

## **ORDINANCE NO. 959**

### **AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON**

**PURPOSE:** to amend the zoning map for the purpose of recording an approved application by Daniel D. Onion to change Tax Lot 1500 of Tax Map 4-1E-4AB from Low Density Residential (R-1) to Commercial-Residential (C-R).

**WHEREAS,** an application was filed with the City Planner on August 15, 1996 by Daniel D. Onion, for the above described property, consisting of approximately 0.21 acres; and

**WHEREAS,** a public hearing was conducted by the Canby Planning Commission on October 14, 1996 after public notices were mailed and posted, as required by law; and

**WHEREAS,** a notice of the Planning Commission hearing was made by publication in the Canby Herald newspaper on September 25, 1996. The newspaper's affidavit of publication of the notice is on file in the records and file of this zone change matter in the City's Community Services Department; and

**WHEREAS,** the Canby Planning Commission heard and considered public testimony regarding the proposed zone change at the public hearing of October 14, 1996. At the conclusion of the public hearing, the Planning Commission voted five (5) to zero (0) to recommend that the City Council rezone the entire 0.21 acre parcel to Commercial-Residential

(C-R). The Findings, Conclusions and Final Order was approved by the Planning Commission and forwarded to the Council with its recommendation, and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission at a regular meeting on November 6, 1996, and thoroughly reviewed the record and heard arguments on the record pursuant to the Canby Municipal Code, and

WHEREAS, the Canby City Council, after concluding its review and discussion on this matter and by motion duly made and seconded, voted to to accept the Planning Commission's recommendation, and

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

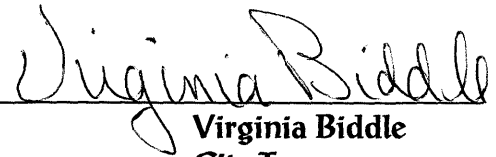
**Section 1.** The Boundaries of the Commercial-Residential (C-R) Zone shall include the subject property, Tax Lot 1500 of Tax Map 4-1E-4AB, which is hereby removed from the boundaries of the Low Density Residential (R-1) zone.

**Section 2.** The Findings, Conclusions and Order of the Planning Commission, approved on October 28, 1996 are hereby adopted by the City Council and attached hereto as Exhibit "A" of this Ordinance.

**Section 3.** The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate change on the City's zoning map in accordance with the dictates of Section 1 of this Ordinance.

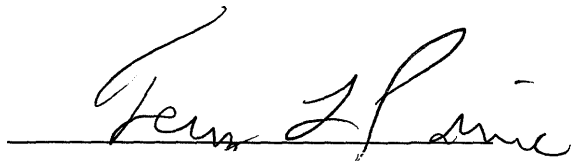
**SUBMITTED** to the Council and read the first time at a regular meeting thereof on November 6, 1996, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days, as authorized by the Canby City Charter, and to come up for final

reading and action by the Canby City Council at a regular meeting thereof on November 20, 1996, commencing after the hour of 7:30 p.m., at the Council's regular meeting chambers at the Canby City Hall in Canby, Oregon.

  
Virginia Biddle  
City Treasurer

ENACTED by the Canby City Council at a regular meeting thereof on March 20, 1991, by the following vote:

YEAS 6 NAYS 0

  
Council President Terry Prince

ATTEST:

  
Marilyn K. Perkett, City Recorder

**BEFORE THE PLANNING COMMISSION  
OF THE  
CITY OF CANBY**

A REQUEST FOR A CHANGE IN THE ZONING CLASSIFI- CATION OF THE PROPERTY AT 804 S. IVY STREET	) FINDINGS, CONCLUSION & FINAL ORDER ) ZC 96-01 ) (Dan Onion) )
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**NATURE OF APPLICATION**

The applicant is requesting approval to change the zoning classification from R-1 (Low Density Residential) to C-R (Commercial-Residential) of the property located at 804 S. Ivy Street, on the east side of S. Ivy Street, between S.W. 7th and S.W. 8th Avenues (Tax Lot 1500 of Tax Map 4-1E-4AB).

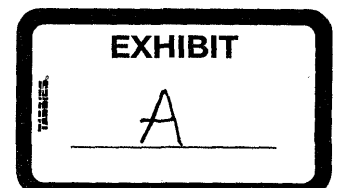
**HEARINGS**

The Planning Commission considered this application at its meeting of October 14, 1996.

**CRITERIA AND STANDARDS**

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- A. 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, state and local districts in order to preserve functions and local aspects of land conservation and development;



- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

## **FINDINGS AND REASONS**

The Planning Commission deliberated on all input presented at the October 14, 1996 meeting, and incorporates the October 4, 1996 staff report, and Commission deliberations as support for its decision. The Planning Commission accepts and adopts the findings in the October 4, 1996 staff report, insofar as they do not conflict with the following finding:

The Planning Commission finds that because of the small size of the property, the potential increase in traffic onto S. Ivy Street due to redevelopment of the property, is insignificant.

## **CONCLUSION**

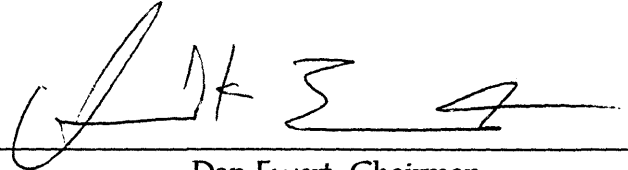
The Planning Commission of the City of Canby concludes that based on the findings and conclusions contained in the October 4, 1996 staff report, and from Commission deliberations at the October 14, 1996 public hearing that the proposal to change the zoning classification of the subject properties to from Low Density Residential (R-1) to Commercial Residential ( C-R) is appropriate in light of the Goals and Policies of the Comprehensive Plan, and is consistent with Policy #6 of the Land Use Element and is consistent with the land use designation on the Comprehensive Plan Land Use Map. Furthermore, all public facilities and services necessary either exist or will be provided concurrent with the development of the area whether the zoning classification is R-1 (Low Density Residential) or C-R ( Commercial Residential).

## **ORDER**

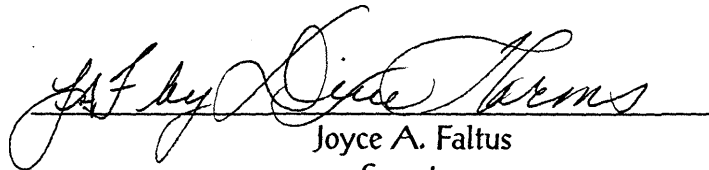
IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that the City Council approve the ZC 96-01 zone change application.

I CERTIFY THAT THIS ORDER recommending that the City Council approve ZC 96-01 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 28th day of October, 1996.



Dan Ewert, Chairman  
Canby Planning Commission



Joyce A. Faltus  
Secretary

ATTEST:

ORAL DECISION - October 14, 1996

AYES: Keller, Stewart, Ewert, Dillon, Hartwell

NOES: None

ABSTAIN: None

ABSENT: Gerber

WRITTEN FINDINGS - October 28, 1996

AYES: Stewart, Keller, Gerber, Hartwell, Dillon, Ewert, O'Shea

NOES: None

ABSTAIN: None

ABSENT: None