

Canby City Council
Regular Meeting
January 18, 1978

Present: Mayor Rapp, Councilmen Westcott, Swayze, Taylor, Giger, Nichols, and Knight

Others Present: Administrator Wyman, City Attorney Bettis, City Treasurer Weston, Ken Ferguson, Public Works Director, Eldon Edwards, Planning Consultant, Elizabeth Salt, Library Chairman, Beryl Brown, Library Board Member, Al Schwartz, Canby Herald, Duane Weeks, Canby Realty, Tom Dillon, Canby Herald, Red Shepard, Canby Realty, Dave Bury, Lewis Shull, and others.

The meeting was called to order at 7:31 p.m. followed by the traditional flag salute.

Mayor then called for additions or corrections to the minutes of January 4 and 9, 1978. Councilman Knight noted in the minutes of January 9, 1978, page 1, paragraph 3, line 2, should read; "Councilman Nichols moved that." Councilman Taylor then moved the minutes be approved as corrected, seconded by Councilman Swayze. The motion passed unanimously.

Mayor then called for citizens input on non-agenda items at which time there were none.

Next was a letter from SAFECO Insurance in reference to a Deed of One Foot Strip to the City by Otto Popp. Discussion followed. Councilman Nichols moved to accept the deed of recording upon notification that the Title Insurance Report is furnished to the City, at no cost to the City, and to the satisfaction of the City Attorney, seconded by Councilman Giger. The motion was passed unanimously.

Next was a letter from Chehalem Park and Recreation notifying the Canby City Council of a workshop in Newberg on Saturday, January 21, 1978. Mayor stated if someone would like to attend they should contact Mr. Wyman. No further action was needed.

Administrator Wyman then read an acknowledgement from Senator Mark Hatfield on the Molalla Dam. No action was called for at this time.

Next was a thank you from the family of Carl Raines which Administrator Wyman read to the Council.

Next was Liquor License Renewal Application from the American Legion. Councilman Giger moved to approve the Liquor License Renewal Application from the American Legion, seconded by Councilman Taylor. The motion was passed with Councilman Westcott voting no.

Next was a letter from the City Attorney in reference to the parking lot behind the Graham Building. Discussion followed. This matter will be held over for a workshop in February.

Next on the agenda was the Accounts Payable. Councilman Giger moved the Accounts Payable be approved for pay in the amount of \$18,500.16, seconded by Councilman Swayze. The motion passed by roll call vote with 6 ayes and 0 nays.

The meeting was then recessed for five minutes at 7:56 p.m.

January 18, 1978

The Public Hearing on the Supplemental Budget for the Library was opened by the Mayor at 8:01 p.m. Administrator Wyman read the Supplemental Budget to the Council. Mayor Rapp then called for proponents at which time there were none. Mayor then called for opponents and there were none. Mayor Rapp asked if there was anyone who would like to speak concerning the Supplemental Budget for the Library and there were none. Mayor Rapp adjourned the Public Hearing on the Supplemental Budget for the Library.

Councilman Taylor moved that the Supplemental Budget for the Library be accepted as presented, seconded by Councilman Giger. Discussion followed. The motion was passed unanimously.

Resolution No. 236 was then read to the Council in its entirety by the City Attorney. Councilman Westcott moved that Resolution No. 236; A RESOLUTION ADOPTING A THIRD SUPPLEMENTAL BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING FUNDS ALLOCATED TO THE CITY FROM THE CLACKAMAS COUNTY SPECIAL LIBRARY TAX LEVY, be adopted as read by the City Attorney, seconded by Councilman Swayze. The motion passed unanimously. A copy of Resolution No. 236 will be attached to these minutes.

Councilman Swayze was then excused to leave at 8:12 p.m.

Mayor Rapp then opened the Public Hearing on the Zone Change from R-2 to C-1 at 8:13 p.m.

Councilman Nichols declared a possible conflict of interest due to his being a broker for Canby Realty. Mayor Rapp accepted Councilman Nichol's request and stated he would not be able to vote on this matter.

Eldon Edwards, Planning Consultant, gave the summarization for the staff as called for by the Mayor. Mayor Rapp then called for the applicant to speak at which time Duane Weeks of Canby Realty, representing Tom Dillon, spoke concerning the Zone Change. Mayor then called for proponents at which time there were none. Mayor then called for opponents. There being none, the Mayor asked if anyone would like to speak concerning the Zone Change. There were none. The Public Hearing on the Zone Change was closed at 8:35 p.m. by the Mayor.

Councilman Westcott then requested that the staff confirm the notification sent to E.R. Miller of the Canby Elementary School Board as he had requested. While Mr. Ferguson left to confirm the notification, it was stated that all information concerning the Zone Change in question, will be attached to these minutes. Discussion followed. It was confirmed by Mr. Ferguson proper notification was sent to Mr. Miller, by letter and also by telephone. A copy of the notification will be attached to these minutes. Councilman Giger moved that the proposed Zone Change on the application of Blue Mountain Eagle, Inc., DBA Canby Herald from R-2 to C-1 conforms to the Comprehensive Plan, the changes justified by a public need in that the local news media needs the room to justly serve the area in which their circulation is now a problem and will serve the public need better than other available property because it is centrally located and easily accessible, and I therefore move approval of the proposed zone change and to accept and ratify the staff report to be accepted and filed as a part of the City's consideration and that the City Attorney prepare the necessary Ordinance to affect the change, seconded by Councilman Knight. The motion was passed unanimously after a brief discussion.

