

Canby Planning Commission
Regular Meeting
September 14, 1987

MEMBERS PRESENT: Chairman Kahut, Commissioners McKibbin, Harmon, Lindsay, Nicholson and Schrader (arrived 7:46)

MEMBERS ABSENT: Commissioner Seale

OTHERS PRESENT: City Administrator Lashbrook, Secretary Virginia Shirley, Councilman Prince, Mr. and Mrs. Zacher, George Irwin and others.

The minutes of the August 24, 1987, meeting were corrected to state the following: "A letter from Mr. and Mrs. Patrick Harmon was read into the record." This is to appear on page 1, at the end of the last paragraph. The minutes were then approved.

City Administrator Lashbrook read a letter from Bruce Rosbach of L. Douglas Realty into the record, and also read his own reply to the letter. This was for information only and a copy of this letter has been attached to the minutes.

There was no citizen input on nonagenda items at this meeting.

Request for Ordinance Interpretation: Allowable uses in C-1 Zone.
Requested by Mr. and Mrs. Duane Zacher. City Administrator Lashbrook first read the letter from Mr. D. Zacher into the record (copy attached) and then gave a short staff report giving the Commission examples of similar uses.

Chairman Kahut asked Mr. Zacher if he had anything that he wished to add. Mr. Zacher stated they would only be using the lot on N.W. Second for storage. Mr. Zacher stated that they owned the property across N. Elm, but explained he was not in a position to develop that property and that moving merchandise back and forth across the street would be difficult due to the traffic. Mr. Lashbrook stated that the interpretation was whether they are an allowable use. Chairman Kahut read the list of permitted uses within a C-1 zone. The applicants were asked what portion of their business was rental business. Mrs. Zacher stated that approximately one-fourth of the business was a rental business but that the majority of the business was sales and service. Commissioner Nicholson stated that in his opinion they came under the C-1 classification with the exception of tractors which seem to fall under the C-2 classification. Commissioner Harmon asked the applicants their intentions for expansion. Mr. Zacher stated that they wanted to expand but that storage was their problem. Mr. Zacher then explained how these tractors are shipped and received, the months of storage due to the receiving dates. Commissioner Lindsay wanted to know the size of the trailers that are used to haul the tractors. Mr. Zacher stated two different sizes and then told the Commission they are required to be licensed. Commissioner Schrader stated that if the rental business should become over fifty percent of the business, they should consider

moving into another zone. Commissioner Nicholson asked: "What if the business sold? What will the new owner do? What will the Planning Commission do at that time?" City Administrator Lashbrook explained that was up to the new owner. The City and Planning Commission would not do anything unless the nature of the business was changed. Commissioner Schrader stated that possibly the Commission should limit rentals to a percentage of the gross sales. *Commissioner McKibbin moved the Planning Commission consider the "Power Shop" as a similar use to others listed within the C-1 zone. The motion was seconded by Commissioner Lindsay and passed unanimously with the Chairman voting.

Request from Larry Whitman to use Irwin Building on S. Elm Street as a storage yard for Whitman's Towing and Crane Service. Commissioner Harmon declared a conflict of interest and left his seat on the Commission to sit in the audience. City Administrator Lashbrook read Mr. Whitman's letter into the record (copy attached to minutes) and gave a brief staff report explaining the alternatives the Commission has to work with. Mr. Lashbrook stated that he had spoken to the City Attorney concerning the nature of the business and when zoning became effective. Patrick Harmon spoke for the applicant, Mr. Whitman. Mr. Harmon stated that Mr. Whitman's primary business would remain on S.W. Second Avenue but that he wanted to put towed vehicles in storage at the Irwin building. There would be some overflow maintenance work done at the site. The hours would be from 8:00 a.m. to 5:00 p.m., Monday through Friday. An air wrench would be the loudest piece of equipment used. Other types of equipment to be used on the site would include towing trucks, cranes, and possibly a tractor. Mr. Harmon assured the Commission there would be no car stacking, nor would this be used for a wrecking yard.

