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ORDINANCE NO. 526

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY
(Application of Joe Stokes - Part of Lot 39, CANBY GARDENS)

WHEREAS, an Application was filed with the Canby City Recorder on September 30, 1969, by Joe Stokes, holder of an Option to Purchase the real property hereinafter described, to amend the zoning map of the City of Canby for the purpose of changing the classification of the zone in which the following described real property is located from R-1 (Low Density Residential Zone) to an R-2 (Medium Density Residential Zone), and the application fee as required by Section 32 of Ordinance No. 452 (the City's Zoning Ordinance) has been paid. The following is a description of the area which consists of less than ten (10) acres of land for which the Application was filed for a zone change, to-wit:

Parcel No. 2 of Lot 39, CANBY GARDENS, more particularly described as follows, to-wit:

A parcel of land being part of Lot 39, CANBY GARDENS, as recorded in record of plats, in the County of Clackamas and State of Oregon, and more particularly described as follows:

Beginning at the Southwest corner of said Lot 39, CANBY GARDENS; thence North along the West boundary of said Lot 39 a distance of 475.00 feet to the Southwest corner of a tract of land conveyed to Joseph E. Sutherland by deed recorded October 25, 1912, in Volume 129, page 24, Record of Deeds, Clackamas County, Oregon; and the true point of beginning of the tract to be described herein:

Thence South 89° 41' East along the South boundary of said Sutherland Tract a distance of 288.00 feet to the West boundary of Neff Road; thence South along the West boundary of said road a distance of 246.10 feet; thence West a distance of 288.78 feet to the West line of said Lot 39; CANBY GARDENS; thence North 00° 14' East along the West line of said Lot 39, a distance of 247.81 feet to the point of beginning.

WHEREAS, before taking final action on said Application and the proposed amendment, the Canby City Planning Commission held a public hearing thereon and said hearing was conducted on Wednesday, October 29, 1969, at the hour of 8:30 o'clock p.m., Pacific Standard Time, at the Canby City Hall in Canby, Clackamas County, State of Oregon, and proper Notice of the time, place and purpose of such

hearing was duly given in the manner and for the time required by Section 33 (1) (b) of the Canby City Zoning Ordinance No. 452. Said Notice was given by the Canby City Recorder by mailing written notice on October 17, 1969, to all owners of property within lines parallel to and 200 feet from the exterior boundaries of the 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 such matter heard and considered arguments for and against the proposed zone change; and upon the conclusion of the hearing by motion duly made, seconded and unanimously carried, recommended to the Canby City Council that the Application of said Joe Stokes be approved, and that the proposed amendment to the City Zoning Map be made and that the zone classification of the above described real property be changed from that of R-1 (Low Density Residential Zone) to that of R-2 (Medium Density Residential Zone); whereupon a written report and recommendation of the Canby City Planning Commission was duly made and filed with the Canby City Council; and

WHEREAS, the Canby City Council held a public hearing on said Application and the proposed amendment as required by the provisions of Section 33 (3) of the City Zoning Ordinance No. 452, and said public hearing was held on the 21st day of November, 1969, at the hour of 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 said Zoning Ordinance and O.R.S. 227.260, and proof of the publication of such Notice 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 records and file of this matter; and

WHEREAS, no one appeared before the Canby City Council to protest or object to the proposed zone change on the Application of Joe Stokes for Parcel 2 of Lot 39, Canby Gardens, which is east of the Clackamas County Fairgrounds and adjacent to Neff Street being the northerly portion of property owned by Murray Jackson, et ux, and Joe Stokes presented plans of his intentions to develop the property, including thirty-four (34) two-story apartments, playgrounds, swimming pool, blacktop parking area, landscaping, central garbage collection and laundry facilities. After extensive public discussion of the matter, the Council after due consideration and deliberation and after further review and consideration of the reports and recommendations of the Canby City Planning Commission, determined that it would be in the best interest of the City and the inhabitants thereof if the said Application were approved and the proposed zone change and amendment to the City Zoning Map were made as applied for, providing that the applicant, Joe Stokes, furnish a letter of agreement to construct and maintain a screen fence along the fairgrounds side of the property, and Mr. Stokes agreed to do this; and

WHEREAS, the applicant, Joe Stokes, has furnished to the Canby City Council the required letter of agreement dated December 8, 1969, which is on file with the Canby City Recorder in the file of this matter, and a photocopy thereof is attached hereto marked "EXHIBIT A" for identification purposes and by this reference thereto and its annexation hereto is expressly made a part hereof; 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 so that the zone boundaries of the R-2 (Medium Density Residential Zone) shall now include the following described real property, to-wit:

