

ORDINANCE NO. 711

AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF CANBY (APPLICATION OF HENRY FAIRBROTHER FOR ZONE CHANGE FROM R-1 TO R-1.5 PUD)

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: RECITALS

The records and files of the Canby City Recorder reveal that the following facts and statements are true and correct:

I) The proceedings before the Canby City Planning Commission and the Canby City Council, which are hereinafter explained, and concluded by this Ordinance, are in accordance with the requirements of the City's Land Development and Planning Ordinance No. 690 which was enacted May 6, 1981.

II) Except for the numbers used to identify the several different sections of this Ordinance, all other numbers refer to articles and sections of Ordinance No. 690.

III) Reference in this ordinance to the "City" means the City of Canby Oregon; reference to the "Commission" means the Canby City Planning Commission; reference to the "Council" means the Canby City Council; and reference to the "Applicant" means that individual(s) or corporate entity which filed or caused to be filed in these proceedings an application for an amendment of the City's zoning map.

IV) Henry Fairbrother who is the owner of the following described real property filed with the Commission an APPLICATION FOR ZONE CHANGE which was dated August 24, 1981, and the filing fee of \$250 was paid. The requested change is from the present zoning of R-1 (low density residential) to R-1.5 PUD (low density residential/planned unit development); the property is approximately 2.99 acres, located at 315 S.E. Township Road, and described as Tax Lots 100, 101, 200 and 1001, in Section 4, Township 4 South, Range 1 East of the Willamette Meridian, in Canby, Clackamas County, Oregon.

Section 2: ACTION OF THE COMMISSION.

The Commission held a public hearing on the matter on Monday, September 14, 1981, in accordance with requirements VIII, 10.8.30 (B) and (C); and notice of such hearing was first given in the manner and for the time prescribed by VIII 10.8.30 (D). The notices were given in the manner and on the dates as follows:

Notice posted at Canby City Hall on September 4, 1981
Notices mailed to interested property owners September 4, 1981
Notice published in Canby Herald September 9, 1981
No expanded notice required or given
Notice was furnished to the applicant and posted on subject property August 27, 1981.

After conducting the said hearing the Commission

A) Made the following

FINDINGS OF FACT

- 1) The proposed change is compatible with the comprehensive plan of the City;
- 2) There is a public need for senior housing in Canby;
- 3) This change will preserve and protect the general welfare of the residents due to the PUD overlay; and
- 4) The request is in compliance with the statewide planning goals of LCDC.

B) Recommended to the Council its approval of the application without conditions.

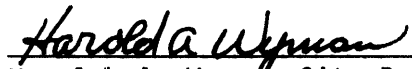
Section 3: ACTION OF THE COUNCIL.

The Council conducted its review of the matter and the record made by the Commission during a public meeting on Wednesday, October 7, 1981, in accordance with the requirements of 10.3.85(E) and heard arguments based upon the record. There were no opponents to the proposed zone change and the Council voted unanimously to accept the findings of the Commission and approve the application without modifications or conditions and then concluded the hearing and deliberations by the following decision.

Section 4: DECISION OF THE COUNCIL

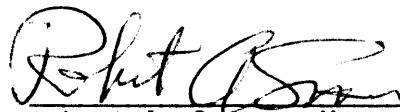
The zone boundaries of the R-1 (low density residential) district shall now include the real property described above in Section 1, paragraph IV, but said property shall be developed under the City's regulations for Planned Unit Development and upon the enactment of this ordinance said property shall thereupon be classified as R-1.5 PUD (low density residential/planned unit development). 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 this ordinance.

Submitted to the Council and read the first time at a regular meeting on November 4, 1981; ordered posted for a period of two full calendar weeks as provided by the City Charter and scheduled for second reading at a regular meeting of the City Council on the 2 day of December 1981, 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 2nd day of December 1981, by the following vote: YEAS 6
NAYS 0.



Robert A. Swayze, Mayor

ATTEST:



Harold A. Wyman, City Recorder