

RESOLUTION NO. 510

A RESOLUTION RECOMMENDING APPROVAL OF ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF DAVID NELSON), OF APPROXIMATELY 2.37 ACRES LOCATED AT THE END OF S. ELM AND THE ADDITION OF 1.29 ACRES OWNED BY THE ELLICKSON'S

WHEREAS, the annexation of real property hereinafter described as Tax Lots 1200, and 1300 of Tax Map 4-1E-4C, and depicted as Exhibit "2", has been initiated by the petition of David Nelson, with the addition of Tax Lot 1201 requested by the Ellickson's; and with an agreement and full cooperation of property owners and electors on subject property; 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 April 27, 1992 and May 11, 1992; and;

WHEREAS, at the Planning Commission's meeting on this matter on May 11, 1992, the Commission considered the report of the City Planner and public testimony, and there were no objections to or remonstrances against the proposed annexation 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 proposal, including the addition of Tax Lot 1201, with the following understanding:

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 Conditional Use and Design Review application. If the land is not developed as a manufactured park, Subdivision review will be necessary.
4. The slope area which is outside the Urban Growth Boundary, shall be given special protection as a Hazard Area, not developed in intense urban use and dedicated to the City of Canby as open space, recreation, and for other public purposes.

WHEREAS, the Canby City Council conducted a public hearing on this proposal on May 20, 1992, and heard no remonstrances or objections; and

WHEREAS, the Canby City Council fully considered the record and file of 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 on this parcel to 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 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 "2", as authorized by ORS 199.490(2)(B). The applicant has submitted documents indicating that the involved property owners agreed to the annexation who are also the residents on the property.
11. The territory proposed to be annexed is presently within the Canby Water District and/or Canby Sewer District and the Council intends to withdraw the territory from the Clackamas County District by authority of ORS 222.520 subsequent to consummation of the annexation.

NOW, THEREFORE, BE IT RESOLVED that the City of Canby recommends the annexation to the City of Canby, described as Tax Lots 1200, 1201, and 1300 of Tax Map 4-1E-4C, and depicted in Exhibit "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.

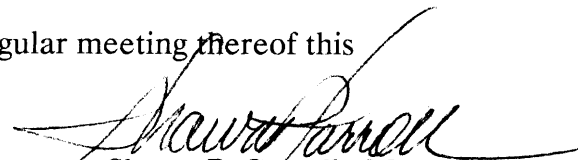
The Canby City Council hereby directs that, conditioned upon Portland Metropolitan Boundary Commission approval of the proposed annexation, the Zoning Map of the City of Canby be amended to propose the development of the subject property with Tax Lots 1200, 1201 and 1300 zoned under R-1, Low Density Residential Zone District requirements with a Hazard Overlay on the slope area.

ADOPTED BY THE CANBY CITY COUNCIL at a regular meeting thereof this 20th day of May, 1992.

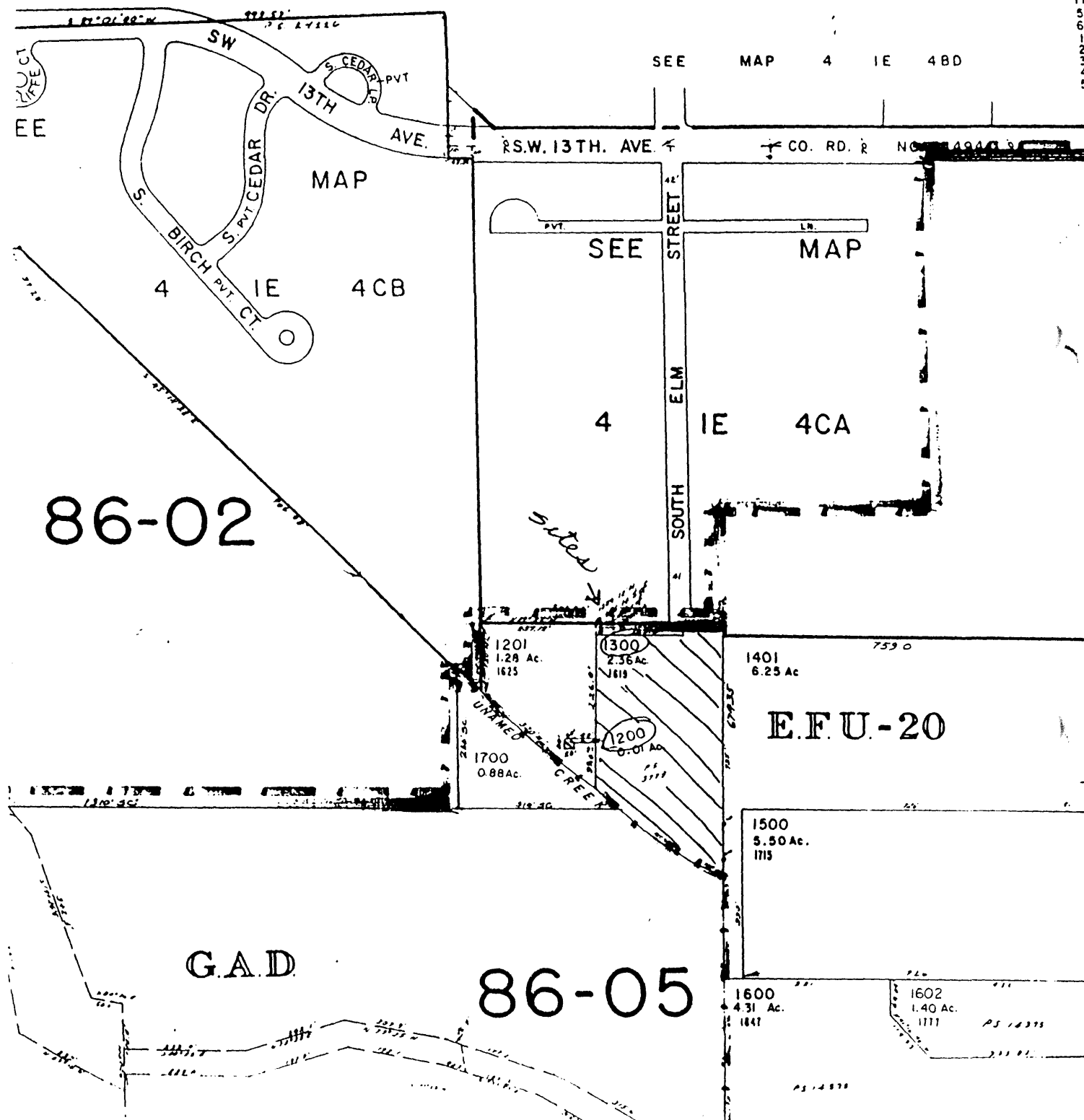
ATTEST:



Marilyn K. Perkett, City Recorder



Shawn P. Carroll, Mayor



G.A.D.

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EXHIBIT

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