

RESOLUTION NO. 494

A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF JAMES AND DESSIE BERGEN) APPROXIMATELY 2.37 ACRES LOCATED ALONG THE EAST SIDE OF N. PINE.

WHEREAS, the annexation of real property hereinafter described as Tax Lot 1700 of Tax Map 3-1E-34BC, and depicted as Exhibit "A", has been initiated by the petition of James and Dessie Bergen; 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 on October 14, 1991: and

WHEREAS, at the Planning Commission meeting on this matter on October 14, 1991, the Commission considered the report of the City Planner and, at the conclusion of the discussion, 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 conducted a public hearing on this proposal on December 4, 1991; and

WHEREAS, the Canby City Council fully considered the record and file, including staff report and Planning Commission Findings on this matter and made the following:

FINDINGS

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 have ample services available.
4. This application complies with all applicable sections of Oregon Revised Statutes.
5. This application is in the "Priority A" location, as defined by the Comprehensive Plan, which is the first phase of land area for proposed annexation and development.
6. There are no apparent natural hazards on this parcel.
7. The effect of urbanization of this parcel on designated open space, scenic, historic or natural resource areas is limited.

8. There are no negative economic impacts that will result from this annexation.

9. The Council is authorized by ORS 199.490 (2)(B) to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from the owners of more than half the land in the territory proposed to be annexed.


10. The Council has received the necessary "consents" in sufficient numbers to meet so-called "double majority" annexation requirements listed above and has set the boundary of the territory proposed for annexation, as shown in Exhibit "A", as authorized by ORS 199.490 (2)(B). The applicant has submitted documents indicating that the involved property owners agreed to annexation and there are no residents on the property.

NOW, THEREFORE, BE IT RESOLVED that the Canby City Council recommends the annexation, to the City of Canby, property described at Tax Lot 1700 of Tax Map 3-1E-34BC, and depicted in Exhibit "A".


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.

The Canby City Council hereby directs that conditioned upon Portland Metropolitan Boundary Commission approval of the proposed annexation, the Zoning Map of the City of Canby be amended to proposed the development of subject property, Tax Lot 1700 of Tax Map 3-1E-34BC be zoned R-2 (Medium Density Residential).

ADOPTED by the Canby City Council, at a regular meeting thereof on December 4, 1991.


Shawn P. Carroll, Mayor

ATTEST:


Marilyn K. Perkett, City Recorder

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY**

A REQUEST FOR APPROVAL TO)	FINDINGS, CONCLUSIONS & ORDER
ANNEX APPROXIMATELY 2.37)	ANN 91-06
ACRES INTO THE CITY OF CANBY)	(James A. Bergen, Sr.)

NATURE OF APPLICATION

The applicant is requesting approval to annex a 2.37 acre site into the City of Canby. The site of the proposed annexation is 640 N. Pine Street and the property is identified on the Clackamas County Assessor's Map as Tax Lot 1700 of Tax Map 3-1E-34C.

HEARINGS

The Planning Commission considered this application at its meetings of October 14, 1991 and October 28, 1991.

CRITERIA AND STANDARDS

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:

1. Compatibility with the 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 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.

CONCLUSION

The Planning Commission concluded that ANN 91-06 complies with all applicable criteria by the application of certain conditions.

FINDINGS AND REASONS

The Planning Commission incorporates the discussions on October 14, 1991 and October 28, 1991 regarding this property, as support for its decision, supplemented by the following:

1. The Commission discussed the proposal to amend the Comprehensive Plan such that this parcel could be developed residentially, rather than industrially.
2. The Commission agreed this application is compatible with the text and maps of the Comprehensive Plan.
3. A motion was made, seconded, and approved unanimously, to recommend that City Council approve CPA 91-04, the request for approval of an amendment to the Land Use element of the Comprehensive Plan to propose this area as High Density Residential, rather than Light Industrial Land Use.
4. This application complies with all City ordinances and policies.
5. All affected service providing entities have ample services available, or can be extended to the property.
6. This application complies with all applicable sections of Oregon Revised Statutes.
7. This application is in the "Priority A" location as defined by the Comprehensive Plan, which is the first phase of land area for proposed annexation and development.
8. There are no apparent natural hazards on this parcel.

9. The effect of urbanization on this parcel to designated open space, scenic, historic or natural resource areas is limited.
10. There are no negative economic impacts that will result from this annexation.
11. The territory proposed to be annexed is presently within the Canby Water District and/or Canby Sewer District.
12. The Commission discussed the fact that an area annexed to the City will automatically be classified in the zone which best conforms to the land use map of the Comprehensive Plan which, in this case, would be R-2, if the Comprehensive Plan Amendment is approved.
13. The Commission discussed the letter from Patrick W. Imholt regarding his desire to have Mr. Bergen share in the costs already incurred in bringing the sewer line to Mr. Imholt's property. The Commission was informed there is no legal procedure for making this a condition of approval as no advance funding agreement has been found.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that ANN 91-06 is recommended for approval to City Council, with the following conditions:

1. All development and recording costs are to be borne by the developer when the property is developed.
2. All City and service provider regulations are to be adhered to at the time of development.
3. Any large scale development of the property must be preceded by a Subdivision review or Design Review.

I CERTIFY THAT THIS ORDER was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 25 day of November, 1991.



Kurt Schrader, Chairman
Canby Planning Commission



Secretary

ATTEST:

ORAL DECISION - October 28, 1991

AYES: Schrader, Mihata, Fenske, Westcott, Maher

NOES: None

ABSTAIN: None

ABSENT: Wiegand, Zieg

WRITTEN FINDINGS - November 25, 1991

AYES: Schrader, Mihata, Fenske, Westcott

NOES: None

ABSTAIN: Wiegand, Zieg

ABSENT: Maher