

**ORDINANCE NO. 899**

***AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 16 OF THE PLANNING AND DEVELOPMENT CODE.***

**WHEREAS**, it has been determined that changes are needed to amend or clarify the requirements and standards of Title 16 (Land Development and Planning Ordinance) of the Canby Municipal Code; and

**WHEREAS**, the Canby Planning Commission, after providing appropriate public notice, conducted a public hearing, during which the citizens of Canby were given the opportunity to come forward to present testimony on these proposed changes; and

**WHEREAS**, after concluding the public hearing, the Planning Commission made appropriate changes to the wording of the proposal to assure that the public interest would be best served by this Ordinance; and

**WHEREAS**, the Planning Commission found that the standards and criteria of Section 16.88.160 of the Land Development and Planning Ordinance (Amendments to text of Title) were met based on the analysis and conclusions of the staff report (TA 93-03), dated July 30, 1993, and recommended adoption of the amendment to the Land Development and Planning Ordinance; and

**WHEREAS**, City Council, after reviewing the record of the Canby Planning Commission regarding the subject amendment, concluded that the amendment is appropriate;

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

**Section 1. Amend Section 16.50.020 Application for conditional uses, to read as follows:**

A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or his authorized agent by filing an application with the city planner upon forms prescribed for the purpose. The application shall be accompanied by twenty-five (25) site plans, drawn to scale, showing the dimensions and arrangement of the

proposed development. The planning commission may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

**Section 2. Amend the following portions of Section 16.60.010 Filing procedures, to read as follows:**

A. Twenty-five (25) copies of the tentative partition map, drawn to scale and submitted on paper no less than eight and one-half by eleven inches in size, and showing all the following information:

**Section 3. Amend the following portions of Section 16.62.010 Filing procedures, to read as follow:**

A. Copies. Twenty-five (25) copies of the tentative subdivision plat, together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project.

**Section 4. Amend the following portions of Section 16.64.070 Improvements, to read as follows:**

K. Other Improvements.

2. Street tree planting is required of the subdivider and shall be according to City requirements.

**Section 5. Amend the following portions of Section 16.68.060 Planning Commission approval, to read as follows:**

B. After the plat has been approved by all city and county officials, one reproducible copy of all data (plat face, dedications, certificates, approvals), one copy of all plat data in a "dxf" digital format, and one copy of recorded restrictive and protective covenants shall be returned to the city planner.

**Section 6. Amend Section 16.84.030 Filing procedure, to read as follows:**

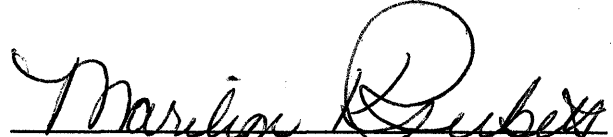
Property owners seeking to annex territory to the city shall file with the city planner an appropriate application form for the purpose. Included

with the application form will be twenty-five (25) copies of a map or maps accurately showing the area proposed for annexation and any important features of the land. Also included with the application will be a written statement explaining the conditions surrounding the proposal and addressing the required criteria of Section 16.84.040.

**Section 7. Amend the following portions of Section 16.88.150 Variances, to read as follows:**

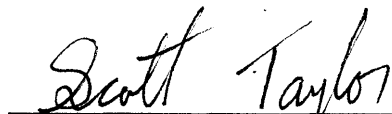
- D. Standards and Criteria. A variance may be granted only upon determination that **all** of the following conditions are present:
1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the city and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control. Actions of previous owners do not constitute "other" exceptional or extraordinary circumstances.
  2. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone; and
  3. Granting of this variance will not be materially detrimental to the intent or purposes of the city's comprehensive plan or the land development and planning ordinance; and
  4. Granting of this variance will not be materially detrimental to other property within the save vicinity; and
  5. The variance requested is the minimum variance which will alleviate the hardship; and
  6. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, September 15, 1993, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, October 6, 1993, commencing at the hour of 7:30 p.m., in the Council Meeting Chambers at 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 6th day of October, 1993, by the following vote:

YEAS 6 NAYS 0

  
Scott Taylor, Mayor

ATTEST:

  
Marilyn K. Perkett  
City Recorder