

ORDINANCE NO 870

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 Housing and Outreach Project for the Elderly (H.O.P.E.) to change Tax Lot 800 of Tax Map 4-1E-4D from Low Density Residential (R-1) to Intermediate Density Residential (R-1.5).

WHEREAS, an application was filed with the City Planner on May 15, 1991 by Leo Schiegler for H.O.P.E., for the above described property consisting of approximately 32.57 acres; and

WHEREAS, the subject property consists of undeveloped ground and is used as a filbert orchard; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on July 8, 1991, 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 newspaper on June 26, 1991 and July 3, 1991. The newspaper's affidavit of publication of the notice is 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 July 8, 1991. At the conclusion of the public hearing, the Planning Commission voted to recommend that the City Council rezone the entire 32.57 acre parcel to Intermediate Density Residential (R-1.5); and

WHEREAS, the Planning Commission voted six (6) to zero (0) in their oral action and four (4) to zero (0) in their written order to recommend that the city Council approve this zone change for the 32.57 acre parcel; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission at a regular meeting on September 18, 1991,

and thoroughly reviewed the record and heard arguments on the record pursuant to the Canby Municipal Code; and

WHEREAS, the Canby City Council, after concluding its review and discussion on this matter and by motion duly made and seconded, voted 4 to 0 to accept the Planning Commission's recommendation; and

WHEREAS, the City Council, in its motion accepted the findings and conclusions of the Planning Commission, attached hereto as Exhibit "A" of this ordinance.

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

Section 1. The Boundaries of the Intermediate Density Residential (R-1.5) Zone shall include the subject property, Tax Lot 800 of Tax Map 4-1E-4D, which is hereby removed from the boundaries of the Low Density Residential (R-1) Zone.

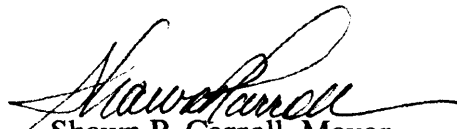
Section 2. The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate change on the City's zoning map in accordance with the dictates of Section 1 of this ordinance.

SUBMITTED to the Council and read the first time at a regular meeting thereof on September 18, 1991, 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 October 2, 1991, commencing after the hour of 7:30 p.m., at the Council's regular meeting chambers at the Canby City hall in Canby, Oregon.



Marilyn K. Perkett, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on October 2, 1991, by the following vote:

YEAS 4 NAYS 0


Shawn P. Carroll, Mayor

ATTEST:



Marilyn K. Perkett, City Recorder

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY

A REQUEST FOR APPROVAL TO)	
REZONE A 32.57 ACRE PARCEL)	FINDINGS, CONCLUSIONS & ORDER
FROM R-1 (LOW DENSITY)	ZC 91-01
RESIDENTIAL) TO R-1.5)	(H.O.P.E.)
(MEDIUM DENSITY RESIDENTIAL))	

NATURE OF APPLICATION

The applicant is requesting approval to rezone a 32.57 acre parcel, located on the southwest corner of the intersection of S. Ivy Street and 13th Avenue, from R-1 (Low Density Residential) to R-1.5 (Medium Density Residential) (Tax Lot 800 of Tax Map 4-1E-4D).

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of July 8, 1991.

CRITERIA AND STANDARDS

1. Amendments to the Zoning Map

16.54.040 - Standards and Criteria

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

CONCLUSION

The Planning Commission concludes that ZC 91-01 complies with all applicable criteria.

FINDINGS AND REASONS

The Planning Commission incorporates the June 28, 1991 staff reports on ZC 91-01, as support for its decision, supplemented by the following:

1. The Commission considered testimony from the applicant and proponents.
2. The Commission discussed:
 - a. The traffic analysis submitted by the applicant and the lack of necessary

warrants to act as the catalyst for the installation of a traffic signal at the intersection of Ivy Street/13th Avenue.

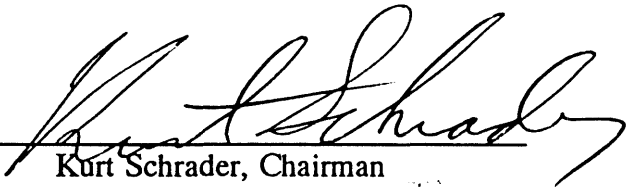
- b. Whether this application could stand alone or whether it relied upon the Conditional Use/PUD proposal.
- c. Whether the rezoning should be permitted to remain if the project fell through or lapsed. Mr. Hoffman explained that it would be difficult to condition a rezoning application, but that it could have been rezoned to an R-1.5/PUD zone had it been advertised as such. Further, Mr. Hoffman explained that however the property was developed, it would come back before the Commission.

ORDER

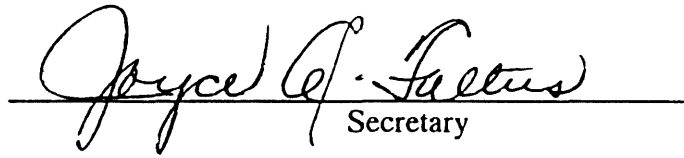
IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby to recommend that City Council approve ZC 91-01.

I CERTIFY THAT THIS ORDER was presented to and APPROVED by the
Planning Commission of the City of Canby for recommendation to City Council.

DATED this 15th day of July, 1991.



Kurt Schrader, Chairman
Canby Planning Commission



Secretary

ATTEST:

ORAL DECISION - July 8, 1991

AYES: Mihata, Schrader, Westcott, Wiegand, Zieg, Maher

NOES: None

ABSTAIN: None

ABSENT: Fenske

WRITTEN FINDINGS - July 15, 1991

AYES: Mihata, Schrader, Zieg, Maher

NOES: None

ABSTAIN: Fenske

ABSENT: Wiegand, Westcott