

ORDINANCE NO. 1423

AN ORDINANCE AMENDING CANBY'S COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP FROM HEAVY INDUSTRIAL (HI & M-2) TO HIGH DENSITY RESIDENTIAL (HDR & R-2) RESPECTIVELY FOR AN APPROXIMATE 7.6 ACRE PORTION OF TAX LOTS 2101 AND 4900 OF TAX MAP 31E34C AS ADJUSTED BY LLA 15-04 AT 235 S SEQUOIA PARKWAY.

WHEREAS, an application was filed with the City by Urban IDM, the owner of said Tax Lots to amend the Comprehensive Plan Land Use Map and Zoning Map from Heavy Industrial (HI & M-2) to High Density Residential (HDR & R-2) respectively; and

WHEREAS, a concurrent Lot Line Adjustment application to adjust the two said Tax Lots in a manner to rezone approximately 7.6 acres for High Density Residential with the remaining adjusted Tax Lot of approximately 5 acres retaining the existing Heavy Industrial designation and zoning; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on August 24, 2015 and the Canby City Council on September 16, 2015 on said amendments, during which the citizens of Canby were given the opportunity to come forward to present testimony on these proposed changes after public notice was posted and printed in the Canby *Herald*, as required by law; and

WHEREAS, the Canby City Council considered the matter and the recommendation and hearing proceedings of the Planning Commission in relation to the applicable approval standards and criteria of CMC Section 16.88.180(D), 16.88.190, and 16.54.040 of the Land Development and Planning Ordinance concerning whether the Comprehensive Plan Quasi-judicial Plan Amendments, Transportation System Plan and Transportation Planning Rule, and Zoning Map Amendments were met; and

WHEREAS, the City Council, after concluding its review and discussion of the record on this matter and by motion duly made and seconded, voted to approve the Comprehensive Plan Land Use Map Amendment and Zone Change Map Amendment subject to specific zone conditions; now therefore,

THE CANBY CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. The comprehensive plan land use map designation and official zoning map district for the adjusted Tax Lots from the concurrently approved application for LLA 15-04 for Tax Lots 2101 and 4900 of Tax Map 31E34C are changed from Heavy Industrial (HI & M-2) to High Density Residential (HDR & R-2) respectively for approximately 7.6 acres as determined by the final Lot Line Adjustment survey or plat.

Section 2. The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate change to the City's Comprehensive Plan Land Use Map and Zoning Map in accordance with the dictates of Section 1 above.

Section 3. The change in land use plan map designation and zone map district are subject to the following conditions of the map approvals:

- 1) A 25-foot wide landscape buffer shall be required as part of the subsequent approved site development plan adjacent to the commonly owned 5 acre parcel retaining M-2 zoning and the railroad spur boundary except where garage units or internal drive and parking is provided within this landscape area in which case the required minimum landscape buffer shall be 15-foot wide to allow for screening plant material. Either required landscape screening/buffer area width provided shall be required to plant appropriate evergreen plant materials that will provide visually opaque privacy screening from the ground up to approximately 20 feet in height at plant maturity.
- 2) The applicant shall provide planning staff a list of specific heightened level of building construction standards to be utilized in conjunction with their building plan submittal that addresses noise attenuation, and will hire a licensed engineer to measure the level of vibration generated by the rail line as part of the process of determining whether any construction mitigation measures are warranted to mitigate adverse vibration impacts.
- 3) The applicant shall record a deed restriction to limit the allowed uses on the M-2 zone 5 acre commonly owned industrial tract to restrict uses to those indicated to be “outright permitted” as indicated in the current or future M-1 Light Industrial Zone within the Canby Planning and Zoning Ordinance without option for uses otherwise listed in the same ordinance in both the M-1 and M-2 zone as allowed by Conditional Use.
- 4) The applicant shall record a deed restriction to prohibit any future Comprehensive Plan Map Amendment or Zoning Map Amendment to allow any residential or commercial zone district on the remaining adjacent commonly owned parcel retaining the M-2 zone unless property on both adjacent sides along the Sequoia Parkway frontage are also to be rezoned or have already been rezoned to the same proposed zone district.
- 5) Driveway access to Sequoia Parkway for the applicant’s two legally existing parcels shall be limited to no more than two between and amongst the two properties unless the applicant can adequately demonstrate full compliance with the 200-foot spacing standard which applies between all new driveways and existing driveways as determined at the time of development application approval.
- 6) The applicant shall contribute 4% of the final estimate for the installation of a traffic signal and associated improvements recommended by ODOT and contained in the supplemental Traffic Memorandum prepared by DKS Associates. This would amount to a rough proportional share contribution to the City for future funding of the signalization project as identified by

condition of approval to be added to the City's TSP and SDC capital improvement list by approval of this rezone.

7) City agreement with the rezone to pursue amendment of the Canby Transportation System Plan to include a traffic signal at S Sequoia Parkway/S Hazel Dell Way intersection in the financially constrained project list, and to amend the System Development Charge (SDC) project list to include a traffic signal at the same intersection by removing a less critical similar cost project due to this projects more immediate higher importance.

8) The applicant shall record a deed restriction in favor of all industrial zoned lots in the Canby Pioneer Industrial Park acknowledging the industrial uses on the industrial zoned properties are pre-existing and do not constitute a nuisance and the apartment owners and residents waive any future claims for nuisance arising out of the current or future industrial uses of those properties.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, September 16, 2015, 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 City Council at a regular meeting thereof on October 7, 2015, commencing after the hour of 7:30 p.m. in the Council Meeting Chambers located at 155 NW 2nd Avenue in Canby, Oregon.


Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on October 7, 2015, by the following vote:

YEAS 4

NAYS 3


Brian Hodson
Mayor

ATTEST:


Kimberly Scheafer, MMC
City Recorder