

RESOLUTION NO. 596

A RESOLUTION RECOMMENDING TO THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION DENIAL OF THE ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF THE DEININGER FARMS PROPERTY), OF TAX LOTS 900, 1100, 1200 OF TAX MAP 4-1E-3, LOCATED ON THE SOUTH SIDE OF S.E. TOWNSHIP ROAD BETWEEN THE MOLALLA FOREST ROAD ON THE EAST AND TROST ELEMENTARY SCHOOL ON THE WEST.

WHEREAS, the annexation of real property hereinafter described as Deininger Farms, Tax Lots 900, 1100, 1200 of Tax Map 4-1E-3, and as depicted in attached Exhibit "1", having been initiated by the petition of Joan Jones and Gertrude Thompson, applicant for the owners; and

WHEREAS, the matter having been submitted to the Canby Planning Commission for review, study, report, and recommendation to the Canby City Council, and the Planning Commission having considered the matter at a regular meeting on May 22, 1995 and July 10, 1995, and;

WHEREAS, at the Planning Commission meeting on this matter, the Commission having considered the report of the Planning Staff and, at the conclusion of the deliberation, findings and conclusions having been made to support a motion to recommend that the City Council forward a recommendation of denial of the proposed annexation to the Portland Metropolitan Area Local Government Boundary Commission (PMALGBC) with the following findings, supplemental to the findings found in the May 12, 1995 Staff Report:

1. The Planning Commission finds that the subject property is economically viable agricultural land, in that properties with similar size and soils that have a commercial well for irrigation have profitable agricultural

operations. Operations specifically mentioned were the properties located north of Territorial Road, west of Maple Street, Wright's Nursery along Township Road, and Tofte's property south of S.E. 13th Avenue. The Planning Commission finds that while the subject property does not have a commercial well, permits to develop such a well are obtainable.

2. The Planning Commission finds that the application is in conflict with Policies 1-R-A and 1-R-B of the Environmental Concerns Element of the Comprehensive Plan, in that: the subject property is viable agricultural land; it is economically feasible to farm with appropriate investment in available infrastructure; and less productive or smaller land can be annexed into the City prior to the subject property.
3. The Planning Commission finds that the subject property is of an appropriate size for an economically feasible agricultural operation in that the property that is currently being farmed is approximately 40 acres in size, and that other economically viable agricultural operations are similar in size or smaller.
4. The Planning Commission finds that there is sufficient land in the "Priority A" and "Priority B" lands that have yet to be annexed into the City. Specifically, 82.9% of the "Priority A" and 79.2% of the "Priority B" low density residential lands available in 1984 have yet to be annexed into the City. The Planning Commission finds that the total acreage of "Priority A" and "Priority B" low density residential lands that have yet to be annexed into the City of 468.03 acres will provide sufficient amount of land for the residential growth of the City for the near future.
5. The Planning Commission finds that the priority classification of lands within the Urban Growth Boundary for annexation purposes is proper for the use of facilities' planning.
6. The Planning Commission finds that the water supply of the City is insufficient, during peak summer time use hours, to accommodate the annexation, in that the annexation of the land into the City is for the purposes of developing the land at urban level densities, which will overburden the City's water supply, for urban level of service, during peak summer time use hours. The Planning Commission finds that the Canby Utility Board's plans for expansion of their water treatment plant are not at a point where it is reasonable to presume that additional capacity will be available when the development of the subject property occurs.

7. The Planning Commission finds that while the Canby School District has stated that there is sufficient capacity to handle the annexation, and the subsequent development, which will create a need for the Canby School District to react to growth instead of proactively planning for future growth.
8. The Planning Commission finds that the condition of Township Road is insufficient to handle additional traffic that will result from annexation, in that the annexation of the land into the City is for the purposes of developing the land at urban level densities, which will overburden Township Road. Further, the Planning Commission finds that the County does not, at this time, have the funds available to improve Township Road to an acceptable construction standard, nor has the applicant offered, in their application, to improve Township Road, and therefore, Township Road is not in a condition to handle the additional loads the annexation, and subsequent development, would create.
9. The Planning Commission finds that the intersection of S. Ivy Street and S.E. Township Road has a "level of service D" during the afternoon peak hour, and is considered to be the busiest non-signalized intersection in the City.
10. The Planning Commission finds that Policy 1 of the Urban Growth Element has not been complied with in that coordination with Clackamas County has not resolved the jurisdiction and maintenance problems of Township Road.
11. The Planning Commission finds that the functional transportation network is insufficient to handle the traffic impact of the annexation in that the annexation of the land into the City is for the purposes of developing the land at urban level densities, which will overburden Township Road.
12. The Planning Commission finds that the proposed 5.09 acre park dedication is too isolated to provide appropriate wildlife habitat and is too delicate to provide and park for urban level use.
13. The Planning Commission finds that the City has experienced a higher than average growth rate over the past few years in that the growth rate in the past few years has been approximately 6% and the overall average growth rate for Canby over the past 50 years has been approximately 4%,

and;

WHEREAS, the applicant submitted new information to address the Planning Commission's findings, and;

WHEREAS, the Canby City Council having conducted a public hearing on this proposal on November 1, 1995; and

WHEREAS, the Canby City Council having fully considered the record and file of this matter, and;

WHEREAS, the Canby City Council having accepted the Planning Commission findings, made the following additional findings:

