

ORDINANCE NO. 619

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY. (INITIATED BY CITY COUNCIL RESOLUTION NO. CCXI FOR PROPERTY OF ERNEST BEDWELL ET UX ET AL KNOWN AS TAX LOT 201, SECTION 34, T3S, R1E.)

WHEREAS, the City of Canby, by Resolution No. CLXXIV (174) adopted May 20, 1974, approved a proposed annexation to the City of Canby for the purpose of developing said property with multi-family dwelling units. The proposed annexation was approved and said property was annexed to the City by Order of the Metropolitan Area Local Government Boundary Commission dated July 24, 1974. Said property, at the time of its annexation, was classified and zoned by Clackamas County as R-20; and the county's zone classification and zoning regulations continue to apply to said area until a zoning plan for the area has been adopted by the Canby City Council. (Zoning Ordinance No. 583, Section 6.); and

WHEREAS, additional property of Ernest Bedwell et ux et al known as Timber Terrace and to which the annexed area is contiguous and in the same ownership is classified on the City's zoning map as R-2 (medium density residential); and the intent and purpose of the aforesaid annexation was to permit the development of both the annexed area and the adjoining R-2 area as an R-2 (multi-family residential) zone, which is in accordance with the City's comprehensive development plan; and

WHEREAS, the following is a description of the real property which, prior to annexation on July 24, 1974, was county-zoned R-20 and consists of less than 10 acres (approximately 3.41 acres) to-wit:

Part of the Southwest one-quarter of the Northwest one-quarter of Section 34, T3S, R1E, W.M., more particularly described as follows:

Beginning at a point on the north line of Lot 69 of CANBY GARDENS which is North 89°57' East 530.0 feet from the northwest corner of said Lot 69; thence along said north line South 89°57' West 134.5 feet; thence parallel with the west line of said Lot 69, South 0°03' East 174.0 feet; thence parallel with the north line of said Lot 69, South 89°57' West 375.5 feet to a point on the east boundary of County Road No. 2163 right of way; thence along said boundary South 0°03' East 156.0 feet, more or less, to a point on the south line of said Lot 69; thence along said south line North 89°57' East 30.52 feet, more or less, to the northwest corner of that property conveyed to Crown Zellerbach Corporation and Weyerhaeuser Timber Company, in undivided one-half interests, and described as Parcel No. 2, in deed recorded in Book 451, page 350, Clackamas County deed records; thence along the southwesterly line of said Parcel No. 2, South 39°57' East 428.84 feet to the southeast corner of that property conveyed to E. Smalley by deed recorded in Book 380, page 717, Clackamas County deed records; thence North 16°52.4' East 694.46 feet, more or less, to the point of beginning.

WHEREAS, the Canby City Council has considered this matter and the desirability and necessity of changing the zone classification on the above parcel to conform to the City's comprehensive development plan and permit development of said property as a multi-family residential development project for which annexation was previously approved by the Planning Commission, the City Council and the Boundary Commission; and the Council therefore initiated, on its own motion, a required amendment to the City's zoning map, which initiatory action was commenced by Resolution No. CCXI (211), adopted by the Canby City Council at a regular meeting thereof on October 4, 1976, and therein and thereby directed the City Planning Commission to conduct public hearings in the manner prescribed by law for the purpose of considering the amendment of the City zoning map so that said property would be classified as R-2 (medium density residential); and

WHEREAS, the Planning Commission, before taking action on the request of the Canby City Council by Resolution No. CCXI (211), scheduled and held a public hearing on the matter on Wednesday, December 8, 1976; and notice of the time, place and purpose of said hearing was duly and regularly given by written notices mailed by the City Recorder to all owners of property within lines parallel to and 200 feet from the exterior boundaries of the property involved, as required by Section 32(1)(b) of the City Zoning Ordinance No. 583 and also (though not required) by publication in The Canby Herald on December 1, 1976; and a record of the property owners to whom notices were mailed and the newspaper's Affidavit of Publication of the notice is on file in the City Recorder's records and file of this zone change matter; and

