

RESOLUTION NO. CCCVII (307)

A RESOLUTION APPROVING ANNEXATION TO CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF LINDBERG, FRANZ AND SCHAEFER FOR A PARCEL OF LAND IN LOT 72, CANBY GARDENS).

WHEREAS, the annexation of the hereinafter described real property has been initiated by the petition of Edger R. Lindberg, Laura I. Lindberg, Ray N. Franz, Catherine N. Franz, Robert Schaefer and Nancy Schaefer, 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 and report and recommendations to the Canby City Council, and the Planning Commission considered the matter at a regular meeting on September 14, 1981, (a public hearing before the Planning Commission no longer being required under the provisions of Land Development and Planning Ordinance No. 690), 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; and
- 2) Section 10.6.40 of the Land Development and Planning Ordinance No. 690, adopted by the Canby City Council on May 6, 1981.

After full study and consideration of this application for annexation and all pertinent information and documents by the Planning Commission at its meeting on September 14, 1981, 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 at a public hearing held during its regular council meeting on Wednesday, October 21, 1981, 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 the provisions of the Land Development and Planning Ordinance No. 690, and there being no opponents either in person or in writing, and there being unanimous approval of the council on motion made and seconded after full discussion of the matter, the council made the following

FINDINGS

- 1) The subject property is owned by the applicants Edger R. Lindberg, Laura I. Lindberg of Spring Valley, California; Ray N. Franz, Catherine N. Franz, of 980 N.E. 14th Avenue, Canby, Oregon; and Robert Schaefer and Nancy Schaefer of 865 N.W. 6th Avenue, Canby, Oregon.
- 2) The subject property consists of a tract of land of approximately .94 acres and described as Tax Lot 4300, 34BB, T3S, R1E, being a portion of Lot No. 72 of Canby Gardens.

- 3) The property is located on the east side of N. Pine Street, approximately 350 feet north of N.E. 10th Avenue, and abuts the present city limits on its south and west sides. Upon annexation it will have an R-1 low density residential zoning.
- 4) Access is readily available from North Pine Street.
- 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, which are located on the west boundary of the property.
- 6) The small size of the site limits the amount of development which will occur as a result of the annexation and there will not be an economic impact from this annexation.
- 7) 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.
- 8) The proposed annexation is consistent with all applicable LCDC goals and guidelines and the findings of the Canby City Planning Commission at its meeting on September 14, 1981, 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) The following described real property 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:

A tract of land located in Lot 72 of the townplat of CANBY GARDENS, Clackamas County, Oregon, described as:

Beginning at the Southwest corner of said Lot 72, thence North on the West line of said Lot, 132 feet; thence east and parallel to the south line of said lot, 330 feet; thence South and parallel to the west line of said lot, 132 feet; thence west on the south line of said lot, 330 feet, to the place of beginning, containing 1 acre, more or less.

(Being Tax Lot No. 4300, Sec. 34BB, T3S, R1E.)

- 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 on the 18th day of November, 1981.



William Pulver, Acting Mayor

ATTEST:



Harold A. Wyman, City Recorder