

ORDINANCE NO. 631

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY.
(APPLICATION AND PROPERTY OF DAVID ANDERSON OF ANDERSON-RITTER
REALTY KNOWN AS TAX LOT 802, SECTION 33DA, T3S, R1E.)

WHEREAS, the real property of David Anderson of Anderson-Ritter Realty consists of approximately 1.13 acres and is known as Tax Lots 900 and 802, Section 33DA, T3S, R1E. All of Tax Lot 900 is zoned C-2 (highway commercial) as well as the westerly 32 feet of Tax Lot 802. The remaining easterly 163 feet of Tax Lot 802 is zoned R-1 (single family residential), and

WHEREAS, the application for zone change was to change the easterly 163 feet of Tax Lot 802 to C-2 (highway commercial); and

WHEREAS, the Planning Commission, scheduled and held a public hearing on the zone change application of David Anderson of Anderson-Ritter Realty, on Wednesday, April 13, 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 April 6, 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., April 13, 1977 heard and considered testimony regarding the proposed zone change and, upon conclusion of the public 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 C-2 (Highway Commercial) 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 May 18, 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, May 11, 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 postponed final decision on the zone change application of Anderson-Ritter until such time that the applicant and property owners submit to the council a plan and time schedule for screening such property from the adjacent mobile home park; and

WHEREAS, the matter was taken from the table at the council's regular meeting of August 3, 1977 and a letter by Gary Bradshaw to the city of Canby dated June 22, 1977 was read and filed with the council in the City Recorder's file of this matter. Gary Bradshaw is the owner of the adjoining Canby Manor Mobile Home Park and he related to the council that: "I wish to inform the council that my existing row of plantings separating the above described properties is a satisfactory buffer strip for my mobile home park." The council then determined that the buffering as recommended by the Planning Commission and previously approved by the council was satisfactory and also 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 commercial. The proposed zone change to C-2 (highway commercial) is in conformity with and will effectively implement the development plan and map.

- D. Southern Pacific owns 99% of the northerly side of highway 99E and there is no property offered for sale or long term lease which is conducive to commercial use. On the southerly side of highway 99E there is only approximately 1600 feet of highway frontage zoned commercial that is not being used for commercial purposes and there is a shortage of available commercial property for development.
- E. This area would not lend itself to residential development due to the commerical development to be west of the proposed zone change. Mr. Anderson's property is bordered on the west by a service station and immediately west of the service station is a drive-in restaurant. To the south is a mobile home park which is operating as a conditional use in a C-2 (highway commercial) zone.
- F. 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.
- G. The city has water and sewer service mains adjacent to the property and has the ability to provide services.
- 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.
- J. The property is well served by highway 99E and there will be adequate visual clearance for ingress and egress to the property.
- K. The south property line of the property is adequately buffered from the mobile home park.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: The zone boundaries of the C-2 (highway commercial) district shall now include the above described area and upon the adoption of this ordinance all of Tax Lot 802, Section 33DA, T3S, R1E shall be classified as C-2.

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.

Passed on first reading of the Canby City Council at a regular meeting thereof on the 17th day of August, 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 7th day of September, 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 7th day of September, 1977, by the following vote: Yeas 5. Nays 0.

X Robert E. Rapp
ROBERT E. RAPP - Mayor

ATTEST:

Harold A. Wyman
HAROLD A. WYMAN - City Recorder