

ORDINANCE NO. 1225

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOTS 804 AND 800 OF TAX MAP 3-1E-33DA AND TAX LOT 500 OF TAX MAP 3-1E-34C.

WHEREAS, an application was filed with the City by the Canby Fire District, Ray Hellhake, and Greg Page to change the zoning of a single 1.98 acre parcel known as Tax Lot 804 of tax map 3-1E-33DA from Low Density Residential (R-1) to Highway Commercial (C-2), a 1.64 acre parcel known as Tax Lot 800 of tax map 3-1E-33DA from Low Density Residential (R-1) to Highway Commercial (C-2), a single 0.59 acre parcel known as Tax Lot 500 of tax map 3-1E-34C from Low Density Residential (R-1) to Light Industrial (M-1); and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on June 26, 2006 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 4-0 to recommend that the City Council approve the application provided that the final traffic study prepared by Lancaster Engineering will not identify any insurmountable burden(s) to the local road system. The Findings, Conclusions and 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 including the Lancaster Engineering traffic study dated September 27, 2006 at a regular meeting on October 18, 2006; and

WHEREAS, the Canby City Council, after the staff report and review of the record, voted to accept the Planning Commission's recommendation; and

WHEREAS, the Canby City Council adopts a condition of approval, which states, "Any change in the intensity or use of the affected properties shall be reviewed with the benefit of a thorough traffic study addressing all ODOT and City concerns raised at the time of the proposed change in use and/or intensity. Further, any mitigation recommended as a result of outcome of a traffic study shall be made a condition of any approval prior to the issuance of a building permit. The requirement for a traffic study may be waived only if deemed unnecessary by the City and ODOT."; and

WHEREAS, the Canby City Council adopts a condition of approval, which states, "Development on Tax Lot 804 shall be limited to public fire and emergency service facilities. Private retail and commercial uses shall not be allowed on Tax Lot 804 unless an application to modify this condition is approved by the City. A modification application will require new information to demonstrate compliance with the state Transportation Planning Rule, OAR 660-12-060.

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

Section 1. Tax lot 804 of tax map 3-1E-33DA is rezoned from Low Density Residential (R-1) to Highway Commercial (C-2) as called for in Canby's Comprehensive Plan.

Section 2. Tax lot 800 of tax map 3-1E-33DA is rezoned from Low Density Residential (R-1) to Highway Commercial (C-2) as called for in Canby's Comprehensive Plan.

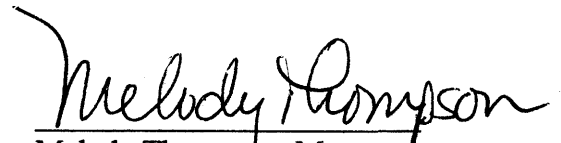
Section 3. Tax lot 500 of tax map 3-1E-34C is rezoned from Low Density Residential (R-1) to Light Industrial (M-1) as called for in Canby's Comprehensive Plan.

Section 4. The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the City's zoning map in accordance with the dictates of Sections 1, 2, and 3 of this Ordinance.

SUBMITTED to the Council and read the first time at a regular meeting thereof on October 18, 2006, 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 1, 2006, 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 November 1, 2006 by the following vote:

YEAS 6 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
FROM LOW DENSITY RESIDENTIAL) ZC 06-02
TO MATCH THE CANBY)
COMPREHENSIVE PLAN ZONING)**

NATURE OF APPLICATION

The applicants are seeking to change the zoning for three separate parcels, all currently zoned R-1, Low Density Residential. The zone change would be from the current R-1 zoning district to Comprehensive Plan designation for the properties, which breaks down as follows:

- 221 S. Pine, owned by the Canby Fire Dist. would change to C-2, Highway Commercial.
- 883 SE 1st Ave., owned by Ray Hellhake would change to C-2, Highway Commercial; this property is currently split zoned and the portion fronting Highway 99E is already zoned C-2 and contains a Space Age service station.
- 254 S Pine, owned by Greg Page would change to M-1, Light Industrial.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of June 26, 2006. The City Council held a public hearing and considered this application at its meeting of October 18, 2006.

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

After holding a public hearing and considering the June 11, 2006 staff report, the Planning Commission's record, and subsequent supplemental testimony and evidence submitted to the record, the City Council deliberated and reached a decision on October 18, 2006 to approve the applicant's request for zone change. The City Council found that the applicant's request is in compliance with the Comprehensive Plan of the City of Canby and the Council adopted the findings and conclusions contained in the July 10, 2006 Planning Commission Findings insofar as they do not conflict with the following City Council findings:

***Finding:** The City Council finds that the following conditions of approval adequately address concerns surrounding future impacts to the surrounding road system; in particular the future functioning of the intersection of Pine Street and Highway 99E:*

***Condition #1:** The proposed zone change is approved provided that any change in the intensity or use of the affected properties is reviewed with the benefit of a thorough traffic study addressing all ODOT and City concerns raised at the time of the proposed change in use and/or intensity. Further, any mitigation recommended as a result of the outcome of a traffic study shall be made a condition of any approval. The requirement for a traffic study may be waived only if deemed unnecessary by the City and ODOT.*

***Condition #2:** Tax Lot 804 shall continue to be used for the provision of fire and other emergency services. Private retail and commercial uses will not be allowed on Tax Lot 804, until such time appropriate mitigation is applied to the intersection of South Pine Street and Highway 99E as required by way of the approval of any future Modification application. A Modification application will require new findings addressing the Transportation Planning Rule at the time of application.*

***Finding:** 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.*

***Finding:** 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 finding is based upon expectation of no undue impacts to the local road system as referred to in Finding 1.*

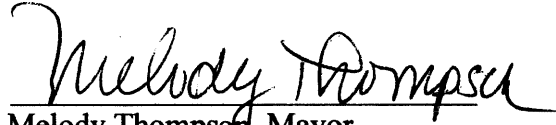
DECISION


THE CITY COUNCIL of the City of Canby hereby approves **ZC 06-02**.

ORDER

I CERTIFY THAT THIS ORDER approving **ZC 06-02** was presented to and **APPROVED** by the Canby City Council.

DATED this 1st day of November, 2006.


Melody Thompson, Mayor
Canby City Council


Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – October 18, 2006

AYES: Blackwell, Oliver, Harris, Daniels, Carson, ~~Thompson~~ ^{Stacy}

NOES: None.

ABSTAIN: None.

ABSENT: Helbling

WRITTEN FINDINGS – November 1, 2006

AYES: Blackwell, Oliver, Harris, Daniels & Carson

NOES: None

ABSTAIN: Helbling

ABSENT: None.