

# CANBY PLANNING COMMISSION

Regular Meeting

October 28, 1991

7:30 p.m.

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## I. ROLL CALL

Present: Chairman Schrader, Commissioners Mihata, Westcott, Maher, and Fenske.

Staff Present: Robert Hoffman, Planning Director and Joyce Faltus, Secretary.

Others Present: Gordon Ross, Wayne Scott, James Bergen, Lee Gellinger, Tim Banton, Dale Dirksen, Pete Kelley.

## II. MINUTES

The minutes of **August 12, 1991** were unanimously approved, as amended.

The **September 9, 1991** were unanimously approved.

## III. CITIZEN INPUT ON NON-AGENDA ITEMS

Wayne Scott informed the Commission that he submitted a signed agreement for replanting a maximum of 94 trees in Willow Creek Estates No. 1, and also submitted a Consent to Local Improvements and a Waiver of Remonstrance to the City. Mr. Hoffman explained that staff has reviewed the conditions of approval for Willow Creek (previously called Teakwood Terrace), and concluded that if an agreement was submitted regarding the replanting of trees, Condition #3 would be satisfied. Such agreement was submitted and signed, dated October 21, 1991. There are a total of 94 trees to be replanted. The City also received a waiver of remonstrance for an L.I.D. for traffic improvements. The City Attorney has reviewed the CC&Rs and suggested some minor changes, which have been made. The CC&Rs are ready to be filed with the County, with the final plat. The Commission requested that Mr. Hoffman enumerate the individual lot numbers that apply on the agreement for tree replanting, and that Mr. Scott initial a revised agreement that includes the individual numbers to insure the buyers would be made aware of the offer to replant two trees per lot.

#### IV. COMMUNICATIONS

At the October 14, 1991 Planning Commission meeting, Mr. Hoffman reviewed a letter that was received from the Oregon City Physical Therapy Center (Paul Winklesky), requesting an amendment to two Code requirements which affect the driveway into the parking lot and the sidewalk with respect to property located on the northeast corner of N. Third Avenue and Ivy Street (Tax Lot 4200 of Tax Map 3-1E-33CA). He explained that he has encountered this problem many times in the last year. The Commission instructed Mr. Hoffman to investigate the matter further and bring back a recommendation.

Mr. Hoffman referred to two illustrations of the problem the City is facing without the amendment. The first referred to Mr. Winklesky's site. He pointed out that if the current standards would apply, the first 50 feet off of Ivy would have to have a 32 foot, as opposed to a 24 foot, accessway, which would make it almost impossible to develop. This would also eliminate one row of parking. Such would happen on any small site because a 32 foot accessway cuts drastically into the site. The second illustration refers to the Canby Alliance Church layout. If they will be required to have the present measurement standards, it would cut out parking spaces and landscaped areas, or the building size would have to be reduced. Every time Design Review applies to a relatively small site, the present standards make it very difficult to design sufficient parking. Mr. Hoffman then referred to the potential revisions he suggested. He recommended that a public hearing be scheduled to formally present the changes. He suggested revising the language to accomplish providing 9 feet per lane, plus about one foot on each side of outside lanes for "friction." He added that since cars are about 6-1/2 feet wide, and the minimum lane width recommended by highway engineers for local streets is 9 feet, his recommended changes should be sufficient for most driveways. But, for situations with high truck volumes, such as industrial areas, he is recommending 11 foot lanes. In Ordinance # 854, Page 20, under #8, he recommends that the following be inserted in parenthesis before the chart: (except that in the case of flag lots, Section 16.64.040(I) shall apply). Additionally, Mr. Hoffman suggested that the minimum access requirements be reduced and cited the changes under # 8, 9, 10 and 11.

**Pete Kelley, Kelley Brothers Realty**, stated that he concurs with Mr. Hoffman's recommended changes.

## V. FINDINGS

None

## VI. OLD BUSINESS

**CPA 91-04**, a request by James A. and Dessie M. Bergen for a Comprehensive Plan Amendment to change the current land use designation from Light Industrial to High Density Residential for Tax Lot 1700 of Tax Map 3-1E-34BC. The applicant ultimately will propose to develop the parcel into residential uses. The site is located at 640 N. Pine Street.

