

## **RESOLUTION NO. 947**

**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 32.62 ACRES DESCRIBED AS TAX LOTS 2400 AND 3100 OF TAX MAP 3-1E-34 LOCATED AT 23849 S 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 MAY 15, 2007 ELECTION.**

**WHEREAS**, the Canby City Council has heretofore approved an application filed by the Parsons Family Trust, as the owners of tax lots 2400 and 3100 of Tax Map 3-1E-34, to annex 32.62 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 15, 2007 in order to appear on the ballot for the May 15, 2007 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 15, 2007 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

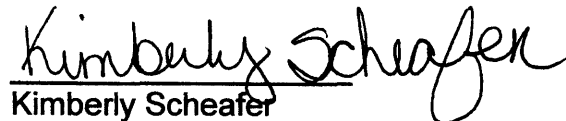
authorized to do all other necessary and proper acts to place the ballot measure before the voters at the May 15, 2007 election.

This Resolution shall take effect on March 7, 2007.

ADOPTED this 7th day of March, 2007, by the Canby City Council.

  
Melody Thompson - Mayor

ATTEST:

  
Kimberly Scheafer  
City Recorder, Pro-Tem

**CITY OF CANBY  
NOTICE OF CITY MEASURE ELECTION  
FOR THE MAY 15, 2007 ELECTION**

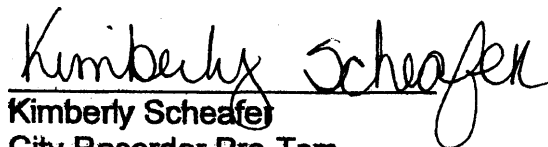
NOTICE IS HEREBY GIVEN that on Tuesday, May 15, 2007, an election will be held in the City of Canby, Clackamas County, Oregon. The following shall be the ballot title for the measure submitted to the City's voters on this date:

**CAPTION:** MEASURE APPROVING ANNEXATION OF 32.62 ACRES INTO CITY OF CANBY.

**QUESTION:** SHALL 32.62 ACRES LOCATED AT 23849 S MULINO ROAD, NORTH OF TOWNSHIP ROAD, BE ANNEXED INTO CANBY?

**SUMMARY:** Annexation is the legal process to bring property into the City limits. The Parsons Family Trust has filed an application as the owners of a 32.62 acre parcel, asking the City to bring it into the Canby City limits. The legal description of the property is Tax Lots 2400 and 3100 of Tax Map 3-1E-34. The parcel is located at 23849 S. Mulino Road, north of Township Road, in Southeast Canby. This application has previously been approved by the City Council following a public hearing on February 7, 2007. The property currently contains a residence and several outbuildings. It is currently zoned Exclusive Farm Use (EFU) by Clackamas County. The City's Zoning Map designates the property for Light Industrial (M-1) zoning 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 Scheaffer  
City Recorder Pro-Tem

3-7-07  
Date

**EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET**

**MEASURE APPROVING ANNEXATION OF 32.62 ACRES  
INTO THE CITY OF CANBY**

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

Word Total 396 (500 max)

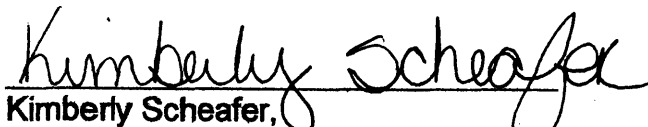
This measure would approve the annexation of 32.62 acres into the city limits of the City of Canby. The property which would be included within the City boundaries is known as Tax Lots 2400 and 3100 of Tax Map 3-1E-34 and is located at 23849 S. Mulino Road, north of Township Road, in the southeast part of the City. Tax Lots 2400 and 3100 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 2400 and 3100 are owned by the Parsons Family Trust. The Trust has filed an application for annexation into the City of Canby. The City, following its Charter, has put this matter before the voters for approval.

The parcel is located at 23849 S. Mulino Road, north of Township Road, in Southeast Canby. The property currently contains one single family residence and several outbuildings. Adjacent properties to the north and a portion of the properties to the west are within current city limits. Adjacent properties to the south and a portion of the properties to the west are located outside the current city limits. Properties to the east are located outside the City's Urban Growth Boundary. Properties to the north and west are zoned for Light Industrial development. Property to the south is outside the city limits, but is within Canby's Urban Growth Boundary and would be zoned Light Industrial upon annexation. The applicant proposes to market the property as Light Industrial as part of the Pioneer Industrial Park designation. 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.

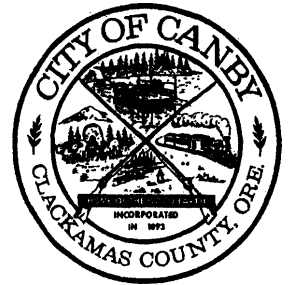
The Canby Comp Plan also designates properties for annexation as Priority "A", "B" or "C". Priority "A" properties shall generally be annexed prior to those areas shown as Priority "B" which, in turn, shall generally be annexed prior to those areas shown as Priority "C". The property is priority "C". The Canby Planning Commission unanimously voted to approve the application and the Canby City Council also 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

3-7-07  
Date

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



**A REQUEST TO ANNEX 32.62  
ACRES OF LAND INTO THE  
CITY OF CANBY** )

**FINDINGS, CONCLUSIONS & ORDER  
ANN 06-05**

**NATURE OF APPLICATION**

The applicant is seeking to annex 32.62 acres into the City of Canby. 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 industrial land within the City.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting on January 22, 2007. A quorum of the Commission voted 3-0 recommending approval. The City Council held a second public hearing to consider the application at its February 7, 2007 meeting. The Council voted 4-0 to forward the application on to Canby voters for a final decision at the ballot in the primary election on May 15, 2007.

**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 06-05  
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 February 7, 2007 meeting. The City Council incorporates the January 12, 2007 Staff Report and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the January 12, 2007 Staff Report.

#### **CONCLUSION**

The City Council concludes that, based on the findings and conclusions contained in the January 12, 2007 Staff Report, the Planning Commission Findings and Conclusion, the February 7, 2007 public hearing and based on Council deliberations on February 7, 2007:

1. The subject parcel is designated priority "C" for annexation; however, there is no more existing priority "A" or "B" land available for annexation.
2. The Planning Commission finds that the annexation is in compliance with the Pioneer Industrial Park Master Plan, will facilitate the needed infrastructure improvements, will allow Canby to be competitive in the marketplace and will provide transportation access to Mulino Road and Highway 99E.
3. This annexation proposal seeks to carry out the priorities contained within the Comprehensive Plan. This proposal seeks to annex parcels that are part of Canby's Industrial Master Plan.
4. The site abuts Mulino Road and S Township Road. Roads will be improved prior to additional 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. This annexation will assist with infrastructure improvements in support of the Pioneer Industrial Park Master Plan.

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.
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. The proposed annexation will 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 06-05 is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the May 15, 2007 primary election ballot.

**I CERTIFY THAT THIS ORDER** approving ANN 06-05 was presented to and **APPROVED** by the Canby City Council.

DATED this 21st day of February, 2007.