January 18, 1978

Canby City Council
Regular Meeting
January 18, 1978
Page III

Next on the agenda was the discussion of the Enforcement of State Mechanical Specialty Code. Administrator Wyman read a letter from Robert Godon, Building Inspector in reference to the State Mechanical Specialty Code. No action was needed at this time.

Administrator Wyman then read a letter from DEQ in reference to the City's use of the landfill (known as the "pole yard") off N.W. 3rd Avenue. Discussion followed with no further action being taken at this time.

Next on the agenda was the Committee Appointments which will be held over until a full Council is present.

Councilman Knight moved that there be instituted a process whereby a copy of all outbound correspondence from the various departments, except confidential, be compiled in a weekly file to be maintained and retained in the City Hall, for review by the Mayor, City Councilmen, and Department Heads, for their review of current correspondence so they may be more recordly knowledgable in this area, and that this be included in the Book of Policy, seconded by Councilman Nichols. Discussion followed. Councilman Giger moved to table action until the next meeting, seconded by Councilman Westcott. The motion passed with Councilman Knight voting no.

Councilman Westcott then made comments on a letter from the Oregon State Highway Division in reference to the proposed traffic signal on Berg Avenue at Pacific Highway, East Canby, Clackamas County, Oregon.

Mayor Rapp then reminded Council of the Executive Session with Tom Cromwell, Monday, January 23, 1978 at Grand Central Station, at 6:00 p.m. and the Executive Session with Ken Ferguson, Wednesday, January 25, 1978, at 6:00 p.m. at the Bridgekeeper Inn.

The meeting adjourned at 9:18 p.m.

x Robert E. Rapp
Robert E. Rapp, Mayor

Harold A. Wyman
Harold A. Wyman, City Administrator

January 18, 1978

PUBLIC NOTICE

The City of Canby, Oregon will hold a Public Hearing at 8:00 P.M. on Wednesday, January 18, 1978 at City Hall in the Council Chamber on the following:

Supplemental Library Budget

Receipts		\$22,403
	TOTAL	<u>\$22,403</u>

Expenditures

Personal Services:

Salaries	\$ 9,000
Janitor Services	<u>1,200</u>

TOTAL	\$10,200
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Material & Services:

Books

McNaughton	\$ 2,000
Reference	1,000
Technical Books	500
Adult Books	1,600
Junior Books	1,500
Pre-School Books	1,500
Pre-School Record Program, including Cabinet and Record Player	1,000
Historical Project	1,000
Book Charging Machine Rental	150
Supplies, including borrowers' applications and borrowers' cards	<u>353</u>

TOTAL	\$10,603
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Capital Outlay:

Display Case	\$ 650
Stacks	600
Book Repair Desk	250
Newspaper Table	<u>100</u>

TOTAL	\$ 1,600
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TOTAL	\$22,403
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Publish December 28, 1977
&
January 4, 1978

RESOLUTION NO. CCXXXVI (236)

A RESOLUTION ADOPTING A THIRD SUPPLEMENTAL BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING FUNDS ALLOCATED TO THE CITY FROM THE CLACKAMAS COUNTY SPECIAL LIBRARY TAX LEVY.

WHEREAS, the City of Canby budget for the 1977-78 fiscal year was approved by the voters of said City at a budget and tax levy election on June 22, 1977; and

WHEREAS, a supplemental budget was adopted by the Canby City Council after public hearing on August 3, 1977, and a second supplemental budget was adopted by Resolution No. CCXXXIV (234) on November 16, 1977, after a public hearing on the same date; and

WHEREAS, the City has now received \$22,403 from Clackamas County Special Library Tax Levy for the City's public library and library budget, and that money was not included in either the City's budget or supplemental budget for the current fiscal tax year; and

WHEREAS, a public hearing on this proposed third supplemental budget for library purposes was duly and regularly called and held in and for the City of Canby at 8:00 o'clock p.m. on Wednesday, January 18, 1978, at the Council Chambers at the Canby City Hall after proper notice of such hearing was first given in the manner and for the time required by law; and

WHEREAS, the proposed third supplemental budget for library purposes as hereinafter set forth was considered by the Council and publicly discussed, and there were no objections or remonstrances; now, therefore, it is hereby

RESOLVED that:

Section 1: The following third supplemental budget for library purposes for the City of Canby for the 1977-78 fiscal tax year is hereby adopted, and the resources as shown are hereby appropriated for expenditure for the purposes as shown in said supplemental budget:

THIRD SUPPLEMENTAL BUDGET FOR LIBRARY PURPOSES

Resource:

Receipts of Clackamas County Special Library Tax Levy. . . . \$22,403.00

Expenditures:

Personnel Services:

Salaries	\$ 9,000.00
Janitor Services	<u>1,200.00</u>
Total.	\$10,200.00

Materials & Services:

Books:

McNaughton	\$ 2,000.00
Reference.	1,000.00
Technical Books.	500.00
Adult Books.	1,600.00
Junior Books	1,500.00
Pre-School Books	1,500.00
Pre-School Record Program, including	
Cabinet and Record Player.	1,000.00
Historical Project	1,000.00
Book Charging Machine Rental	150.00
Supplies, including borrowers'	
applications and borrowers' cards	<u>353.00</u>
Total.	\$10,603.00

Capital Outlay:

Display Case	\$ 650.00
Stacks	600.00
Book Repair Desk	250.00
Newspaper Table.	<u>100.00</u>
Total.	\$ 1,600.00

Total Expenditures. \$22,403.00

Voter approval is not required for either a tax levy or this third supplemental budget inasmuch as the only funds now involved are funds allocated to the City by the County from the County's Special Library Tax Levy.

