

RESOLUTION NO. 409

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN OF THE CITY OF CANBY BY DELETING THE PROPOSED EXTENSION OF NORTHEAST SECOND AVENUE AND REPLACING IT WITH A PLANNED CUL-DE-SAC.

WHEREAS, the Comprehensive Plan was adopted by the Canby City Council on January 25, 1984, by Resolution No. 352; and

WHEREAS, the Land Development and Planning Ordinance (now Title 16 of the Canby Municipal Code) contains the standards, criteria, and procedures to amend the text of the City's Comprehensive Plan; and

WHEREAS, the Mohasco Company of New Jersey, a property owner in Canby, acting through its agent, Bob Kacalek, filed an application for a Comprehensive Plan amendment on November 20, 1987; and

WHEREAS, the Canby Planning Commission considered the proposed amendment at a public hearing on December 14, 1987, and after concluding the hearing and considering the required standards and criteria, voted to recommend that the City Council approve the application and amend the Comprehensive Plan; and

WHEREAS, the State Department of Land Conservation and Development was notified of the proposed amendment on December 18, 1987, and they did not respond to this notification; and

WHEREAS, the Canby City Council conducted a public hearing on the proposed amendment on February 17, 1988, after posting the legally required public notices. The only person to testify at the hearing was the applicant's agent, Mr. Bob Kacalek; and

WHEREAS, the City Council accepted the findings and conclusions of the Planning Commission but determined that a standard cul-de-sac was needed to replace the previously planned street extension to the east of the present termination of N.E. Second Avenue.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Comprehensive Plan of the City of Canby is amended as follows:

1. All references to the planned extension of N.E. Second Avenue from its present termination point to N.E. Fourth Avenue are hereby deleted from the text and maps of the Plan;
2. In order to provide an adequate turnaround at the termination of N.E. Second Avenue a cul-de-sac to City standards is to be provided, having the location and dimensions shown in the attached exhibit "A"; and
3. The requirements of Section 16.86.020 (f) of the Canby

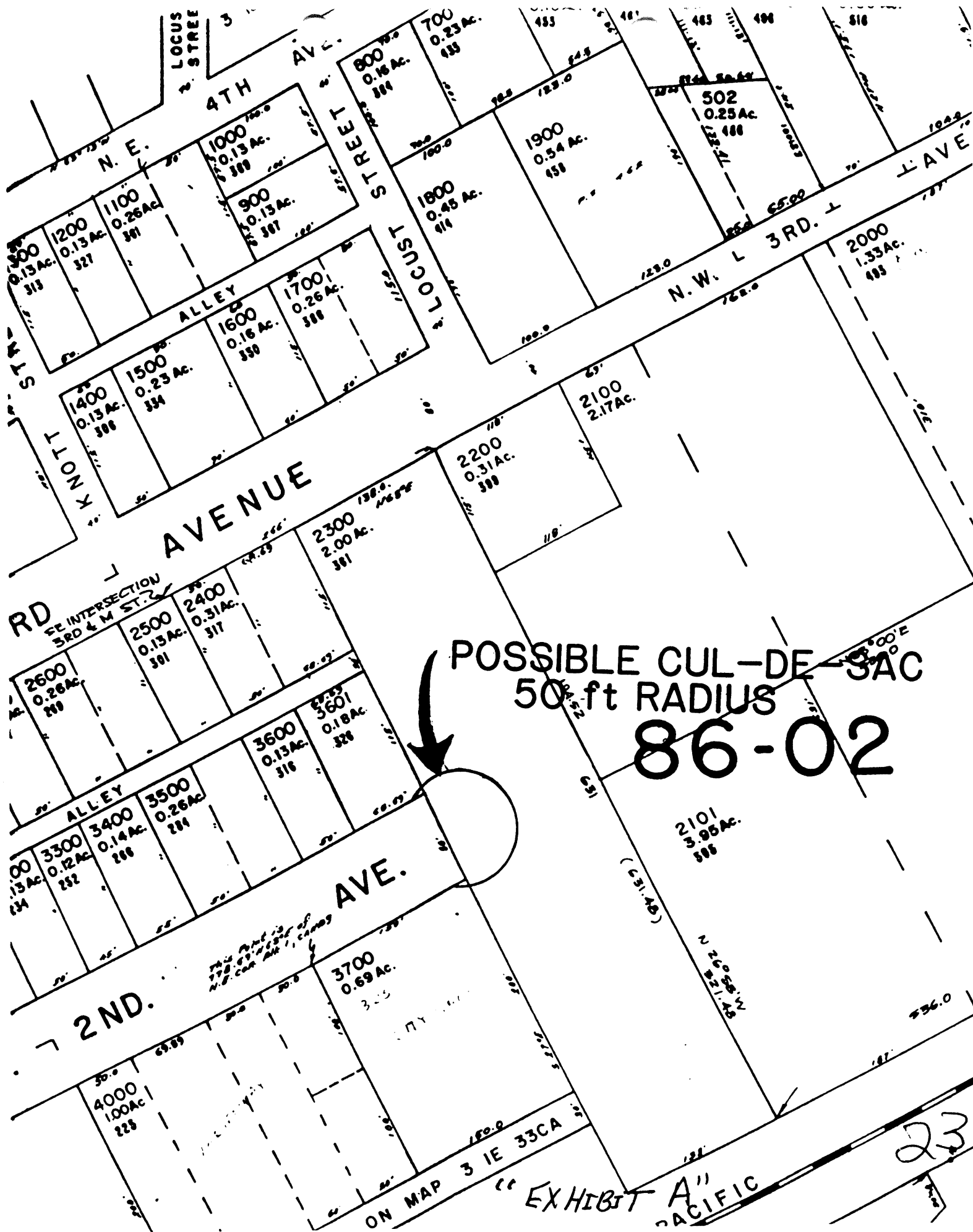
Municipal Code shall be strictly enforced to prevent the construction of any buildings which would interfere with the planned right-of-way of this cul-de-sac,

