

ORDINANCE NO. 1472

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 31 ACRES INCLUDING 29.24 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 1700 AND 2000 OF PORTION OF SW ¼, SE ¼, SEC. 4, T.4S., R.1E., W.M. (TAX MAP 41E04D); AND APPROX. 1.76 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 2000 OF TAX MAP 41E04D; TO CITY MEDIUM DENSITY RESIDENTIAL (R 1.5) FOR APPROXIMATE SOUTHERN HALF AND TO CITY HIGH DENSITY RESIDENTIAL (R-2) FOR APPROXIMATE NORTHERN HALF OF TAX LOT 1700 OF TAX MAP 41E04D; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS.

WHEREAS, on March 7, 2018, at a public hearing the City Council of the City of Canby approved by a vote of 6 to 0, Annexation (ANN 17-01)/Zone Change (ZC 17-04) which called for the annexation of 31 acres into the City of Canby. The applicant is Tucker Mayberry of The Mayberry Group. The owners of the annexed property are: Helen J. McMartin, of Tax Lot 1700 and 2000 of Tax Map 41E04D; and the adjacent legally described right-of-way for S Ivy Street. A complete legal description and map of the tax lots or portion thereof lying within the City's Urban Growth Boundary as defined to be at the "top of bluff" of the Mollala River and adjacent right-of-way to be annexed 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 for tax lot 2000 of Tax Map 41E04D; R 1.5 Medium Density Residential for approximately the southern half and R-2 High Density Residential for the northern half of tax lot 1700 of tax map 41E04D 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 two parcels as indicated herein and where applicable the zoning will be extended to the centerline of the adjacent public streets; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on February 12, 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 7-0 to recommend that the City Council approve the applications.

The Planning Commission written Findings, Conclusions and Order was approved with acknowledgement that the City Council had already provided oral approval of the applicable Development Concept Plan of which this annexation request is a part at a previous annexation hearing and forwarded their findings to the City Council; 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 March 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

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

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

Section 1. It is hereby proclaimed by the City Council of Canby that 31 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.

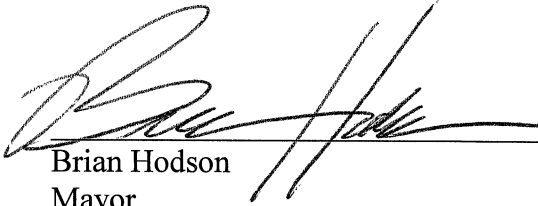
Section 2. The annexed land shall be rezoned from the county Exclusive Farm Use (EFU) to city Low Density Residential (R-1), Medium Density Residential (R-1.5) and High Density Residential (R-2) as reflected on the Canby's Comprehensive Plan Map and as indicated by Tax Lot in this Ordinance. The Mayor,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

SUBMITTED to the Council and read the first time at a regular meeting thereof on March 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 March 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 March 21, 2018 by the following vote:

YEAS 6 NAYS 0



Brian Hodson
Mayor

ATTEST:



Kimberly Scheafer, MMC
City Recorder

EXHIBIT A



CMT SURVEYING & CONSULTING INC.

FEBRUARY 1, 2018

PROJECT NO. 319-001

LEGAL DESCRIPTION
MCMARTIN FARMS ANNEXATION

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 4; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, 656 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER; THENCE LEAVING SAID WEST LINE, ALONG THE SOUTH LINE OF SAID NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, 80.00 FEET TO THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT NO. 2007-028855; THENCE LEAVING SAID LINE, SOUTHERLY ALONG THE EAST LINE OF SAID PROPERTY AND PARALLEL WITH AND 80.00 FEET EASTERLY OF THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 4, A DISTANCE OF 435 FEET, MORE OR LESS, TO A POINT ON THE TOP OF BANK OF THE MOLALLA RIVER MARKED BY STEEP SLOPE OF 18% TOWARD THE SOUTH; THENCE LEAVING SAID LINE IN A SOUTHEASTERLY DIRECTION ALONG SAID TOP OF BANK AND ITS SOUTHEASTERLY EXTENSION, 1,000 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF S. IVY STREET (COUNTY ROAD NO. 1202, MARKET ROAD NO. 10), ALSO BEING A POINT ON THE SOUTH LINE OF SAID SECTION 4; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE, ALONG SAID SOUTH SECTION LINE, 239 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 4; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 4, ALSO BEING ALONG THE EAST RIGHT-OF-WAY LINE OF SAID S. IVY STREET, A DISTANCE OF 382 FEET, MORE OR LESS, TO A POINT ON A CURVE ON THE EAST RIGHT-OF-WAY LINE OF SAID ROADWAY; THENCE LEAVING SAID EAST LINE OF SAID SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 4, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY, 183 FEET, MORE OR LESS, TO THE END POINT OF SAID CURVE; THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE, BEING PARALLEL WITH AND 30.00 FEET EAST OF, RIGHT ANGLE MEASURE, SAID EAST LINE OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 4, A DISTANCE OF 99 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 4; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, WESTERLY ALONG SAID EASTERLY EXTENSION OF AND THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 4, A DISTANCE OF 357 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 4; THENCE LEAVING SAID SOUTH LINE, NORTHERLY ALONG THE WEST LINE OF SAID EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 4, A DISTANCE OF 650 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 4; THENCE ALONG SAID NORTH LINE, WESTERLY 969 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 31 ACRES, MORE OR LESS.