FINDINGS

1. This application is not compatible with the text and maps of the Comprehensive Plan, in that:
 - a. In reviewing Policies 1-R-A and 1-R-B of the Environmental Concerns Element of the Comprehensive Plan, the City Council finds that the Deininger Farms property is economically viable agricultural land in that the property has been, and is continuing to receive agricultural tax deferral.
 - b. The City Council finds that the annexation of the subject property at this time, being a "priority C" property in the Urban Growth Element phasing plan (pp. 25 & 28 of the Comprehensive Plan), will not procure "special benefits" to the City overall as a result of the annexation which would not occur if the phased growth pattern was followed, improvement to Township Road through the use of Transportation System Development Charges that will be collected with the development of this property, could be reasonably delayed until this property is developed at later time, or paid by the Transportation System Development Charges that will be collected by the development of other priority A and B properties. Further, the City Council finds that the reimbursement of the advanced financed public improvement, funded by the City and benefitting the subject property, does not constitute a "special benefit" in that the development of the subject property and therefore the reimbursement of the public improvement may occur at anytime,

up to January 19, 2004, with interest. Further the City Council finds that the proposed park dedication is defined no more than the minimal that is required by the Parks Master Plan.

- c. In reviewing Policy 3 of the Urban Growth Element of the Comprehensive Plan, the City Council finds that there is sufficient lands designated both "priority A" and "priority B" for annexation for residential development purposes within the Urban Growth Boundary in that 80.8% of "priority A" and "priority B" lands for low density residential development have yet to be annexed into the City.
 - d. The City Council finds that the annexation of Deininger Farms property further perpetuates an imbalance between annexation of lands designated for commercial/industrial development and residential development that is needed for the desired balance of City growth in that the last annexation of commercial/industrial land occurred in 1991.
 - e. The City Council finds the annexation of the Deininger Farms property further perpetuates a geographic imbalance in the residential growth of the City in that the residential growth over the past two years has been concentrated primarily in the southeastern quadrant of the City (the location of the subject property) creating an imbalance in the demand of public services that is more difficult to correct than a geographically balanced residential growth.
- 2. The annexation of the Deininger Farms property complies with all City ordinances and policies.
 - 3. Adequate capacity is available for the following services: water, sewer, electric, phone, gas.
 - 4. The annexation of the Deininger Farms property complies with, all applicable sections of Oregon Revised Statutes.
 - 5. The annexation of the Deininger Farms property is not appropriate, at this time, when compared to other properties that may be annexed to the City, in that: the Deininger Farm property is a priority C property, as defined by the Comprehensive Plan, which is the last phase of land area for proposed annexation and development, and there are 436.53 acres of low density, priority A and B lands within the Urban Growth Boundary that have yet to be annexed into the City.

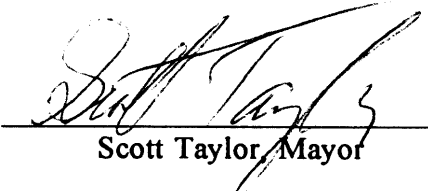
6. There are no apparent natural hazards on the Deininger Farms property.
7. The effect of urbanization of the Deininger Farms property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
8. The City Council finds that annexation of the Deininger Farms property will result in reduction of economically viable agricultural land, in that the property has been, and is continuing to receive agricultural tax deferral, and the annexation and development of this property will eliminate the agricultural use,

and;

WHEREAS, the City Council, in consideration of the above-stated findings, concludes that annexation of the Deininger Farms property, at this time, is inappropriate.

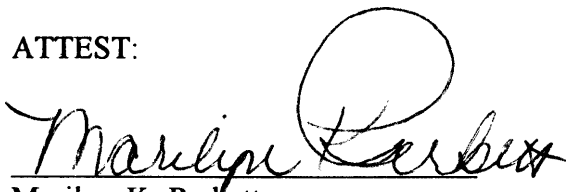
NOW THEREFORE, BE IT RESOLVED that the Canby City Council recommends to the PMALGBC, the denial of the annexation to the City of Canby, of the property described as "Deininger Farms", Tax Lots 900, 1100, 1200 of Tax Map 4-1E-3, and depicted in Exhibit "1", and the City Recorder is hereby directed to file a certified copy of this Resolution, together with a copy of a summary of the City's file of this matter, at once, with said Commission.

ADOPTED BY THE CANBY CITY COUNCIL at a regular meeting thereof on November 15, 1995.



Scott Taylor, Mayor

ATTEST:



Marilyn K. Perkett
City Recorder

SEE MAP 3 IE 34C

CO RD.

PARCEL 3
NO. 434
10.82 Ac.

Township Rd.

SEE MAP 3 IE

CO

263128

RD.

EXHIBIT

SEE MAP

86-05

4 IE 3BB

1200
2.94 Ac.
1655

1100
37.48 Ac.
1535

1101
18.11 Ac.

PARCEL 2
(18.11 Ac.)
LOT
PARTITION

86-02

PARCEL 1 (37.48 Ac.)

LOT
1993-55

1000
17.3 Ac.
2001

1001
12.59 Ac.

101
38.23 Ac.
2440

4098

LOT

N 20° 15'

S 89° 51' 12" W
766.75

2000
39.40 Ac.
1866

802.09

1330.72

S 89° 51' 12" W

INITIAL POINT

1316.51

S 89° 53' 25" W

900
5.00 Ac.

600
4.92 Ac.
2134

500
5.91 Ac.
2192

400
10.86 Ac.
2220

190
13.74 Ac.

301
3.41 Ac.

E.F.U.-20

700
8.83 Ac.

800
0.94
Ac.
1966

401
1.00 Ac.

SE 12TH STREET

IE 3BC

SE 12TH ST.

SOUTH REDWOOD ST

MUNDRE

RD.

15TH AVE. CO.

RD.

NO.

2600

2700

2100

2500