of the Commission, modifying condition #3 to read:

3. The applicant shall maintain all standard single family residential setbacks of the R-2 zone, as identified in Section 16.16.030(B)(1-3) of the Canby Municipal Code.

Commissioner Zieg seconded the motion and it carried unanimously.

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CUP 87-04(Mod.6-90), a request by St. Patrick's Church for modification of a conditional use approval to construct a storage facility for food, clothing and other goods, in conjunction with St. Vincent DePaul. The storage facility will be an addition to the existing church facilities located at 489 N.W. Ninth (Tax Lot 6500 of Tax Map 3-1E-33BC).

Hank Skinner presented the staff report, reviewing the history of the original application and the present request. The applicant is making the present request because the needs have increased, necessitating a larger storage area than originally planned. Section 16.10 of the Code requires all parking lots and loading areas be built either of oil mat or asphalt construction. The applicant is proposing a gravel driveway and loading area, which staff finds inconsistent with the requirements of Section 16.10 and believes consistency should be made a condition of approval. No goods too large to be stored in the building should be permitted to be stored outside. Staff recommends approval of CUP 87-04(Mod.6-90) subject to conditions.

#### Applicant

Father R. Cieslinski, 498 N.W. 9th explained that the most usual activities include the disbursement of food and clothing. Usually, after the 4:00 p.m. mass for Mexicans on Sunday, there is about an hour spent disbursing food, clothing and other necessities. Disbursements often take place on Thursdays too. The police department frequently calls upon the church for

emergency situations, as far as the disbursement of food. The asphalt reaches to the end of the multi-purpose room building and the applicant would extend it the necessary fourteen feet to meet the addition. The addition would not change the traffic situation, but would provide the church more convenient storage area. Large items would be accepted, provided it is disbursed immediately, and only accepted if there is a known need for such item.

#### Proponents

Betsy Ross, 751 N.W. 5th Drive, Canby Area Christian Services, explained that her organization works closely with the church to assist the needy. Her organization receives many calls for food on a regular basis. The present storage area is very insufficient. She added that very often recipients make appointments to have goods disbursed.

With no further testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed:

1. The Commission considered testimony from the applicant and proponents, regarding the need for such storage facility.
2. The Commission discussed the hours of operation and emergency disbursements.
3. The Commission agreed no goods should be stored outside the building.
4. To avoid generating a lot of dust and mud, the Commission agreed the asphalt surface north, along the west side of the building, should be extended, until flush with the rear wall.
5. After a request from the applicant, the Commission discussed extending the timelines for completion of the planned work and agreed to extend it one year, to August 24, 1992.

Commissioner Bear moved for approval of CUP 87-04(Mod.6-90) based on the findings and conclusions in the June 29, 1990 staff report and the deliberations of the Commission, amending conditions #2 and #5, and adding condition #6, as follows:



2. The applicant shall adhere to reasonable hours of operation, preferably between 8:00 a.m. and 8:00 p.m., except for occasional emergency disbursements.
5. This Conditional Use Permit shall remain valid until August 24, 1992. All planned work is to be completed by such date.
6. The applicant shall extend the asphalt surfacing north along the west wall of the multi-purpose room, until flush with the near rear wall of the storage area.

Commissioner Lindsay seconded the motion and it carried unanimously.

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VAR 90-02, a request by Philip Poole for approval of a variance to the Canby Municipal Code which requires all lots in the R-2, Medium Density Residential Zone, to be a minimum of 5,000 square feet. The lot in question is zoned R-2, Medium Density Residential, and is less than 4,750 square feet (Tax Lot 2500 of Tax Map 3-1E-33DC).

Hank Skinner presented the staff report. He stated that the application was scheduled for the June 11, 1990 Planning Commission meeting and it was continued due to the lateness of the hour. There were items staff found necessary to clarify, especially the legal description for this property. Along the northern property line, there is a 6' high wooden fence which has been the subject of an adverse possession on the part of the northern property owner. The fence and encroachment existed as far back as 1980. In order to resolve the issue of adverse possession, the applicant will have to reduce the area of his lot from 5,299 square feet to 4,720 square feet, allowing him quit claim to the six feet on the north side of the fence, thereby rendering the lot nonconforming. Therefore, staff concludes that the variance is necessary for the applicant to maintain the substantial property, as permitted by the zone. The applicant has requested the minimum variance necessary to alleviate this hardship. Staff believes that the exceptional circumstances associated with this property were not caused by the applicant. Based on the foregoing, staff recommends approval of VAR 90-02 subject to three conditions.

With no further testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed:

1. The Commission discussed the degree of nonconformance of this property and agreed the residence to be constructed should be sized in proportion to the size of the lot and not encroach on required setbacks.

Commissioner Mihata moved for approval of VAR 90-02 based on the findings and conclusions in the June 29, 1990 staff report and on the Commission's deliberations with three conditions as recommended by staff. Commissioner Lindsay seconded the motion and it carried unanimously.


**VII. FINDINGS**

Commissioner Mihata moved for approval of the Findings, Conclusions and Order for MLP 90-04, as amended. Commissioner Lindsay seconded the motion and it carried unanimously.

**VII. ADJOURNMENT**

With no further business before the Commission, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

  
Joyce A. Faltus  
Secretary

Mr. Skinner was requested to correspond with Mr. Sullivan regarding whether or not SUB 90-01 is scheduled for August 13, 1990 and advise the Commission regarding the status of that application.

Commissioner Mihata requested more input from the school district regarding the influx of students from new subdivisions and whether or not the school could handle the additional students. Mr. Skinner explained that requests for their comments are always sought, especially in regard to annexations and subdivisions, although they rarely respond. It was suggested that Mr. Skinner try to arrange an informal meeting between representatives of the Canby School District and the Planning Commission.