

ORDINANCE NO. 1470

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 22.54 ACRES INCLUDING 20.26 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 1500 AND 1600 OF THE SE ¼ OF SEC. 4, T.4S., R.1E., W.M. (TAX MAP 41E04CA); AND 1401 AND 1500 OF THE SE ¼ OF SEC. 4, T.4S., R.1E., W.M. (TAX MAP 41E04C); AND 1400, 1500 AND 1600 OF THE SE ¼ OF SEC. 4, T.4S., R.1E., W.M (TAX MAP 41E04D); AND APPROX. 1.17 ACRES OF ADJACENT S. FIR STREET RIGHT-OF-WAY AND APPROX. 1.11 ACRES OF ADJACENT S IVY STREET RIGHT-OF-WAY AND AMENDING THE EXISTING COUNTY ZONING FROM EXCLUSIVE FARM USE (EFU) TO CITY LOW DENSITY RESIDENTIAL (R-1) FOR TAX LOT 1500 OF TAX MAP 41E04C; TO CITY MEDIUM DENSITY RESIDENTIAL (R 1.5) FOR TAX LOT 1401 OF TAX MAP 41E04C AND TAX LOT 1500 AND 1600 OF TAX MAP 41E04CA AND TAX LOT 1600 OF TAX MAP 41E04D; AND TO CITY RESIDENTIAL COMMERCIAL (C-R) FOR TAX LOT 1400 AND 1500 OF TAX MAP 41E04D; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS.

WHEREAS, on February 7, 2018, at a public hearing the City Council of the City of Canby approved by a vote of 6-0, Annexation (ANN 17-02)/Zone Change (ZC 17-03) which called for the annexation of 22.54 acres into the City of Canby. The applicant is Gordon Root with Stafford Development Co. LLC. The owners of the annexed property are: Nadine J. Beck, Trustee and Rodney J. Beck, Trustee of tax lot 1500 of tax map (41E04C); Roger Alan Steinke and Cheryl D. Steinke of tax lot 1500 of tax map (41E04CA); Craig Gingerich for Hope Village, Inc. of tax lot 1500 of tax map (41E04D); Brian Christensen of tax lot 1400 of tax map (41E04D); and Rita J. Schmeiser of tax lot 1600 of tax map (41E04D); and Rodney J. Beck and Carol M. Beck of tax lot 1401 of tax map (41E04C) and tax lot 1600 of tax map (41E04CA); and the adjacent legally described right-of-way for S Fir Street and S Ivy Street. A complete legal description of the tax lots or portion thereof lying within the City's Urban Growth Boundary and adjacent right-of-way to be annexed is attached hereto as Annexation Tract No. 1 with map, and Annexation Tract No. 2 with map 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 for tax lot 1500 of Tax Map 41E04C; R 1.5 Medium Density Residential for tax lot 1401 of tax map 41E04C and an tax lot 1500 and 1600 of tax map 41E04CA and tax lot 1600 of tax map 41E04D; and C-R Residential Commercial for tax lot 1400 and 1500 of tax map 41E04D; which 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 seven parcels as indicated herein and where applicable the zoning will be extended to

the centerline of adjacent public streets; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on January 8, 2018 after public notices were mailed, posted and printed 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 require 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 5-0 to recommend that the City Council approve the applications and proposed Development Concept Plan with recommended revisions. The written Findings, Conclusions and Order was approved with recommended revisions to the proposed Development Concept Plan by the Planning Commission and forwarded to the Council as their recommendation; and

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 February 7, 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 designations for the properties and adopted a Concept Development Plan for the area - required prior to granting a zone change – and to be reflected in the written Council Findings, Conclusions and Order; and

WHEREAS, the written Findings, Conclusions and Order is to be approved by the City Council at the next regular Council meeting on February 21, 2018.

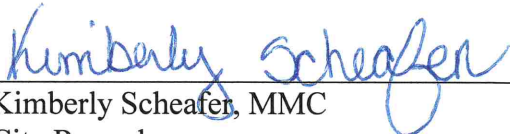
NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. It is hereby proclaimed by the City Council of Canby that 22.54 acres of property described, set, and shown as Annexation Tract No. 1 with map and Annexation Tract No. 2 with map and attached hereto as Exhibit "A", is annexed into the corporate limits of the City of Canby, Oregon.

