

RESOLUTION NO. 455

A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF JOSEPH & SHIRLEY REGAN AND JOHN & RUTH REGAN AND AMATO BROS. ENTERPRISES, INC.) FOR TAX LOT 1800 OF TAX MAP 4-1E-3 CONSISTING OF APPROXIMATELY 30.32 ACRES.

WHEREAS, the annexation of the hereinafter described real property has been initiated by the petition of Joseph & Shirley Regan and John & Ruth Regan and Amato Bros. Enterprises, 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 June 11, 1990, and at said meeting the Planning Commission made an in-depth 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 June 11, 1990, the Planning Commission heard testimony for and against the application 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 Peterson, 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 Assessor's Map at Tax Lot 1800 of Tax Map 4-1E-3. The property measures approximately 495 feet by 2,640 feet and consists of approximately 30.32 acres. The property is bordered on the north by S.E. Township Road, on the south by S.E. 13th Avenue, on the east by farm land, and on the west, by a single family subdivision, an elementary school, a junior high school, an adult center and a municipal swim center. The property is contiguous to the City limits along its entire west border.
2. Site Characteristics. The slope characteristics of the subject property are generally flat. There is approximately nine feet of elevation change over the parcel, with the north end being low. The USDA Soil Survey for Clackamas County identifies the predominant soil on the property as a Latourell Loam, a deep, well-drained soil with a Class 1 capability rating. The entire parcel is currently in Christmas tree production.
3. Land Use Designation. The parcel is designated high density residential over the northern 220 feet of the property; medium density residential over the middle 1,210 feet of the property; and, low density residential over the southern 1,210 feet of the property.
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, nor 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.
5. Zoning. The County has the property zoned EFU-20 GAD (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-2 (high density) throughout the northern 220 feet; R-1.5 (medium density) throughout the middle 1,210 feet and R-1 (low density) throughout the southern 1,210 feet.

Properties adjacent to the subject property on the north, south and east are all outside of the City limits. The property along the west boundary is zoned R-1.5 throughout the northern 550 feet and R-1 south to S.E. 13th Avenue.

6. Public Facilities/Services.

- a. Gravity Flow Sewer is available to serve the northern end of the subject property. However, a pressured system may be necessary to the south.
- b. Water is available through a 12 inch main which runs north/south along the west property line of the subject property.
- c. Electricity is provided by Portland General Electric (PGE) at this time. A changeover to the Canby Utility Board (CUB) would take place after annexation and that is possible through agreements between CUB and PGE. It should be noted that CUB is nearing its design limit in this area. Mr. Bob Rapp, Operations Manager for CUB, has indicated that upsizing of lines in the area may be necessary before full buildout of this property, and other recently annexed properties, can occur. He assured the Planning Staff, however, that service would be available for all development in the area.
- d. Fire - The property is within the Fire District #62, and services would be provided by the District.
- e. Police - 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.
- g. Parks and Recreation - Parks and Open Space policies are still being discussed by the City of Canby. The need for additional public parks and funds for park land development has been recognized. The Parks and Recreation Committee is beginning a process to develop a Parks and Recreation Master Plan.
- h. Telephone - The Canby Telephone Association has provided staff with a list of requirements which they would like to have added to the list of recommended conditions for approval on new development requests. If the annexation request is approved, this list will become part of the specific conditions for subdivision approval.

7. Traffic/Streets. The City Street Circulation Map of the Comprehensive Plan identifies S.E. Township Road as an existing collector, and S.E. 13th Avenue as an existing arterial. The street map also identifies a proposed north/south collector between these two roads at a location near the subject property. The City's Public Works Director is currently working on a proposal to realign portions of Pine Street, north of the subject property. This realignment would make it possible to locate the north/south link through the subject property.

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

a. From the Land Use Element:

Policy #6 - Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.

(B) (9) - Area "I"

b. From the Transportation Element:

Policy #1 - Canby will provide the necessary improvements to City streets, and will encourage the County to make the same commitment to local County roads, in an effort to keep pace with growth.

Policy #4 - Canby shall work to provide an adequate sidewalk pedestrian pathway system to serve all residents.

Policy #7 - Canby shall provide appropriate facilities for bicycles and if found to be needed, for other slow moving, energy efficient vehicles.

CONCLUSIONS

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, the list of requirements submitted by the Canby Telephone Association shall become part of the specific conditions for subdivision approval.
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 quarter of Section 3, Township 4 South, Range 1 East, of the W.M.

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 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 18th day of July, 1990.



Scott Taylor, Acting Mayor

ATTEST:



Marilyn W. Perkett
City Recorder