

## **RESOLUTION NO. 893**

**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 APPROXIMATELY 30 ACRES DESCRIBED AS TAX LOTS 1700, 1800 AND 2000 OF TAX MAP 4-1E-4D LOCATED IN THE SOUTHWEST QUADRANT OF THE CITY, SOUTH OF HOPE VILLAGE BETWEEN S IVY STREET AND S FIR STREET JUST NORTH OF THE MOLALLA RIVER; 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 17, 2005 ELECTION.**

**WHEREAS**, the Canby City Council has heretofore approved an application filed by KJD Architecture on behalf of McMartin Farm LLC, owners of tax lots 1700, 1800 and 2000 of Tax Map 4-1E-4D, to annex approximately 30 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 17, 2005 in order to appear on the ballot for the May 17, 2005 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;

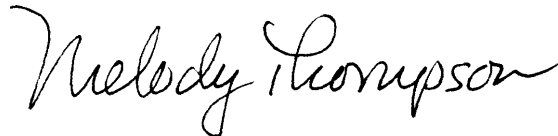
**NOW THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Canby, as follows:

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 17, 2005 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 17, 2005 election.

This Resolution shall take effect on March 17, 2005.

ADOPTED this 16<sup>th</sup> day of March, 2005, 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 30.189 ACRES  
INTO THE CITY OF CANBY**

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

Word Total: 403 (500 max)

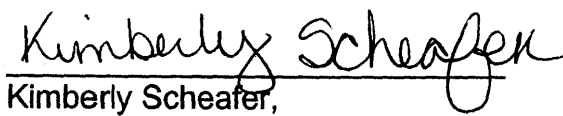
This measure would approve the annexation of three adjoining tax lots in the city limits of the City of Canby. The properties which would be included with the City boundaries are known as Tax Lots 1700, 1800 and 2000 of Tax Map 4-1E-4D. Portions of these tax lots contain property that is outside the City's Urban Growth Boundary (UGB). Only those portions that are within the Urban Growth Boundary will be annexed. The tax lots are located south of Hope Village at SW 13<sup>th</sup> Street, between S Ivy Street and S Fir Street and north of the Molalla River. The tax lots are currently zoned EFU (Exclusive Farm Use). If annexation into the City is approved by the voters, portions of the property would be rezoned to Low Density Residential (R-1), Medium Density Residential (R-1.5) and High Density Residential (R-2) as required under the City's Comprehensive Land Use Plan.

Tax Lots 1700, 1800 and 2000 are owned by McMartin Farm, LLC. KJD Architecture, on behalf of the owner, has filed the application to the City of Canby for approval of annexation as allowed by Oregon law. The City, following its Charter, has put this matter before the voters for approval.

Adjacent properties to the north, west and east are all outside the city limits, but within the City's UGB. The property to the south is outside the UGB. The parcels are not currently contiguous to the City of Canby; however the applicant proposes to annex that portion of S. Fir Street currently outside the City limits in order to provide a contiguous connection to property within the City. The parcel presently contains two single family residences. The applicant proposes to build 118 apartments for seniors, 41 townhouses and 55 single family homes in a master planned development. Any development proposed would have to comply with an approved master plan for the area, 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" 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". Portions of the subject property are designated under all three phasing priorities. The Planning Commission approved this annexation application by a 6-1 vote and the City Council approved the application by a 5-1 vote.

