



AGENDA

CANBY CITY COUNCIL MEETING

October 19, 2016

7:30 PM

Council Chambers

222 NE 2nd Avenue, 1st Floor

Mayor Brian Hodson

Council President Tim Dale

Councilor Clint Coleman

Councilor Tracie Heidt

Councilor Traci Hensley

Councilor Greg Parker

Councilor Todd Rocha

CITY COUNCIL MEETING

1. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance
- C. Red Ribbon Week Proclamation

Pg. 1

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for audience members to address the City Council on items not on the agenda. Each person will be given 3 minutes to speak. You are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. For Agenda items, please fill out a testimony/comment card and give to the City Recorder noting which item you wish to speak on.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

- A. Approval of Minutes of the October 5, 2016 City Council Regular Meeting
- B. Appointment to the Planning Commission

Pg. 2

7. PUBLIC HEARING

- A. ANN/ZC 16-04 John Meredith (1.65 Acres)

Pg. 3

8. RESOLUTIONS & ORDINANCES

- A. Ord. 1449, Proclaiming Annexation into the City of Canby, Oregon 1.65 Acres of Real Property Described as Tax Lot 1800, of Section 28, T3S, R1E, WM (Assessor Tax Map 3-1E-28DD) and 0.15 Acres of NE Territorial Road Right-of-Way and Amending the Zoning from County Rural Residential Farm Forest 5-Acre (RRFF5) to City Medium Density Residential (R-1.5) and Setting the Boundaries of the Property to be Included Within the City Limit; and Approving a Development Agreement by and Between the City of Canby and John Meredith, Property Owner, for 1.65 Acres of Land Pg. 65

9. UNFINISHED BUSINESS

- A. ANN/ZC 16-04 Findings, Conclusions and Final Order Pg. 76

10. NEW BUSINESS

11. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

12. CITIZEN INPUT

13. ACTION REVIEW

14. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation

15. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.0733. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.



Office of the Mayor

Proclamation

Red Ribbon Week

WHEREAS, communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

WHEREAS, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Lewis and Clark Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

WHEREAS, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

WHEREAS, the red ribbon has been chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration Special Agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

WHEREAS, October 23-31, 2016 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment.

NOW, THEREFORE, I, Brian Hodson, by the virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim October 23-31, 2016 as:

RED RIBBON WEEK

in the City of Canby, and urge all citizens to join me in this special observance.

Given unto my hand this 19th day of October 2016 in the City of Canby, Oregon.



Brian Hodson
Mayor

**CITY OF CANBY
APPLICATION
BOARD/COMMITTEES/COMMISSIONS/COUNCIL**

Date: 9-28-16
Name: Tyler Hall Occupation: Construction Project Manager
Home Address: _____
Employer: BnK Construction Inc. Position: Project Manager
Daytime Phone: _____ Evening Phone: _____
E-Mail Address: _____
For which position are you applying? Planning commission

What are your community interests (committees, organizations, special activities)? _____
I love being active in my community as time allows. Was a member of the Down town Oregon City 5k race organization before moving to Canby.

Experience and educational background: 14 Years in the construction industry.

Reason for your interest in this position: Being involved in my community and working to maintain a great community.

List any other City or County positions on which you serve or have served: None

Information on any special membership requirements: None

Referred by (if applicable): _____

Feel free to attach a copy of your resume and use additional sheets if necessary

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

Please return to: City of Canby - Attn: City Recorder

PO Box 930

222 NE 2nd Avenue

Canby, OR 97013

Phone: 503.266.0733 Fax: 503.266.7961 Email: scheaferk@canbyoregon.gov

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

10-1-16

RECEIVED

OCT 05 2016



City of Canby

Date: October 6, 2016

From: Bryan Brown, Planning Director

RE: ANN/ZC 16-04 Meredith

At their September 26, 2016 meeting, the Canby Planning Commission recommended with a 4-0 vote that annexation and zone change (File ANN/ZC 16-04) be approved by the City Council. This request if approved annexes a total of 1.80 acres including 1.65 acres of real property and 0.15 acres of adjacent NE Territorial Road street right-of-way into the City and assigns the Medium Density Residential (R-1.5) zone designation to the property.

The Planning Commission heard testimony from the applicant's engineering representative who focused on the demonstrated need overall for more residentially zoned land within the City for future development and more specifically on the lack of any remaining R 1.5 zoned lots for development. He indicated it is particularly beneficial to have an adequate supply of land available for development of all types of new housing and this request would provide a means for the applicant to develop smaller lot detached single-family homes he has planned although he noted two-family homes are allowed in this zone as well.

