

**ORDINANCE NO. 977**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON FROM AN AGRICULTURAL ZONE DISTRICT TO A LOW DENSITY RESIDENTIAL ZONE DISTRICT FOR THE PORTION OF TAX LOT 5800 OF TAX MAP 4-1E-3CB DESCRIBED ON EXHIBIT A**

**PURPOSE:** to amend the zoning map for the purpose of recording a modified approved application by Pahlisch Duncan Homes LLC to change Tax Lot 5800 of Tax Map 4-1E-3CB from Agricultural (Ag) to Low Density Residential (R-1).

**WHEREAS,** an application was filed with the City Planner on June 4, 1997 by Pahlisch Duncan Homes LLC, for Tax Lot 5800 of Tax Map 4-1E-3CB, consisting of approximately 24.14 acres; and

**WHEREAS,** a public hearing was conducted by the Canby Planning Commission (ZC 97-01) on July 28, 1997 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 July 9, 1997. 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 Community Services Department; and

**WHEREAS,** the Canby Planning Commission heard and considered public testimony regarding the proposed zone change at the public hearing of July 28, 1997. At the conclusion of the public hearing, the Planning Commission voted three (3) to two (2) to recommend that the City Council rezone the entire 24.14 acre parcel to Low Density Residential (R-1). The Findings, Conclusions and Final Order was approved by the Planning Commission and forwarded to the Council with its recommendation; and

**WHEREAS**, the Canby City Council considered the matter and the recommendation of the Planning Commission at a regular meeting on September 17, 1997, and thoroughly reviewed the record and heard arguments on the record pursuant to the Canby Municipal Code; and

**WHEREAS**, the Canby City Council found that Policy 1 of the Comprehensive Plan's Housing Element states a need to maintain enough land within the City limits for residential development to handle the anticipated population growth for a 2 to 3 year period.

**WHEREAS**, the Canby City Council found that there is enough land within the City limits that is "available" for residential development to handle the anticipated population growth over the next 3 years and 2 months; and

**WHEREAS**, the Canby City Council determined that not all of the 24.14 acres proposed for rezoning, needed to be rezoned in order to comply with Policy 1 of the Housing Element; and

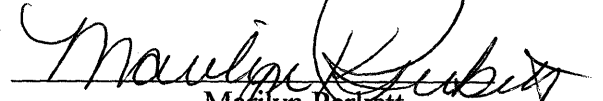
**WHEREAS**, the Canby City Council, after concluding its review and discussion on this matter and by motion duly made and seconded, voted to modify the Planning Commission's recommendation of approval by only rezoning the portion of Tax Lot 5800 of Tax Map 4-1E-3CB described in Exhibit A from Agricultural (Ag) to Low Density Residential (R-1); and

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

Section 1. The Boundaries of the Low Density Residential (R-1) Zone shall be amended to include the portion of the subject property, Tax Lot 5800 of Tax Map 4-1E-3CB as described in Exhibit A, which is hereby removed from the boundaries of the Agricultural (Ag) zone.

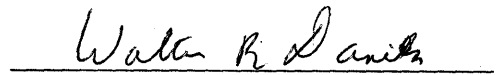
Section 2. The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate change on the City's zoning map in accordance with the dictates of Section 1 of this Ordinance.

**SUBMITTED** to the Council and read the first time at a regular meeting thereof on October 1, 1997, 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 15, 1997, 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 Perkett  
City Recorder

**ENACTED** by the Canby City Council at a regular meeting thereof on October 1, 1997, by the following vote:

YEAS 5 NAYS 0



Walter Daniels  
Council President

ATTEST:

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Marilyn Perkett, City Recorder

## PROPERTY DESCRIPTION

## PROPOSED PLAT OF TOFTE FARMS NO. 2

A TRACT OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF CANBY, WASHINGTON COUNTY, OREGON.

SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, PLAT OF "TOFTE FARMS", A DULY RECORDED PLAT, CLACKAMAS COUNTY PLAT RECORDS AND SAID POINT BEING A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CONSULTING ENGINEERING SERVICES" AND SAID SOUTHEAST CORNER BEING ON THE EAST BOUNDARY OF SAID PLAT OF "TOFTE FARMS";

THENCE LEAVING SAID EAST BOUNDARY OF SAID PLAT OF "TOFTE FARMS", S 89°42'57" E, 60.00 FEET TO A POINT;

THENCE N 00°36'09" E, 127.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SE 13TH AVENUE, CITY OF CANBY, OREGON AND SAID SOUTH RIGHT OF WAY BEING 20.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID SE 13TH AVENUE;

THENCE S 89°42'57" E, 451.26 FEET ALONG SAID SOUTH RIGHT OF WAY;

THENCE LEAVING SAID SOUTH RIGHT OF WAY, S 00°36'09" W, 167.00 FEET;

THENCE N 89°42'57" W, 18.25 FEET;

THENCE S 00°36'09" W, 521.01 FEET;

THENCE S 01°41'32" W, 40.02 FEET;

THENCE S 00°19'46" W, 117.00 FEET;

THENCE N 89°42'57" W, 201.16 FEET;

THENCE S 00°36'09" W, 13.00 FEET;

THENCE N 89°42'57" W, 244.21 FEET TO THE NORTHEAST CORNER OF LOT 37, PLAT OF "TOFTE FARMS";

THENCE CONTINUING N 89°42'57" W, 60.00 FEET ALONG THE NORTH LINE OF SAID LOT 37 TO THE SOUTHEAST CORNER OF LOT 27, SAID PLAT OF "TOFT FARMS";

THENCE N 00°36'09" E, 691.01 FEET ALONG THE EAST BOUNDARY OF SAID PLAT OF "TOFTE FARMS" TO THE SOUTH RIGHT OF WAY OF SE 13<sup>TH</sup> PLACE, CITY OF CANBY, OREGON AND SAID SOUTH RIGHT OF WAY BEING 20.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID SE 13<sup>TH</sup> PLACE;

THENCE S 89°42'57" E, 10.20 FEET ALONG SAID SOUTH RIGHT OF WAY OF SE 13<sup>TH</sup> PLACE TO THE EAST BOUNDARY OF SAID PLAT OF "TOFTE FARMS";

THENCE N 00°36'09" E, 40.00 FEET ALONG SAID EAST BOUNDARY OF SAID PLAT OF "TOFTE FARMS" TO THE POINT OF BEGINNING.

CONTAINING 423,144 SQUARE FEET OR 9.71 ACRES OF LAND MORE OR LESS.

EXHIBIT

A

**PROPERTY DESCRIPTION****WELL TRACT**

**A TRACT OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF CANBY, WASHINGTON COUNTY, OREGON.**

**SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, PLAT OF "TOFTE FARMS", A DULY RECORDED PLAT, CLACKAMAS COUNTY PLAT RECORDS AND SAID POINT BEING A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CONSULTING ENGINEERING SERVICES" AND SAID SOUTHEAST CORNER BEING ON THE EAST BOUNDARY OF SAID PLAT OF "TOFTE FARMS";**

**THENCE LEAVING SAID EAST BOUNDARY OF SAID PLAT OF "TOFTE FARMS", S 89°42'57" E, 60.00 FEET TO A POINT;**

**THENCE N 00°36'09" E, 127.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SE 13TH AVENUE, CITY OF CANBY, OREGON AND SAID SOUTH RIGHT OF WAY BEING 20.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID SE 13TH AVENUE;**

**THENCE N 89°42'57" W, 60.00 FEET ALONG SAID SOUTH RIGHT OF WAY;**

**THENCE LEAVING SAID SOUTH RIGHT OF WAY, S 00°36'09" W, 127.00 FEET TO THE POINT OF BEGINNING.**

**CONTAINING 7,620 SQUARE FEET OR 0.17 ACRES OF LAND MORE OR LESS.**