

RESOLUTION NO. 1113

A RESOLUTION APPROVING ANNEXATION OF 4 ACRES OF LAND WHICH SHALL BE ZONED R-2 HIGH DENSITY RESIDENTIAL, PENDING ANNEXATION APPROVAL BY THE CANBY ELECTORATE.

WHEREAS, Hope Village, Inc. owns real property described as Clackamas County Tax Lot 900 and 1000 of Tax Map 4S-1E-4D, and is otherwise located adjacent to and east of the 1600 Block of S. Fir Street as depicted on locator map attached as Exhibit "A"; and

WHEREAS, Robert Price has submitted an application on behalf of Hope Village, Inc., the owners, to the City of Canby requesting annexation of 4 acres of land, and the assignment of the R-2 High Density Residential zone district which conforms with the Canby Comprehensive Plan Map; and

WHEREAS, the Canby Planning Commission held a public hearing on July 18, 2011, after which the Planning Commission recommended to the City council that the annexation be approved, and that the zoning of the property upon annexation be designated as requested; and

WHEREAS, the City Council received a record of the Planning Commission's public hearing, together with Commission's recommendation of approval on July 18, 2011;

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

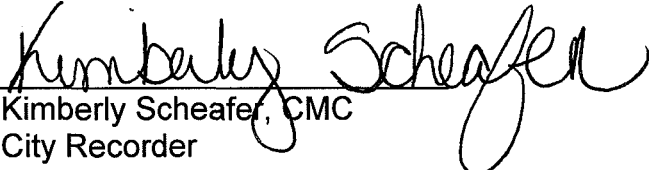
1. The Canby City Council hereby approves annexation and zoning map amendment application case no. ANN 11-01/ZC 11-01 for submission to the Canby electorate for vote; a legal description of the property to be annexed in the form of a Tax Lot locator map is attached hereto this Resolution as Exhibit "A".
2. Upon annexation, the zoning of the 4 acres of annexed land shall be designated as R-2 High Density Residential and indicated as such on the official zoning map for the City of Canby.
3. This Resolution shall take effect on August 3, 2011.

ADOPTED this 3rd day of August, 2011, by the Canby City Council.



Randy Carson
Mayor

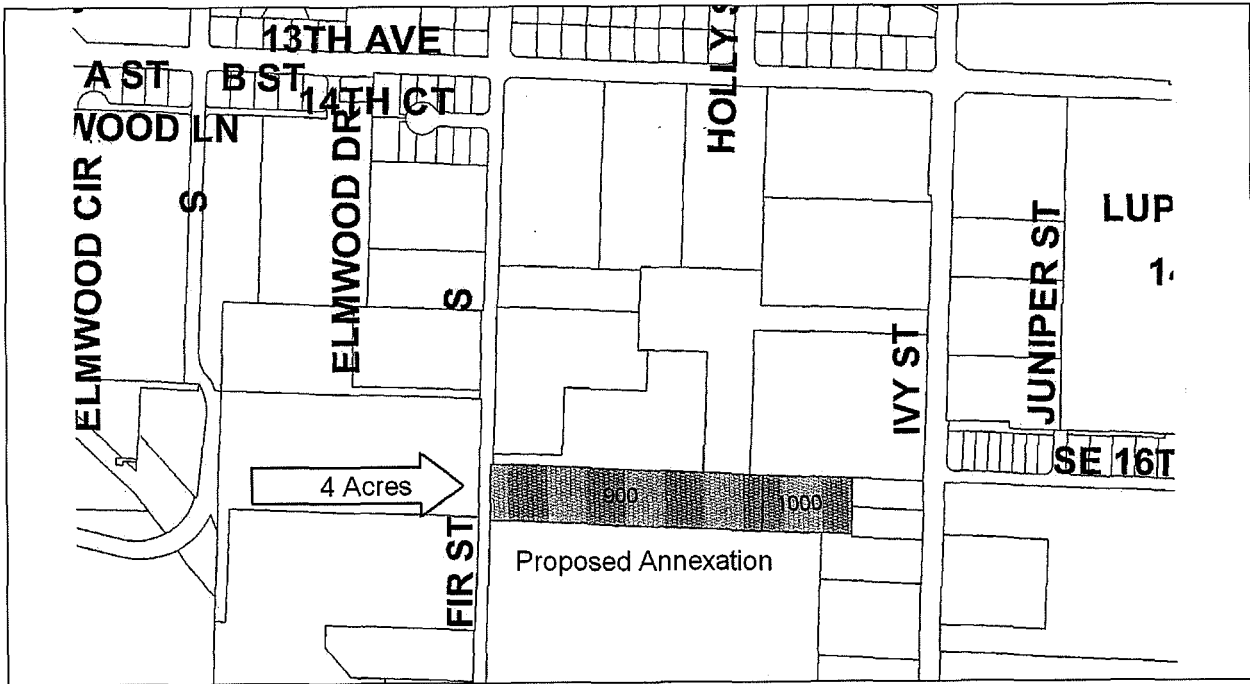
ATTEST:



Kimberly Scheafer, CMC
City Recorder

EXHIBIT "A"

Locator map

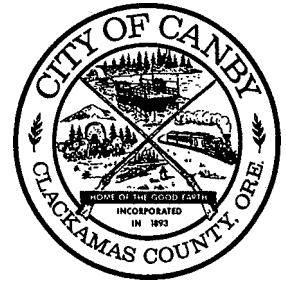


City File #: ANN 11-01 / ZC 11-01

Applicant: Hope Village

Tax Map: 4S-1E-4D

Tax Lots: 900 and 1000



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

**A REQUEST TO ANNEX 4)
ACRES OF LAND INTO THE)
CITY OF CANBY)**

**FINDINGS, CONCLUSIONS & ORDER
ANN 11-01/ZC 11-01**

NATURE OF APPLICATION

Hope Village, Inc. seeks to annex 4 acres of property adjacent to their senior housing complex into the City of Canby for future expansion and have R2 High Density Residential zoning assigned to the property.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting on July 18, 2011. The Planning Commission forwarded a recommendation of approval to City Council. The City Council held a second public hearing to consider the application and the Planning Commission's recommendation at its August 3, 2011, meeting. Planning Director Bryan Brown presented a staff report. Craig Gingerich and Robert Price spoke on behalf of the applicant. The Council voted to approve the annexation and zone change application and to forward the application on to the Canby voters for a final decision on this matter.

CRITERIA AND STANDARDS

The Planning Commission forms a recommendation for the City Council to 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 and Section 16.54 of the Canby Municipal Code states the applicable review criteria when reviewing a proposed annexation and zone change for which the Council shall give ample consideration, including the following:

1. Whether the subject property is required to submit either a Development Agreement or a Development concept Plan;
2. Analysis of the "need" for additional property within the city limits shall be provided;
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;
4. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
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 meeting the increased demand and a 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. 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;
11. For a map amendment, consider the Comprehensive Plan of the City, giving special attention to Policy 6 of the land use element and implementation measures therefore, 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;
12. For a map amendment, whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

FINDINGS AND REASONS

The City Council deliberated on all evidence and testimony presented at the August 3, 2011, public hearing. The City Council incorporates the prepared June 30, 2011 staff report, including all attachments thereto, the Planning Commission recommendation, and Council deliberations as support for its decision.

CONCLUSION

The City Council concludes that, based on the findings and conclusions contained in the June 30, 2011 staff report, including all attachments thereto, the Planning Commission recommendation, together with testimony received and Council deliberations at the August 3, 2011 public hearing:

1. The assigned zone is in conformance with applicable sections of the City's Comprehensive Plan and the Zoning Ordinance when the conditions contained in the staff report and adopted by the Council are applied.
2. The zoning of the property, if annexed, should be R2 pursuant to the approval criteria set forth in CMC 16.54.040.
3. An analysis of the need for additional property within the city limits has been provided, including the amount of developable land 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 as set forth in CMC 16.84.040.A. There is less than a three-year supply of High Density Residential (R2) zoned land within the City limits as desired by city policy when annexing land. There is a High Density Residential (R2) zone deficiency within the City limits and a long-term High Density Residential (HDR) designation deficiency within the UGB. Therefore, there is a need for high density residential land.
4. Adequate access is available to the site.
5. Adequate public facilities and services are available to service potential development of the subject property.
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 Chapter 222.
8. No natural hazards have been identified on the subject property, and there are no specially designated open spaces, scenic, historic or natural resource areas identified on the subject property.
9. 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.
10. A development agreement is not applicable to this annexation per CMC Figure 16.84.040, and that the City Council exempted the Development Concept Plan requirement for this application at its January 19, 2011 regular meeting.
11. The annexation and subsequent likely development conforms to the Transportation System Plan which included approximately 60 peak hour base-line trips for the subject parcels. The future likely maximum residential development of the subject area would be less than the peak anticipated trips.
12. The "County Maintained Roads within the City of Canby" shows S. Fir Street as a county maintained road and in accordance with our Urban Growth Management Agreement will be transfer jurisdiction for maintenance purposes upon development of the property.
13. If the annexed property were developed as non-senior residential units, there would be school enrollment impacts but senior housing is the expected use.

DECISION:

The City Council **APPROVED** annexation and zone change application ANN 11-01/ZC 11-01 with provisions and conditions as follows:


1. Upholding previous Council action to grant an exception pursuant to CMC 16.84.090 to waive the Development Concept Plan requirement;
2. That ANN 11-01/ZC 11-0109-01 as indicated in the June 30, 2011 staff report is approved for submission to the electorate for vote;
3. That the zoning of the property upon annexation should be designated as R2 High Density Residential; and
4. That prior to issuance of building permit for any subsequently approved development, that all required half street improvement along the entire site frontage with S. Fir Street will be required to be constructed to appropriate standards;
5. That the City shall perform a transfer of jurisdiction of the adjacent S. Fir Street from Clackamas County to City of Canby upon development of the property;
6. Should non-senior housing be develop, Canby area schools should be consulted for enrollment impacts.

ORDER

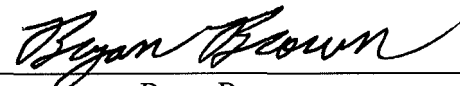
IT IS ORDERED BY THE CANBY CITY COUNCIL that annexation ANN 11-01/ZC 11-01 is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the November 04, 2011, general election ballot.

I CERTIFY THAT THIS ORDER approving ANN 11-01/ZC 11-01 was presented to and **APPROVED** by the Canby City Council.

DATED this 3rd day of August, 2011.



Randy Carson, Mayor
City of Canby



Bryan Brown
Planning Director

ATTEST:

WRITTEN FINDINGS – August 3, 2011

all AYES: *Walt Daniels, Richard Ares, Tim Dale, Greg Parker, Traci Hensley and Brian Holson*

NOES:

ABSTAIN:

ABSENT: