

ORDINANCE NO. 1143

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOT 4500 OF TAX MAP 4-1E-4AA.

WHEREAS, an application was filed with the City Planner by Ed Netter on behalf of Dwight Nofziger, owner of Tax Lot 4500 of Tax Map 4-1E-4AA to change the zoning of the property from Low Density Residential (R-1) to High Density Residential (R-2) as designated in the City of Canby's Comprehensive Plan; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on March 22, 2004 after public notices were mailed, posted and printed in the Canby *Herald*, as required by law; and

WHEREAS, the Canby Planning Commission heard and considered public testimony regarding the proposed zone change at the public hearing. At the conclusion of the public hearing, the Planning Commission voted five to zero to recommend that the City Council deny the proposed application. The Findings, Conclusions and Final Order was thereafter forwarded to the Council with its recommendation; and

WHEREAS, the Canby City Council considered the matter and recommendation of the Planning Commission at public hearings held on April 21, 2004 and May 5, 2004, reviewed the record of the Planning Commission hearing and received further public testimony 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 four to two to approve the zone change application; now therefore

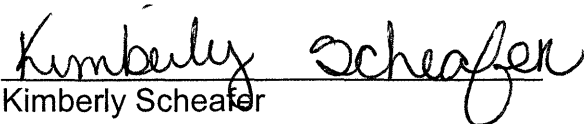
THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The zoning designation for the Tax Lot 4500 of Tax Map 4-1E-4AA is changed from Low Density Residential (R-1) to High Density Residential (R-2).

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 above.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, May 19, 2004 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, June 2, 2004, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City hall in Canby, Oregon.




Kimberly Scheafer
City Recorder - Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 2nd day of June, 2004, by the following vote:

YEAS 5

NAYS 0

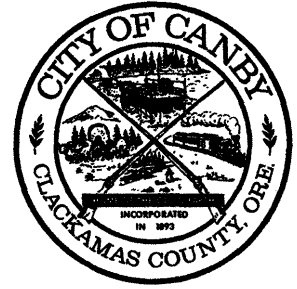


Melody Thompson, Mayor

ATTEST:



Kimberly Scheafer, City Recorder - Pro Tem



**BEFORE THE CITY COUNCIL
OF THE
CITY OF CANBY**

**A REQUEST TO CHANGE ZONING)
FROM LOW DENSITY RESIDENTIAL)
TO HIGH DENSITY RESIDENTIAL)
ON ONE 27,550 SQUARE FOOT)
PARCEL)**

**FINDINGS, CONCLUSIONS & FINAL ORDER
ZC 04-01
(Township Trail – Nofziger / Netter)**

NATURE OF APPLICATION

The applicant is seeking to change the zoning designation for a 27,550 square foot tax lot at 385 SE Township Road. Current zoning on the subject parcel is R-1 Low Density Residential. The applicant proposes to amend zoning to reflect the Comprehensive Plan designation of R-2 High Density Residential.

HEARINGS

The City Council held a public hearing to consider the application on April 21, 2004. The Council continued deliberations and oral decision to a second hearing on May 5, 2004. No new evidence or testimony was considered at the second public meeting.

CRITERIA AND STANDARDS

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 therefore, 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.

FINDINGS AND REASONS

After holding a public hearing and considering the April 14, 2004 staff report, the City Council deliberated and reached a decision on the applicant's request for zone change. The City Council finds that the applicant's request is in compliance with the Comprehensive Plan of the City of Canby. The Council adopts the findings and conclusions contained in the April 14, 2004 staff report insofar as they do not conflict with the following findings:

1. The Council discussed availability of public facilities and services. In particular, the Council discussed vehicle access to the site and traffic capacity on SE Township Road. The Council considered additional traffic analysis from Lancaster Engineering indicating that traffic capacity on SE Township is easily sufficient to support R-2 development density on the subject parcel. The Council found that traffic capacity is sufficient to the site and that specific access issues can be addressed through applications for Site and Design Review and Subdivision.
2. The City Council also discussed overcrowding in local schools and the need for additional classroom space. The Council discussed school facility expansion and the fact that additional students will serve to boost funding for Canby schools and will increase funding support for facilities expansion. The Council finds that existing school facilities are adequate to meet the needs of the proposed increase in density.

CONCLUSION

The City Council concludes that, with regards to the zone change:

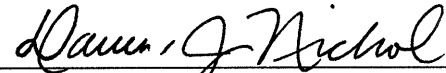
- A. This application is in compliance with all elements of Canby's Comprehensive Plan, including Policy 6 of the Land Use Element and the plans and policies of County, State and local districts.
- B. Public Facilities and Services are available to serve increased density on the subject parcel. Site access and school facilities are available or will become available through development of the subject parcel to serve R-2 development density allowed by the proposed Zone Change. The Council finds that all other required public facilities and services are available or can be provided concurrent with development to adequately meet the needs of any use or development permitted by the proposed zoning designation.

I CERTIFY THAT THIS ORDER approving **ZC 04-01** was presented to and **APPROVED** by the Canby City Council.

DATED this 19th day of May, 2004.



Melody Thompson, Mayor
City of Canby



Darren J. Nichols
Associate Planner

ATTEST:

ORAL DECISION – May 5, 2004

AYES: Carson, Johnson, Oliver, Newton

NOES: Blackwell, Daniels

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS – May 19, 2004

AYES: Carson, Daniels, Johnson, Oliver, Newton

NOES: Blackwell

ABSTAIN: None

ABSENT: None