

## RESOLUTION NO. 779

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 1.97 ACRES DESCRIBED AS TAX LOT 1200 OF TAX MAP 4-1E-04CA LOCATED ON THE SOUTHWEST CORNER OF SW 13<sup>TH</sup> AVENUE AND S FIR STREET 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 James Harbison to annex approximately 1.97 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

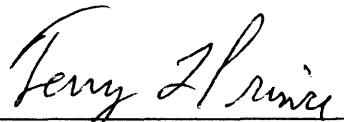
**WHEREAS**, pursuant to the Canby Municipal Code, the Canby City Attorney has prepared a Notice of City Measure Election and Summary for Voter's Pamphlet to be submitted to the Elections Department;

**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

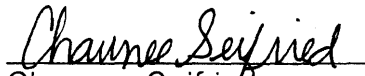
Notice is hereby given that on Tuesday, May 21, 2002, an election will be held in the City of Canby, Clackamas County, Oregon. The following shall be the ballot title for the measure submitted to the City's voters on this date:

**CAPTION: MEASURE APPROVING ANNEXATION OF 1.97 ACRES INTO CITY OF CANBY**

**QUESTION:** SHALL 1.97 ACRES LOCATED ON SW 13<sup>TH</sup> AVENUE NEAR S. FIR STREET BE ANNEXED INTO CANBY?

**SUMMARY:** Annexation is the legal process to bring property inside the City limits. James Harbison has filed an application asking the City to bring his property into the City limits. The legal description of the property is Tax Lot 1200 of Tax Map 4-1E-04CA. It is located on the southwest corner of S.W. 13<sup>th</sup> Avenue and S. Fir Street. Properties to the north, east and west are within the City limits. Property to the south is outside of the City, but within the Urban Growth Boundary. 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 is vacant. The City's Zoning Map calls for low density residential development upon annexation, and future development could result in as many as twelve additional homes on the site, although nine homes are more likely given right-of-way dedication requirements. 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 1.97 ACRES  
INTO THE CITY OF CANBY**

Measure No. 3-55

Word Total 348 (500 max)


This measure would approve the annexation of 1.97 acres into the city limits of the City of Canby. The property which would be included within the City boundaries is known as Tax Lot 1200 of Tax Map 4-1E-04CA and is located generally in the southwest part of the City. This tax lot is located on the south side of S.W. 13<sup>th</sup> Avenue at its intersection with S. Fir Street. The applicant is James Harbison. 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 Lot 1200 is owned by James Harbison. He has applied 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 1.97 acre parcel is surrounded on the north and west by residential properties within the City limits, on the east by Hope Village, also in the City limits, and on the south by property which is outside of the City's limits, but within the City's Urban Growth Boundary. Tax Lot 1200 is presently vacant. The applicant intends to subdivide the property into single family lots. Future development could allow up to twelve additional homes, although nine homes are more likely given right-of-way dedication requirements. 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". This lot is designated Priority "A" property. 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**

<b>A REQUEST TO ANNEX 1.97</b>	)	<b>FINDINGS, CONCLUSIONS &amp; ORDER</b>
<b>ACRES OF LAND INTO THE</b>	)	<b>ANN 01-03</b>
<b>CITY OF CANBY</b>	)	<b>(Harbison)</b>

**NATURE OF APPLICATION**

The applicant is seeking to annex one 1.97 acre property (Tax Lot 1200 of Tax Map 4-1E-04CA) into the City of Canby. The property is vacant and is located on the southwest corner of SW 13<sup>th</sup> Avenue and S. Elm Street.

**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 "A" for annexation.
2. The need for this property to be annexed is derived from its priority designation, minimal impact on facilities, and being surrounded on three sides by city limits.
3. The property is small and not in agricultural production.
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.

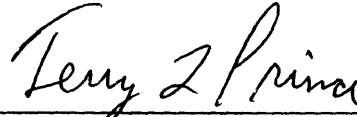
### **RECOMMENDATION**

THE CITY COUNCIL OF THE CITY OF CANBY APPROVES application ANN 01-03 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 01-03 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.



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Terry L Prince, Mayor  
City of Canby



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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