

ORDINANCE NO. 641

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY
(Application of Anderson-Ritter Realty).

WHEREAS, an application was filed with the City of Canby Recorder by Anderson-Ritter Realty on the hereinafter described property, for the purpose of changing the classification of the zone in which the real property is located from R-1 (single family) to R-2 (multi family). The application fee as required by Section 31 of Ordinance No. 583 (the city's zoning ordinance) has been paid. The following is a description of the real property for which a zone change was requested, to-wit:

Beginning at a Stone that is North 89° 25' West 83.82 feet and North 268.59 feet from the Southeast corner of Section 33, T. 3 S., R. 1 E., W. M.; thence North 26° 33' West 165.0 feet, more or less, to the Easterly line of the Carl Schmeiser Tract, (now deceased), and the true point of beginning; thence continuing North 26° 33' West 367.0 feet, more or less, to a Basalt Stone; thence continuing North 26° 33' West 58.15 feet to a Basalt Stone; thence North 76° 57' East 160.34 feet to an Iron Pipe; thence South 4° 30' East 428.0 feet, more or less, along the aforementioned Schmeiser East line to the true point of beginning.

WHEREAS, the Planning Commission scheduled and held a public hearing on the zone change application of Anderson-Ritter Realty on Wednesday, April 26, 1978, 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 April 19, 1978; and a record of the property owners to whom notices

were mailed and the newspapers 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., April 26, 1978, heard and considered testimony regarding the proposed zone change, and, upon conclusion of the public 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) 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 June 7, 1978, 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, June 7, 1978. 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 given an opportunity to be heard regarding the proposed zone change at said hearing, and after further consideration of the matter and due deliberation on the report and recommendations of the City Planning Commission, Canby City Council, by motion duly made, seconded and carried, accepted the FINDINGS of the Planning Commission at its special meeting on April 26, 1978 and the applicant's statements of justification as filed with the Planning Commission as the FINDINGS of

the City Council; and determined that the requested zone change of R-1 and R-2 for a portion of Tax Lot 2100 (approximately 32,670 square feet) in Section 33 DD, T. 3, S., R. 1, E., be approved and for the following reasons:

- A. The proposed zone change is in accordance with the existing zoning ordinance and Interim Development 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.
- E. The proposed changes are in conformance with the Land Conservation and Development Commission (LCDC) goals and guidelines.

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, enacted November 1, 1976, designates the above described area as medium-residential. The proposed zone change to R-2 (multi family) is in conformity with and will effectively implement the development plan and map.
- D. The proposal is compatible with the transportation and utility systems of the City of Canby.
- E. Although the soil is Class I, the property is within the urban area and is not restricted from development by LCDC.
- F. The property is currently zoned single family (R-1). However, the remainder of Tax Lot 2100 is already zoned R-2 and it is logical to have the whole tax lot zoned the same; now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: The zone boundaries of the R-2 (multi family) district shall now include the hereinabove described area and upon the passage of this ordinance said property shall thereupon be classified as R-2 (multi- family) and not as an R-1 (single family) zone.

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.

Submitted to the Council and read the first time at a regular meeting of the Council on the 21st day of June, 1978; posted for a period of two (2) full calendar weeks as provided by the city charter; and read the second time at a regular meeting of the Council on July 19, 1978. After the second reading, which was by title only, and before final action was taken this ordinance revised was submitted and on motion duly adopted was substituted for the ordinance previously read. This revised ordinance was then read in it's entirety for first reading; ordered posted again for a period of two (2) full calendar weeks as provided by the city charter and scheduled for second reading at a meeting of the City Council on August , 1978 at the hour of 8:00 o'clock p.m. at the Council's regular meeting place at the Canby City Hall.


Harold A. Wymon - CITY RECORDER

ENACTED by the Canby City Council at a Regular meeting
thereof on the 16th day of August , 1978 by the following vote:
YEAS 6. NAYS 0.

Robert E. Rapp
Robert E. Rapp - MAYOR

ATTEST:

Harold A. Wymen
Harold A. Wymen - CITY RECORDER