

**A G E N D A**  
**CANBY PLANNING COMMISSION**  
**REGULAR MEETING**  
**City Council Chambers**  
**Monday, February 14, 1994**  
**7:30 p.m.**

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**I. ROLL CALL**

**II. MINUTES**

January 10, 1994  
January 24, 1994

**III. CITIZEN INPUT ON NON-AGENDA ITEMS**

**IV. COMMISSION DISCUSSION OF PLANNING ISSUES**

**V. COMMUNICATIONS**

**VI. FINDINGS**

**VII. NEW BUSINESS**

**VIII. PUBLIC HEARINGS**

**MLP 93-08**, an application by Canby Fire Protection District #62 for approval to partition a 4.11 acre parcel into two lots, approximately 2.11 and 2 acres, respectively. The applicant is proposing to construct a fire station to house fire and emergency vehicles, and to eventually house equipment and staff. The site is located on the southwest corner of Highway 99-E and S. Pine (Tax Lot 800 of Tax Map 3-1E-33DA). (Continued from December 13, 1993)

**CPA 94-01**, an application by CTA Service Corp. and Canby Telephone Association for a Comprehensive Plan Amendment to change the official land use designation from High Density Residential to Highway Commercial for Tax Lots 7300, 7301, 7400, 7500 and 7600 of Tax Map 3-1E-33DC. The applicant will continue to use and further develop the parcel into highway commercial uses. The site is located on the south side S.E. 2nd Avenue, between S. Ivy and S. Juniper.

**ZC 94-01**, a request by CTA Service Corp. and Canby Telephone Association for approval of a zone change from High Density Residential (R-2) to Highway Commercial Zone (C-2). The property is located on the south side of S.E. 2nd, between S. Ivy and S. Juniper (Tax Lots 7300, 7301, 7400, 7500 and 7600 of Tax Map 3-1E-33DC).

**CUP 94-02**, an application by North Willamette Telecom for approval to alter the existing covered 3-sided structure by constructing a partitioning wall through the middle of it, and enclosing approximately one-half of the floor area. Additionally, the applicant is proposing to change the use of the structure to an enclosed warehouse facility and covered vehicle parking area. The property is located on the northeast corner of the intersection of S.E. 2nd Avenue and S. Juniper Street [Tax Lot 900 of Tax Map 3-1E-33DC].

**IX. DIRECTOR'S REPORT**

**X. ADJOURNMENT**

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The City of Canby Planning Commission welcomes your interest in these agenda items. Please feel free to come and go as you please.

Kurt Schrader, Chair  
Stan Elliot  
Wade Wiegand

Linda Mihata, Vice-Chair  
Dan Ewert

Bob Gustafson  
Tamara Maher

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**MEETING TIMELINES AND PROCEDURES**

- *In order not to restrict any person from testifying but, rather, to encourage everyone to do so, the Canby Planning Commission shall try to adhere as closely as possible to the following timelines:*

*Applicant (or representative[s]) - not more than 15 minutes*

*Proponents - not more than 5 minutes*

*Opponents - not more than 5 minutes*

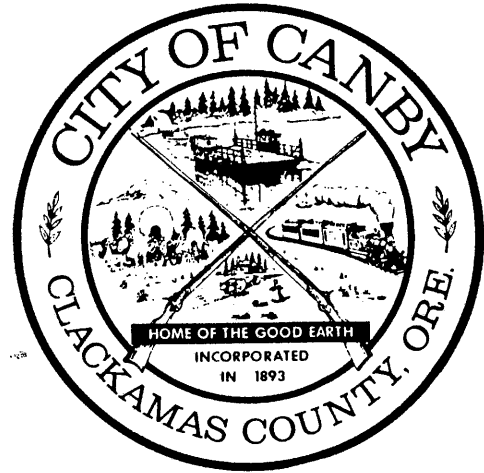
*Rebuttal - not more than 10 minutes*

- *Everyone present is encouraged to testify, even if it is only to concur with previous testimony. For more complete presentations, Proponents and Opponents may "buy" time from one another. In so doing, those either in favor, or opposed, may allocate their time to a spokesperson who can represent the entire group.*
- *All questions must be directed through the Chair.*
- *Any evidence to be considered must be submitted to the hearing body for public access.*
- *All written testimony received, both for and against, shall be summarized by staff and presented briefly to the hearing body at the beginning of the hearing.*

*Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing.*



**- STAFF REPORT -**



**APPLICANT:**

CTA Services Corp.  
and Canby Telephone Association  
P.O. Box 880  
Canby, OR 97013

**FILE NO.:**

CPA 94-01

**OWNERS:**

Same

**STAFF**

Robert G. Hoffman, AICP  
Planning Director

**LEGAL DESCRIPTION:**

Tax Lots 7300, 7301, 7400, 7500  
and 7600 of Tax Map 3-1E-33DC

**DATE OF REPORT:**

February 4, 1994

**LOCATION:**

South side of S.E. 2nd Avenue,  
between S. Ivy and S. Juniper

**DATE OF HEARING:**

February 14, 1994

**COMP. PLAN DESIGNATION:**

High Density Residential

**ZONING DESIGNATION:**

High Density Residential [R-2]

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of an amendment to the Comprehensive Plan for a 1.57 acre parcel, from High Density Residential to Highway Commercial to permit current telephone and cable uses and to facilitate new construction and/or additions due to growth.

## **II. APPLICABLE CRITERIA:**

This is a quasi-judicial land use application. It is a single contiguous parcel [with 5 tax lots] affecting a limited area. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

- A. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment;
- B. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area. (Ord. 740, Section 10.8.80, 1984)

## **III. FINDINGS:**

### **A. Background and Relationships**

The subject parcel is located on the south side of S.E. 2nd Avenue between S. Ivy and S. Juniper. The shape of the subject parcel is 264' square. The access is from S.E. 2nd Avenue and S. Ivy Street.

There has been no recent action on the part of the Planning Commission regarding this site and adjacent properties. The current owners of the subject parcel apparently purchased the lots and demolished existing homes and sheds over the years.

In 1974, Canby Telephone Association applied for a zoning amendment for an area that included most of the subject parcel. The rezone was from R-2 to C-2, which was denied without any reason being given. The Commission recommended the applicant request a Conditional Use which they did. The applicant requested "Land Use for Vehicle Storage, Warehouse, and Maintenance Operations." The request was processed as a Conditional Use and a Zone Variance related to setback requirements. The variance was denied. The Conditional Use was approved subject to a condition that a "sight obscuring fence be installed adjacent to abutting property." A waiver of remonstrance and property dedication along 2nd Avenue were added. This action is the planning basis for much of what exists today on the subject site.

In 1975, there was a permit issued on Tax Lot 7301 for a Telephone Maintenance Building. In 1976 there was a permit for a building removal. Demolition permits were issued on Tax Lot 7500 and 7600 in 1984 and 1992, respectively. No further permits have been issued for

these tax lots for use or buildings. However, there have been a series of permits for the north side of 2nd Avenue for telephone buildings.

There has been some expansion of the parking lot on the original approval onto adjacent tax lots, and conversion of a home to an office in recent years. The parking on separate lots would be an acceptable conditional use but none was requested. The office use is not allowed in an R-2 district unless it is considered an "accessory use" to the main use, in which case it is a conditional use, which was not applied for or approved. It was not part of the original 1974 Conditional Use and even if it was, the one year time limit to get all permits has long expired.

The subject area has been zoned residentially since 1963, the beginning of zoning in Canby. This zoning category did not permit "equipment storage" at any time since 1963.

The Comprehensive Plan adopted in 1984 indicated this property as High Density Residential land use. It has not been changed since that date. Properties fronting on Ivy and 99-E have Highway Commercial Comprehensive Plan land use and zoning designations.

## B. Comprehensive Plan Analysis

### i. CITIZEN INVOLVEMENT

- **GOAL: TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS**

#### ANALYSIS

The notification process and public hearing are a part of the compliance with adopted policies regarding citizen involvement.

### ii. URBAN GROWTH

- **GOALS: 1) TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.**

- 2) TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITHIN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.

Policy #1: Canby shall coordinate its growth and development plans with Clackamas County.

### ANALYSIS

The project is entirely within the City limits and within the Urban Growth Boundary.

### iii. LAND USE ELEMENT

- GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.

### ANALYSIS

Regarding Policy #1, Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses, the applicant's response is as follows: "As illustrated in Attachment III (existing land use map), if approved, this proposed amendment to the Comprehensive Plan, together with proposed future expansion of the commercial uses and the removal of the sole residential use will effectively group compatible uses, while separating incompatible uses, in direct harmony with this policy."

The homes along 3rd Avenue and Knott Street are separated from the utility yard with heavy machinery and equipment by a fence with redwood slats and no landscaping. The 1974 Conditional Use application promised a "Living screen together with a chain link type fence to separate contiguous property on south and east." Apparently, the "living screen" was never installed.

Regarding Policy #2, Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl, the Comprehensive Plan proposed a land use distribution with 259 acres of High Density Residential. This was done to provide for protecting farm land

from needless urban expansion. Were the subject 1.57 acres of land used for High Density Residential, it could contain  $1.57 \times 16$  units per net acre = 25 units. The Plan estimated infill of multi-family plus duplex units of 167 units. Thus, the 1.57 acres could represent  $25/167 = 15\%$  loss of infill housing potential. The applicant has not presented any information regarding why this land is no longer needed.

On the other hand, the Plan proposed 109 acres of Highway Commercial land. The estimated employment was 8 employees/acre. Thus,  $1.57 \text{ acres} \times 8 \text{ employees/acre} = 12.56$  employees, or  $1.57 \text{ acres}/109 = 1.4\%$ , or  $12.56 \text{ employees}/892 \text{ employees} = 1.4\%$ . Being a telephone/cable utility, the need for 1.57 acres is more specific to their needs. Whether there are other options available to CTA is unknown. How important these 5 tax lots are to CTA is also unclear. Clearly the parking, offices, warehouse, and storage yard existing on the subject site need to be somewhere in or near Canby. Whether they need to be adjacent to the cable and telephone central offices is not known. The addendum supplied by the applicant describes a major expansion of employees, customers, and vehicles, since 1974, and up to 2,013. Whether the 1.57 acres of additional land zoned properly will aid in meeting this major expansion is unclear.

