

RESOLUTION NO. 850

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 19.91 ACRES DESCRIBED AS TAX LOTS 400 and 500 OF TAX MAP 3-1E-28C LOCATED IN THE NORTH CENTRAL PORTION OF THE CITY, NORTH OF NE TERRITORIAL ROAD, BETWEEN N LOCUST AND N HOLLY, SOUTH OF NE 22ND 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 MAY 18, 2004 ELECTION.

WHEREAS, the Canby City Council has heretofore approved an application filed by G. Cam Ltd on behalf of Martha and Thomas Dodds, owners of tax lots 400 and 500 of Tax Map 3-1E-28C, to annex 19.91 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 March 18, 2004 in order to appear on the ballot for the May 18, 2004 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 18, 2004 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.

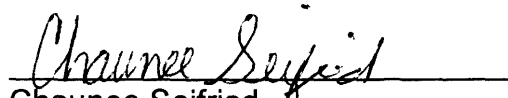
3. The City Recorder, the City Administrator and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the May 18, 2004 election.

This Resolution shall take effect on March 3, 2004.

ADOPTED this 3rd day of March, 2004, 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 19.91 ACRES
INTO THE CITY OF CANBY**

Measure No. _____

Word Total 328 (500 max)

This measure would approve the annexation of 19.91 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 400 and 500 of Tax Map 3-1E-28C and is located generally in the north central part of the City. Tax lots 400 and 500 are currently zoned RRFF-5 (Rural Residential, Farm and Forest). If annexation into the City is approved by the voters, the property would be rezoned Low Density Residential as required under the City's Comprehensive Land Use Plan (Comp Plan).

Tax Lots 400 and 500 are owned by Martha and Thomas Dodds. G. Cam Ltd has filed the application for annexation on behalf of the owner as allowed by Oregon law. The City, following its Charter, has put this matter before the voters for approval.

The two lots are adjoining and are located north of NE Territorial Road between N Locust and N Holly Streets, south of NE 22nd Avenue. The lots presently contain several single family residences, as well as outbuildings. The majority of the property is vacant farmland. Under the current zoning regulations, future development would allow approximately seventy-six (76) lots to be developed. 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. The Canby Planning Commission recommended denial of the application to the City Council by a 4-3 vote. The Canby City Council approved the annexation application by a 4-2 vote following a public hearing on February 18, 2004.

CITY OF CANBY

Chaunee Seifried
Chaunee Seifried,
Canby City Recorder - Pro tem

3-4-07
Date

NOTICE OF CITY MEASURE ELECTION

CITY OF CANBY

Notice is hereby given that on Tuesday, May 18, 2004, 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 19.91 ACRES INTO CITY OF CANBY

QUESTION: SHALL 19.91 ACRES LOCATED NORTH OF NE TERRITORIAL, NEAR N HOLLY BE ANNEXED INTO CANBY?

