

**ORDINANCE NO. 1120**

**AN ORDINANCE AMENDING THE CANBY COMPREHENSIVE PLAN AND  
REZONING SPECIFIC PROPERTIES WITHIN THE CANBY CITY LIMITS.**

**WHEREAS**, the City is required to review its Comprehensive Plan under the state-mandated process of periodic review; and

**WHEREAS**, grant funding to undertake the rezoning project was provided by the Oregon Department of Land Conservation and Development; and

**WHEREAS**, an extensive public involvement process lasting more than a year and including three rounds of neighborhood meetings, three meetings of the City's Comprehensive Plan Citizens' Advisory Committee, and Planning Commission meetings has resulted in a set of recommendations on amendments to the Comprehensive Plan and Zoning Map of the City of Canby; and

**WHEREAS**, the Canby Planning Commission, after providing appropriate public notice, conducted a public hearing on said amendments, during which the citizens of Canby were given the opportunity to come forward to present testimony on these proposed changes; and

**WHEREAS**, the Planning Commission found that the standards and criteria of Section 16.88.180 of the Land Development and Planning Ordinance, concerning Comprehensive Plan Amendments and the standards and criteria of Section 16.54 concerning Amendments to the Zoning Map, were met and recommended approval by a vote of 6-0 to the City Council after making certain modifications; and

**WHEREAS**, the City Council, after reviewing the record of the Canby Planning Commission regarding the subject amendments, concluded that the Planning Commission's findings of fact and the amendment itself are appropriate.

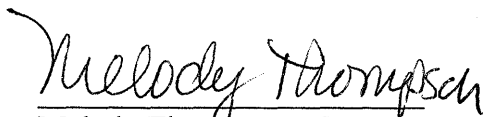
**NOW, THEREFORE, THE CANBY CITY COUNCIL ORDAINS AS FOLLOWS:**


CPA 03-03/ZC 03-03 is hereby approved and the Comprehensive Plan and Zoning Maps of the City of Canby are modified as detailed in Exhibits 1 and 2.

**SUBMITTED** to the Council and read the first time at a regular meeting thereof on June 4, 2003, 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 June 18, 2003, commencing after the hour of 7:30 p.m., at the Council's regular meeting chambers at the Canby City Hall in Canby, Oregon.

**ENACTED** on the second and final reading by the Canby City Council at a regular meeting thereof on June 18, 2003 by the following vote:

YEAS 5                      NAYS 0

  
Melody Thompson, Mayor

ATTEST:  
  
Chaune F. Seifried, City Recorder Pro Tem

**Ordinance 1120 - Exhibit 1**  
**Changes to the Text and Maps of the Comprehensive Plan**

**Text Changes**

The text of Policy No. 6 of the Land Use Element of the Comprehensive Plan shall be changed as follows:

POLICY NO. 6: CANBY SHALL RECOGNIZE THE UNIQUE CHARACTER OF CERTAIN AREAS AND WILL UTILIZE THE FOLLOWING SPECIAL REQUIREMENTS, IN CONJUNCTION WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT AND PLANNING ORDINANCE, IN GUIDING THE USE AND DEVELOPMENT OF THESE UNIQUE AREAS.

IMPLEMENTATION MEASURES:

A) A map of "Areas of Special Concern" is included at the back of this Plan Element. That map is to be regarded as having the full force and effect of the Land Use Map in determining appropriate land uses and levels of development. Development proposals, even those that appear to conform with existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here.

B) Specific characteristics of the Areas of Special Concern are as follows:

1. Area "A" is significant because of its location on Highway 99-E at a main entry to the City. This site has long been zoned for industrial development but has remained vacant because of topographic constraints, lack of State highway access, and limited rail access. With the installation of traffic signals at the intersection of Highway 99-E and S.W. Berg Parkway, the opportunity for major access improvements to the site can be seen. It now appears that commercial development would better utilize this area, but with a large adjacent area designated for industrial development, it would seem most reasonable to allow either light industrial or general commercial development (provided that any commercial development utilize the signalized intersection for access to Highway 99-E). The development of Area "A" is expected to have an impact on access to Area "B," which is adjacent. Area "A" has been rezoned C-M.