CITY OF CANBY

  
Kimberly Scheafer,  
City Recorder Pro-tem

3-16-05  
Date

## NOTICE OF CITY MEASURE ELECTION

### CITY OF CANBY

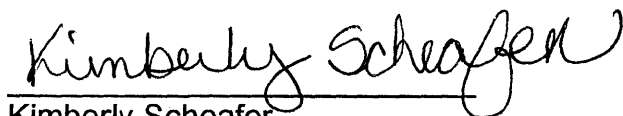
NOTICE IS HEREBY GIVEN that on Tuesday, May 17, 2005, an election will be held in the City of Canby, Clackamas County, Oregon. The following shall be the ballot title for the measure to be referred to the legal voters of the City on this date:

**CAPTION: MEASURE APPROVING ANNEXATION OF APPROXIMATELY 30 ACRES INTO CITY OF CANBY.**

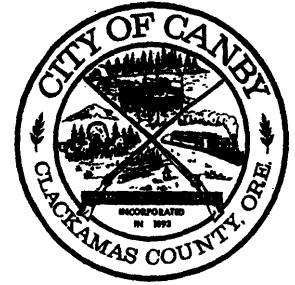
**QUESTION: SHALL APPROXIMATELY 30 ACRES LOCATED SOUTH OF HOPE VILLAGE BETWEEN SOUTH IVY STREET AND SOUTH FIR STREET BE ANNEXED INTO CANBY?**

**SUMMARY:** Annexation is the legal process to bring property into the City limits. Ken Diener of KJD Architecture has filed an application on behalf of the owner, McMartin Farm, LLC, asking the City to bring approximately 30 acres of property into the City limits. The legal description of the property is Tax Lots 1700, 1800 and 2000 of Tax Map 4-1E-4D. Only those portions of the tax lots that are within the City's Urban Growth Boundary will be annexed. The tax lots are located south of Hope Village at SW 13<sup>th</sup> Street, between S Ivy Street and S Fir Street just north of the Molalla River. This application has previously been approved by the Planning Commission and the City Council following public hearings in January and March, 2005. The property contains two single family residences. The City's Zoning Map calls for a portion of the property to be zoned Low Density Residential (R-1), a portion to be zoned Medium Density Residential (R-1.5) and a portion to be zoned High Density Residential (R-2) upon annexation into the City. The applicant has proposed building 55 single family homes, 41 townhouses and 118 apartments for on the site. 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  
City Recorder – Pro-Tem



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

**A REQUEST TO ANNEX 29.7  
ACRES OF LAND INTO THE  
CITY OF CANBY**

) **FINDINGS, CONCLUSIONS & ORDER**  
) **ANN 04-07**  
) **(McMartin)**

**NATURE OF APPLICATION**

The applicants seek to annex five tax lots containing approximately 29.7 acres into the City of Canby. If annexed, the applicants propose construction of 55 single family homes, 41 medium density townhomes and 118 high density apartments on lots zoned for Low, Medium and High Density. Access to an eventual subdivision development is proposed from S. Fir Street and from S. Ivy Street with an extension of South "H" Street through the proposed development. All five parcels are located on the south side of SW 13<sup>th</sup> Avenue, south of HOPE Village.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting on January 24, 2005. The Commission voted 6-1 recommending approval. The City Council held a second public hearing to consider the application at its meeting March 2, 2005. The Council voted 5-1 to forward the application on to Canby voters for a final decision at the ballot in a general election on May 17, 2005.

**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).

**Findings, Conclusions & Final Order**  
**PAGE 2 of 6**  
**ANN 04-07**

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 March 2, 2005 public hearing. The City Council incorporates the February 21, 2005 Staff Report and attachments (including the Planning Commission's record) and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the February 21, 2005 Staff Report.

## **CONCLUSION**

The City Council concludes that, based on the findings and conclusions contained in the February 21, 2005 staff report and the March 2, 2005 public hearing and based on Council deliberations on March 2, 2005:

1. The land is designated Priority "A", "B", and "C" for annexation. In this application, however, the proposal to annex a large portion of property under single ownership presents the City with an opportunity to comprehensively Master Plan the entire property and to extend utilities in a manner not feasible with smaller annexations. The Master Planning opportunity creates a benefit that justifies consideration of the proposal.
2. The current supply of platted residential land in Canby is estimated as follows:

|                      |          |                    |
|----------------------|----------|--------------------|
| R-1 Low Density      | 209 Lots | 2 years, 1 month   |
| R-1.5 Medium Density | 5 Lots   | 1 year, 9 months   |
| R-2 High Density     | 154 Lots | 2 years, 11 months |