**Regarding Policy #3, Canby shall discourage any development which will result in overburdening any of the community's public facilities or services, we have routed the proposal to affected agencies and will report any responses or proposed conditions. No problems have been expressed to date.**

Policy #4, Hazards, is not applicable.

**Regarding Policy #5, Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions, the subject proposal is to bring the map into agreement with the current existing land use which evolved over the past few years. Thus, future development for variances, conditional uses, etc., would not be required in the future. The applicant states the following, on page 4 of their report: ". . . future uses of the land and/or structures included in this proposal would very likely not be permitted within the High Density Residential designation assigned to the property in the Comprehensive Plan. . ."**

The applicant's analysis included the following: "In the text of the Comprehensive Plan regarding this policy, the HIGHWAY COMMERCIAL designation is described as, 'Distinguished by allowing a wide range of commercial uses and by catering to

motor vehicle traffic. City C-2 zoning conforms with this category...', while HIGH DENSITY RESIDENTIAL is described as "generally distinguished by multiple family or other residential uses, including mobile home subdivisions or parks subject to special design criteria, and intended to provide for the widest variety of housing opportunities. City R-2 zoning conforms with this category..." Based upon the Land Use Map, the description of the current designation of the subject property, the existing and intended future uses of the subject property, and the description of the Comprehensive Plan designation requested by the applicant, to Highway Commercial, the amendment, as requested, would most effectively serve to satisfy this policy of the Comprehensive Plan."

iv. **ENVIRONMENTAL CONCERNS**

**GOALS: TO PREVENT IDENTIFIED NATURAL AND HISTORIC RESOURCES.**

**TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION.**

**TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.**

**ANALYSIS**

The soils on the subject parcel are Latourell, with a slope between 0% and 3%. The soil is well-drained providing some limitations requiring designs for high loads. There are no known natural hazards on the subject parcel. Dry wells or attachment to the downtown or Highway 99-E storm water system are needed. The State and City have regulations which should prevent environmental contamination if they are followed.

v. **TRANSPORTATION**

**GOAL: TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.**



## ANALYSIS

The subject parcel has access from 2nd Avenue and from S. Ivy Street. The applicant owns adjoining parcels, zoned Highway Commercial. If regular access is limited to 2nd Avenue rather than Ivy during peak hours, conflicts can be avoided, although traffic volumes on 2nd Avenue will gradually increase also. The conditional use process could deal with this potential problem/solution. The applicant states that change of permitted land use would not affect transportation. **Staff disagrees.**

### vi. PUBLIC FACILITIES AND SERVICES

**GOAL: TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.**

**Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.**

**Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.**

## ANALYSIS

The Canby Utility Board has reported no difficulties with servicing the site, as has Northwest Natural Gas Company. Sewer lines surround the property and a major interceptor is nearby. No problems have been identified.

### vii. ECONOMIC

**GOAL: TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.**

**Policy #1: Canby shall promote increased industrial development at appropriate locations.**

**Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.**

## ANALYSIS

The applicant has presented detailed information regarding employment, customers, and vehicles, both historical and forecasted, on pages 2-4 of their addendum. Clearly, the telephone and cable system will increasingly provide important services to Canby and its surrounding areas. The applicant forecasts an 84% growth in employees, a 120% growth in customers, and an almost 100% growth in vehicles, over the next 20 years.

### viii. HOUSING

**GOAL:** TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY.

**Policy #2:** Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.

**Policy #3:** Canby shall coordinate the location of higher density housing with the ability of the City to provide utilities, public facilities and a functional transportation network.

**Policy #4:** Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the City.

## ANALYSIS

The services provided by the phone and cable system [which the subject site serves] are important to the housing of Canby, as well as to the business community. The 1.57 acres are estimated to have a residential potential holding capacity of about 25 units under the current Comprehensive Plan land and zoning designation. The applicant has not provided any information on how this housing could be alternatively provided for without expanding the Urban Growth Boundary.

ix. ENERGY CONSERVATION

**GOAL: TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES.**

**ANALYSIS**

From an energy perspective, there does not appear to be any relative advantage of industry versus residential on the subject parcel.

**Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:**

The expansion of the Highway Commercial land area to provide support for the telephone and cable systems clearly would aid in implementing the economic goals and policies of the Comprehensive Plan. However, it is not clear how the loss of 1.57 acres of potential high density residential land area can be replaced. The other elements do not appear to be affected in any substantial way except possibly in the transportation area (which can be solved during the Conditional Use review process).

**C. Consistency with Other Plans**

State plans and county plans do not seem to place any particular emphasis on development of sites such as the subject parcel for commercial or residential. The subject area is already serviced by schools. The school superintendent has not indicated any concern about the amendment, related to their plans. The telephone and cable system have recently provided fiber optic cable and special school service to their facilities. This type of new system is expected to be extended generally throughout the Canby area.

**D. Other Applicable Criteria**

All public facilities and services exist or will be provided concurrent with the development of the area whether the land use designation is Commercial or High Density Residential. If alternative locations were not found for the telephone and cable maintenance operations and expansion were not permitted on the subject site, serious problems could be faced by many Canby facilities and services.

#### IV. CONCLUSION

The proposal to amend the Comprehensive Plan from High Density Residential land use to Highway Commercial land use appears to be desirable and supported by most approval criteria. However, it is not clear how the residential land use goals and policies can be met.

#### V. RECOMMENDATION

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the application, CPA 94-01, be approved, provided the Planning Commission is satisfied that residential land use needs can be provided elsewhere.

#### EXHIBITS

1. Application and Addendum
2. Vicinity Map
3. Request for Comments
4. Land Use Map [*not reproducible in color*]

COMPREHENSIVE PLAN AMENDMENT APPLICATION

Fee: \$1000.00

OWNER
CTA Service Corp. and
Name Canby Telephone Association
Address P.O. Box 880
City Canby, State OR Zip 97013
SIGNATURE Eugene R Cole
President

APPLICANT
CTA Service Corp. and
Name Canby Telephone Association
Address P.O. Box 880
City Canby, State OR Zip 97013
Phone: 266-8111

DESCRIPTION OF PROPERTY: SEE ATTACHMENT II.

Tax Map Tax Lot(s) Lot Size 1.57 acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy) SEE ATTACHMENT IV.
Plat Name Lot Block

PROPERTY OWNERSHIP LIST SEE ATTACHMENT V.

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2 x 11 sheet of labels, just as you would address an envelope.

USE

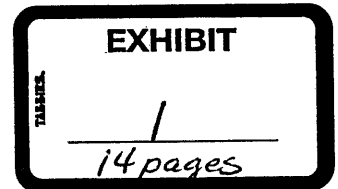
Existing SEE ATTACHMENT III.
Proposed Same.

Existing Structures SEE ATTACHMENT III.

PROJECT DESCRIPTION
SEE ATTACHMENT I. - NARRATIVE.

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION High Density Residential
PREVIOUS ACTION (if any)

File No.
Receipt No.
Received by
Date Received
Completeness Date
Pre-Ap Meeting
Hearing Date



\* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.

**ATTACHMENT I.**

**COMPREHENSIVE PLAN AMENDMENT APPLICATION**

**PROJECT DESCRIPTION/NARRATIVE**

COMPREHENSIVE PLAN AMENDMENT APPLICATION

ATTACHMENT I.

PROJECT DESCRIPTION - NARRATIVE

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of an amendment to the Canby Comprehensive Plan, from High Density Residential to Highway Commercial, of a parcel containing approximately 1.57 acres (consisting of five separate Tax Lots), to permit:

A. Uniform Comprehensive Plan designation and land use of subject parcel and all contiguous parcels which are collectively under the common ownership of CTA Communications and its affiliates, Canby Telephone Association and North Willamette Telecom.

B. Current and proposed uses associated with the operation of a telephone company and a cable television company will be compatible with the applicable goals and policies of the City of Canby Comprehensive Plan.

C. Future new construction and/or additions to existing structures, due to anticipated and expected growth and expansion of the businesses and their operations will be compatible, according to the distinguishing characteristics of the Highway Commercial category described in the Canby Comprehensive Plan.

**II. APPLICABLE CRITERIA:**

This is a quasi-judicial land use application. It is a parcel consisting of five (5) separate Tax Lots, all under a common ownership, affecting a very limited area. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:..."

A. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment; and

B. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area. (ORD. 740 § 10.8.80, 1984).

III.

**DISCUSSION:**

The subject parcel is located approximately mid-block, on the Southwest side of South Second Street, at Juniper Street. The subject parcel contains five separate Tax Lots, all under a common ownership, which form a nearly perfect square, measuring approximately 263.5 feet in width, and 264 feet in length. Access to all separate tax lots included in the subject parcel is provided from South Second Street. (SEE ATTACHMENT III).

The City of Canby Comprehensive Plan establishes nine Elements which, while interrelated, are separate and to be considered as they relate to each land use proposal submitted to the Planning Commission. In the case of a proposed amendment to the Canby Comprehensive Plan, the most relevant of these Elements is the Land Use Element, which is described as "perhaps, the most critical portion of the Comprehensive Plan." The goal of the Land Use Element is, "TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING, AND SUITABLY RELATED TO ONE ANOTHER." The Canby Comprehensive Plan further states that the Land Use Element "has been based upon existing patterns with an extra emphasis placed upon increasing efficiency as growth occurs." Increased efficiency is equated with "highest and best use" of properties, while the Canby Comprehensive Plan anticipates growth of "nearly three times its present population in the next 20 years".