2. Area "B" is designated for Heavy Industrial use on the Land Use Map. It is unique because of its location within an old aggregate removal site, with special access, water and sewer service, and drainage concerns which result from its physical condition and location. Area "B" will be upzoned to M-2 when all public facilities are available to serve the area and access problems have been resolved.

3. *Area "C"* includes all of the property shown on the Land Use Map within the "Residential-Commercial" category and having frontage on S. Ivy Street. Ever-increasing traffic on S. Ivy Street necessitates special treatment for access, especially where commercial or multifamily residential development occurs. The site plan review process shall be used to assure that strict adherence to parking and access requirements are maintained. Portions of this area which have already been zoned R-2 and developed residentially will be allowed to remain in R-2 zoning. C-R zoning has begun to be used as individual applications for zone changes have been processed. There is no reason to attempt to hasten this transition process because residential uses can eventually be converted to mixed residential/commercial use.

4. *Area "D"* is significant because of its location separating industrial, multiple-family residential, and single family residential areas. Originally intended as a "buffer strip" between conflicting uses, the site remains in private ownership with no known development plans. In order to assure that the development of the site does not conflict with surrounding uses, a review of any proposed design will be necessary. To assure maximum yield to the owner, without creating any undue hardships for residents, M-1/PUD zoning has been applied to the site.

5. *Area "E"* is significant because of its preponderance of extremely deep lots with resulting access constraints. Density of development remains extremely low because of poor access. As a means of opening this area up to increased development, while solving the access problem at the same time, planned unit developments using looped, one-way access roads are encouraged. Such one-way roads will be at least 20 feet in width, with parking restricted to one side and sidewalks required on one side only. They shall be private roads, but the City shall be guaranteed that the roads are maintained or work performed at the owners expense. The Land Use Map designates the area for Medium Density Residential use with appropriate zoning to remain R-1 until a specific proposal is made for R-1.5 PUD zoning.

6. *Area "F"* consists of a relatively narrow strip of land along the west side of N. Maple Street, north of N.W. 22nd Avenue. This land was included within the City's Urban Growth Boundary to allow for the eventual widening of N. Maple Street, which is presently a half street. It has been identified as an area of special concern because the City may need to allow special development techniques to maximize density while still requiring adequate buffers to minimize conflicts with adjacent agricultural activities. The improvement of N. Maple Street to full width is a major city concern because of the potential for increased development in the area, particularly within the Country Club. Development along the street must also allow for streets to eventually be constructed intersecting N. Maple Street from the west. R-1/PUD zoning will be applied to this area at the time of annexation.

7. *Area "G"* is a small triangular shaped piece of property with potential development limitations due to steeply sloping west and south sides and lack of present sewer service. Proper site planning and some financial investment should mitigate both problems at some point in the future. Until that time, development will be limited to a single family dwelling. Any further development will require the prior upzoning to R-1.5.

8. *Area "H"* is a developed neighborhood of single-family dwellings on conventional City lots. It is planned for eventual redevelopment to more of a multiple family and duplex character. The existing developed nature of the area obviates any need for an immediate zone change at this time. Any proposals for new development or redevelopment of the area, other than for one single-family dwelling, per lot, will require prior upzoning to R-2.

9. *Area "I"* consists of a wide strip of property bordering N.E. Territorial Road. It includes properties which are planned for medium density residential use and properties planned for high density residential use. Present development in the area includes apartments, condominiums, single-family dwellings, and vacant lots. Present zoning includes some R-2 areas and a predominance of R-1 areas. Street dedications and, in some cases, street improvements are needed to make some of the properties suitable for higher density development. New developments, other than one single-family dwelling per lot, will require prior upzoning to either R-1.5 or R2, as appropriate.

10. *Area "J"* is a large area of multiple owners bounded on the west side by Highway 99E, SE 1<sup>st</sup> Avenue to the South, Haines Road to the East, and the Urban Growth Boundary to the north. The area contains numerous single family homes, a pub (The Spinning Wheel), several churches, and significant open space and natural features, the most notable is a large, man-made lake located in the approximate center of the area. Because of the existing mix of uses, this area presents a unique opportunity for the City to master plan the area and create appropriate zoning language and/or zoning overlays to encourage a mixed density neighborhood. Until a master plan is adopted, this area should be held in reserve and properties in this area should remain a low priority for annexation. The creation of this master plan should be high on the priority list for long-range planning project for the City. Through the 2002-2003 public process to locate appropriate areas for Medium and High Density Residential Land, this area was found to be appropriate for the equivalent of a minimum of 12 acres of High Density Residential Development and a minimum of 15 acres of Medium Density Development. During the master planning process, these numbers should be used as a guideline, but could be increased if, through a public input process, more is deemed desirable, especially if it is to protect existing open spaces, natural features, or other desirable elements for the area. Development of the master plan should concentrate on protecting the special natural and physical characteristics of the area.

11. Area "K" is approximately 2.5 acres in size and is currently inside City Limits with a zoning of R-1. The parcel is located on the southeast corner of SE 13<sup>th</sup> Avenue and S. Ivy Street and is currently being operated as a commercial nursery (a grandfathered use from before it was annexed). Because of its proximity to Hope Village, schools, and residential neighborhoods, this parcel was identified as a good area for some sort of convenience or residential commercial. Because of the different allowed uses in each zone, it is difficult to determine which designation would be most appropriate. Many meeting participants felt that a convenience store (allowed outright in the Convenience Commercial (CC) zone but not at all in the Residential Commercial (CR) zone) might be appropriate but it is unclear as to whether a service station (also allowed outright in the CC zone) is equally as compatible with surrounding uses. A placeholder designation of Residential Commercial (RC) has been placed on the parcel because it offers the property owner more options at this time, but the City may wish to consider a text amendment to change the allowed or conditional uses in either zone to provide for a well designed convenience store at this location. A zone change would be required from R-1 upon redevelopment of the property.

C) In each of the examples listed above where one single family dwelling per lot is to be allowed prior to upzoning, the City will review the plot plans of such dwelling units and set such conditions regarding building setbacks or orientation as may be necessary to assure that future higher densities or intensities of development will not be precluded because of such building placement.

#### **Map Changes**

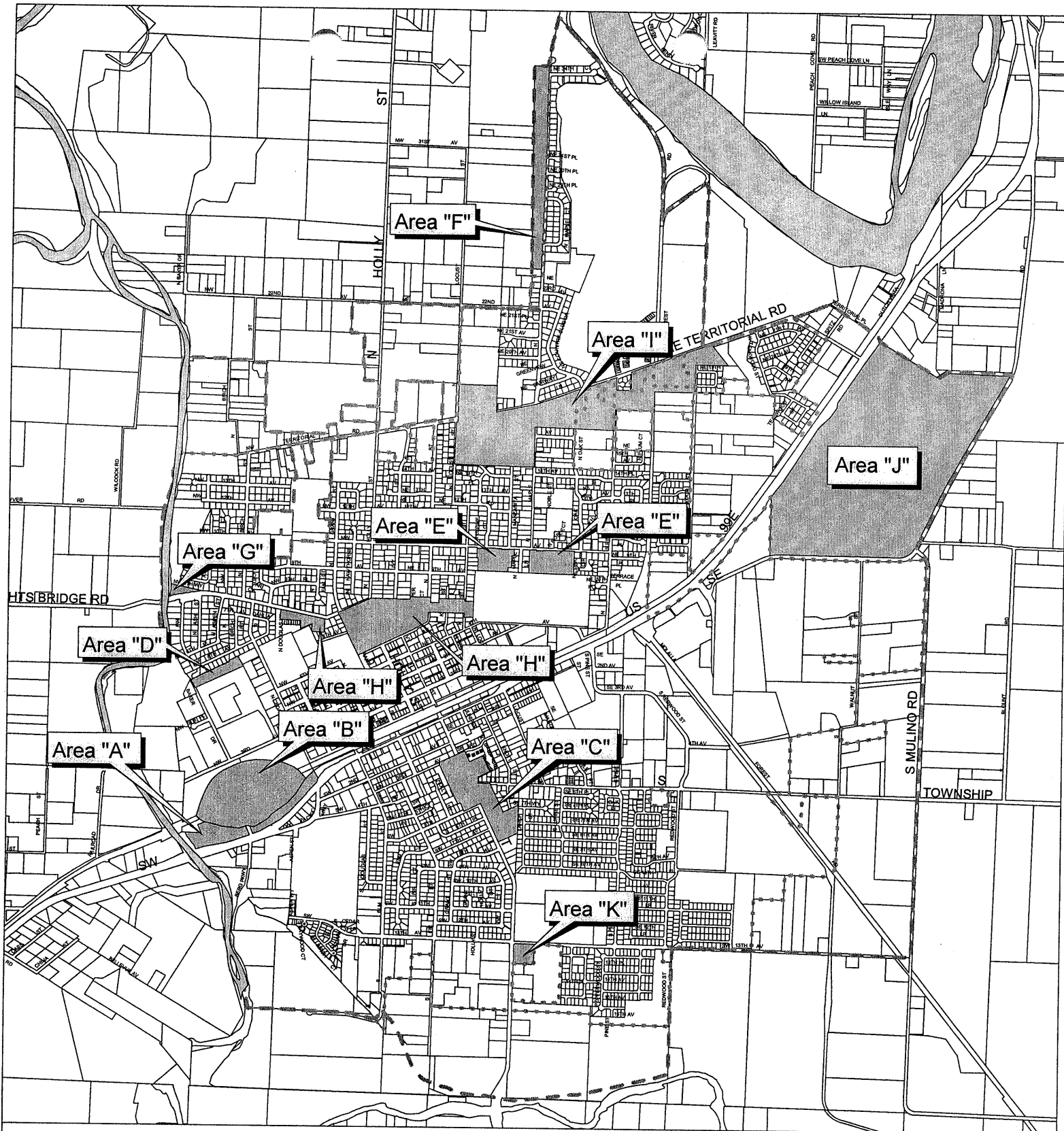
The "Areas of Special Concern" Map in the Comprehensive Plan shall be replaced with the attached map.

