

## **ORDINANCE NO. 1493**

**AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 9.55 ACRES INCLUDING 8.91 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 800 AND 900 OF PORTION OF SE ¼, SEC. 27, T.3S., R.1E., W.M. (TAX MAP 31E27DB); AND TAX LOT 601 OF PORTION OF SE ¼, SEC. 27, T.3S., R.1E., W.M. (TAX MAP 31E27AD); AND APPROX. 0.64 ACRES OF ADJACENT NE TERRITORIAL ROAD RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST FIVE ACRE (RRFF-5) TO CITY LOW DENSITY RESIDENTIAL (R-1) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS.**

**WHEREAS**, on October 3, 2018, at a public hearing the City Council of the City of Canby approved by a vote of 5-0, Annexation (ANN/ZC 18-02) which called for the annexation of 9.55 acres into the City of Canby. The applicants are Frank and Kathleen Cutsforth and owners of Tax Lot 800, 900 of Tax Map 31E27DB and Tax Lot 601 of Tax Map 31E27AD. A complete legal description and survey map of the applicant's tax lots and adjacent Territorial Road right-of-way abutting along the north delineates the property to be annexed and is attached hereto as Exhibit A & B respectively and by this reference are incorporated herein; and

**WHEREAS**, Pursuant to CMC 16.84.080, the City must proclaim by ordinance or resolution, the annexation of said property into the City and set the boundaries of the property by legal description; and

**WHEREAS**, the zoning of the annexed land shall be designated as R-1 Low Density Residential to conform with the Canby Comprehensive Plan Map, and such zoning shall be indicated on the official zoning map for the City of Canby; and

**WHEREAS**, an application was filed with the City by the applicant listed above to change the zoning of three parcels as indicated herein along with the adjacent road right-of-way where the applicable R-1 Low Density Residential zoning will also apply; and

**WHEREAS**, a public hearing was conducted by the Canby Planning Commission on September 10, 2018 after public notices were mailed, posted and published in the Canby Herald, as required by law; and

**WHEREAS**, the Canby Planning Commission heard and considered testimony regarding the annexation and accompanying zone change required for annexations by Figure 16.84.040 of Chapter 16.84 of the Land Development and Planning Ordinance at the public hearing and at the conclusion of the public hearing; the Planning Commission voted to recommend that the City Council approve the applications and the Planning Commission written Findings, Conclusions and Order was approved; and

**WHEREAS**, the Canby City Council considered the matter and the recommendation of the

**WHEREAS**, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on September 10, 2018; and

**WHEREAS**, the Canby City Council, after considering the applicant's submittal, the staff report, the Planning Commission's hearing record and their recommendation documented in their written Findings, Conclusions and Order and after conducting its own public hearing; voted to approve the annexation and associated zoning designation for the properties; and

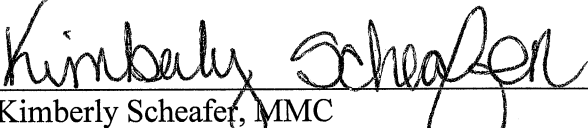
**WHEREAS**, the written Findings, Conclusions and Order of the Council action is to be approved by the City Council at the next regular Council meeting on October 17, 2018.

**NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. It is hereby proclaimed by the City Council of Canby that 9.55 acres of property described, set, and shown in Exhibit A & B and attached hereto, is annexed into the corporate limits of the City of Canby, Oregon.

Section 2. The annexed land shall be rezoned from the county Rural Residential Farm Forest (RRFF-5) to city Low Density Residential (R-1) as reflected on the Canby's Comprehensive Plan Map and as indicated by Tax Lot and legal description in this Ordinance. The Mayor, attested by the City Recorder, is hereby authorized and directed to have the zone change made to the official zoning map for the City of Canby.

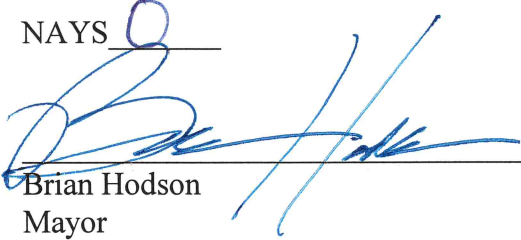
**SUBMITTED** to the Council and read the first time at a regular meeting thereof on October 3, 2018 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on October 17, 2018, commencing at the hour of 7:00 PM at the Council Meeting Chambers located at 222 NE 2nd Avenue, 1<sup>st</sup> Floor, Canby, Oregon.

