

RESOLUTION NO. 871

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 4.98 ACRES DESCRIBED AS TAX LOTS 2300 AND 3300 OF TAX MAP 3-1E-34 LOCATED ON THE EAST SIDE OF SOUTH WALNUT STREET, BETWEEN SOUTH WALNUT AND SOUTH MULINO ROAD; 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 2, 2004 ELECTION.

WHEREAS, the Canby City Council has heretofore approved an application filed by Sprague Joint Venture, owner of tax lots 2300 and 3300 of Tax Map 3-1E-34, to annex 4.98 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 2, 2004 in order to appear on the ballot for the November 2, 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 November 2, 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 November 2, 2004 election.

This Resolution shall take effect on August 4, 2004.

ADOPTED this 4th day of August, 2004, by the Canby City Council.

A handwritten signature in cursive script that reads "Melody Thompson".

Melody Thompson - Mayor

ATTEST:

A handwritten signature in cursive script that reads "Kimberly Scheafer".

Kimberly Scheafer
City Recorder, Pro-Tem

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE APPROVING ANNEXATION OF .498 ACRES
INTO THE CITY OF CANBY'S INDUSTRIAL PARK**

Measure No. _____

Word Total 343 (500 max)

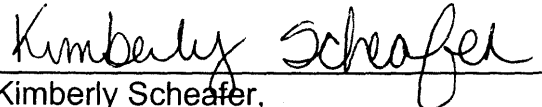
This measure would approve the annexation of 4.98 acres into the city limits of the City of Canby. The property which would be included within the City boundaries is known as Tax Lot 2300 and Tax Lot 3300 of Tax Map 3-1E-34 and is located generally in the southeastern part of the City. Tax Lots 2300 and 3300 are currently zoned EFU (Exclusive Farm Use) under County zoning. If annexation into the City is approved by the voters, both tax lots would be rezoned to M-1, Light Industrial, as required under the City's Comprehensive Land Use Plan (Comp Plan).

Tax Lots 2300 and 3300 are owned by Sprague Joint Venture. Sprague Joint Venture has filed the application for annexation. The City, following its Charter, has put this matter before the voters for approval.

The property is located on the east side of South Walnut Street, between South Walnut and South Mulino Road, south of SE First Avenue. Under the City's Comp Plan, these lots are located in the Pioneer Industrial Park. The 4.98 acres is presently vacant with one existing single family residence on the site. Adjacent properties to the north and west are already within city limits, zoned for Light Industrial use. Properties to the south are outside of City limits, but within the City's urban growth boundary, while properties to the east are outside of City limits and outside of the urban growth boundary. Under the M-1 zoning regulations, the applicant proposes to relocate its current business operations (Canby Excavating) to this 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 "C". The Canby Planning Commission voted 4-1 to approve the application, and the Canby City Council unanimously voted to approve the application and refer it to a vote of the Canby electorate.

CITY OF CANBY


Kimberly Scheafer,
Canby City Recorder - Pro tem

8-4-04
Date

NOTICE OF CITY MEASURE ELECTION

CITY OF CANBY

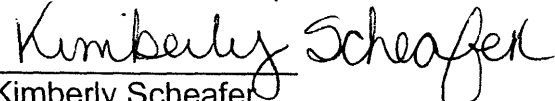
Notice is hereby given that on Tuesday, November 2, 2004, an election will be held in the City of Canby, Clackamas County, Oregon. The following shall be the ballot title for the measure submitted to the City's voters on this date:

CAPTION: MEASURE APPROVING ANNEXATION OF 4.98 ACRES INTO CITY OF CANBY.

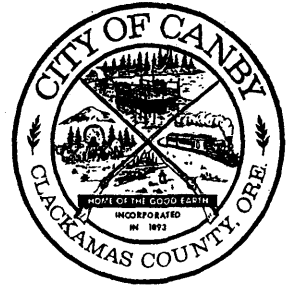
QUESTION: SHALL 4.98 ACRES LOCATED NORTH OF SE TOWNSHIP BETWEEN WALNUT AND SOUTH MULINO ROAD BE ANNEXED INTO CANBY?

SUMMARY: Annexation is the legal process to bring property into the City limits. Sprague Joint Venture has filed an application asking the City to bring 4.98 acres of property into the City limits. The legal description of the property is Tax Lot 2300 and Tax Lot 3300 of Tax Map 3-1E-34. The lots are located north of SE Township Road between South Walnut and South Mulino Road. This application has previously been approved by the City Council following a public hearing on July 7, 2004. The property contains one single family residence. The City's Zoning Map calls for Light Industrial (M-1) zoning designation for the property upon annexation. 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.


