

ORDINANCE NO. 794

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

PURPOSE - To amend the zoning map for the purpose of recording an approved application by Walter J. Dethlefs to change from R-1, Low Density Residential, to C-R, Residential/Commercial, the zoning of .52 acres, described as Tax Lot 1400, Section 4AB, T4S, R1E.

WHEREAS, an application was filed with the City Planner on May 15, 1986, by Walter J. Dethlefs on the hereinafter described property for the purpose of changing the zoning classification from R-1, Low Density Residential, to C-R, Residential/Commercial. The application fee as required by the Municipal Code has been paid. The following is a description of the real property consisting of .52 acres and described as Tax Lot 1400, Section 4AB, T4S, 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 Walter J. Dethlefs on June 9, 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 June 4, 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., June 9, 1986,

heard and considered testimony regarding the proposed zone change. Upon conclusion of the public hearing, by motion duly made and seconded and carried by a vote of four (4) to zero (0), the Commission moved to recommend approval; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission at a regular meeting held on June 18, 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 C-R, Residential/Commercial Zone shall now include the hereinabove described property and upon the passage of this Ordinance, said property shall thereupon be classified as C-R, Residential/Commercial, 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) utility easements as specified in Title 16 of the Canby Municipal Code.


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.

SUBMITTED to the Council and read the first time at a regular meeting thereof on the 18th day of June, 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

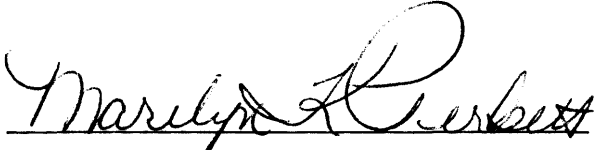
come up for final reading and action by the Canby City Council at a regular meeting thereof on the 2nd day of July, 1986, commencing after the hour of 7:30 o'clock p.m., at the Council's regular meeting chambers at the Canby City Hall, in Canby, Oregon.

  
Marilyn K. Perkett, City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 2nd day of July, 1986; by the following vote: YEAS 5 NAYS 0

  
William F. Pulver, Mayor

ATTEST:

  
Marilyn K. Perkett, City Recorder

Canby Planning Commission  
Regular Meeting  
June 9, 1986

MEMBERS PRESENT: Chairman Kahut, Commissioners McKibbin,  
Davis, and Clift

MEMBERS ABSENT: Commissioners Schrader, Seale and Shinn

The minutes of the May 12, 1986, meeting were approved as presented.

Item #1: Request for a zone change of property located on the east side of S. Ivy Street adjacent to and northeast of Wilco Farms, and described as Tax Lot 1400, Section 4AB, T4S, R1E. The requested change is from R-1, Single Family Residential, to C-R, Residential/Commercial. The applicant is Walter J. Dethlefs. The staff report was given by City Administrator Bud Atwood with a recommendation for approval.

Commissioner McKibbin questioned the location of this property in relationship to the Onion property where the Commission had recently heard a zone change. Commissioner Davis raised the question of easements. The letter from the Canby Utility Board was not exactly clear on where they wanted the easements. Some discussion took place regarding the survey and recording of easements. Ralph Netter was in the audience as the applicant's representative. Chairman Kahut asked if he had anything to add to the staff report as presented. Stated no, but would be glad to answer any questions the Commission might have.

Chairman Kahut opened the public hearing and called for proponents. When none came forth, he called for opponents. There being no opponents, the public hearing portion of the hearing was closed.

Commissioner Clift moved to recommend approval to the Canby City Council of a zone change on property described as Tax Lot 1400, Section 4AB T4S, R1E, from R-1, Single Family Residential, to C-R, Residential/Commercial. This property has all public facilities the requested zoning is stipulated on the Land Use Map, and it is in conformance with the Comprehensive Plan for Canby. The Planning Commission recommends this approval be subject to the conditions set forth in the Canby Utility Board letter dated June 5, 1986. The motion was seconded by Commissioner McKibbin and passed unanimously with the Chairman voting.

Item #1: Request for a minor land partition from one lot to three lots of property located in the northwest quadrant of Knights Bridge Road and N. Aspen Court, and described as Tax Lot 400, Section 32A, T3S, R1E. The applicants are Terry and Cheryl Learfield. City Administrator Atwood read the staff report which made a recommendation for approval with conditions. A discussion of the right-of-way dedication with concern for location of the house followed. It was determined that dedication could take place on the two northerly lot and an agreement could be signed on the southerly lot. Chairman Kahut opened the public hearing and called for proponents. When none came forth, he called for