

RESOLUTION NO. 851

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 5100 OF TAX MAP 4-1E-04DA LOCATED IN THE SOUTH CENTRAL PORTION OF THE CITY AT 1550 S. IVY STREET, SOUTH OF SE 13TH 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 Ralph Netter on behalf of Robert and Doris Wightman, owners of tax lot 5100 of Tax Map 4-1E-04DA, to annex 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 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;

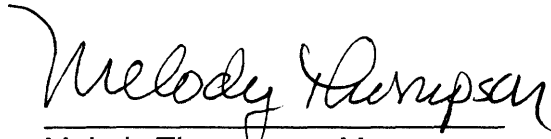
NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

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

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 1.65 ACRES INTO CITY OF CANBY

QUESTION: SHALL 1.65 ACRES LOCATED EAST OF S IVY AND SOUTH OF SE 13TH AVENUE BE ANNEXED INTO CANBY?

SUMMARY: Annexation is the legal process to bring property inside the City limits. Ralph Netter, on behalf of property owners, Robert and Doris Wightman, has filed an application asking the City to bring 1.65 acres of property into the City limits. The legal description of the property is Tax Lot 5100 of Tax Map 4-1E-04DA. The lot is located at 1550 S. Ivy Street, south of SE 13th Avenue. This application has previously been approved by the City Council following a public hearing on February 18, 2004. The property currently contains one single family residence. The City's Zoning Map calls for medium density residential zoning designation for the property upon annexation. Although no development application is pending at this time, future development would allow approximately ten (10) residential lots. Any future 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 - Pro Tem

3-4-03
Date

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE APPROVING ANNEXATION OF 1.65 ACRES
INTO THE CITY OF CANBY**

Measure No. _____

Word Total 296 (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 5100 of Tax Map 4-1E-04DA and is located generally in the south central part of the City. Tax lot 5100 is currently zoned EFU (Exclusive Farm Use). If annexation into the City is approved by the voters, the property would be rezoned Medium Density Residential as required under the City's Comprehensive Land Use Plan (Comp Plan).

Tax Lot 5100 is owned by Robert and Doris Wightman. Ralph Netter 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 lot is located at 1550 S. Ivy Street, south of SE 13th Avenue. The lot presently contains one single family residence. Under the current zoning regulations, future development would allow approximately ten (10) residential 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.

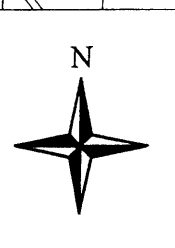
The Canby Comp Plan also designates properties for annexation as Priority "A", "B" or "C". Priority "A" properties shall generally be annexed prior to those areas shown as Priority "B" which, in turn, shall generally be annexed prior to those areas shown as Priority "C". This lot is designated Priority "A" property. The Canby Planning Commission recommended denial of the application to the City Council by a 6-1 vote. The Canby City Council approved the annexation application by a unanimous vote following a public hearing on February 18, 2004.

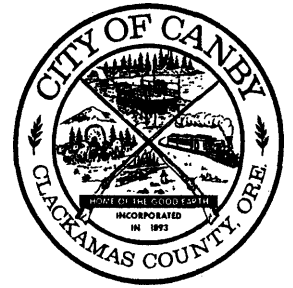
CITY OF CANBY

Chaunee Seifried
Chaunee Seifried,
Canby City Recorder - Pro tem

3-4-04
Date

41E04DA05100





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

**A REQUEST TO ANNEX 1.65
ACRES OF LAND INTO THE
CITY OF CANBY**

) **FINDINGS, CONCLUSIONS & ORDER**
) **ANN 03-08**
) **(Wightman/Netter)**

NATURE OF APPLICATION

The applicant is seeking to annex one 1.65 acre tax lot into the City of Canby. If annexed, the applicant intends to build approximately 10 single family homes. The site is located on the east side of S Ivy Street, south of SE 13th and across the street from HOPE Village. The parcel contains one single family residence with several outbuildings. 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 26, 2004. The City Council held a second public hearing to consider the application at its meeting 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 limiting access onto S Ivy Street. The applicant stated that he would insure that the development will not access directly onto S Ivy.
3. The Council heard staff testimony and testimony from the applicant indicating that a temporary sewer lift station can easily be provided to the satisfaction of the City Engineer and Canby Public Works. The Council found that installation of a sewer lift station is feasible and will be adequate to serve the subject parcel.

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 18, 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 a smaller tract of non-productive farm land, 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 S Ivy Street is currently not available. The Council finds that the access criterion can be met, however, through a development agreement ensuring that adequate access to the subject parcel will be constructed only through development on surrounding parcels and not access directly onto S Ivy Street.
5. Public facilities and services are available or can be made available to serve the subject parcel, including a temporary sewer lift station to be provided by the developer(s). 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

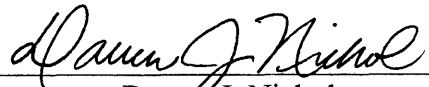
IT IS ORDERED BY THE CANBY CITY COUNCIL that annexation application ANN 03-08 is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the May 18, 2004 general election ballot.

I CERTIFY THAT THIS ORDER approving ANN 03-08 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: Blackwell, Carson, Johnson, Oliver, Newton, Daniels,

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS – March 3, 2004

AYES: Blackwell, Carson, Johnson, Daniels

NOES: None

ABSTAIN: None

ABSENT: Newton, Oliver