  
\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on October 17, 2018 by the following vote:

YEAS 6

NAYS 0

  
\_\_\_\_\_  
Brian Hodson  
Mayor

ATTEST:

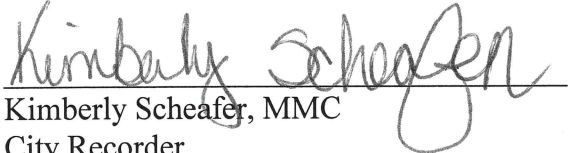
  
\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder

Exhibit "A"

# Griffin Land Surveying Inc.

6107 SW Murray Blvd. #409 – Beaverton, OR. 97008

Office: (503)201-3116

June 21, 2018

## Cutsforth Annexation

Project: 0688

### Cutsforth Property

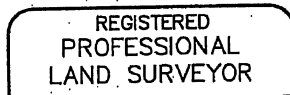
Assessors Map 31E27DB

Clackamas County, Oregon

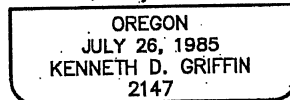
A tract of land situated in the S.E. 1/4 of Section 27, T.3S., R.1E., W.M., Clackamas County, Oregon, being more particularly described as follows:

Beginning at the most Easterly corner of 'WILLOW CREEK ESTATES 2', a subdivision filed in Clackamas County Plat Records; thence N 60°42'56" W along the Northeasterly line of said 'WILLOW CREEK ESTATES 2', 519.77 feet to the most Southerly Southeast corner of 'WILLOW CREEK ESTATES 1', a subdivision filed in Clackamas County Plat Records; thence N 32°39'17" E along the Southeasterly line of said 'WILLOW CREEK ESTATES 1', 285.60 feet to the most Easterly corner thereof; thence N 32°36'47" E along the Southeasterly line of 'VINE MEADOWS', a subdivision filed in Clackamas County Plat Records, 288.42 feet to the most Westerly corner of 'WALNUT CROSSING', a subdivision files in Clackamas County Plat Records; thence S 60°48'16" E along the Southwesterly line of said 'WALNUT CROSSING', 303.65 feet to the most Southerly corner thereof; thence N 32°41'03" E along the Southeasterly line of said 'WALNUT CROSSING', 417.04 feet to the Southwesterly Right of Way line of Territorial Road, being 30 feet, when measured at right angles, from the centerline; thence S 60°44'31" E along said Right of Way line, 216.19 feet to the Northwesterly line of Southern Pacific Railroad; thence S 32°39'27" W along said line, 1001.64 feet to the point of beginning.

Contains 8.91 Acres.



*Kenneth D. Griffin*



RENEWS: 6/30/19

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## Cutsforth Annexation

Project: 0688

### Territorial Road Right of Way

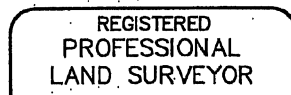
Assessors Map 31E27DB

Clackamas County, Oregon

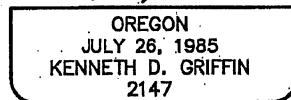
A tract of land situated in the S.E. 1/4 of Section 27, T.3S., R.1E., W.M., Clackamas County, Oregon, being more particularly described as follows:

Commencing at the most Southerly corner of 'WALNUT CROSSING', a subdivision files in Clackamas County Plat Records; thence N 32°41'03" E along the Southeasterly line of said 'WALNUT CROSSING', 417.04 feet to the Southwesterly Right of Way line of Territorial Road, being 30 feet, when measured at right angles, from the centerline and the TRUE POINT OF BEGINNING; thence continuing N 32°41'03" E, 10.02 feet to a point 20 feet Southwesterly, when measured at right angles, from said centerline; thence N 60°44'31" W parallel with said centerline, 300.54 feet, more or less to the Southwesterly extension of the Southeasterly line of Spitz Road; thence Northeasterly along said Southeasterly line of Spitz Road, 50 feet to the Northeasterly Right of Way line of said Territorial Road, being 30 feet, when measured at right angles, from the centerline; thence S 60°44'31" E along said Northeasterly Right of Way line, 515.35 feet, more or less, to the Northwesterly line of Southern Pacific Railroad; thence Southwesterly along said line to said Southwesterly Right of Way line of Territorial Road, being 30 feet, when measured at right angles, from the centerline; thence N 60°44'31" W along said Right of Way line, 216.19 feet to the point of beginning.

Contains 27,964 square feet.



*Kenneth D. Griffin*



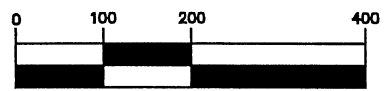
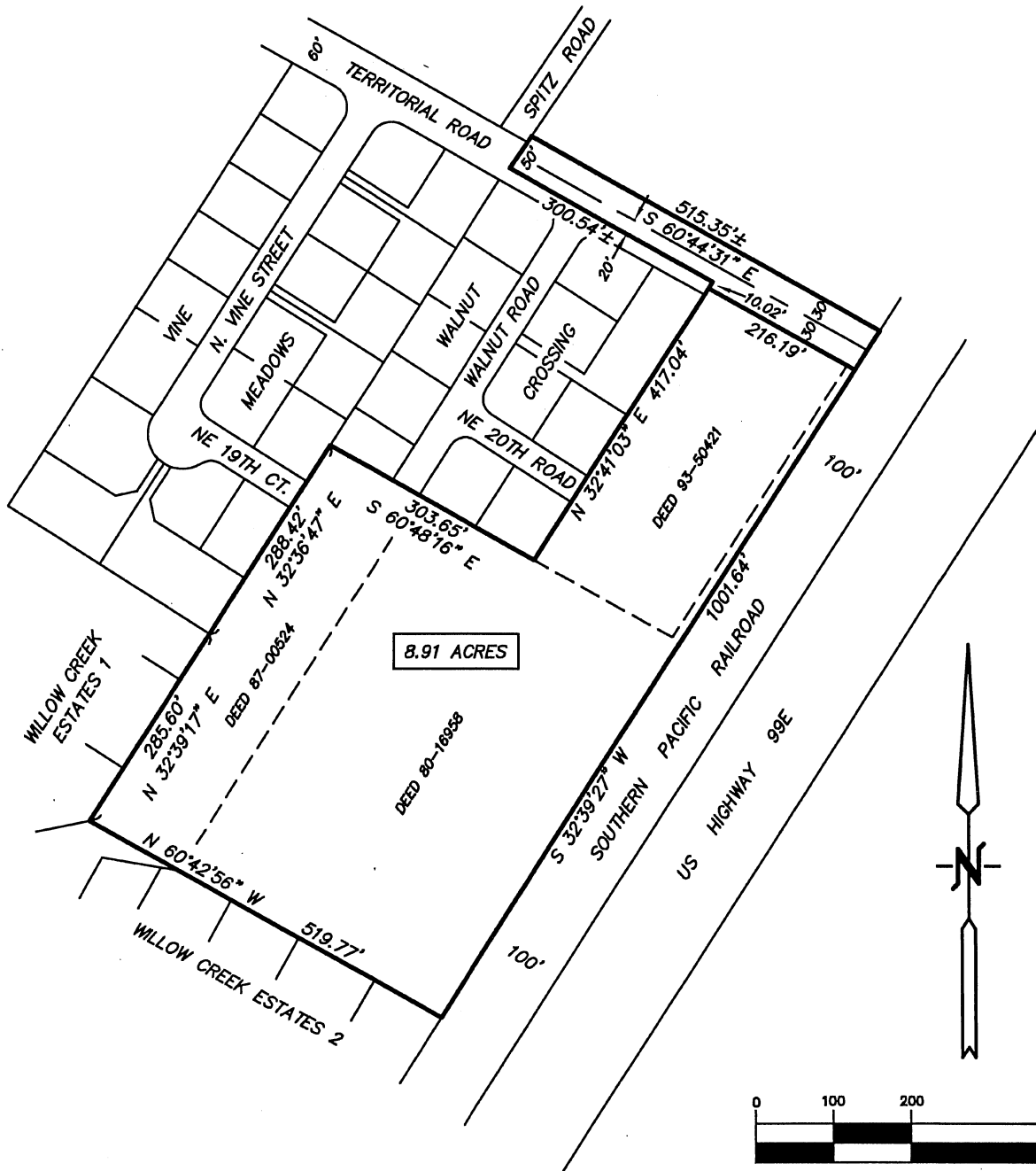
RENEWS: 6/30/19

# EXHIBIT B

# Exhibit Map

IN THE S.E. 1/4 OF SECTION 27, T.3S., R.1E, W.M.  
CLACKAMAS COUNTY, OREGON

JUNE 21, 2018



1 inch = 200 ft.

**GRIFFIN LAND SURVEYING INC.**  
6107 SW MURRAY BLVD. #409  
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PHONE: (503)201-3116