Adopted by the Canby City Council at a regular meeting thereof January 18, 1978.


ROBT. E. RAPP - Mayor

ATTEST:


HAROLD A. WYMAN - City Recorder

Mr. Harold A. Wyman
Canby City Council
Canby City Hall
182 N. Holly
Canby, OR 97013

SUMMARY OF PLANNING COMMISSION MEETING OF JANUARY 11, 1978.

Chairman Ross opened the meeting with the reading and approval of the minutes from the December 14, 1977 meeting.

Public Hearing for a Variance Request by applicant Mr. & Mrs. Calvin Behrens. The request is to allow two units more than the Canby Zoning Ordinance's square footage requirements would allow, because of street dedications. Proponents were Mr. & Mrs. Behrens. There were two opponents. RESULT: Motion Carried three to two, with the following conditions:

- 1) Existing single family residential unit be removed
- 2) Minor Land Partition be recorded
- 3) Proposed units be single story

Public Hearing for a Variance Request by applicant Robert H. Thorson. The request is to allow one unit more than the Canby Zoning Ordinance would allow. Proponent was Mr. Robert H. Thorson. There were three opponents. RESULT: Application denied five to zero.

BLUE MOUNTAIN EAGLE, INC. DBA: The Canby Herald, 241 N. Grant St., Canby, Oregon 266-2211
Applicant's Name, Address and Phone No.

Duane L. Weeks, 3185 No. Holly, Canby, Oregon 266-2711 Work, 266-3632 Home
Deed Holder's Name, Address and Phone No.

351 N.W. 4th Ave., Canby aka: Lots 9 & 10 Block 15, Canby Addition
Street Location

TL 6400, T3S, R1E, Sec 33CB
Tax Lot No., Township, Range, Section or DLC or Plat

11,500 SF
Area: Square Feet or Acreage

R-2
Existing Zone

Residential Rental
Existing Use

ZONE CHANGE AND CONDITIONAL USES

Signature of Applicant (If other than deed holder, attach a letter of authorization.)

It is the applicant's responsibility to attach a letter proving that the proposal:

- 1. Conforms to the Comprehensive Plan.
- 2. Is justified by a public need for the change.
- 3. Will serve the public need better than other available property.
- 4. Will preserve and protect the health, safety and general welfare of the residents in the area.

VARIANCE

Attach a letter that explains the variance request and includes the following:

- 1. The exceptional conditions which apply to this property that do not apply to other properties in the area as a result of lot size or shape, topography, or other circumstances over which the applicant has no control.
- 2. The necessity of the variance for the preservation of a property right, the same as is possessed by other property owners in the zone.
- 3. How the variance shall not be materially detrimental to any city plan, policy, or to other properties.
- 4. How the variance requested is the minimum which will alleviate hardship.

DESIGN REVIEW BOARD

Attach a letter explaining the proposed development.

Designer's Name, Address and Phone No.

SUBDIVISION

Total Acreage & No. of Lots

Amount of Adjacent Acreage Owned

Engineer's or Surveyor's Name, Address and Phone No.

Its permeability is well developed to excessive in some case. The soil has been classified by the SCS as a Class 1 soil for agricultural production. This point will be discussed later within this report. Reviewing the "OR" for the soil illustrates limited soil problems in the development of the property.

Geology

The report entitled Geology of Portland, Oregon and adjacent areas-geological survey bulletin 1119, illustrates that the subject property is a lacustrine deposit which is a lake deposit. Considering the property's location there are no known geological problems for the development.

Drainage

Reviewing the property on site as well as what reports and information are available, no known drainage or storm drainage problems are apparent on this property. As a result, storm drainage is not a problem.

Vegetation

The vegetation on this property is mainly limited to pasture type grasses and other domestic plantings of shrubs and berries, it does not have any unique or special vegetative characteristics. As a result, this is not a problem for development.

EXISTING CONDITIONS IN THE AREA

It is necessary in the consideration of this application to analyze existing conditions and facilities to the property. The service, or proposed service, of several public facilities to this property are herein discussed.

Sanitary Sewers

The property is currently served by sanitary sewers of the city of Canby sewer system the nearest sewer line is in the alley behind the property between Grant Street and Fir Street.

Domestic Water

Maps within the City Hall illustrate that this property is served by water main which is a part of the city of Canby water system. As a result, this property is adequately served by domestic water supplies and water does not provide any problem for the property development.

Streets and Roads

The property is well served by a street which is N. W. 4th Avenue and is a part of the grid of the streets of downtown. This property is 100 foot west of the intersection of North Grant and N. W. 4th Avenue. N. W. 4th is a normal city street which runs generally east and west from its intersection with North Grant and does provide access to the north edge of the property. North Grant is a major carrier street in Canby and is a 100 foot east of the subject property. There is a standard city alley which provides facilities and utility access to the rear of the lot and this lot access will continue as it is a part of the platting of the Canby Addition.