The Canby Comprehensive Plan provides that "the Land Use Element should accomplish several things", which include:

1. Separation of incompatible uses or activities;
2. Provision of adequate available space for each type of land use which is expected to develop; and
3. Maximizing the use of existing public facilities and services without over-burdening their capacity.

IV.

**ANALYSIS OF PROPOSAL:**

Those portions of the Land Use Element which are most relevant to this proposal are the Goal itself, Policy #1, and Policy #5. Policy #6 of the Land Use Element does not apply, because the subject parcel involved in this proposal is not located in any designated "Area of Special Concern". The Goal of the Land Use Element, as stated above, recommends general familiarity with the Elements of Housing, Transportation, Public Facilities/Services, Economy and Urban



Growth, in order to "adequately understand the Land Use Element", which is "intended to guide the course of development." While considering the present, existing structures and uses located on the subject parcel, together with the existing structures and uses on adjacent parcels, (SEE ATTACHMENT III), each of these Elements must also be given consideration.

#### HOUSING ELEMENT

The Goal of the Housing Element is to "provide for the housing needs of the citizens of Canby". The Canby Comprehensive Plan advises that Canby "has already established an excellent track record in its efforts..." to meet this Goal. (Page 146) The Canby Comprehensive Plan also takes into consideration, in the method of calculating projected population, "97 existing units in commercial and industrial areas which are expected to be removed or converted to non-residential uses through the course of the planning period." The property subject to this request for a Comprehensive Plan Amendment is located in a commercialized area, with a buffer of high density residential use, mostly duplexes, triplexes, and apartment complexes, on three sides, and Highway Commercial use on the fourth side. (SEE ATTACHMENT III). At the present time, Tax Lot #7400 is the only one of the five Tax Lots included in this proposal which is used for residential purposes. The applicant, owner of this property, has an agreement with the tenants for residential use, which will expire within four years. At that time, the residence will be removed, and the use will be converted to a non-residential use related to the business operations of the property owner, just as anticipated in the Canby Comprehensive Plan. Therefore, this proposal will have virtually no adverse effect on the Housing Element of the Canby Comprehensive Plan.

#### TRANSPORTATION ELEMENT

The Goal of the Transportation Element is "TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL". This Element contains a dozen policies which address the Capital Improvements Plan for existing streets, construction of new streets, providing pedestrian walkways, bicycle pathways, access for emergency vehicles, and several others. Because the development of streets, access from streets, and pedestrian walkways already exists, and because the streets included in this proposal are not included in the Canby Capital Improvements Plan, this proposal will have no effect on this Element.

## PUBLIC FACILITIES AND SERVICES ELEMENT

The Goal of this Element is "TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY". The applicant, dba Canby Telephone Association, is listed in the Canby Comprehensive Plan as one of these public facilities and services. As the Comprehensive Plan states, "coordination between the City and the Association should prove to be mutually beneficial as the community continues to grow, reducing costs for each entity in the process". This statement efficiently sums up the main reason for this application. As CTA Communications and its affiliates companies continue to grow and expand, future uses of the land and/or structures included in this proposal would very likely not be permitted within the High Density Residential designation assigned to this property in the Comprehensive Plan. As a result, future applications for variances, conditional uses, etc. including additional staff time, additional land use fees, and additional public hearings, would be necessary. This Comprehensive Plan amendment request is believed to be the most efficient and cost effective means of allowing the applicant to put their property to the "highest and best use" in present and future operations necessary to provide adequate telephone and cable television services to the City of Canby.

## ECONOMY ELEMENT

The Goal of this Element, "TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY", can be met only through growth and expansion. Through the creation of local employment, which the applicant can anticipate as the City grows, and through increased revenue to the City in the form of franchise fees, the applicant anticipates serving this goal, even if only on a limited basis, as the business operations grow.

## URBAN GROWTH ELEMENT

Because the property subject to the requested Comprehensive Plan Amendment is already used for Commercial purposes and activities, and because the applicant presently owns all of the subject property, the goals of this Element are not applicable, as they address the provision of "urbanizable area for the growth of the City". The subject property will continue to be used, in the foreseeable future, by and for the applicant in the operation of its businesses.

## LAND USE ELEMENT

"POLICY NO. 1: CANBY SHALL GUIDE THE COURSE OF GROWTH AND DEVELOPMENT SO AS TO SEPARATE CONFLICTING OR INCOMPATIBLE USES WHILE GROUPING COMPATIBLE USES." As illustrated in Attachment III, if approved, this proposed amendment to the Comprehensive Plan, together with proposed future expansion of the commercial uses and the removal of the sole residential use will effectively group compatible uses while separating incompatible uses, in direct harmony with this policy.

"POLICY NO. 5: CANBY SHALL UTILIZE THE LAND USE MAP AS THE BASIS OF ZONING AND OTHER PLANNING OR PUBLIC FACILITY DECISIONS." In the text of the Comprehensive Plan regarding this policy, the HIGHWAY COMMERCIAL designation is described as, "Distinguished by allowing a wide range of commercial uses and by catering to motor vehicle traffic. City C-2 zoning conforms with this category ...", while HIGH DENSITY RESIDENTIAL is described as "generally distinguished by multiple family or other residential uses, including mobile home subdivisions or parks subject to special design criteria, and intended to provide for the widest variety of housing opportunities. City R-2 zoning conforms with this category ..." Based upon the Land Use Map, the description of the current designation of the subject property, the existing and intended future uses of the subject property, and the description of the Comprehensive Plan designation requested by the applicant, to Highway Commercial, the amendment, as requested, would most effectively serve to satisfy this policy of the Comprehensive Plan.

## **V. CONCLUSION**

The proposal to amend the Comprehensive Plan to Highway Commercial development rather than High Density Residential development is necessary to meet the goals and objectives of the Comprehensive Plan, as the goals and objectives have been addressed in this application. The use of the land as Highway Commercial will provide for the grouping of compatible uses, and for the elimination of "spots" of residential use, the one of which will be eliminated within four years. The amendment of the Comprehensive Plan to Highway Commercial will also eliminate the need for future land use applications every time the owner proposes to expand a structure, a parking lot, or an existing, presently non-conforming use, due to growth of the business.

With regard to the applicable criteria listed in II, above, the applicant has addressed the remainder of the Comprehensive Plan as it would be affected by this proposal,

under the "ANALYSIS" portion of this application. Because the development is existing, and will continue to be used commercially, including the conversion of the single residential use to commercial in the near future, no adverse effect by this proposal on the plans and policies of the county, state or any local school or service districts can be determined. Further, all required public facilities and services exist on, and to the subject property. Any future development proposals will include the provision of any such facilities and services as required by the City. The Comprehensive Plan Amendment, as proposed, affects a very small parcel, containing only 1.57 acres. This proposal would serve to extend the Highway Commercial use slightly to the East, while the High Density Residential use would still abut the subject property to the South, Southeast and East, maintaining the "buffer zone" typically desired. Since the subject parcel is relatively small in area, and due to the majority of uses already existing on the property, there will be very little, if any, impact on the area if this request is approved. Therefore, based upon the foregoing DISCUSSION and ANALYSIS, the applicant respectfully requests that this application for a Canby Comprehensive Plan Amendment for the subject property, from High Density Residential to Highway Commercial, be approved.

COMPREHENSIVE PLAN AMENDMENT APPLICATION NO. CPA 94-01

ZONE CHANGE APPLICATION NO. ZC 94-01

ADDENDUM TO NARRATIVE

CTA COMMUNICATIONS AND AFFILIATE COMPANIES:

CANBY TELEPHONE ASSOCIATION, NORTH WILLAMETTE TELECOM

AND CTA SERVICE CORP

I. HISTORY OF PROPERTIES SUBJECT TO REQUESTED COMPREHENSIVE  
PLAN AMENDMENT AND ZONE CHANGE REQUESTS:

1974

- May 2 -- Canby Telephone Association requested Ronald Tatone, of Zaronsinski-Tatone Engineers, Inc. to represent them in applying to the City of Canby for a zone change for Tax Lot #7300, Parcels 1 and 2, consisting of 1.18 acres.
- May 31 -- Six month option to purchase Tax Lot #7300, Parcel 1 was executed by Purchaser, Canby Telephone, and Seller, Margaret Kraxberger.
- June 4 -- Ronald Tatone and Larry Cole met with Mr. Eldon Edwards, City of Canby, regarding the requested zone change.
- June 5 -- Notice of the public hearing on the application, scheduled for June 12, 1974, was published, and mailed.
- June 12 -- Public hearing held. Although there were no opponents to the proposal, the zone change request was denied, and "It was recommended that a new application be submitted for a Conditional Use to be considered at the June 26 regular meeting." (Quoted from the minutes of the hearing)
- June 17 -- Topographical & Site Development Plan completed for June 26 hearing.
- June 19 -- Notice of public hearing for the "Zone Variance application and a Conditional Use application by the Canby Telephone Association for expansion of existing plant operation at 191 S.E. 2nd Ave., Tax Lot #7300" was published.
- June 26 -- Public hearing held for Zone Variance and Conditional Use applications for property "in the S.E. sector of Canby, consisting of 1.18 acres." At this

hearing, Eldon Edwards recommended that the Conditional Use application be approved, and the Zone Variance be denied. There were no opponents to either application, and no reasons for the recommended denial were documented. The Conditional Use application for the 1.18 acre parcel was approved, with two conditions, and the Zone Variance was denied.