WHEREAS, the Canby City Planning Commission, at the time and place of the public hearing on such matter, i. e., December 8, 1976, heard and considered testimony regarding the proposed zone change and, upon conclusion of the hearing, by motion duly made, seconded and carried, recommended to the Canby City Council that the proposed zone change be allowed so as to zone said Parcel (as described above) as R-2 (multi-family residential); and

WHEREAS, the Canby City Council considered the matter and the recommendations of the Planning Commission at a public hearing which was duly and legally called and held on February 16, 1977, after proper notice thereof was first given in the manner and for the time required by Section 32(3) of said Zoning Ordinance; and notice of said hearing before the Canby City Council was also published in The Canby Herald on Wednesday, February 16, 1977. Proof

of the notice is on file in the office of the Canby City Recorder in the Canby City Hall and is a part of the records and file of this matter; and

WHEREAS, proponents and opponents were heard at said hearing regarding the proposed zone change (no opponents appeared) and, after further consideration of the matter and due deliberation on the report and recommendations of the City Planning Commission and Staff Reports the Canby City Council, determined as follows:

- A. The proposed zone change is in accordance with the existing zoning ordinance and comprehensive plan.
- B. There is a public need for the change.
- C. The public need is better served by the proposed zone change on the subject property rather than on other property.
- D. The change will preserve and protect the health, safety and general welfare of the residents in the area.

The Canby City Council made the aforesaid findings based upon the following facts:

- A. Zoning Ordinance No. 583 contemplates zoning amendments.
- B. The intent of Zoning Ordinance No. 583 is to fully utilize property to its highest and best use.
- C. The City's interim general plan and interim general plan map adopted by Ordinance No. 608, passed on final reading November 1, 1976, designates the above described area as medium-density residential zone (R-2). The Council proposed zone change to R-2 (medium-density residential) is in conformity with and will effectively implement the development plan and map. The proposed use of the subject property would be for additional multi-family housing in the area. The area is located on the east side of North Pine Street, north of Hiway 99E and immediately south of the Timber Terrace apartment complex. The area would not lend itself to manufacturing due to the surrounding development which is R-1 and R-2.
- D. There exists a present need for another medium-density residential zone (R-2) in this area of the City, which is convenient for access and a logical place for such development.

- E. The proposed zone change will not conflict with, but rather will compliment the surrounding area and the proposed development will serve as a buffer between Highway 99E on the south and commercial or industrial developments along that highway.
- F. The proposed zone change will be beneficial to the community and will not over-burden the community in areas of education, sewer capacity, water capacity or traffic control. The subject property is the best available to meet the existing need for such facilities in that area of the City.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: The zoning map of the City of Canby dated July 15, 1963, adopted as a part of the City Zoning Ordinance No. 452, previously amended at different times and otherwise ratified by the City's present Zoning Ordinance No. 583, enacted on September 8, 1975, shall be and the same is hereby amended and changed so that the zone boundaries of the R-2 (medium-density residential) district shall now include the above described area, and upon the adoption of this Ordinance, said property shall thereupon be classified as R-2 and not as County Zoned R-20.

Section 2: 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 Section 1 of this Ordinance.

Passed on first reading of the Canby City Council at a regular meeting thereof on the 2nd day of March, 1977; 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 Wednesday, the 6th day of April, 1977, at the hour of 8:00 o'clock, p.m., at the Council meeting chambers at the Canby City Hall in Canby, Oregon.

Robert E. Rapp  
ROBERT E. RAPP Mayor

ATTEST:

Harold A. Wyman  
HAROLD A. WYMAN, City Recorder

Passed on final reading of the Canby City Council at a regular meeting thereof held on the 6th day of April, 1977, by the following vote: Yeas 6 Nays 0.

Robert E. Rapp  
ROBERT E. RAPP Mayor

ATTEST:

Harold A. Wyman  
HAROLD A. WYMAN, City Recorder