

ORDINANCE NO. 534

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY  
(Initiated on Motion of the City of Canby Planning Commission)

WHEREAS, the following described property is in a medium density residential zone (R-2) and devoted to nonconforming uses by the Sears Catalog Store, a State Liquor Store, a dry cleaners and the business office of Canby Telephone Association, which are uses permitted outright in a highway commercial zone (C-2), and the City's Planning Commission previously determined that it would be in the best interest of the City and its inhabitants if the zone classification for the area was changed to conform to existing uses.. The area which consists of less than ten acres is particularly described as follows, to-wit:

Beginning at the Southeast Corner of South Grant Street and U. S. Highway 99E, which point bears S. 64° 00' W., 688.38 feet from the Northeast Corner of the Mack Tract as recorded in Clackamas County Records, Deed Volume N-595; thence S. 26° 00' E., 186.56 feet to the true point of beginning; thence continue S. 26° 00' E., 411.44 feet to the Southwest Corner of Lot 4, Block 1 of the Dedman's Addition; thence N. 64° 00' E., 100.60 feet to the Southeast Corner of Lot 3, Block 1, Dedman's Addition; thence N. 26° 00' W., 98.00 feet to the Northeast Corner of said Lot 3; thence N. 64° 00' E., 587.90 feet parallel with South Second Avenue to the West line of South Ivy Street; thence continue N. 64° 00' E., 302.44 feet; thence N. 26° 00' W., 300.00 feet to the North line of Southeast Second Avenue; thence S. 64° 00' W., 288 feet to the West line of South Ivy Street; thence N. 26° 00' W., 10.00 feet; thence S. 64° 00' W., 686.96 feet to the true point of beginning; said Parcel containing 7.29 acres, more or less, including streets.

WHEREAS, the Canby City Planning Commission on its own motion, scheduled and held a public hearing on the matter on Wednesday, January 27, 1971, and Notice of the time, place and purpose of said hearing was duly and regularly given by written Notices mailed by the City Recorder to all owners of property within lines parallel to and 200 feet from the exterior boundaries of the property involved as required by Section 33 (1) (b) of the City Zoning Ordinance No. 452, and also (though not required) by publication in the Canby Herald on January 14, 1971, and a record

of the property owners to whom Notices were mailed and the newspaper's Affidavit of the publication Notice is on file in the City Recorder's records and file of this zone change matter; and

WHEREAS, the Canby City Planning Commission at the time and place of the public hearing on such matter, i.e., January 27, 1971, heard and considered discussion for the proposed zone change, and only one objection was raised by a neighboring property owner; and upon conclusion of the hearing, by motion duly made, seconded and unanimously carried, recommended to the Canby City Council that the proposed zone change be approved, and that the City's zoning map be changed accordingly, and that the zone classification of the above described real property be changed from that of R-2 (medium density residential zone) to a C-2 (highway commercial zone); whereupon a written report and recommendation of the Canby City Planning Commission was duly made and filed with the Canby City Council; and

WHEREAS, the Canby City Council held a public hearing on the matter and the proposed zone change as required by the provisions of Section 33 (3) of the City Zoning Ordinance No. 452, and said public hearing was held on Friday, February 19, 1971, at the hour of 7:30 o'clock p.m., Pacific Standard Time, at the Canby City Hall in Canby, Clackamas County, State of Oregon, after proper Notice thereof was first duly given in the manner and for the time required by the said Zoning Ordinance and ORS 227.260, and proof of the publication of such Notice in the Canby Herald, a newspaper of general circulation printed and published in Canby, Clackamas County, State of Oregon, is on file in the office of the Canby City Recorder at the Canby City Hall and is a part of the records and file of this matter; and

WHEREAS, there were no objections raised to the proposed zone change at the hearing before the Canby City Council on Friday,

February 19, 1971, and after further consideration of the matter and due deliberation on the report and recommendation of the City Planning Commission, the Canby City Council determined that it would be in the best interest of the City and its inhabitants if the proposed zone change were approved and the City's zoning map were amended accordingly; now, therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: That the zoning map of the City of Canby dated July 15, 1963, and adopted as a part of the City Zoning Ordinance No. 452 adopted on the same date, shall be and the same is hereby amended and changed so that the zone boundaries of the C-2 (highway commercial zone) shall now include the following described real property, to-wit:

Beginning at the Southeast Corner of South Grant Street and U. S. Highway 99E, which point bears S. 64° 00' W., 688.38 feet from the Northeast Corner of the Mack Tract as recorded in Clackamas County Records, Deed Volume N-595; thence S. 26° 00' E., 186.56 feet to the true point of beginning; thence continue S. 26° 00' E., 411.44 feet to the Southwest Corner of Lot 4, Block 1 of the Dedman's Addition; thence N. 64° 00' E., 100.60 feet to the Southeast Corner of Lot 3, Block 1, Dedman's Addition; thence N. 26° 00' W., 98.00 feet to the Northeast Corner of said Lot 3; thence N. 64° 00' E., 587.90 feet parallel with South Second Avenue to the West line of South Ivy Street; thence continue N. 64° 00' E., 302.44 feet; thence N. 26° 00' W., 300.00 feet to the North line of Southeast Second Avenue; thence S. 64° 00' W., 288 feet to the West Line of South Ivy Street; thence N. 26° 00' W., 10.00 feet; thence S. 64° 00' W., 686.96 feet to the true point of beginning; said parcel containing 7.29 acres, more or less, including streets;

and upon the adoption of this Ordinance, said property shall thereupon be classified as a C-2 Zone and not as an R-2 Zone.


Section 2: The City Superintendent and the City Recorder are hereby authorized and directed to make the appropriate changes in the City's Zoning Map.

Section 3: It being deemed by the Canby City Council that an emergency exists, this Ordinance shall take effect immediately upon its final reading and passage by the Canby City Council.

Passed on first reading of the Canby City Council at a regular meeting thereof on the 15th day of March, 1971; ordered posted as provided by the Canby City Charter, and to come up for final reading and action of the Canby City Council at a regular meeting thereof to be held on Monday, the 5th day of April, 1971, at the hour of 8:00 o'clock p.m., Pacific Standard Time, at the Canby City Hall.

  
WERNER DINTEMAN - Mayor


ATTEST:

  
J. R. RICHARDSON - City Recorder

Passed on final reading of the Canby City Council at a regular meeting thereof held on this 5th day of April, 1971, by the following vote: Yeas 6. Nays 0.

  
WERNER DINTEMAN - Mayor

ATTEST:

  
J. R. RICHARDSON - City Recorder