

ORDINANCE NO. 748

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

PURPOSE - To amend the zoning map to assure conformity between city zoning and the official Land Use Map of the Comprehensive Plan.

WHEREAS, the City Council approved and adopted the Land Development/Planning Ordinance (#740) and therewith the official City Zoning Map on February 1, 1984; and

WHEREAS, the Zoning Map was intended to conform with the Land Use Map of the Comprehensive Plan; and

WHEREAS, it was subsequently found that several areas were zoned for medium density residential use in conflict with Land Use Map designations calling for commercial use; and

WHEREAS, upon notification of these conflicting map designations the Planning Commission did simultaneously initiate both Comprehensive Plan and zoning amendments for these areas in order to determine which designation would best suit the individual properties; and

WHEREAS, the Planning Commission did conduct a series of public hearings on these matters on March 12, 1984, after which the Commission adopted the necessary findings of fact and recommended a change in zoning for all of the tax lots listed in Sections 1 and 2 below; and

WHEREAS, after the close of the public hearing on March 12, 1984, the Planning Commission postponed its decision on Tax Lots 101 and 102 of Section 33CC, T3S, R1E until its meeting of March 26, 1984, and on that date did adopt the necessary findings of fact and recommend that the zoning of those two tax lots be changed to C-1, Downtown Commercial; and

WHEREAS, a number of the properties where zoning is being changed are located on streets with inadequate improvements or insufficient rights-of-way, causing the Planning Commission to

include within its recommendations certain improvement and dedication requirements which are to be met prior to the development or redevelopment of the sites; and

WHEREAS, the Canby City Council reviewed the record of the Planning Commission, including the Commission's recommendations and findings of fact and did, at its regular meeting of April 18, 1984, vote to accept the Commission's recommendations and findings of fact for each site and amend the zoning of these properties.

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The findings of fact of the Planning Commission are accepted and the zone boundaries of the C-1 (Downtown Commercial) zone shall now include the following described properties:

- A) T3S, R1E, Section 33CA: Tax Lots 2700; 2900; 3000; 3100; 3200; 3300; 3400; 3500; 3600; 3700; 3800; 8800; 9000; 9100; 9200; 9300; 9400; 9500; 9600; 9700; and 10200.
- B) T3S, R1E, Section 33CB: Tax Lots 5800; 5900; 6000; 6100; 6200; 6300; and 7000.
- C) T3S, R1E, Section 33CC: Tax Lots 101; 102; 1600; 1700; 3900; 4000; 4100, and 4200.

Section 2. The findings of fact of the Planning Commission are accepted and the zone boundaries of the C-2 (Highway Commercial) zone shall now include the following described properties:

- A) T3S, R1E, Section 33CC: Tax Lots 4400; 4500; 6000, and 7000.
- B) T4S, R1E, Section 4BA: Tax Lot 1800.
- C) T3S, R1E, Section 33CD: Tax Lot 6700.
- D) T3S, R1E, Section 33DC: Tax Lot 6500.

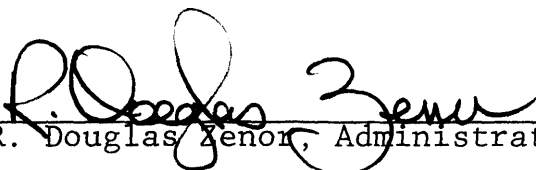
Section 3. As recommended by the Planning Commission, the conversion of the following properties to commercial use shall require either the filing of waivers of the right to remonstrate against future street or sidewalk improvements and street dedications to provide the minimum right-of-way widths established

in the Land Development/Planning Ordinance (#740) or full street and sidewalk improvements to City standards:


- A) T3S, R1E, Section 33CA: Tax Lots 2700; 2900; 3000; 3100; 3200; 3300; 3400; 3500; 3600; 3700; 3800; 9000; 9100; 9200; 9300; 9400; 9600, and 9700.
- B) T3S, R1E, Section 33CC: Tax Lots 4400; 4500, and 6000.
- C) T4S, R1E, Section 4BA: Tax Lot 1800.

Section 4. The Mayor, attested by the City Recorder is hereby authorized and directed to make the appropriate changes to the City's official Zoning Map in accordance with this Ordinance.

