

ORDINANCE NO. 513

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY.

WHEREAS, two separate applications have been filed with the Canby City Recorder to amend the zoning map of the City of Canby for the purpose of changing the classification of zones in which real property owned by the two applicants is located. The two applications and the owners of the respective parcels of real property and the requested zone changes are as follows:

Application No. 1422: Application of Jacob Amstutz, Canby, Oregon, filed with the Canby City Planning Commission February 21, 1968, to change from an R-1 (low density residential zone) to an M-1 (light industrial zone) zone classification a parcel of land in the City of Canby which consists of less than ten (10) acres of land and which is particularly described as follows, to-wit:

A tract of land consisting of Parcel I and Parcel II situated in Section 33, T. 3 S., R. 1 E. of the W.M. in Clackamas County, Oregon, said tract being located part in Lot 39, Canby Gardens, and located part in the Philander Lee DLC No. 56, all in the County of Clackamas, Oregon, each parcel being contiguous to one another and more particularly described as follows:

PARCEL I: Beginning at the 1/4 section corner between Sections 33 and 34, the initial point of said Canby Gardens; thence North 89° 51' West along the South boundary of said Lot 39 and the North line of said Philander Lee DLC a distance of 309.70 feet to a point at the Southwest corner of said Lot 39, said point being the true point of beginning of Parcel I as herein described; thence North 00° 14' East along the West boundary of said Lot 39 a distance of 227.19 feet; thence East a distance of 154.70 feet to the Northwest corner of a tract of land conveyed as Parcel I to Murray Jackson and Clifford Jackson, husband and wife, in Book 583 page 53 Record of Deed, Clackamas County, Oregon; thence South along said Jackson tract a distance of 227.60 feet to the Southwest corner of said Jackson tract on the North line of said Philander Lee DLC and South line of said Lot 39; thence North 89° 51' West along said Lee DLC North line and South line of Lot 39, a distance of 155.70 feet to the Southwest corner of said Lot 39, the true point of beginning of the described Parcel I.

PARCEL II: Beginning at the 1/4 section corner between Sections 33 and 34; thence North 89° 51' West along the North line of the above mentioned Philander Lee DLC #56 a distance of 314.70 feet to the Northeast corner of a tract of land conveyed to the Clackamas County Fair Association by deed recorded July 21, 1911

in Book 121 page 426, Record of Deeds, Clackamas County, Oregon, said corner being the true point of beginning of the parcel herein described; thence South along the East line of said Clackamas County Fair Assn. a distance of 160.70 feet to the Northerly line of the Southern Pacific Co. right of way; thence North  $63^{\circ} 04'$  East along said Northerly right of way line a distance of 180.08 feet to the Southwest corner of that parcel of land sold to Murray Jackson and Clifford Jackson, husband and wife, as Parcel II as recorded in Clackamas County record of deeds in Book 583, Page 53; thence North along said Jackson West line a distance of 78.75 feet to the North line of said Lee DLC and the Northwest corner of said Jackson Parcel II tract; thence North  $89^{\circ} 51'$  West along said Lee DLC, a distance of 160.70 feet to the true point of beginning. EXCEPT that portion of a strip of land conveyed to the City of Canby by O. R. Mack by deed recorded March 29, 1915 in Book 139, Page 253, record of deeds, Clackamas County, Oregon.

Application No. 1444: Application of Richard K. Morse and Carol Lee Morse, husband and wife, Canby, Oregon, filed with the Canby City Planning Commission February 18, 1968, to change from an R-1 (low density residential zone) to a R-2 (medium density residential zone) zone classification a parcel of land in the City of Canby which consists of less than ten (10) acres of land and which is particularly described as follows, to-wit:

A parcel of land situated in the southeast one-quarter of Section 28, T. 3 S., R. 1 E., of the W.M. and being part of Tract 59 in Townplat of CANBY GARDENS, as the same is recorded in Book 8, page 7, Record of Townplats for Clackamas County, Oregon, and more particularly described as follows:

Beginning at the southwest corner of Tract 60 of said CANBY GARDENS thence South  $89^{\circ} 59'$  West along the westerly extension of the south boundary of said Tract 60, a distance of 38.0 feet to the true point of beginning; thence continuing along the westerly extension of the south line of said Tract 60, South  $89^{\circ} 59'$  West a distance of 200.0 feet to the southwest corner of that certain parcel of land conveyed to Francis M. Garmire and Charlotte H. Garmire, his wife, by deed recorded September 11, 1956, in Book 516, page 250, Record of Deeds, Clackamas County, Oregon; thence North  $00^{\circ} 01'$  West 173.56 feet along the westerly boundary of said parcel as described in Book 516, page 250, to the northwest boundary of the above mentioned Tract 59; thence North  $69^{\circ} 03'$  East along the northwest boundary of said Tract 59, a distance of 214.14 feet; thence South  $00^{\circ} 01'$  East, a distance of 250.04 feet to the true point of beginning.