Commissioner Lindsay asked if the S.W. Second site was the only place Mr. Whitman had for storage. Mr. Harmon answered that Mr. Whitman had one storage yard across Elm Street from the main business. Mr. Irwin stated that the only complaint he had ever received concerned his air compressor in the building. Chairman Kahut asked the size of the building on S. Elm Street. Mr. Irwin stated that it was 60' x 84'. Commissioner Lindsay asked if there was site obscuring vegetation that could be saved. Mr. Irwin explained that there were four kinds of bushes about thirty feet high, but they did not make anything site obscuring. Commissioner Schrader stated that since the City has an ordinance pending on nonconforming uses, he felt uncomfortable considering this request. Commissioner Schrader went on to express the feeling that a public hearing should be held after the new ordinance takes effect. Commissioner Lindsay stated that this was not an expansion but a change in use as Mr. Whitman charges a daily storage rate for cars and that is a change. *Commissioner Schrader moved to deny the request for a change of use and to consider the request under the new ordinance which would allow a change of use. The motion was seconded by Commissioner McKibbin. Discussion followed regarding the type of application to be filed and who would hear the new application. Commissioner Nicholson stated that the Commission needed to establish a base of operation. More discussion on how this could be heard by the Commission and not have it go as an appeal to the City Council. The

question was called for and the motion failed two to three with Lindsay, Nicholson and Kahut voting against the motion.

City Administrator Lashbrook stated that as he understood it, the Planning Commission wanted to receive public testimony on this request. Chairman Kahut asked if the Commission could table for a written opinion from the City Attorney. *Commissioner Nicholson moved to table for relevant information from the applicants and City Attorney. The motion was seconded by Commission Lindsay. A roll-call vote was taken and the requests follow: McKibbin - no, Lindsay - no, Kahut - no, Nicholson - no, and Schrader - no.

It was the consensus of the Commission that Mr. Whitman should file an application with the Commission.

Commissioner Harmon took his seat on the Commission.

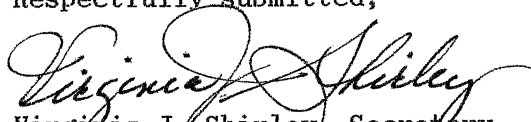
Public Hearing on 4 lot subdivision to be known as "Sweet Estates," located at the north end of S. Holly Street and described as Tax Lot 5600, Section 33CD, T3S, R1E. The applicant is Joe P. Sweet. City Administrator Lashbrook gave the staff report and made a recommendation for approval subject to conditions. Mr. Sweet stated that he had nothing to add to the staff report that had been given.

Chairman Kahut opened the public hearing and called for proponents. When none came forth, he called for opponents. There being no opponents, Chairman Kahut closed the public hearing portion of the meeting. Discussion was held pertaining to the services which were put in when the lot on the west side of S. Holly developed and provisions were made for this lot to develop half of S. Holly and a hammerhead turnaround at the deadend. Commissioner Nicholson stated that the Public Works staff report erred in condition no. 2 which should read: ". . . that lot two not be allowed . . ." This was agreed upon by the Commission. Commissioner Nicholson also expressed his displeasure with the development of hammerhead turnarounds. Chairman Kahut stated they were used in many cities and in small areas were the best that could be done. Cul de sac deadends are the best, but there is not always room to put one in, as is the case in this development. Commissioner Schrader moved to give preliminary approval to the four lot subdivision to be known as "Sweet Estates" and described as Tax Lot 5600, Section 33CD, T3S, R1E. The plan for the subdivision conforms with the text and applicable maps of the Comprehensive Plan; is in conformance with the Land Development and Planning Ordinance; and, is the best design possible. This approval to be subject to the following conditions: 1) Easements to be provided per the requirements of the Land Development and Planning Ordinance; 2) All other requirements of the Land Development and Planning Ordinance to be met; 3) Turnaround area to be posted "No Parking" and the curb painted yellow; 4) All other recommendations of responding agencies to be regarded as conditions of approval; and, 5) Lot 2 access will not be allowed to put a driveway entrance at the turnaround. The motion was seconded by Commissioner Harmon and passed unanimously with the Chairman voting.

City Administrator Lashbrook reported to the Commission on the progress of bringing the signs within Canby into conformance with the Land Development and Planning Ordinance.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission