

ORDINANCE NO. 646

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY
(Application of Rufus Kraxberger)

WHEREAS, an application was filed with the City of Canby Recorder by Rufus Kraxberger on the hereinafter described property, for the purpose of changing the classification of the zone in which the real property is located from County Zone R-20 (single family) to City Zone R-1 (single 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:

Tax Lot 1601 in Section 28 DD, T. 3S, R. 1E, of the W.M. which is a part of Tract 60, CANBY GARDENS, Clackamas County, Oregon, and more particularly described as follows:

Beginning at the Northeast corner of said tract; thence South 69°03' West 225.30 feet along the Northwesterly line of said tract to the Northwest corner of the parcel conveyed to David W. Brown, et ux, by deed recorded October 10, 1967, in Deed Book 698, page 545, Deed Records of Clackamas County, Oregon, being the true point of beginning; thence South 00°01' East along the West line of said Brown parcel and its extension Southerly to the North line of the parcel conveyed to Cyril Fuchs by deed recorded February 15, 1965, in Deed Book 653, page 97, Deed Records of Clackamas County, Oregon; thence West, along said North line 99.54 feet to the East line of the parcel conveyed to Shirley W. Ritter et ux by deed recorded May 4, 1966, in Deed Book 673, page 69, Deed Records of Clackamas County, Oregon; thence North along said East line of said Ritter parcel 248.46 feet to said Northwesterly line; thence North 69°03' East 107.07 feet along said Northwesterly line to the true point of beginning.

WHEREAS, the Planning Commission scheduled and held a public hearing on the zone change application of Rufus Kraxberger on Wednesday, September 13, 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 on September 1, 1978 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 September 6, 1978; 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., September 13, 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 approved; 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 October 4, 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, October 4, 1978 and mailed to adjoining property owners on September 28, 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, but there were no opponents and after further consideration of the matter and due deliberation on the report and recommendations of the City Planning Commission, the Canby City Council, by motion duly made, seconded and unanimously carried, accepted the FINDINGS of the Planning Commission at its meeting on September 13, 1978 as part of the FINDINGS of the City Council; and determined that the requested zone change 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 change is 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

density residential. The proposed zone change is in conformity with and will effectively implement the development plan and map since the use in an R-1 zone is even less intensive than the comprehensive plan for this property.

- 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 County zoned single family (R-20) and adjacent and nearby uses are all single family residential.
- G. There is a public need because the property was recently annexed to the City by PMALGBC Final Order No. 1161 dated December 14, 1977; and there was testimony in those proceedings that there is need of additional land to be added to the corporate City of Canby.
- H. Since a City R-1 zone provides the most restrictive land use, this property would make a good residential development.
- I. There is a scarcity of land in the City for single family residential development and this property will provide a needed lot for such use; now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: The zone boundaries of the R-1 (single family) district shall now include the hereinabove described property and upon the passage of this ordinance said property shall thereupon be classified as R-1 (single family) and not as a County R-20 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 18th day of October, 1978; ordered posted for a period of two (2) full calendar weeks as provided by the City Charter and scheduled for second reading at a Regular meeting of the City council on November 15 , 1978 at the hour of 7:30 o'clock p.m. at the Council's regular meeting place at the Canby City Hall.


Nancy S. Boggs - CITY RECORDER

ENACTED by the Canby City Council at a meeting thereof on the 15 day of November 1978 by the following vote: YEAS 5. NAYS 0.


Robt. E. Rapp - MAYOR

ATTEST:


Nancy S. Boggs - CITY RECORDER