The Comprehensive Plan Land Use Map shall be changed to reflect the designations shown on the attached maps for Areas 1 through 9 (Area 6 was removed from the recommendation following the Planning Commission hearing).

#### **Attachments:**

Revised "Areas of Special Concern" Map (1 page)

Areas 1-5 and 7-9 maps designating changes to the Comprehensive Plan Land Use Map. (8 pages)



# City of Canby Areas of Special Concern

Revised May, 2003

Area 1  
Proposed Changes to Canby  
Comprehensive Plan Designations

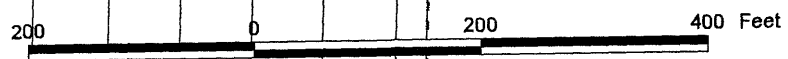
NE Territorial Rd

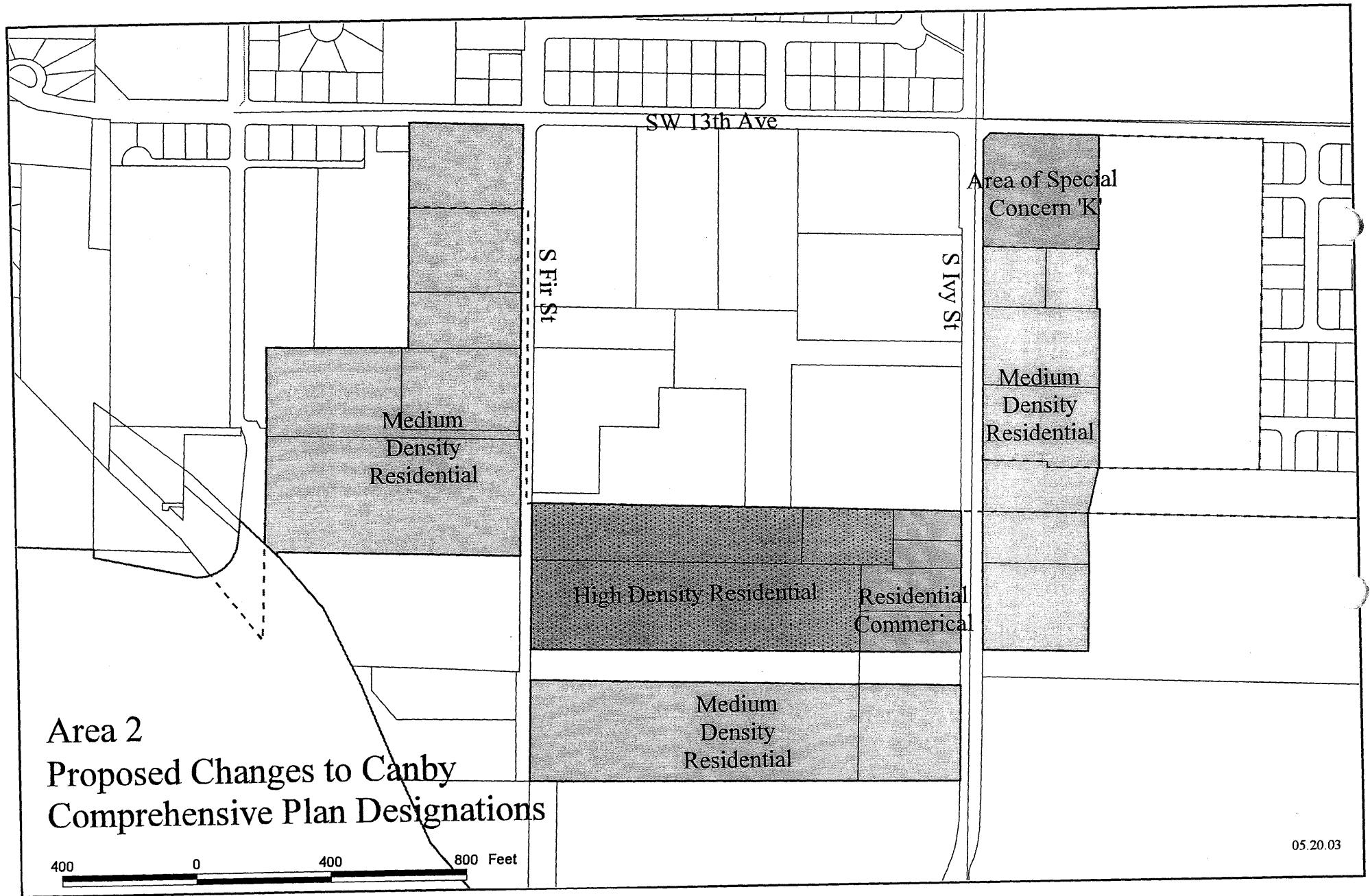
Low  
Density  
Residential

Medium  
Density  
Residential

N Pine St

Molalla Forest Rd





**Area 2  
Proposed Changes to Canby  
Comprehensive Plan Designations**

400 0 400 800 Feet



Area 3  
Proposed Changes to Canby  
Comprehensive Plan Designations



SE 13th Ave



Area 4  
Proposed Changes to Canby  
Comprehensive Plan Designations

Area 9

Medium  
Density  
Residential

High  
Density  
Residential

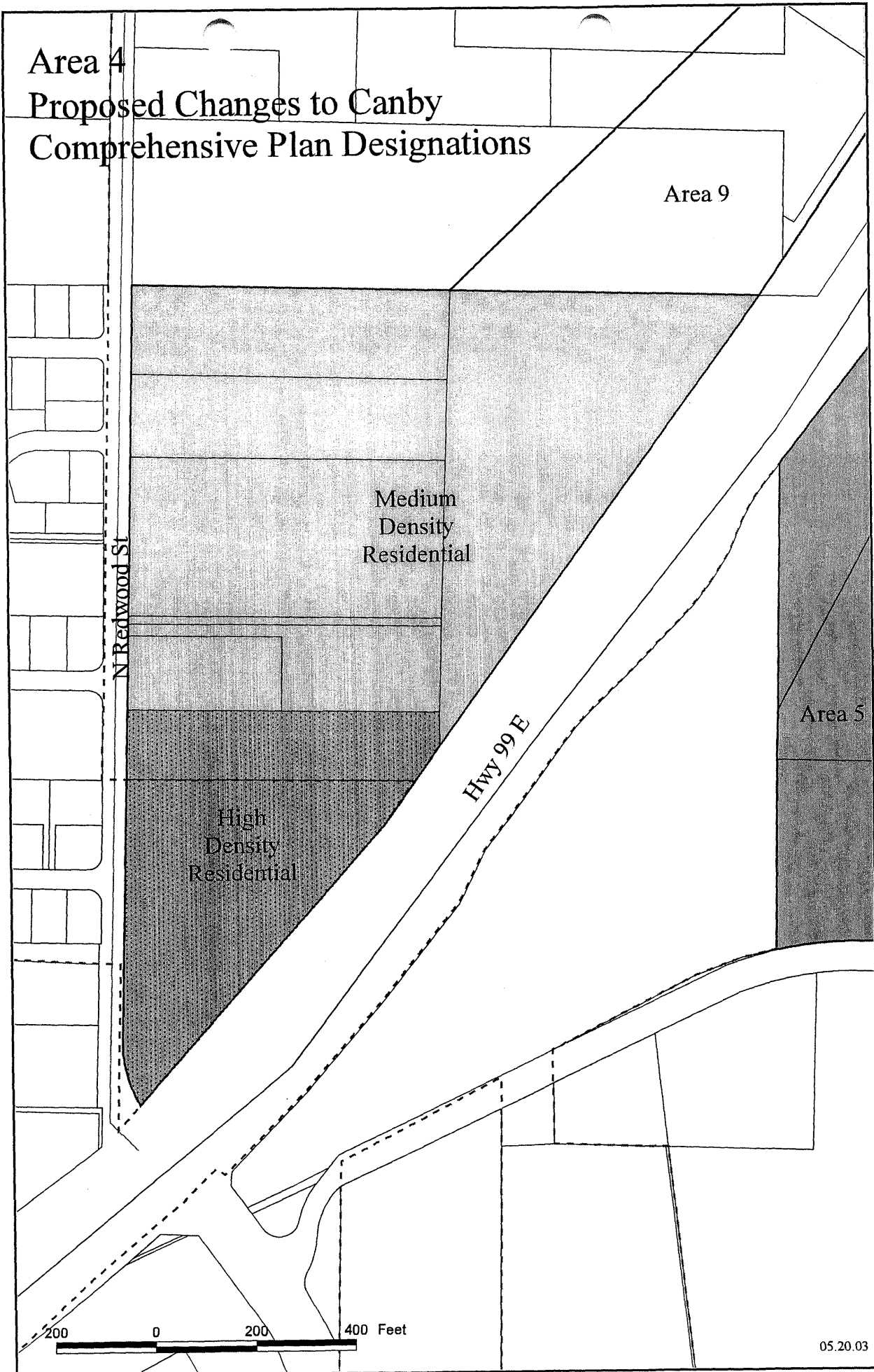
Area 5

N Redwood St

Hwy 99 E

200 0 200 400 Feet

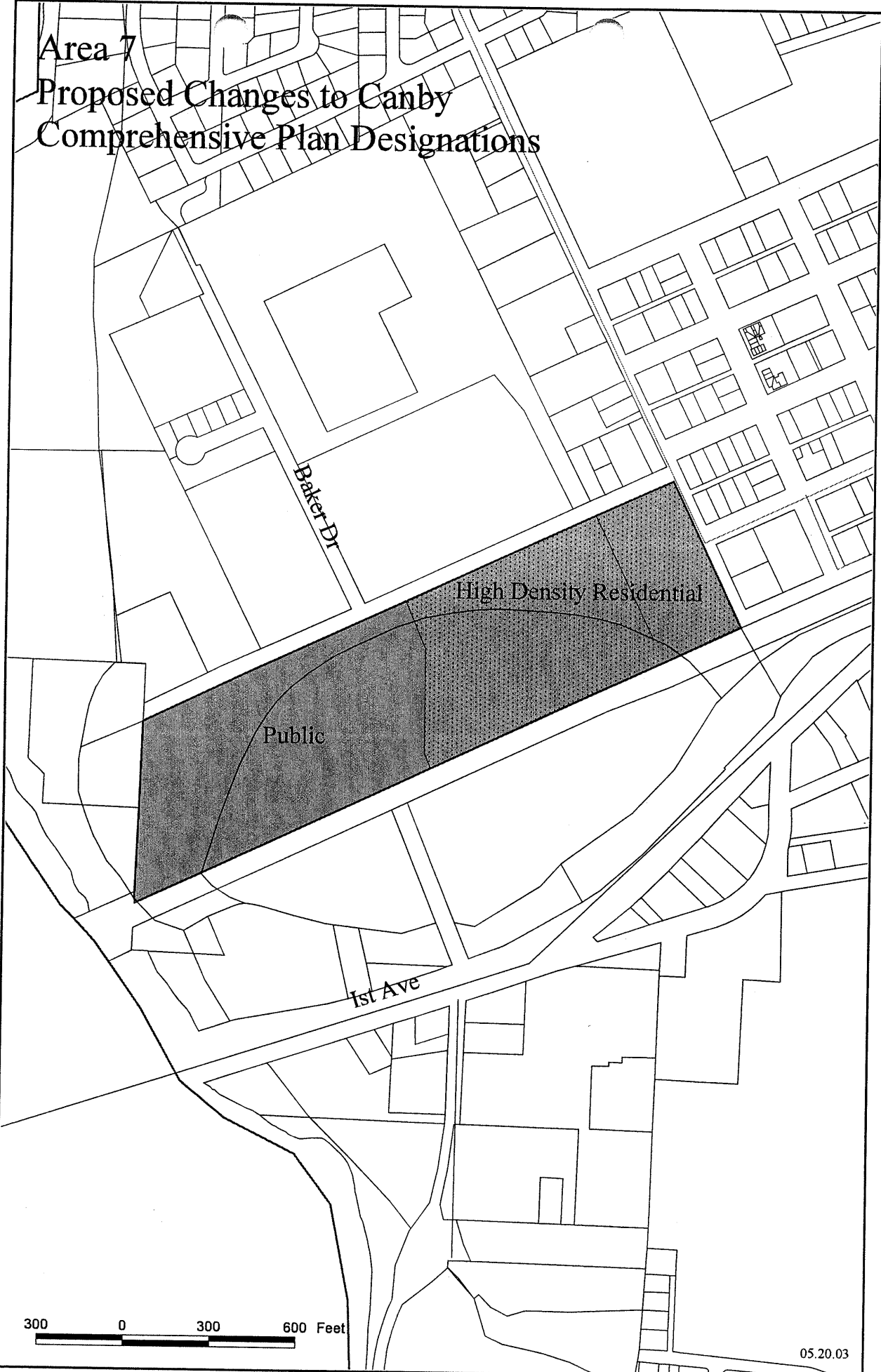
05.20.03



# Area 5 Proposed Changes to Canby Comprehensive Plan Designations



Area 7  
