

RESOLUTION NO. 658

A RESOLUTION TO THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION RECOMMENDING APPROVAL OF THE ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, OF TAX LOT 100 OF TAX MAP 4-1E-4D, LOCATED ON THE SOUTH SIDE OF SE 13TH STREET, EAST OF S. IVY STREET AND WEST OF THE TOFTE FARMS I SUBDIVISION.

WHEREAS, the annexation of real properties hereinafter described as Tax Lot 100 of Tax Map 4-1E-4D, and as described in attached Exhibit "A", having been initiated by the petition of the applicant and owners; and,

WHEREAS, the City Council is authorized by ORS 199.490(2)(a)(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; and,

WHEREAS, the City 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 authorized by ORS 199.490(2)(a)(B); 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 October 13, 1997; 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 approval of the proposed annexation to the Portland Metropolitan Area Local Government Boundary Commission (PMALGBC); and,

WHEREAS, the Canby City Council having conducted a public hearing on this proposal on November 19, 1997; 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 findings, as found in the October 3, 1997 Staff Report, and the October 27, 1997 Planning Commission findings, conclusions, and final order; and,

WHEREAS, the property to be developed, along with the adjacent right-of-way, as described in Exhibit "A", is to be zoned for residential development, in accordance with the Comprehensive Plan Land Use Map; and,

WHEREAS, the City Council, in consideration of the above-stated findings, concludes that:

1. The annexation proposal is compatible with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.
2. The annexation proposal is in compliance with other applicable City ordinances or policies.
3. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services.
4. The annexation proposal complies with all applicable sections of Oregon Revised Statutes.
5. Annexation of the property is appropriate at this time, in that the priority classification of the property is "Type A", indicating an area to be annexed first.
6. There are no apparent natural hazards on the subject property.
7. The effect of urbanization of the subject 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. No adverse economic impacts are likely to result from the annexation of the subject property.


NOW THEREFORE, BE IT RESOLVED that the Canby City Council recommends to the PMALGBC:

1. that the approval of the annexation to the City of Canby, with the understandings that follow, of the properties described as Tax Lot 100 of Tax Map 4-1E-4D, and described in Exhibit "A"; and,
2. that 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.

UNDERSTANDINGS

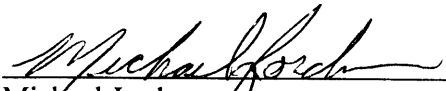
1. The zoning classification for the properties upon annexation will be R-1, Low Density Residential, being consistent with Comprehensive Plan Land Use Map designation.
2. All development and recording costs are to be borne by the developer when the property is developed.
3. All City and service provider regulations are to be adhered to at the time of development.

ADOPTED BY THE CANBY CITY COUNCIL at a regular meeting thereof on December 3, 1997.



Scott Taylor, Mayor

ATTEST:



Michael Jordan
City Administrator

Part of the Northeast quarter of the Southeast quarter of Section 4, T4S, R1E, of the W.M., in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northeast corner of quarter section; thence South along the section line 994.28 feet; thence North $89^{\circ} 21'$ West parallel with the South line of said subdivision 500.03 feet to a point which is 500 feet distant when measured at right angles to the East line of said section; thence North parallel with the East section line, 991.35 feet, to the center of the county road and the North line of said subdivision; thence South $89^{\circ} 44'$ East 500.01 feet along the half section line to the place of beginning.

SUBJECT TO: Rights of the public in and to that portion of the above described property lying within the boundaries of public roads and/or highways.

LEGAL DESCRIPTION

EXHIBIT

A