A parcel of land being part of Lot 39, CANBY GARDENS, as recorded in record of plats, in the County of Clackamas and State of Oregon, and more particularly described as follows:

Beginning at the Southwest corner of said Lot 39, CANBY GARDENS; thence North along the West boundary of said Lot 39 a distance of 475.00 feet to the Southwest corner of a tract of land conveyed to Joseph E. Sutherland by deed recorded October 25, 1912, in Volume 129, page 24, Record of Deeds, Clackamas County, Oregon; and the true point of beginning of the tract to be described herein:

Thence South 89° 41' East along the South boundary of said Sutherland Tract a distance of 288.00 feet to the West boundary of Neff Road; thence South along the West boundary of said road a distance of 246.10 feet; thence West a distance of 288.78 feet to the West line of said Lot 39, CANBY GARDENS; thence North 00° 14' East along the West line of said Lot 39, a distance of 247.81 feet to the point of beginning.

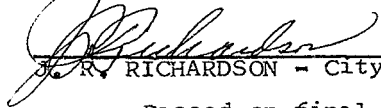
and upon the adoption of this Ordinance, said property shall thereupon be classified as an R-2 Zone and not as an R-1 Zone.

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 of the Canby City Council at a regular meeting thereof held on the 15th day of December, 1969; 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, January 5, 1970, at the hour of 8:00 o'clock p.m., Pacific Standard Time, at the Canby City Hall.


ATTEST:


J. R. RICHARDSON - City Recorder


LAWRENCE J. HOUSEN - Mayor

Passed on final reading of the Canby City Council at a regular meeting thereof held on this 2nd day of February 1970, by the following vote: Yeas 5 . Nays 0 .

ATTEST:


J. R. RICHARDSON - City Recorder


LAWRENCE J. HOUSEN - Mayor

January 7, 1970

The City Council
City of Canby
Canby, Oregon 97013

Re: Zone Change on Jackson Property

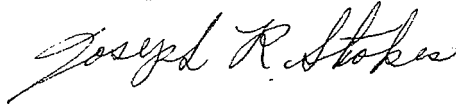
Gentlemen:

In consideration of the granting of a zone change from R-1 to R-2 on the property mentioned hereinabove, and in order to meet the requirements as stipulated by the City Council, I hereby agree to construct a sight-obscuring evergreen shrub fence on the west boundary of said property, i. e., that portion bordering the Clackamas County Fairgrounds.

The planting of this fence row will be undertaken upon the completion of the apartment building and in conjunction with the overall landscaping plan, and will be completed prior to occupancy of any of the apartments.

Very truly yours,

Joseph R. Stokes

A handwritten signature in cursive script that reads "Joseph R. Stokes".

Accepted by Council February 2, 1970

WADE P. BETTIS
DALE D. LIBERTY, SR.
RAYMOND R. REIF

BETTIS, LIBERTY & REIF
ATTORNEYS AT LAW
160 N.W. THIRD AVENUE
CANBY, OREGON 97013

TELEPHONE 266-1113
AREA CODE 503

January 19, 1970

Mr. J. R. Richardson
City Recorder
P. O. Box D
Canby, Oregon 97013

Re: Joseph R. Stokes

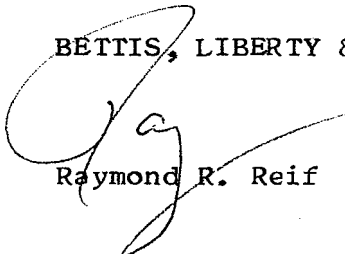
Dear Mr. Richardson:

Enclosed herewith is a letter, as requested, by the City Council, executed by Joseph R. Stokes and agreeing to construct a sight-obscuring evergreen shrub fence on the west boundary of the property which was purchased from Murray Jackson et ux; and on which property a zone change was requested.

It is my understanding that, with the receipt of this letter, final approval of the zone change will be forthcoming from the City Council. Please let me know if there are any further questions.

Very truly yours,

BETTIS, LIBERTY & REIF



Raymond R. Reif

RRR/nc

Encl.

December 8, 1969

P.O. Box 142
Hobbs, Ore.

The City Council
City of Canby
Canby, Oregon

Re: Zone Change on Jackson Property

Gentlemen:

In consideration of the granting of a zone change from R-1 to R-2 on the property mentioned hereinabove, I agree to construct a solid board fence on the west boundary line of said property; that portion bordering the Clackamas County Fairgrounds. Construction of this fence will be undertaken simultaneously with the construction of the apartment houses to be located upon said property.

The actual construction of this fence will be undertaken with the completion of the apartment dwelling and in conjunction with the landscaping, and will be completed prior to occupancy of any of the apartments.

Very truly yours,

Joe Stokes

