

RESOLUTION NO. CCCXVIII (318)

A RESOLUTION APPROVING ANNEXATION TO CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF GEORGE AND CECILIA ARNOLD FOR TAX LOT 2201, SEC. 27C, T.3S., R 1 E,) OF 1.27 ACRES OF CANBY GARDENS.

WHEREAS, the annexation of the hereinafter described real property has been initiated by the petition of George and Cecilia Arnold 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 May 10, 1982, 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 Public Works Supervisor/City Planner Bud Atwood dated April 30, 1982;
- 2) Letter report of Canby Utility Board by its Manager, Stephan A. Lashbrook, dated May 5, 1982;
- 3) Letter to City Planning Commission by Jack Stark, Canby Fire Marshall, dated April 27, 1982;
- 4) Letter report to Mr. Fred Kahut, Canby Planning Commission, by Eugene L. Cole, General Manager of Canby Telephone Association, dated May 4, 1982.

At the Planning Commission's meeting and hearing on this matter on May 10, 1982, 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 vs. 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, George Arnold and Cecilia Arnold, husband and wife, who reside at 1287 N.E. Territorial Road, Canby, Oregon.
2. The territory to be annexed is within the City's Urban Growth Boundary. The Comprehensive Plan supports the eventual annexation of this site and

subsequent development for residential purposes. The property is in priority group "A". (The Land Use Map indicates this property could be zoned R-2, Higher Density, but the intent is to annex the land to make it available for a disabled family relative to live.)

- 3) Public facilities and services are adequate and conveniently located to serve the site. Territorial Road is designated as an arterial; water is located along the north boundary of the proposed annexation along Territorial Road; and, sanitary sewer is located on the north and east sides of the parcel in question. Fire and police service is available at this location.
- 4) The property adjoins the City on the north side, directly south of the development of Willamette Green, and is a logical extension of the City boundaries and utility services.
- 5) Size, location and existing development has already committed the parcel to urban development.
- 6) Small parcels are located to the east and the west with single family residences on each. None of the parcels in the immediate area are of adequate size to make agricultural production economically feasible. Directly east of this property, across the Crown Zellerbach Logging Road, is a small subdivision of four lots.
- 7) There is a need to incorporate into the City those parcels which can be used for the logical extension of city services without forfeiting land which can be used for agriculture.
- 8) The property owners desire annexation to facilitate planned residential development of the site.
- 9) The development of this property as residential with public sewer and water will not create long term environmental or energy consequences. The subject property is not subject to natural disasters and hazards, nor will the single family dwellings have any adverse effect on the air, water and land resources quality of the City of Canby.
- 10) Because of the availability of public facilities and services and the proximity to the present city limits and compatibility with surrounding development, there are no better alternative locations.
- 11) There is negligible effect on the district's school systems.
- 12) There are a minimum number of fir trees on the property but they are used for landscaping purposes as opposed to timber production as contemplated by Goal 4 of the LCDC Goals and Guidelines. No conflict exists.
- 13) The proposed annexation is consistent with all applicable LCDC Goals and Guidelines and the findings of the Canby Planning Commission at its meeting/hearing on May 10, 1982, 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 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.

It is therefore hereby RESOLVED that:

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

A portion of Block 79, CANBY GARDENS, in Clackamas County, Oregon, described as follows:

BEGINNING at an iron rod in the South line of Block 79 which is 210 feet Easterly from the Southwest corner of that tract conveyed to Ralph E. Dawes, et ux, by deed recorded May 13, 1946, in Book 367, Page 251, Clackamas County Deed Records; thence North 9° East, a distance of 200 feet to an iron rod; thence North 3° West, a distance of 165 feet, more or less to the Northwesternly line of said Block; thence Northeasterly along the Northwesternly line of said Block to the point of intersection of the Northwesternly line of said Block with the West line of the 50 foot strip reserved in the deed to Neland E. Beck, recorded in Book 290, Page 345, Clackamas County Deed Records; thence South on a line 50 feet Westerly from and parallel to the East line of said Block to the South line of said Block; thence Westerly along the South line of said Block 169 feet, more or less to the point of beginning.

ALSO: That property lying in Territorial Road extending from the Northwesternly line of the above described property to the center of said road bounded on the East and West by the Northerly extension of the Easterly and Westerly lines of said property.

- 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 16th day of June, 1982.


Robert A. Swayze, Mayor

ATTEST:


Marilyn K. Perkett, City Recorder Pro Tem