Section 2. The annexed land shall be rezoned from the county Exclusive Farm Use (EFU) to city Low Density Residential (R-1), Medium Density Residential (R-1.5) and Residential-Commercial (C-R) as reflected on the Canby's Comprehensive Plan Map and as indicated by Tax Lot 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.

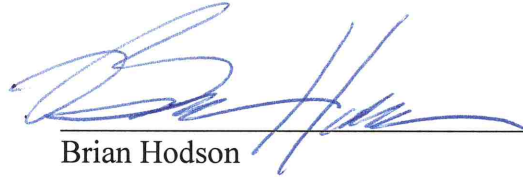
SUBMITTED to the Council and read the first time at a regular meeting thereof on February 7, 2018 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on February 21, 2018, commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.



Kimberly Scheafer, MMC
City Recorder

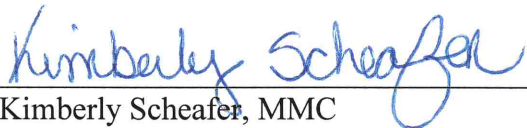
PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on February 21, 2018 by the following vote:

YEAS 6 NAYS 0



Brian Hodson
Mayor

ATTEST:



Kimberly Scheafer, MMC
City Recorder

Exhibit "A"

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.
3880 SE 8th Ave., Suite 280
Portland, OR 97202
503-235-8795

Ronald b. Sellards, P.E.

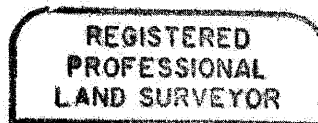
FAX: 503-233-7889

Email: chris@ztecengineers.com

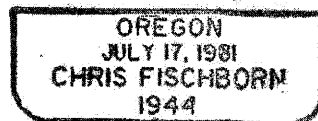
Stafford Land Co.
Annexation Tract No. 1

A Tract of land being all of those tracts of land described in those deeds recorded as Document No's. 1993-034836, 1988-013806, and 1982-29558, Clackamas County Deed Records and a portion of S. Fir St., located in the Southwest one-quarter of Section 4, Township 4 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows:

Beginning at a 5/8 inch rod with a yellow plastic cap stamped "GAYLORD LAND SURVEYING, INC." found at the Southeast corner of the plat of "Sequoia Place", said point being on the West right-of-way line of said S. Fir St.; thence South 89°36'34" East, a distance of 40.00 feet to a point on the East right-of-way line of said S. Fir St.; thence South 00°23'26" West, along said East right-of-way line, a distance of 869.71 feet to the Southwest corner of the plat of "Hope Campus"; thence North 88°55'42" West, along the Westerly extension of the South line of said "Hope Campus", a distance of 7.00 feet to a point on said East right-of-way line of said S. Fir St.; thence South 00°23'26" West, along said East right-of-way line, a distance of 484.57 feet to a point on the Easterly extension of the South line of said Document No. 1993-034836 tract; thence North 89°15'34" West, along said Easterly extension and along the South line of said Document No. 1993-034836 tract, a distance of 471.00 to the Northwest corner of that tract of land described in that deed recorded as Document No. 1997-076293; Clackamas County Deed Records; thence South 00°38'24" East along the West line of said Document No. 1997-076293 tract, a distance of 64.04 feet to an angle point in said West line; thence continuing along said West line, South 41°01'14" East, a distance of 114.93 feet to a point; thence South 89°14'56" East, along the South line of said Document No. 1997-076293, a distance of 98.18 feet to a point; thence South 02°03'57" East a distance of 180.44 feet to a point on the South line of said Document No. 1993-034836 tract, thence North 89°15'34" West, along the South line of said Document No. 1993-034836 tract, a distance of 75.00 feet to a point on the top of bank to an 18% slope on the Urban Growth Boundary; thence along the top of bank the following 4 courses, North 14°12'00" West a distance of 161.00 feet; thence North 35°12'30" West a distance of 195.00 feet; thence North 46°50'41" West a distance of 210.87 feet; thence North 38°12'00" West a distance of 192.71 feet to a point on the West line of said Document No. 1993-34836 tract; thence North 00°23'26" East, along said West line of said 1993-34836 and



Chris Fischborn



along the West line of said Document No. 1982-29558, a distance of 656.62 feet to the Northwest corner of said Document No. 1982-29558; thence South 89°15'00" East, along the North line of said Document No. 1982-29558 tract, a distance of 759.00 feet to a point on said West right-of-way line of said S. Fir St.; thence North 00°23'26" East, along said West right-of-way line, a distance of 421.95 feet to the true point of beginning of the Tract of land herein described.

