

ORDINANCE NO. 749

AN ORDINANCE AMENDING THE TEXT OF THE CITY'S LAND DEVELOPMENT AND PLANNING ORDINANCE (NO. 740).

PURPOSE: To amend the text of the Land Development and Planning Ordinance as requested by the staff of the State Land Conservation and Development Commission.

WHEREAS, the Canby City Council approved and adopted the Land Development/Planning Ordinance (No. 740) on February 1, 1984; and

WHEREAS, that Ordinance and the City's Comprehensive Plan were submitted to the State Land Conservation and Development Commission (LCDC) with the request that they be found to be in compliance with the Statewide Planning Goals; and

WHEREAS, the staff of LCDC, after reviewing the City's Plan and Ordinance, contacted the City's staff and consultant and requested that a number of additional changes be made to the texts of both the Plan and the Ordinance; and

WHEREAS, the Planning Commission did initiate such changes and scheduled a public hearing on these proposed amendments; and

WHEREAS, after posting public notices as required by Section 10.8.30(D) of Ordinance No. 740 the Planning Commission did conduct a public hearing on April 9, 1984; and

WHEREAS, after concluding its public hearing the Planning Commission adopted the findings of fact recommended by the consultant and attached as Exhibit "A," hereto; and voted to recommend that the City Council approve the proposed Ordinance amendments; and

WHEREAS, the City Council reviewed the record of the Planning Commission in these matters and after review in regular session on April 18, 1984, voted to accept the recommendation of the Planning Commission and accept the Commission's findings of fact as submitted.

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

Section 1. The findings of fact of the Planning Commission are accepted and the proposed amendments to the text of Ordinance No. 740 are approved as follows:

- A) Section 10.3.31(A) is amended to read as follows:
 - No. 13. "Restaurant, when related and incidental to primary industrial uses of the area."
 - No. 14. "Service station, when related and incidental to primary industrial uses of the area."
 - No. 23. "Business or professional office, when related and incidental to primary industrial uses of the area."
- B) Section 10.3.85(D) is amended to read as follows:
 - No. 1. "The Comprehensive Plan of the City, giving special attention to Policy 6 of the Land Use Element and Implementation Measures therefor, and the plans and policies of the County, Status, and local districts in order to preserve functions and local aspects of land conservation and development."
- C) Section 10.3.85(F) is amended to read as follows:
 - F) Improvement Conditions: In acting on an application for a zone change, the Planning Commission may recommend and the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety, or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change. Allowable conditions of approval may include, but are not necessarily limited to:
 - 1. Street and sidewalk construction or improvements.

2. Extension of water, sewer, or other forms of utility lines.

3. Installation of fire hydrants.

The City will not use the imposition of improvement conditions as a means of preventing planned development, and will consider the potential impact of the costs of required improvements on needed housing.

The Planning Commission and City Council will assure that the required improvements will not reduce housing densities below those anticipated in the Comprehensive Plan.


Section 2. The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes to the text of Ordinance No. 740 and forward the same to LCDC for its review.

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.

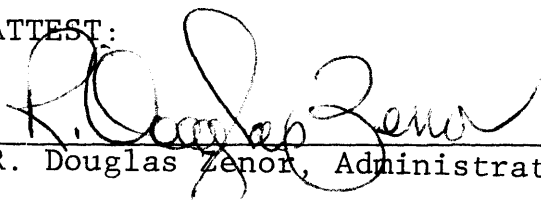

R. Douglas Zenor, Administrator/Recorder

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

FINDINGS OF FACT

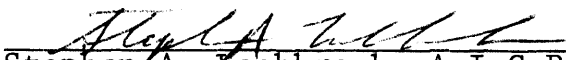
PROPERTIES HAVING COMPREHENSIVE PLAN (LAND USE MAP) DESIGNATIONS CHANGED FROM "HIGHWAY COMMERCIAL" TO "HIGH DENSITY RESIDENTIAL."

The decision to amend the Land Use Map of the Comprehensive Plan for these properties has been based primarily upon the present zoning, public testimony received in hearings before the Planning Commission on March 12, 1984, existing patterns of development in the area, the availability of public services and facilities, the condition of streets and sidewalks in the area, and the policies of the Comprehensive Plan.

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

- 1) All of these properties are presently zoned R-2 (Medium Density Residential) and have been for some years;
- 2) Public testimony favored this Plan amendment to allow the present zoning to remain unchanged. No public testimony was received in opposition to these Plan amendments;
- 3) No commercial development is known to exist within this area and nearly all of the properties contain residential developments;
- 4) Public facilities and services, as well as streets and sidewalks in the area are generally adequate for residential purposes, with the exception of a few lots without sidewalks. Wider, more improved streets would be needed to accommodate Highway Commercial development.
- 5) Policies of the Comprehensive Plan support increased residential development as a means of providing a wide range of housing options at varying price ranges and rent levels. Although other Plan policies support increased commercial development at appropriate locations, a finding of Plan compliance can be made.

After consideration of the public testimony and the physical characteristics of these properties these findings of fact were made and supported by a unanimous vote of the Planning Commission.


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


Fred Kahut, Planning Commission
Chairman