The supply of land in each category is less than the 3 year supply considered sufficient to meet the need for residential land.
3. Although the property can be considered larger, agricultural land, the Council finds that the land is not viable as economically productive ag land based on testimony in the record by the owners. The opportunity to master plan the entire site offers another reason to consider this larger acreage.
4. Access is adequate to the site and will be further improved by improvements of the roadway, including off-site improvements to S Fir Street volunteered by the applicant in conjunction with development.
5. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services upon future development. The applicant has proposed sewer service improvements sufficient to provide sewer upon development.
6. The annexation proposal is in compliance with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes.

8. No natural hazards have been identified on the site. Annexation of the parcels may indeed help to alleviate trespass and pollution issues existing on the River frontage at the site and on surrounding parcels.
9. There is no designated open space, scenic, historic or natural resource areas identified on the subject property. In that manner, development impacts are limited. Future development must also comply with the open space designation and requirements found in the Parks Master Plan. Open spaces along the Molalla River will be preserved by City codes and adoption of an area-wide master plan.
10. No adverse economic impacts are likely to result from the annexation of the subject property.

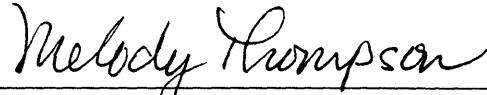
**ORDER**

**IT IS ORDERED BY THE CANBY CITY COUNCIL** that annexation ANN 04-07 is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the May 17, 2005 general election ballot.

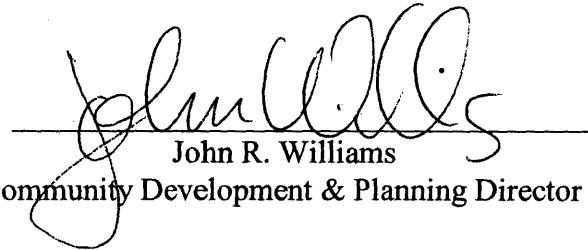


**I CERTIFY THAT THIS ORDER** approving ANN 04-07 was presented to and **APPROVED** by the Canby City Council.

DATED this 16<sup>th</sup> day of March, 2005.



