

ORDINANCE NO. 689

AN ORDINANCE AMENDING ORDINANCE NO. 645 TO PROVIDE AN EXTENSION OF TIME TO DEVELOP 15.34 ACRES IN SECTIONS 4B AND 4C IN T4S R1E OF THE WM TO PREVENT THE ZONE CLASSIFICATION FROM REVERTING TO R-1 (LOW DENSITY) ZONE.

WHEREAS, on November 1, 1978 the Canby City Council approved an application by Marvin L. Dack and Mary Lou Dack, husband and wife 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 (low density) to R-2 (medium density). The following is a description of the real property consisting of approximately 15.34 acres for which a zone change was granted, to-wit:

Tax Lots 800, 900, 1000 and 1001 in Section 4C and Tax Lot 1000 in Section 4B in Township 4 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon; and

WHEREAS, Section 2(4) of Ordinance No. 645 provided that applications to build the proposed project must be filed with all required documents with the planning department of the City of Canby within two (2) years from the effective date of Ordinance No. 645 or the zone classification for the whole of said property shall automatically and immediately revert to an R-1 (low density) zone; and

WHEREAS, Marvin L. Dack and Mary Lou Dack have encountered difficulties in the development of the property caused by high interest rates and the availability of financing and have requested an extension of time in which to develop the property; and

WHEREAS, the City of Canby is willing to grant a one year extension to December 1, 1981 subject to conditions; now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Section 2(4) of Ordinance No. 645 is amended to read as follows:

"The City of Canby, as applicant, shall file with the Planning Commission an application to rezone the property R-2-PUD. Such PUD overlay zoning will assure adequate review of a subsequent development proposal even if the design proposed at the time of the 1978 zone change is altered. The City of Canby shall pay all filing fees and publication costs. If ultimately rezoned, Marvin L. Dack and Mary Lou Dack or their heirs, successors and assigns shall develop the property in conformance with the existing or as hereinafter amended, regulations and procedures for the R-2-PUD zone. The following conditions shall be a part of any development: (See attached Exhibit "A").

1. All interior streets will be clearly marked for directional flow, parking restrictions, etc.
2. All street turning angles, corner radii, water line sizes, and hydrant locations will meet the requirements of the Canby Fire Marshal.
3. All water and electrical utility systems will meet the requirements of the Canby Utility Board. Expenses of oversized water lines shall be paid by the City, but the property owner will be responsible for the costs of standard sized lines.
4. All on-site storm drainage and sanitary sewer utilities will meet the requirements of the City Engineer.
5. All telephone-related utility work will meet the requirements of the Canby Telephone Association.
6. Allowing for some flexibility in final design, the housing units will be within essentially 2, 4, 6 or 8-plex buildings or other appropriate design which may have common walls between buildings but which will not be lumped together in a barracks type structure. The artists' ren-

derings submitted to the City Recorder on or about May 15, 1978 will be utilized as a general guideline for design, allowing for some modification provided that the basic "clustered housing" approach is followed.

7. In regards to the extension of S.W. 13th Avenue along the north property line, the owner will do all of the following:
 - A. Prepare an offer of dedication for a strip of land 30 feet wide along the north property line and 60 feet wide angling across the northeast corner of Tax Lot 800, up to, but not greater than, that shown on the attached map. This offer to remain valid until February 22, 1984, after which the offer may be revoked if not utilized by the City.
 - B. Improve the 30 foot wide strip along the property line to City Standards as a local street per the City Engineer, and including curbs and gutters on the South side. Continue the improved "half street" around an angle at the Northeast corner of the property connecting it with S.W. 13th Avenue. The City Engineer shall determine the appropriate radius of this curve. No curbs or gutters shall be required for this portion of the roadway.
 - C. Sign and record a waiver of the right to remonstrate against any future improvement to S.W. 13th Avenue or incidental utility work. Said waiver and offer of dedication to meet the requirements of the City Attorney.
8. The City recognizes the importance of the many large trees on this property and will make every effort to design the eventual road so as to minimize damage to those trees while still providing a safe and functional street.
9. As was stated in the 1978 public hearing on the zone change, the owner will bear the responsibility for fully improving S.W. 13th Avenue from his property

to the intersection of S. Elm Street, with the exception of sidewalks (which have already been constructed along the north side of the street).

10. The owner will coordinate his improvements to the extension of S.W. 13th Avenue with the Canby Utility Board. Although this is to remain a private road at this time, an easement shall be provided for the use of the Utility Board in the area adjoining the surfaced portion of the road. Said easement is to be to the satisfaction of the Canby Utility Board.
11. A time extension to December 1, 1981 is granted within which appropriate applications must be filed for all required permits to construct the first phase of the development. If this time limit is not met, the zoning of the subject property will revert to its original R-1 status.
 - A. If developed in phases, the first phase is to include that portion of the project within the looped road system. (In other words, the area with two access points.)
 - B. The total project is to be completed prior to December 1, 1984, unless a further time extension is granted by the City Council for good cause. Any portion of the project not completed by that date may be subject to reversion to its original R-1 status by motion of the City Council."

Submitted to the Council and read the first time at a meeting of the Council on the 3rd day of December, 1980; ordered posted for a period of two (2) full calendar weeks as provided by the City Charter and to come up for second reading and action of the Council at a regular meeting thereof to be held on the 7th day of January, 1981, at the Council Meeting Chambers at the Canby City Hall commencing at the hour of 7:30 o'clock p.m.


Harold A. Wyman - City Recorder

PASSED on final reading of the Canby City Council at a regular meeting thereof on the 7th day of January , 1981 , by the following vote: YEAS 5 . NAYS 0 and 1 abstaining.



Robert A. Swayze - Mayor

ATTEST:



Harold A. Wyman - City Recorder

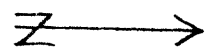
DACK PROPERTY
AREA TO BE DEDICATED

CANBY HIGH SCHOOL

S.W. 13th Avenue

L.D.S. CHURCH
AREA TO BE DEDICATED

EXHIBIT "A"



1" = 60'