Proposed Changes to Canby  
Comprehensive Plan Designations



300 0 300 600 Feet

**Area 8**  
**Proposed Changes to Canby**  
**Comprehensive Plan Designations**



90 0 90 180 Feet

05.20.03

Area 9

# Proposed Changes to Canby Comprehensive Plan Designations

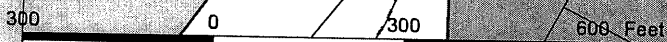
Low Density  
Residential

Low Density  
Residential

Hwy 99 E

Area 5

Area 4

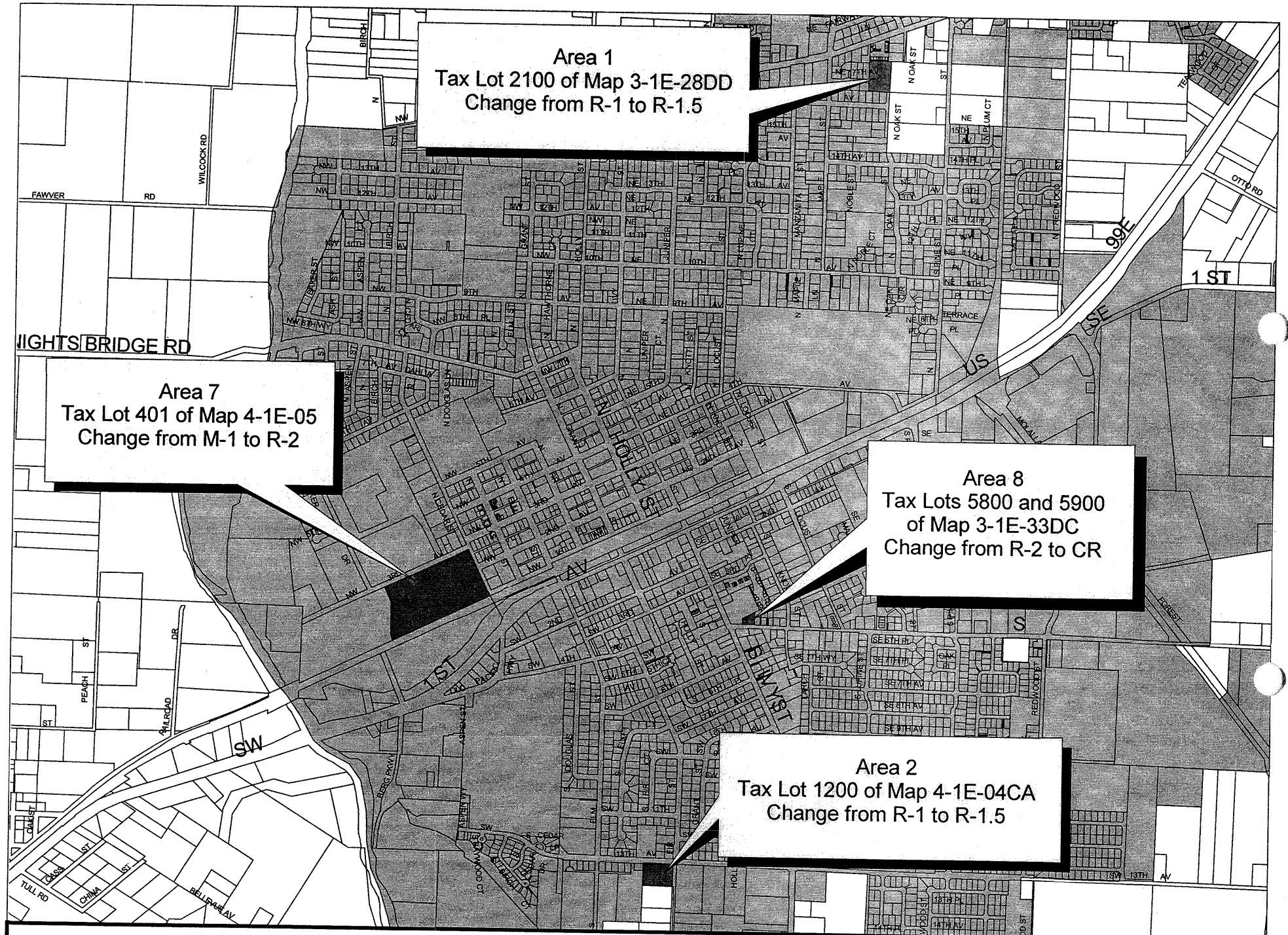


**Ordinance 1120 - Exhibit 2**  
**Changes to the Current Zoning Map of the City of Canby**

**Map Changes**

The following changes to the City's Current Zoning Map are required to bring the properties into conformance with the Comprehensive Plan Land Use Map as depicted on the attached map and as detailed in the below table.

<b>Tax Lot</b>	<b>Area</b>	<b>Old Zoning</b>	<b>New Zoning</b>
3-1E-28DD-02100	1	R-1	R-1.5
4-1E-04CA-01200	2	R-1	R-1.5
4-1E-05-00401	7	M-1	R-2
3-1E-33DC-05800	8	R-2	CR
3-1E-33DC-05900	8	R-2	CR



Area 1  
Tax Lot 2100 of Map 3-1E-28DD  
Change from R-1 to R-1.5

Area 7  
Tax Lot 401 of Map 4-1E-05  
Change from M-1 to R-2

Area 8  
Tax Lots 5800 and 5900  
of Map 3-1E-33DC  
Change from R-2 to CR

Area 2  
Tax Lot 1200 of Map 4-1E-04CA  
Change from R-1 to R-1.5

# Current Zoning Changes