

ORDINANCE NO. 747

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY,  
OREGON

PURPOSE - To amend the zoning map for for the purpose of recording an approved application by Edward and Frances Lemons and Freda Milbradt to change from R-1, Low Density Residential, and R-2, Medium Density Residential, to C-R, Residential/Commercial, the zoning of .66 acre, described as Tax Lot 7600, Map No. 4-1E-4AB and Tax Lot 5900, Map No. 3-1E-33CD.

WHEREAS, an application was filed with the City Planner on February 17, 1984, by Edward and Frances Lemons and Freda Milbradt on the hereinafter described property for the purpose of changing the zoning classification from R-1, Low Density Residential, and R-2, Medium Density Residential, to C-R, Residential/Commercial. The application fee as required by Article 8, 10.8.10, (B), (8), of Ordinance No. 740 (the Land Development and Planning Ordinance) has been paid. The following is a description of the real property consisting of .66 acre and described as Tax Lot 7600, Map No. 4-1E-4AB and Tax Lot 5900, Map No. 3-1E-33CD, of the Willamette Meridian, Clackamas County, Oregon.

WHEREAS, the Planning Commission scheduled and held a public hearing on the zone change application of Edward and Frances Lemons and Freda Milbradt on March 12, 1984, and notice of the time, place and purpose of said hearing was duly given by written notices mailed by the Planning Commission Secretary to all owners of property within lines parallel to and 200 feet from the exterior boundaries of the property involved as required by Section 10.8.30 of the Land Development/Planning Ordinance, No. 740. Also, notice of said hearing was made by publication in the Canby Herald on March 7, 1984. A record of the property owners to whom notices were mailed and the newspaper's affidavit of publication of the notice are on file in the Planning Department's records and file of this zone change matter in the City's Public Works Department; and

WHEREAS, the Canby Planning Commission at the time and place of the public hearing on such matter, i.e., March 12, 1984, heard and considered testimony regarding the proposed zone change upon conclusion of the public hearing by motion duly made and seconded and carried by a vote of 4 - 0, moved to recommend approval; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission at a regular meeting held on April 4, 1984, and thoroughly reviewed the record and heard testimony on the record pursuant to Section 10.3.85 of the Land Development/Planning Ordinance; and

WHEREAS, the Canby City Council concluded its discussion on this matter and by motion duly made and seconded, voted 6 to 0 in support of the requested zone change.

The Council in their motion to approve adopted the findings and conclusions presented by the Planning Commission. A copy of said findings and conclusions, by motion, are attached hereto as Exhibit A to this Ordinance.


NOW THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The zone boundaries of the C-R, Residential/Commercial, zone shall now include the hereinabove described property and upon the passage of this Ordinance said property shall thereupon be classified as C-R, Residential/Commercial, and not R-1, Low Density Residential, or R-2, Medium Density Residential.

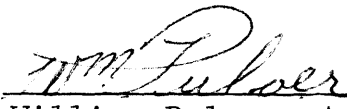
Section 2. The Mayor attested by the City Recorder is hereby authorized and directed to make the appropriate changes on the Zoning Map in accordance with the dictates of Section 1 of this Ordinance.

Submitted to the Council and read the first time at a regular meeting thereof on the 18th day of April, 1984, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council

at a regular meeting thereof on the 2nd day of May, 1984, commencing at the hour of 7:30 o'clock p.m., at the Council's regular meeting chambers at the Canby City Hall, in Canby, Oregon.

  
Marilyn K. Perkett, Deputy Recorder

Passed on second and final reading by the Canby City Council at a regular meeting thereof on the 2nd day of May, 1984.  
Vote 6 Yea, 0 Nay and 0 Abstention

  
William Pulver, Acting Mayor  
Council President

ATTEST:

  
Marilyn K. Perkett, Deputy Recorder

Goal 9 - Economy of State  
Goal 10 - Housing

These goals are met by allowing a commercial venture and residence to be combined providing lower overall expense to either.

Goal 11 - Public Facilities and Services  
Goal 12 - Transportation

All public facilities are available to the property and the property fronts on a hard-surfaced county highway.

Goal 13 - Energy Conservation

Combining a residence and business will conserve energy.

Goal 14 - Urbanization

The subject property is presently developed.

Goals 15 through 19

These goals deal with river greenway and coastal resources, not applicable.

DISCUSSION AND RECOMMENDATION: This is the second request for a zone change in the C-R designated area, and could help meet the City's obligation to maximize the efficiency of land use, and conserve energy.

We would prefer larger areas in a zone change application but the possibility of higher property tax resulting from a move to higher zoning causes property owners to wait until need dictates a change in zone designation.

The applicants propose to operate a day-care facility on the property. The C-R zone is the only zone allowing day-care facilities as an outright use.

Without benefit of testimony at the public hearing, staff recommends approval of the zone change based on the following facts:

1. The applicants have requested the zoning designation proposed in the Comprehensive Plan. The C-R zone will help prevent expanded access onto S. Ivy easing future traffic congestion in the area.
2. There is no present C-R zoning and a need is evident for small commercial operations combined with a residence. The change will allow lower cost housing by combining home and commercial ventures. Combination will conserve energy.

3. During formulation of the Comprehensive Plan, the area from S. E. Third Avenue to S. W. Seventh Avenue along South Ivy Street was the only area chosen for C-R zoning. C-R zoning is the only zone permitting a day-care facility as an outright use. There is no C-R zoned property presently for sale, therefore public needs seems obvious.
4. The proposed C-R zoning will provide lower density than other commercial areas, creating less vehicle traffic and less population density. This provision will help protect the health and safety of the area residents.
5. Statewide Planning Goals are addressed earlier in this report.