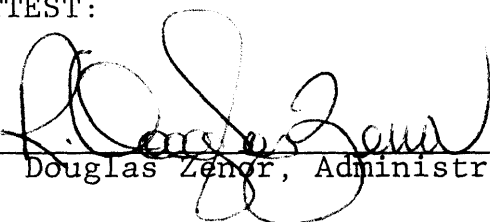
Submitted to the Council and read the first time at a regular meeting thereof on the 18th day of April, 1984; ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days as authorized by the Canby City Charter; and to come before the Council for final reading and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


R. Douglas Zenor, Administrator/Recorder

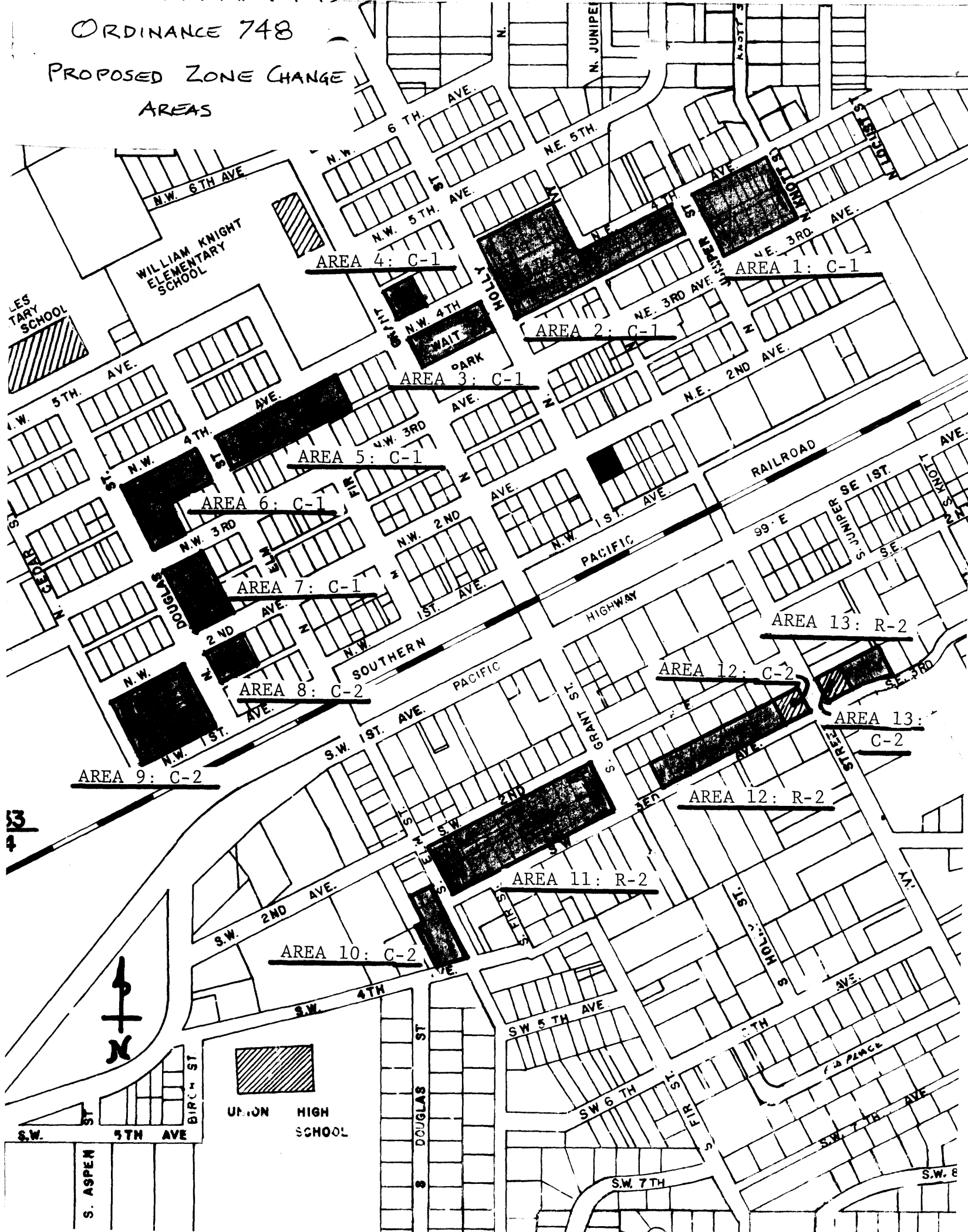
Passed on second and final reading by the Canby City Council at a regular meeting thereof on the 2nd day of May, 1984.
Vote: Yea 6, Nay 0


William Pulver, Acting Mayor
Council President

ATTEST:


