

RESOLUTION NO. CCLVIII (258)

A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF RICHARD AND CAROL LEE MORSE FOR TAX LOTS 1000, 1001 and 1100 IN SECTION 28DC, T3S, R1E OF THE W.M.)

WHEREAS, the annexation of Tax Lots 1000, 1001 and 1100 in Section 28DC, Township 3 South, Range 1 East of the Willamette Meridian, in Canby, Clackamas County, State of Oregon, has been initiated by the petition of Richard and Carol Lee Morse, husband and wife, 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 January 10, 1979, 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 the City Planner, Stephan A. Lashbrook, dated December 29, 1978.
2. Letter report of Canby Utility Board by its Manager, Fred W. Egger, dated January 8, 1979.
3. Letter report to Canby Planning Commission by acting City Police Chief, Lt. Jerry Giger, dated January 5, 1979.
4. Letter report to Canby Planning Commission by Jack Stark, Canby Fire Marshall, dated December 29, 1978.
5. Letter report to Mr. Gordon Ross, Chairman, City Planning Commission, by Eugene L. Cole, Manager of the Canby Telephone Association, dated December 28, 1978.
6. Report to City of Canby Planning Commission by Ken Ferguson, PE, Canby City Engineer, dated December 29, 1978; and

At the Planning Commission's meeting and hearing on this matter on January 10, 1979, there were no objections to or remonstrances against 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 applicants, Richard and Carol Lee Morse, husband and wife, who reside at 1934 Country Club Drive, Canby, Oregon.
2. The property consists of a single tract of land of approximately 9.6 acres with a single dwelling, and is county zoned R-20 (requiring 20,000 square foot lots) and designated in the City's Interim Development Plan for low density residential development, i.e., an R-1 Zone (single family residential).
3. The property is bounded on the north by Territorial Road and on the west by North Locust Street, and is also bounded on both the east and west sides by lands which are in the corporate limits of the City. Properties to both the north and south are still unincorporated territory under the jurisdiction of Clackamas County.
4. Access to the site is readily available from Territorial Road and North Locust Street, and additional access could and should be provided by N.E. 15th and N.E. 16th Avenues which are stubbed to the eastern boundaries of the site.
5. Public utilities (by the City of Canby and the Canby Utility Board) are readily available to the property by extensions of required utility lines.
6. The proposed annexation would provide for as many as 40 new homesites and the proposal conforms with the basic intent of the City's growth plan in that it represents a logical extension of the present city limits in an area which can be provided with necessary services. Location of the subject property within the City's urban growth boundary removes the significance of the land for agricultural purposes in that it has been deemed to be "committed" to urban development.
7. The proposed annexation and development of new homesites for single family residential purposes is compatible 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. Further-

more, the subject property lies within the urban growth boundary adopted by C.R.A.G. in December 1978.

8. The subject property has been developed with only one single family residence thus far and surrounding property includes open agricultural land to the north (across Territorial Road), vacant land to the south, vacant land with a subdivision application in process to the west, and developed property to the east, which includes apartments, single family dwellings, and a large church.
9. There is a public need for the annexation to occur in order to supply additional vacant land for residential development purposes, and the proposed annexation is the best means of meeting the public need.
10. 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 January 10, 1979, are accepted and adopted in toto by the Canby City Council as its findings.

Based on the said FINDINGS the Canby City Council

CONCLUDES

1. Tax Lots 1000, 1001 and 1100 in Section 28DC, Township 3 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon, should be annexed to the City of Canby.
2. The Canby City Council has no objections to the applicants' 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.

It is therefore hereby RESOLVED that:

1. The annexation to the City of Canby of the following described real property is approved:

Tax Lots 1000, 1001 and 1100 in Section 28DC,
Township 3 South, Range 1 East of the Willamette
Meridian, in Clackamas County, State of 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 applicants' 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 21st day of March, 1979.

Robt E. Rapp
Robt. E. Rapp, Mayor

ATTEST:

Harold A. Wyma
Harold A. Wyma, City Recorder