

Canby Planning Commission  
Regular Meeting  
September 14, 1981

MEMBERS PRESENT: Chairman Kahut, Commissioners MacKenzie, Davis, Shinn,  
and Cutsforth (arrived late)

MEMBERS ABSENT: Commissioners Baller and Schrader

Others Present: Deputy City Attorney Roger Reif, City Planner Stephan Lashbrook,  
Secretary Virginia Shirley, Henry Fairbrother, David Bury, Bob  
Schaefer, Derald Magnuson, Jr., Richard Brown, Richard Crites,  
Katherine Peterson, Katherine Duncan, and others

The minutes of the Planning Commission meeting of August 10, 1981, were approved  
as presented.

Item No. 1: Interpretation of Land Use Planning and Zoning Ordinance with re-  
gards to establishing a commercial sales outlet for fire-arms in an M-1  
zoning district. City Planner Lashbrook read a letter from Mr. Magnuson re-  
questing an interpretation of the zoning ordinance. Mr. Magnuson came forth  
and explained that his business hours would not conflict with the high school.  
He will not do any reloading and the fire department has asked him to handle  
only smokeless powder and small arms primer. He has conferred with Lt. Giger  
of the Canby Police Department. Chairman Kahut asked the City Planner what  
alternatives the Commission had. Planner Lashbrook stated they could deny,  
request the applicant to apply for a conditional use permit, or approve. Dis-  
cussion followed regardin the structure proposed for the use, the hours of  
operation, and safeguards to be taken. \*Commissioner MacKenzie moved to approve  
as a permitted use the request of Derald Magnuson for a commercial sales outlet  
for fire-arms subject to Police, Fire and Building review. The motion was  
seconded by Commissioner Davis and passed unanimously.

Item No. 2: Request to construct an administration building and an addition to  
the existing shop building at the Canby High School site. Applicant is Canby  
Union High School, Richard Brown, Superintendent. City Planner Lashbrook read  
the staff report and made a recommendation for approval subject to conditions.  
Mr. Richard Brown came forth and expressed a willingness to answer any questions  
the Commissioners might have. The Chairman opened the public hearing and asked  
for proponents of the application. When none came forth, the Chairman asked for  
opponents. There being no opponents, the public hearing was closed. \*Commis-  
sioner Davis moved to approve the conditional use permit for Canby Union High  
School as this is the obvious location for the new administration building; there  
will be minimal adverse effect and the design is appropriate; this location will  
allow for continued good use of public facilities; and, there is an appropriate  
purpose for the application. This conditional use permit to be subject to the  
following conditions: 1) Applicant is to dedicate an additional ten (10) feet  
of right-of-way (for a total of twenty (20) feet south of the centerline) along  
S. W. 5th Avenue. Applicant is to be responsible for all costs associated with  
this dedication including the cost of title insurance meeting the requirements  
of the City Attorney. 3) S. W. 5th Avenue to be curbed along the north property  
line. The newly dedicated strip to be rocked and oiled to match the surface of  
the existing S. W. 5th Avenue. Sidewalk is required. 4) A portion of the exist-  
ing parking lot, adjacent to the proposed administration building, is to be marked  
and posted for use by employees and visitors to that building. Parking spaces  
shall be marked in accordance with the requirements of Section 10.3.10 of Ordi-  
nance #690. A crosswalk shall also be clearly marked between the proposed ad-

ministration building and the existing sidewalk along the east side of S. Birch Street. The motion was seconded by Commissioner MacKenzie and pass unanimously.

Item No. 3: Request for a zone change from R-1, low density residential, to R-1.5/PUD, medium density residential, of property located on the south side of S. W. Township Road approximately 400 feet east of S. Ivy Street. The site consists of approximately 2.99 acres. The applicant is Henry Fairbrother. City Planner Lashbrook read the staff report and made a recommendation for approval. The applicant, Henry Fairbrother, came forth and stated it was his desire to build a senior center apartment complex. He doesn't want to build a regular apartment complex. He wants to build between 30 and 35 units. He is hoping to get federal or state funding. Chairman Kahut opened the public hearing and asked for proponents. None came forth. The Chairman then asked for opponents. David Bury, 360 S. E. Township Road, came forth and expressed the feeling that if the zone change is approved the property could be sold and apartment to accommodate anyone could be built. Mr. Bury would like to have a statement from the owner that it would not be used for apartment for other than senior citizens. City Attorney Reif informed Mr. Bury that this could not legally be accomplished. Katherine Peterson, 160 S.E. Township Road, stated that she doesn't want additional children and dogs in the neighborhood. A senior citizen complex would be good. K. Duncan, 487 S. Knott, said she also did not want more children and dogs in the neighborhood. There being no further opponents, the Chairman closed the public hearing. Commissioner MacKenzie stated that he was in favor of this type of development. Commissioner Davis expressed concern that the property might be sold prior to development which could lead to a different type of development. Commissioner Shinn would like to see this development and feels that the PUD overlay gives the Commission the protection it needs. Commissioner Cutsforth expressed the opinion that the south side of town needs this type of development. \*Commissioner Shinn moved to recommend approval of the proposed zone change from R-1, low density residential, to R-1.5/PUD, medium density residential, as requested by Henry Fairbrother as the proposed change is compatible with the comprehensive plan of the city, there is a public need for sneior housing in Canby, this c-ange will preserve and protect the general welfare of the residents due to the PUD overlay, and the request is in compliance with the Statewide Planning Goals of LCDC. The motion was seconded by Commissioner MacKenzie. A short discussion followed regarding the timing of the application. It was determined that in order to be eligible for federal or state funding, the zoning of the parcel had to be appropriate for the project. The motion passed unanimously.

Item No. 4: Review of a request for annexation of approximately .94 acre to the City of Canby. This property is located on the east side of N. Pine Street approximately 350 feet north of N. E. 10th Avenue. The applicant is Bob Schaefer. The City Planner went through the standards and criteria one by one with the Planning Commission and the following findings were made: 1) The proposed annexation is compatible with the text and maps of the Comprehensive Plan as the property on the City's east boundary is classified as priority "A" in the urban growth boundary for the City. 2) The request is in compliance with the applicable city ordinances and policies as it will have an R-1, low density residential, zoning after annexation. 3) Annexation will provide the property with urban services which are located on the west boundary of the property. 4) The requested annexation is a "triple majority" type application as required by ORS 222. 5) There is a public need based on a 3 to 5 year growth factor. 6) There is a public need for annexation on the east side of the city and no other prospects at the present time. The property in question is adjacent to the city limits on two sides. 7) There is no risk of natural hazards as none are known to exist in the area of the proposed annexation. 8) There is no known effect on urbanization of the subject property as only a few trees exist on the site and the owner wishes to preserve them. 9) Due to the size of the parcel, there will

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not be an economic impact from this annexation. \*Commissioner Shinn moved that City Planner Lashbrook with the input provided by the Planning Commission write a recommendation of approval to the City Council. The motion was seconded by Commissioner Davis and passed unanimously.

There being no further business, the meeting adjourned at 9:15 p.m.

This meeting has been recorded on tape.

Respectfully submitted,

  
Virginia Shirley, Secretary  
Canby Planning Commission