

ORDINANCE NO. 789

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY,
COUNTY OF CLACKAMAS, OREGON, AND DECLARING AN EMERGENCY.

PURPOSE - To amend the zoning map for the purpose of recording an approved application by Richard K. Morse to change from R-1, Low Density Residential, to R-1.5, Intermediate Density Residential, the zoning of 9.38 acres, described as Tax Lots 1000, 1001, and 1100, Section 28DC, T3S, R1E.

WHEREAS, an application was filed with the City Planner on February 17, 1986, by Richard K. Morse on the hereinafter described property for the purpose of changing the zoning classification from R-1, Low Density Residential, to R-1.5, Intermediate Density Residential. The application fee as required by The Municipal Code has been paid. The following is a description of the real property consisting of 9.38 acres and described as Tax Lots 1000, 1001, and 1100, Section 28DC, T3S, R1E, of the Willamette Meridian, Clackamas County, Oregon; and

WHEREAS, the Planning Commission scheduled and held a public hearing on the zone change application of Richard K. Morse on March 10, 1986, and notice of the time, place and purpose of said hearing was duly given by written notices mailed by the Planning Commission Secretary to all owners of property within lines parallel to and 200 feet from the exterior boundaries of the property involved as required by The Canby Municipal Code. Also, notice of said hearing was made by publication in the Canby Herald on March 5, 1986. A record of the property owners to whom notices were mailed and the newspaper's affidavit of publication of the notice are on file in the Planning Department's records and file of this zone change matter in the City's Public Works Department; and

WHEREAS, the Canby Planning Commission, at the time and place of the public hearing on such matter, i.e., March 10, 1986, heard and considered testimony regarding the proposed zone change and due to the absence of the applicant, Richard K. Morse, continued the public hearing to the regular Planning Commission meeting of May 12, 1986, at which time additional testimony was heard. Upon conclusion of the public hearing, by motion duly made and seconded and carried by a vote of six (6) to zero (0), the Commission moved to recommend approval subject to one condition; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission at a regular meeting held on May 21, 1986, 1986, and thoroughly reviewed the record and heard testimony on the record pursuant to The Canby Municipal Code; and

WHEREAS, the Canby City Council concluded its discussion on this matter and by motion duly made and seconded, voted to in support of the requested zone change.

The City Council in its motion to approve adopted the findings and conclusions presented by the Planning Commission. A copy of said findings and conclusions, by motion, are attached hereto as Exhibit "A" to this Ordinance.

NOW THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The zone boundaries of the R-1.5, Intermediate Density Residential Zone shall now include the hereinabove described property and upon the passage of this Ordinance, said property shall thereupon be classified as R-1.5, Intermediate Density Residential, and not R-1, Low Density Residential.

Section 2. The zone change as authorized by Section 1 of this Ordinance is subject to the following condition which was proposed by the Planning Commission and is a condition which shall run with the land, to-wit:

- (1) offer of dedication for street purposes of ten (10)

feet on the north boundary of the subject property facing N.E. Territorial Road.

Section 3. 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.


Section 4. In order to develop the above described parcel immediately to better promote the safety, health and welfare of the citizens of Canby, an emergency is hereby declared to exist and this Ordinance shall take effect immediately upon final reading and passage by the Canby City Council.

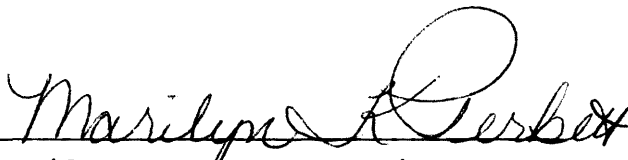
SUBMITTED to the Council and read the first time at a regular meeting thereof on the 21st day of May, 1986; ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on the 4th day of June, 1986, commencing at the hour of 7:30 o'clock p.m., at the Council's regular meeting chambers at the Canby City Hall, in Canby, Oregon.


Marilyn K. Perkett, City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 4th day of June, 1986; by the following vote: YEAS 4 NAYS 0.

ATTEST:


William F. Pulver, Mayor


Marilyn K. Perkett, City Recorder

very preliminary plan for the subdivision they planned to put in in two phases. They would like the Commission to take a look at the plan and also the change in the one done by Pacific Survey by Carol Lee Morse.

City Attorney Kelley informed the Commission they should not be considering the subdivision tonight as they haven't acted on the application before them. City Administrator Atwood asked if they could consider the streets at a workshop after the meeting. City Attorney Kelley stated that would be acceptable.

Commissioner Schrader answered the questions asked by the public at tonight's meeting.

Commissioner Schrader moved to recommend approval of the zone change of Tax Lots 1000, 1001, and 1100, Section 28DC, T3S, R1E. This change will bring the property into conformance with the Comprehensive Plan. Facilities are available to serve this property and it is in the best interest of the City of Canby. The motion was seconded by Commissioner Seale and passed unanimously with the Chairman voting.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia Shirley, Secretary
Canby Planning Commission