

RESOLUTION NO. 667

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 400, 500 & 800 OF TAX MAP 3-1E-28DB, LOCATED ON THE EAST SIDE OF N. LOCUST STREET, SOUTH OF NE 22ND AVENUE (Simmitt Property).

WHEREAS, the annexation of real properties hereinafter described as Tax Lot 400, 500 & 800 of Tax Map 3-1E-28DB, 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 December 8, 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 denial 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 March 4, 1998; and,

WHEREAS, the Canby City Council having fully considered the record and file of this matter, including information submitted by the applicant's representative; and,

WHEREAS, the Canby City Council having accepted the findings, as found in the November 26, 1997 Staff Report, further finds that:

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.

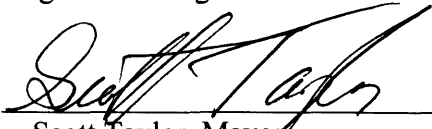
NOW THEREFORE, BE IT RESOLVED that the Canby City Council recommends to the PMALGBC:

1. that the approval of the annexation to the City of Canby, with the understandings that follow, of the properties described as Tax Lot 400, 500 & 800 of Tax Map 3-1E-28DB, 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 AND CONDITIONS OF REZONE

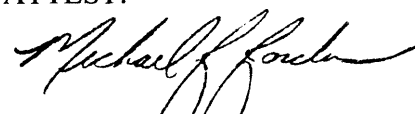
1. The zoning classification for the properties upon annexation will be R-1, Low Density Residential.
2. All development and recording costs are to be borne by the developer when the property is developed.
3. All City and service provider regulations are to be adhered to at the time of development.
4. Upon rezone of the subject property to R-1, Low Density Residential, the property owner agrees as follows:
 - a. To complete a traffic impact study prior to, or in conjunction with, submitting an application to the City to further develop the site;
 - b. Not to remonstrate against formation of a local improvement district (LID) for future off-site improvements to Maple Street between Territorial Road and NE 22nd Avenue.
 - c. To construct half-street improvements along the Locust Street and NE 22nd Avenue frontages, prior to sale of any future lots that may be approved through the subdivision process.
 - d. To construct off-site intersection improvements, as deemed appropriate by the City Engineer and consistent with the property owner's required traffic impact study, at the intersection of 22nd Avenue and Locust Street, prior to sale of the future lots that may be approved through the subdivision process.
 - e. To participate, on a proportional basis with other benefitted properties, in future improvements agreed upon by the City and ODOT, at the intersection of Territorial Road and Highway 99E.

ADOPTED BY THE CANBY CITY COUNCIL at a regular meeting thereof on March 18, 1998.



Scott Taylor, Mayor

ATTEST:



Michael Jordan
City Administrator