

RESOLUTION NO. 461

A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF DOUG SPRAGUE) FOR TAX LOT 200 OF TAX MAP 3-1E-28DB CONSISTING OF APPROXIMATELY 0.64 ACRES.

WHEREAS, the annexation of the hereinafter described real property has been initiated by the petition of Doug Sprague (Applicant) and Carl P. and Mildred E. Bremer (Owners) 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 August 27, 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 August 27, 1990, the Planning Commission heard testimony regarding 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 200 of Tax Map 3-1E-28DC. The property consists of approximately 1.5 acres. The applicant is requesting approval to annex the eastern 0.64 acres of the subject property. The subject property is located on the south side of N.E. 22nd Avenue, and is adjacent to the Canby City Limits along its eastern property line. There is an existing residence to the west, a single family subdivision to the east, and farm land to the north and south.
2. **Site Characteristics.** The slope characteristics of the site are generally flat. The U.S.D.A. Soil Survey for Clackamas County identifies the predominant soil on the property as Canderlary Sandy Loam, a deep, excessively drained, terrace soil with a Class II capability rating.
3. **Land Use Designation.** The City Comprehensive Plan identifies the land use designation for the property as Low Density Residential. This land use map has been adopted by the City of Canby and Clackamas County and is subject to the City-County 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, 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 Map.

5. **Zoning.** Upon annexation, the City will rezone the subject property from County RRFF-5 to City R-1 (Intermediate Density Residential). This zone is the corresponding zone to the Medium Density Residential Designation identified on the Comprehensive Plan Map.
6. **Appropriateness for Urbanization.** The "Growth Priorities" Map contained in the Canby Comprehensive Plan shows the subject property located within a "Priority A" district for urbanization. Priority A lands are considered committed to urbanization.
7. **Public Facilities/Services.**
 - a. **Gravity Flow Sewer** must be extended from North Maple.
 - b. **Water** is available along N. Maple and must be extended to 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.
 - 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. **Recreation.** The City's 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. 22nd Avenue. The Canby Telephone Association has provided staff with a list of requirements that 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.
8. **Compatibility with the text and maps of the Comprehensive Plan.**
 - a. **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. 22nd Avenue. This street currently has no sidewalks in this area.

CONCLUSIONS

1. This application is consistent with the City-County Urban Growth Management Agreement and the Comprehensive Plan, provided the applicant follows through with the installation of sidewalks along both street frontages.
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**:


BEGINNING at the Northwest corner of said Lot 52; thence South 0°01'28" West along the West line of said Lot 52, 10.00 feet to a point on the South side of Northeast 22nd Avenue; thence South 89°36'00" East, along the South line of the road, 229.99 feet to a point and the true point of beginning; thence South 0°01'37" West, parallel to the East line of the West one-half of said Lot 52, 309.95 feet to a point on the South line of said Lot 52; thence South 89°35'38" East along said South line, 90.00 feet to the Southeast corner of said West one-half; thence North 0°01'37" East along said East line 309.96 feet to a point on the South line of Northeast 22nd Avenue; thence North 89°36'00" West along said South line of the road a distance of 90.00 feet to the point of beginning, containing 0.64 acres.

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
19th day of September, 1990.


Nancy G. Kopelk, Mayor

ATTEST:


Marilyn K. Verkett
City Recorder