R. Douglas Zenor, Administrator/Recorder

ORDINANCE 748
PROPOSED ZONE CHANGE
AREAS



WILLIAM KNIGHT
ELEMENTARY
SCHOOL

LES
TARY
SCHOOL

UNION
HIGH
SCHOOL



AREA 4: C-1

AREA 1: C-1

AREA 2: C-1

AREA 3: C-1

AREA 5: C-1

AREA 6: C-1

AREA 7: C-1

AREA 8: C-2

AREA 9: C-2

AREA 10: C-2

AREA 11: R-2

AREA 12: C-2

AREA 12: R-2

AREA 13: R-2

AREA 13:
C-2

FINDINGS OF FACT

PROPERTIES PROPOSED TO BE REZONED FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO C-1 (DOWNTOWN COMMERCIAL) AND C-2 (HIGHWAY COMMERCIAL).

The decision to change the zoning designation of these properties has been based primarily upon the present designations set for them on the Land Use Map and on the Policies of the Comprehensive Plan, public testimony received in hearings before the Planning Commission on March 12, 1984, patterns of development on the subject properties and surrounding properties, the availability of public services and facilities, the condition of streets in the area, and the existing patterns of lot division and ownership in the area.

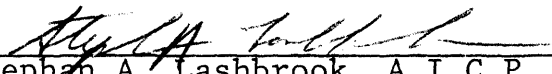
Specifically, the following findings of fact were made based on the information and testimony before the Planning Commission:

1. All of the subject properties are presently zoned R-2 (Medium Density Residential) and have Comprehensive Plan Land Use Map designations for either Downtown Commercial or Highway Commercial usage.
2. The public testimony presented to the Planning Commission included no disagreements over the appropriate zoning designation of any of the sites with the exception of Area No. 6 (T3S, R1E, Section 33CC, Tax Lots 101 and 102).
3. Public testimony presented on Area No. 6 consisted of one of the property owners speaking in favor of the zone change to C-1, with several neighbors arguing that the zoning should remain R-2 and the Land Use Map amended to conform to the R-2 zoning.
4. After reviewing slides of the areas involved the Planning Commission noted that they appeared to be logical extensions of developed commercial areas either downtown or along the highway. It was noted that in some cases the property owners had invested in the subject property in anticipation of eventually using the property for commercial purposes.
5. All of the subject properties either have existing public facilities and services and improved street access which are adequate to accommodate commercial development or the provision of such improvements will be made a requirement of any subsequent development proposal as a condition of this zone change.

6. Many of the subject properties are located along major downtown streets with 80-foot wide rights-of-way or along S. Elm Street which has been designated as a collector in the Transportation Element of the Comprehensive Plan. This indicates a significant public investment in a street system which is adequate to handle the demands of commercial developments.
7. Although some of the subject properties exist as small, individual tax lots in separate ownership, many of these properties represent ownerships of several lots or parcels which should lend themselves to commercial development or redevelopment better than other areas of town.
8. These zone changes conform to the Land Use Map of the adopted Comprehensive Plan, which has not been changed for several years in terms of the designations applied to these properties.
9. Policies of the Comprehensive Plan support increased commercial development at appropriate locations. Although other Plan policies support diversified housing development, these zone changes have been found to conform with the adopted Comprehensive Plan.
10. It was noted that Statewide Planning Goals stress both housing and economic development. The City has considered both of these Goals, as well as others dealing with public facilities, transportation, and energy, in concluding that these zone changes are supported by the Statewide Planning Goals.
11. The following additional findings were made in reference to Area No. 6, where the proposed zoning was contested:
 - A) The size of the parcel, being the largest vacant ownership in the downtown area, supports the decision to apply C-1 zoning. It is the only large area where newly proposed businesses might locate;
 - B) Heavy truck traffic on N.W. Third Avenue, along the southern boundary of this area, makes the property more suitable for commercial than for residential development. The idea of dividing the area into two zones was discussed but was not implemented because it was decided that using the streets as a dividing line between zones would provide a better buffer than using alleys;

- C) This zone change would serve to "clean up" the patterns of zoning in the area and meet the requirements of the Comprehensive Plan.

It was noted that the Planning Commission voted unanimously to recommend that each of these changes be made, except in the case of Area No. 6 where the vote was 6 - 1, in favor of the zone change.


Stephan A. Lashbrook, A.I.C.P.


Fred Kahut, Planning Commission
Chairman