

ORDINANCE NO. 857

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON; AND DECLARING AN EMERGENCY

PURPOSE: to amend the zoning map for the purpose of recording an approved application by Wayne Scott to change Tax Lot 100 of Tax Map 3-1E-27C from Light Industrial (M-1) to Low Density Residential (R-1).

WHEREAS, an application was filed with the City Planner on December 24, 1990 by Wayne Scott, for the above described property, consisting of approximately 7.81 acres; and

WHEREAS, the subject property consists of undeveloped ground; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on January 29, 1991, 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 January 2, 1991 and January 9, 1991. 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 Public Works Department; and

WHEREAS, the Canby Planning Commission heard and considered public testimony regarding the proposed zone change at the public hearing of January 29, 1991. At the conclusion of the public hearing, the Planning Commission voted to recommend that the City Council rezone the entire 7.81 acre parcel to Low Density Residential (R-1); and

WHEREAS, the Planning Commission voted seven (7) to zero (0) to recommend that the City Council approve this zone change for the 7.81 acre parcel; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission at a regular meeting on March 6, 1991, 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 5 to 0 to accept the Planning Commission's recommendation; and

WHEREAS, the City Council, in its motion accepted the findings and conclusions of the Planning Commission, attached hereto as Exhibit "A" of this Ordinance.

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

Section 1. The Boundaries of the Low Density Residential (R-1) Zone shall include the subject property, Tax Lot 100 of Tax Map 3-1E-27C, which is hereby removed from the boundaries of the Light Industrial (M-1) zone.

Section 2. 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.

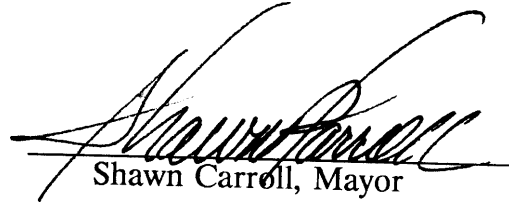
Section 3. In order to develop the above described parcel immediately, to better promote the safety, health, and welfare of the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon the final reading and passage by the Canby City Council.

SUBMITTED to the Council and read the first time at a regular meeting thereof on March 6, 1991, 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 March 20, 1991, commencing after the hour of 7:30 p.m., at the Council's regular meeting chambers at the Canby City Hall in Canby, Oregon.


Marilyn K. Perkett
City Recorder

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

YEAS 5 NAYS 0


Shawn Carroll, Mayor

ATTEST:


Marilyn K. Berkett, City Recorder

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY

A REQUEST FOR APPROVAL TO REZONE PROPERTY)))	FINDINGS, CONCLUSIONS & ORDER ZC 90-02 (Wayne Scott) (Willow Creek Estates)
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NATURE OF APPLICATION

The applicant, Wayne Scott, is requesting approval of a rezoning application for an amendment of the Zoning Ordinance Map to show Tax Lot 100 of Tax Map 3-1E-27C as Low Density Residential (R-1), rather than Light Industrial (M-1). The site is located between Territorial and Highway 99E, east of Redwood and is approximately 7.8 acres.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of January 29, 1991.

CRITERIA AND STANDARDS

This land use application is a request to amend the Zoning Map. Applications for Zoning Map Amendment shall be evaluated based upon the following standards and criteria from Code Section 16.54:

- 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.

CONCLUSION

The Planning Commission concludes that ZC 90-02 can be made to comply with all applicable criteria by the application of certain conditions at the time of subdivision and development and provided that the Comprehensive Plan amendment that is pending for the site is finalized by City Council.

FINDINGS AND REASONS

The Planning Commission incorporates the January 4, 1991 staff report on ZC 90-02 as support for its decision, supplemented by the following:

1. The Commission considered testimony by the staff and the applicant's representatives and proponents.
2. Commission deliberation, which included the following issues:
 - a. There has been a recent annexation of the site and adjacent land with the understanding that the subject property would be developed residentially.
 - b. The Commission has previously recommended that the Comprehensive Plan Land Use designation for the subject site be amended from Light Industrial to Low Density Residential. The City Council has given tentative approval to such amendment and the time for appeal of the final order of such action will expire on January 29, 1991.

- c. The Commission discussed that public service facilities to service the area are available or will become available when needed. It was discussed that sewer and water facilities are available in Territorial, have capacity, and can be extended to service the site, and that the property closest to Territorial will develop first.
- d. The Commission discussed the concern of an adjacent landowner that his access, which is across the railroad, could, at some time in the future, be eliminated by the railroad. The adjacent landowner was concerned he would have to access through adjacent property. The Commission agreed that this concern would be considered as part of the subdivision process.
- e. The Commission discussed that access to the property could be by way of Tax Lot 800, a long thin strip, from Territorial. Also, that this access would bring truck traffic through a residential area of the subject parcel developed industrial, but the potential truck traffic would be limited if the parcel is rezoned to residential. An accompanying subdivision proposal proposed that access to the subject property be via a new street from Territorial Road.
- f. The Commission discussed that the policies of the Comprehensive Plan, once amended as is pending, will be implemented by this proposed zoning amendment. The pending Comprehensive Plan Land Use amendment proposes the subject site to be developed as Low Density Residential land use and the proposed Low Density Residential (R-1) Zoning designation would be consistent with such Comprehensive Plan policy.

- g. The schools, public utilities and fire service agencies were all notified of the proposed rezoning and have not raised concerns about the rezoning except for proposed conditions at the time of subdivision.

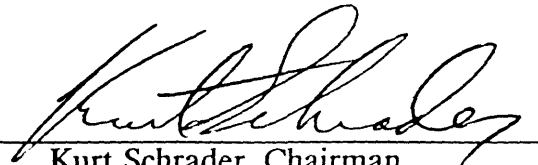
ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that ZC 90-02 is recommended for approval to City Council, subject to compliance with the following condition:

1. That the City Council give final approval of the pending Comprehensive Plan Amendment for the subject parcel.

I CERTIFY THAT THIS ORDER was presented to and APPROVED by the
Planning Commission of the City of Canby.

DATED this 11 day of February, 1991.


Kurt Schrader, Chairman
Canby Planning Commission


Secretary

ATTEST:

ORAL DECISION - January 28, 1991

AYES: Bear, Mihata, Zieg, Westcott, Fenske, Schrader, Wiegand

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS - February 11, 1991

AYES: Bear, Mihata, Zieg, Westcott, Fenske, Schrader, Wiegand

NOES: None

ABSTAIN: None

ABSENT: None