

Canby Planning Commission
Regular Meeting
February 8, 1982

MEMBERS PRESENT: Chairman Kahut, Commissioners Baller, MacKenzie, Davis, Shinn, Cutsforth, and Schrader.

OTHERS PRESENT: Planning Consultant Robert Mahoney, Secretary Virginia Shirley, Frank J. Luessen and David Bury

The minutes of the previous meeting corrected to show the spelling of a name in the seventh paragraph of page 2 to be TALLMAN rather than Tolman. The minutes were approved as corrected.

Chairman Kahut read a note the Commission had received from Stephan and Brenda Lashbrook, thanking the Commission for the present of a dinner downtown Portland.

Item No. 1: Request for expansion of a non-conforming use. A private residence is located in a M-1, Light Industrial, zone. The owner-applicant wishes to expand this residence by adding a decking under the carport roof and building on a small porch on N. E. Second Avenue. This property is described as Tax Lot 3601, Section 33DB, T3S, R1E. The location is on the north side of N. E. Second Avenue directly north of the City shops. Planning Consultant Mahoney read the staff report and showed slides of the proposed remodeling, which had been started prior to application. He made a recommendation to approve this application subject to the condition that: No enclosure of the decking or carport to be allowed without further Planning Commission authorization.

Commissioner Schrader asked if there was a setback violation involved in this application. Planner Mahoney told him there was no setback violation due to the zone the house was located in, but that a residence is a non-conforming use in M-1. Commissioners Davis and Baller were concerned with regards to parking if a deck were placed under the carport roof. It was stated that the applicant would either park in his driveway, or that he could enter the property from the alley behind the house. Chairman Kahut asked the applicant, Frank J. Luessen, if he had any comments to make. Mr. Luessen stated that because the house was located in a M-1 zone he was making this a wood decking rather than concrete, as he knew that all improvements are of a temporary nature.

Commissioner Shinn asked if there would be any further additions to the building. Mr. Luessen stated only the decking and the roof over the porch. He is only trying to gain additional space for storage and no further additions are planned. Chairman Kahut asked for any further proponents and when none came forth he called for opponents. There being no opponents, the public hearing was closed. Discussion followed regarding the present setbacks of the property, parking of personal vehicles, and the future use of the property for industrial purposes. *Commissioner Davis moved to approve the expansion of the non-conforming use at 326 N. E. Second Avenue which would allow Mr. Luessen to construct a wood decking and cover the front porch of the dwelling as the improvements constitute an effort on the property owner's part to improve the site environment and the structure; the improvements do not appear to contradict the intent of the zoning standards for the zone; no adverse environmental effects on neighboring property is anticipated and, the request is considered

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to be more of a maintenance item than a construction proposal. This approval would be subject to the following condition: No enclosure of the decking or carport to be allowed without further Planning Commission authorization. The motion was seconded by Commissioner Baller and passed unanimously.

A short discussion was held regarding the numerous minor changes which need to be made in the zoning ordinance. The Planning Consultant will get zoning ordinances from other cities in order that the Commission can make comparisons with regards to the current side, rear, and front yard setbacks used in the City of Canby. Chairman Kahut requested the Commission to study the ordinance for any changes they felt were needed. There will be further discussion of this item at the March meeting.

Mrs. Marie Bonner has requested permission to go ahead with the survey for her minor land partition. She realized the time limit was past, but personal problems had prevented the survey from being done on time. A short discussion followed concerning the extension of the time limit, and the possibility that it could set a precedent. The Commission was assured that the property owners within the neighborhood had not changed and the survey would be done in accordance with the Commission's wishes. Commissioner Schrader moved to allow Mrs. Bonner to proceed with the survey of the property located at 739 N.E. 10th Avenue. This survey is to be completed within six (6) months and is to comply with the original request for partitioning. The motion was seconded by Commissioner Baller. Chairman Kahut asked for a roll call vote. Baller - Aye, MacKenzie - Aye, Davis - Nay, Shinn - Nay, Cutsforth - Aye, and Schrader - Aye. The motion carried 4 to 2.

A discussion was held regarding the final disposition of the Kosta PUD application on the southwest side of Canby between S. W. Third Avenue and S. Holly Street. It was the consensus of the Commission that Mr. Kosta's agent, Spencer Vail, and the property owners surrounding the parcel of the application, should be notified that final disposition of the application which was tabled at the November meeting of the Planning Commission, would be brought from the table and a final decision made.

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

This meeting has been recorded on tape.

Respectfully submitted,


Virginia Shirley, Secretary
Canby Planning Commission