**ANN 91-06**, a request by James A. Bergen, Sr. for approval to annex a 2.37 acre parcel (Tax Lot 1700 of Tax Map 3-1E-34BC) to the City of Canby. The site is located at 640 N. Pine Street. (Continued from October 14, 1991)

Mr. Hoffman explained that he gave copies of the ordinance regarding the process for the advanced financing of public improvements to Mr. Imholt, who is not present. He explained that he told Mr. Imholt that if he is opposed to the annexation or to the Comprehensive Plan Amendment, he would need to address the criteria because there is no legal procedure for adding his concern as a condition of approval if the criteria has been met, as there was never an application for an advanced funding agreement regarding the sewer. Mr. Imholt had requested that the record be kept open for seven days in order that he be allowed to submit additional information. None was submitted.

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

Issues discussed:

1. The Commission agreed the property lends itself well for annexation as R-2.
2. The Commission agreed that, as there is hardly any R-2 land available in Canby now, the Comprehensive Plan Amendment should be approved.
3. The Commission agreed the request complied with the applicable criteria, both for the Comprehensive Plan Amendment and the Annexation request.
4. The Commission discussed the possibility of the property being zoned R-2, but developed differently.

Based on the findings and conclusions in the staff report dated October 4, 1991, and on the Commission deliberations, **Commissioner Maher moved to recommend that City Council approve ANN 91-06. Commissioner Westcott seconded the motion.**

Mr. Hoffman suggested that the Commission make a motion on the Comprehensive Plan Amendment before, so the property is not annexed as Industrial. **Commissioner Westcott moved to table this motion until the Annexation was voted on. Commissioner Fenske seconded this motion and it carried unanimously.**

Based on the findings and conclusions in the staff report dated October 4, 1991, and on Commission deliberations, **Commissioner Maher moved to recommend that City Council approve CPA 91-04. Commissioner Westcott seconded the motion and it carried unanimously.**

**The original motion to recommend approval of ANN 91-06 continued and was approved unanimously.**

## VII. PUBLIC HEARINGS

**CUP 91-07/DR 91-07** - an application by Canby Alliance Church for approval to construct a community/family center building which will be attached to the existing church building via an enclosed walkthrough. The building is proposed to be 60 x 100 and designed as a multi-purpose building to be used during the week for church and community activities. The site is located at 900 N. Juniper St. (Tax Lots 1000 and 1100 of Tax Map 3-1E-33BD).

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. Commissioner Mihata explained that she lives two houses away from the site but has no conflict of interest.

Mr. Hoffman presented the staff report and illustrated the request by referring to the diagrams he prepared. He showed where the church is located on the site, and where an existing home is located. He stated that the 60' x 100' Fellowship Hall/Multi-Purpose Building would be located behind the present church building, at the eastern end of the site. The existing home on 9th will be removed from the site and the home on Juniper will be retained. Additional parking for 45 automobiles will be provided at the rear portion of the lot, so there would be a total of 73 spaces on-site. Mr. Hoffman then reviewed the applicable criteria. Under the current standards, the existing drive would be deficient in width. Additionally, if the two parking requirements are added together, it is apparent the site could not contain that amount of parking. A condition would be necessary, indicating that the current standards would not work and further indicating that if the amended standards are approved, they would then be met. He then referred to the proposal the Church submitted, stating that they would limit the use of the new Fellowship Hall such that it would not be in use at the same time the existing church building is in major use, so as not to use both facilities to the maximum. Landscaping

has been added, so as to meet or exceed the 15% requirement. Mr. Hoffman explained that staff recommends approval of the application with the addition of a condition which reads:

Prior to occupancy, the applicant shall provide the City with a signed affidavit that the Fellowship Hall shall be limited in use to allow "no significant use" at the times the main sanctuary is being used.

Chairman Schrader explained the hearing procedures.

The Commission discussed the waiver of remonstrance against an L.I.D. for sidewalks on Juniper and 9th. The Commission asked why sidewalks and the street panel brought out to the curb were not required. Mr. Hoffman explained he wasn't recommending that because in any direction from this intersection, the conditions are the same - no sidewalks and panels not extended. He also explained how it would eliminate much of the landscaping if sidewalks were required. The Commission expressed its concern that the City should be consistent in sidewalks requirements.

### **Applicant**

**Lee Gellinger, 1530 N. Locust**, explained that on-site stormwater drainage would be handled by drywells. He further explained that the parking lot would be finished in concrete and that in order to provide sidewalks on 9th, two rows of parking spaces would be lost.

Although there was no further testimony, three people from the audience attested to being proponents of the application. The public portion of the hearing was then closed for Commission deliberation.

Issues discussed:

1. The parking lot was discussed with reference to the ordinance provisions for asphaltting or concreting.
2. The Commission discussed the wording Mr. Hoffman suggested in the additional condition:
  - a. It agreed the term "no significant use" was ambiguous.
  - b. Various suggestions were made such as:
    - i. to word the condition that while the worship services were in progress, no other significant use involving large groups of people would be going on in the Fellowship Hall, or vice versa.
    - ii. wording in the condition to include samples of significant use such as ". . . no significant use involving large numbers of people such as organized basketball games, pancake breakfasts, etc."

- iii. to use words similar to "combined simultaneous usage that would result in more than xxx amount of people on the site".
  - iv. to limit the use of the property, in total, to a certain number of people on site at one time, depending on the number of parking spaces (75 spaces = 300 people). The applicant interjected that on special occasions like Easter, there would be more people on site. He further explained that the church is not adding to the capacity of the sanctuary, but is adding additional parking anyway. Mr. Hoffman explained that the intent is to not overflow on to adjacent land, creating incidents which would cause complaints from neighbors and that limiting the number of people is very hard to enforce, while determining if two major events occur at the same time is easier to establish.
3. The Commission agreed, due to the small number of holidays a year, that the wording "no significant use" would fare better than limiting the number of people on such holidays. Additionally, the Commission agreed adding examples to the condition would be best so that no significant use of both buildings would occur at the same time. Therefore, condition #3 would be modified to read:
- 3. Prior to occupancy, the applicant will provide the City with a signed affidavit the Fellowship Hall will be limited in use to allow no significant use involving large numbers of people, such as pancake dinners, organized basketball games, etc., at the times the main sanctuary is being used, and vice versa.
4. The Commission discussed sidewalk installation vs. the LID. The Commission agreed a sidewalk should be built on Juniper and the applicant should agree to an LID for 9th Avenue. The property line goes right to the curb on 9th and, at present, there is no room for a sidewalk. There is extensive landscaping in the public right-of-way on Juniper where the sidewalk would be built, leaving enough room for the sidewalk. The Commission agreed that the sidewalk issue, in general, should be discussed further with City Council and more direction given to the Commission so a firm decision would be made as to requirements in the future. Condition #2 would be amended to read:
- 2. The applicant shall build a sidewalk on Juniper Street and provide the City with a waiver of remonstrance against the establishment of an L.I.D. for sidewalks on 9th Avenue.
5. The Commission discussed the letter from the applicant, dated October 22, 1991, indicating that the building will be painted a color in the cream or beige family, which the Commission agreed is compatible with the surrounding structures. The letter also indicates that the building will be finished with wood, lap siding, and be rooted with asphalt shingles to match the existing building. The Commission agreed this letter shall become a part of the record, as condition #4.

Based on the public hearing, testimony, findings and conclusions found in the staff report dated October 17, 1991, and Commission deliberations, **Commissioner Westcott moved for approval of DR 91-07/CUP 91-07 for the Canby Alliance Church with condition #2 amended as above, #3 as added above, and #4, to include as part of the record under Design Review, the letter, from the applicant, received by the City of Canby on October 22, 1991. Commissioner Fenske seconded the motion and it carried unanimously.**

Mr. Hoffman reminded the Commission that it had to act on the revision of the parking standards as quickly as possible so the applicant would not be required to have the extremely wide driveways.

### VIII. DIRECTOR'S REPORT

Mr. Hoffman advised the Commission that concerns regarding Cedar Ridge have been almost fully resolved at this point. He reviewed the outstanding issues that have been met and informed the Commission that there was one issue that was not agreed upon between the City and Mr. Morse with respect to the ability to enter the shopping center from the subdivision. It appears Mr. Morse contacted the Canby Square owners, who were unwilling to provide a sidewalk on their property. Also, at present, an agreement to cross over the high school property has not been reached. Mr. Hoffman asked that a gate be provided at that point, with a lock on it. Trees along the eastern and western property lines are being planted too. He further explained that the reduction from a 30 foot to 15 foot setback only applied to six lots. Additionally, he reviewed a letter that will be given to the owner and builder of each lot, at the time of building permit, explaining what the setback understandings are.

The Commission asked Mr. Hoffman if the City received a petition against the sewer bond sale, forcing it to a vote of the people. Mr. Hoffman said he was not aware if the City received it today, but that if it actually came to a vote of the people and lost, there would not be money to expand the sewer plant and, at some point, we would come up against the sewer capacity.

### IX. ADJOURNMENT

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

  
Joyce A. Faltus