

RESOLUTION NO. 778

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 45.42 ACRES DESCRIBED AS TAX LOTS 900, 1100 AND 1200 OF TAX MAP 4-1E-03 LOCATED ON THE SOUTH SIDE OF S.E. TOWNSHIP ROAD EAST OF TROST ELEMENTARY SCHOOL TO THE CITY OF CANBY; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MAY 21, 2002 GENERAL ELECTION.

WHEREAS, the Canby City Council has heretofore approved an application filed by the Canby School District to annex approximately 45.42 acres of land into the City of Canby; and

WHEREAS, pursuant to the provisions of the Canby City Charter, the approval of the proposed annexation must be referred to the electorate of the City of Canby for an election; and

WHEREAS, ORS 250.035 requires a Notice of Measure be prepared by the City and submitted to the Clackamas County Elections Department by March 21, 2002 in order to appear on the ballot for the May 21, 2002 general election; and

WHEREAS, pursuant to the Canby Municipal Code, the Canby City Attorney has prepared a Notice of City Measure Election and Summary for Voter's Pamphlet to be submitted to the Elections Department;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

1. The City Recorder of the City of Canby is hereby authorized and directed to certify to the Clackamas County Clerk for submission to the voters at the May 21, 2002 general election, the Notice of City Measure Election. Such Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.
2. The City Recorder of the City of Canby is further authorized and directed to submit a Summary of the Measure to be placed in the voter's pamphlet explaining in clear and concise language the affect of such ballot measure. Such summary is attached to this Resolution in proper form and adopted by the City.

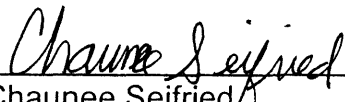
3. The City Recorder, the City Administrator and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the May 21, 2002 general election.

ADOPTED this 20th day of February, 2002, by the Canby City Council.



Terry L Prince - Mayor

ATTEST:



Chaunee Seifried
City Recorder, Pro-Tem

NOTICE OF CITY MEASURE ELECTION

CITY OF CANBY

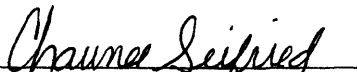
Notice is hereby given that on Tuesday, May 21, 2002, an election will be held in the City of Canby, Clackamas County, Oregon. The following shall be the ballot title for the measure submitted to the City's voters on this date:

CAPTION: MEASURE APPROVING ANNEXATION OF 45.42 ACRES INTO CITY OF CANBY

QUESTION: SHALL 45.42 ACRES LOCATED ON SE TOWNSHIP ROAD EAST OF S. REDWOOD STREET BE ANNEXED INTO CANBY?

SUMMARY: Annexation is the legal process to bring property inside the City limits. The Canby School District has filed an application asking the City to bring its property into the City limits. The legal description of the property is Tax Lots 900, 1100 and 1200 of Tax Map 4-1E-03. It is located on the south side of S.E. Township Road east of S. Redwood Street. Properties to the north and west are within the City limits. Property to the south and east are outside of the City, but within the Urban Growth Boundary. Property directly to the west is occupied by Trost Elementary School. This application has previously been approved by the Planning Commission 5-0 and City Council 4-0 following public hearings by each body. The property contains one residence, but the majority of the property is vacant. The City's Zoning Map calls for low density residential development upon annexation, but the applicant intends to build a middle school on the site. Actual development requires City review and must comply with land use laws.

The following authorized local government official hereby certifies that the above ballot title is true and complete.


Chaunee Seifried,
Canby City Recorder

February 20, 2002
Date

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE APPROVING ANNEXATION OF 45.42 ACRES
INTO THE CITY OF CANBY**

Measure No. 3-56

Word Total 394 (500 max)


This measure would approve the annexation of 45.42 acres into the city limits of the City of Canby. The property which would be included within the City boundaries is known as Tax Lots 900, 1100 and 1200 of Tax Map 4-1E-03 and is located generally in the southeast part of the City. This tax lot is located on the south side of S.E. Township Road, east of S. Redwood Street and Trost Elementary School. The applicant is the Canby School District. The parcel is currently zoned EFU (Exclusive Farm Use). If annexation into the City is approved by the voters, it would be rezoned Low Density Residential as required under the City's Comprehensive Land Use Plan (Comp Plan).

Tax Lots 900, 1100 and 1200 are owned by the Canby School District and Deininger Enterprises, LLC of Portland, Oregon. Both owners have applied jointly to the City of Canby for approval of annexation as allowed by Oregon law. The City, following its Charter, has put this matter before the voters for approval.