Upon entering into discussion, the Planning Commission concluded that this annexation was particularly suitable considering it is a small island surrounded by the existing City limits of Canby, that the need for additional R 1.5 zoning was particularly needed at this time, that the resulting future development of the property would have a small impact within the area and on the adjacent streets, that the TSP accounted for its eventual annexation and development in its recommended list of street improvements and that there are no issues regarding the financing of any new traffic improvements as a result of its future development.

The required recording of a Development Agreement was noted which primarily assures that the subsequent development application will present a subdivision design that accommodates the extension of NE 18th Avenue eastward from N Oak Street where it will continue eventual over to N Pine Street to provide suitable connectivity within the neighborhood.

Planning Commission Recommendation

Based on the application submitted and the facts, findings, and conclusion of the staff report and the testimony received at the public hearing; the Planning Commission recommended to the City Council that:

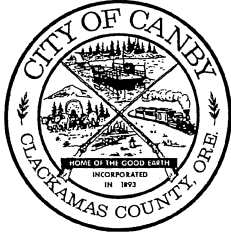
1. ANN/ZC 16-04 be approved, and
2. Upon annexation, the zoning of the subject property be designated as R 1.5 and be reflected as such on the official zoning map for the City of Canby, and
3. The required Development Agreement be recorded with the Clackamas County Recorder's Office

- within 7-calendar days after the City Council makes it final decision approving the annexation, and
4. Staff complete the remaining boundary change processes with the State, County, and district service providers to finalize the boundary change.

Sample motion: I move to approve Annexation/Zone Change File ANN/ZC 16-04 pursuant to the provided recommendation by the Planning Commission.

Attachments:

- Planning Commission Final Findings
- Planning Commission Annexation Public Hearing Draft Minutes (9.26.16-if available)
- Staff Report for ANN/ZC 16-04 to the Planning Commission with written public comments
- Applicant's submittal, including application forms, narrative, neighborhood meeting notes, pre-application meeting minutes, legal description and survey, Development Agreement , and DKS Sept. 2, 2016 Memorandum on Transportation Planning Rule Analysis.



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

A REQUEST FOR APPROVAL OF	)	FINDINGS, CONCLUSION & FINAL ORDER
ANNEXATION AND ZONE CHANGE	)	ANN/ZC 16-04
FOR PROPERTY LOCATED AT	)	JOHN AND KATHERINE MEREDITH
1009 NE TERRITORIAL ROAD	)	

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change application ANN/ZC 16-04 of 1.65 acres of real property described as Tax Lots 31E28DD01800, Clackamas County, Oregon. The property is zoned Clackamas County RRFF5 and is requested to be zoned City R-1.5 (Medium Density Residential).

HEARINGS

The Planning Commission considered applications ANN/ZC 16-04 after the duly noticed hearing on September 26, 2016 during which the Planning Commission recommended by a 4/0 vote that the City Council approve ANN/ZC 16-04 per the recommendation contained in the staff report.

CRITERIA AND STANDARDS

In judging whether or not the annexation and zone change applications shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the Planning Commission staff report dated September 16, 2016 and presented at the September 26, 2016 public hearing of the Planning Commission.

FINDINGS AND REASONS

The Planning Commission considered applications ANN/ZC 16-04 at a public hearing held on September 26, 2016 during which the staff report was presented, including all attachments. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed annexation and new zoning designation.

After hearing public testimony, and closing the public hearing, the Planning Commission made no additional findings beyond those contained in the staff report to arrive at their decision and support their recommendation.

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the staff report, concluded that the annexation/zone change meets all applicable approval criteria, and approved Files ANN/ZC 16-04 as stated below. The Planning Commission's order is reflected below.

ORDER

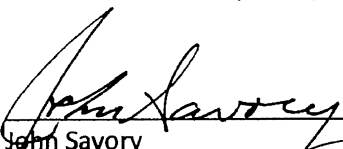
Based on the application submitted and the facts, findings, and conclusions of the staff report, and the supplemental findings from the public hearing, the Planning Commission recommended to the City Council

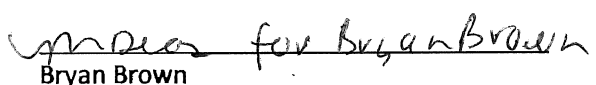
APPROVAL of annexation and zone change applications **ANN/ZC 16-04** as follows:

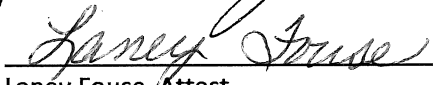
1. ANN/ZC 16-04 be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1.5 (Medium Density Residential) as indicated by the Canby Comprehensive Plan Map.

I CERTIFY THAT THIS ORDER approving **ANN/ZC 16-04** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 26th day of September, 2016


John Savory
Planning Commission Chair


Bryan Brown
Planning Director


Laney Fouse, Attest
Recording Secretary

ORAL DECISION: September 26, 2016

Name	Aye	No	Abstain	Absent
John Savory	✓			
John Serlet	✓			
Larry Boatright	✓			
Kristene Rocha				✓
Derrick Mottern				✓
Tyler Smith	✓			
Vacant				

WRITTEN DECISION: September 26, 2016

Name	Aye	No	Abstain	Absent
John Savory	✓			
John Serlet	✓			
Larry Boatright	✓			
Kristene Rocha				✓
Derrick Mottern				✓
Tyler Smith	✓			
Vacant				

Application for Annexation

1009 NE Territorial Road

Canby, OR 97013

Applicant:	John Meredith 377 NW Territorial Road Canby, OR 97013 Phone: (503) 799-5668
Owners:	John & Katherine Meredith 377 NW Territorial Road Canby, OR 97013
Location	1009 NE Territorial Road South of NE Territorial Road & east of N. Oak Street
Legal Description	Tax Lot 1800, Sec. 28, T3S R1E WM (Assessor Map 3 1E 28DD)
Zoning	Current: Clackamas County, RRFF-5 Proposed: City of Canby, R-1.5
Proposal	Annexation of 1.80 acres into the City of Canby 1.65 acres of real property & 0.15 acres of NE Territorial Road right-of-way

Table of Contents

I.	Application Forms
II.	Written Narrative
III.	Neighborhood Meeting Notes
IV.	Pre-Application Meeting Minutes
V.	Triple Majority Worksheet
VI.	Deed & Legal Description
VII.	Development Agreement
VIII.	Maps
	a. Vicinity Map
	b. Assessor Map
	c. Comprehensive Plan Map
	d. Topographic Survey
	e. General Land Use Plan
Loose	Mailing Labels

I. Application Forms



City of Canby
Planning Department
111 NW 2nd Avenue
PO Box 930
Canby, OR 97013
(503) 266-7001

LAND USE APPLICATION

ANNEXATION Process Type IV

APPLICANT INFORMATION: (Check ONE box below for designated contact person regarding this application)

☒ Applicant Name: John Meredith Phone: 503-799-5668
Address: 377 NW Territorial Road Email: longhorn.dev@gmail.com
City/State: Canby, OR Zip: 97013

☐ Representative Name: Pat Sisul, Sisul Engineering Phone: 503-657-0188
Address: 375 Portland Avenue Email: patsisul@sisulengineering.com
City/State: Gladstone, OR Zip: 97027

☐ Property Owner Name: John Meredith Phone: 503-799-5668
Signature: [Signature]
Address: 377 NW Territorial Road Email: longhorn.dev@gmail.com
City/State: Canby, OR Zip: 97013

☐ Property Owner Name: Katherine Meredith Phone: _____
Signature: [Signature]
Address: 377 NW Territorial Road Email: _____
City/State: Canby, OR Zip: 97013

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

- ❶ All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ❷ All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- ❸ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

PROPERTY & PROJECT INFORMATION:

<u>1009 NE Territorial Rd.</u>	<u>1.65 acres</u>	<u>TL 1800, Map 3 1E 28DD</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>One home and one out building</u>	<u>R-1.5 proposed</u>	<u>MDR - Medium Density Res.</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Annexation of 1.80 acres, 1.65 acres of real property and 0.15 acres of street right-of-way
Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

ANNEXATION APPLICATION – TYPE IV – INSTRUCTIONS

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email. Required application submittals include the following:

Applicant City
Check Check

☒ ☐ One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.

☒ ☐ Payment of appropriate fees – cash or check only. Checks should be made out to the *City of Canby*. All election costs are paid by the applicant; therefore an election cost deposit is collected from all applicants in addition to the annexation application fee. If the annexation is placed on an election ballot, all costs related to the election are recorded. If the deposit exceeds the election costs, the City will refund any unspent amount back to the applicant after the election is complete. If election costs exceed the deposit, the City will bill the applicant for the additional costs. If no election takes place, the entire deposit will be refunded back to the applicant. Refer to the city's Master Fee Schedule for current fees.

General/Primary Elections – May and November of even numbered years.

Special Elections – May and November of odd numbered years & March and September of any year.

☒ ☐ One set of mailing labels (1" x 2-5/8") for all property owners and all residents within 500 feet of the subject property. **If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant."** A list of property owners may be obtained from a title insurance company or from the County Assessor.

