

ORDINANCE NO. 683

AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF CANBY (Application of City of Canby re Willamette Green No. II; R-2 [Medium Density Residential] to R-2/PUD [Medium Density Residential/Planned Unit Development] zone).

WHEREAS, an application was filed with the Canby City Recorder on April 15, 1980, by the City Council for the purpose of changing the classification of the zone in which the following described property is located from an R-2 (Medium Density Residential) to R-2/PUD (Medium Density Residential/Planned Unit Development) zone. No application fee is required pursuant to Section 33 of Ordinance No. 659 (the City's Zoning Ordinance). Following is a description of the real property located in the City of Canby, County of Clackamas, State of Oregon, to-wit:

A tract of land lying in the Southwest 1/4 of Section 27 and the Southeast 1/4 of Section 28, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas, and State of Oregon, being a part of that tract of land conveyed to Mary L. Collins, et al, deed Recorded in Book 377, Page 429, Deed Records of Clackamas County, Oregon and which tract of land is more particularly described as follows:

BEGINNING at the intersection of the center line of Territorial Road with the center line of the Molalla Forest Road, said point of beginning being the Southeast corner of the parcel of land herein described; thence South 69°03' West along the center line of said Territorial Road and a distance of 686.76 feet; thence North 20° 57' West 30 feet to the North boundary of Territorial Road, which point is further defined as North 69° 03' East a distance of 378.00 feet along the North boundary of Territorial Road from the South east corner of Lot One in Country Club Estates as recorded in Book 32, Page 27, Record of Plats for Clackamas County, Oregon; thence North 15° 22' 45" West 229.09 feet; thence North 04° 03' 00" East 215.94 feet; thence North 25° 26' 15" East 116.1 feet; thence North 38° 54' 15" East 80.16 feet to the most Northerly corner of the recorded plat of Willamette Green, said point being the true point of beginning herein; thence continuing North 38° 54' 15" East a distance of 12.57 feet; thence North 50° 53' 00" East 202.23 feet; thence North 52° 37' 00" East 433.20 feet; thence South 86° 59' 30" East 88.97 feet to the center

line of the Molalla Forest Road; thence South 00° 02' West along said center line 781.23 feet to the intersection of the center line of Territorial Road; thence South 69° 03' West along said center line 91.04 feet; thence North 0° 02' East a distance of 32.13 feet to the most Easterly Southeast corner of the recorded plat of Willamette Green; thence along the plat line as follows; North 0° 02' East a distance of 220. feet; thence North 89° 58' West 95.00 feet; thence North 67° 27' 30" West 201.88 feet; thence North 65° 07' West 100.0 feet; thence North 86° 00' West 62.59 feet and North 61° 25' 45" West a distance of 88.20 feet to the true point of beginning.

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 May 2, 1980, to all owners of property within lines parallel to and 200 feet from the exterior boundaries of the property involved as required by Section 34(B) of the City's Zoning Ordinance No. 659 and also (though not required) by publication in the Canby Herald on May 7, 1980; and a record of the property owners to whom notices were mailed and the newspaper's affidavit of publication are 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., May 14, 1980, 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 meeting/hearing which was duly and legally called and held on June 18, 1980, after proper notice thereof was first given in the manner and for the time required by Section 34(B) of said Zoning Ordinance; and said notice of said hearing before the Canby City Council was also published in the Canby Herald on June 11, 1980, and mailed to the adjoining property owners on June 6, 1980. Proofs of said notice are on file in the office of the Canby City

Recorder in the Canby City Hall and are 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 meeting/hearing; there were no opponents, no objections and no remonstrances and after due deliberation and consideration of 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 May 14, 1980, as the FINDINGS of the City Council, and determined that the requested zone change be approved for the following reasons:

- 1) It conforms with the adopted City Plan.
- 2) There is a public need.
- 3) The change will serve the public need better than a similar change for other available property.
- 4) The health, safety and general welfare of the residents of the area will be preserved and protected.
- 5) There is compliance with the Statewide Planning Goals.

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

- A) The adopted City Plan (Ordinance No. 608, enacted in November 1976), includes a Land Use Map which designates the subject property for "medium density" residential development. R-2/PUD zoning conforms with this designation. Implementation measure L-2 of the Plan encourages the use of planned unit developments to assure appropriate design of new residential areas. Implementation measure N-23 also encourages PUD type developments. The adopted City Plan contains no language which would indicate anything other than support for the use of R-2/PUD zoning for the subject property.
- B) Public need for the proposed change is supported by the unique location and shape of the subject property. Neighboring property owners and residents have expressed serious concern over the nature of the development which is to occur on the subject property. It is noted that City records of the original zone change of the site from R-1 to R-2 indicate that a

condominium project was envisioned for the site as long as 12 years ago.

- C) The proposed zone change for this particular property is the best method of meeting the public need because the site actually constitutes the second phase of a planned unit development which began approximately 10 years ago. By applying the PUD overlay zone to the site, the neighbors and the City overall are assured that any subsequent development of the property will undergo a design review process before the Planning Commission. More than any other property in Canby, the use of the PUD overlay zone for this site should be beneficial to assure an appropriate design of development.
- D) The residents of the first phase of Willamette Green have expressed serious concerns over the type of development to occur on this property (Phase II). Topography of the site and drainage characteristics of adjoining properties necessitate cautious development review to assure that no health or safety hazards result. By applying the PUD overlay designation to the property such a review is assured.
- E) Most of the Statewide Planning Goals are not applicable to the proposed change of zoning from R-2 to R-2/PUD. Goals 1 and 2 are addressed through standard City processes. Goals 3 and 4 are not applicable because the property has been, and will continue to be zoned for urban development. Goals 5, 6 and 7 are addressed in a positive manner by this proposal because open space and aesthetic qualities will be preserved through a planned unit development of the site, minor water quality improvements will result from review of drainage proposals, and minor flood hazards mitigated. Goal 8 is addressed in a positive manner because any planned unit development proposed for the site can be expected to provide some on-site recreation facilities, thereby reducing the demand for public recreation facilities. Goal 9 is not applicable because this zone change is not expected to result in any particular economic impacts. Goals 10, 11, 12 and 13 are addressed in a positive manner because the PUD review process will provide an opportunity for consideration of the impacts of any proposed design on housing, public facilities and service, transportation and energy conservation. Goal 14 is not applicable. A finding of "compliance with the Statewide Planning Goals" appears to be both reasonable and appropriate for this zone change.

Now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: The zone boundaries of the R-2/PUD (Medium Density Residential/Planned Unit Development) district shall now include the hereinabove described property and upon the passage of this ordinance said property shall thereupon be classified as R-2/PUD (Medium Density Residential/Planned Unit Development) and not as R-2 (Medium Density Residential) 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

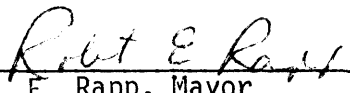
the dictates of Section 1 of this Ordinance.

Submitted to the council and read the first time at a regular meeting of the council on the 6th day of August, 1980; ordered posted 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 the 3rd day of September, 1980, 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.




Harold A. Wyman, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on the 3rd day of September, 1980; by the following vote: YEAS 6 NAYS 0



Robt. E. Rapp, Mayor

ATTEST:



Stephan A. Lashbrook, City Recorder Pro Tem