- July 10 -- Larry Cole, General Manager of Canby Telephone Association, advised Mr. John Whiteside by letter that there would be no problem complying with the first condition of approval, to install a sight obscuring fence. Mr. Cole further advised that compliance with the second condition, a waiver of remonstrance to street improvements on 2nd Avenue, would not be possible, since the portion of the subject property abutting the street was still owned by Margaret Kraxberger.
- July 10 -- Planning Commission meeting at which the minutes from the June 26 meeting were corrected, striking the condition of the waiver of remonstrance.
- July 11 -- Warranty Deed for Parcel 1, transferring ownership of that portion of Tax Lot #7300 from Margaret Kraxberger to Canby Telephone Association, was executed by the parties.
- July 17 -- Warranty Deed for Parcel 1 was recorded. Clackamas County, in its due process, automatically assigned the parcel its own Tax Lot number, thus creating Tax Lot #7301.
- July 24 -- Planning Commission meeting at which Ronald Tatone and Canby Telephone Association requested clarification of setback requirements under the approved Conditional Use. The request was discussed, but, pending a new Zoning Ordinance, not resolved.

#### 1982

The Margaret Kraxberger residence, located at 191 S.E. 2nd Avenue, was, under the approved Conditional Use, converted to an accounting office. It was later used as an engineering office.

#### 1983 to PRESENT

Tax Lot #7300, now consisting of only the previously referred to "Parcel 2", was purchased by Canby Telephone Association, and under the Conditional Use, was, and is, used as administrative offices by the applicant. In 1985, vinyl siding was installed on the building. In 1987, a new roof was installed. In 1988, the landscaping was improved. The applicant has also purchased an additional three Tax Lots, totaling .38 acres. Those additional parcels, discussed in the Narrative, above, have been added to the application submitted nearly twenty years ago, which changes the total acreage subject to the request to approximately 1.57 acres, but the reasons for the request remain the same, and the applicant remains the same.

II. HISTORY OF GROWTH -- 1974 TO PRESENT (Provided by applicant)

A. EMPLOYEES

YEAR	CANBY TELEPHONE	NORTH WILLAMETTE TELECOM	CTA COMMUNICAT.	CTA SERVICE CORP	TOTAL (%)
1974	30	0	0	0	30
1975	33	0	0	0	33
1976	33	0	0	0	33
1977	33	0	0	0	33
1978	34	0	0	0	34
1979	35	0	0	0	35
1980	36	0	0	0	36
1981	37	0	0	0	37
1982	35	0	0	0	35
1983	34	6	0	0	40
1984	32	7	0	0	39
1985	32	6	9	0	47
1986	28	8	10	0	46
1987	27	9	10	0	46
1988	27	10	9	0	46
1989	26	13	11	0	50
1990	26	14	11	0	51
1991	20	18	11	0	49
1992	20	19	10	5	54
1993	20	19	9	8	56
<b>TOTAL EMPLOYEES</b>					56
<b>PERCENT INCREASE</b>					+53.6%

B. CUSTOMERS

YEAR	CANBY TELEPHONE	NORTH WILLAMETTE TELECOM	TOTAL	PERCENT
1974	4397	0	4397	
1975	4728	0	4728	+ 7.5
1976	5037	0	5037	+ 6.5
1977	5393	0	5393	+ 7.1
1978	5845	0	5845	+ 8.4
1979	6080	0	6080	+ 4.0
1980	6297	0	6297	+ 3.6
1981	6311	0	6311	+ .2
1982	6358	0	6358	+ .7
1983	6436	996	7342	+15.5
1984	6490	2046	8536	+16.3
1985	6610	3217	9827	+15.1
1986	6602	4314	10916	+11.1
1987	6751	4780	11531	+ 5.6
1988	7119	5949	13068	+13.3
1989	7168	6360	13528	+ 3.5
1990	7633	6973	14606	+ 8.0
1991	7901	7571	15472	+ 5.9
1992	8021	8295	16316	+ 5.5
1993	8478	8642	17120	+ 4.9
<b>TOTAL INCR.</b>	4081			+92.8
<b>TOTAL INCR.</b>		8642		
<b>NET INCREASE</b>			12723	+289.4

C. VEHICLES

1974 -- 5  
 1984 -- 9  
 1994 -- 18

III. ESTIMATED TWENTY-YEAR GROWTH -- 1994 - 2013

A. EMPLOYEES

YEAR	CANBY TELEPHONE	NORTH WILLAMETTE TELECOM	CTA COMMUNICAT.	CTA SERVICE CORP	TOTAL	PERCENT
1993	20	19	9	8	56	
2003	18	31	13	23	85	+65.9
2013	22	37	16	28	103	+82.5
NET INCREASE						+83.9%

B. CUSTOMERS

YEAR	CANBY TELEPHONE	NORTH WILLAMETTE TELECOM	TOTAL	PERCENT
1993	8478	8642	17120	
2003	11393	16610	28003	+61.1
2013	15316	22323	37639	+74.4
NET INCREASE*				+119.9%

\*Based upon estimated 3% growth, and upon future service to approximately 1,000 customers in Woodburn, 2,000 customers in Hubbard, and 1,000 customers interstate.

C. VEHICLES

1993 -- 18  
 2003 -- 28  
 2013 -- 35

IV. SUMMARY

Nearly twenty years ago, Canby Telephone Association, providing telephone service to approximately 4,400 customers, and employing 30 people, had the prudence to realize and anticipate the growth potential of the City of Canby, and the effect such growth would have on the local telephone company with regard to its own need to expand and to grow. Slightly less than one acre of land was purchased, with an option to purchase an adjacent parcel of land containing approximately .33 acres. Both parcels were contained in a single Tax Lot #7300, and were located in the R-2 Zone. In June of 1974, Canby Telephone Association applied to the City of Canby, requesting a Zone Change for all of the 1.18 acres, stating on the application that the request was



necessary to "Expand existing plant operation", because it was "not practical to operate in various locations". Although there was no opposing testimony at the hearing, and no findings were documented, the requested "Zone Variance" was denied, and a Conditional Use for the property was approved at a later date.

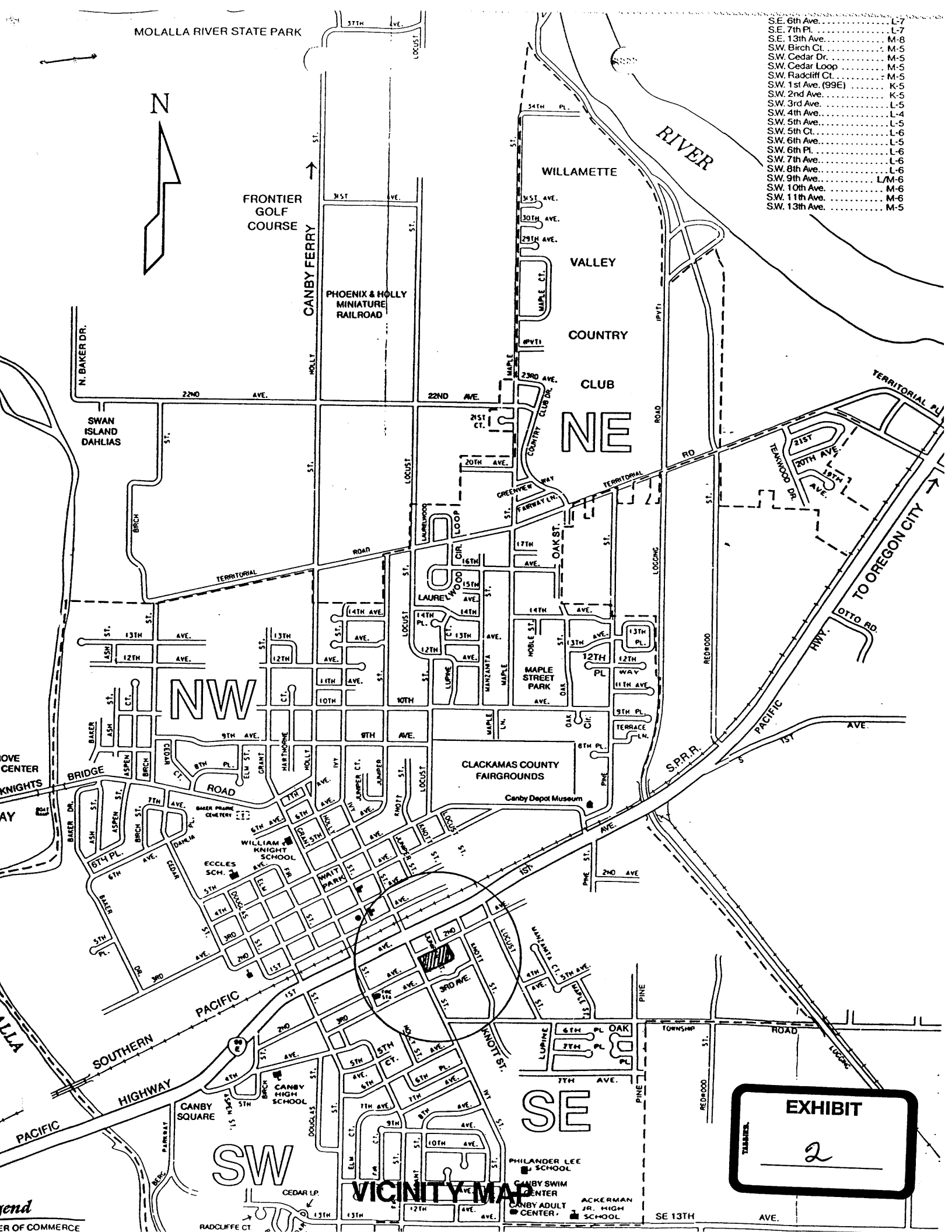
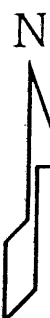
In the last twenty years, Canby Telephone Association has expanded, adding two more companies: North Willamette Telecom and CTA Service Corp. The three affiliated companies have together, grown to serve over 17,000 customers and to employ 56 people. This represents an increase of 289.4% in the number of customers served, and an increase of 53.6% in the number of employees. The three businesses have purchased and developed additional properties to accommodate their growing needs. The majority of the properties acquired during that time have been properly zoned as C-2. In the case of the applicant-owned properties zoned R-2, most is under the Conditional Use approval granted twenty years ago. The applicant is submitting a request that is nearly identical to that request made twenty years ago -- to change the zoning of the R-2 property under the applicant's ownership to C-2, to "expand the existing plant operation". The differences between the 1974 application and the 1994 application are, an increase in the total acreage of the subject property (from 1.18 acres to approximately 1.57 acres), and today's requirement for the application for a Comprehensive Plan Amendment. Unfortunately, the attempt of the 1974 application to avoid operating the business "from various locations" must now be slightly modified to avoid operating the businesses "from more than two separate locations". This is due to the fact that in 1993, when the CTA Commercial office was moved to 185 S.E. 1st Avenue, lack of sufficient space to accommodate everyone made it necessary to locate CTA Communications at 184 N. Grant Street.

The Canby Comprehensive Plan, Page 59, Figure III-1 indicates that there are 206.6 acres of R-2 zoned land, and 95.0 acres of C-2 zoned land located within the city limits of Canby. The proposal of the applicant would result in a reduction of the R-2 zoned property to 205.03 acres, or a 0.76% (less than one percent) decrease, and an increase in the C-2 zoned property to 97.07 acres, or 1.62%. The Comprehensive Plan also indicates that in 1980, the "Employment of Industry" for communications, utilities and sanitary services totaled 54. If Canby Telephone Association had 36 employees in 1980, and combined with North Willamette Telecom and CTA Service Corp presently employs 56, that represents an increase in the applicant's total employees of 64.3%.

The Comprehensive Plan also anticipates that the City of Canby will have a total population of 20,000 residents by 2010. This reflects an anticipated increase of more than 100%. Therefore, the applicant's request to re-zone less than one percent of the present R-2 zone to the C-2 zone, while anticipating an increase of 83.9% in number of employees, and an increase of 119.9% in number of customers served within the next twenty years, is completely logical and within reason. Without approval of the request, as the City and the applicant's affiliated businesses grow together, it is anticipated that the fastest growing business, North Willamette Telecom, will be forced to re-locate all or a large portion of its operation, to an alternate site. The applicant would prefer to see the proposal receive the City's approval, to permit all business operations to remain almost entirely in one location within the City.

The applicant' history for pursuing proper procedure, and for cooperating with the City in its attempts to comply with Comprehensive Plan and Zoning requirements, is fairly well documented. The applicant's history for the type of construction, landscaping and property maintenance associated with its development and improvements speaks for itself. Therefore, the applicant again requests approval for the proposed Comprehensive Plan Amendment and Zone Change for 1.57 acres of its property. The applicant has made every attempt to provide strong reasons and documented evidence to justify the request. The criteria for such a request have been addressed. Should the Planning Commission determine the requests be denied, the application respectfully requests equally strong findings which support the Commission's decision.

S.E. 6th Ave.	L-7
S.E. 7th Pl.	L-7
S.E. 13th Ave.	M-8
S.W. Birch Ct.	M-5
S.W. Cedar Dr.	M-5
S.W. Cedar Loop	M-5
S.W. Radcliff Ct.	M-5
S.W. 1st Ave. (99E)	K-5
S.W. 2nd Ave.	K-5
S.W. 3rd Ave.	L-5
S.W. 4th Ave.	L-4
S.W. 5th Ave.	L-5
S.W. 5th Ct.	L-6
S.W. 6th Ave.	L-5
S.W. 6th Pl.	L-6
S.W. 7th Ave.	L-6
S.W. 8th Ave.	L-6
S.W. 9th Ave.	L/M-6
S.W. 10th Ave.	M-6
S.W. 11th Ave.	M-6
S.W. 13th Ave.	M-5



FRONTIER GOLF COURSE

PHOENIX & HOLLY MINIATURE RAILROAD

WILLAMETTE VALLEY COUNTRY CLUB

NE

NW

CLACKAMAS COUNTY FAIRGROUNDS

SE

SW

VICINITY MAP

**EXHIBIT**

2

Legend

SE 13TH AVE.

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

JAN 28 1994  
[503] 266-2021

P.O. Box 930, Canby, OR 97013

DATE: January 25, 1994

CANBY UTILITY BOARD  
by Bob R.

TO: FIRE, POLICE, CANBY HIGH SCHOOL, CANBY ELEMENTARY SCHOOL, CUB, TOM  
PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER

The City has received CPA 94-01, an application by CTA Service Corp. and Canby Telephone Association for a Comprehensive Plan Amendment to change the official land use designation from High Density Residential to Highway Commercial for Tax Lots 7300, 7301, 7400, 500 nd 7600 of Tax Map 3-1E-33DC. The applicant will continue to use and further develop the parcel into highway commercial uses. The site is located on the south side of S.E. 2nd Avenue, between S. Ivy and S. Juniper.

We would appreciate your reviewing the enclosed application and returning your comments by January 31, 1994 PLEASE. The Planning Commission plans to consider this application on February 14, 1994. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

The Canby Utility Board has no objection to the proposed Comp. Plan Amendment - water and electric facilities are generally in the subject area but further development will require some costs that will be borne by the Developer and/or owner. CUR specifications and requirements must be complied with in all cases -

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

EXHIBIT  
3  
2 pages

Signature: Robert E. Roy

Date: 1-31-94

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: January 25, 1994

TO: FIRE, POLICE, CANBY HIGH SCHOOL, CANBY ELEMENTARY SCHOOL, CUB, TOM  
PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER

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Comments or Proposed Conditions:

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- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

**RECEIVED**  
JAN 27 1994  
CITY OF CANBY

Signature: \_\_\_\_\_

*Gary Hyatt*

Date: 1-26-94

ATTACHMENT III.  
 1" = 100'  
 HIGHWAY COMM. (C-2)  
 HIGH DENSITY RES. (R-2)  
 RESIDENTIAL/COMM (C-R)  
 \*\*\*\*\*

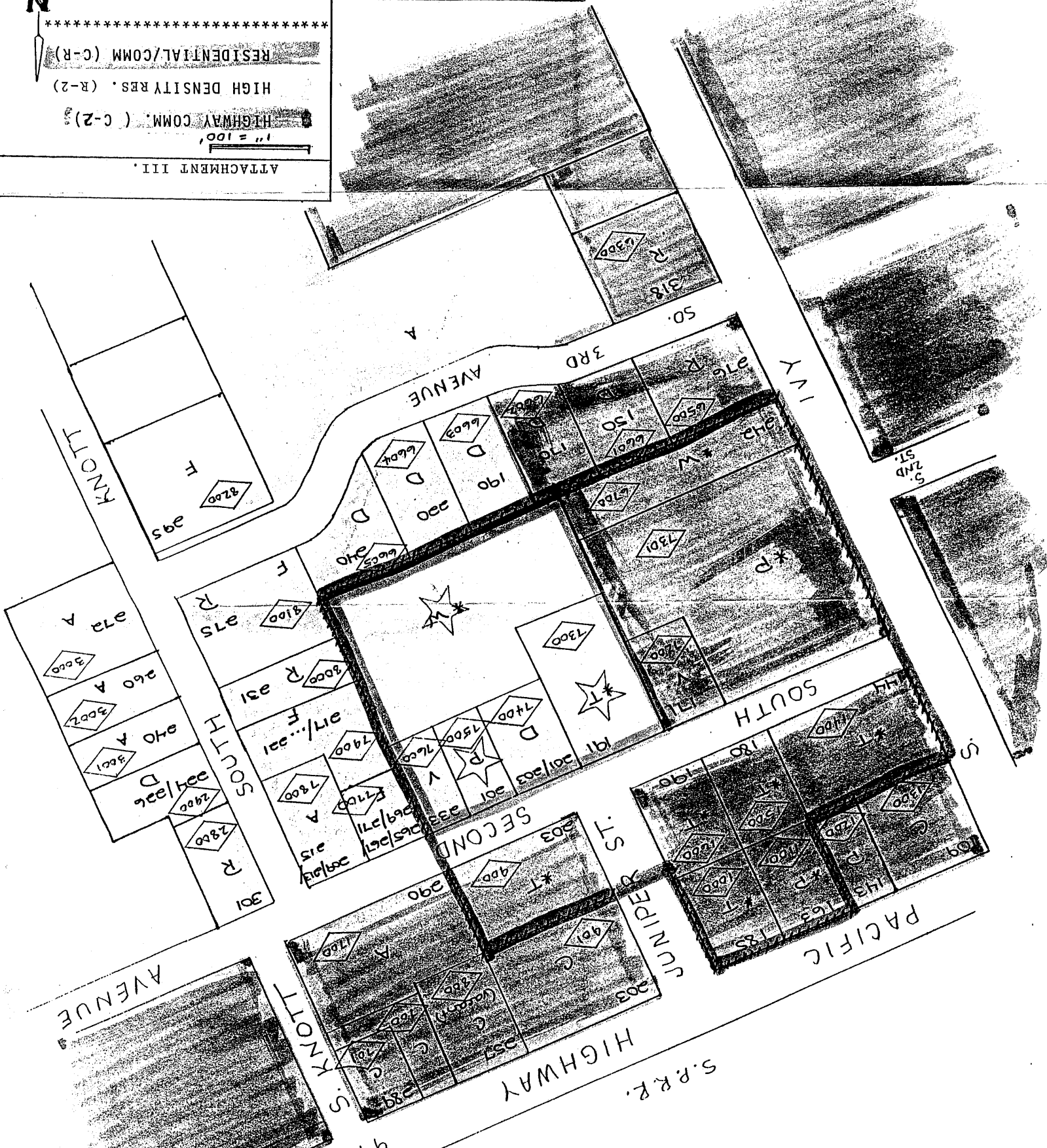
- A - Apartments/Townhouses
- C - Commercial
- D - Duplex
- F - Tri-Plex, 4-Plex, 5-Plex
- \*P - Parking Lot
- \*T - Telephone, Other Comm.
- V - Vacant Lot
- \*M - Warehouse, Storage
- R - Single Family Residence
- \* - Indicates Association with Canby Telephone Business Operations