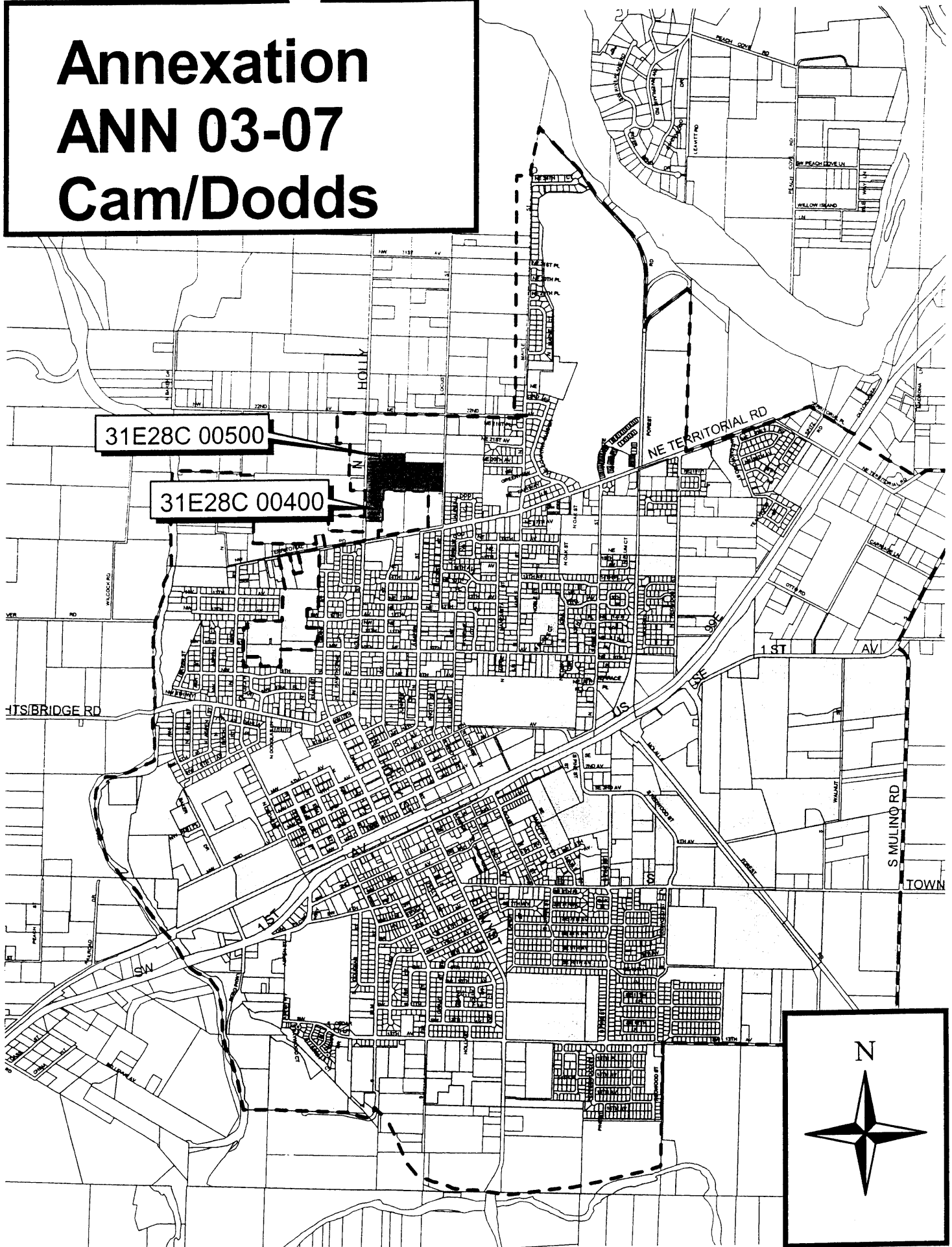
SUMMARY: Annexation is the legal process to bring property inside the City limits. G. Cam Ltd, on behalf of property owners Martha and Thomas Dodds, has filed an application asking the City to bring 19.91 acres of property into the City limits. The legal description of the property is Tax Lots 400 and 500 of Tax Map 3-1E-28C. The two lots are adjoining and are located north of NE Territorial Road between N Locust and N Holly Streets, south of NE 22nd Avenue. This application has previously been approved by the City Council following a public hearing on February 18, 2004. The property currently contains several single family residences and outbuildings, but is mainly vacant farmland. The City's Zoning Map calls for low density residential zoning for the property upon annexation. Although no development application is pending at this time, future development would allow approximately seventy-six (76) single family lots. Any further development requires City review and must comply with land use laws.

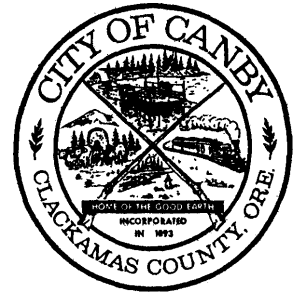
The following authorized local government official hereby certifies that the above ballot title is true and complete.

Chaunee Seifried
Chaunee Seifried,
Canby City Recorder - Pro Tem

3-4-03
Date

Annexation ANN 03-07 Cam/Dodds





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

**A REQUEST TO ANNEX 19.91
ACRES OF LAND INTO THE
CITY OF CANBY**

**) FINDINGS, CONCLUSIONS & ORDER
) ANN 03-07
) (Cam/Dodds)**

NATURE OF APPLICATION

The applicant is seeking to annex two tax lots containing 19.91 acres tax lot into the City of Canby (Lots 400 / 500 of Tax Map 3-1E-28C). If annexed, the applicant intends to build approximately 76 single family homes accessed from N Holly Street and from N Locust Street. The site is located north of NE Territorial Road between N Holly and N Locust. The property is currently designated priority "A" for annexation according to Canby's Comprehensive Plan.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting January 12, 2004. The City Council held a second public hearing to consider the application at its meeting on February 18, 2004.

