

ORDINANCE NO. 811

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 the approved application by Shirley McCarter and Mel Reeves to change from R-1, Low Density Residential to R-1.5, Intermediate Density Residential, the zoning of 7.13 acres, described as Tax Lot 900, Section 28DC, T3S, R1E.

WHEREAS, an application was filed with the City on September 4, 1987, by Shirley McCarter on the subject 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 was paid. The subject property consisting of 7.13 acres is described as Tax Lot 900, 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 on September 28, 1987, and notice of the time, place and purpose of said hearing was duly given as required by the Canby Municipal Code; and

WHEREAS, a record of the property owners to whom notices were mailed and the local 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., September 28, 1987, 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 six (6) 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 October 21, 1987, 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 support 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.

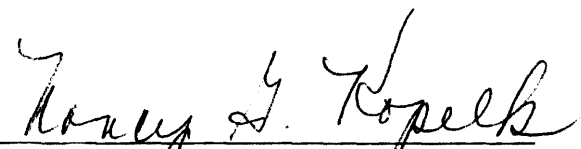
Section 2. The City Planner/Administrator, attested by the City REcorder, is hereby authorized and directed to make the appropriate changes on the City's zoning map.

SUBMITTED to the City Council and read the first time at a regular meeting thereof on October 21, 1987; ordered posted as required by the Canby City Charter and scheduled for second

reading on Wednesday November 4, 1987, commencing after the hour of 7:30 p.m., at the Council meeting Chambers at the Canby City Hall in Canby, Oregon.


Marilyn K. Perkett, City Recorder

PASSED on final reading at a regular meeting of the Canby City Council this 4th day of November, 1987, by the following vote: YEAS 6 NAYS 0


Nancy Kopelk, Acting Mayor

ATTEST;


Marilyn K. Perkett, City Recorder

Based upon the record of the Planning Commission meeting September 28, 1987, the Canby Planning Commission hereby adopts the following:

FINDINGS OF FACT

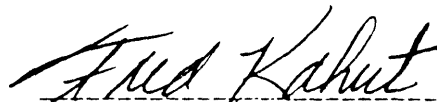
Proposed Zone Change from R-1 to R-1.5, Tax Lot 900, Section 28DC, T3S, R1E.

1. This application was filed by Shirley McCarter and Mel Reeves, owners of the subject property.
2. A public hearing was conducted on this matter by the Canby Planning Commission on September 28, 1987.
3. Evidence submitted at the hearing indicated that all necessary public facilities and services are available, or could be made available concurrently with development, to serve this site.
4. The Land Use Map of the City's Comprehensive Plan designates the subject property for "Medium Density Residential" development. This designation conforms with the R-1.5 zoning that is proposed.
5. The subject property is designated as an "Area of Special Concern" in the Land Use Element of the Comprehensive Plan. This designation was applied to assure that the property would be "upzoned," and street improvements completed, prior to allowing development beyond the level of one single family dwelling per lot. This application is intended to provide the required upzoning, with street improvements to be required as a condition of subsequent subdivision or planned unit development applications.

CONCLUSIONS

This application meets the requirements of local ordinance (availability of services and conformance with the Comprehensive Plan) and should be approved by the Canby City Council.

October 12, 1987



Fred Kahut, Chairman
Canby Planning Commission