Melody Thompson, Mayor  
City of Canby



John R. Williams  
Community Development & Planning Director

**ATTEST:**

**ORAL DECISION – March 2, 2005**

AYES: Blackwell, Carson, Daniels, Newton, Oliver

NOES: Harris

ABSTAIN: None

ABSENT: None

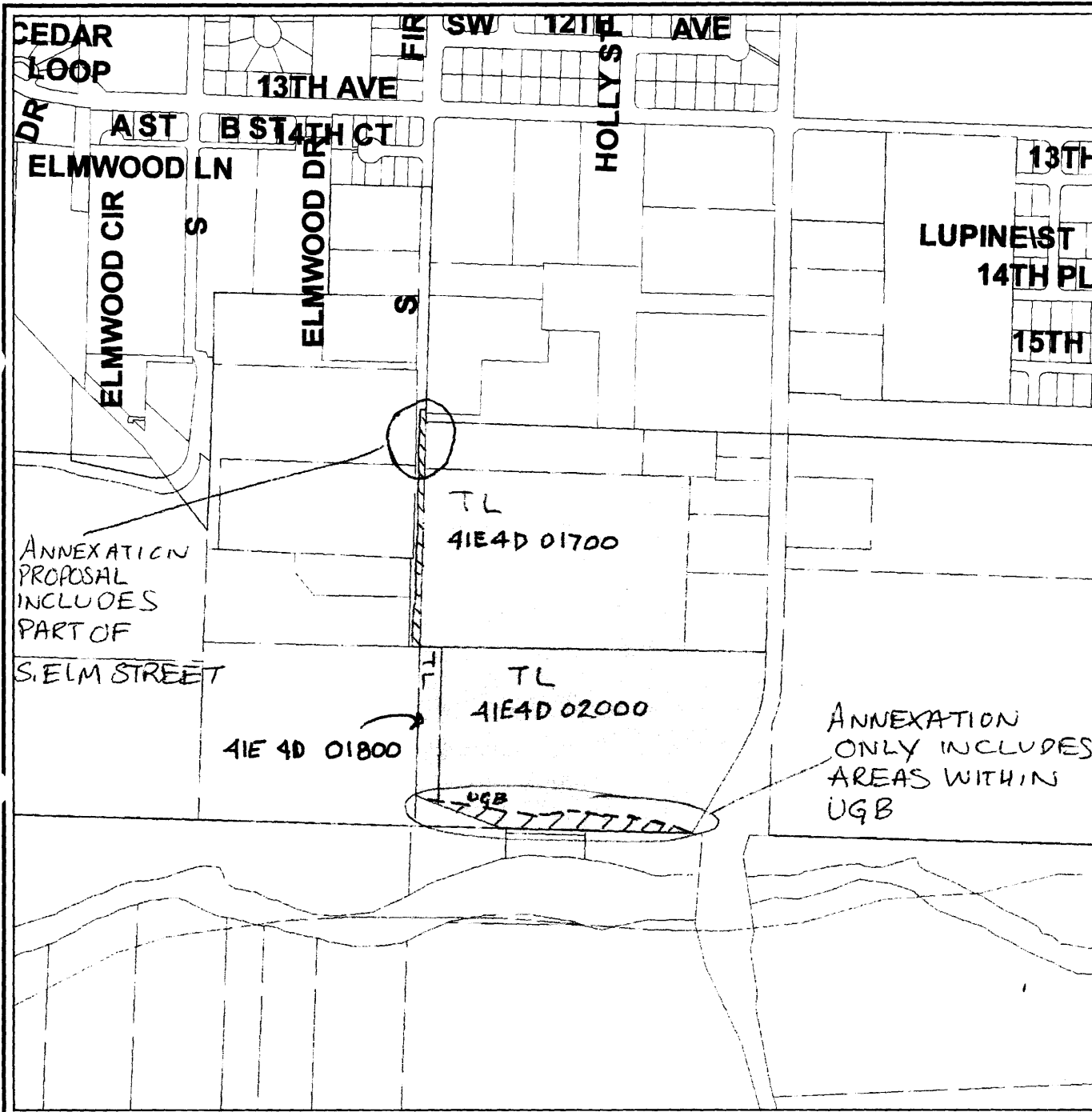
**WRITTEN FINDINGS – March 16, 2005**

AYES: Blackwell, Carson, Daniels, Oliver

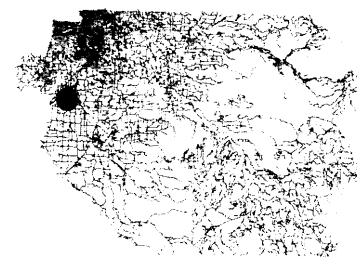
NOES: Harris

ABSTAIN: None

ABSENT: Newton



# City of Canby McMartin Annexation

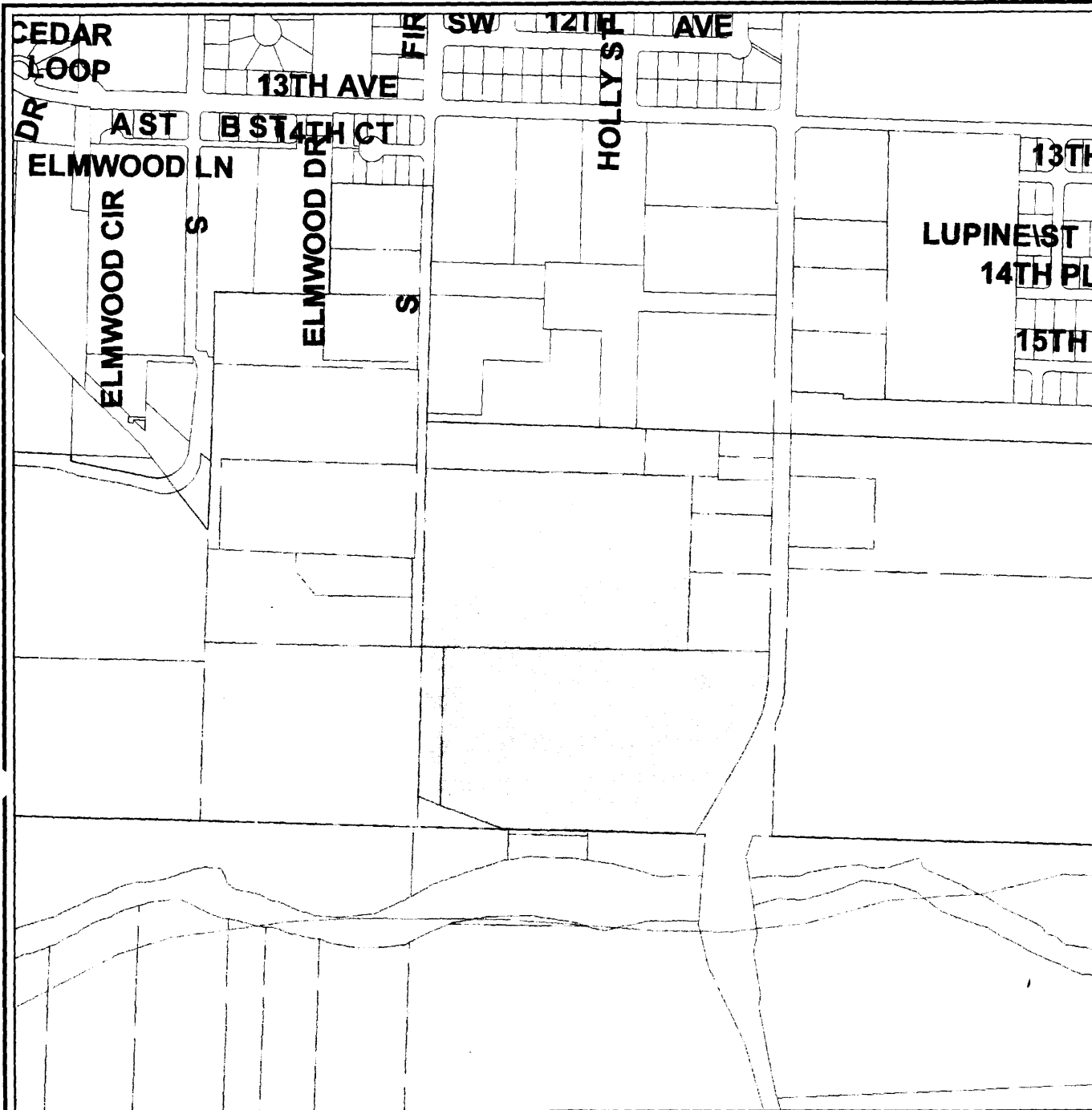


*Clackamas  
County*

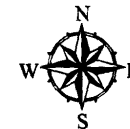
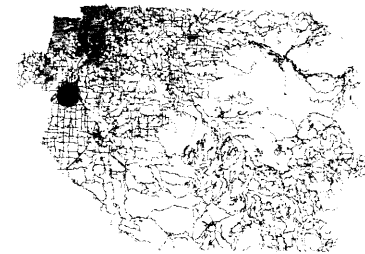
Geographic Information Systems  
121 Library Court  
Oregon City, OR 97045

This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

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# City of Canby McMarten Annexation



*Clackamas  
County*

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Oregon City, OR 97045

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