Kimberly Scheafer,
Canby City Recorder - Pro-Tem

8-4-04
Date



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

A REQUEST TO ANNEX 4.98 ACRES OF INDUSTRIAL LAND INTO THE CITY OF CANBY)	FINDINGS, CONCLUSIONS & FINAL ORDER
)	ANN 04-01
)	(Sprague Joint Venture)

NATURE OF APPLICATION

The applicant is seeking to annex two tax lots containing 4.98 acres into the City of Canby. If annexed, the applicant intends to develop an office and maintenance facility to house the operations of Canby Excavating. The site is located on the east side of S Walnut Street, south of SE 1st Street and adjacent to S Mulino Road. The parcel contains one manufactured home and several outbuildings. The site also contains several mature trees.

HEARINGS

The Planning Commission held a public hearing to consider the application on May 24, 2004. The City Council held a second public hearing to consider the application on July 7, 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, it forwards its recommendation to the voters of Canby as a ballot measure where a final decision is reached during a general election.

Findings, Conclusions and Final Order
ANN 04-01 (Sprague)
Page 1 of 5

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 (Comprehensive Plan - Urban Growth Element).
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 July 7, 2004 meeting. The Council also incorporates the June 25, 2004 Staff Report and Council deliberations as support for its decision. The City Council accepts and adopts the findings in the June 25, 2004 Staff Report insofar as they do not conflict with the following supplemental findings:

1. The City Council considered the need for this property to be annexed and concluded that the impact on industrial development and local employment justify recommending approval in spite of the availability of other industrial parcels.

2. The Council discussed Public Facilities to serve development of the subject parcels. Sewer service to the parcels, however, is not available and will not become available without installation of a lift station and/or extension of sewer lines to serve the subject and surrounding parcels. The Council found however that facilities could be provided and that the applicant is willing to extend facilities sooner if necessary.

CONCLUSION

The City Council concludes that, based on the findings and conclusions contained in the June 25, 2004 staff report and based on Council deliberations at the July 7, 2004 public hearing:

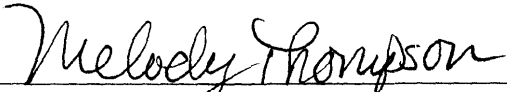
1. The land is designated Priority "C" for annexation according to the Comprehensive Plan. That priority however is based on growth estimates adopted 20 years ago and does not reflect recent industrial development or the need for employment in Canby.
2. The current supply of developable industrial land within the City of Canby is sufficient to serve potential new development. The need for this property to be annexed, however, is not based solely on the "need" for land. Instead, the parcels proposed for annexation offer an opportunity for a local company to locate in the city limits and to utilize specific amenities unique to the site. Those amenities include site access to two street frontages with minimal site grading for access improvements. Therefore, there is an established "need" to annex these proposed parcels.
3. Although the parcel is surrounded by productive farm land, the parcel is considered smaller, non-farm land.
4. Access to the site is available from S Walnut Street and from S Mulino Road.
5. Sewer infrastructure is not currently available to serve the subject parcel. Sanitary sewer service will not be available until surrounding developments warrant the installation of an approved sewer lift station or the extension of sewer lines along S Sequoia Parkway. In the meantime, the applicant indicates a willingness to extend sewer utilities if needed sooner.
6. The annexation proposal is in compliance with other City ordinances and 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. The impact of urbanization of the subject property on 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. Instead, it is anticipated that the proposal will help to initiate industrial development in the newly annexed Pioneer Industrial Park, thereby utilizing existing infrastructure and providing local employment opportunities.

ORDER

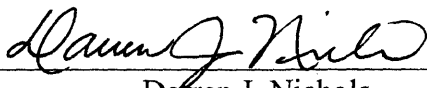
IT IS ORDERED BY THE CANBY CITY COUNCIL that annexation application ANN 04-01 is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the November 2, 2004 general election ballot.

I CERTIFY THAT THIS ORDER APPROVING ANN 04-01 was presented to and
APPROVED by the City Council of the City of Canby.

DATED this 21st day of July, 2004.



Melody Thompson, Mayor
City of Canby



Darren J. Nichols
Associate Planner

ATTEST:

ORAL DECISION – July 7, 2004

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

NOES: None

ABSTAIN: None

ABSENT: None

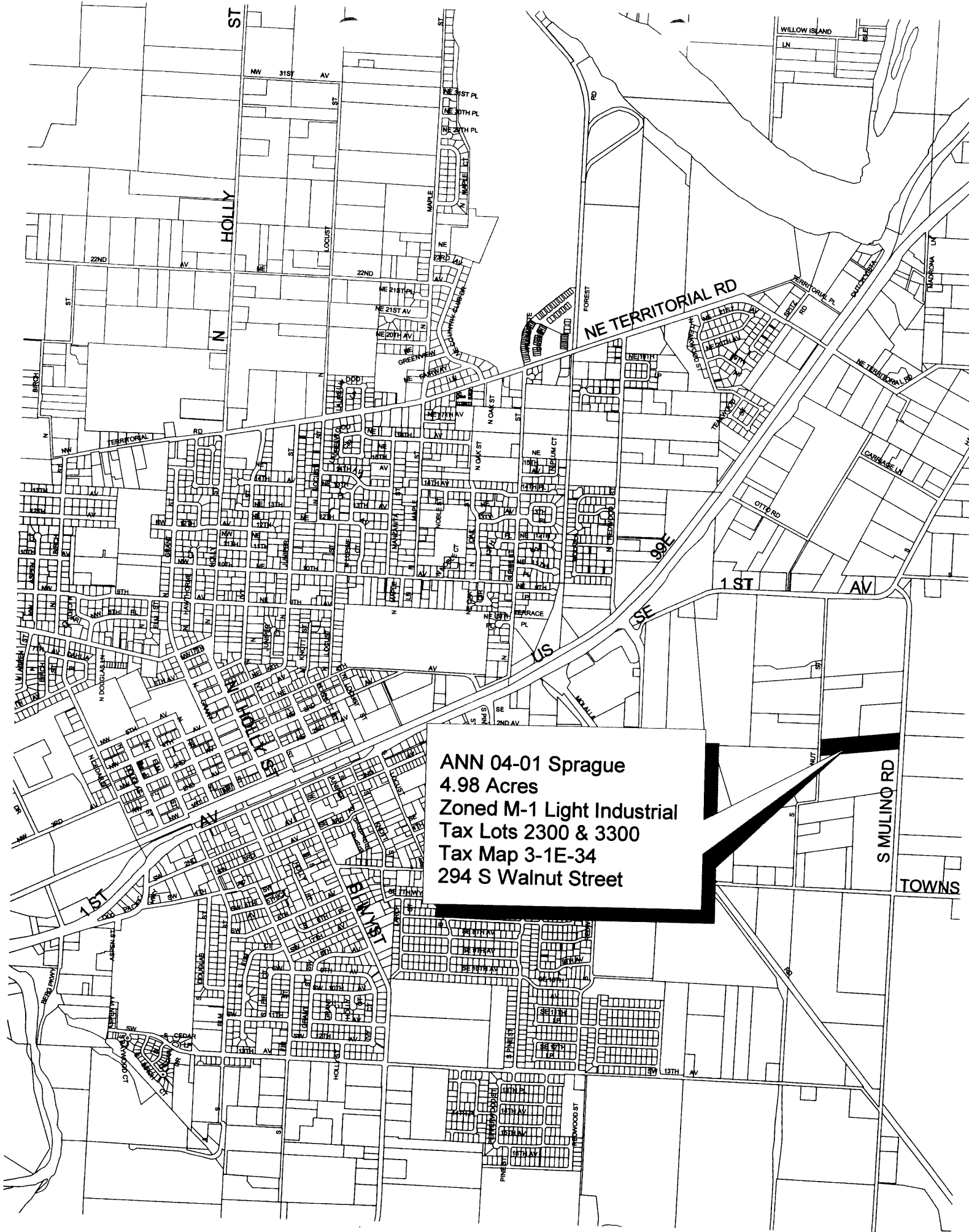
WRITTEN FINDINGS – July 21, 2004

AYES: Blackwell, Carson, Daniels, Newton, Oliver

NOES: None

ABSTAIN: None

ABSENT: Johnson



ANN 04-01 Sprague
4.98 Acres
Zoned M-1 Light Industrial
Tax Lots 2300 & 3300
Tax Map 3-1E-34
294 S Walnut Street

S MULINO RD

TOWNS