ADOPTED by the Canby City Council at a regular meeting thereof this 2nd day of March, 1988.

  
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William F. Pulver, Mayor

ATTEST:

  
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Marilyn K. Perkett, City Recorder



## **EXHIBIT "B"**

Based upon the record of the Planning Commission from its public hearing of December 14, 1987, and the City Council from its hearing on February 17, 1988, the Canby City Council hereby adopts the following:

### **CONCLUSIONS & FINDINGS OF FACT**

Proposed Comprehensive Plan Amendment Deleting the Planned Extension of Northeast Second Avenue to Northeast Fourth Avenue.

1. An application for this Plan amendment was filed by Bob Kacalek as agent for the Mohasco Company of New Jersey, a Canby property owner.
2. Public hearings were conducted on this matter before the Planning Commission on December 14, 1987, and before the City Council on February 17, 1988, after public notices were duly posted as required by the Canby Municipal Code.
3. Evidence submitted at the hearings indicated that all of the required criteria for the approval of this application had been met, to wit:
  - A. Review of the contents of the Comprehensive Plan, specifically the Land Use, Transportation, and Economics Elements, indicates that the approval of this application will create no conflicts with any portion of the Plan which is not being changed;
  - B. There is a public need for this Plan amendment supported by the letters submitted by property owners and by the lack of adverse testimony received at either hearing;
  - C. The City Council concluded that, although there is no public need for the extension of this street from its termination east of N.E. Fourth Avenue, there is a public need for an adequate turnaround at the present dead-end of N.E. Second Avenue;
  - D. The health, safety, and general welfare of the public are adequately addressed by this Plan amendment as approved by the City Council. the replacement of the planned street extension with a planned cul-de-sac will assure that vehicle movement in the area will meet minimum traffic safety requirements;
  - E. This Plan amendment will retain the availability of valuable industrially zoned land for development purposes. There is a scarcity of such developable industrial property in the City;

F. The following assumptions of the staff listed in the staff report of December 10, 1987, are hereby accepted by the City Council as follows:

\* That the extension of N.E. Second Avenue, while it would certainly help alleviate traffic problems near the Fairgrounds, would not be as beneficial as improvements to the existing rights-of-way of N.E. Third Avenue, N.E. Fourth Avenue, N. Pine Street and the Pine Street/99E intersection.

\* That there appears to be no incentive for property owners in the area to share in the cost of providing this street. All of the properties in the area are either already developed or can be developed taking access to N.E. Third Avenue or N.E. Fourth Avenue.

\* That there is a lack of City funds to complete this project in the foreseeable future. The City staff is still working on a Capital Improvement Program so no priorities for funding have yet been determined. It appears likely, however, that improvements to the existing streets and the highway intersection would be a much higher priority than the acquisition and development of this new street right-of-way.

\* That there appears to be no significant advantage to looping utilities through the development of this street. Given the fact that the existing homes and businesses in the area are served by the required utilities, there would only be additional costs in rerouting those utilities to accommodate the new street design. Note that the existing Package Container and Georgia Pacific businesses benefit from fire services which come from 14" and 12" water lines which are already looped in the area (see page 123 of the Comprehensive Plan); and

G. The Statewide Planning Goals, particularly those dealing with Transportation, Public Facilities, and Economy, have been considered. This Plan amendment will create no conflicts with the Statewide Planning Goals.

March 2, 1988

  
William F. Pulver, Mayor

  
Marilyn K. Verkett, City Recorder