WHEREAS, before taking final action on either application and the proposed amendments, the Canby City Planning Commission held a public hearing thereon, and a hearing on each application

was conducted on Wednesday, March 6, 1968, at the hour of 8:00 o'clock p.m. at the Canby City Hall at 182 N. Holly Street in Canby, Clackamas County, State of Oregon, and proper notice of the time, place and purpose of each hearing was duly given in the manner and for the time required by Section 33 (1)(a) of the City Zoning Ordinance No. 452. Said notice was given by the Canby City Recorder by mailing written notice on February 23, 1968, to all of the owners of property within lines parallel to and 200 feet from the exterior boundaries of each parcel of property involved, and the City Recorder's Affidavit of such mailing is on file at the Canby City Hall in the records and file of this matter.

WHEREAS, the Canby City Planning Commission at the time and place of the public hearing on each application heard and considered arguments for and against each proposed zone change; and upon the conclusion of the hearing by motions duly made, seconded and in each case unanimously carried, recommended to the Canby City Council that the application of Jacob Amstutz and the application of Richard K. Morse and Carol Lee Morse, husband and wife, both be approved, and that the proposed amendments to the City Zoning Map be made, and that the zone classifications be changed for each of the above described parcels of land and as applied for by each of the applications; whereupon a written report and recommendation was made in each instance by the Canby City Planning Commission and filed with the Canby City Council; and

WHEREAS, the Canby City Council held a public hearing on each application and the proposed amendments to the City Zoning Map as required by the provisions of Section 33 (3) of the City Zoning Ordinance No. 452, and said public hearing was held for each application on the 29th day of March, 1968, at the hour of 7:30 and 8:00 o'clock p.m., Pacific Standard Time, at the Canby City Hall in Canby, Clackamas County, State of Oregon, after proper notice

thereof was first duly given in the manner and for the time required by the City Zoning Ordinance and O.R.S. 227.260, and proof of the publications of each notice which was published separately in the Canby Herald, a newspaper of general circulation printed and published in Canby, Clackamas County, State of Oregon, is on file in the office of the Canby City Recorder at the Canby City Hall, and is a part of the record and file of each application for these zone changes; and

WHEREAS, there were not sufficient objections to or remonstrances against either application, or either one of the proposed amendments, at the public hearings thereon before the Canby City Council, and the Council after due consideration and deliberation on each matter and after having reviewed and considered the reports and recommendations of the Canby City Planning Commission, determined that it would be in the best interests of the City and the inhabitants thereof if both applications were approved and the proposed zone changes and amendments to the City Zoning Map were made as applied for; now, therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: That the zoning map of the City of Canby dated July 15, 1963, and adopted as a part of the City Zoning Ordinance No. 452 adopted July 15, 1963, shall be and the same is hereby amended and changed as follows:

(a) The boundaries of the M-1 (light industrial zone) shall now and henceforth include the following described real property, to-wit:

A tract of land consisting of Parcel I and Parcel II situated in Section 33, T. 3 S., R. 1 E. of the W.M. in Clackamas County, Oregon, said tract being located in part in Lot 39, Canby Gardens, and located part in the Philander Lee DLC No. 56, all in the County of Clackamas, Oregon, each parcel being contiguous to one another and more particularly described as follows:

PARCEL I: Beginning at the 1/4 section corner between Sections 33 and 34, the initial point of said Canby Gardens; thence North 89° 51' West along the South boundary of said Lot 39 and the North line of said

Philander Lee DLC a distance of 309.70 feet to a point at the Southwest corner of said Lot 39, said point being the true point of beginning of Parcel I as herein described; thence North  $00^{\circ} 14'$  East along the West boundary of said Lot 39 a distance of 227.19 feet; thence East a distance of 154.70 feet to the Northwest corner of a tract of land conveyed as Parcel I to Murray Jackson and Clifford Jackson, husband and wife, in Book 583 page 53 record of Deeds, Clackamas County, Oregon; thence South along said Jackson tract a distance of 227.60 feet to the Southwest corner of said Jackson tract on the North line of said Philander Lee DLC and South line of said Lot 39; thence North  $89^{\circ} 51'$  West along said Lee DLC North line and South line of Lot 39, a distance of 155.70 feet to the Southwest corner of said Lot 39, the true point of beginning of the described Parcel I.

PARCEL II: Beginning at the 1/4 section corner between Sections 33 and 34; thence North  $89^{\circ} 51'$  West along the North line of the above mentioned Philander Lee DLC #56 a distance of 314.70 feet to the Northeast corner of a tract of land conveyed to the Clackamas County Fair Association by deed recorded July 21, 1911 in Book 121, Page 426, record of Deeds, Clackamas County, Oregon, said corner being the true point of beginning of the parcel herein described; thence South along the East line of said Clackamas County Fair Assn. a distance of 160.70 feet to the Northerly line of the Southern Pacific Co. right of way; thence North  $63^{\circ} 04'$  East along said Northerly right of way line a distance of 180.08 feet to the Southwest corner of that parcel of land sold to Murray Jackson and Clifford Jackson, husband and wife, as Parcel II as recorded in Clackamas County record of Deeds in Book 583, Page 53; thence North along said Jackson West line a distance of 78.75 feet to the North line of said Lee DLC and the Northwest corner of said Jackson Parcel II tract; thence North  $89^{\circ} 51'$  West along said Lee DLC, a distance of 160.70 feet to the true point of beginning. EXCEPT that portion of a strip of land conveyed to the City of Canby by O. R. Mack by Deed recorded March 29, 1915 in Book 139, Page 253, record of Deeds, Clackamas County, Oregon;

and upon the adoption of this Ordinance, said property shall thereupon be classified as an M-1 Zone and not as an R-1 Zone; and

(b) The zone boundaries of the R-2 (medium density residential zone) shall now and henceforth include the following described real property, to-wit:

A parcel of land situated in the southeast one-quarter of Section 28, T. 3 S., R. 1 E., of the W.M. and being part of Tract 59, in Townplat of CANBY GARDENS, as the same is recorded in Book 8, Page 7, Record of Townplats for Clackamas County, Oregon, and more particularly described as follows:

Beginning at the southwest corner of Tract 60 of said CANBY GARDENS thence South  $89^{\circ} 59'$  West along the westerly

extension of the south boundary of said Tract 60, a distance of 38.0 feet to the true point of beginning; thence continuing along the westerly extension of the South line of said Tract 60, South 89° 59' West a distance of 200.0 feet to the southwest corner of that certain parcel of land conveyed to Francis M. Garmire and Charlotte H. Garmire, his wife, by deed recorded September 11, 1956, in Book 516, page 250, Record of Deeds, Clackamas County, Oregon; thence North 00° 01' West 173.56 feet along the westerly boundary of said parcel as described in Book 516, Page 250, to the northwest boundary of the above mentioned Tract 59; thence North 69° 03' East along the northwest boundary of said Tract 59, a distance of 214.14 feet; thence South 00° 01' East, a distance of 250.04 feet to the true point of beginning;

and upon the adoption of this Ordinance, said property shall thereupon be classified as an R-2 Zone and not as an R-1 Zone.


Section 2: The City Superintendent and the City Recorder are hereby authorized and directed to make the appropriate changes in the City Zoning Map.

Section 3: It being deemed by the Canby City Council that an emergency exists, this Ordinance shall take effect immediately upon its final reading and passage by the Canby City Council.


Passed on first reading at the Canby City Council at a regular meeting thereof held on the 15th day of April, 1968; ordered posted as provided by the Canby City Charter and to come up for final reading and action of the Canby City Council at a regular meeting thereof to be held on Monday, May 6, 1968, at the hour of 8:00 o'clock p.m., Oregon Daylight Saving Time, at the Canby City Hall.

  
LAWRENCE J. HOUSEN - Mayor


ATTEST:

  
J. R. RICHARDSON - City Recorder

Passed on final reading of the Canby City Council at a regular meeting thereof held on this 6th day of May, 1968, by the following vote: Yeas 6. Nays 0.

  
LAWRENCE J. HOUSEN - Mayor

ATTEST:

  
J. R. RICHARDSON - City Recorder