☒ ☐ One (1) copy of a written statement describing the property to be annexed, including all existing improvements on the land, and detailing how the annexation and proposed zoning meet the approval criteria, and availability and adequacy of public facilities and services. **Ask staff for applicable Municipal Code chapters and approval criteria.** Applicable Code Criteria for this application includes:

ANNEXATION APPLICATION – TYPE IV

Applicant City
Check Check

- ☒

☐

One (1) copy in written format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees.
- ☒

☐

One (1) copy in written format of the minutes of the pre-application meeting
- ☒

☐

One (1) copy of a written statement, signed by a majority of the registered voters residing in the territory to be annexed, giving consent to the annexation of the territory; -OR- Where consent of a majority of the resident electors cannot be obtained, the property owners may alternatively submit a statement signed by at least 51% of the owners of land in the territory to be annexed that states, pursuant to ORS 222.170: "Consent to annex is hereby given by the undersigned, who represent more than half the owners of land in the territory, and who also own more than half of the land and real property in the contiguous territory, which represents more than half of the assessed value of all real property in the contiguous territory."
- ☒

☐

One (1) copy of the full quarter-section tax assessor's map with the subject property outlined.
- ☒

☐

One (1) copy of the legal description of the property to be annexed, and a boundary survey certified by a registered engineer or surveyor.
- ☐

☐

Three (3) copies of a Traffic Impact Study (TIS), conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the traffic engineer will conduct or review a traffic impact study.
Ask staff to determine if a TIS is required.
Note: A traffic impact analysis is not required if all the property to be annexed is located within the boundaries of an approved Development Concept Plan and a traffic impact analysis was completed for the Development Concept Plan.
- ☒

☐

One (1) copy in written format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees.
- ☒

☐

One (1) copy in written format of the minutes of the pre-application meeting.
- ☐

☐

If the property to be annexed is located inside a "Development Concept Area" identified on the Annexation Development Map, Figure 16.84.040 of Canby Municipal Code Chapter 16.84, then submit one (1) copy of an approved Development Concept Plan.
- ☒

☐

If the property to be annexed is located inside a "Development Agreement Area" identified on the Annexation Development Map, Figure 16.84.040 of Canby Municipal Code Chapter 16.84, then submit one (1) copy of an approved and recorded Development Agreement.

NA

CITY OF CANBY
ZONE MAP CHANGE APPLICATION

Fee \$2,640

OWNERS

APPLICANT**

Name JOHN & KATHERINE MEREDITH

Name JOHN MEREDITH

Address 377 NW TERRITORIAL RD.

Address 377 NW TERRITORIAL RD.

City CANBY State OR Zip 97013

City CANBY State OR Zip 97013

Phone 503-799-5468 Fax _____

Phone 503-799-5468 Fax _____

E-mail longhorn.dex@gmail.com

E-mail longhorn.dex@gmail.com

Please indicate who is to receive correspondence (i.e. staff reports etc) and what format they are to be sent

☐ Owner	☐ Email	☐ US Postal	☐ Fax
☒ Applicant	☒ Email	☐ US Postal	☐ Fax

OWNER'S SIGNATURE

John Meredith Katherine Meredith

DESCRIPTION OF PROPERTY

Address 1009 NE TERRITORIAL RD.

Tax Map 31E 2BDD

Tax Lot(s) 1800

Lot Size 1.65
(Acres/Sq.Ft.)

Existing Use 1 HOME & 1 OUTBUILDING ON RESIDENTIAL PARCEL

Proposed Use SAME. ANNEXATION & ZONE CHANGE ONLY.

Existing Structures 1 HOME & 1 OUTBUILDING

Zoning CURRENT: COUNTY RRFF-5 Comprehensive Plan Designation MDR
PROPOSED: R-1.5

Project Description ANNEXATION

Previous Land Use Action (If any) _____

FOR CITY USE ONLY

File #:

Date Received:

By:

Completeness:

Pre-App Meeting:

Hearing Date:

****If the applicant is not the property owner, they must attach documentary evidence of their authority to act as agent in making this application.**

ZONE CHANGE APPLICATION: INSTRUCTIONS TO APPLICANTS

All materials must be submitted in .pdf format on CD

1. The applicant will be required to hold a neighborhood meeting with adjacent property owners and neighborhood representatives prior to submitting their application, unless this requirement is waived by the City.
2. An application for amendment by a property owner or his authorized agent shall be filed with the City Planner on forms prescribed for the purpose, typed or printed and the application shall include the following.

Applicant Check	City Check
--------------------	---------------

- | | | |
|-------------------------------------|--------------------------|--|
| ☒ | ☐ | A. Comprehensive Plan designation of the property. |
| ☒ | ☐ | B. The application shall be accompanied by a written statement on 8 ½ x 11" paper and electronically in MS Word explaining the existing use of the property and the need for the change in zoning. |
| ☒ | ☐ | C. A list of property owners within 500 feet of the subject property, on mailing labels (1" x 2-5/8") and in electronic form. If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant." A list of property owners may be obtained from a title insurance company or from the County Assessor. If applicable, labels must be prepared for any property owners and sites that will be "islanded" by the proposed annexation. |
| ☒ | ☐ | D. Appropriate fee. |
| ☐ | ☐ | E. Twenty (20) copies of the application and all corresponding attachments on 8.5"x11" paper and electronically in .pdf format. |
| ☒ | ☐ | F. Site plan, drawn to scale (not greater than 1"=50') on paper no less than 8.5"x11" and no larger than 18"x24" and .pdf format indicating: |
| ☒ | ☐ | 1. The location of existing buildings (if any); |
| ☒ | ☐ | 2. The location of streets, sewer, water, electric, and other utility services; |
| ☒ | ☐ | 3. Major topographic and landscape features. |
| ☒ | ☐ | G. One (1) copy in written format and .pdf format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes to include the date of the meeting and a list of attendees. |

3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
4. Staff investigates the request, writes a staff report, places a public notice in the newspaper, notifies surrounding property owners, and makes all facts relating to the request available to the

Planning Commission and all interested parties.

5. The staff report will be available ten (10) days prior to the hearing.
6. The Planning Commission holds a public hearing after the determination of a complete application. At the hearing the staff report is presented. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
7. The Commission then issues findings of fact which support approval, modification or denial of the application and passes such recommendation on the City Council for final action within forty (40) calendar days after the close of the hearing.

STANDARDS AND APPROVAL CRITERIA FOR A ZONE CHANGE

In judging whether or not the zoning should be amended or changed, the Planning Commission and City Council shall consider:

- A. 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:
- B. 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.

Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, deny, or approve subject to modification, the recommendation of the Planning Commission. The City Council shall hear the arguments based upon the record. Additional or supplemental information not included within the original record shall not be considered. The arguments on the record shall not be conducted as a public hearing.

16.54.060 IMPROVEMENT CONDITIONS

- A. In acting on an application for a zone change, the Planning Commission may recommend and the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change. Allowable conditions of approval may include, but are not necessarily limited to:
 1. Street and sidewalk construction or improvements.
 2. Extension of water, sewer, or other forms of utility lines;
 3. Installation of fire hydrants.
- B. The City will not use the imposition of improvement conditions as a means of preventing planned development, and will consider the potential impact of the costs of required improvements on needed housing. The Planning Commission and City Council will assure that the required improvements will not reduce housing densities below those anticipated in the Comprehensive Plan.

II. Written Narrative

Application for Annexation

Applicant	John Meredith 377 NW Territorial Rd. Canby, OR 97013 Phone (503) 799-5668
Owners	John & Katherine Meredith 377 NW Territorial Rd. Canby, OR 97013 Phone (503) 799-5668
Representative	Sisul Engineering, Inc. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Pat Sisul
Location	1009 NE Territorial Road South of Territorial Road, east of N. Oak Street
Legal Description	Tax Lot 1800, Sec. 28, T3S R1E WM (Assessor Map 3 1E 28DD)
Zoning	Current: Clackamas County, RRFF-5 Proposed: City of Canby, R-1.5
Site Size	1.65 Acres
Proposal	Annexation of 1.80 acres into the City of Canby 1.65 Acres of real property & 0.15 Acres of NE Territorial Road right-of-way
Date	July, 2016

PROPOSAL

The applicants propose annexation of 0.15 acres of street right-of-way and 1.65 acres of property into the City of Canby with zoning of R-1.5, Medium Density Residential, in conformance with the adopted Comprehensive Plan designation. Annexation will allow, in theory, the development of approximately eight new single family residences as shown on the conceptual plan or a mix of single family and multi-family duplex or triplex units.

SITE DESCRIPTION

The site is located south of NE Territorial Road and east of N Oak Street in northeast Canby and has frontage on both roadways. It is part of a remnant of County land forming an island surrounded by the City of Canby. West of the site is N Oak Street and on the opposite side of N Oak Street are three single family homes on larger lots. NE Territorial Road is located along the north side of the site with Willamette Valley Country Club being located on the opposite side of Territorial Road. On the south side of the site is a large wooded parcel, annexed into the City in the November, 2010 general election by Thomas Holmes, which remains undeveloped. To the east is a mixture of properties inside and outside of the City limits. This area includes a mixture of single family and multi-family housing.

The site is presently occupied by a single residence and one out building. The home is located in the NE corner of the site and takes access from Territorial Road. The out building is more centrally located on the property. A mowed yard, with landscaping and several trees, is located surrounding the home, while the remainder of the property is taller mowed grass. The property is very nearly flat, with a slight fall to the south. The property has no identified significant natural resources or physical hazards.

Public sanitary sewer and water are available to the site in NE Territorial Road and N Oak Street. Other public utilities, such as natural gas, power and communications are also available from Territorial Road and Oak Street. Fire protection is available to the property from Canby Fire District and police protection is available from the City of Canby Police Department.

Applicable Criteria and Standards

The requirements for a proposal for annexation are listed here and discussed in the following narrative:

Canby Comprehensive Plan

Canby Municipal Code Section 16.84.040

- 1. The City of Canby Annexation Development Map shall determine which properties are required to submit either (See Figure 16.84.040):*
 - a. A Development Agreement (DA), or*
 - b. A Development Concept Plan (DCP).*
- 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...,*
- 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 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. 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.*

CANBY COMPREHENSIVE PLAN

Urban Growth Element

Goal 1. To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.

Response: The site is designated "RRFF-5" by Clackamas County, a rural residential zone. The site is not being used for commercial agricultural purposes and is too small for a viable farm. The soil type identified for the entire site is "Canderly Sandy Loam." The soil is suitable for agriculture or for development. Since the property is within the City's Urban Growth Boundary, the policy has been established by the City and County that the site ultimately will be developed for urban uses.

Goal 2. To provide adequate urbanizable area for the growth of the City, within the framework of an efficient system for the transition from rural to urban land use.

Response: The site is an area that is in the process of converting to urban uses, where public utilities are available. Adjacent properties to the north, south, west, and some to the east have been annexed into the City of Canby, while some of the adjacent properties to the east have not been. Although the parcel to the south was annexed in 2010, it has not yet been developed. Nearby properties to the south east, along the east side of N Pine Street were annexed into the City within the past three years and were developed as 18 and 19 lot subdivisions (Franz Meadow and Pine Meadow). The current pattern of development, with County land surrounded by land within the City limits, potentially makes provision of some services (e.g. fire and police) less efficient.

Policy 1. Canby shall coordinate its growth and development plans with Clackamas County.

Response: The Comprehensive Plan is the adopted policy for the city and county.

Policy 3. Canby shall discourage the urban development of properties until they have been annexed to the City and provided with all necessary urban services.

Response: Public facilities and services are available to the site or can be made available through development of the site.

Public sanitary sewer and water are both available in NE Territorial Road and N Oak Street. The applicant has been advised that the City has adequate capacity to serve the site. Storm water will be directed into on site drywells for disposal, so offsite capacity is not a concern. NE Territorial Road is an arterial roadway and a traffic study, paid for by the applicant, has determined that it has adequate capacity to serve the site, when it is developed.

Public schools are required by law to provide for students within the district and the Canby School District offered open enrollment for students living outside the school

district boundaries in the recent past. The following schools would serve the site: Knight Elementary School, Baker Prairie Middle School, and Canby High School. Knight has a capacity of 450 students and a current enrollment of 379. The middle school has a capacity of 814 and a current enrollment of 601. The high school has a capacity of 1,837 and a current enrollment of 1,438.¹

With the approval process required for annexations and land development, it is likely that new lots will not become available until summer 2017. New homes will likely not be constructed before late 2017 or early 2018, so new students from this property would not attend area schools until at least the 2018 school year. However, these time lines only apply if an actual development proposal is submitted and homes are constructed.

Other public services: Police, fire, telephone, electricity, natural gas, and cable are available or can be made available to the site.

Land Use Element

Goal: To guide the development and uses of land so that they are orderly, efficient, aesthetically pleasing, and suitably related to one another.

Policy 2. Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Response: The City experienced a significant slowdown in building permits beginning in 2007 in response to regional and national trends in homebuilding and associated finance issues. That slowdown has turned around and the City has seen a significant uptick in building activity in recent years.

The City of Canby's ten year historical average rate of permits for new residential construction averaged 44.7 permits per year between 2006 & 2015 with a high of 201 in 2006 and a low of 4 in 2009 and 2010. The three year historical average rate is similar, at 45.3 lots per year. Average monthly rates are 3.73 permits per month over the ten year period and 3.78 permits per month over the three year period. In 2015, 85 total residential permits were issued, for an average monthly rate of 7.08 permits per month.

