

RESOLUTION NO. 928

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 73.35 ACRES DESCRIBED AS TAX LOTS 100, 101, 102 & 103 OF TAX MAP 4-1E-03 LOCATED NORTH OF SW 13TH AVE, WEST OF MULINO ROAD AND SOUTH OF S TOWNSHIP 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 7, 2006 ELECTION.

WHEREAS, the Canby City Council has heretofore approved an application filed by the Weygandt family as the owners of tax lots 100, 101, 102 & 103 of Tax Map 4-1E-03, to annex 73.35 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 7, 2006 in order to appear on the ballot for the November 7, 2006 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 7, 2006 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.

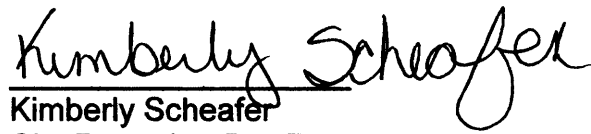
3. The City Recorder, the City Administrator and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the November 7, 2006 election.

This Resolution shall take effect on August 2, 2006.

ADOPTED this 2nd day of August, 2006, by the Canby City Council.


Melody Thompson - Mayor

ATTEST:


Kimberly Scheafer
City Recorder, Pro-Tem

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

MEASURE APPROVING ANNEXATION OF 73.35 ACRES INTO THE CITY OF CANBY

Measure No. _____

Word Total 429 (500 max)

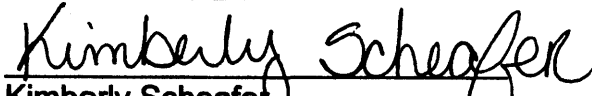
This measure would approve the annexation of 73.35 acres into the city limits of the City of Canby. The property which would be included within the City boundaries is known as Tax Lots 100, 101, 102 & 103 of Tax Map 4-1E-03 and is located generally in the southeast part of the City in the industrial park. Tax Lots 100, 101, 102 & 103 are currently zoned Exclusive Farm Use (EFU) under County zoning. If annexation into the City is approved by the voters, the parcels would be rezoned to M-1, Light Industrial, as required under the City's Comprehensive Land Use Plan (Comp Plan) and Zoning Map.

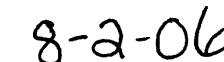
Tax Lots 100, 101, 102 & 103 are owned by Weygandt LLC., R.A. & Patsy Weygandt and Lisa M. Weygandt. They have filed the application for annexation into the City of Canby. The City, following its Charter, has put this matter before the voters for approval.

The address of the property is 2522 SE Township Road. The tax lots are north of SW 13th Ave., west of Mulino Road and south of S Township Road. The 73.35 acres is located entirely within the Canby Pioneer Industrial Park and is serviced by a railroad spur line. It contains one single family residence and several outbuildings. Adjacent properties on the east and south side are all outside the Canby Urban Growth Boundary (UGB). Property to the north is within the UGB, but outside the City at this time. It is zoned light industrial. One large piece of property to the west is within the City and is zoned light industrial while the rest of the property to the west is outside the City at this time. Under the M-1 zoning regulations, the applicant proposes to develop the property for light industrial use. 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 subject property is priority "C", however there is no remaining priority "A" or "B" industrial property available for annexation. The Canby Planning Commission voted unanimously to approve the application and the Canby City Council voted unanimously to approve the application and refer it to a vote of the Canby electorate.

CITY OF CANBY


Kimberly Scheafer
Canby City Recorder - Pro tem


Date

**CITY OF CANBY
NOTICE OF CITY MEASURE ELECTION
FOR THE NOVEMBER 7, 2006 ELECTION**

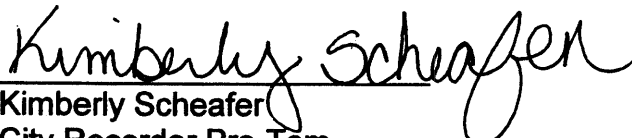
NOTICE IS HEREBY GIVEN that on Tuesday, November 7, 2006, an election will be held in the City of Canby, Clackamas County, Oregon. The following shall be the ballot title for the measure submitted to the City's voters on this date:

CAPTION: MEASURE APPROVING ANNEXATION OF 73.35 ACRES INTO CITY OF CANBY.

QUESTION: SHALL 73.35 ACRES LOCATED IN THE SE CORNER OF THE CANBY PIONEER INDUSTRIAL PARK BE ANNEXED INTO CANBY?

SUMMARY: Annexation is the legal process to bring property into the City limits. Weygandt, LLC, R.A. & Patsy Weygandt and Lisa M. Weygandt have filed an application asking the City to bring 73.35 acres of property into the City limits. The legal description of the property is Tax Lots 100, 101, 102 & 103 of Tax Map 4-1E-03. The parcels are located north of SW 13th Ave., west of Mulino Road and south of S Township Road. This application has previously been approved by the Canby Planning Commission and the City Council following a public hearing on July 5, 2006. The property contains one single-family residence and several outbuildings. It is currently zoned Exclusive Farm Use (EFU) by Clackamas County. 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, which includes completion of the ballot title challenge process.


Kimberly Scheafer
City Recorder Pro-Tem

8-2-06
Date



BEFORE THE CITY COUNCIL OF THE CITY OF CANBY

**A REQUEST TO ANNEX 73.35
ACRES OF LAND INTO THE
CITY OF CANBY**)
)
)

**FINDINGS, CONCLUSIONS & ORDER
ANN 06-01**

NATURE OF APPLICATION

The applicant is seeking approval to annex 73.35 acres into the City. The site is located south of Township Road, west of Mulino Road, east of the Molalla Logging Road Trail, and north of SW 13th Ave. If annexed the property would be zoned M-1 (Light Industrial) in accordance with the Canby Comprehensive Plan. The addition of the subject parcels will increase the availability of large rail-accessible industrial land within the City.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting on June 12, 2006. A quorum of the Commission voted 4-0 recommending approval. The City Council held a second public hearing to consider the application at its July 5, 2006 meeting. The Council voted 6-0 to forward the application on to Canby voters for a final decision at the ballot in the primary election on November 7, 2006.

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;

**Findings, Conclusions & Final Order
ANN 06-01
Page 1 of 4**

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. The full text of the annexation criteria can be found in Section 16.84.040 of the Land Development and Planning Ordinance.

FINDINGS AND REASONS

The City Council deliberated on all evidence and testimony presented at the July 5, 2006 meeting. The City Council incorporates the May 31, 2006 Staff Report and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the May 31, 2006 Staff Report.

CONCLUSION

The City Council concludes that, based on the findings and conclusions contained in the May 31, 2006 staff report and the July 5, 2006 public hearing and based on Council deliberations on July 5, 2006:

1. The subject parcel is designated priority "C" for annexation; however, there is no more existing priority "A" or "B" land available for annexation. Additionally, the City has as need for new rail-accessible industrial land. Therefore, Criteria #1 is met.
2. The City has a need for new rail-accessible industrial land; land that is essentially unavailable within the City limits at present.
3. The annexation proposal seeks to carry out the priorities contained within the Comprehensive Plan. This proposal to annex parcels in a planned and coordinated manner will allow for the later creation of appropriately sized and configured parcels for industrial development and the coordinated provision of public facilities.

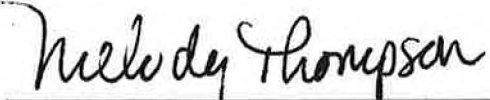
4. The site abuts SE 13th Avenue and S Township Road and will be served by the future extension of Sequoia Parkway. Roads will be improved prior to additional development. Additionally, railroad can serve the parcels.
5. Public facility and service providers have stated that services will be available to the property through development. Offsite extensions of water, sewer, and electric will be required as part of development.
6. The proposal meets other applicable city ordinances and policies, as discussed in the analysis above with relation to Comprehensive Plan policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes.
8. No natural hazards have been identified on the site.
9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
10. Annexation will substantially increase the industrial land available for development within the City of Canby. The economic benefits created by an increased employment base will be substantial. The site is not immediately adjacent to residential areas and impacts to the community are anticipated to be slight.

ORDER

IT IS ORDERED BY THE CANBY CITY COUNCIL that annexation ANN 06-01 is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the November 7, 2006 primary election ballot.

CERTIFY THAT THIS ORDER approving ANN 06-01 was presented to and **APPROVED** by the Canby City Council.

DATED this 19th day of July, 2006.



Melody Thomson, Mayor
City of Canby



Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – July 5, 2006

AYES: Carson, Oliver, Daniels, Harris, Blackwell, Helbling

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS – July 19, 2006

AYES: Carson, Oliver, Daniels, Blackwell, Helbling

NOES: None

ABSTAIN: None

ABSENT: Harris