

ORDINANCE NO. 1638

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 3.39 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOT 01900 SITUATED SOUTHWEST 1/4 of SECTION 28, T.3S., R.1E., W.M. (TAX MAP 3 1E 28C); AND APPROX. 0.44 ACRES OF ADJACENT NORTH HOLLY STREET RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM/FOREST 5 ACRE (RRFF5) 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 December 18, 2024, at a public hearing the City Council of the City of Canby approved by a vote of 6 to 0, Annexation (ANN/ZC 24-01) which called for the annexation of 3.39 acres of real property and 0.44 acres of public right-of-way into the City of Canby. The applicants are Venture Properties Inc. and AKS Engineering and Forestry. A complete legal description and survey map of the property and adjacent right-of-way known as N Holly Street delineates the property to be annexed and is attached hereto as Exhibit A & B respectively and by this reference are incorporated herein;

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;

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

WHEREAS, a public hearing was conducted by the Canby Planning Commission on November 25, 2024 after public notices were mailed, posted and published in the Canby Herald, as required by law;

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the annexation for annexations 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 unanimously voted to recommend that the City Council approve the application by 4-0 vote, and 3 absences;

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 25, 2024;


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 January 8, 2025.

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

Section 1. It is hereby proclaimed by the City Council of Canby that 3.39 acres of real property and 0.44 acres of right-of-way as described, set, and shown in Exhibit A & B and attached hereto, is annexed into the corporate limits of the City of Canby, Oregon.

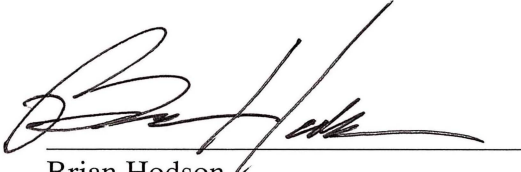
SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, December 18, 2024 ordered posted as required by the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, January 8, 2025, commencing at the hour of 7:00 PM at the Council Chambers located at 222 NE 2nd Avenue, Canby, Oregon.



Maya Benham, CMC
City Recorder


PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on the 8th day of January, 2025, by the following vote:

YEAS 6 NAYS 0



Brian Hodson
Mayor

ATTEST:



Maya Benham, CMC
City Recorder



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

AKS Job #11052

EXHIBIT A

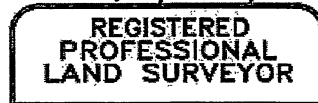
City Annexation

A tract of land located in the southwest One-Quarter of Section 28, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the northeast corner of the Champing Pendleton Donation Land Claim Number 58, also being on the centerline of N Holly Street and the City of Canby city limits line; thence along said centerline and said city limits line, South 01°21'51" West 1716.45 feet to the Point of Beginning; thence continuing along said centerline and city limits line, South 01°21'51" West 100.37 feet to the westerly extension of the south line of the plat "Dodd's Farm No. 2"; thence leaving said centerline along said westerly extension and continuing along said city limits line, South 87°25'16" East 30.01 feet to the easterly right-of-way line of N Holly Street (30.00 feet from centerline); thence leaving said city limits line, along said easterly right-of-way line and the southerly extension thereof, South 01°21'51" West 338.38 feet to the centerline of NW Territorial Road and the City of Canby city limits line; thence along said centerline and said city limits line, South 79°19'51" West 51.12 feet to the southerly extension of the westerly right-of-way line of N Holly Street (20.00 feet from centerline); thence leaving said city limits line along said southerly extension and said westerly right-of-way line, North 01°21'51" East 196.48 feet to the southeast corner of Document Number 2015-085722, Clackamas County Deed Records; thence along the southerly line of said Deed, North 88°38'09" West 579.80 feet to the southwest corner of said Deed; thence along the westerly line of said Deed, North 01°21'51" East 255.57 to the northwest corner of said Deed; thence along the northerly line of said Deed and the easterly extension thereof, South 88°26'39" East 599.80 feet to the Point of Beginning.

The above described contains 3.83 acres, more or less.

8/7/2024



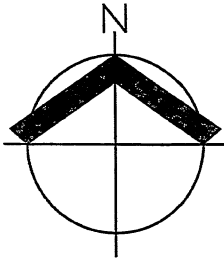
Michael S. Kalina



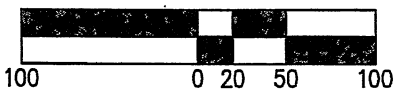
RENEWS: 6/30/25

EXHIBIT B

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28, T3S, R1E, W.M., CLACKAMAS COUNTY, OREGON



SCALE: 1"=100 FEET



POINT OF COMMENCEMENT
NE CORNER OF CHAMPING
PENDLETON D.L.C. NO. 58

DOC. NO.
92-53893

POINT OF BEGINNING

S88°26'39"E 599.80'

N01°21'51"E 255.57'

DOC. NO.
2015-085722

TOTAL AREA:
3.83 ACRES±

N88°38'09"W 579.80'

DOC. NO.
92-53893

NW 17TH AVENUE

"DODDS FARM NO. 2"
(PLAT NO. 4655)
LOT 71
LOT 70
LOT 69

S87°25'16"E
30.01'

DOC. NO.
13-63599

S01°21'51"W 338.38'

N HOLLY STREET

N01°21'51"E 196.48'

30.00'

20.00'

LEGEND

CITY OF CANBY CITY LIMITS LINE

8/7/2024

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/25

NW TERRITORIAL ROAD

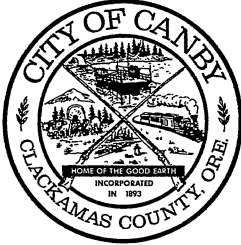
S79°19'51"W
51.12'