Noise Problems

This property is located 2 blocks north of the very core of Canby and 100 foot west of the main arterial of North Grant and is across the street from the Knight Elementary School. Noise is not a great problem as the traffic goes past this site, is not fast nor are there any large vehicles generally passing the subject property. At the time that school starts in the morning and lets out in the afternoon there are the buses from the Knight School and the Eccles School which pass the property. Also during recess periods the children are out on the playground which is approximately 1 block north of the subject property.

Development Trends In Recent Past

This area has been developed for quite some time, most of the homes have been built in the 1920's and 30's and have been used as residences when Canby was of a smaller size. Currently the commercial area has been expanding in this direction and there has been 3 doctors offices built in the last few years across the alley toward town from the subject property. Also the lot adjacent, and to the east of the subject property had a home removed and at one time was to be developed commercially for a Savings and Loan Bank this plan was not consummated and the lot currently being zoned commercial has been sold for a commercial use which is associated with this property and both properties will be considered for the commercial use that has been mentioned just before.

COMPREHENSIVE PLAN CONSIDERATIONS

There are three governmental agencies with comprehensive plans which effect the manner in which this property can be used. These 3 agencies are: City of Canby, Columbia Region Association (CRAG), and the Oregon State Land Conservation and Development Commission (LCDC). Each of these comprehensive plans, or goals and guidelines statements, will be discussed to illustrate how the applied for rezone application from multiple residential to commercial is in conformance with the comprehensive plan and should therefore be approved.

City of Canby

The city of Canby has an Interim Developmental Plan which is a comprehensive plan to guide the growth within the city. The plan is a set of general policy statements with a map showing spatial distribution of land uses throughout the city of Canby planning area. The comprehensive plan map illustrates that this property should be developed for a commercial use. In fact, the text of the plan states that the property on the southside of N. W. 4th Avenue should be included with the commercial property that has been zoned such for a considerable period of time, this rezone request is in conformance with the city of Canby's comprehensive plan and should therefore be approved.

Columbia Region Association of Governments (CRAG)

CRAG, as it is well known, has an impact upon development within the Portland Metropolitan Area. This impact at this time is basically limited to development or guiding development within and without an area that has been described as the urban or urban areas of the Portland Metropolitan Area. Within the report entitled "Land Use Framework Element-Of The CRAG Regional Plan" which was adopted on December 22, 1976, this property has been included within Canby's Urban Area and as a result, should be developed for urban uses. The uses to which it should be developed are those which are delineated within the City's comprehensive plan. Since those uses are ~~COMMERCIAL~~ uses, this illustrates that the request is in conformance, not only with the City's plan, but also CRAG's.

Oregon State Land Conservation & Development Commission (LCDC)

LCDC has developed 19 guidelines for development within the State of Oregon which is applicable to every jurisdiction. The emphasis of these guidelines are basically towards drafting a comprehensive plan since this application is a rezone and not an amendment to a plan. These goals and guidelines are not strictly applicable. However, several of them might be construed to be applicable and will therefore be discussed.

Goal 3- Agricultural Lands: LCDC edicts that soils of a Class 1 through 1V shall be retained for agricultural uses. However, this limitation or restriction is applicable to those areas which have been denoted as either Rural or Natural Resources within either the County, City or Regional comprehensive plan. Since this application is within an urban area, these guidelines and restrictions against using Class 1 soils, even though this soil is Class 1, is not restricted from development by LCDC. In fact, it is implicitly recognized within LCDC's Goals and Guidelines that in urban areas agricultural soils will have to be developed to accommodate the needed expansion and development of the urban area.

GOAL 9 - ECONOMY OF THE STATE: This LCDC Goal recognizes there is a need for diversity of location for industrial and commercial activities and that in so doing, this will improve the economy of the State. Since this is within an urban area, and since the application is in conformance with the City's plan, so allowing this application, and then the resultant development upon the property, this will, of course, improve the economy of the area as well as the state.

GOAL 10 - HOUSING: It is implicit within this goal that housing be provided in areas that are good living environment which will meet a housing need for the present and future residents of the area. Testing this goal against the location and limiting factors for this property, it is seen that if this property is forced remain in its current zone, which is multiple residential, it will not produce a good living environment because of its adjacent location to commercial, as there are no natural barriers between commercial and multiple residential zoning at this particular site. There normally should be a barrier such as a street or other natural geographic phenomena. In fact, it would be counter to the guidelines of LCDC to require that this property stay multiple residential, because it would not produce a good living environment and, the city's comprehensive plan illustrates that the property should have a use other than multiple residential. This application should, therefore, be approved.

GOAL 14 - URBANIZATION: The main emphasis of this goal is to provide sufficient land in an urban area to accommodate long range needs. This has been accomplished by both the city of Canby and CRAG, as a result, this piece of property and this application is in conformance with this goal of LCDC.

Conclusion

Upon review of all the applicable comprehensive plans to this subject property, it is seen that this application is in conformance with plans. Since this requirement is one of the primary requirements within the Fasano, this application should therefore be approved.

PUBLIC NEED AND BENEFIT CONSIDERATIONS

Much of the public need and benefit considerations have been illustrated by the discussion of the City of Canby's comprehensive plans as well as those of CRAG and LCDC. As stated previously, these plans point out that this property should be developed as commercial property. Since the prime purpose of the comprehensive plan is to enunciate public policies to meet present and future needs of the public, and since this application is in strict conformance with the comprehensive plan, the city, by the adoption of the comprehensive interim development plan, as indicated there is a public need for this

application at this location. This articulation within the comprehensive plan is, of course, not the only statement of public need and benefit for this facility, or that the public will be benefited by the development of the commercial use. Other examples of public need are noted below.

Population

The Center For Population Research and Census at Portland State University within a report intitled: "Population Projections - Oregon Administrative District No. 2, March 1973" points out that the Canby corporate area in 1970 had 3,813 people, and that the City's population is expected to increase to approximately 11,200 by the year 2000 which is almost tripling the 1970 population. If this is to occur, it is in the public's interest to not have all these new residents be commuters from Canby to some other place of employment, thereby leaving Canby as a bedroom community. It is to the City's benefit to retain and provide locations for employment within the City of Canby. That is precisely the purpose of this application. This application to a commercial use enlarges the employment of the business requesting the zone change and, thus would provide more employment for local people so that they would be less dependent upon traveling out of Canby for jobs. This would help reduce energy consumption because they would not have to travel so far for adequate employment. People who live in the Canby area would be able to work in Canby area.

As stated previously, it is in the public's interest for this land to be used for commercial purpose since it is contiguous to commercial zone on two sides of the property at the current time and since there is no natural or manmade barrier between the multiple and commercial zones.

Revenue To The City And School District

Upon rezone, this property would have a higher appraised value or value per square foot than what it has in its existing zone. There would be an increase in the tax revenue to the City. Also, the rezone would add a more intensive use which would generate more dollars in pay checks to the area which would turn over the money in the City of Canby and would have more spendable dollars circulating in Canby's population. As stated, or implied previously, this property, that is requesting rezone, would be combined with lots 11 and 12, which would provide a commercial lot that has 200 foot frontage on N.W. 4th and 115 foot frontage on North Grant which would comprise 23,000 square feet for developing the operation for the Canby Herald, thus allowing the expansion that the increased population demands, so that the paper will best serve the area. This expansion also will mean more employment for the Canby Herald and thus create the income for the area as stated above.

Currently this property is generating \$451.60 in taxes to Canby and Clackamas County. Approximately 85% of this tax dollar goes to schooling with the remainder going to the city of Canby for its services. If this zone change is granted, a reassessment, when fully developed, would indicate a ~~value~~ in excess of \$200,000.00, which would create a tax return to Canby of approximately \$1200.00 per year, based on this years valuations and rates. Reflecting on the above figures, it is quite obvious that it is in the public's interest and that the public would benefit by rezoning this property pursuant to the City's comprehensive plan, thereby increasing the revenues to the city, the school district, as well as every other taxing jurisdiction within this tax code area of the city of Canby.

ZONING CONSIDERATIONS

The uses allowed within the Commercial C-1 district within the City of Canby Zoning Ordinance are quite numerous. The uses which are allowed are general commercial types of uses. Permitted uses within the district are as follows:

1. A use permitted in R2 zone permitted.
2. Retail store or shoppe, except those listed in the C2 Zone.
3. Amusement enterprises, including pool halls, bowling alleys, dance halls, skating rinks, theaters enclosed in a building.
4. Bakery for retail sales on premises only. etc.
5. Barber or beauty shop.
6. Bank or other financial institution.
7. Bicycle sales, service, or repair.
8. Blueprinting, photostating, printing, lithography, or other reproduction process.
9. Building materials supply sales when enclosed in a building.
10. Bus depot.
11. Business college.
12. Business machine sales, service, or repair.
13. Catering establishment.
14. Club or lodge hall.
15. Laundry or cleaning establishment.

16. Frozen food lockers.
17. Hotel or apartment hotel.
18. Laboratory for experimental, photo or electronic testing or research.
19. Locksmith or gunsmith.
20. Magazine or newspaper distribution agency.
21. Marine craft sales, service, repair, or supplies.
22. Mortuary.
23. Office, business or professional.
24. Parking lot or garage.
25. Pawn shop.
26. Restaurant, without drive-in service.
27. Scientific or professional instrument sales or repair.
28. Small household, recreational, radio, television, or business equipment sales, rental, or repair.
29. Studio, including music, art, dancing, photography, or health
30. Taxidermy shop.
31. Telephone or telegraph exchange.
32. Theater, except drive-in.
33. Upholstery shop
34. Watch and clock repair.
35. Similar commercial uses as determined by the planning commission

Conditional Uses

1. A use permitted conditional in Zone R-1
 2. Miniature golf courses (Use No. 2 as shown by Ordinance No. 454, passed January 7, 1964)
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As can be seen, there is a wide spectrum of uses which are allowed within the C-1 zoning district. Since this area has been delineated within the Comprehensive Plan as commercial and since this zoning condition within the Canby zoning ordinance for a commercial use, this zone request should be approved so that this use as a blueprinting, photostatic printing, lithographing and other reproduction processes use can be developed on this property.

All of the dimensional requirements of the zoning district do not create any problems and any subsequent development on the property will be able to adhere to these dimensional requirements as outlined within the ordinance, and as a result, they do not cause any problem.

