

ORDINANCE NO. 1501

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 47.647 ACRES INCLUDING 43.79 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 100, 200, 400, 401, 500, 600, 601, 700 AND 800 SITUATED IN THE SE ¼ & SW ¼, SEC. 35, T.3S., R.1E., W.M. (TAX MAP 31E28C); AND APPROX. 3.857 ACRES OF ADJACENT 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 January 16, 2019, at a public hearing the City Council of the City of Canby approved by a vote of 5 to 0, Annexation (ANN 18-05/ZC 18-06) which called for the annexation of 47.647 acres into the City of Canby. The applicant is Stafford Development Company, LLC. The co-applicant's and owners of the Tax Lots which are part of the annexation are Dodds (Tax Lots 400 & 500), Montecucco Rentals, LLC (Tax Lots 100 & 800), Burkert (Tax Lots 600 & 601), Gordon (Tax Lot 700), Hemmerling Nursery, LLC (Tax Lot 401) and City of Canby (Tax Lot 200), all of Tax Map 31E28C. A complete legal description and survey map that delineates the tax lots and portions of applicable adjacent abutting street right-of-ways 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 applicants listed above to change the zoning of nine parcels as indicated herein and where applicable within the City's Urban Growth Boundary the city zoning will be extended to the centerline of the annexed adjacent public streets; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on December 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, accompanying zone change and the proposed Development Concept Plan required for this annexation by Figure 16.84.040 of Chapter 16.84 of the Land Development and Planning Ordinance at the public hearing. At the conclusion of the public hearing; the Planning Commission by a vote of 3 to 3 with one abstention failed to garner a majority vote, therefore forwarding a

recommendation that the City Council deny the applications with the Planning Commission written Findings, Conclusions and Order to be approved on January 14, 2019; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following their own public hearing held at a regular meeting on January 16, 2019; 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 adopted a the N Holly Concept Development Plan for the area which is required prior to granting a zone change; 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 February 6, 2019; and

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

Section 1. It is hereby proclaimed by the City Council of Canby that 47.647 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.

Section 3. A Concept Development Plan for the area is adopted with any revisions specified within the written Council Findings, Conclusion and Order.

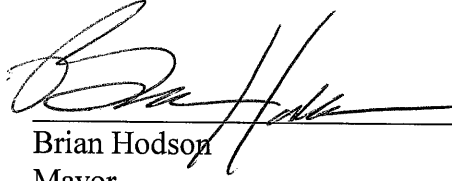
SUBMITTED to the Council and read the first time at a regular meeting thereof on January 16, 2019 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on February 6, 2019, commencing at the hour of 7:00 PM at the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.



Kimberly Scheafer, MMC
City Recorder

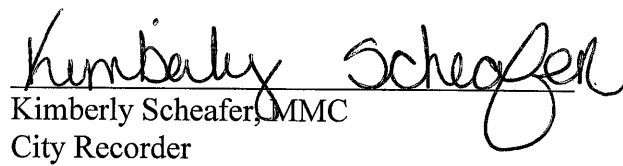
PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on February 6, 2019 by the following vote:

YEAS 6 NAYS 0



Brian Hodson
Mayor

ATTEST:



Kimberly Scheafer, MMC
City Recorder

EXHIBIT "A"

Legal Description For:

Annexation of lands into the City of Canby

A tract of land, situated in the southeast one-quarter and southwest one-quarter of Section 35, Township 3 South, Range 1 East of the Willamette Meridian in Clackamas County, Oregon, the perimeter of said tract being more particularly described as follows:

Beginning at the northeast corner of the CHAMPING PENDLETON Donation Land Claim Number 58, said corner also being the intersection of the centerlines of HOLLY STREET and 22ND STREET; thence South $89^{\circ}35'38''$ East 1349.11 feet along the centerline of said 22ND STREET to a point on the northerly extension of the east right of way of LOCUST STREET that is 25.00 feet easterly of the centerline of said LOCUST STREET when measured at right angles thereto; thence South $00^{\circ}00'54''$ West 1917.64 feet along said east right of way and the northerly and southerly extensions thereof to a point that is 40.00 feet southerly of the centerline of TERRITORIAL ROAD when measured at right angles thereto; thence South $78^{\circ}25'07''$ West 282.31 feet parallel with said centerline to a point on the southerly extension of the west line of that tract of land described in deed to HEMMERLING NURSERY, LLC, recorded June 1, 2015 in Instrument Number 2015-032967, Clackamas County Deed Records; thence North $00^{\circ}00'54''$ East 684.09 feet along said west line and the southerly extension thereof to a point on the south line of that tract of land described in deed to THOMAS K. DODDS, recorded June 17, 1987 in Recorder's Number 87-27310, Clackamas County Deed Records; thence North $89^{\circ}13'19''$ West 774.78 feet along said south line to the re-entrant corner of said south line; thence South $00^{\circ}07'00''$ East 532.02 feet along the north-south portion of said south line to the most southerly southeast corner of said THOMAS K. DODDS tract; thence North $89^{\circ}07'20''$ West 294.90 feet along the south line of said THOMAS K. DODDS tract to the southwest corner of said tract, being a point on the centerline of HOLLY STREET; thence North $00^{\circ}07'00''$ West 1816.78 feet along said centerline to the Point of Beginning, containing 47.647 acres of land more or less, as shown on attached Exhibit B.

EXCEPTING THEREFROM any portion of the above described lands already lying within the city limits of the City of Canby, Clackamas County, Oregon.

EXHIBIT MAP

FOR: ANNEXATION OF LANDS INTO THE CITY OF CANBY
 LOCATED IN THE SE 1/4 AND SW 1/4 OF SEC. 28, T. 3 S., R. 1 E., W.M.
 CLACKAMAS COUNTY, OREGON

POINT OF BEGINNING
 NORTHEAST CORNER OF THE
 CHAMPING PENDLETON DLC #58
 S89°35'38"E 1349.11'

22ND AVENUE

30' 15'
 15'



SCALE: 1" = 300'

**TOTAL AREA OF ANNEXATION
 47.647 ACRES**

52'
 27'
 25'

N00°07'00"W 1816.78'

HOLLY STREET

THOMAS K. DODDS
 REC'S. #87-27310

LOCUST STREET

S00°00'54"W 1917.64'

20'
 40'
 20'

S00°07'00"E 532.02'

N89°13'19"W 774.78'

N00°00'54"E 684.09'

HENMERLING NURSERY, LLC
 INST. #2015-032967

15'

N89°07'20"W
 294.90'

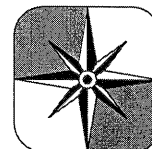
30'

TERRITORIAL ROAD

S78°25'07"W
 282.31'

30'
 40' 70'

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 EMAIL: INFO@BARKERWILSON.COM



**BARKER
 SURVEYING**