

RESOLUTION NO. CCLIX (259)

A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY,
CLACKAMAS COUNTY, OREGON (APPLICATION OF RUFUS KRAXBERGER,
ET UX. AND CHARLES R. DRIGGERS, ET UX. FOR TAX LOT 900,
SECTION 28DC, T3S, R1E OF THE W.M.)

WHEREAS, the annexation of Tax Lot 900 in Section 28DC, Township 3 South, Range 1 East of the Willamette Meridian, in Clackamas County, State of Oregon, has been initiated by the joint petition of Rufus and Francys Kraxberger, husband and wife, and Charles R. and Mae Driggers, husband and wife, pursuant to the provisions of ORS 199.490 (1) (c). The petitioners are the contract purchasers of the subject property and Clarence and Claudine VanDorn are the owners who have given their express written consent to the proposed annexation; and

WHEREAS, the matter was submitted to the Canby Planning Commission for review, study, findings, report and recommendations to the Canby City Council. The Planning Commission considered the matter at a regular meeting on February 14, 1979, and determined that the petitioners had not adequately addressed the Statewide Planning Goal #3 (agriculture) and the hearing on the matter was continued to the Planning Commission Meeting of February 28, 1979; and

WHEREAS, consideration of the proposed annexation was continued by the Planning Commission at its regular meeting on February 28, 1979, and concluded its in depth study of the matter and considered among other things the following:

1. Letter report to Planning Commission by Canby Fire Marshall dated January 26, 1979.
2. Letter report to Canby Planning Commission Chairman Gordon Ross by Eugene L. Cole, General Manager of the Canby Telephone Association, dated January 30, 1979.
3. Letter report to Canby Planning Commission Chairman Gordon L. Ross by Pat Maynard, Project Coordinator of the Canby Utility Board, dated February 6, 1979.
4. Inter-Department Report to Canby Planning Commission from the

Canby Police Department by Lt. Jerry Giger, dated February 7, 1979.

5. Inter-Department Report to Canby Planning Commission by Ken Ferguson, PE, Public Works Director, dated February 8, 1979.

6. Staff report to Canby Planning Commission by City Planner Stephan A. Lashbrook, dated February 7, 1979.

7. Comprehensive letter report by petitioners' attorney Jon S. Henricksen, to City of Canby Planning Commission, dated February 21, 1979.

8. Report to Canby Planning Commission by City Planner Setphan A. Lashbrook, dated February 23, 1979; and

There were no objections to or remonstrances against the proposed annexation at either of the Planning Commission meetings/hearings and at the conclusion of the meeting/hearing on February 28, 1979, the following facts were determined:

FACTS

1. The report of the City Administrator, Harold A. Wyman, dated June 6, 1978, is accurate and reasonably current and reflects the following:
 - (a) Total vacant land in the City of Canby to be developed (single family residential) is 138 acres.
 - (b) Of the available land there are seven (7) subdivisions with a total of 133 lots comprising approximately 40 acres of land. All of the lots in these subdivisions have been sold to builders.
 - (c) Of the remaining 98 acres, 5 1/2 acres are landlocked.
 - (d) Of the remaining 92 1/2 acres, 15 acres do not have available sewer services.
 - (e) Of the remaining 77 1/2 acres, 66.45 acres is under the ownership of three individuals or corporations. One parcel of 41.90 acres is owned by a corporation, a second parcel of 12.85 acres is owned by an individual, and a third parcel of 11.70 acres is owned by an individual. This leaves 11.05 acres in scattered large lots that could be divided. (Not included in this inventory is property owned by the Canby Utility Board, Canby School Districts, City of Canby, or Churches within the city limits.)
 - (f) The total vacant land in the City to be developed for multi-family residential is 35.22 acres. Of this available land, 9.62 acres is presently being developed through a subdivision of 21 lots, a minor land partition of three lots and a planned unit development. Of the remaining 25.60 acres, 1.09 acres is landlocked. Of the

remaining 24.51 acres, 17.31 acres is in the process of a zone change (as of June 6, 1978) to conform to the interim general plan. The only other available property is in small parcels totaling 7.20 acres; and not included in such inventory is such property owned by the Canby Utility Board, Canby School Districts, City of Canby, or Churches within the city limits.

2. The subject property should be excepted from agricultural land use under Statewide Planning Goal #3 upon its annexation and inclusion in the City's urban growth boundary because:
 - (a) The City has a pressing need for acquiring developable land.
 - (b) All municipal services and required utilities are readily available to the property.
 - (c) The subject property is a logical extension of the City's boundaries.
 - (d) None of the land within the City's present urban growth boundary is a more logical extension of the urban boundaries in terms of availability of services or areas of natural expansion in terms of present City boundaries.

Thereupon, by motion duly made, seconded and unanimously passed, it was recommended to the Canby City Council to approve 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 Clarence and Claudine VanDorn, husband and wife, and is being purchased on contract by two (2) couples, i.e., Rufus Kraxberger and Francys Kraxberger, husband and wife, and Charles R. Driggers and Mae Driggers, husband and wife. Both couples were represented in this matter by Attorney Jon S. Henricksen of Gladstone, Oregon.
2. The property consists of a single tract of land of approximately 7.13 acres without improvements. The surface is generally flat with good drainage; bounded on the south by Territorial Road, on the west by North Locust Street, on the north by vacant land, and on the east by the present Canby City Limits.
3. The City's Interim Development Plan designates the subject property for single family residential development. The Columbia Region Association of Governments (CRAG) and now the Metropolitan Service District (MSD) has designated the subject property as an urban expansion area of the City of Canby and

the use requested for annexation will not violate any future plans of the City and/or designation by CRAG or MSD.

4. The Land Conservation and Development Commission (LCDC) goals for statewide development of land were addressed and met as follows:
 - (a) Goal 1 and 2 are identical with the City's Interim Development Plan.
 - (b) Goal 3 (agricultural lands) should be excepted for the subject property and for the reasons previously explained.
 - (c) Goals 4, 6, 7, 8, 9, 11, 12, 15, 16, 17, 18, and 19, do not apply.
 - (d) The "historic areas" of Goal 5 does not apply and the "scenic and natural resources" of Goal 5 do apply but will probably be enhanced if the petitioners' plan is observed to leave any existing trees.
 - (e) The proposed annexation is directly related to and satisfies Goal 10 requirement.
 - (f) Goals 13 and 14 will be met by annexation to the City and residential development within the City close to employment centers, shopping areas, and recreation, parks, and facilities.
 - (g) Goal 9 will be met by any development of the subject property which would increase the City's tax revenues and generate spendable family income which would enhance the economy of the City and surrounding area.
5. There is adequate access to the subject property since it is bounded on the south and west by public roads.
6. Public utilities (by the City of Canby and the Canby Utility Board) are readily available to the property by extensions of required utility lines.
7. The proposed annexation would provide for development of badly needed new homesites which is compatible with the City's Interim Development Plan text and map; and also with the City's Zoning Ordinance, the Clackamas County Comprehensive Plan and Zoning Ordinance, and adjacent land uses. There is a public need for the annexation in order to supply additional vacant land for residential development purposes and the proposed annexation is the best means for meeting the public need.

Based on the said FINDINGS the Canby City Council

CONCLUDES

1. Tax Lot 900 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 (and in fact supports it) 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 in accordance with LCDC Goals and Guidelines.
4. 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.

The Findings and Conclusions of the Canby City Council were made during a regular meeting of the Council, after public hearing on this matter, on Wednesday, April 4, 1979.

ADOPTED BY THE CANBY CITY COUNCIL at a regular meeting thereof this 2nd day of May, 1979.

Robt E Rapp
Robt. E. Rapp, Mayor

ATTEST.

Harold A. Wyman
Harold A. Wyman, City Recorder