

ORDINANCE NO. 637

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY
(Application of Blue Mountain Eagle, Inc., dba The Canby Herald).

WHEREAS, an application was filed with the City of Canby Recorder by Blue Mountain Eagle, Inc. dba The Canby Herald on the hereinafter described property, for the purpose of changing the classification of the zone in which the real property is located from R-2 (Multifamily) to C-1 (General Commercial). The application fee as required by Section 31 of Ordinance No. 583 (the city's zoning ordinance) has been paid. The following is a description of the real property for which a zone change was requested, to-wit:

Lots 9 and 10, Block 15, Canby Addition, Clackamas County, Oregon

WHEREAS, the Planning Commission, scheduled and held a public hearing on the zone change application of Blue Mountain Eagle, Inc. dba The Canby Herald, on Wednesday, December 14, 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 December 7, 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., December 14, 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-1 (General 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 January 18, 1978, 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, January 11, 1978. 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 heard regarding the proposed zone change at said hearing, and after further consideration of the matter and due deliberation on the report and recommendations of the City Planning Commission, Canby City Council, by motion duly made, seconded and carried, 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.
- E. The proposed changes are in conformance with the Land Conservation and Development Commission (LCDC) goals and guidelines.

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, enacted November 1, 1976, designates the above described area as commercial. The proposed zone change to C-1 (General Commercial) is in conformity with and will effectively implement the development plan and map.
- D. The property is adequately served by a water main which is a part of the City water system.
- E. The property is located on N.W. Fourth Avenue which is a part of the downtown grid of City streets. North Grant street is a major carrier street in the City and is only 100 feet east of the subject property.
- F. Commercial areas of the city have been expanding in the direction of this property. There are nearby doctors' offices and neighboring lot has been sold for commercial purposes.
- G. According to CRAG's land use framework plan the property is included within Canby's urban area and as a result, should be developed for urban uses. Since it is an urban use CRAG has delineated that Canby's interim general plan should control. Canby's interim general plan indicates that the property should be developed for commercial use.
- H. Even though the soil is class 1, it is in an urban area and consequently is not restricted from development by LCDC Goals and Guidelines.
- I. The property is currently zoned multiple residential (R-2). It is not a good living environment because of its adjacent location to commercial property and there are no natural barriers between commercial and multiple home residential zoning at this particular site.

- J. A study by Portland State University entitled "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 not to have all these new residents be commuters from Canby and thereby leaving Canby a bedroom community.
- K. It is important to reduce energy consumption and it is best not to have people travel so far for adequate employment.
- L. Upon rezone, the property would have a higher taxable value than now in the existing zone. This would add increased tax revenue to the city and school districts.
- M. There is a lack of commercial property in the City of Canby which has the needed access and size of parcel to accommodate the needs of the applicant.
- N. The site provides closeness to the city for foot traffic, is large enough for offstreet parking and is near a main arterial; now, therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: The zone boundaries of the C-1 (General Commercial) district shall now include the hereinabove described area and upon the adoption of this ordinance said property shall thereupon be classified as C-1 (General Commercial) and not as an R-2 (Multifamily Residential) zone.

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: 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 special meeting thereof on the 6th day of February, 1978; 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 March, 1978, at the hour of 8:00 o'clock, p.m., at the Council meeting chambers at the Canby City Hall in Canby, Oregon.

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 15th day of March, 1978, by the following vote: Yeas 5. Nays 0.

Robert E. Rapp
ROBERT E. RAPP - Mayor

ATTEST:

Harold A. Wyman
HAROLD A. WYMAN - City Recorder

Canby City Council
Regular Meeting
March 15, 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, Bud Atwood, Public Works Supervisor, Mac Gaunt, Gene Newton, Duane Hansen, Al Schwartz, Canby Herald, Ron Younce, BYB Automotive and others.

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

The Mayor then called for additions or corrections to the minutes of March 1 and 6, 1978. It was noted in the minutes of March 6, 1978 the correct spelling of "David R. Wichman" and "Alan A. Boruck". Councilman Nichols moved the minutes of March 1, 1978 and March 6, 1978 be approved, seconded by Councilman Knight. The motion was carried unanimously.