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



CITY ANNEXATION

TL 3.1E.28C 1900	
DRWN: MJS	CHKD: ELN
AKS JOB: 11052	EXHIBIT B



**BEFORE THE CITY COUNCIL
OF THE CITY OF CANBY**

**A REQUEST FOR APPROVAL OF AN
ANNEXATION AND ZONE CHANGE TO LOW
DENSITY RESIDENTIAL CITY ZONING FOR A
3.39-ACRE PARCEL LOCATED AT 1733 N
HOLLY ST. AND 0.44-ACRES OF NORTH
HOLLY RIGHT-OF-WAY**

**FINDINGS, CONCLUSION & FINAL ORDER
ANN 24-01 / ZC 24-01
1733 N HOLLY STREET
ANNEXATION AND ZONE CHANGE**

NATURE OF THE APPLICATION

The applicant sought approval for an annexation/zone change application **ANN 24-01 / ZC 24-01 1733 N Holly Street** to annex approximately 3.39 acres of real property described as Tax Lot 31E28C 01900 and approximately 0.44 acres of adjacent North Holly Street right-of-way. This property is zoned Clackamas County RRFF-5 and is requested to be zoned City R-1 Low Density Residential in agreement with the land use designation applied by the adopted Comprehensive Plan.

HEARINGS

The Planning Commission considered applications **ANN 24-01 / ZC 24-01 1733 N Holly Street** at the duly noticed hearing on November 25, 2024 during which the Planning Commission voted to recommend approval by a 4/0 vote (with 3 absences). These Findings are entered to document the recommendation of approval.

The City Council considered applications **ANN 24-01 / ZC 24-01 1733 N Holly Street** after the duly noticed hearing on December 18, 2024 during which the Council voted 6/0 to approve **ANN 24-01 / ZC 24-01 1733 N Holly Street**. These findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not the aforementioned annexation and zone change applications shall be approved, the Planning Commission and the City Council determines whether criteria from the *City of Canby Comprehensive Plan and Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Planning Commission Staff Report dated November 13, 2024 and the staff memorandum prepared for and presented at the December 18, 2024 City Council public hearing along with the Planning Commission's recommendation.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the Council public hearing. Staff and Planning Commission recommended approval of the Annexation and Zone Change applications.

After hearing public testimony, and closing the public hearing, the City Council made no additional findings beyond those contained in the Staff Report to arrive at their decision to approve the annexation and re-zone of the property in accordance with the Comprehensive Plan Map land use designation.

CONCLUSION

In summary, the City Council adopted the findings contained in the Staff Report, concluding that the application and zone change met all applicable approval criteria, and recommending that **ANN 24-01 / ZC 24-01 1733 N Holly Street Annexation and Zone Change** be approved, reflected in the Council's written Order below.

ORDER

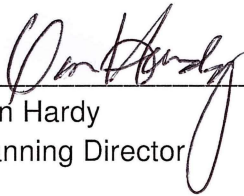
Based on the application submitted and the facts, findings, and conclusions of the Staff Report, and the supplemental findings from the public hearing, the City Council approved the annexation and zone change applications as represented in the applicant's submittal drawings and associated application narrative for City File# **ANN 24-01 / ZC 24-01 1733 N Holly Street Annexation and Zone Change** and directed staff to complete the remaining boundary change processes with the State, County, and service providers to finalize the decision, and upon annexation, that the zone of the subject property be designated as R-1 Low Density Residential as indicated by the Canby Comprehensive Plan Map.

I CERTIFY THAT THIS ORDER approving **City File# ANN 24-01 / ZC 24-01 1733 N Holly Street Annexation and Zone Change** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED THIS 8th day of January, 2025



Brian Hodson
Mayor



Don Hardy
Planning Director

ORAL DECISION – 18th day of December 2024

AYES: Hensley, David, Padden, Sasse, Stearns, Maldonado

NOES:

ABSTAIN:

ABSENT: Hodson

WRITTEN FINDINGS – 8th day of January 2025

AYES: *Padden, Maldonado, Davis, Stearns, Waterman, Hensley*

NOES:

ABSTAIN:

ABSENT:

ATTEST:



Maya Benham, CMC
City Recorder

AFFIDAVIT OF POSTING

STATE OF OREGON)
)
County of Clackamas) ss:
)
CITY OF CANBY)

I, Maya Benham, 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 18th day of December, 2024, the Council for said City of Canby held a Regular City Council Meeting, at which meeting Ordinance No. 1638 was read for the first time and passed by the vote of said Council and 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 19th day of December, 2024, I posted said Ordinance in the following three (3) conspicuous places, all within the said City of Canby, to wit:

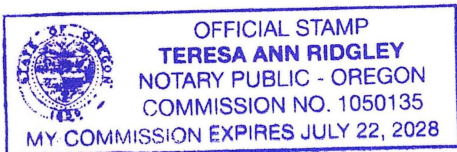
- 1. Canby Civic Building
- 2. Canby Post Office
- 3. City of Canby Web Page

That since said posting on the date aforesaid, the said Ordinance will remain posted in the said three (3) public and very conspicuous places for the period of more than five (5) days and until the very 8th day of January, 2025.

Maya Benham

Maya Benham, CMC
City Recorder

Subscribed and sworn to before me this 19th day of December, 2024.



Teresa Ann Ridgley

Notary Public for Oregon
My Commission Expires: