

ORDINANCE NO. 825

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 Bill Bartlett to change from R-1, Low Density Residential, to R-1.5, Intermediate Density Residential, the zoning of Tax Lot 1000, Section 4B, T4S, R1E, and Tax Lots 700, 800, 900, 1000, 1001, and 1100, Section 4C, T4S, R1E.

WHEREAS, an application was filed with the City Planner on August 19, 1988, by Bill Bartlett on the Marv Dack and Bill Stevens property; and

WHEREAS, the Dack property consists of approximately 14.20 acres, which has one existing single family dwelling; and

WHEREAS, the Stevens property consists of approximately 4.10 acres, which has one existing single family dwelling; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on September 12, 1988, after public notices were mailed and posted as required by law; and

WHEREAS, a notice of the Planning Commission hearing was made by publication in the Canby Herald on September 7, 1988. 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 records and file of this zone change matter in the City's Public Works Department; and

WHEREAS, the Canby Planning Commission heard and considered public testimony regarding the proposed zone change at the public

hearing of September 12, 1988. At the conclusion of the public testimony the Planning Commission, by motion duly made and seconded and carried by a vote of six (6) to zero (0), recommended approval of the Bartlett zone change on the Dack and Stevens property subject to five (5) conditions; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission at a regular meeting held on October 19, 1988, and thoroughly reviewed the record and heard testimony on the record pursuant to the Canby Municipal Code; and

WHEREAS, the City Council in its motion made findings and conclusions attached hereto as Exhibit "A" of this Ordinance.

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The boundaries of the R-1.5 Intermediate Density Residential Zone, shall include the subject property, which is hereby removed from the boundaries of the R-1, Low Density Residential Zone.

Section 2. The zone change as authorized above was made subject to the following conditions:

1. An engineering study which is to be completed for the area along the bluff, prior to the approval of any building permits for dwelling units. Slope stability and the possible impact of using drywells for storm drainage are to be addressed.

2. The applicant is to provide the City with an offer of dedication of property to allow for the extension of S.W. 13th Avenue. The area to be included within this offer is to be determined by the City Council, acting on the recommendation of the Planning Commission, at the time of adopting the ordinance for this zone change. The form of the offer of dedication is to meet the requirements of the City Attorney.

3. The applicant is to provide the City with a recorded waiver of the right to remonstrate against the formation of

a Local Improvement District for the improvement of S.W. 13th Avenue. The form of the waiver is to meet the requirements of the City Attorney. (The City may require the immediate improvement of the road to City standards as a condition of approving any subsequent development of the site.)

4. The cost of all facility or utility improvements to the site are to be borne by the developer.

5. No lot line adjustments or partitions of these tax lots will be approved without a master plan approved for the full property.

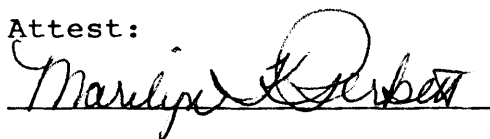
Section 3. The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the City's zoning map in accordance with the dictates of Section 1 of this ordinance.

SUBMITTED to the Council and read the first time at a regular meeting thereof on the 19th day of October, 1988, 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 November 2, 1988, 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.

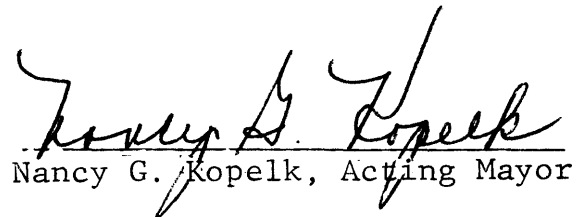
  
Marilyn K. Perkett, City Recorder

PASSED on second and final reading the Canby City Council at a regular meeting thereof on the 2nd day of November, 1988, by the following vote: YEAS 6 NAYS 0

Attest:



Marilyn K. Perkett, City Recorder

  
Nancy G. Kopelk, Acting Mayor

**EXHIBIT "A"**

**FINDINGS OF FACT  
AND  
CONCLUSIONS**

Based upon the record of the Canby Planning Commission established at a public hearing held September 12, 1988, the City Council hereby adopts the following findings of fact and conclusions:

PROPOSED ZONE CHANGE FROM R-1 TO R-1.5, TAX LOTS 700, 800, 900, 1001, AND 1100, SECTION 4C, T4S, R1E, AND TAX LOT 1000, SECTION 4B, T4S, R1E.

