

Canby Planning Commission  
Regular Meeting  
May 11, 1987

MEMBERS PRESENT: Commissioners McKibbin, Seale, Harmon, Lindsay,  
Nicholson and Vice-Chairman Schrader

MEMBER ABSENT: Chairman Kahut

OTHERS PRESENT: City Administrator Stephan Lashbrook, Secretary  
Virginia Shirley, George Irwin, Harvey C. Biggs, Donna Biggs, Bill  
Laird, Lisa and David Brow, Jerry B. MacDuffee, Ron Suchanch, Rodney  
Geier, and others.

The meeting was called to order by Vice-Chairman Schrader at 7:30 p.m.

The minutes of the April 13, 1987, meeting were approved as presented.

Item No. 1: Request for Expansion of a Nonconforming Use of a  
contractor's shop to an "unfinished" furniture factory on property  
described as Tax Lot 7400, Section 4BA, T4S, T1E, and located on the  
east side of South Elm Street approximately 50 feet south of S.W. Sixth  
Avenue. The applicant is Maco Wood Products, by Jerry B. MacDuffee.

Commissioner Pat Harmon withdrew from the hearing of this item due to a conflict of interest. City Administrator Lashbrook gave the staff presentation. Jerry MacDuffee, representing Maco Wood, stated they would have mixed hours rather than run shifts, "We have to do whatever it takes to get the orders out." This is real light manufacturing and is all sold wholesale. Mr. MacDuffee stated that it was his desire to work with the neighbors in the area. There being no questions of the applicant, the Vice-Chairman opened the public hearing portion of the meeting. There being no proponents, the Vice-Chairman called for opponents. Bill Laird, 584 S. Elm Street, stated his concern for the noise the power staplers would make and their hours of use. Mr. MacDuffee stated that presently they are in use from 6:00 a.m. to 2:30 p.m. Mr. Laird asked about the noise from the dust collection equipment. Mr. MacDuffee stated this should not be an issue because of the small size and limited use of saws, etc. Bruce Ebhardt, 485 S.W. Sixth, asked about future enforcement. David Brow wanted to know about city restrictions on noise. Tom Venable stated the proposed use was not valid. He said that the building is presently out of use because of Mr. Irwin is retired. Donna Biggs, lives immediately south of the building, stated that at the present time the only noise is compressor running. Mrs. Biggs further stated that in her opinion this would be a new use of the property. She added that new pavement had been laid on S. Elm last summer and the trucks would tear it up. Mrs. Biggs stated that she was concerned about noise and dust from saws.

Mr. George Irwin, building owner, stated that the building has been used, mostly for storage in the last few years. He said he has been building some forms in the building. There has been some equipment coming and going in the last few months. Mr. Irwin also gave a brief history and description of the building.

Mr. Brow stated that he lived across the street and that he would have known if Mr. Irwin was operating in the building. Mr. Brow further stated that his concerns were for traffic safety. Mr. Laird thanked Mr. MacDuffee for his willingness to apply however he was still opposed to Maco Wood moving into a single family residential zone. He said that the noise, safety, devaluation, parking on-site, and loading in the street are all deterrents to this business locating in a single family residential zone. Bruce Ebhardt stated that he was opposed because of noise and increased traffic. Susie Way is a baby sitter in her home on S. Elm and has noticed youngsters throwing rocks at the building, smoking, and possibly using the site to take drugs.

David Brow presented a petition against the expansion to the Commission. This petition contained the signatures of the owners of twenty homes in the immediate area.

Bill Laird stated that he worked in Milwaukie and Milwaukie and DEQ have been trying to get compliance with the noise ordinance for nine months.

Tom Venable stated that DEQ would not help on a noisy heat pump.

Jerry MacDuffee stated they would cover the windows close to the building on the south to cut down on noise. He further stated there would be no dust problems. The use of this building would cut down on vandalism and their supplies (wood) must be kept dry, so it would all be under cover. Mr. MacDuffee stated their use of the property should be an asset to the neighborhood. City Administrator Lashbrook showed the Commission photos that had been submitted on the Maco operation. These have been made a part of the record and are in the permanent file.

The Vice-Chairman closed the public hearing portion of the meeting.

Commissioner Nicholson asked if the nonconforming use had been maintained. Commissioner Nicholson stated that he questioned that it had. Vice-Chairman Schrader expressed the opinion that the level of activity did not seem sufficient to maintain a nonconforming status. Commissioner Lindsay stated his concerns regarding traffic and retail sales in a low density residential zone.

George Irwin came forth and stated that he had paid State industrial accident and unemployment on personnel working at this location. He has valid contractor's license and uses the space designated as office space for that reason. The building had originally been built in 1946 to handle heavy equipment repair, and had been the base of operation for George Irwin Construction Company continually since 1956.

Mr. MacDuffee stated that Mr. Irwin has clearly remained in business in some form. Mr. Irwin could satisfactorily prove that he has maintained some business activity through the years by tax statements.

The Vice-Chairman asked for a "straw vote" on whether the nonconforming use status had been maintained. All of the Commissioners polled by the

Vice-Chairman said that they felt that Mr. Irwin had adequately proven that the nonconforming status of the building had been maintained.

Mr. MacDuffee stated that he would operate a single shift starting at 7:00 a.m. Mr. MacDuffee further stated that any overtime would not be more than one-half of a shift.

Commissioner Seale stated that in his opinion Mr. MacDuffee needed a light industrial site. This site has no assurances of what will at this site. Mr. MacDuffee stated that he just wanted the room to do a little more than what they have been able to do at the present site.

Commissioner Nicholson stated his concern regarding loading and unloading of trucks in the street and asked Mr. MacDuffee if there was any way they could load on the property. Mr. MacDuffee stated that the only way a truck could be loaded on the property and turnaround and get back onto the street was if the whole lot was blacktopped and he couldn't afford to blacktop the entire area. He pointed out that even with the entire lot blacktopped the larger trucks would have to be backed into the building, thereby blocking the street to maneuver the truck.

Commissioner McKibbin told the Commission that when he parks his 7 1/2 foot trailer on S. Elm, people have trouble getting by. This street is not as wide as those in downtown Canby. Mr. MacDuffee stated that cars and trucks now park on S. Elm and people don't have any trouble getting around. Since trucks presently park along that street, he said that the issue of parking itself shouldn't be a factor as there is ample room for cars to pass in their own lanes.

City Administrator Lashbrook suggested that the Commission look at the standards and criteria that must be met for approval of the application. Vice-Chairman Schrader read the first criterion for approval. It was the consensus of the Commission that this application was not compatible with the Comprehensive Plan as the area was designated for low density residential. The City also lacks a noise ordinance with which to control noise within the residential neighborhood. The characteristics of the site were unacceptable because of the lack of space for off-street loading and unloading facilities. Criteria No. 3 is met in that all public facilities and services are existing. Criteria No. 4 calls for preserving the character of the area and this could only be met through the placing of numerous conditions on the application.

\*Commissioner Seale moved to deny the Expansion of a Nonconforming Use for Jerry MacDuffee on Tax Lot 7400, Section 4BA, T4S, R1E. Based on the application being unable to meet standards and criteria No. 1 and No. 2., and with the request that staff prepare written findings of fact that can be adopted at the meeting June 8, 1987. The motion was seconded by Commissioner McKibbin and passed unanimously.

Commissioner Nicholson will make a presentation at a joint meeting of the City Council and Planning Commission on June 17, 1987, regarding solar access. This will be about 30 minutes in length.

This meeting has been recorded on tape.

Respectfully submitted,

*Virginia Shirley*  
Virginia Shirley, Secretary  
Canby Planning Commission