

RESOLUTION NO. 841

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 4.6 ACRES DESCRIBED AS TAX LOTS 300, 301 AND 302 OF TAX MAP 3-1E-34B LOCATED IN THE NORTHEAST QUADRANT OF THE CITY, ON THE EAST SIDE OF N REDWOOD STREET ACROSS FROM NE 12TH AVENUE; 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 NOVEMBER 4, 2003 ELECTION.

WHEREAS, the Canby City Council has heretofore approved an application filed by ManDan LLC, owners of tax lots 300, 301 and 302 of Tax Map 3-1E-34B, to annex 4.6 acres 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 September 4, 2003 in order to appear on the ballot for the November 4, 2003 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 November 4, 2003 election, the Notice of City Measure. 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 November 4, 2003 election.

This Resolution shall take effect on August 20, 2003.

ADOPTED this 20th day of August, 2003, by the Canby City Council.


Melody Thompson - Mayor

ATTEST:


Chaunee Seifried
City Recorder, Pro-Tem

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE APPROVING ANNEXATION OF 4.6 ACRES
INTO THE CITY OF CANBY**

Measure No. 3-113

Word Total 349 (500 max)

This measure would approve the annexation of 4.6 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 300, 301 and 302 of Tax Map 3-1E-34B and is located generally in the northeastern part of the City. Tax Lots 300, 301 and 302 are currently zoned RRFF-5 (Rural Residential Farm and Forest, 5 acre minimum) under County zoning. If annexation into the City is approved by the voters, tax lot 301 would be rezoned to R-2, High Density Residential, while tax lots 301 and 302 would be rezoned to R-1.5, Medium Density Residential as required under the City's Comprehensive Land Use Plan (Comp Plan).

Tax Lots 300, 301 and 302 are owned by ManDan LLC. It has filed the application for annexation as allowed by Oregon law. The City, following its Charter, has put this matter before the voters for approval.

The property is located on the east side of N Redwood Street, across from NE 12th Avenue. The 4.6 acres is presently vacant farmland with three existing single family residences, and is bordered on the west by residential development within the City and on the south by property currently being developed, also located within the City limits. Property to the north and east are outside of City limits. Under the current zoning regulations, the applicant proposes to build 15 single family residences, 5 duplexes and 22 single family common wall units. 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". The property is priority "B". The Canby Planning Commission and Canby City Council approved the application unanimously.

CITY OF CANBY

Chaunee Seifried
Chaunee Seifried,
Canby City Recorder - Pro tem

8-20-03
Date

NOTICE OF CITY MEASURE ELECTION

CITY OF CANBY

Notice is hereby given that on Tuesday, November 4, 2003, 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 4.6 ACRES INTO CITY OF CANBY

QUESTION: SHALL 4.6 ACRES LOCATED EAST OF N REDWOOD STREET ACROSS FROM NE 12TH AVENUE BE ANNEXED INTO CANBY?

SUMMARY: Annexation is the legal process to bring property inside the City limits. ManDan LLC has filed an application asking the City to bring 4.6 acres of property into the City limits. The legal description of the property is Tax Lots 300, 301 and 302 of Tax Map 3-1E-34B. The lots are located on the east side of N Redwood Street, across from NE 12th Avenue. This application has previously been approved by the Planning Commission and City Council. The property is vacant farmland with three existing single family residences. Properties to the west, across N Redwood Street from the site, are inside the City limits. The property to the south is also within the City limits, but properties to the north and east are outside City limits. This property is designated priority "B" for annexation. Upon annexation, the property will be zoned R-2, High Density Residential for Tax Lot 300, and R-1.5, Medium Density Residential for Tax lots 301 and 302. Although no development application is pending at this time, the applicant has indicated it wishes to construct 15 single family homes, 5 duplexes and 22 single family common wall units on the site. Any further development does require 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.

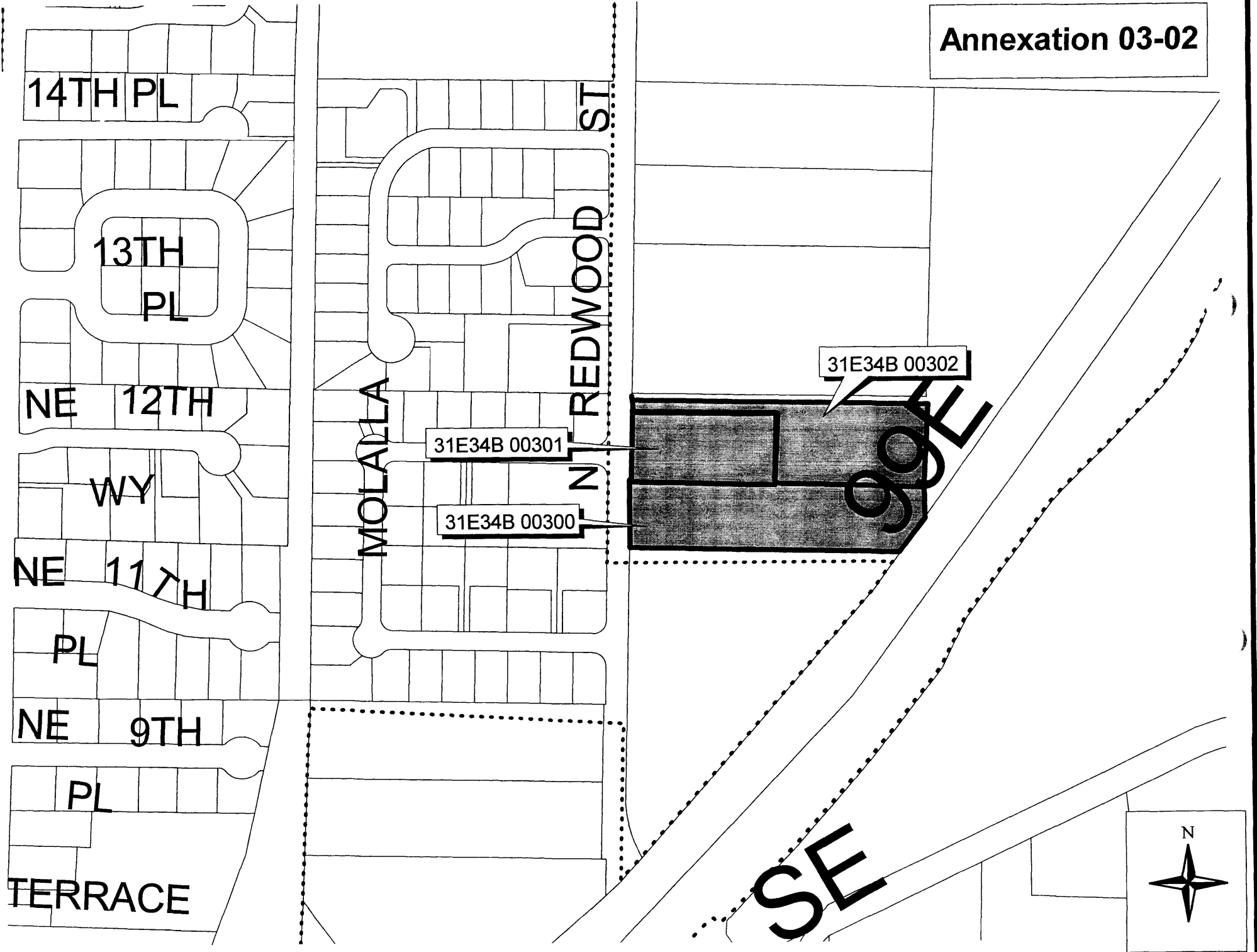
Chaune Seifried

Chaune Seifried,
Canby City Recorder - Pro-Tem

8-20-03

Date

Annexation 03-02



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

A REQUEST TO ANNEX 4.6)	FINDINGS, CONCLUSIONS & FINAL ORDER
ACRES OF LAND INTO THE)	ANN 03-02
CITY OF CANBY)	(ManDanLLC)

NATURE OF APPLICATION

The applicants are seeking to annex three tax lots toaling 4.6 acres (Lots 300, 301, & 302 of Tax Map 3-1E-34B) into the City of Canby. If annexed, the applicant intends to construct a mix of single family and single family common wall units, including duplex, tri-plex and four plex units. The site located on the east side of N. Redwood across from Erika Acres subdivision.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of June 9, 2003. The City Council held a public hearing and considered this application at its meeting of August 6, 2003.

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 June 9, 2003 meeting, and incorporates the May 30 July 28, 2003 staff reports and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the May 30 and July 28 staff reports.

CONCLUSION

The City Council of the City of Canby concludes that, based on the findings and conclusions contained in the May 30 and July 28, 2003 staff reports, and from Council deliberations at the August 6, 2003 public hearing:

1. The land is designated Priority "B", for annexation. Despite the Priority "B" designation, the applicant has demonstrated that: 1) the annexation is appropriate in terms of the timing for city growth and development; 2) that there will be a special benefit to the city overall to provide medium and high density housing choices and 3) the annexation will result in no adverse impacts on the city's planned provision of public facilities and services.
1. The need for this property to be annexed is due to a need for medium and high density residential land and the lack of such land designated Priority "A" for annexation.
2. The properties are "small non-farm land".
3. 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.


ORDER

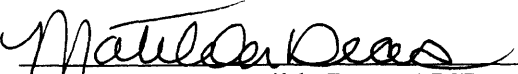
THE CITY COUNCIL OF THE CITY OF CANBY APPROVES application ANN 03-02 and sends the application to the Canby voters for a final decision with the following understandings:

1. The zoning classification for the property will be High Density Residential (R-2) for Tax Lot 300, and Medium Density Residential (R-1.5) for Tax Lots 301 and 302.
1. All service connection, recording costs and future development costs are to be borne by the property owners.
2. All City and service provider regulations are to be adhered to at the time of connection of services and/or future development.
3. 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.
4. N. Redwood Street shall be improved to Clackamas County and City of Canby standards prior to the issuance of building permits for lots on the subject property.
5. 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.
6. No future subdivision/planned unit development shall be approved without an effective storm water management plan and facilities approved by the applicable State, County, and City Agencies.

I CERTIFY THAT THIS ORDER approving ANN 03-02 was presented to and APPROVED by the City Council of the City of Canby.

DATED this 20st day of August, 2003.


Melody Thompson
Mayor


Matilda Deas, AICP
Project Planner

ATTEST:

ORAL DECISION - August 6, 2003

AYES: Blackwell, Carson, Johnson, Newton, Oliver, Daniels

NOES: none

ABSTAIN: none

ABSENT: none

WRITTEN FINDINGS - August 20, 2003

AYES: Blackwell, Carson, Newton, Oliver, Daniels

NOES: none

ABSTAIN: none

ABSENT: Johnson