

Canby Planning Commission
Regular Meeting
July 9, 1980

Members Present: Chairman Kahut, Commissioners Davis, Hart, and Sowles

Members Absent: Commissioners MacKenzie, Baller, and Cutsforth

Others Present: City Attorney Roger Reif, City Planner Stephan Lashbrook, Secretary Virginia Shirley, Dave Bury, Pete Hutchinson, and Gerald Drummond

The minutes of the Planning Commission meeting of June 11, 1980, were approved as presented to the Commission.

Item No. 1: A request for a Conditional Use Permit for a new building to be used in connection with the existing manufacturing facility on property located on S. W. Second Avenue approximately 100 feet west of S. Elm Street and described as Tax Lot 200, Section 4BB, T4S, R1E. The applicant is Mod Com, Inc. City Planner Lashbrook reviewed the required findings of fact for approval of a conditional use permit and made a recommendation of approval subject to three conditions: 1) Owners to sign and record a waiver of the right to remonstrate against improvements to S. W. 2nd Avenue and S. W. 4th Avenue, including utility or sidewalk construction. This waiver to be to the satisfaction of the City Attorney. 2) Exterior lighting to be designed and constructed to eliminate glare on neighboring properties. 3) Approval of this use permit to be valid for a period of one year. If all required permits have not been obtained and construction commenced within that period, the use permit shall be automatically revoked. He further stated that no parking requirements will be made until the building permit has been reviewed and all uses within the building determined. Commissioner Sowles asked what was required by ordinance, and Mr. Lashbrook stated the standard for manufacturing was one space per employee. Chairman Kahut asked the applicant if he had any information to add to the Planner's presentation. Pete Hutchinson, representing Mod Com, Inc., showed the Commission a detailed drawing of their plans for the new building, landscaping, and parking area. He further explained that Mod Com had just finished installing a second cooling tower for recycling the water they use. Planner Lashbrook informed the Commission that a five (5) foot dedication may be needed on S. W. 4th Avenue. Discussion followed regarding whether to require a dedication or a five (5) foot setback for all future buildings. Gerald Drummond, President of Mod Com, stated it was their intent to move the existing machine shop to the new building and that part of the new building would also be used for storage. The Chairman asked for further proponents and none came forth. He then asked for opponents. Dave Bury stated that he was not opposing the new buildings; however, it was his opinion that the City should acquire the additional right-of-way at this time. There being no other opponents and no rebuttal, Chairman Kahut closed the public hearing. City Attorney Reif informed the Commission that Oregon State law provides for the return of a dedicated property to the former owner, if in the future the City would decide not to widen S. W. 4th Avenue. The discussion followed regarding the setback proposal versus required dedication. It was the consensus of the Commission that a setback requirement

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would be sufficient at this time. Commissioner Sowles questioned how this property had ever become split-zoned. Planner Lashbrook stated that it could have happened as far back as when zoning was first initiated in the City. He wasn't certain when or why it had happened. *Commissioner Hart moved to approve the conditional use permit for Mod Com, Inc. as the required findings of fact have been met. This approval would be subject to the following conditions: 1) Owners to sign and record a waiver of the right to remonstrate against improvements to S. W. 2nd and S. W. 4th Avenues, including utility or sidewalk construction. This waiver to be to the satisfaction of the City Attorney. 2) Exterior lighting to be designed and constructed to eliminate glare on neighboring properties. 3) Approval of this use permit to be valid for a period of one year. If all required permits have not been obtained and construction commenced within that period, the use permit shall be automatically revoked. 4) Require a five (5) foot setback for any future building on S. W. 4th Avenue, unless the zoning ordinance is amended to reduce the right-of-way on S. W. 4th Avenue to fifty (50) feet. The motion was seconded by Commissioner Sowles and passed unanimously.

Planner Lashbrook gave the Commission members proposed findings of fact for the Estate Eight annexation presently before the City Council. This item for decision only will be on the Council's agenda on July 16, 1980. The proposed findings of fact have been drawn up by the applicant's attorney. Any further information regarding this proposal will be passed on to the Commission or they are most welcome to attend the City Council meeting.

This meeting has been recorded on tape.

The meeting adjourned at 8:35 p.m.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission