

ORDINANCE 1294

**AN ORDINANCE AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE
CONCERNING ANNEXATION CRITERIA**

WHEREAS, amendments to Canby's Land Development and Planning Ordinance concerning annexations are needed to ensure consistency, functionality, and legality; and

WHEREAS, the Planning Commission, after providing appropriate public notice, conducted a joint public hearing with the Canby City Council on August 25, 2008 to consider proposed set of Text Amendments to the annexation criteria, during which the citizens of Canby were given the opportunity to present testimony on these proposed changes; and

WHEREAS, the Planning Commission found that the standards and criteria of section 16.88.160 of the Land Development and Planning Ordinance, concerning Text Amendments, were met, and unanimously recommended approval to the City Council after making certain modifications; and

WHEREAS, the City Council, in its meeting on September 3, 2008, reviewed the Planning Commission's recommendations and findings of fact regarding the subject amendments, and concluded that the Planning Commission's findings of fact and Text Amendments were appropriate; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

- 1) The City Council hereby adopts the Planning Commission's Findings of Fact, as detailed in Exhibit A, and approves Text Amendment 08-03; and
- 2) Title 16, the Land Development and Planning Ordinance of the City of Canby, is modified as detailed in Exhibit B.

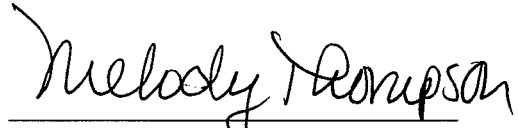
SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, September 3, 2008 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, September 17, 2008, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 NW 2nd Avenue in Canby, Oregon.

Kimberly Scheafer, CMC
City Recorder Pro-Tem

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on September 17, 2008 by the following vote:

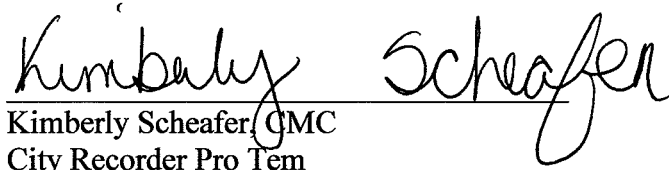
YEAS 4

NAYS 0



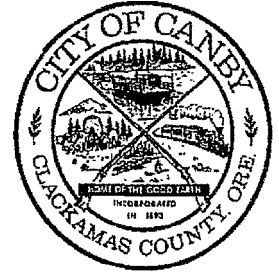
Melody Thompson, Mayor

ATTEST:



Kimberly Scheafer, GMC
City Recorder Pro Tem

EXHIBIT "A"



**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY**

A REQUEST FOR AMENDMENTS)	FINDINGS, CONCLUSION & ORDER
TO THE LAND DEVELOPMENT &)	TA 08-03
PLANNING ORDINANCE IN ORDER TO)	(City of Canby)
UPDATE CHAPTERS 16.08 AND 16.84)	
CONCERNING ANNEXATIONS)	

NATURE OF APPLICATION

This application contains proposed amendments to the City of Canby's Land Development and Planning Ordinance relating to criteria for annexation. The proposed amendments primarily update the City of Canby's annexation criteria by deleting outdated criteria, clarifying existing criteria, and adding new criteria which sets forth requirements for Development Agreements and Development Concept Plans.

HEARINGS

The Planning Commission held a joint public hearing with the Canby City Council on August 25, 2008 to consider this application.

CRITERIA AND STANDARDS

Section 16.88.160 – Amendments to text of title

This is a legislative land use amendment. In judging whether or not this title should be amended, the Planning Commission and City Council shall consider:

1. The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which

might be expected to be made;

4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
5. Statewide planning goals.

FINDINGS AND REASONS

The Planning Commission, after holding a joint public hearing with the Canby City Council on August 25, 2008, and considering the August 18, 2008 staff report, deliberated and reached a decision approving the text amendment application of TA 08-03. The Commission adopted the findings and conclusions contained in the August 18, 2008 staff report, written in the Order below:

CONCLUSION

The Planning Commission of the City of Canby concludes that:

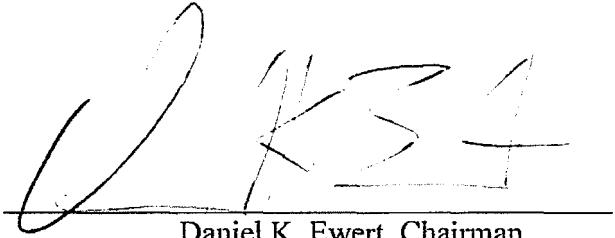
1. The amendment complies with the Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development.
2. There is a public need for the change.
3. The change will serve the public need better than any other change which might be expected to be made.
4. The change will preserve and protect the health, safety, and general welfare of the residents in the community.
5. The amendment complies with the Statewide Planning Goals.

ORDER

IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that the Canby City Council approve **TA 08-03**.

I CERTIFY THAT THIS ORDER recommending approval of TA 08-03 to the Canby City Council was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 25th day of August, 2008.

A handwritten signature in black ink, appearing to read 'D. Ewert', written over a horizontal line.