OTHER AVAILABLE PROPERTY

The Fasano case necessitates that other available property be researched to ascertain whether the property under consideration is the best piece of property to be rezoned at the time of the request. In the review for other available property for this specific application, ~~the~~ very important limiting factors must be enumerated. These are as follows:

1. Access - The access for the subject site is very good as when it is developed in conjunction with the adjoining commercial lots that fronts on Grant Street, it will provide good access for the business that will be developed on the two parcels. Any other available parcel must have comparable accesses since the anticipated use will necessitate not only access, but visibility to the traveling public. Also, any other parcel would have to offer closeness for foot traffic to downtown. It would have to provide visual awareness that this property affords from all sides of the City Park (Wait Park) and it would have to provide good exposure of traffic on a main arterial.
2. Since the size of the parcel of property must be sufficiently large to allow flexibility of design for the enlargement of the business to be placed thereon, an equal property would have to be of equal or greater size. Also, this property will provide off street parking, which would create less congestion in the commercial area than currently is present because the present facility does not have off-street parking.

As can be seen upon review of all the commercial property in the city of Canby, there are no sites which meet the above criteria as well as the subject property combination with the already commercially zoned lot adjacent and immediately to the east that fronts on North Grant Street. This combined site provides closeness to the city for foot traffic, adjacent to the school for easy coverage, large enough for off street parking, on a main arterial

for easy access and identification, and an openness that creates a pleasing atmosphere and maximizing the visual awareness to the building to be erected upon the site.

All other parcels are either too small or the visual awareness is not good enough or it is too far from the core area downtown for easy foot traffic. It is the applicants contention that no other comparable parcels are available, and as a result, this parcel of property should be rezoned as indicated within the city's Comprehensive Plan.

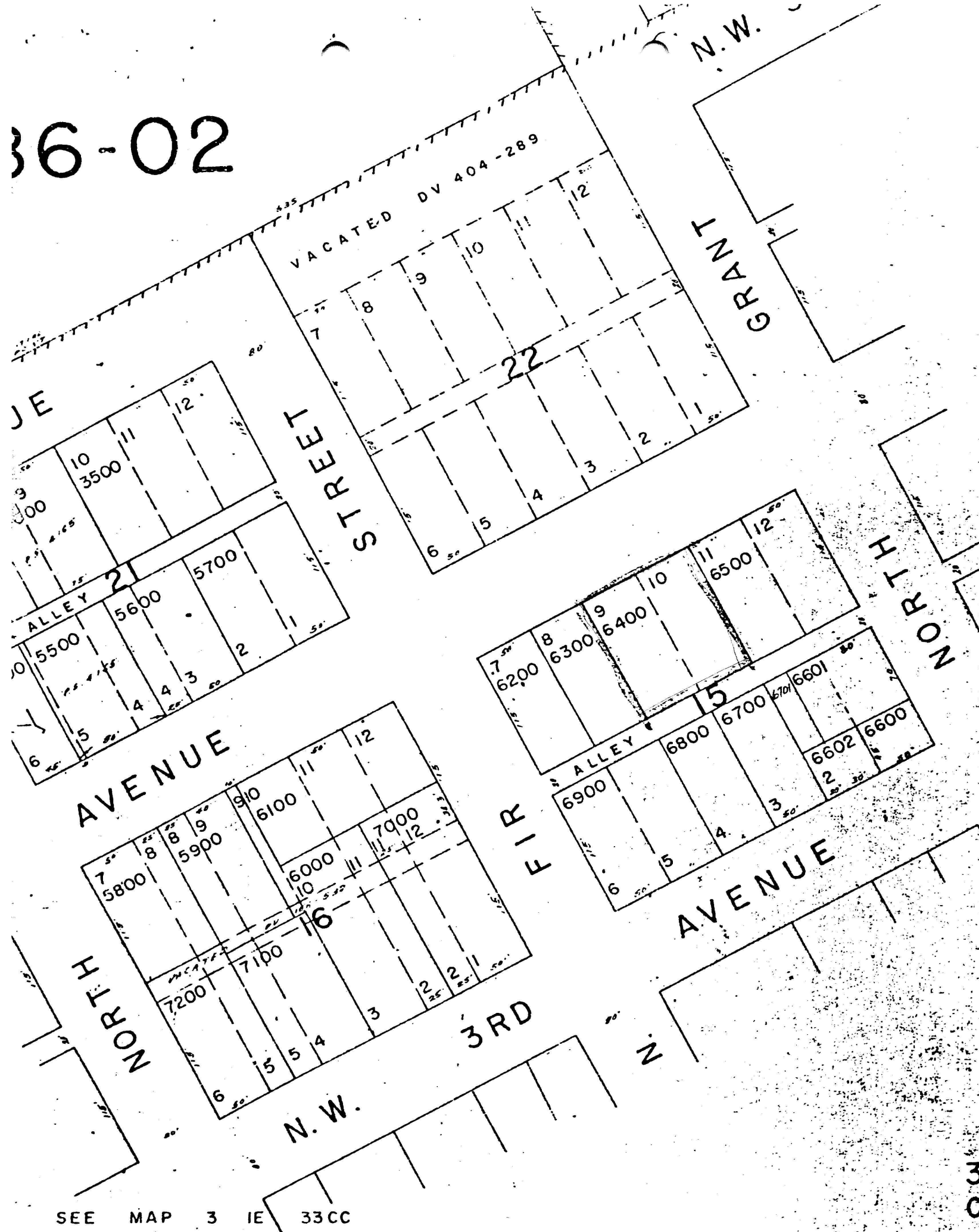
CONCLUSIONS

This property should be rezoned from Multiple-Residential to Commercial C-1 since such would be in conformance with the city's Comprehensive plan and there is a demonstrated need which will benefit the public. There are no other properties within the city that fit the commercial development needs of this business as well as this property.

Report Submitted By:

R. Allen Welch

36-02



Canby Planning Commission
Regular Meeting
December 14, 1977

APPLICATION: Applicant: CANBY HERALD; Tom Dillon, Publisher
Request: Zone Change
Proposal: R-2 to C-1
Location: 351 N.W. 4th Avenue
Site Size: 11,500 square feet.

EXISTING CONDITIONS: The present zoning of the property is R-2, medium density residential and the present use is a single family residential unit with vacant land. Utilities are available to the site and access is available from N.W. 4th Avenue which has 80' of right of way.

PROPOSAL: The applicant is requesting a zone change from R-2, Medium Density Residential to C-1, General Commercial. The applicant is proposing to construct a new office building for the Canby Herald with room for additional expansion.

RESULTS OF APPROVAL: Approval of this request would result in the loss of one residential lot and the addition of that lot as commercial acreage. Additional employment and traffic would also be generated in this area.

COMPATIBILITY: The proposal is compatible with the Canby Comprehensive Plan, adjacent properties, transportation and utility systems, and the public services of the City of Canby.

PRECEDENT: No precedent would be established by the approval of this request.

COMMISSION OPTIONS: The Canby Planning Commission has the option to:
1) Approve with no conditions
2) Approve with conditions
3) Deny
4) Table for the development of additional information

RECOMMENDATION: The Staff recommends approval.



CANBY UTILITY BOARD

P. O. BOX 470 — 465 S.E. 1ST AVE.

CANBY, OREGON 97013

PHONE 266-1156

BOARD MEMBERS

GENE NEWTON
S. W. DRESEN
HOWARD BARLOW

CHAIRMAN
MEMBER
MEMBER

FRED W. EGGER
JOAN E. THOMPSON

MANAGER
SECRETARY

December 2, 1977

Mr. Gordon L. Ross, Chairman
Canby Planning Commission
P.O. Box 930
Canby, OR 97013

FILE CH501

SUBJECT: Preliminary Plat of Zone Changes for Tom Dillon, Publisher,
Canby Herald; N.W. 4th Ave.

Gentlemen:

Reference is made to your letter of November 30, 1977 which forwarded a copy of the preliminary plat - vicinity map for a zone change and a request for our review and comments on the electrical and water service for that area.

Our recommendations and comments are as follows:

Both Electrical and water service is available in that area. The Utility Board has no objections to the proposed zone change.

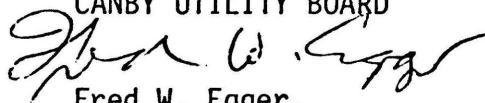
Before any service, either temporary or permanent, will be provided by the Canby Utility Board a complete set of approved plot plans must be furnished to the Canby Utility Board. Also a building permit number must be given at that time.

Plans should include finish grades, street improvement details, location of sewer, water mains and other utilities and an estimate of the electrical needs for the completed project.

The Utility Board will provide an estimate of the cost of providing the water and electrical service after reviewing the approved plans.

Sincerely,

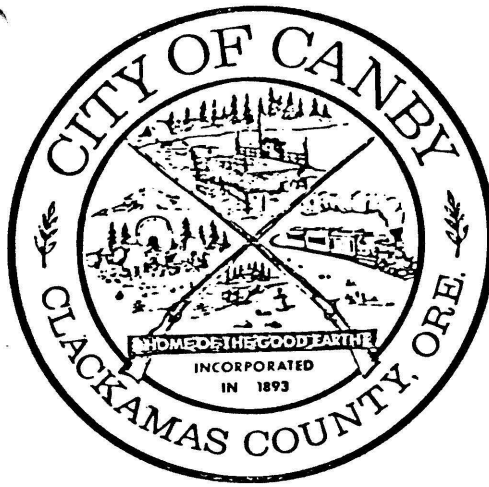
CANBY UTILITY BOARD


Fred W. Egger,
Manager

FWE/jet

cc: Tom Dillon, Publisher
BLUE MOUNTAIN EAGLE, INC.
DBA: The Canby Herald
241 N. Grant St.
Canby, OR 97013

January 10, 1978



Mr. Thomas R. Dillon
c/o Canby Herald
241 N. Grant Street
Canby, Oregon 97013

Dear Mr. Dillon:

On December 14, 1977, the Canby Planning Commission considered your request for a zone change of property located on the south side of N. W. 4th Avenue approximately 100 feet west of N. Grant Street and described as Tax Lot 6400, Section 33CB, T3S, R1E. The Planning Commission made a recommendation to the City Council to approve your request subject to the loading be not directly off the street.

The Canby City Council will hold a public hearing on your request on Wednesday, January 18, 1978. You and or your representative should be present at the hearing to answer any questions the Council may have regarding this zone change.