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, that approval is forwarded to Canby voters as a ballot measure where a final decision is reached during a general election.

CRITERIA AND STANDARDS - continued

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the 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 evidence and testimony presented at the February 18, 2004 meeting. The City Council incorporates the February 11, 2004 Staff Report and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the February 11, 2004 Staff Report insofar as they do not conflict with the following supplemental findings:

1. The City Council discussed the need for platted building lots in Canby. Based upon the staff report, the Council determined that there is a buildable land inventory of approximately 4 years, which includes both platted and un-platted land within the City limits. The council found that the platted buildable lands in Canby are estimated at only 8 months supply. The Council also considered evidence submitted by Ralph Netter regarding an estimated time frame for development of parcels within the Buildable Land Inventory. Lee Leighton provided a graphic diagram of Mr. Netter's estimated time frame. Based upon Mr. Netter's "Available Lot Estimate" exhibit and Mr. Leighton's diagram, the Council found that several of those properties will not likely be platted or developed within the next four years. Therefore, a need for residential land is established.
2. The City Council confirmed with the applicant that he would be willing to enter into a development agreement regarding access improvements to N Locust Street. The applicant indicated that he is willing to work with the City of Canby to ensure adequate access.
3. Additional discussion addressed the intersection at NE Territorial and Hwy 99E. Councilors considered evidence submitted by John Schmitz demonstrating the existence of adequate Hwy access on N Pine, N Redwood and N Ivy to serve the access needs of the subject parcel without relying on the intersection at Territorial and Hwy 99. Although the intersection remains a traffic concern until improved, the Council finds that adequate public facilities are available to safely serve the needs of the subject parcel.
4. The Council also considered two letters from adjacent farm property owners in support of the proposed annexation. Neighboring farm uses indicated no conflict with existing residences and no anticipated conflicts with the proposed residences.

CONCLUSION

The City Council concludes that, based on the findings and conclusions contained in the February 11, 2004 staff report and the February 18, 2004 public hearing and based on Council deliberations on February 11, 2004:

1. The land is designated as Priority "A" for annexation.

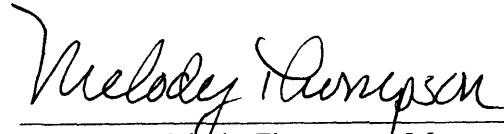
2. The current buildable land supply is estimated at 4 years within the City of Canby. The supply of platted land available for immediate development is currently significantly less than the 3 years considered sufficient, thereby establishing an overall need for land.
3. The subject property is part of a larger tract of farm land and is surrounded by other productive farm land. The established need for residential land and the parcel's designation as priority "A" for annexation take precedence over farm uses.
4. Access to the site from N Locust Street is currently inadequate. The Council finds that this criterion can be met, however, through a development agreement ensuring that adequate access for the subject parcel and for future neighboring development will be constructed when needed.
5. Traffic conditions at the intersection of NE Territorial and Hwy 99E continue to operate at level of service "F" during peak hours under all scenarios. The intersection is currently scheduled for signalization in 2006 and remains a traffic hazard until improved. Because traffic from the subject property has adequate access to several alternative intersections that access Hwy 99E, the Council finds that sufficient public facilities and services are available. The City and other service-providers are able to provide the property with urban level services upon development.
6. The annexation proposal complies with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statute.
8. No natural hazards have been identified on the site.
9. Urbanization of the subject property would have limited impact on designated open space, scenic, historic or natural resource areas.
10. Adverse economic impacts are not likely to result from annexation of the subject parcel.

ORDER

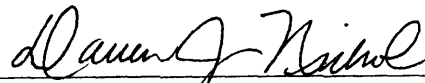
IT IS ORDERED BY THE CANBY CITY COUNCIL that annexation application ANN 03-07 is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the May 18, 2004 general election ballot.

I CERTIFY THAT THIS ORDER approving ANN 03-07 was presented to and **APPROVED** by the Canby City Council.

DATED this 3rd day of March, 2004.



Melody Thompson, Mayor
City of Canby



Darren J. Nichols
Associate Planner

ATTEST:

ORAL DECISION – February 18, 2004

AYES: Carson, Johnson, Oliver, Newton

NOES: Daniels, Blackwell

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS – March 3, 2004

AYES: Blackwell, Carson, Johnson, Daniels

NOES: None

ABSTAIN: None

ABSENT: Newton, Oliver