Daniel K. Ewert, Chairman
Canby Planning Commission

A handwritten signature in black ink, appearing to read 'Matilda Deas', written over a horizontal line.

Matilda Deas, AICP
Project Planner

EXHIBIT "B"

New code=bold green

~~Deleted old code=strikethrough~~

16.08.40 Zoning of annexed areas.

~~An area annexed to the city shall be automatically classified in the zone which best conforms to the land use map of the Comprehensive Plan. Such Zoning of newly annexed areas shall be considered by the Planning Commission in its review and by the council in conducting its public hearing for the annexation. (Ord. 740 section 10.3.05(D), 1984)~~

16.84.030 Filing procedures

- B. Application Submittal.** Application procedures shall be as described in Chapter 16.89, on forms provided by the Planning Department. (ORD. 899 section 6, 1993; Ord. 740 section 10.6.30, 1984; Ord. 981 section 36, 1997; Ord. 1019 section 18-20, 1999; Ord. 1080 , 2001; Ord 1237, 2007.

16.84.010 Purpose.

It is the purpose and general intent of this division to delineate the appropriate procedures to be followed to annex territory to the city. It is recognized that alterations to the corporate limits are major land use actions affecting all aspects of city government including taxation, the provision of public services, land use patterns, vehicular circulation, etc. Decisions on proposed annexations are, therefore, of critical importance to the city. The procedures and standards established in this chapter are required for review of proposed annexations in order to:

- A.** Provide adequate public information and sufficient time for public review before an annexation election;
- B.** Maximize citizen involvement in the annexation review process;
- C.** Establish a system for measuring the physical, environmental, and related social effects of proposed annexations; and
- D.** Ensure adequate time for staff review. (Ord. 740 section 10.6.10, 1984; Ord. 981 section 35, 1997)

16.84.040 Standards and criteria.

- ~~**A.** When reviewing a proposed annexation of territory, the commission shall give ample consideration to the following standards and criteria:~~

A. The following criteria shall apply to all annexation requests.
~~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). Areas designated as Type A urbanization lands shall be annexed prior to those areas shown as Type B, etc. Annexation which is not in keeping with the phased growth concept shall only be permitted when the following findings are made:~~

1. The City of Canby Annexation Development Map shall determine which properties are required to submit either:

- a. A Development Agreement (DA) binding for all properties located within the boundaries of a designated DA area as shown on the City of Canby Annexation Development Map. The terms of the Development Agreement may include, but are not limited to:**
- 1. Timing of the submittal of an application for zoning**
 - 2. Dedication of land for future public facilities including park and open space land**
 - 3. Construction of public improvements**
 - 4. Waiver of compensation claims**
 - 5. Waiver of nexus or rough proportionality objections to future exactions**
 - 6. Other commitments deemed valuable to the City of Canby**

For newly annexed properties that are within the boundaries of a DA area as designated on the City of Canby Annexation Development Map: A Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest prior to the City Council granting a change in zoning classification.

b. A Development Concept Plan (DCP) binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map. A Development Concept Plan shall address City of Canby infrastructure requirements including:

- 1. Water**
- 2. Sewer**
- 3. Stormwater**
- 4. Access**
- 5. Internal Circulation**
- 6. Street Standards**
- 7. Fire Department requirements**
- 8. Parks and open space**

For newly annexed properties that are within the boundaries of a DCP area as designated on the City of Canby Annexation Development Map: A Development Concept Plan shall be adopted by the Canby City Council prior to granting a change in zoning classification.

~~a. Appropriateness of the annexation in terms of timing for city growth and development;~~

~~b. There will be some special benefit to the city overall as a result of the annexation which would not occur if the phased growth pattern was followed;~~

~~c. The annexation will result in no adverse impacts on the city's planned provision of public facilities and services.~~

~~The burden of proving the appropriateness of the annexation is greatest for those proposals which are least in keeping with the phased growth concept;~~

2. Analysis of the need for additional property within the city limits shall be provided. The analysis shall include the amount of developable land (within the same class of zoning - low density residential, light industrial, etc.) Currently within the city limits; the approximate rate of development of those lands; and how the proposed annexation will affect the supply of developable land within the city limits. A supply of developable residential land to provide for the anticipated population growth over the following three years is considered to be sufficient;

~~3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;~~

3. Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part; and proposed actions to mitigate identified concerns, if any. A neighborhood meeting is required as per Table 16.89,020 of the City of Canby Land Development and Planning Ordinance.

~~4. Access shall be adequate to the site;~~

4. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;

~~5. Adequate public facilities and services shall be available to service the potential (or proposed) development;~~

5. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;

6. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;

7. Statement outlining method and source of financing required to provide additional facilities, if any;

~~8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;~~

8. Statement indicating the type and nature of any comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.

9. Compliance with other applicable city ordinances or policies;

10. 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.);~~

~~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.~~

B. ~~If the proposed annexation involves property beyond the city's Urban Growth Boundary, or if the annexation is proposed prior to the acknowledgment of compliance of the city Comprehensive Plan by the state Land Conservation and Development Commission (LCDC), the proposal shall be reviewed for compliance with the Statewide Planning Goals. (Ord. 740 section 10.6.40, 1984; Ord. 981 section 37, 1997)~~