Said Tract of land contains an area of 17.1436 acres more or less.



"SEQUOIA PLACE"

FD.5/8" I.R. WITH YELLOW PLASTIC CAP
STAMPED "GAYLORD LAND SURVEYOR INC."

LOT 12

S 89°36'34" E 40.00'

POINT OF BEGINNING

40.0'

N 00°23'26" E 421.95'

S. FIR ST.

S 89°15'00" E 759.00'

DOCUMENT NO.
1982-29558

DOCUMENT NO.
1988-013806

N 00°23'26" E 656.62'

DOCUMENT NO.
1993-034836

S 00°23'26" W 869.71'

HOPE
CAMPUS

N 88°55'42" W 7.00'

33.0'

N 38°12'00" W 192.71'

N 46°50'41" W 210.87'

TOP OF BANK
TO AN 18% SLOPE
ON THE URBAN
GROWTH BOUNDARY

N 89°15'34" W 471.00'

S 00°38'24" E 64.04'

S 41°01'14" E 114.93'

S 89°14'56" E 98.18'

N 35°12'30" W 195.00'

N 14°12'00" W 161.00'

180.44'
S 02°03'57" E

N 89°15'34" W 75.00'

DOCUMENT NO.
1997-076293

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Chris Fischborn

OREGON
JULY 17, 1981
CHRIS FISCHBORN
1944

RENEWAL DATE: 1/1/2020

1/23/2018 8:12:52 AM

LOCATED IN THE S.W. 1/4 SECTION 4, T.4S., R.1E., W.M.,
CLACKAMAS COUNTY, OREGON N.T.S.

TITLE: CITY OF CANBY - ANNEXATION NO. 1

PLOT DATE: 1-16-18

FILE: 17-4177-1ANNEX(1)

CLIENT: STAFFORD LAND CO.

SHEET: 1

ZTec ENGINEERS, INC.
3880 S.E. 8TH AVE., SUITE 280
PORTLAND, OREGON 97202
(503) 235-8795

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.
3880 SE 8th Ave., Suite 280
Portland, OR 97202
503-235-8795

Ronald b. Sellards, P.E.

FAX: 503-233-7889

Email: chris@ztecengineers.com

Stafford Land Co.
Annexation Tract No. 2

A Tract of land being all of those tracts of land described in those deeds recorded as Document No's. 2007-093016, 2017-028910, and 1989-048953, Clackamas County Deed Records and a portion of S. Ivy St.(Canby-Marquam Highway), located in the Southeast one-quarter of Section 4, Township 4 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon.

Said Tract of land being more particularly described as follows:

Beginning at a 5/8 inch rod with a yellow plastic cap stamped "ZTEC LS 1944" found at the Southeast corner of Parcel 4 of Partition Plat No. 1997-003, said point being on the West right-of-way line of said S. Ivy St.; thence South 88°55'42" East, on the Easterly extension of the South line of said Parcel 4, a distance of 60.00 feet to a point on the East right-of-way line of said S. Ivy St.; thence South 00°31'13" West, along said East right-of-way line, a distance of 806.20 feet to a point on the Easterly extension of the South line of said Document No. 1989-048953; thence North 89°44'23" West, along said Easterly extension and along the South line of said Document No. 1989-048953, a distance of 352.90 feet to the Southwest corner thereof; thence North 00°30'12" East, along the West lines of said Document No.'s 1989-048953, 2017-028910 and 2007-093016 a distance of 646.20 feet to the Northwest corner of said Document No. 2007-093016; thence along the North line of said Document No. 2007-093016 the following three courses, South 88°55'42" East a distance of 88.24 feet; thence South 00°26'35" West, a distance of 9.00 feet; thence South 89°24'57" East, a distance of 204.84 feet to a point on said West right-of-way line of said S. Ivy St.; thence North 00°31'13" East, along said West right-of-way line, a distance of 172.25 feet to the true point of beginning of the Tract of land herein described.

