

RESOLUTION NO. CCXCVIII (298)

A RESOLUTION APPROVING ANNEXATION TO CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF MARLIN DeHAAS FOR PARCEL OF LAND DESCRIBED AS TAX LOTS 400, 500, 600, 700 and 1190, SECTION 4C, T4S, R1E.)

WHEREAS, the annexation of the hereinafter described real property has been initiated by the petition of Marlin DeHaas, Professional Engineer and agent for Estate Eight Development Co., owner of the subject property, pursuant to the provisions of ORS 199.490(1)(c); and

WHEREAS, the matter was submitted to the Canby Planning Commission for review, study, findings, report and recommendations to the Canby City Council, and the Planning Commission considered the matter at a regular meeting on April 13, 1981 and at said meeting the Planning Commission made an indepth study of the matter and considered among other things, the following:

1) Report and recommendation of City Planner, Stephan A. Lashbrook, dated April 8, 1981.

2) Letter report of Canby Utility Board by its Manager, Fred W. Egger, dated March 27, 1981.

3) Letter to Canby Planning Commission by Jack Stark, Canby Fire Marshal, dated March 26, 1981.

4) Letter to Canby Planning Commission by Ken Ferguson, Public Works Director, dated March 22, 1981.

At the Planning Commission's meeting and hearing on this matter on April 13, 1981, there was only one opponent, Richard Shuren objecting to the proposed annexation and at the conclusion of the meeting/hearing a motion was made, seconded and unanimously passed to recommend to the Canby City Council its approval of the proposed annexation; and

WHEREAS, the Canby City Council fully considered the records and file of this matter, and the requirements for exercising good

planning responsibilities as specified by the Oregon Supreme Court in the case of Petersen, et al v. Mayor and Council of the City of Klamath Falls, et al, 279 OR 249 (1977), and made the following:

FINDINGS

- 1) The subject property is owned by the following persons who are all of the parties of interest doing business under the assumed business name and style of Estate Eight Development Company:

Joel Goetz
12545 N.E. Whitaker Way
Portland, Oregon 97230

Peter M. Doyle
12545 N.E. Whitaker Way
Portland, Oregon 97230

Charles K. Landskroner
1119 Oregon National Bldg.
Portland, Oregon 97205

Gordon J. Betts
2071 S.W. Bonnie Brae
Lake Oswego, Oregon 97034

Larry Newton Harrison
12545 N.E. Whitaker Way
Portland, Oregon 97230

Dennis Dries
12545 N.E. Whitaker Way
Portland, Oregon 97230

Allen Perry Clute
Route 3, Box 26A
Gaston, Oregon 97119

Jerry Harris
12545 N.E. Whitaker Way
Portland, Oregon 97230

- 2) The property consists of three vacant tax lots of land of approximately 16.52 acres which is county zoned R-20 and designated in the City's Interim development Plan for low density residential development, i.e., an R-1 Zone.
- 3) The subject property is located on the south side of S.W. 13th Avenue directly across from end of S. Elm.
- 4) Public utilities (by the City of Canby and the Canby Utility Board) are readily available to the property by extensions of required utility lines.
- 5) Location of the site within the "Interim Immediate Growth Area" as set by C.R.A.G. has already identified this property as being urbanizable.
- 6) The proposed annexation is consistent with all applicable LCDC goals and guidelines and the findings of the Canby City Planning Commission at its meeting/hearing on April 13, 1981, are accepted and adopted in toto by the Canby City Council as its findings.
- 7) The proposal conforms to the newly adopted Canby Comprehensive Plan:
 - a) The property is designated for low density residential use on the adopted land use map.

- b) Southwest 13th Avenue, which is adjacent to the property is designated as an arterial street.
 - c) The property is designated as "Priority A" area of the Urban Growth Boundary which indicates that it is one of several parcels of property that can be expected to be among the first properties to be annexed to the City assuming all other criteria are met.
 - d) The City is planning for anticipated short term population growth. There appears to be a need for a limited amount of land at this time. Before accepting this land for annexation, the City has considered the housing market, additional vacant area within the City boundaries, growth trends and other applicable criteria.
- 8) Compliance with State-wide Planning Goals:
- a) Goals 1 and 2 are met through the City of Canby's Comprehensive Planning process.
 - b) A goal exception to Goals 3 and 4 are taken:
 - 1) There is a need for additional developable land.
 - (i) There is a need for a reasonable amount of inventory for short term growth. There is some vacant land within the City; however, much of it is not being developed or is available on the market for purchase.
 - (ii) The subject property is bounded by the City limits on the north and west sides and by eleven small divided parcels on the south and east, none of which are larger than 3.11 acres and averaging 1.59 acres. All of these parcels are smaller than called for by the Clackamas County current zoning and Comprehensive Plan. The size, shape and location of the property makes it more impractical for agricultural production when compared with other properties within the "Priority A" land available for annexation.
 - 2) When compared to alternative locations, the other areas are not as compatible for residential use.
 - (i) Because of the present location of sanitary sewer lines, electrical power lines and water lines, this property would be the most desirable for annexation.
 - (ii) The development of this property would help develop Southwest 13th Avenue, which is designated as an arterial on the Comp-

rehensive Plan. Much of the other real property designated within the "Priority A" area is not adjacent to an arterial street.

- 3) There are no undesirable long term environmental, economic, social or energy consequences to the property.
 - (i) The property is adjacent to considerable residential development and would be compatible with the existing development.
 - (ii) The development would improve the existing road facilities and is a logical extension of the public utilities.
 - (iii) It is not anticipated that there will be any disruption or degradation of adjacent farmlands or uses which may be the case in other areas within the classification of "Priority A" for annexation.
- 4) The proposed uses will be compatible with other adjacent uses.
 - (i) The parcel abuts new development to the north and small divided and developed properties on the other three sides. Residential development of the parcel would be compatible with and enhance the value of adjacent properties.
- c) Goal 5 is not applicable since the area has not been designated as open space, scenic and historical areas under either the City of Canby or Clackamas County Comprehensive Plans.
- d) Goals 6, 7, 8 and 9 do not apply.
- e) Goal 10 encourages adequate numbers of housing units at prices which are commensurate with the financial capabilities of Oregon households. The City desires to have a reasonable inventory of land and has considered the present existing needs for housing within the City on the date of the application. The Planning Commission has considered the availability of rental units and single family residential units available on the market. Furthermore, the Planning Commission has considered the amount of vacant land within the City, including that land which has been annexed, but not developed. The Planning Commission rejects as its findings, information cited to the Planning Commission from prior hearings. The Planning Commission found that it is advisable to annex an additional 16 acres at this time and the City Council concurs.
- f) Goal 11, Public Facilities and Services, is satisfied. Sanitary sewer lines are immediately available in Southwest 13th Avenue. Water lines are

immediately available in Southwest 13th Avenue and all mains in the area are adequate. There has been passage of a \$3,000,000 water bond issue and these facilities are now well on the way to completion and will be completed prior to the probable start of any development of the subject property. Electrical power is available based upon the testimony of the Canby Utility Board. The Utility Board indicates that the area will be served from a feeder out of the Twi-Lite Substation by approximately October, 1981. Public Works, school districts, Canby Telephone Association and the police and fire departments expressed no objection to the proposed annexation.

- g) Transportation Goal (Goal 12) is met because the development of the subject property will complete the improvement of the arterial street abutting its north side.
- h) Goal 13, Energy Conservation, is satisfied. The proximity to schools, shopping and transportation facilities as well as the road systems will all enhance energy conservation.
- i) Goal 14 has been met because the property will provide for an orderly transition from "Semi-rural" to "Urban Land Use". It has been noted hereinbefore that this property is considered to be within Canby's "Priority A" growth boundary and, therefore, should be considered as one of the first properties to be annexed on a priority basis.

Based on the said FINDINGS the Canby City Council

CONCLUDES

- 1) The following described real property should be annexed to the City of Canby.
- 2) The Canby City Council has no objections to the applicant's petition for annexation to be filed with the Portland Metropolitan Area Local Government Boundary Commission if such petition is filed pursuant to the procedures prescribed by ORS 199.490(1)(c).
- 3) The proposed annexation is in the best interests of the City of Canby and the residents thereof, and will assure an orderly development of said property in accordance with the City's Zoning Ordinance, Subdivision Ordinance, and Building Code, and thus provide uniformity and continuity for the City's planned growth.
- 4) Tax Lots 700 and 1190, comprising a long, narrow access strip to adjoining properties, should also be included within the area to be annexed in order to allow for the orderly and efficient development of the area.

It is therefore hereby RESOLVED that:


- 1) The annexation to the City of Canby of the following

described real property is approved:

Tax Lots 400, 500, 600, 700 and 1190 in Section 4C,
T4S. R1E of the Willamette Meridian in Clackamas County,
Oregon.

2) The Canby City Council requests the Portland Metropolitan Area Local Government Boundary Commission to approve and effect this annexation as soon as possible upon the applicant filing with that Commission of the appropriate petition; and the City Recorder is hereby directed to file a certified copy of this Resolution, together with a copy of the City's complete file of this matter, at once with said commission.

ADOPTED BY THE CANBY CITY COUNCIL at a regular meeting thereof this 17th day of June, 1981.


Robert A. Swayze, Mayor

ATTEST:


Harold A. Wyman City Recorder