A copy of the minutes have been included with this letter for your file. If you have any questions concerning this matter, please feel free to contact the Public Works Office.

Sincerely,

Gordon L. Ross, Chairman
Canby Planning Commission

By:


Virginia J. Shirley, Secretary
Canby Planning Commission

presented with the following conditions: 1) South Elm Court be paved to city standards to the curblineline of S. Fir Street and the pavement to the centerline of S. Fir be feathered to the existing grade; 2) The curbing along S. Elm Court extend from Pettit Addition to S. Fir and around the corner to the north property line and on the south side of S. Elm Court be curbed to the radius; 3) Adequate street lighting according to Canby Utility Board specifications; 4) The Staff reports be adhered to; and, 5) Sidewalks be provided on the west and north side of S. Elm Court. The motion was seconded by Commissioner Cutsforth and passed unanimously.

Item No. 3: Consideration of a zone change from R-2, Multi-Family Residential, to C-1, General Commercial, of property located on the south side of N. W. 4th Avenue approximately 100 feet west of N. Grant Street and described as Tax Lot 6400, Section 33CB, T3S, R1E. This parcel contains approximately 11,500 square feet of area. The applicant is Tom Dillon, publisher of the Canby Herald. Consultant Edwards gave his presentation and made a recommendation for approval. Mr. Duane Weeks represented the applicant. He read a land use planning report regarding this property to the Commission. The Chairman asked for further proponents - there being none, he asked for opponents and none came forth. The Chairman closed the public portion of the hearing. Discussion followed regarding noise, cost of improvement of the alley, off-street parking for employees. Mr. Dillon stated they intended to build the new Canby Herald offices on the property and that it would not create significantly to noise in the area, the employees would have parking on the property and their loading and unloading would probably be done through the entrance from the alley.

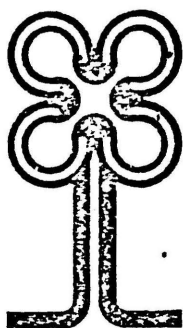
The Chairman called a recess at 9:45 and reconvened the meeting at 9:55.

Discussion followed regarding the Fasano requirements, the need for the facility, the fact that there is a public need, it is a proper use as it is adjacent to the core area and Mr. Week's report does justify the use, and parking. After a lengthy discussion, *Commissioner Shaw moved to recommend to the City Council that the zone change be approved subject to the loading be not directly off the street. The Commission has reviewed the Fasano requirements and find they have been met and the Commission adopts the Mr. Week's report as the findings of fact. The motion was seconded by Commissioner Cibula and passed unanimously.

The minutes of this meeting have been recorded on tape.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission



canby
elementary
schools

CLACKAMAS COUNTY SCHOOL DISTRICT NO. 86 · 410 NW GRANT STREET · CANBY, OREGON 97013

RECEIVED
JAN 9 1978

January 5, 1978

City Planning Commission
P. O. Box 930
Canby, Oregon 97013

Gentlemen,

It has come to the attention of the Canby Elementary School District #86 Board of Directors and administration that a hearing was held on the possibilities of rezoning some property on North 4th street between Grant and Fir streets. We have property across the street from this area and any change in zoning may be of interest to us.

We were not informed about the first hearing and therefore have very little information about the proposed change. We would appreciate any information you could give us on this proposal and we would also appreciate receiving a notice of the next meeting on this topic. We would like to have a representative attend the next meeting.

We are not necessarily registering an opposition to the proposal at this time but we believe we should have an opportunity to be informed about such a proposal when it has a potential effect on the district.

We will be very pleased to hear from you and receiving any information you may have on the proposed zone change.

Sincerely,

E. R. Miller, Superintendent
Canby Elementary Schools - District #86

ERM/pp

E.R. MILLER, Superintendent-Clerk
JEAN BOMBER, Principal
GARY W. EMPEY, Principal
RICHARD H. MEEHAN, Principal
NORMAN D. TROTTER, Principal

Administration Bldg., 410 NW Grant Street / Phone 266-5871
Philander Lee School, 1110 South Ivy Street / Phone 266-5878
Howard Eccles School, 562 NW Fifth Avenue / Phone 266-2744
William Knight School, 501 North Grant Street / Phone 266-2741
Canby Middle School, 350 SE 13th Avenue / Phone 266-2751

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council of the City of Canby, Wednesday, January 18, 1978, at the Canby City Hall, 182 North Holly Street, Canby, Clackamas County, State of Oregon, beginning at 8:15 p.m.

The meeting will be for the consideration of the following described, to-wit:

Consideration of a zone change from R-2, Multi-Family Residential, to C-1, General Commercial, of property located on the south side of N.W. 4th Avenue approximately 100 feet west of N. Grant Street and described as Tax Lot 6400, Section 33CB, T3S, R1E. This parcel contains approximately 11,500 equal feet of area. The applicant is Tom Dillon, publisher of the Canby Herald.

Notice of this hearing is pursuant to the order of the chairman of the Planning Commission as provided in Section 32 of the Canby Ordinance No. 583 as adopted September 8, 1975.

Dated this 9th day of January, 1978.

Harold A. Wyman
City Recorder

Date of Publication: January 11, 1978.

*Received
Canby Clerk
1/9/78*