

ORDINANCE NO. 673

AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF CANBY (Application of William P. Hinckley and Margaret June Hinckley and Earl Oliver; R-2 (Multiple-Family Residential) to C-2 (Highway Commercial) zone.)

WHEREAS, an application was filed with the Canby City Recorder on July 30, 1979, by William P. Hinckley and Margaret June Hinckley and Earl Oliver, the contract buyers and legal owner, respectively, of the property hereinafter described, for the purpose of changing the classification of the zone in which said property is located from R-2 (Multiple-Family Residential) to C-2 (Highway Commercial) zone. The application fee as required by Section 33 of Ordinance No. 659 (the City's Zoning Ordinance) has been paid. The following is a description of the real property which is the southern half of the block bounded by Highway 99-E, South Locust, South Knott, and S.E. Second Avenue, consisting of one-half block, in Canby, Clackamas County, Oregon, and more particularly described as:

Tax Lots 1900 to 2300, inclusive, Section 33DC,
T3 S., R.1 E., in Canby, Clackamas County, Oregon.

WHEREAS, the Canby City Planning Commission before taking final action on said application and the proposed amendment scheduled and held a public hearing on the matter as required by the City's Zoning Ordinance, and the purpose of said hearing was duly and regularly given by written notices mailed by City staff under direction of the City Recorder on August 31, 1979, to all owners of property within lines parallel to and 200 feet from the exterior boundaries of the property involved as required by Section 34(B) of the City's Zoning Ordinance No. 659 and also (though not required)

by publication in the Canby Herald on September 5, 1979; and a record of the property owners to whom notices were mailed and the newspaper's affidavit of publication are 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., September 12, 1979, heard and considered testimony regarding the proposed zone change and upon conclusion of the public hearing by motion duly made, seconded and unanimously passed, recommended to the Canby City Council that the proposed zone change be approved; and

WHEREAS, The Canby City Council considered the matter and the recommendations of the Planning Commission at a public meeting/hearing which was duly and legally called and held on October 17, 1979, after proper notice thereof was first given in the manner and for the time required by Section 34(B) of said Zoning Ordinance; and said notice of said hearing before the Canby City Council was also published in the Canby Herald on October 10, 1979, and mailed to the adjoining property owners on October 5, 1979. Proofs of said notice are on file in the office of the Canby City Recorder in the Canby City Hall and are a part of the records and file of this matter; and

WHEREAS, proponents and opponents were given an opportunity to be heard regarding the proposed zone change at said meeting/hearing; that there was one (1) opponent; and after further consideration of the matter and due deliberation of the report and recommendations of the City Planning Commission as presented by the City Planner, the Canby

City Council by motion duly made, seconded and unanimously carried, accepted the FINDINGS of the Planning Commission at its meeting on September 12, 1979, as the FINDINGS of the City Council, and determined that the requested zone change be approved for the following reasons:

- (A) There is a public need for more C-2 (Highway Commercial) zoned property in Canby because of the shortage of undeveloped C-2 zoned property.
- (B) At the present time there will be no beneficial impact on the economy of Canby.
- (C) There will be no adverse impact on available local housing.
- (D) There are adequate public facilities and services presently available.
- (E) There will be transportation benefits as the zone change will allow for adequate off-street parking for existing businesses.

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

- (a) Zoning Ordinance No. 659 contemplates zoning amendments.
- (b) The intent of Zoning Ordinance No. 659 is to fully utilize property to its highest and best use.
- (c) The proposal is compatible with the transportation and utility systems of the City of Canby.
- (d) The setback requirements for any building construction on this property in the R-2 zone is 40 feet and no parking is permitted on Highway 99-E which is 100 feet north. There is not enough land area for multi-family construction in the present zone and other property in the area has already developed for commercial use which is the highest and best use for this property.

Now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: The zone boundaries of the C-2 (Highway Commercial)

district shall now include the hereinabove described property and upon the passage of this ordinance, said property shall thereupon be classified as C-2 (Highway Commercial) and not as R-2 (Multiple-Family Residential) zone.

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

Submitted to the Council and read the first time at a meeting of the Council on the 7th day of November, 1979; ordered posted for a period of two (2) full calendar weeks as provided by the City Charter and scheduled for second reading at a meeting of the City Council on the 5th day of December, 1979, commencing at the hour of 7:30 o'clock P.M., at the Council's regular meeting place in the Council Chambers next to the Canby City Hall.

Marilyn K. Perkett
Marilyn K. Perkett, City Recorder Pro Tem

ENACTED by the Canby City Council at a Regular meeting thereof on the 5th day of December, 1979, by the following vote: YEAS 5 NAYS 0.

Robt. E. Rapp
Robt. E. Rapp, Mayor

ATTEST:

Harold A. Nyman
Harold A. Nyman, City Recorder