Melody Thomson, Mayor  
City of Canby



Kevin C. Cook  
Associate Planner

**ATTEST:**

**ORAL DECISION – February 7, 2007**

AYES: Carson, Helbling, Daniels, Blackwell

NOES: None

ABSTAIN: None

ABSENT: Oliver

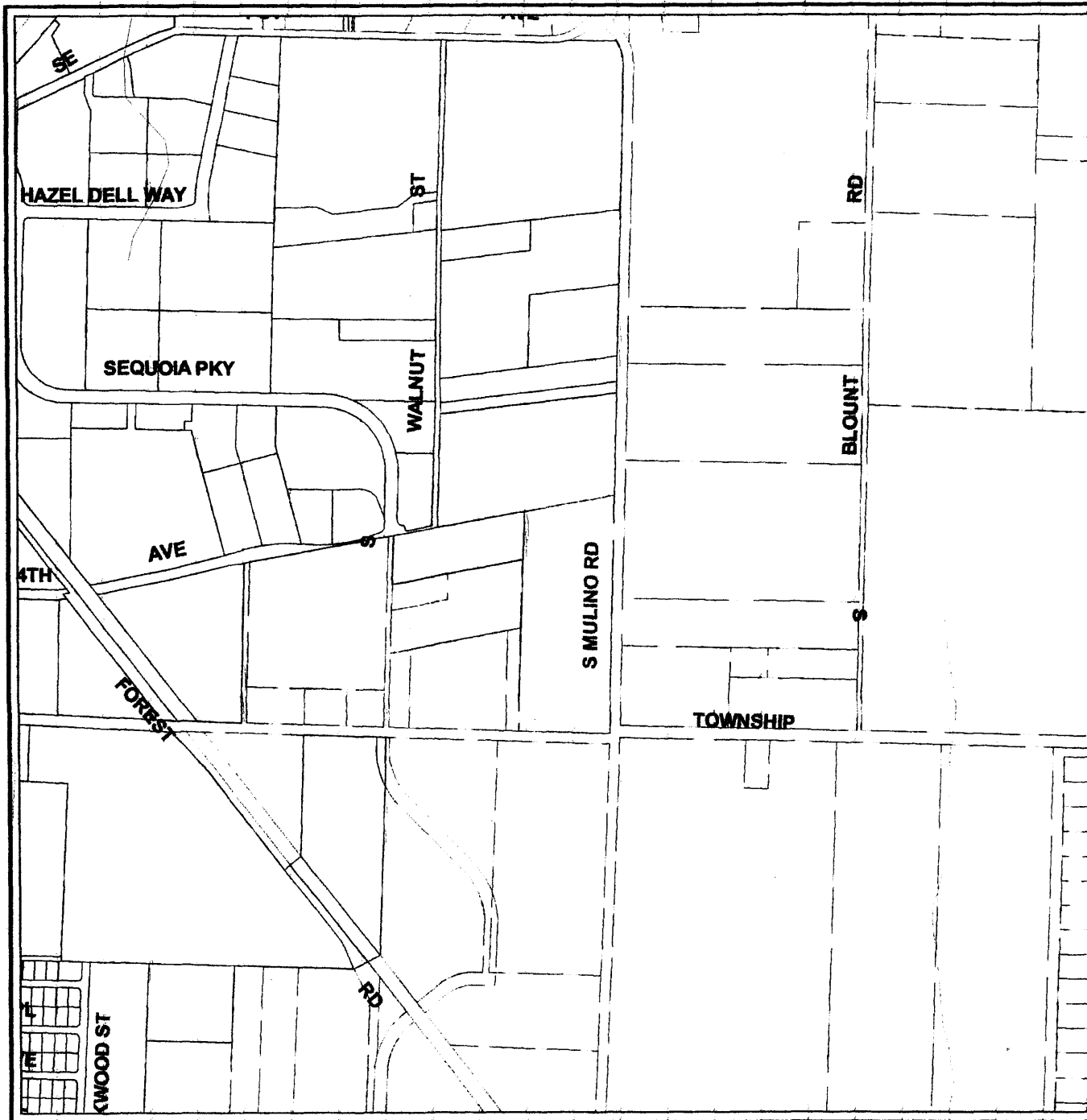
**WRITTEN FINDINGS – February 21, 2007**

AYES: Carlson, Blackwell, Oliver, Daniels, Carson & Helbling

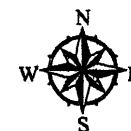
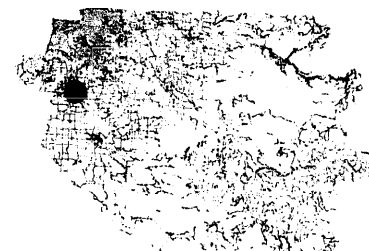
NOES: None

ABSTAIN: None

ABSENT: None



## 23849 and 26325 S Mulino Road



*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.

December 22, 2006 02:33 PM