20330 SE Highway 212 * Damascus, OR 97089
[T] 503.850.4672 * [F] 503.850.4590
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EXHIBIT B

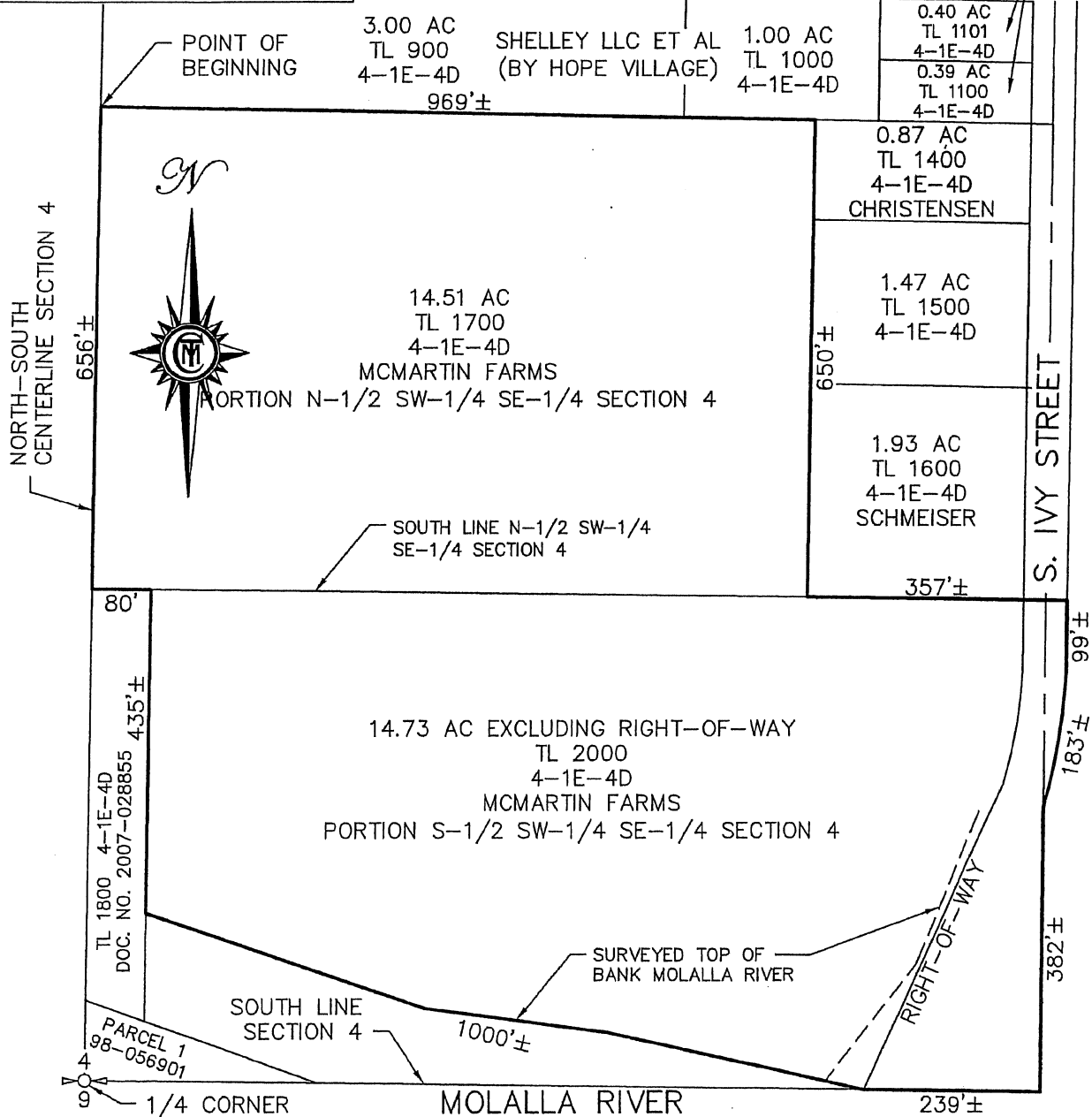


CMT SURVEYING AND CONSULTING

20330 SE HIGHWAY 212 DAMASCUS, OR 97089 PHONE 503-850-4672 FAX 503-850-4590

CLIENT: NW ENGINEERING
 ADDRESS: CANBY-MARQUAM HWY
 LEGAL: SW 1/4 SEC 4
 DRAWN: RLMc 2/1/2018 SK1
 JOB NO: 319-001 1"=200'

HOPE VILLAGE
(OWNERS)



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON