

## **RESOLUTION NO. 844**

**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 1.65 ACRES DESCRIBED AS TAX LOT 1800 OF TAX MAP 3-1E-28DD LOCATED IN THE NORTHEAST QUADRANT OF THE CITY, ON THE SOUTH SIDE OF NE TERRITORIAL ROAD AND EAST SIDE OF N OAK STREET; 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 John Meredith, owner and applicant, to annex Tax Lot 1800 of Tax Map 3-1E-28DD which consists of 1.65 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.

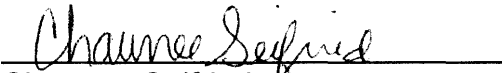
3. The City Recorder, the City Administrator and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the November 4, 2003 election.

This Resolution shall take effect on September 3, 2003.

ADOPTED this 3<sup>rd</sup> day of September, 2003, by the Canby City Council.

  
Melody Thompson - Mayor

ATTEST:

  
Chaunee Seifried  
City Recorder, Pro-Tem

## 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 1.65 ACRES INTO CITY OF CANBY**

**QUESTION:** SHALL 1.65 ACRES LOCATED SOUTH OF NE TERRITORIAL ROAD AND EAST OF N OAK STREET BE ANNEXED INTO CANBY?

**SUMMARY:** Annexation is the legal process to bring property inside the City limits. John Meredith has filed an application as owner, asking the City to bring 1.65 acres of property into the City limits. The legal description of the property is Tax Lot 1800 of Tax Map 3-1E-28DD. The lot is located on the south side of NE Territorial Road and the east side of N. Oak Street. This application was previously approved by the Planning Commission and the City Council. The property contains one single family residence. Properties to the west and north, across Ne Territorial Road from the site, are inside the City limits. Properties to the south and east are outside the City limits, but within the urban growth boundary. The property is designated priority "A" for annexation. Upon annexation, the property will be zoned R-1.5, Medium Density Residential. Although no development application is pending at this time, the applicant has indicated he wishes to construct 9 additional single family residences 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.

  
Chaunee Seifried

Canby City Recorder - Pro-Tem

9-3-03

Date

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE APPROVING ANNEXATION OF .92 ACRES  
INTO THE CITY OF CANBY**

Measure No. 3-116

Word Total 326 (500 max)

---

This measure would approve the annexation of 1.65 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 1800 of Tax Map 3-1E-28DD and is located generally in the northeastern part of the City. Tax Lot 1800 is 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 1800 would be rezoned to R-1.5, Medium Density Residential, as required under the City's Comprehensive Land Use Plan (Comp Plan).

Tax Lot 1800 is owned by John Meredith. He 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 south side of NE Territorial Road and east side of N Oak Street. The 1.65 acres contains one existing single family residence on the site. It is bordered on the north and west by residential development within the City. Properties to the south and east are outside of City limits, but within the City's urban growth boundary. Under current zoning regulations, the applicant proposes to build 9 additional single family residences 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". The property is priority "A". The Canby Planning Commission and Canby City Council voted unanimously to approve the application and refer it to a vote of the Canby electorate.

**CITY OF CANBY**

Chaunee Seifried  
Chaunee Seifried,  
Canby City Recorder - Pro tem

9-3-03  
Date

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

<b>A REQUEST TO ANNEX 1.65</b>	)	<b>FINDINGS, CONCLUSIONS &amp; ORDER</b>
<b>ACRES OF LAND INTO THE</b>	)	<b>ANN 03-04</b>
<b>CITY OF CANBY</b>	)	(John Meredith)

**NATURE OF APPLICATION**

The applicant is seeking to annex one 1.65 acre tax lot into the City of Canby (Lot 1800 of Tax Map 3-1E-28DD). If annexed, the applicant intends to build approximately 9 single family homes in addition to one existing single family home. The site is located south of NE Territorial and is part of an island of County land surrounded by property within the City boundary. The property is designated priority A for annexation.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting of July 14, 2003. The City Council held a public hearing and considered the same application at its meeting of August 20,2003.

**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. If the City Council denies the application, that denial becomes the final decision and the application is not placed before the voters.

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the City Council 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 August 20, 2003 meeting. The City Council incorporates the August 9, 2003 Staff Report and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the August 9, 2003 Staff Report.

#### **CONCLUSION**

The City Council of the City of Canby concludes that, based on the findings and conclusions contained in the August 9, 2003 staff report, and based on Council deliberations at the August 20, 2003 public hearing:

1. The land is designated as Priority "A" for annexation.
2. The buildable land supply is estimated between 2 and 3 years within the City.
3. The property is currently part of an island of unincorporated land surrounded by land inside the City limits.
4. Access to the site is adequate and will be further improved by improvements to the roadway in conjunction with development.
5. The City and other service-providing entities are able 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.
10. Adverse economic impacts are not likely to result from annexation of the subject parcel.

