

RESOLUTION NO. 456

A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF RON TATONE) FOR TAX LOT 1200 OF TAX MAP 3-1E-28DC CONSISTING OF APPROXIMATELY 1.6 ACRES.

WHEREAS, the annexation of the hereinafter described real property has been initiated by the petition of Ron Tatone, 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 July 9, 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 July 9, 1990, the Planning Commission heard testimony for the application and, at the conclusion of the 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 1200 of Tax Map 3-1E-28DC. The property consists of approximately 1.6 acres. The property is bordered on the south by N.E. Fourteenth Avenue, and on the west by N. Locust Street, on the north by a single family residence currently in the County, and a single family subdivision. It is bordered on the east by a church. The property is contiguous to the City limits along its southern, eastern, western and majority of its northern border.
2. Site Characteristics. The slope characteristics of the subject property are generally flat. The U.S.D.A. Soil Survey for Clackamas County identifies the predominant soil on the property as Canderly sandy loam, a deep, excessively drained, terrace soil with a Class II capability rating.
3. Land Use Designation. The parcel is designated medium density residential.
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 RRFF-5 (Rural Residential Farm Forest - 5 acres minimum) until such time as it is annexed to the City. When it is annexed, it will be zoned R-1.5 (medium density residential) throughout.
6. Public Facilities/Services.
  - a. Gravity Flow Sewer is available along N.E. 14th Avenue to serve the property. Sewer laterals have already been installed to the property.
  - b. Water is available along N.E. 14th Avenue. The applicant has already had water laterals installed to the 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.

- 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. Parks and Recreation - The Parks and Recreation Committee is beginning a process to develop a Parks and Recreation Master Plan.
  - g. Telephone - Main telephone services are already in place along N.E. 14th Avenue. 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 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) (14) - Area "N" consists of a wide strip of property bordering N.E. Territorial Road. It includes properties which are planned for medium density residential use and properties planned for high density residential use. Present development in the area includes apartments, condominiums, single family dwellings and vacant lots. Present zoning includes some R-2 areas and a predominance of R-1 areas. Street dedications and, in some cases, street improvements are needed to make some of the properties suitable for higher density development. New developments, other than one single family dwelling per lot, will require prior upzoning to either R-1.5 or R-2, as appropriate.
  - b. From the Transportation Element:

Policy #7 - Canby shall work to provide an adequate sidewalk pedestrian pathway system to serve all residents.

The subject property currently borders N.E. 14th Avenue and North Locust Street. Neither of these streets currently have sidewalks in this area.

#### 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:

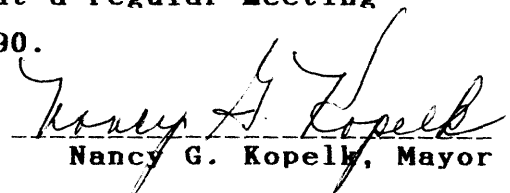
1. The annexation to the City of Canby of the following described real property is APPROVED:

A tract of land situated in the Southwest one-quarter (SW 1/4) of the Southeast one-quarter (SE 1/4) of Section 28 Township 3 South, Range 1 East of the Willamette Meridian and being part of the plat of Canby Gardens as recorded in Record of Plats Clackamas County, Oregon. Said tract being more particularly described as follows:

The South 132.00 feet of Lot 44 CANBY GARDENS.

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 1st day of August, 1990.

  
Nancy G. Kopel, Mayor

ATTEST:

  
Marilyn W. Perrett  
City Recorder