

## **RESOLUTION NO. 873**

**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 9.74 ACRES DESCRIBED AS TAX LOT 4700 OF TAX MAP 4-1E-4DA LOCATED EAST OF S. IVY STREET, ON THE SOUTH SIDE OF SE 13<sup>TH</sup> AVENUE AND WEST OF TOFTE FARMS SUBDIVISION; 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 Willow Creek Estates, Inc., for the owner, A. Wayne Scott, of tax lot 4700 of Tax Map 4-1E-4DA, to annex 9.74 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.

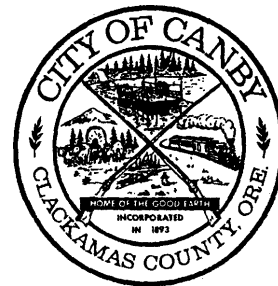
This Resolution shall take effect on August 18, 2004.

ADOPTED this 18<sup>th</sup> day of August, 2004, by the Canby City Council.

  
Melody Thompson - Mayor

ATTEST:

  
Kimberly Scheafer  
City Recorder, Pro-Tem



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

**A REQUEST TO ANNEX 9.74  
ACRES OF LAND INTO THE  
CITY OF CANBY**

) **FINDINGS, CONCLUSIONS & ORDER**  
) **ANN 04-04**  
) (Willow Creek Estates/ Dinsmore)

**NATURE OF APPLICATION**

The applicant is seeking to annex one taxlot containing approximately 9.74 acres into the City of Canby (Tax Lot 4700 of Tax Map 4-1E-04DA). The subject parcel is currently vacant agricultural land. If annexed, the applicant intends to subdivide the property for the construction of approximately 39 single family homes.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting on June 14, 2004. The Commission voted 6-0 recommending approval. The City Council held a second public hearing to consider the application at its meeting July 21, 2004. The Council voted 5-0 to forward the application on to Canby voters for a final decision at the ballot in a general election on November 2, 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. 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 July 21, 2004 meeting. The City Council incorporates the July 13, 2004 Staff Report and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the July 13, 2004 Staff Report.

## **CONCLUSION**

The City Council concludes that, based on the findings and conclusions contained in the July 13, 2004 staff report and the July 21, 2004 public hearing and based on Council deliberations on July 21, 2004:

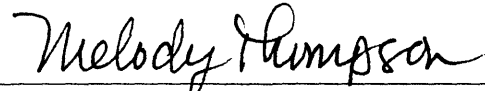
1. The land is designated as Priority "A" for annexation.
2. The current buildable land supply is estimated at 4 years within the City of Canby. The supply of platted land available for immediate development however is significantly less than the 3 years considered sufficient, thereby establishing an overall need for land.
3. The subject property is a smaller tract of productive farm land, surrounded by other productive farm land. However, 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 is available from SE 13<sup>th</sup> and can be available from S Ivy through the development of land already inside the city limits.
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**

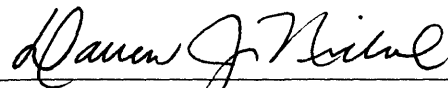
**IT IS ORDERED BY THE CANBY CITY COUNCIL** that annexation ANN 04-04 is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the November 2, 2004 general election ballot.

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

DATED this 4th day of August, 2004.



Melody Thompson, Mayor  
City of Canby



Darren J. Nichols  
Associate Planner

**ATTEST:**

**ORAL DECISION – July 21, 2004**

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

NOES: None

ABSTAIN: None

ABSENT: Johnson

**WRITTEN FINDINGS – August 4, 2004**

AYES: Blackwell, Carson, Oliver, Newton, Daniels

NOES: None

ABSTAIN: Johnson

ABSENT: None

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE APPROVING ANNEXATION OF 9.74 ACRES  
INTO THE CITY OF CANBY**

Measure No. \_\_\_\_\_

Word Total 347 (500 max)

This measure would approve the annexation of 9.74 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 4700 of Tax Map 4-1E-4DA and is located generally in the south, central part of the City. Tax Lot 4700 is currently zoned EFU (Exclusive Farm Use) under County zoning. If annexation into the City is approved by the voters, the parcel would be rezoned to R-1, Low Density Residential, as required under the City's Comprehensive Land Use Plan (Comp Plan).

Tax Lot 4700 is owned by A. Wayne Scott. Willow Creek Estates, Inc., has filed the application for annexation on behalf of the owner. The City, following its Charter, has put this matter before the voters for approval.

The property is located east of S. Ivy Street, on the south side of SE 13<sup>th</sup> Avenue, across the street from Ackerman Middle School and west of Tofte Farms Subdivision. The 9.74 acres is presently vacant with no existing buildings on the site. Adjacent properties to the north and east are already within city limits, zoned for Low Density Residential. Properties to the west and south are outside of City limits, but within the City's urban growth boundary. Under the R-1 zoning regulations, the applicant could develop a 39-lot subdivision for the construction of single family homes. 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 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  
Kimberly Scheafer,  
Canby City Recorder - Pro tem

8-18-04  
Date

## NOTICE OF CITY MEASURE ELECTION

### CITY OF CANBY

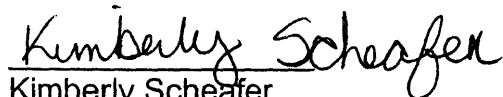
Notice is hereby given that on Tuesday, November 2, 2004, an election will be held in the City of Canby, Clackamas County, Oregon. The following shall be the ballot title for the measure submitted to the City's voters on this date:

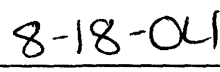
**CAPTION: MEASURE APPROVING ANNEXATION OF 9.74 ACRES INTO CITY OF CANBY.**

**QUESTION: SHALL 9.74 ACRES LOCATED SOUTH OF SE 13<sup>TH</sup> AVENUE AND WEST OF TOFTE FARMS SUBDIVISION BE ANNEXED INTO CANBY?**

**SUMMARY:** Annexation is the legal process to bring property into the City limits. Willow Creek Estates, Inc., has filed an application on behalf of the owner, A. Wayne Scott, asking the City to bring 9.74 acres of property into the City limits. The legal description of the property is Tax Lot 4700 of Tax Map 4-1E-4DA. The parcel is located east of S. Ivy Street, on the south side of SE 13<sup>th</sup> Avenue across from Ackerman Middle School and west of Tofte Farms Subdivision. This application has previously been approved by the City Council following a public hearing on July 21, 2004. The property is vacant farmland and contains no buildings. It is currently zoned Exclusive Farm Use (EFU) by Clackamas County. The City's Zoning Map calls for Low Density Residential (R-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

  
Date



# ANN 04-04 Willow Creek Estates