TAX LOT #

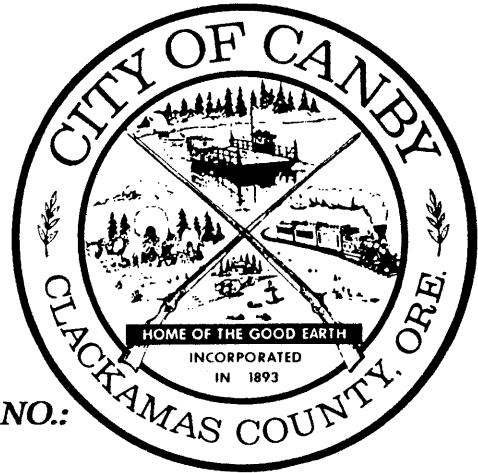
NON-CONFORMING

CTA PROPERTIES

BOUNDARY OF PARCEL SUBJECT TO PROPOSAL



**- STAFF REPORT -**



**APPLICANT:**

CTA Service Corp.  
Canby Telephone Association  
P.O. Box 880  
Canby, OR 97013

**FILE NO.:**

ZC 94-01

**OWNER:**

Same

**STAFF:**

Robert G. Hoffman, AICP  
Planning Director

**LEGAL DESCRIPTION:**

Tax Lots 7300, 7301 [part], 7400,  
7500 and 7600 of Tax Map 3-1E-33DC

**DATE OF REPORT:**

February 4, 1994

**LOCATION:**

South side of SE 2nd Avenue,  
and east of S Ivy Street

**DATE OF HEARING:**

February 14, 1994

**COMP. PLAN DESIGNATION:**

High Density Residential [*proposed  
to be amended to Highway Commercial  
on a separate application*]

**ZONING DESIGNATION:**

R-2 [*proposed for change to C-2*]

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to rezone a 1.57 acre parcel from High Density Residential [R-2] to Highway Commercial [C-2].

## **II. APPLICABLE REGULATIONS**

- City of Canby General Ordinances:
  - 16.54 Amendments to the Zoning Map
  - 16.88 General Standards

## **III. MAJOR APPROVAL CRITERIA**

### **Amendments to the Zoning Map**

#### **16.54.040 - Standards and Criteria**

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- A. The Comprehensive Plan of the City, giving special attention to Policy 6 of the Land Use Element and implementation measures therefor, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

## **IV. FINDINGS:**

### **A. Background and Relationships:**

See the Staff Report under the application to amend the Comprehensive Plan [CPA 94-01].

### **B. Comprehensive Plan Consistency Analysis**

The analysis of the application's consistency with the Comprehensive Plan is found in the Staff Report for the application to amend the Comprehensive Plan

Timing of a Land Use Amendment versus a Zoning Amendment is always a major factor in rezoning. Implementation of Comprehensive Plan Policies happens over time so zoning designations need not necessarily always match the Comprehensive Plan Land Use map designations. However, in this case, zoning is a major tool to



implement whatever the Comprehensive Plan Land Use policy is because of the nature of the existing uses being semi-industrial in nature. The growth of the telephone and cable companies is likely to be gradual, over the entire 20 years and, therefore, the zoning controls should be uniform as they apply to the subject small parcel. Increased intensity of use of the subject property is limited, unless multiple story parking and warehousing is utilized. The Conditional Use and Design Review process are considered adequate to deal with this possibility;

#### **Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:**

The issue of whether the proposed zoning amendment is consistent with the policies of the Comprehensive Plan is directly related to the outcome of the consideration of the proposed Comprehensive Plan amendment, CPA 94-01. Provided the Planning Commission and, subsequently, the City Council, approve of the Comprehensive Plan Amendment, the zoning amendment would be consistent.

#### **C. Consistency with Other Plans**

State plans and county plans do not seem to place any particular emphasis on development of particular sites such as the subject parcel for commercial or residential. The subject area is already serviced by schools and the schools have not replied to the "Request for Comments."

#### **D. Other Applicable Criteria**

All public facilities and services exist or will be provided concurrent with the development of the area whether the land use designation is Highway Commercial or High Density Residential.

### **IV. CONCLUSION**

The proposal to change the zoning classification of the subject parcel from High Density Residential (R-2) to Highway Commercial (C-2) appears to meet the zoning approval criteria provided the Comprehensive Plan is amended, as proposed.

#### **IV. RECOMMENDATION**

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission recommend approval of application, ZC 94-01, to the City Council provided the proposed Comprehensive Plan Amendment, CPA 94-01, is recommended for approval and is approved by City Council.

#### **Exhibits:**

1. Application and Addendum

ZONE CHANGE APPLICATION

Fee: \$1000.00

OWNER  
Name CTA Service Corp. and Canby Telephone Association  
Address P.O. Box 880  
City Canby State OR Zip 97013  
SIGNATURE [Signature] President

APPLICANT  
Name CTA Service Corp. and Canby Telephone Association  
Address P. O. Box 880  
City Canby State OR Zip 97013  
Phone: 266-8111

DESCRIPTION OF PROPERTY: SEE ATTACHMENT II. TO COMPREHENSIVE PLAN AMENDMENT APPLICATION

Tax Map \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_ Lot Size \_\_\_\_\_ (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy) SEE ATTACHMENT IV. TO COMPREHENSIVE PLAN AMENDMENT APPLICATION  
Plat Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

PROPERTY OWNERSHIP LIST SEE ATTACHMENT V. TO COMPREHENSIVE PLAN AMENDMENT APPLICATION

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2 x 11 sheet of labels, just as you would address an envelope.

USE

Existing SEE ATTACHMENT III. TO COMPREHENSIVE PLAN AMENDMENT APPLICATION  
Proposed Same.

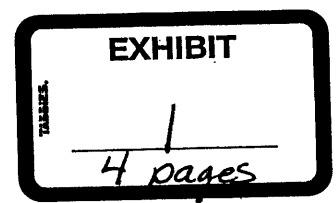
Existing Structures SEE ATTACHMENT III. TO COMPREHENSIVE PLAN AMENDMENT APPLICATION

PROJECT DESCRIPTION SEE ATTACHMENT I. - NARRATIVE.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION High Density Residential  
PREVIOUS ACTION (if any) \_\_\_\_\_

File No. 2094.01  
Receipt No. 2682  
Received by [Signature]  
Date Received 1-7-94  
Completeness Date \_\_\_\_\_  
Pre-App Meeting \_\_\_\_\_  
Hearing Date \_\_\_\_\_



\* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.

ZONE CHANGE APPLICATION

ATTACHMENT I.

PROJECT DESCRIPTION - NARRATIVE

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a change in the current zoning from R-2 to C-2 of a parcel containing approximately 1.57 acres (consisting of five separate Tax Lots), to permit:

A. Uniform zoning of subject parcel and all contiguous parcels which are collectively under the ownership of CTA Communications and its affiliate companies, Canby Telephone Association and North Willamette Telecom.

B. Current and proposed uses associated with the operation of a telephone company and a cable television company will be brought into compliance with the provisions and requirements of the City of Canby Zoning Ordinance, eliminating non-conforming uses and providing for the Conditional Use procedure on a much more limited basis.

C. Future new construction and/or additions to existing structures, due to anticipated and expected growth and expansion of the telephone and cable television businesses and their required operations would be either permitted in the proposed C-2 zone, or eligible for a conditional use permit.

II. APPLICABLE CRITERIA:

Section 16.54.040 of the Land Development and Planning Ordinance of the City of Canby provides that, "In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:..."

- A. The Comprehensive Plan of the City, particular attention given to Policy 6 of the Land Use Element.
- B. Plans and policies of the County, State and local districts which may be affected by the zone change.
- C. Whether all required public facilities and services exist or will be provided concurrent with the anticipated development of the area. (Ord. 749 § 1(B), 1984; ORD. 740 § 10.3.85(D), 1984).

### III.

#### DISCUSSION:

The subject parcel is located approximately mid-block, on the Southwest side of South Second Street, at Juniper Street. The subject parcel is a nearly perfect square, measuring approximately 263.5 feet in width, and 264 feet in length, and contains five separate Tax Lots, all of which are under the ownership of the applicant. Access to all separate tax lots included in the subject parcel are from South Second Street. (SEE ATTACHMENT III to the Comprehensive Plan Amendment Application submitted concurrently herewith).

The criteria to be considered which apply to a requested zone change include the Canby Comprehensive Plan, with special attention given to Policy 6 of the Land Use Element and implementation measures. The applicant has, concurrent with this application for a change in the zoning of the subject parcel, also submitted an application requesting an Amendment to the Comprehensive Plan. The application requesting a Comprehensive Plan amendment addresses all applicable goals and policies of the Comprehensive Plan, and the criteria to be met to obtain such an amendment. The requested Zone Change, as well as the requested Comprehensive Plan Amendment, are exempt from Policy 6 of the Land Use Element, since the subject property is not located within the boundary of any "Area of Special Concern" according to the map of these special areas. If the requested Comprehensive Plan Amendment, from High Density Residential to Highway Commercial, is approved, the requested change in the zoning of the subject parcel should also be approved, since it is logical, and would maintain consistency with the planning and zoning policies, goals and objectives of the City.

### IV.

#### ANALYSIS

The City of Canby Land Development and Zoning Ordinance requires consideration of, and seems to be subordinate to, the Canby Comprehensive Plan. As the Zoning Ordinance applies to the property which is subject to the requested zone change, said property is presently zoned R-2. Chapter 16.20 of the Ordinance specifies uses permitted outright, and conditional uses, for this zoning designation. At the present time, one of the subject tax lots conforms with the provisions of the ordinance, and one tax lot is vacant. None of the remaining existing uses complies with the present zoning. However, if the subject property were re-zoned to C-2, the existing business office and parking lots would be permitted outright, and the utility storage/service yard and warehouse uses would qualify as conditional uses,

according to Chapter 16.28 of the Ordinance. Further, any necessary expansions of office space, parking lots, and other facilities which relate to the operation of telephone and cable television businesses would no longer be considered non-conforming. To change the zoning of the property to C-2 would also subject the property to more stringent development standards, and to conditions which may be imposed by the Planning Commission.

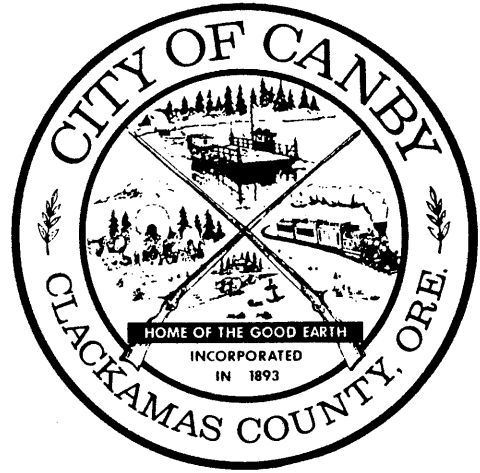
**V. CONCLUSION**

Consistency with the policies of the Canby Comprehensive Plan: Provided that the requested amendment to the Canby Comprehensive Plan is approved, the approval of the change in zoning of the subject property would provide consistency with the applicable policies of the Comprehensive Plan, as documented in the application for the Comprehensive Plan amendment, and as discussed in section III, above.

Other Applicable Criteria: All public facilities and services exist, or will be provided concurrent with any proposed development of the area. The zoning designation of C-2, as opposed to R-2, will place more stringent development standards on the subject property, and will eliminate non-conforming uses, which is a basic and typical goal of planning and development.

As illustrated in Attachment III of the Comprehensive Plan Amendment Application concurrently submitted herewith, this proposal, affecting 1.57 acres of land, located adjacent to existing C-2 zoning, will have virtually no effect on the area. Approval of this request will only serve to eliminate non-conforming uses which presently exist, to assign a single zoning designation to all property under common ownership, and to permit the expected and anticipated growth and expansion of the telephone and cable television businesses within the proper zoning designation. Since it is the applicant's intent to cooperate with the City, and to achieve compatibility and compliance with the City's Land Development and Planning Ordinance, the applicant respectfully requests that this application for a zone change of the subject property, from R-2 to C-2, be approved.

**- STAFF REPORT -**



**APPLICANT**

N. Willamette Telecom  
P.O. Box 850  
Canby, OR 97013

**FILE NO.:**

CUP 94-02

**OWNER:**

N. Willamette Telecom

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lot 900 of  
Tax Map 3-1E-33DC

**DATE OF REPORT:**

February 4, 1994

**LOCATION:**

Northeast corner of the intersection  
S.E. 2nd and S. Juniper St.

**DATE OF HEARING:**

February 14, 1994

**COMP. PLAN DESIG.:**

Highway Commercial

**ZONING DESIGNATION:**

C-2 (Highway Commercial)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of a Conditional Use application to enclose a portion of an existing three-sided structure to be used for warehousing and covered vehicular parking.

182 N. Holly, P.O. Box 930, Canby, Oregon 97013, (503) 266-4021

## **II. APPLICABLE REGULATIONS**

- **City of Canby General Ordinances:**
  - 16.28 C-2 Highway Commercial Zone
  - 16.50 Conditional Uses
  - 16.88 General Standards
  
- **City of Canby Comprehensive Plan:**
  - I. Citizen Involvement
  - II. Urban Growth
  - III. Land Use
  - IV. Environmental Concerns
  - V. Transportation
  - VI. Public Facilities and Services
  - VII. Economics
  - VIII. Housing
  - IX. Energy

## **III. MAJOR APPROVAL CRITERIA**

### **16.50.010 Authorization to Grant or Deny Conditional Uses**

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.



- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

#### **IV. FINDINGS:**

##### **A. Background and Relationships:**

There is an existing three-sided structure that had formerly been used for lumber storage. The opening faces east, away from S. Juniper Street. S.E. 2nd Avenue is to the south and Hoffman's Video is located on the north side. The proposal is to enclose half of the structure for warehouse purposes and use the remaining open half for covered vehicular parking. The new uses are proposed to serve as accessory facilities to the operation of the cable television business, North Willamette Telecom.

##### **B. Comprehensive Plan Consistency Analysis**

###### ***i. Citizen Involvement***

- **GOAL: TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS.**

###### **ANALYSIS**

The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement.

###### ***ii. Urban Growth***

- **GOAL: 1) TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.**
- 2) TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITH IN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.**

Policy #3: Canby shall discourage the urban development of properties until they have been annexed to the city and provided with all necessary urban services.

### ANALYSIS

The project is entirely within the City limits and within the Urban Growth Boundary. It fully meets the intent of Canby goals and policies regarding the Comprehensive Plan Urban Growth Chapter.

#### *iii. Land Use Element*

■ **GOAL:** *TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.*

Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.

Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

### ANALYSIS

The proposal is to change the use of an existing structure from outdoor covered parking to an enclosed storage structure (warehouse and or utility storage and service yard) and covered parking. The structure and use is accessory to the main operations of North Willamette Telecom on an adjacent lot across S. Juniper Street.

The property is located in the Highway Commercial (C-2) zone. North Willamette Telecom is a Cable TV service provider and is therefore considered to be a utility service provider. The proposed use, warehouse or utility storage and service yard, is permitted outright in the Light Industrial (M-1) zone, which in turn is permitted conditionally in the Highway Commercial (C-2) zone. The existing building meets the 10-foot setback requirement for the southern property line. Land to the south of S.E. 2nd Avenue is zoned High Density Residential (R-2).

The surrounding uses include an apartment complex to the east, a commercial video rental store to the north, North Willamette Telecom - the applicant - to the west, and Canby Telephone Association, another utility provider, to the south. The proposed changes will mostly affect the apartments to the east. The current structure is open to the east toward the apartments. The storefront of Hoffman's Video is faced to the north, away from the subject property. To the south, Canby Telephone Association has a similar use. The back of the building is facing the west and the proposed changes will not have any noticeable affect on properties to the west. The proposed changes will not change the appearance of the use of the property. The warehouse/storage will occur inside a to-be-enclosed portion of the existing building. The remaining part of the building, the eastern portion, will still be used for covered vehicle parking.

The area that is proposed to be used for vehicle parking and maneuvering is currently graveled. The area that will need to be paved is approximately 5500 square feet. This decrease in the pervious area of the lot is well in excess of the 2500 foot minimum requirement for Site and Design Review. Thus, Site and Design Review will be necessary for the use proposed.

*iv.*     **ENVIRONMENTAL CONCERNS**

- **GOAL:**     **1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.**
- 2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.**

Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.

Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.

Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.

Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.

Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.

### ANALYSIS

On-site disposal of storm water will be required. State and Local Code requirements regarding air, water, and noise pollution will be required of the development and construction. State laws and local regulations will require development to meet standards to prevent air, water, land and noise pollution. The proposal will have minimal affect on the open space. There are no known hazards on the site.

#### *v.* **TRANSPORTATION**

■ **GOAL:** *TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.*

Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.

## ANALYSIS

Sidewalks exist for the subject property's S.E. 2nd Avenue street frontage and a small portion of the S. Juniper Street frontage. A 5-foot sidewalk will need to be constructed in the section between the intersection of S. Juniper and S.E. 2nd and the existing sidewalk on S. Juniper. The existing sidewalk is 5-feet, including the curb. A 4-foot sidewalk is the minimum requirement for property in the C-2 zone where it is not along Highway 99-E or have on-street angled parking. There is currently a handicap curb cut for the sidewalk at the intersection of 2nd and Juniper. A door is proposed for the northern portion of the enclosed part of the structure. A walkway between the door and the gate in the northern fence will also need to be constructed.

A walkway between the door and the sidewalk would seem to be desirable. However, there is a gate between the existing structure on the subject property and the Hoffman Video building to the north. The majority of the gate appears to be on the lot to the north, and control of access through the gate is unknown at this time.

### *vi. PUBLIC FACILITIES AND SERVICES*

■ **GOAL:** *TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.*

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

## ANALYSIS

The proposed changes will not necessitate changes in the location or provision of public utilities.

*vii. ECONOMIC*

- **GOAL:** **TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.**  
*(Not applicable.)*

*viii. HOUSING*

- **GOAL:** **TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY.**  
*(Not applicable.)*

*ix. ENERGY CONSERVATION*

- **GOAL:** **TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES.**  
*(Not applicable.)*

**Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:**

Based upon the above described analysis, the proposal is consistent with or can, with conditions, be made consistent with the policies of the Comprehensive Plan.

**C. *Evaluation Regarding Conditional Use Approval Criteria***

**1. Comprehensive Plan Consistency**

The previous discussion determined the proposal's relation to Comprehensive Plan consistency. The conversion of the existing structure for use as a warehouse and covered parking structure is found to be consistent with the policies of the Comprehensive Plan.

**2. Site Suitability**

The site is generally flat, and is large enough to accommodate the proposed use and building with the appropriate setbacks.

3. **Availability of Public Services and Facilities for the Site**

Utility and public safety facilities and services are available in adequate capacity to serve the proposed use.

4. **Compatibility with Surrounding Uses**

The change in the use of the existing structure will not adversely affect the uses' compatibility with surrounding uses. Specifically, the proposed change will not affect the appearance or function of the property. There are no changes proposed to the current lighting of the subject property. Currently, there are two lights on the north and south end of the east side of the structure.

**IV. CONCLUSION**

Based on the above analysis, and without benefit of a public hearing, staff concludes that, with appropriate conditions:

1. The proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;
2. The characteristics of the site are suitable for the proposed use;
3. That all required public facilities and services exist to adequately meet the needs of the existing structure and proposed use, and that no significant increase in demand for public facilities and service will result; and,
4. The proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed.

