

ORDINANCE NO. 1149

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FROM LIGHT INDUSTRIAL TO HEAVY COMMERCIAL/MANUFACTURING FOR TAX LOT 300 OF TAX MAP 4-1E-05A, A 2.2 ACRE PARCEL LOCATED ON THE S.W. CORNER OF HIGHWAY 99E AND S. BERG PARKWAY.

WHEREAS, an application was filed with the City Planner by Group Mackenzie on behalf of Plantore LLC/SR Smith Company, owner of Tax Lot 300 of Tax Map 4-1E-05A to change the zoning of the property from Light Industrial (M-1) to Heavy Commercial / Manufacturing (C-M); and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on May 10, 2004 after public notices were mailed, posted and printed in the *Canby Herald*, as required by law; and

WHEREAS, the Canby Planning Commission heard and considered public testimony regarding the proposed zone change at the public hearing. At the conclusion of the public hearing, the Planning Commission voted six to zero to recommend that the City Council approve the proposed application. The Findings, Conclusions and Final Order was thereafter forwarded to the Council with its recommendation; and

WHEREAS, the Canby City Council considered the matter and recommendation of the Planning Commission at a public hearing held on June 16, 2004, reviewed the record of the Planning Commission hearing and received further public testimony pursuant to the Canby Municipal Code; and

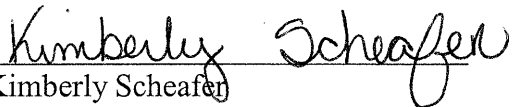
WHEREAS, the Canby City Council, after concluding its review and discussion on this matter and by motion duly made and seconded, voted unanimously to approve the zone change application; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The zoning designation for the Tax Lot 300 of Tax Map 4-1E-05A is changed from Light Industrial (M-1) to Heavy Commercial/Manufacturing (C-M).

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 above.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, July 7, 2004 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, July 21, 2004, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City hall in Canby, Oregon.

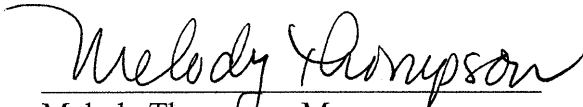


Kimberly Scheafer
City Recorder - Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 21st day of July, 2004, by the following vote:

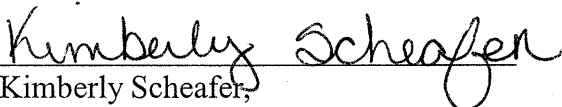
YEAS 5

NAYS 0



Melody Thompson, Mayor

ATTEST:



Kimberly Scheafer,
City Recorder - Pro Tem

**BEFORE THE CITY COUNCIL
OF THE
CITY OF CANBY**

A REQUEST TO CHANGE THE ZONING)	FINDINGS, CONCLUSION & FINAL ORDER
COMPREHENSIVE PLAN DESIGN-)	CPA 04-01/ZC 04-02
ATION FROM LIGHT INDUSTRIAL)	(Group Mackenzie/Plantore LLC)
TO HEAVY COMMERCIAL /)	
MANUFACTURING FOR TAX LOT 300)	
OF TAX MAP 4-1E-05A, A 2.2 ACRE)	
PARCEL ON THE SOUTHWEST)	
CORNER OF HIGHWAY 99E AND)	
S BERG PARKWAY)	

NATURE OF APPLICATION

The applicant is seeking to amend the Comprehensive Plan Land Use Map and zoning designation and to reconfigure lot lines on a 2.20 acre taxlot at the southwest corner of Highway 99E and SW Berg Parkway. The applicant has not submitted a specific development proposal; site development is subject to Site and Design Review approval.

HEARINGS

The City Council held a public hearing to consider this application on June 16, 2004.

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.

This is a quasi-judicial plan amendment. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

- A. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment;
- B. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area.

FINDINGS AND REASONS

The City Council, after holding a public hearing on June 16, 2004 and considering the April 30, 2004 staff report, deliberated and reached a decision on June 16, 2004 recommending approval of the applicant's request for zone change and comprehensive plan amendment to the City Council. The Council adopted the findings and conclusions contained in the June 16, 2004 staff report.

CONCLUSION

The City Council concludes that, with regards to the zone change:

- A. This application is in compliance with all elements of the Comprehensive Plan of the City, including Policy 6 of the Land Use Element, and the plans and policies of the County, state and local districts.
- B. 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.

The City Council concludes that, with regards to the comprehensive plan amendment:

- A. This application is in compliance with the remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment;
- B. All required public facilities and services exist, or will be provided concurrent with the anticipated development of the area.

ORDER

IT IS ORDERED BY THE CITY COUNCIL of the City of Canby that CPA 04-01/ZC 04-02 is **APPROVED**.

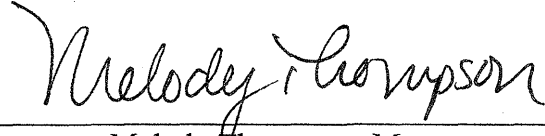
Findings, Conclusion & Final Order

CPA 04-01/ ZC 04-02

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I CERTIFY THAT THIS ORDER approving CPA 04-01/ZC 04-02 was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 7th day of July, 2004.



Melody Thompson, Mayor
City of Canby



Darren J. Nichols
Associate Planner

ATTEST:

ORAL DECISION – June 16, 2004

AYES: Daniels, Newton, Oliver, Johnson, Carson, Blackwell

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS - July 7, 2004

AYES: Daniels, Newton, Oliver, Johnson, Carson, Blackwell

NOES: None

ABSTAIN: None

ABSENT: None