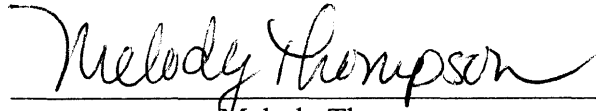
## **ORDER**

**THE CITY COUNCIL OF THE CITY OF CANBY APPROVES** application ANN 03-04 and sends the application to the Canby voters for a final decision with the following understandings:

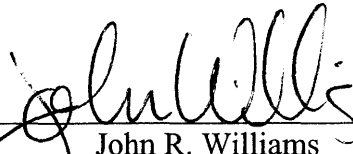
1. Zoning classification for the property will be R-1.5, Medium Density Residential.
2. All service connections, recording costs and future development costs are to be borne by the property owner.
3. Advanced financing charges for the properties are to be paid at the time of connection to City Services.
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. Sidewalks and utility easements will be required upon any future land use application, including issuance of building permits or application for subdivision and development.
6. Any costs associated with the election that are not covered by the initial deposit shall be the responsibility of the applicant/property owner. Costs shall be payable upon receipt of an itemized billing from the City of Canby.
7. The Canby Utility Board may choose to use an existing well on the property to service eventual development. The applicant shall consult with the Canby Utility Board, regarding use of the existing well, prior to application for subdivision and development.

**I CERTIFY THAT THIS ORDER** approving ANN 03-04 was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 3<sup>rd</sup> day of September, 2003.



Melody Thompson  
City of Canby



John R. Williams  
Director of Planning & Community Development

**ATTEST:**

**ORAL DECISION - August 20, 2003**

AYES: Daniels, Newton, Oliver, Carson, Blackwell

NOES: None

ABSTAIN: None

ABSENT: Johnson

**WRITTEN FINDINGS - September 3, 2003**

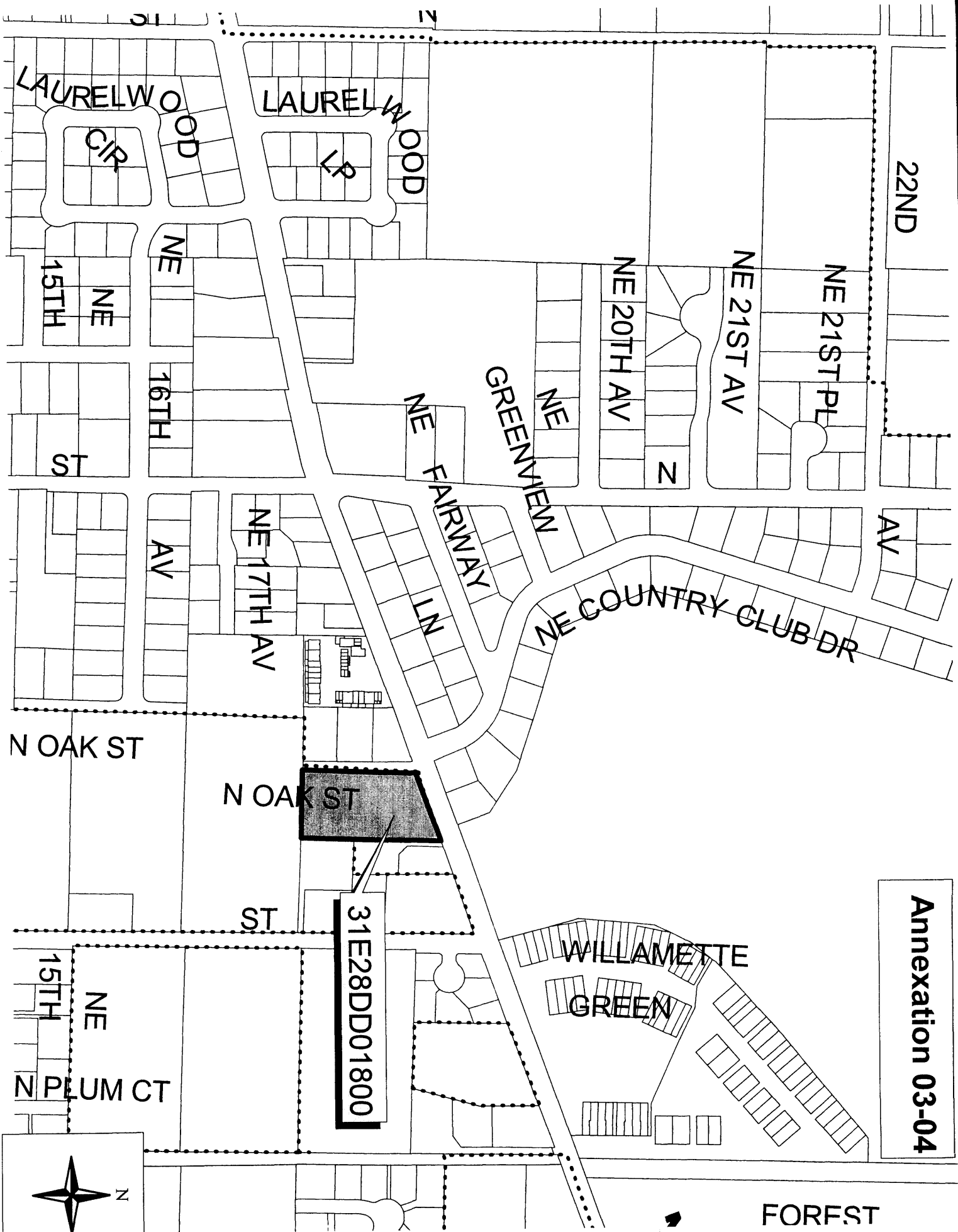
AYES: Daniels, Newton, Oliver, Carson, Blackwell

NOES: None

ABSTAIN: Johnson

ABSENT: None





22ND

NE 21ST PL

NE 21ST AV

NE 20TH AV

NE FAIRWAY

NE FAIRWAY

NE COUNTRY CLUB DR

NE 17TH AV

AV

N OAK ST

N OAK ST

ST

31E28DD01800

WILLAMETTE  
GREEN

Annexation 03-04

FOREST

