

RESOLUTION NO. 442

A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF BIRKEMEIER FARMS, INC. REPRESENTED BY H.O.P.E. (A NON-PROFIT ORGANIZATION) FOR TAX LOT 800, TAX MAP NO. 4-1E-4D CONSISTING OF 32.57 ACRES.

WHEREAS, the annexation of the hereinafter described real property has been initiated by the petition of Birkemeier Farms, Inc., 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 recommendation to the Canby City Council, and the Planning Commission considered the matter at a regular meeting January 8, 1990, and at said meeting the Planning Commission made an indepth study of the matter and considered among other things the following:

1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the urban growth boundary.
2. Compliance with other applicable city ordinances or policies.
3. Capability of the City and other affected service-providing entities to amply provide the area with urban level services.
4. Compliance of the application with the applicable section of ORS Chapter 222.
5. Appropriateness of the annexation of the specific area proposed, when compared to other properties which might reasonably be expected to be annexed to the city.
6. Risk of natural hazards which might be expected to occur on the subject property.
7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
8. Economic impacts which are likely to result from the annexation.

At the Planning Commission's meeting and hearing on this matter on January 8, 1990, 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 record 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. Property Identification. The subject property is identified on the Clackamas County Assessors Map as Tax Lot 800, Tax Map 4-1E-4D. The property measures approximately 1,130 feet by 1,255 feet and consists of approximately 32.57 acres. The property is bordered on the north by S.W. 13th Avenue, on the west by S. Fir Street, and on the east by S. Ivy Street. Farm land adjoins the property to the south.
2. Site Characteristics. The parcel is generally made up of gently sloping terrain. The property drops in elevation toward the south southeast, with the lowest elevations along the southern property line. The entire 32.57 acre parcel is currently an older filbert orchard.
3. Land Use Designation. The entire subject property is designated as Low Density Residential. The land use designation is from the City of Canby Comprehensive Plan Land Use Map for the Urban Growth Boundary. The Land Use Map has been adopted by Clackamas County and is subject to our Urban Growth Management Agreement.
4. Section 5 (A) (City Annexations) of the City-County Urban Growth Management Agreement states as follows:

CITY may undertake annexations in the manner provided for by law within the UGMB. COUNTY shall not oppose such annexations, or shall COUNTY take any action which impedes, prevents, jeopardizes or discourages annexations to CITY within the UGMB. At the time of or following annexation of unincorporated land within the UGMB, city may rezone such land consistent with the designation on CITY's Comprehensive Plan Map.

5. Zoning. The county presently has the property zoned EFU-20 (Exclusive Farm Use - 20 acre minimum) until such time as it is annexed to the City. When it is annexed, it will be zoned R-1, Low Density Residential.

Except to the north, all surrounding property is outside the city limits. Properties to the East, South, and West are all within the Canby Urban Growth Boundary and are designated for Low Density Residential use. The property to the North is within the city limits and is zoned R-1, Low Density Residential.

6. Public Facilities/Services:

a. Gravity flow sewer is available along S.W. 13th Avenue, and along S. Ivy Street, however, the depth of the lines are not adequate to serve the entire parcel, nor are the size of the lines or their remaining capacity adequate

to serve the parcel. Staff envisions considerable expense in the provision of adequate sewer services to the property. It would be the responsibility of the applicants to provide all necessary sewer services to the property, and to provide services in such a manner so as to allow further extensions to the facilities as other properties annex and develop.

b. Water is available through a 12-inch line running east-west along S.W. 13th Avenue between S. Fir Street and S. Ivy Street. Again, the applicants would be responsible for the extension of water facilities to the southern most property line of their ownership as required by the Canby Utility Board (CUB).

c. Electricity is provided by Portland General Electric (PGE) at this time. A changeover to Canby Utility Board would take place after annexation and that is possible through agreements between CUB and PGE.

d. The property is within Fire District #62 and service would be provided by the District.

e. The property would be protected by the Canby Police Department following annexation.

f. Storm drainage would be designed at the time of development, as required by the Public Works Director.

7. Traffic/Streets. South Ivy Street and S.W. 13th Avenue are both identified as arterials on the Street Circulation Map of the Canby Comprehensive Plan. South Ivy Street is currently a County road. The applicants will be responsible for any necessary right-of-way dedications, and road improvements, including curbs and sidewalks as required by the City Public Works Director and/or Clackamas County.

South Fir Street is not identified on the Street Circulation Map but would also be subject to improvements at the applicant's expense as required by the City Public Works Director, including dedication of additional right-of-way, additional road, curb and sidewalk improvements.

8. Compatibility with the text and maps of the Comprehensive Plan:

a. The Canby Urban Growth Element #2 states "Provide adequate urbanizable area for the growth of the City, within the framework of an efficient system for the transition from Rural to Urban land use."

Policy #1 - Canby shall coordinate its growth and development plans with Clackamas County.

Policy #3 - Canby shall discourage the urban development properties until they have been annexed to the City and provided with all necessary urban services.

- b. From the Land Use Element:

Policy #5 - Canby shall utilize the Land Use Map as the basis of zoning and other planning or public facility planning.

CONCLUDES

1. This application is compatible with the text and maps of the Comprehensive Plan.
2. This application complies with all City ordinances and policies.

3. All affected service-providing entities will be able to provide adequate facilities, however a complete traffic and engineering study will be necessary prior to any development.
4. The application complies with the applicable sections of Oregon Revised Statutes.
5. The Canby Comprehensive Plan shows the subject property in a "Priority A" growth area, and therefore committed to urbanization.
6. There are no apparent natural hazards on the property.
7. There are no apparent negative economic impacts that will result from this annexation.

It is therefore hereby RESOLVED that:

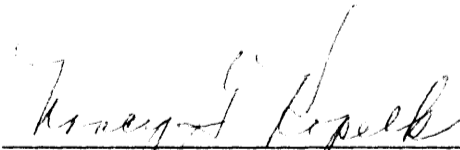
- 1) The annexation to the City of Canby of the following described real property is approved:

In the County of Clackamas and State of Oregon, the northwest one-quarter of the southeast one-quarter of Section 4, Township 4 South, Range 1 East, of the W.M.,

SAVE AND EXCEPT the south 165 feet, conveyed to Harry Cochran, et ux, by Deed recorded August 12, 1913, in Book 132, page 565, Deed Records.

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 the 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 7th day of February, 1990.


Nancy G. Kopelk, Mayor

ATTEST:


Marilyn K. Berkett, City Recorder