The 45.42 acre parcel is surrounded on the north by industrial properties within the City limits, on the west by Trost Elementary School and on the south and east by property which is outside of the City's limits but within the City's Urban Growth Boundary. Tax Lot 1200 presently contains one single family residence, but the remaining tax lots are vacant. A conceptual development plan has been submitted by the applicant proposing a middle school on the site. However, annexation alone does not set the future uses to be built on the property. Any further development would have to comply with state and local land use laws and would be subject to public review.

The Canby Comp Plan also designates properties for annexation as Priority "A", "B" or "C". Priority "A" properties shall generally be annexed prior to those areas shown as Priority "B" which, in turn, shall generally be annexed prior to those areas shown as Priority "C". These three lots are designated Priority "C" property, but were approved for annexation as the intended use as a middle school is considered a special benefit to the City which justifies approving annexations outside of the growth priority scheme. Following public hearings, both the Canby Planning Commission and the City Council approved this annexation application by a vote of 5-0 and 4-0 respectively.

CITY OF CANBY


Chaunee Seifried,
Canby City Recorder - Pro tem

February 20, 2002
Date

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

A REQUEST TO ANNEX 45.42) FINDINGS, CONCLUSIONS & ORDER
ACRES OF LAND INTO THE) ANN 01-02
CITY OF CANBY) (Canby School District)

NATURE OF APPLICATION

The applicants are seeking to annex three taxlots totaling 45.42 acres into the City of Canby. Tax Lot 1200 currently contains a single family residence. The other properties are currently vacant. If annexed, the applicant intends build a middle school and other uses related to school district functions.

HEARINGS

The City Council held a public hearing and considered this application at its meeting of February 6, 2002.

CRITERIA AND STANDARDS

The Planning Commission forms a recommendation that the City Council may consider after conducting a public hearing. If the City Council approves the application, it forwards its recommendation to the voters of Canby as a ballot measure where a final decision is reached during a general election.

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan).
2. Analysis of the "need" for additional property within the city limits shall be provided.
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;

5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;
9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

FINDINGS AND REASONS

The City Council deliberated on all input presented at the February 6, 2002 meeting, and incorporates the January 4, 2002 Planning Commission staff report, the Planning Commission Finding, Conclusions, and Order of January 28, 2002, and Commission and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the January 4, 2002 Planning Commission staff report.

CONCLUSION

The City Council of the City of Canby concludes that based on the findings and conclusions contained in the January 4, 2002 Planning Commission staff report, and from Council deliberations at the February 6, 2002 public hearing:

1. The land is designated as Priority "C" for annexation, however, since the School District needs this property to meet the near-term educational needs of the Canby area, a special benefit to the public exists and therefore justifies annexation not in keeping with the phased growth priority concept.
2. The need for this property to be annexed is derived from the School District's need to accommodate population growth within the district.
3. The property, while not small and still in agricultural production will better serve the community as a whole than as farm land.
4. Access is adequate to the site and will be further improved by the improvements of the roadway in conjunction with development.
5. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services upon future development.
6. The annexation proposal is in compliance with other applicable City ordinances or

- policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes.
 8. No natural hazards have been identified on the site.
 9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
 10. No adverse economic impacts are likely to result from the annexation of the subject property.

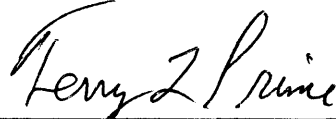
RECOMMENDATION

THE CITY COUNCIL OF THE CITY OF CANBY APPROVES application ANN 01-02 and sends the application to the Canby Voters for a final decision with the following understandings:

1. The zoning classification for the property will be R-1, Low Density Residential.
2. All service connection, recording costs and future development costs are to be borne by the property owners.
3. Advanced financing charges for the properties are to be paid at the time of connection to City Services.
4. All City and service provider regulations are to be adhered to at the time of connection of services and/or future development.
5. Sidewalks and utility easements are normally conditioned as a part of new development. As no new development is proposed, sidewalks and utility easements will be required upon any future land use application including issuance of a building permit or an application for redevelopment.
6. Any costs associated with the election not covered by the initial deposit shall be the responsibility of the applicant/property owner. The costs shall be payable upon receipt of an itemized billing from the City of Canby.

I CERTIFY THAT THIS ORDER APPROVING application ANN 01-02 and sending the application to the Canby Voters for a final decision was presented to and APPROVED by the City Council of the City of Canby.

DATED this 20th day of February, 2002.



Terry L Prince, Mayor
City of Canby



Clint Chiavarini
• Associate Planner

ATTEST:

ORAL DECISION - February 6, 2002

AYES: Daniels, Strong, Carson, Blackwell

NOES: None

ABSTAIN: None

ABSENT: Johnson

WRITTEN FINDINGS - February 20, 2002

AYES: Tallman, Daniels, Strong, Carson, Blackwell

NOES: None

ABSTAIN: None

ABSENT: Johnson