Said Tract of land contains an area of 5.4053 acres more or less.

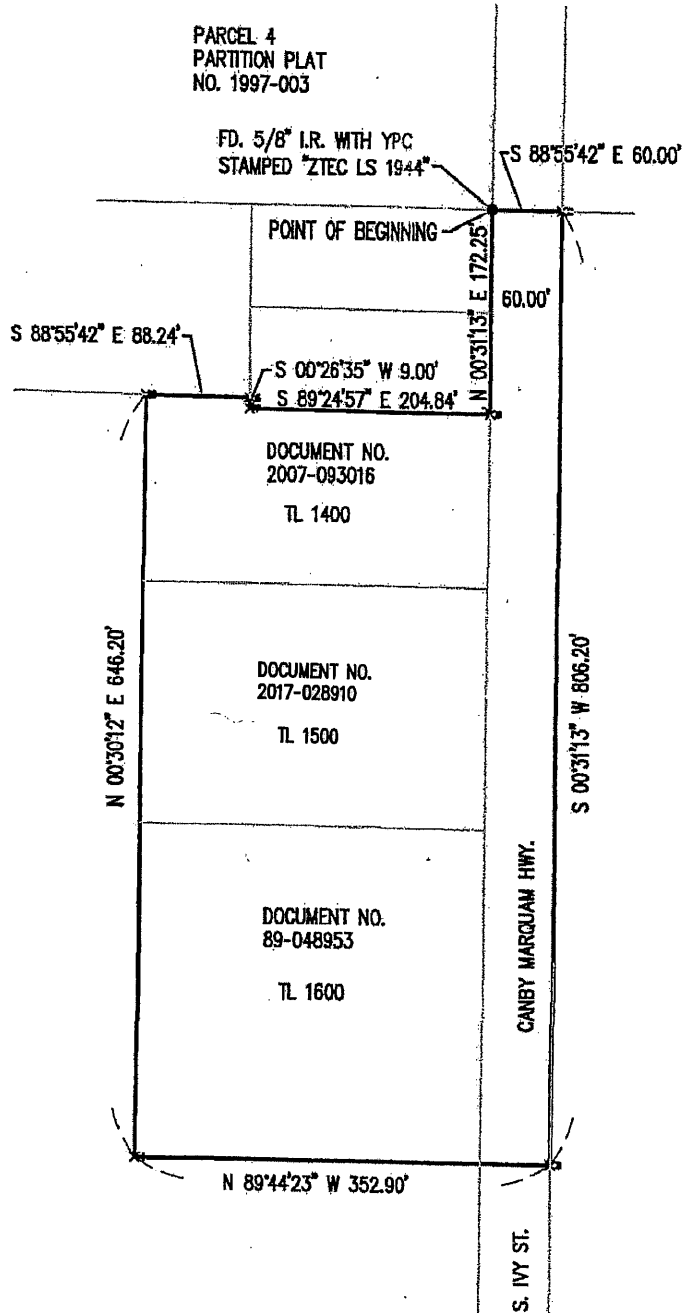
The basis of bearings for this description is Partition Plat No. 1997-003.



EXHIBIT "B"

PARCEL 4
PARTITION PLAT
NO. 1997-003

FD. 5/8" I.R. WITH YPC
STAMPED "ZTEC LS 1944"



N.T.S.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Chris Fischborn

OREGON
JULY 17, 1981
CHRIS FISCHBORN
1944

RENEWAL DATE: 1/1/2018

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

TITLE: CITY OF CANBY - ANNEXATION NO. 2

PLOT DATE: 11-3-17

FILE: 17-4177-1ANNEX

CLIENT: STAFFORD LAND CO.

SHEET: 1

ZTEC ENGINEERS, INC.
3880 S.E. 8TH AVE., SUITE 280
PORTLAND, OREGON 97202
(503) 235-8795