

RESOLUTION NO. CCXLVII (247)

A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY,
CLACKAMAS COUNTY, OREGON (APPLICATION OF ROBERT S. OVERTON
FOR CRESTVIEW SUBDIVISION)

WHEREAS, the annexation of the CRESTVIEW SUBDIVISION to the City of Canby has been initiated by the petition of Robert S. Overton, pursuant to the provisions of ORS 199.490(1)(c); and,

WHEREAS, the matter was submitted to the Canby City Planning Commission for review, study, findings, report and recommendations to the Canby City Council, and the Planning Commission considered the matter at regular meetings on June 14, 1978 and August 23, 1978, and during that period, obtained reports and recommendations from all interested and affected public service agencies and City departments, planning consultants and submittals by the applicant and his attorney; and,

WHEREAS, the Canby City Council considered the matter at its regular meeting on September 6, 1978 and reviewed all of the documentary evidence obtained and submitted by the Planning Commission, the City's planning consultant and City staff; and heard the oral presentations of the applicant and his attorney Mark P. O'Donnell of the firm of O'Donnell, Rhoades and Gerber of Portland, Oregon; 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 applicant who resides at 1140 North Ash Street, Canby, Oregon and is the CRESTVIEW SUBDIVISION consisting of thirteen (13) lots which is a duly recorded subdivision in Section 28cd in Township 3 South, Range 1 East of the Willamette Meridian in Clackamas County Oregon.

- 2) The property consists of 5.68 acres of land without improvements and is county zoned R-20 and designated in the City's Interim Development Plan as R-1 (single family residential).
- 3) The property is bounded on the north by Territorial Road, on the west by N. Juniper Street and on the east by N. Locust Street and the Canby City limits adjoin the property for the entire width of its southerly boundary.
- 4) Public utilities (by the City of Canby and the Canby Utility Board) are readily available to the property by extensions of lines on N. Juniper Street and N. Locust Street.
- 5) The proposed annexation is a logical extension of the boundaries of the City of Canby; will have no adverse affect on the quality and quantity of public services, nor the financial integrity of the City of Canby and Clackamas County.
- 6) The annexation and development of 13 single family residences is compatable with the City's Interim Development Plan text and map; its zoning ordinance and the Clackamas County Comprehensive Plan and zoning Ordinance; and adjacent land uses.
- 7) The property is located within an area physically developed for urban uses.
- 8) The proposed annexation is consistent with all applicable LCDC goals and guidelines; and the applicant's proposed findings (dated and submitted to the Council on September 6, 1978) are accepted and adopted by the Council as its additional findings.

Based on the said FINDINGS, the Canby City Council

CONCLUDES

- 1) The CRESTVIEW SUBDIVISION in Section 28cd in Township 3 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon should be annexed to the City of Canby TOGETHER WITH the entire street area of both N. Juniper and N. Locust Street and for the entire length of those streets which abut on said subdivision and extending northerly to the center of Territorial Road; and TOGETHER WITH the southerly half of Territorial Road between the extensions of the westerly boundary of N. Juniper Street and the easterly boundary of N. Locust Street.
- 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) and includes for annexation all of the above described portions of Territorial Road, N. Juniper Street and N. Locust Street.

It is therefore, hereby RESOLVED that:

1) The annexation to the City of Canby of the following described real property is approved;

Crestview subdivision and the entire street area of both N. Juniper Street and N. Locust Street for the entire length of those streets which abut on said subdivision and extending northerly to the center of Territorial Road; and the southerly half of Territorial Road between the extensions of the westerly boundary of N. Juniper Street and the easterly boundary of N. Locust Street.

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 applicants' filing with that Commission of the appropriate petition; and the City Recorder is hereby directed to file a certified copy of this Resolution with the Commission at once.

ADOPTED BY THE CANBY CITY COUNCIL at a regular meeting thereof this 20th day of September, 1978.


ROBT. E. RAPP - Mayor

ATTEST:


NANCY S. BOGGS - City Recorder