

## **ORDINANCE NO. 1566**

**AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 42.5 ACRES OF REAL PROPERTY DESCRIBED AS A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 3, THE NORTHEAST ONE QUARTER OF SECTION 4, AND THE SOUTHEAST ONE QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON ALSO IDENTIFIED AS CLACKAMAS COUNTY ASSESSOR'S MAP AND TAX LOTS 41E03 02300, 41E04D 01200, AND 41E04D 01300. THIS ORDINANCE ALSO CONCURRENTLY AMENDS THE EXISTING COUNTY ZONING FROM EXCLUSIVE FARM USE (EFU) TO CITY LOW DENSITY RESIDENTIAL (R-1) AND MEDIUM DENSITY RESIDENTIAL (R-1.5) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS.**

**WHEREAS**, on November 17, 2021, at a public hearing the City Council of the City of Canby approved by a vote of 6 to 0, Annexation (ANN 21-01 and ZC 21-02) which called for the annexation of approximately ±42.5 acres of real property and public right-of-way into the City of Canby. A complete legal description and survey map which delineates the property to be annexed is attached hereto as Exhibit A and by this reference is 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**, an application was filed by the applicant, Pahlisch Homes, to annex the real property and right-of-way identified in Exhibit A and bring said real property and right-of-way into the City's jurisdiction as previously negotiated with Clackamas County and included in an Inter-Governmental Agreement (IGA) adopted by the Canby City Council on December 5, 2018 as Resolution No. 1306; and

**WHEREAS**, a public hearing was conducted by the Canby Planning Commission on October 11, 2021 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 as described by Figure 16.84.040 and 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 moved to recommend that the City Council approve the application; 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 November 17, 2021; 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

**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 December 1, 2021; and

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

Section 1. It is hereby proclaimed by the City Council of Canby that ±42.5 acres of real property described, set, and shown in Exhibit A and attached hereto, is annexed into the corporate limits of the City of Canby, Oregon.

**SUBMITTED** to the Council and read the first time at a regular meeting thereof on November 17, 2021 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 December 1, 2021, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 222 NE 2<sup>nd</sup> Avenue, Canby, Oregon.


  
\_\_\_\_\_  
Melissa Bisset, CMC

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on December 1, 2021 by the following vote:

YEAS 6      NAYS 0

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

ATTEST:

  
\_\_\_\_\_  
Melissa Bisset, CMC  
City Recorder



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 F: (503) 563-6152

AKS Job #8659

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

## EXHIBIT A

### City of Canby Annexation

A tract of land located in the Southwest One-Quarter of Section 3, the Northeast One-Quarter of Section 4, and the Southeast One-Quarter of Section 4, Township 4 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of the plat of "Tofte Farms No. 4", also being on the southerly right-of-way line of SE 17<sup>th</sup> Avenue (20.00 feet from centerline) and the City of Canby city limits line; thence along said southerly right-of-way line and along said city limits line, South 88°14'35" East 1338.14 feet to the east line of the Southwest One-Quarter of the Southwest One-Quarter of said Section 3 and the Urban Growth Boundary line; thence leaving said city limits line and along said east line and the Urban Growth Boundary line, South 02°12'27" West 747.37 feet to the bluff line above the Molalla River; thence along said bluff line and continuing along said Urban Growth Boundary line, South 53°58'19" West 24.68 feet; thence continuing along said bluff line and continuing along said Urban Growth Boundary line, South 71°11'47" West 68.53 feet; thence South 75°44'05" West 206.36 feet; thence South 80°33'57" West 89.57 feet; thence North 63°30'17" West 27.56 feet; thence South 80°55'51" West 121.20 feet; thence South 85°28'52" West 69.30 feet; thence South 75°37'52" West 60.93 feet; thence South 78°50'11" West 92.16 feet; thence South 69°27'03" West 75.81 feet; thence South 66°28'24" West 109.14 feet; thence South 71°31'23" West 55.33 feet; thence South 87°47'54" West 128.12 feet; thence South 82°34'09" West 146.78 feet; thence South 80°54'28" West 115.99 feet to the west line of the Southwest One-Quarter of said Section 3; thence along said west line and leaving said Urban Growth Boundary line, North 02°05'46" East 734.71 feet to the northerly line of Document Number 2016-080178; thence along said northerly line, North 87°20'55" West 1257.94 feet to the easterly right-of-way line of S Ivy Street (30.00 feet from centerline) and the City of Canby city limits line; thence along said easterly right-of-way line and said city limits line, North 02°02'31" East 494.26 feet to the southerly right-of-way line of SE 16<sup>th</sup> Ave (variable width right-of-way); thence along said southerly right-of-way line and continuing along said city limits line, South 87°26'37" East 1258.39 feet to the west line of the plat of "Tofte Farms"; thence along said west line and the west line of the plat of "Tofte Farms No. 4" and continuing along said city limits line, South 02°05'46" West 165.19 feet to the Point of Beginning.

