

ORDINANCE NO. 625

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY.
(APPLICATION AND PROPERTY OF JOE A. VRAVES KNOWN AS TAX LOT 400,
SECTION 34C, T3S, R1E.)

WHEREAS, the City of Canby, by Resolution No. CLXXI (171) adopted April 1, 1974, approved a proposed annexation to the City of Canby for the purpose of industrial development of said property. The proposed annexation was approved and said property was annexed to the City by Order of the Metropolitan Area Local Government Boundary Commission dated October 15, 1975. Said property, at the time of its annexation, was classified and zoned by Clackamas County as R-20; and the county's zone classification and zoning regulations continue to apply to said area until a zoning plan for the area has been adopted by the Canby City Council. (Zoning Ordinance No. 583, Section 6.); and

WHEREAS, property contiguous to the annexed area is classified on the City's zoning map as M-1 (Light Industrial); and the intent and purpose of the aforesaid annexation was to permit the development of both the annexed area and the adjoining M-1 area as an M-1 (Light Industrial) zone, which is in accordance with the City's interim general development plan; and

WHEREAS, the real property of JOE A. VRAVES as annexed to the City on October 15, 1975 and which was county zoned R-20 consists of approximately 6.28 acres and is a part of a larger tract the balance of which is approximately 2.31 acres and was inside the city limits and zoned R-1 (Single Family Residential). The entire tract consisting of approximately 8.59 acres is known as Tax Lot 400, Section 34C,

T3S, R1E. The westerly 150 feet, more or less, is city zoned R-1 and the balance is county zoned R-20 and the application for zone change to M-1 was for the entire tract; and

WHEREAS, the Planning Commission, scheduled and held public hearings on the zone change application of JOE A. VRAVES on Wednesday, February 9, 1977 and March 9, 1977 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 32(1)(b) of the City Zoning Ordinance No. 583 and also (though not required) by publication in The Canby Herald on February 2, 1977 and March 2, 1977 and a record of the property owners to whom notices were mailed and the newspaper's Affidavit of Publication of the 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., February 9, 1977, and March 9, 1977 heard and considered testimony regarding the proposed zone change and, upon conclusion of the second hearing, by motion duly made, seconded and carried, recommended to the Canby City Council that the proposed zone change be allowed so as to zone said Parcel (as described above) as M-1 (Light Industrial); and

WHEREAS, the Canby City Council considered the matter and the recommendations of the Planning Commission at a public hearing which was duly and legally called and held on April 6, 1977, after proper

notice thereof was first given in the manner and for the time required by Section 32(3) of said Zoning Ordinance; and notice of said hearing before the Canby City Council was also published in The Canby Herald on Wednesday, March 30, 1977. Proof of the notice is on file in the office of the Canby City Recorder in the Canby City Hall and is a part of the records and file of this matter; and

WHEREAS, proponents and opponents were given an opportunity to speak at said hearings regarding the proposed zone change and, after further consideration of the matter and due deliberation on the report and recommendations of the City Planning Commission and Staff Reports the Canby City Council, determined as follows:

- A. The proposed zone change is in accordance with the existing zoning ordinance and comprehensive plan.
- B. There is a public need for the change.
- C. The public need is better served by the proposed zone change on the subject property rather than on other property.
- D. The change will preserve and protect the health, safety and general welfare of the residents in the area.

The Canby City Council made the aforesaid findings based upon the following facts:

- A. Zoning Ordinance No. 583 contemplates zoning amendments.
- B. The intent of Zoning Ordinance No. 583 is to fully utilize property to its highest and best use.
- C. The City's interim general plan and interim general plan map adopted by Ordinance No. 608, passed on final reading November 1, 1976, designates the above described area as light industrial zone (M-1). The Council proposed zone change to M-1 (light industrial) is in conformity with and will effectively implement the development plan and map. The proposed use of the subject property would be for additional industrial uses in the area. The property is located in the southeast quadrant of Highway 99E and

south Pine street. The area would not lend itself to residential development due to the surrounding commercial and industrial development.

- D. There exists a present need for another light industrial zone (M-1) in this area of the City, which is convenient for access and a logical place for such development.
- E. The proposed zone change will be beneficial to the community and will not over-burden the community in areas of education, sewer capacity, water capacity or traffic control. The subject property is the best available to meet the existing need for such facilities in that area of the City.
- F. The City has water and service mains adjacent to the property and has the ability to provide services.
- G. The property is very well served by two streets, Pine street and Highway 99E.
- H. Existing noise levels make the property undesirable for residential zoning classifications.
- I. The proposed change will add much needed tax revenue to the city and school district.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: The zoning map of the City of Canby dated July 15, 1963, adopted as a part of the City Zoning Ordinance No. 452, previously amended at different times and otherwise ratified by the City's present Zoning Ordinance No. 583, enacted on September 8, 1975, shall be and the same is hereby amended and changed so that the zone boundaries of the M-1 (Light Industrial) district shall now include the above described area, and upon the adoption of this Ordinance, all of Tax Lot 400, Section 34C, T3S, R1E shall be classified as M-1.

Section 2: The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the City's zoning map in accordance with the dictates of Section 1 of this Ordinance.

Section 3: No development shall be permitted on the property or in the area for which this zone change is approved and no building permits shall be issued until the annexation fees and interest is paid in full as required by Section 6 of Ordinance No. 579 enacted February 19, 1974.

Passed on first reading of the Canby City Council at a regular meeting thereof on the 4th day of May, 1977; 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 Wednesday, the 1st day of June, 1977, at the hour of 8:00 o'clock, p.m., at the Council meeting chambers at the Canby City Hall in Canby, Oregon.

X Robert E. Rapp
ROBERT E. RAPP - Mayor

ATTEST:

Harold A. Wyman
HAROLD A. WYMAN - City Recorder

Passed on final reading of the Canby City Council at a regular meeting thereof held on the 1st day of June, 1977, by the following vote: Yeas 6. Nays 0.

Robert E. Rapp
ROBERT E. RAPP - Mayor

ATTEST:

Harold A. Wyman
HAROLD A. WYMAN - City Recorder