

**RESOLUTION NO. 493**

**A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN OF THE CITY OF CANBY TO INCLUDE TAX LOT 1700 OF TAX MAP 3-1E-34BC (CONSISTING OF APPROXIMATELY 2.37 ACRES) FOR HIGH DENSITY RESIDENTIAL LAND USE.**

WHEREAS, the Comprehensive Plan amendment was adopted by the Canby City Council on January 25, 1984, by Resolution No. 352; and

WHEREAS, James Bergen and Dessie Bergen, property owners in Clackamas County, filed an application for a Comprehensive Plan amendment on September 9, 1991; and

WHEREAS, the Canby Planning Commission considered the proposed amendment at a public hearing on October 14, 1991 and, after concluding the hearing and considering the required standards and criteria, voted to recommend that the City Council approve the application and amend the Comprehensive Plan; and

WHEREAS, the State Department of Land Conservation and Development was notified of the proposed amendment on September 20, 1991, and they did not respond to this notification; and


WHEREAS, the Canby City Council considered the proposed amendment on December 4, 1991, after posting the legally required public notices; and

WHEREAS, the City Council accepted the findings, including staff report and Planning Commission Findings and conclusion as the attached Exhibit "A".

NOW, THEREFORE, IT IS HEREBY RESOLVED the Comprehensive Plan of the City of Canby is amended as follows:

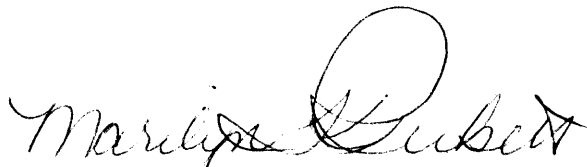
1. All reference to Tax Lot 1700 of Tax Map 3-1E-34BC shall be designated High Density Residential (R-2).

ADOPTED by the Canby City council at a regular meeting thereof this 4th day of December, 1991.



Shawn P. Carroll, Mayor

ATTEST:



Marilyn K. Perkett, City Recorder

**BEFORE THE PLANNING COMMISSION  
OF THE  
CITY OF CANBY**

**A REQUEST FOR APPROVAL TO  
AMEND THE COMPREHENSIVE  
PLAN**

) **FINDINGS, CONCLUSIONS & ORDER**  
) **CPA 91-04**  
) **(James A. Bergen, Sr.)**

**NATURE OF APPLICATION**

The applicant is requesting approval to amend the Comprehensive Plan Land Use element, to propose the area as High Density Residential, rather than Light Industrial Land Use. The total site consists of 2.37 acres (Tax Lot 1700 of Tax Map 3-1E-34C).

**HEARINGS**

The Planning Commission considered this application at its meetings of October 14, 1991 and October 28, 1991.

**CRITERIA AND STANDARDS**

This is a quasi-judicial land use application. It is a single parcel affecting a limited area. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission 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.

## **CONCLUSION**

The Planning Commission concluded that CPA 91-04 complies with all applicable criteria.

## **FINDINGS AND REASONS**

The Planning Commission incorporates the discussions on October 14, 1991 and October 28, 1991 regarding this property, as support for its decision, supplemented by the following:

1. The Commission discussed the proposal to amend the Comprehensive Plan such that this parcel could be developed residentially, rather than industrially.
2. The Commission agreed this application is compatible with the text and maps of the Comprehensive Plan.
3. A motion was made, seconded, and approved unanimously, to recommend that City Council approve CPA 91-04, the request for approval of an amendment to the Land Use element of the Comprehensive Plan to propose this area as High Density Residential, rather than Light Industrial Land Use.
4. This application complies with all City ordinances and policies.
5. The Commission discussed the fact that the zone which best conforms to the land use map of the Comprehensive Plan, in this case, would be R-2.

6. The Commission discussed the letter from Patrick W. Imholt regarding his desire to have Mr. Bergen share in the costs already incurred in bringing the sewer line to Mr. Imholt's property. The Commission was informed there is no legal procedure for making this a condition of approval as no advance funding agreement has been found.

## **ORDER**

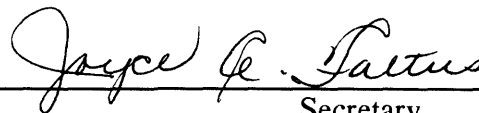
**IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that CPA 91-04 is recommended for approval to City Council.

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

DATED this 25th day of November, 1991.



Kurt Schrader, Chairman  
Canby Planning Commission



Secretary

ATTEST:

**ORAL DECISION - October 28, 1991**

AYES: Schrader, Mihata, Fenske, Westcott, Maher

NOES: None

ABSTAIN: None

ABSENT: Wiegand, Zieg

**WRITTEN FINDINGS - November 25, 1991**

AYES: Schrader, Mihata, Fenske, Westcott

NOES: None

ABSTAIN: Wiegand, Zieg

ABSENT: Maher