The above described tract contains 42.5 acres, more or less.

04/16/2021

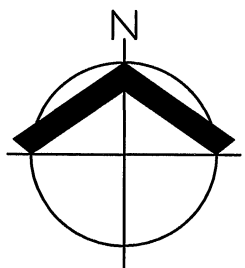
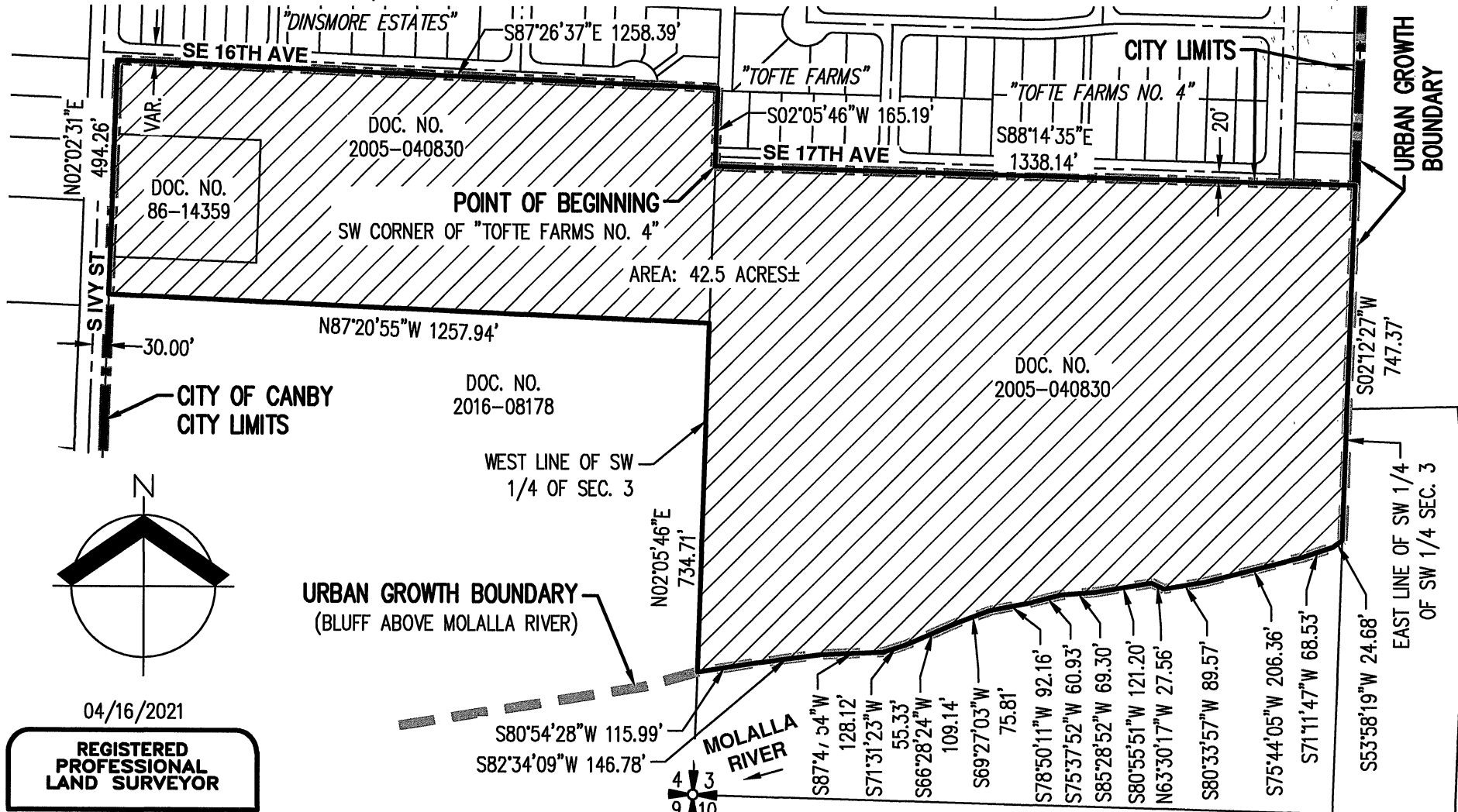
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS

RENEWS: 6/30/21

# EXHIBIT B

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 3, THE NE 1/4 OF SEC. 4, AND THE SE 1/4 OF SEC. 4, T4S, R1E, W.M., CLACKAMAS COUNTY, OREGON



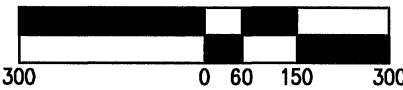
04/16/2021

**REGISTERED PROFESSIONAL LAND SURVEYOR**

*Michael S. Kalina*

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS  
RENEWS: 6/30/21

SCALE: 1" = 300 FEET



TOFTE FARMS  
CITY OF CANBY ANNEXATION MAP

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
503.563.6151 WWW.AKS-ENG.COM



EXHIBIT  
**B**

DRWN: MHJ  
CHKD: MSK  
AKS JOB:  
8659

**AFFIDAVIT OF POSTING**

**STATE OF OREGON** )  
 )  
**County of Clackamas** )  
 )  
**CITY OF CANBY** )

ss:

I, Melissa Bisset, being first duly sworn, depose and say that I am the City Recorder for the City of Canby, Clackamas County, Oregon, a City duly incorporated under and by virtue of the laws of the State of Oregon.

That on the 17<sup>th</sup> day of November, 2021 the Council for said City of Canby held a Regular City Council Meeting, at which meeting Ordinance No. 1566 was read for the first time and passed by the vote of said Council and was then and there ordered posted in at least three (3) public and conspicuous places in said City for a period of five (5) days prior to the second reading and final vote on said Ordinance, as provided in Section 2 of Chapter 8 of the Charter of the City of Canby, and

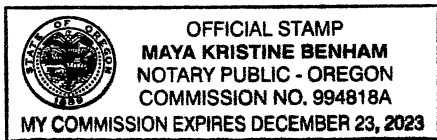
Thereafter, on the 19<sup>th</sup> day of November, 2021, I personally posted said Ordinance in the following three (3) conspicuous places, all within the said City of Canby, to wit:

- 1. Canby Civic Building
- 2. Canby Post Office
- 3. City of Canby Web Page

That since said posting on the date aforesaid, the said Ordinance will remain posted in the said three (3) public and conspicuous places continuously for the period of more than five (5) days and until the very 1<sup>st</sup> day of December, 2021.

Melissa Bisset  
Melissa Bisset, City Recorder

Subscribed and sworn to before me this 12<sup>th</sup> day of January, 2021.



Maya R. Benham  
Notary Public for Oregon  
My Commission Expires: 12/23/2023