

ORDINANCE NO. 654

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY (Application of Martin Clark Construction, Inc.; County R-20 to City R-1 zone).

WHEREAS, an application was filed with the Canby City Recorder on December 14, 1978 by Martin L. Clark for Martin Clark Construction, Inc., an Oregon corporation and current owner of the hereinafter described property for the purpose of changing the classification of the zone in which said property is located from Clackamas County zone R-20 (Residential 20,000 square foot lot minimum) to a City R-1 zone (Single Family Residential). 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 consisting of approximately 5 acres, all of which is in the CRESTVIEW SUBDIVISION of 13 lots and all of which is described as follows:

Tax Lots 100 to 1300 inclusive in Section 28CD,  
Township 3 South, Range 1 East of the Willamette  
Meridian, Canby, Clackamas County, Oregon

WHEREAS, the Canby City Planning Commission before taking final action on said application and the proposed amendment scheduled and held a public hearing on the matter as required by the City's Zoning Ordinance and the purpose of said hearing was duly and regularly given by written notices mailed by City staff under direction of the City Recorder on December 28, 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 January 3, 1979; 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. January 10, 1979 heard and considered testimony regarding the proposed zone change and upon conclusion of the public hearing by motion duly made, seconded and unanimously passed, 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 February 21, 1979 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 14, 1979 and mailed to adjoining property owners on February 9, 1979. 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 as presented by the City Planner, the Canby City Council by motion duly made, seconded and unanimously carried, accepted the FINDINGS of the Planning Commission at its meeting on January 10, 1979 as the FINDINGS of the City Council; and determined that the requested zone change be approved 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 and enacted November 1, 1976 designates the

above-described area for low density residential development. The proposed zone change is in complete conformity with and will effectively implement the development plan and map since the use in an R-1 zone creates the lowest possible density requirements for a City residential zone.

- d. The proposal is compatible with the transportation and utility systems of the City of Canby.
- e. Although the soil is class 1, an exception to goal 3 (agricultural lands) was taken when the property was included within the City's immediate urban growth boundary; and now that the property has been annexed to the City of Canby, no further consideration of this goal is required.
- f. The subject property was zoned by Clackamas County prior to the City's annexation for single family residential development (R-20) and when annexed to the City of Canby by final order of the Portland Metropolitan Area Local Government Boundary Commission No. 1332 dated October 25, 1978 retained by law the same zone classification until changed by the City.
- g. There is a public need as shown in not only the testimony and submittals to the Canby City Planning Commission and Canby City Council but also in the evidence presented to the PMALGBC during its public hearing for annexation on October 25, 1978.
- h. The current County zone classification is comparable to the proposed and recommended City zone change for this property; and since the property is and has been for a considerable period of time designated and planned for single family residential development, the proposed zone change is basically a "housekeeping" measure to provide conformity with the designated land use for the area and the City's Zoning Ordinance; now therefore

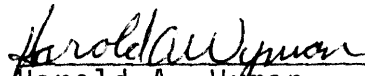
THE CITY OF CANBY ORDAINS AS FOLLOWS:

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.

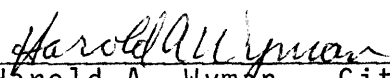
Submitted to the Council and read the first time at a regular meeting of the Council on the 15th day of August, 1979; ordered posted for a period of two (2) full calendar weeks as provided by the City Charter and scheduled for second reading at a regular meeting of the City Council on the 5th day of September, 1979 commencing at the hour of 7:30 o'clock p.m. at the Council's regular meeting place in the council chambers next to the Canby City Hall.

  
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Harold A. Wyman - City Recorder

Enacted by the Canby City Council at a regular meeting thereof on the 5th day of September, 1979 by the following vote:  
YEAS 5. NAYS 0.

  
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Robt. E. Rapp - Mayor

ATTEST:

  
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Harold A. Wyman - City Recorder