**V. RECOMMENDATION:**

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve CUP 94-02 with the following conditions:

1. Paving of the vehicle parking and maneuvering area is required. As a result, a Site and Design Review Application is required and shall be submitted and approved prior to the issuance of a building permit.

3. A sidewalk and 6" curb shall be constructed from the existing driveway along S. Juniper Street, at the northern end of the subject property, to the existing sidewalk and curb at the intersection of S. Juniper and S.E. 2nd. The sidewalk shall match the width of the existing sidewalks and shall be approved by the Canby Public Works Department.
4. A walkway shall be constructed between the northern doorway in the enclosed portion of the existing structure and the gate in the northern fence.

**Exhibits:**

1. Application for Conditional Use
2. Site Plan *[too large to reproduce]*



CONDITIONAL USE APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name N. Willamette Telecom
Address P.O. Box 850
City Canby State OR Zip 97013
SIGNATURE Eugene L Cole Phone: (503)266-8383

DESCRIPTION OF PROPERTY: See Attachment IV

Tax Map Philander Lee #56 Tax Lot(s) 900 Lot Size .316 ac./13,775 sq. ft. (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy) See Attachment I
Plat Name Lot Block

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2 x 11 sheet of labels, just as you would address an envelope. See Attachment V

USE

Existing Fenced covered vehicle parking
Proposed SEE attachment II - Site Plan

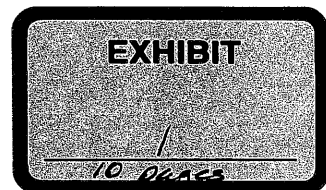
Existing Structures Three-sided, open structure, with cover

PROJECT DESCRIPTION
SEE ATTACHMENT III

Blank lines for project description details.

ZONING C-2 COMPREHENSIVE PLAN DESIGNATION Highway Commercial
PREVIOUS ACTION (if any)

File No.
Receipt No.
Received by
Date Received
Completeness Date
Pre-App Meeting
Hearing Date



\* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.

**ATTACHMENT I**  
**CONDITIONAL USE APPLICATION**  
**NORTH WILLAMETTE TELECOM**  
**LEGAL DESCRIPTION/PROOF OF OWNERSHIP**

100  
8/21/91

Until further notice all tax statements  
should be sent to the following:  
North Willamette Telecom, Inc.  
P. O. Box 850  
Canby, Or. 97013

MEMORANDUM OF CONTRACT OF SALE

DATED: May 15, 1991  
BETWEEN: HUGH HARPER and EVELYN I. HARPER, husband and wife  
AND: NORTH WILLAMETTE TELECOM, INC., an Oregon corporation

CHICAGO TITLE INSURANCE COMPANY C-82100

Pursuant to a contract of sale dated May 15, 1991,  
SELLER sold to PURCHASER the following described real property  
located in Clackamas County, Oregon:

Lots 7 and 8, and the West one-half of Lot 9, Block 2, ALBERT  
LEE'S ADDITION TO THE CITY OF CANBY, Clackamas County, Oregon.  
EXCEPTING therefrom the Northerly 5 feet conveyed to Gerald T.  
Hoffman, et ux, by Deed recorded under Recorder's Fee No. 85-  
37688.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN  
THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND  
REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE  
PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE  
APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED  
USES.

The true and actual consideration for this conveyance of real  
property stated in dollars is the sum of \$135,000.00.

Hugh Harper  
HUGH HARPER - Seller

NORTH WILLAMETTE TELECOM, INC.  
Purchaser

Evelyn I. Harper  
EVELYN I. HARPER - Seller

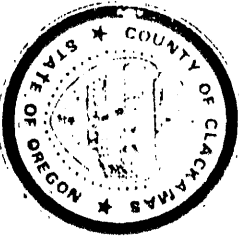
By: Vernon Hepler  
Vernon Hepler, Chairman of  
the Board

By: Donald L. Peterson  
Donald L. Peterson,  
Secretary

2

STATE OF OREGON  
County of Clackamas  
I, John F. Kaufman, County Clerk for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

91 MAY 20 AM 8:30



Witness my hand and seal of office  
John F. Kaufman  
Recording Clerk  
COUNTY OF CLACKAMAS  
CORVALLIS, OREGON

91 23036

After recording, return to:  
North Willamette Telecom, Inc.  
P. O. Box 850  
Canby, OR 97013

NOTARY PUBLIC FOR OREGON  
My commission expires: 11-30-91

Before me personally appeared Vernon Hepler, Chairman of the Board, and Donald L. Peterson, Secretary of North Willamette Telecom, Inc., an Oregon Corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

STATE OF OREGON )  
County of Clackamas )  
ss. )  
May 15, 1991

NOTARY PUBLIC FOR OREGON  
My commission expires: 11-30-91

Before me personally appeared Hugh Harper and Evelyn I. Harper and acknowledged the foregoing instrument to be their voluntary act and deed.

STATE OF OREGON )  
County of Clackamas )  
ss. )  
May 13, 1991

ATTACHMENT III  
CONDITIONAL USE APPLICATION  
NORTH WILLAMETTE TELECOM  
PROJECT DESCRIPTION - NARRATIVE

CONDITIONAL USE APPLICATION

ATTACHMENT III.

PROJECT DESCRIPTION - NARRATIVE

**I. APPLICANT'S REQUEST:**

The applicant is requesting the approval of a Conditional Use Permit for the alteration of the existing structure and a change in use of the .316 acre property located at 203 South Second Street.

**II. DESCRIPTION OF THE PROJECT:**

The applicant is proposing to alter the existing three-sided, covered structure by constructing a partitioning wall through the middle of the open structure, enclosing approximately one-half of the floor area, with the remaining one-half to be left as an open, covered vehicle parking area.

The applicant is further proposing to change the use of the structure, formerly a lumber storage area, to an enclosed warehouse facility and covered vehicle parking area to serve as accessory facilities to the operation of the cable television business, North Willamette Telecom.

**III. APPLICABLE CRITERIA:**

Chapter 16.50 of the Canby Land Use and Development Ordinance provides that the Planning Commission, in judging whether a conditional use permit shall be approved or denied, "shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City;
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features;
- C. All required public facilities and services exist to adequately meet the needs of the proposed development;
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone. (Ord. 740 § 10.3.74(A), 1984)"

#### IV.

#### DISCUSSION

Chapter 16.28.010 of the Canby Land Development and Planning Ordinance provides that the proposal to alter the existing structure for use as a parking lot or parking structure is a "use permitted outright" in the C-1 and C-2 zones. Therefore, the proposal to alter the existing structure for use as an enclosed warehouse facility is specifically listed as a Conditional use in the C-2 zone, and is therefore the subject of this request. To convert the existing three-sided, covered structure to an enclosed warehouse would constitute an accessory use on an adjacent lot under common ownership. Such an improvement, together with any conditions imposed by the Planning Commission regarding exterior lighting, landscaping, construction of sidewalks, etc., would improve the site aesthetically, while having no effect on other policies of the Comprehensive Plan or the City. Therefore, Criteria A, above, has been met, or can be met by observance of conditions.

The characteristics of the site are suitable for the proposed use, since the structure already exists. As illustrated in Attachment II, the site plan of the subject property does not propose to enlarge or add height to the existing structure. Therefore, Criteria B, above, has been met.

All required public facilities and services either exist, or will be constructed concurrently with the structural alteration, to meet the needs of the proposed development. therefore, Criteria C, above, has been met, or can be met by observance of conditions.

The proposal, to partition and partially enclose the existing open, covered structure will not alter the character of the surrounding areas in any manner which would substantially limit or preclude the use of surrounding properties for the uses listed as permitted in the zone. Criteria D, above, would more likely apply to proposals for new development which involve vacant parcels of land. The property subject to this Conditional Use Permit, and surrounding properties, contain existing structures and uses. To partition this existing structure and improve the site aesthetically will only alter the character of surrounding properties in a positive way. No effect on surrounding structures or uses is apparent. Therefore, given the minimal exterior impact on the property as proposed, it would appear that this criteria does not apply.

V.

## CONCLUSION

The proposal to improve the existing open structure by constructing a partitioning wall, and enclosing a portion of the structure to be used as a warehouse facility and covered vehicle parking structure is subject to approval of a Conditional Use Permit, in accordance with the provisions of the Land Development and Planning Ordinance. Because this Ordinance provides that a warehouse is a conditional use in the C-2 zone, it can be assumed that such a proposal, if it meets the applicable criteria, and in addition, enhances the existing aesthetics of an area without adversely impacting the surrounding area, will be approved. Therefore, given the special circumstances of this proposal, to enclose and enhance an existing open structure, with minimal impact on the surrounding area, and construction of public facilities and services in compliance with the Canby Comprehensive Plan and Land Development and Planning Ordinance, it is respectfully requested that the Conditional Use Permit for the warehouse to be located at 203 South Second Street be approved.



ATTACHMENT IV  
CONDITIONAL USE APPLICATION  
NORTH WILLAMETTE TELECOM  
TAX MAP INDICATING TAX LOT INVOLVED

D.L.C.  
PHILANDER LEE NO. 56

SW 1/4 SE 1/4 SEC. 33 T.3S. R.1E. W.M.

CLACKAMAS COUNTY

3 1E 33DC  
CANBY

1"=100'

SEE MAP 3 1E 33DB

CANCELLED T.C.S.

- 9800
- 6400
- 6800
- 4800
- 4900
- 4301
- 4401
- 6800
- 6801
- 6900
- 7000
- 7100
- 2501
- 6000E1
- 401
- 3901
- 4001
- 4101
- 4201
- 2801
- 4300
- 4601
- 6506
- 3701
- 3502
- 3201
- 3504
- 3800
- 5002
- 3792
- 300
- 7400S1
- 4300

86-02

SEE MAP 3 1E 33DB

SEE MAP 3 1E 33DC  
SUPPLEMENTAL #2



SEE MAP 3 1E 33DC