The Mayor then called for citizens input on non-agenda items at which time Gene Newton, Chairman of the Canby Utility Board requested approval of Council to purchase land, Tax Lot 5800 in the City of Canby. Administrator Wyman read the request to the Council. Councilman Westcott declared a conflict of interest in the matter. Discussion followed. Councilman Nichols moved that the Canby Utility Board request be approved and that the request be made part of the minutes, seconded by Councilman Giger. More discussion followed. The motion was passed with Councilman Swayze voting no.

Ron Younce, owner of BYB Automotive then stood and showed the Council an Earnst Money Agreement to purchase Bert's Automotive and requested a period of one (1) to two (2) months to move from their present place of business. A brief discussion followed. Councilman Nichols moved that the request of BYB for a 60 day extension of time to permit the removal of their business from its present location be approved, seconded by Councilman Westcott. More discussion followed. The motion was then passed unanimously.

Duane Hansen then stood and asked about the disposition of the merchant's parking lot behind the Graham Building. It was decided, after discussion, that this parking lot matter would be discussed at the Special Meeting on March 27, 1978. Councilman Nichols then declared a conflict of interest concerning the matter. Administrator Wyman will notify Mr. Graham to be present at the meeting on March 27, 1978.

Ordinance No. 637; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY (Application of Blue Mountain Eagle, Inc., dba The Canby Herald); was read by title only on second reading by the City Attorney. Councilman Giger moved to pass Ordinance No. 637 on second reading, seconded by Councilman Knight. Councilman Nichols had declared an earlier conflict. The motion was then passed by roll call vote with 5 ayes and 0 nays.

Canby City Council
Regular Meeting
March 15, 1978
Page II

Next was a letter from the Chamber of Commerce in reference to the usage of the Canby Centennial Emblem which Administrator Wyman read to the Council. Mayor Rapp instructed Administrator Wyman to write a letter to the Chamber thanking them for letting us use the emblem. No further action was necessary.

Next was a memo from the State Executive Department, Intergovernmental Relations Division in reference to State Revenue Sharing. No action was necessary.

Due to Mr. Gaunt being present, the Council discussed the traffic signal at Berg Parkway and 99E. Mr. Gaunt will keep in touch with the Council through Mr. Ferguson of all progress made concerning the traffic signal. No further action was taken at this time.

Next was a memorandum from CRAG in reference to contracting block information for 1980 census which Administrator Wyman read to the Council. Discussion followed. Councilman Westcott moved that the City of Canby enter into a contract program with the U. S. Census Bureau for city block statistics for a fee of \$700.00 with the down payment of \$250.00 to be made prior to April 1, 1978, seconded by Councilman Knight. The motion was passed unanimously. The Mayor then instructed the staff to look into a local group to do the census for the City.

Next on the agenda was a memorandum from the office of Eldon E. Edwards in reference to Synopsis of L.C.D.C. Exceptions Process Paper which Administrator Wyman read to the Council. A brief discussion followed with no action being needed.

Next was a letter of resignation from Candice Wilson, Library Board Member which Administrator Wyman read. Councilman Taylor moved to accept the resignation from Candice Wilson and write a letter of thanks, seconded by Councilman Westcott. The motion passed unanimously. The Council will appoint a new Library Board Member on April 5, 1978 and instructed staff to notify Mrs. Elizabeth Salt, Library Board Chairwoman, of the resignation and inform them of the date the new appointment will be made so they may offer names for the appointment.

Next was a letter from the Canby Swim Team thanking the Council for their recent decision of funds for the Canby Swim Team.

Next was the Accounts Payable. Councilman Giger moved the Accounts Payable in the amount of \$12,933.85 be allowed, seconded by councilman Taylor. The motion passed by roll call vote with 6 ayes and 0 nays.

Administrator Wyman then stated he would like to call for bids for the leaf sweeper which had been budgeted for this year. Councilman Giger moved that the City Administrator be authorized to call for bids on a new leaf sweeper, seconded by Councilman Nichols. The motion passed unanimously.

March 15, 1978

Canby City Council
Regular Meeting
March 15, 1978
Page III

Ken Ferguson then commented concerning the chart made by the Public Works Department on building permits issued from 1974-1978. No action was called for.

Mayor reminded Council of the Special Meeting and workshop with the MacKenzie Committee on March 20, 1978 at 7:30 p.m. and the Special Meeting and workshop concerning the Charter Revision on March 22, 1978.

The meeting adjourned at 9:00 p.m.

Robert E. Rapp, Mayor

Harold A. Wyman, City Administrator