

Canby Planning Commission
Regular Meeting
October 26, 1987

MEMBERS PRESENT: Chairman Kahut, Commissioners McKibbin, Lindsay, Nicholson, and Schrader

MEMBERS ABSENT: Commissioners Seale and Harmon

OTHERS PRESENT: City Administrator Lashbrook, City Attorney Kelley, Secretary Shirley, Larry and Virginia Whitman, George Irwin, Romeyn Kruiswyk, Hugh and Diane Perkins, Dr. Harpster, Mrs. Harvey Biggs, and others

Chairman Kahut asked for citizen input on nonagenda items. No response from the audience.

Findings of Fact and Limitations of Operations on the nonconforming use on S. Elm Street of Whitman's Towing. City Administrator Stephan Lashbrook presented a chronology of the events leading to the public hearing and reviewed the Limitations on Operations as well as findings of fact for approval that were prepared by the staff.. Mr. Lashbrook informed the Commission that what should be discussed tonight was the volume and type of noise, days and hours of operation; physical appearance; type and size of equipment use; and other environmental considerations. The public hearing was to focus on these points.

City Attorney John Kelley stated that since 1963 was the year that zoning first took effect, the level of intensity of operations at the site in 1963 would be the basis of the nonconforming use. The Planning Commission is to determine the level of intensity that will be allowed to continue, based on that 1963 level. The level of current operations is not the true test.

City Administrator Lashbrook read the originally submitted eleven limitations of operations. Chairman Kahut asked Mr. Whitman or Mr. Irwin if either of them wished to add anything to the report. Mr. Whitman explained that neither a school bus nor a truck could be worked on at the present site, but they could work on them at the proposed site. The Commission asked the length of time of storage. Mr. Whitman answered that it could be anywhere between ninety days and two-hundred days.

Chairman Kahut opened the public hearing portion of the meeting and called for any proponents. There appeared to be none. Chairman Kahut called for opponents.

Romeyn Kruiswyk, 447 S.W. Seventh Avenue, expressed his fear that rodents would move into the neighborhood.

Hugh Perkins, 453 S.W. 7th Avenue, expressed concern with the possible effect upon the neighborhood. He asked if there would be a limitation

to the time vehicles could be kept at the site. Felt this would help with the rodent problem.

Diane Perkins, 453 S.W. Seventh Avenue, asked how many cars this site would accommodate. Mr. Whitman answered that they would be able to keep 90 cars at the site.

Dr. Harpster, 194 S. Elm, spoke as a proponent. Expressed the feeling that some of the limitations were too stringent. The present site of Whitman Towing is adjacent to the house where he lived (now a rental) and although he remembers being awakened by the sound of air brakes and chains, he felt that Whitman Towing was a good neighbor. When cars are wrecked and smashed flat, they should be able to stack the cars, or double deck them. Dr. Harpster felt that rodents would not be present due to the lack of food. He asked the Commission what else the property could be used for, pointing out that anything else just might cause more noise.

Diane Perkins asked just what a junk yard does to a neighborhood - will it lower the value of the homes, cause deterioration, rodent infestation, what?

Hugh Perkins asked what kind of precedent was being set - why can't trucks be parked on the street if a wrecking yard can be placed in a single family area? Chairman Kahut stated they are trying to downgrade the use and make it as compatible with the neighborhood as possible. It was also noted that this storage operation was not the same as a junkyard or wrecking yard.

City Administrator Lashbrook read a letter from Richard and Aloha Cary stating they did not want this storage yard in the neighborhood.

Commissioner Nicholson informed the public that the rules the Planning Commission was operating under allow for expansion of the nonconforming use. They are trying to minimize the affect this will have now and in the future.

Hugh Perkins stated that Canby is growing and will continue to grow.

Commissioner Nicholson stated they will set a new lower level of intensity for this use and possibly it will be phased out over time.

Romeyn Kruiswyk stated that rodents need food and pets are fed outdoors.

A neighbor from S. Elm Street expressed concern about when the nonconforming use will stop, and the neighborhood can be normal.

City Attorney Kelley stated the nonconforming use status would be abandoned if the nonconforming use is not in operation for a period of one year.

Commissioner Schrader expressed the opinion that the format being used is the wrong format.

Chairman Kahut gave Mr. Whitman five minutes of rebuttal time before closing the public hearing. Mr. Whitman stated that he keeps cats around the storage yard, there is no water for rodents and no holes are being dug. Chairman Kahut closed the public hearing portion of the meeting.

City Administrator Lashbrook suggested that the Commission go through the Limitations of Operations one at a time. A copy of the Limitations are attached to these minutes.


The Commission asked the City Administrator to bring new findings of fact to include the statement that these conditions go with the nonconforming use for this property.

Commissioner Nicholson moved to approve the Limitations of Operations as amended. The motion was seconded by Commissioner McKibbin and passed with 4 ayes and 1 nay - Commissioner Schrader.

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

This meeting has been recorded on tape.

Respectfully submitted,


Virginia Shirley, Secretary
Canby Planning Commission