1. This application was filed by Bill Bartlett for property owners William T. Stevens and Marv Dack on August 19, 1988. In making this application Bill Bartlett combined the two neighboring properties.
2. A public hearing was conducted by the canby Planning Commission on September 12, 1988, after public notices were mailed and posted as required by law.
3. The Planning Commission considered the following standards and criteria, as required by Section 16.54.040 of the Canby Municipal Code.

"In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

A. The Comprehensive Plan of the City, giving special attention to Policy 6 of the Land Use Element and implementation measures therefor, and the plans and policies of the county, state, and local districts in order to preserve functions and local aspects of land conservation and development; and

B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use of development which would be permitted by the new zoning designation."

4. In reviewing the contents of the Comprehensive Plan, and the availability of public facilities and services, the majority of the City Council determined the following:

A. Policy #1, IMPLEMENTATION MEASURE 'H' OF THE LAND USE ELEMENT. The land use map of the City's Comprehensive Plan clearly designates the subject property for medium density residential development. The Council found that this zone change conforms with that designation and will allow for an increase in the density of development without creating an incompatible grouping of uses.

B. POLICY #2, IMPLEMENTATION MEASURE 'A' OF THE LAND USE ELEMENT. The Council determined that this zone change will help to

implement Housing Element policies designed to expand housing opportunities.

C. POLICY #5, IMPLEMENTATION MEASURE 'B' OF THE LAND USE ELEMENT. The Council determined that the Land Use Map of the Comprehensive Plan designates the subject property for medium density residential development and that the proposed R-1.5 zoning conforms with this designation.

D. POLICY #6, OF THE LAND USE ELEMENT. The Council verified that the subject property is designated as an "area of special concern" and is listed as "area J" on the map of such areas. The conditions of approval requiring street dedications, curb and sidewalk improvements, and a waiver of the right to remonstrate against future local improvement district formation, address the concerns raised in the special designation for this area.

E. POLICY #1, IMPLEMENTATION MEASURE 'A' OF THE TRANSPORTATION ELEMENT. The Council noted that Berg Parkway is included in the Comprehensive Plan as needing dedication, upgrading, and improvements. It was also noted that BERg Parkway appears on the priority list for improvements contained in the City's draft Capital Improvement Plan.

F. POLICY #4, IMPLEMENTATION MEASURE 'D' OF THE TRANSPORTATION ELEMENT. The Commission recommended that the zone change be contingent upon street improvements tied into the development of the site.

G. POLICY #2, OF THE HOUSING ELEMENT. The Council noted the need for higher density housing. The Comprehensive Plan anticipates the conversion of considerable acreage in this way at numerous locations in the City.

H. POLICY #3, IMPLEMENTATION MEASURES 'A,' 'B,' AND 'C' OF THE HOUSING ELEMENT. The Council determined that, with the recommended conditions imposed, the necessary public facilities and services will exist for the density of development allowed at the site. The Council noted that, although street extensions are clearly needed in the area, the overall adequacy of services and facilities to this location are extended as far as possible without this development, which will be a major link in the street system for the south side of the City. The anticipated increase in density is not expected to have a significant impact on public facilities and services.

I. POLICY #4, OF THE HOUSING ELEMENT. The Council determined that this zone change will allow for housing units that may be within the affordable range for lower or moderate income persons.

**CONCLUSION**

This application meets the criteria for a zone change delineated in Section 16.54.040 of the Canby Municipal Code, if the recommended conditions of approval are attached.

ADOPTED by the Canby City Council at a regular meeting thereof on October 19, 1988.

  
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William F. Pulver, Mayor

ATTEST:

  
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Marilyn K. Perkett, City Recorder