

Canby Planning Commission
Special Meeting
December 14, 1971

The meeting was called to order at 8:05 pm.

Present: Chairman Gordon Ross, Commissioners Edgerton, DiTommaso & Cutsforth
Also Present: Asst. Supt. Whiteside and Clackamas County Planning Representative
Dave Patterson.

First on agenda was the public hearing for consideration of a Conditional Use
Application by Harold & Eunice Salway to allow construction of a 37 bed nursing
home on property located at 1105 S. Elm St.

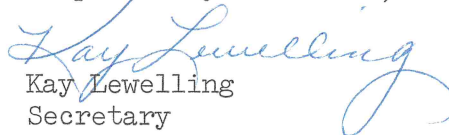
Mr. Salway presented a drawing of the proposed structure and floor plan. After
considerable discussion, Commissioner Edgerton moved the hearing be continued
until December 22, 1971 at 8:00 pm. Second by Cutsforth and passed unanimously.
The Secretary was directed to notify all adjacent property owners of the
continuance.

Next on agenda was a discussion regarding the Cities recommendations to the Clackamas
County Planning Commission as to the projected use of property fronting the highway
as far North as the logging road. Mr. Patterson recommended the City Planning
Commission have an informal meeting with the property owners involved to find out
their feelings on the matter.

The Secretary then read a letter to the Metropolitan Boundary Commission from
Wade Bettis, a copy of this letter is made a part of these minutes, regarding
the proposed Van Dorn annexation. A brief discussion followed.

The meeting was adjourned at 9:40 pm.

Respectfully submitted,


Kay Lewelling
Secretary

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December 9, 1971

Portland Metropolitan Area Local
Government Boundary Commission
6400 S. W. Canyon Court
Portland, Oregon 97221

Attention: Mr. Phillip R. Hollick, Executive Officer

Re: Annexation to the City of Canby - Van Dorn

Dear Mr. Hollick:

I am the city attorney for the City of Canby and discussed the above entitled matter briefly with you by phone on December 9, 1971.

The first official notice that the Canby City Council had of this matter was your letter to City Recorder, Richardson, dated November 2, 1971, advising of a public hearing to be held December 15, 1971. Subsequent to the receipt of that notice, my investigation reveals the following:

1. The applicant for the boundary change, Mr. Clarence Van Dorn of Canby, Oregon, approached the Canby City Planning Commission some time ago concerning this matter and unfortunately he was not properly or fully advised of the procedures to be followed, nor was it even suggested to him that he should contact my office as the Canby City Attorney for advice on the city's requirements and procedures to be followed.

2. Mr. Van Dorn apparently was led to believe that he had the blessing and consent of the Canby City Planning Commission and also the Canby City Council to initiate his application for the boundary change directly with your office.

3. Mr. Van Dorn proceeded then as he believed was proper, and furnished your office with required and pertinent information concerning his proposal, but none of that information has been furnished to the City of Canby, or any of its departments to my knowledge.

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4. Your office then proceeded to put the matter on your agenda for a public hearing and assumed that the City of Canby was ready, able and willing to extend its boundaries and the furnishing of city utilities and police and fire protection to the area to be annexed.

At this point, the Canby City Council is completely in the dark as to Mr. Van Dorn's plans and the council is extremely concerned about the effect and impact that annexation at this time would have on the city's electric, water and sewer utility departments and on the city's budget generally. Generally speaking, annexations have been welcomed by the City Council in the past, if properly planned in close cooperation with the city's governing body, but the rapid growth and general economy of the area warrants careful planning of such matters.

For the reasons previously mentioned in this letter and on behalf of the Canby City Council and at the direction of Acting Mayor, Carl Braman, you are hereby notified that the Canby City Council opposes, at this point at least, the application of Mr. Van Dorn of his proposed boundary change.

If your commission still plans to conduct a hearing on this matter, the council will plan to send an official representative to the hearing to further protest the matter. If, however, your commission is willing to postpone the hearing and any further action in the matter, the City Council and City Planning Commission will work with Mr. Van Dorn, or his representative, in determining the advisability of this proposed boundary change at this time.

If you are agreeable to postpone further action pending a full study by the City of Canby, please advise me immediately by letter and I will then advise Mr. Van Dorn of the city's procedural requirements in such matters and lay the ground work for a co-operative approach to the matter by all concerned.

I am enclosing for your information (not only in this matter, but for use in any subsequent proposed boundary changes for the City

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of Canby) a photo copy of Canby City Ordinance #541 which was enacted July 6, 1971, and requires each applicant for a city boundary change, to pay the city's costs which are involved in such matters. The ordinance I feel, is self explanatory and requires an advance payment by each applicant of \$250.00 cash. I am sure that you can see the justification for such an ordinance since annexations are seldom contemplated when budgets are being prepared and also the Council felt that the cost of any annexation like the cost of a sub division development should be borne by the interested property owners.

Mr. Van Dorn is of the opinion that copies of all information and statistical data which the city will require is now on file in your office and if that is the case, it would be appreciated if you would send me copies of the same and including, though not exclusively, the following:

1. A description of each parcel of land under separate ownership which is proposed to be annexed.
2. The names and addresses of the owners of each parcel and the current assessed value of their respective properties.
3. A map of the area in question showing its relationship to the existing city boundaries.
4. A perimeter description of the total area proposed to be annexed.
5. An aerial map of the area showing its relationship to the city.
6. A copy of the petition or application filed with your department.
7. A copy of the consents of any property owners involved who are not otherwise applicants in the petition.

You also indicated that you have some current attorney-general opinions on your department's responsibilities and functions and I would appreciate those, if you please.

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I anxiously await your advice on your willingness or not to postpone the scheduled hearing on this matter and also the other information herein requested.

Sincerely,



Wade P. Bettis
City Attorney
City of Canby

WPB/mb
Enc.

- C.C.: All Canby City Councilmen
- C.C.: Chairman of Planning Commission
- C.C.: Jarrel Richardson, City Recorder
- C.C.: Mr. Clarence Van Dorn
- C.C.: Mr. Werner Dinteman, Mayor