

RESOLUTION NO. 877

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 4.57 ACRES DESCRIBED AS TAX LOTS 300, 301 AND 302 OF TAX MAP 3-1E-34B LOCATED IN THE NORTHEAST QUADRANT OF THE CITY, ON THE EAST SIDE OF N REDWOOD STREET, ACROSS FROM NE 12TH 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 NOVEMBER 2, 2004 ELECTION.

WHEREAS, the Canby City Council has heretofore approved an application filed by ManDan LLC, owners of tax lots 300, 301 and 302 of Tax Map 3-1E-34B, to annex 4.57 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.

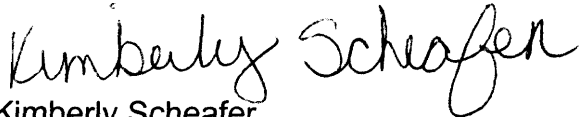
This Resolution shall take effect on August 18, 2004.

ADOPTED this 18th 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

NOTICE OF CITY MEASURE ELECTION

CITY OF CANBY

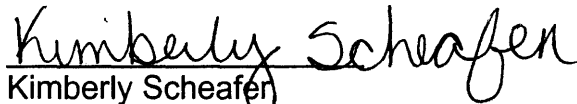
Notice is hereby given that on Tuesday, November 2, 2004, an election will be held in the City of Canby, Clackamas County, Oregon. The following shall be the ballot title for the measure submitted to the City's voters on this date:

CAPTION: MEASURE APPROVING ANNEXATION OF 4.57 ACRES INTO CITY OF CANBY

QUESTION: SHALL 4.57 ACRES LOCATED EAST OF N REDWOOD STREET ACROSS FROM NE 12TH AVENUE BE ANNEXED INTO CANBY?

SUMMARY: Annexation is the legal process to bring property inside the City limits. ManDan LLC has filed an application asking the City to bring 4.57 acres of property into the City limits. The legal description of the property is Tax Lots 300, 301 and 302 of Tax Map 3-1E-34B. The lots are located on the east side of N Redwood Street, across from NE 12th Avenue. This application has previously been approved by the Planning Commission and City Council. The property is vacant farmland with three existing single family residences. Properties to the west, across N Redwood Street from the site, are inside the City limits. The property to the south is also within the City limits, but properties to the north and east are outside City limits. This property is designated priority "B" for annexation. Upon annexation, the property will be zoned R-2, High Density Residential for Tax Lot 300, and R-1.5, Medium Density Residential for Tax lots 301 and 302. Although no development application is pending at this time, the applicant has indicated it wishes to construct 15 single family homes, 5 duplexes and 23 single family common wall units 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.


Kimberly Scheafer
Canby City Recorder - Pro-Tem

8-18-04
Date

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET
MEASURE APPROVING ANNEXATION OF 4.57 ACRES
INTO THE CITY OF CANBY

Measure No. _____

Word Total 349 (500 max)

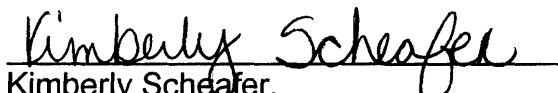
This measure would approve the annexation of 4.57 acres into the city limits of the City of Canby. The property which would be included within the City boundaries is known as Tax Lots 300, 301 and 302 of Tax Map 3-1E-34B and is located generally in the northeastern part of the City. Tax Lots 300, 301 and 302 are 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 301 would be rezoned to R-2, High Density Residential, while tax lots 301 and 302 would be rezoned to R-1.5, Medium Density Residential as required under the City's Comprehensive Land Use Plan (Comp Plan).

Tax Lots 300, 301 and 302 are owned by ManDan LLC. It 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.

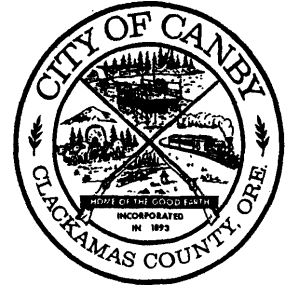
The property is located on the east side of N Redwood Street, across from NE 12th Avenue. The 4.57 acres is presently vacant farmland with three existing single family residences, and is bordered on the west by residential development within the City and on the south by property currently being developed, also located within the City limits. Property to the north and east are outside of City limits. Under the current zoning regulations, the applicant proposes to build 15 single family residences, 5 duplexes and 23 single family common wall units. 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 "B". The Canby Planning Commission voted 3-2 to approve the application and Canby City Council voted 6-0 to approve the application.

CITY OF CANBY


Kimberly Scheaffer,
Canby City Recorder - Pro tem

8-18-04
Date



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

**A REQUEST TO ANNEX 4.8
ACRES OF LAND INTO THE
CITY OF CANBY**

) **FINDINGS, CONCLUSIONS & ORDER**
) **ANN 04-02**
) **(MAN DAN LLC)**

NATURE OF APPLICATION

The applicants are requesting approval to annex three parcels containing approximately 4.8 acres into the City of Canby. The proposed annexation is located on the east side of N Redwood Street, north of Hwy 99E across from NE 12th Avenue. The subject parcels are adjacent to the north of the Garden Crossing development currently under construction. The applicants propose a conceptual development plan showing 15 single family homes and 33 common wall units with 2 four-plexes, 3 triplexes, and 8 duplexes

HEARINGS

The Planning Commission held a public hearing to consider this application on June 28, 2004. The City Council held a second public hearing to consider the application on August 4, 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 and 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 August 4, 2004 meeting. The City Council incorporates the July 27, 2004 Staff Report and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the July 27, 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 on the staff report, the Council determined that there is a buildable land inventory of approximately 4 years, including both platted and un-platted land within the City limits. The Council found that the platted buildable land supply in Canby is estimated at approximately 2 months, thereby establishing a need for high density and medium density residential land.
2. The Council considered these parcels' designation as priority "B" for annexation. The council determined that Canby's need for higher density residential land is sufficient to justify the annexation of priority "B" lands.

CONCLUSION

The City Council concludes that, based on the findings and conclusions contained in the July 27, 2004 staff report and the August 4, 2004 public hearing and based on Council deliberations on August 4, 2004:

1. The land is designated as Priority "B" for annexation. The need for R-1.5 and R-2 lands within the city limits however justifies the consideration of lands in the priority "B" designation.
2. The current supply of buildable R-1.5 and R-2 land is estimated at 3 years and 9 months within the City of Canby. The supply of platted land available for immediate development is currently estimated at only 2 months, 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 vacant farm land and residential development. The established need for residential land takes precedence over farm uses.
4. Access to the site is available from N Redwood Street.

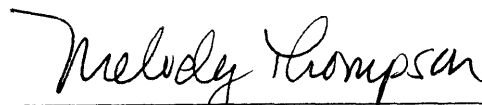
5. Public facilities and services are available or can be made available to serve the subject parcel. The City and other service-providers are able to provide the property with urban level services upon development.
6. The annexation proposal complies with other applicable City ordinances or policies.
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 a 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

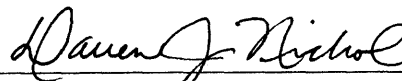
IT IS ORDERED BY THE CANBY CITY COUNCIL that annexation application **ANN 04-02** is **APPROVED** and will be forwarded to the Clackamas County Elections Department to appear on the November 2, 2004 general election ballot.

I CERTIFY THAT THIS ORDER approving ANN 04-02 was presented to and **APPROVED** by the Canby City Council.

DATED this 18th day of August, 2004.



Melody Thompson, Mayor
City of Canby



Darren J. Nichols
Associate Planner

ATTEST:

ORAL DECISION – August 4, 2004

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

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS – August 18, 2004

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

NOES: None

ABSTAIN: None

ABSENT: None

ANN 04-02 Man Dan LLC
4.57 acres
Tax Lots 300, 301, 302
Tax Map 3-1E-34B
Zoned R-1.5 & R-2