In order to satisfy demand, the Council adopted annexation supply policy to assure a 3 year supply of available platted lots for consumption. According to an analysis performed by the applicant, as of July 25, 2016 there were 87 platted available lots in the R-1, R-1.5 and R-2 zones combined (see, Appendix A). Based on an average of 45 building permits per year, the existing inventory of buildable lands would provide approximately a 1.93 year supply.

¹ Enrollment figures are from the Oregon Department of Education website, Fall Membership Report, 2015-16 Total Enrollment. Capacity figures are from Portland State University, Population Research Center, Canby School District: Enrollment Forecast Update 2012-13 to 2021-22, Appendix A: Enrollment and Capacity Profiles for Individual Schools, April 1, 2012.

The proposed annexation would add approximately 1.65 acres of land to the City, although the developable portion of the site would be considerably smaller considering that one home, which will remain, is already located on the site and that right-of-way dedications have to be deducted along both Territorial Road and Oak Street. Using the City of Canby's Comprehensive Plan's methodology for forecasting the potential residential development of small parcels of vacant land designated Medium Density Residential within the City (subtract 15 percent of the land area for right-of-ways and easements, subtract 10 percent of the remaining land area for public and semi-public purposes, and then subtract 5 percent of the remaining land area for an assumed vacancy factor, and multiplying the remaining acreage by 8 dwelling units per acre) this proposed annexation would result in a potential of 9.6 dwelling units. This generally corresponds with the Conceptual Development Plans prepared by the applicant that shows the existing home remaining plus an additional 8 lots on this site.

However, the annexation would not immediately result in the 8 new lots being available for home development. An application for subdivision, construction plans, and final plat would likely not be approved until spring 2017, with home construction possibly beginning in summer of 2017. It is likely that the first new dwellings in the proposed annexation site would not become available for occupancy until the fall of 2017, over one year from now, after much of the current buildable land inventory has been depleted.

If annexed, when the property is platted, this property would add approximately eight buildable lots to the platted land supply, approximately a two-month supply, based on the long term historical averages, or a one-month supply based on the 2015 building rate.

The site is located in an area that is currently developing and where public facilities are available. Annexation of the site would facilitate the orderly provision of public services by filling in the gap between portions of the city in this area.

Policy 3. Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Response: The applicant has contacted the City and other service providers. No problems have been identified with the provision of any public facility or service.

Environmental Concerns Element

Goal 1. To protect identified natural and historical resources.

Goal 2. To prevent air, water, land, and noise pollution.

Goal 3. To protect lives and property from natural hazards.

Policy 1-R-A. Canby shall direct urban growth such that viable agricultural uses within the urban growth boundary can continue as long as it is economically feasible for them to do so.

Response: The site is presently part of an area that is, for practical purposes, surrounded by city land and its ultimate destiny was settled with establishment of the Urban Growth Boundary and earlier annexations. The site is not used for agricultural purposes and is not large enough, by itself, to be a viable farm. No natural or historic resources will be affected by the annexation.

Policy 1-R-B. Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority.

Response: Agricultural land and uses will not be affected by the proposal for annexation.

Policy 2-R. Canby shall maintain and protect surface water and groundwater resources.

Response: There are no surface water features on the site or in the vicinity. Storm water from a future subdivision project would be managed by directing run-off into the ground through the use of drywells, consistent with the Storm Drainage section of the City of Canby Public Works Construction Standards.

Policy 6-R, 9-R, 10-R, 1-H, 2-H, 3-H: Policies relating to historic sites, fish and wildlife habitat, wetlands, steep slopes, flood prone areas, and poor soils.

Response: None of the referenced conditions affect the site.

Transportation Element

Goal: To develop and maintain a transportation system which is safe, convenient and economical.

Policy 1. Canby shall provide the necessary improvement of City streets, and will encourage the County to make the same commitment to local County roads, in an effort to keep pace with growth.

Policy 2. Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the City's growth needs.

Response: NE Territorial Rd. is classified as an Arterial and N Oak Street is classified as a local street by the Transportation System Plan. New streets within the development site would also be classified as local streets. The applicant would expect to widen NE Territorial Road and N Oak Street to current "urban" standards when the parcel is subdivided to accommodate anticipated vehicular and pedestrian traffic and to meet the City's growth needs. The applicant would also expect to construct any new streets within the development site.

Policy 6. Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Response: The layout for any future development can be designed to provide access for all lots and to facilitate access for emergency vehicles. This will be demonstrated in the context of a subdivision application. A conceptual layout for the site is included with this application, showing how new streets can be extended to provide access for future lots in this development while also providing for the future extension of roadways to serve surrounding undeveloped or underdeveloped properties in a logical manner.

Public Facilities and Services Element

Goal: To assure the provision of a full range of public facilities and services to meet the needs of the residents and property owners of Canby.

Response: To the best of the applicant's knowledge, all public facilities and services are available, or can be made available, to the site for the development proposed.

Housing Element

Goal: To provide for the housing needs of the citizens of Canby.

Response: The site is part of the land supply within the Urban Growth Boundary of the City of Canby that is planned to provide the future housing needs of citizens.

Conclusion: The proposed annexation supports applicable policies of the Canby Comprehensive Plan, based on the foregoing discussion of goals and policies.

ANNEXATION CRITERIA

(Canby Municipal Code Section 16.84.040)

A. The following criteria shall apply to all annexation requests.

- 1. The City of Canby Annexation Development Map shall determine which properties are required to submit either (see Figure 16.84.040):*
 - a. A Development Agreement (DA) binding for all properties located within the boundaries of the 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.*
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.

Response: The site is within a Development Agreement area identified on the City of Canby Annexation Development Map. A Development Agreement has been drafted by the applicant and has been submitted with the application.

- 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 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 City Council prior to granting a change in zoning classification.

Response: The site is not within a Development Concept Plan area as shown on the City of Canby Annexation Development Map. The provisions of this section do not apply to this application.

2. *Analysis of the "need" for additional property within the city limits shall be provided.*

Response: "Need" was discussed with relation to the "Land Use Element" of the Comprehensive Plan. The annexation would add 1.65 acres to the City, and a potential for approximately eight additional buildable lots in the R-1.5 zone. Given the City's historical average rate of approximately 45 residential building permits per year and the property's maximum development potential of approximately 8 new lots, the site could provide approximately a two month supply of buildable land. Based upon the 2015

building rate of 85 residential permits, the site could provide approximately a one month supply of buildable land. As the land development process can take well over a year to get from annexation to recorded plat, the projected additional lots wouldn't likely become available until fall of 2017, when much of the currently available land supply has been depleted.

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 proposed concerns, if any.

Response: The site is within the City's UGB, and is expected to develop according to the Comprehensive Plan designations. Some residents on adjacent properties may experience a loss of open space. However, vacant and undeveloped land within an UGB is expected to be utilized to accomplish the community's goals as expressed in the Comprehensive Plan. Therefore, the aesthetic and social impacts of development of the annexation site should be within the anticipated range of impacts associated with continuing growth within the City.

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

Response: Public facilities and services are available or can be made available, as previously discussed. Public sanitary sewer and water are available in both NE Territorial Road and N Oak Street. Public streets in the vicinity of the site generally have adequate capacity. Public park facilities located near the site include the Logging Road Trail, the Eco Natural Area, the 19th Avenue Loop Natural Area and Maple Street Park. Schools that would serve this site, Knight Elementary, Baker Prairie Middle School and Canby High School have adequate capacity to serve additional students.

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

Response: Annexation by itself will not generate an increased demand on public services. One home exists on site and has been located on the site for several decades. Development of the property into multiple lots and multiple homes would increase the demand for City facilities. The site is within the City's UGB and is expected to develop according to its Comprehensive Plan designation; therefore increases in demand for public services should be within the range of impacts anticipated by the adopted Comprehensive Plan. The applicant has been advised that the City has adequate services to serve the site.

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.

Response: Annexation of the property will not increase the demand for public services, however, subdivision of the property will create multiple lots that would increase demand for public water, sanitary sewer, streets, emergency services, parks and schools. Public

utilities needed to serve the development of the property would be provided by the development through construction of new public facilities by the developer at the time of subdivision.

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

Response: Public facilities to serve the development will be provided by the development through construction of new facilities by the developer (water, sewer, drainage, streets) and through the payment of SDC fees (water, wastewater, transportation, storm and parks) by homebuilders building homes within the development. Homebuilders will also pay the construction excise tax for the school district.

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.

Response: The proposed use of the site is consistent with the adopted Comprehensive Plan Map designation and the text contained in the City's Land Development and Planning Ordinance. No text or map amendments are anticipated to be needed for development of the site.

9. Compliance with other applicable city ordinances or policies.

Response: The application complies with other city ordinances or policies, or can be made to comply through the development process.

10. Compliance with applicable sections of ORS 222.

Response: The applicant expects to comply with these provisions of state law.

Conclusion: The criteria of Section 16.84.040 are satisfied, as demonstrated by the foregoing narrative.

Conclusion

The foregoing narrative describes a proposal for annexation of 1.80 acres total, 1.65 acres of real property and 0.15 acres of public street right-of-way. The annexation supports the City's goals and policies and satisfies applicable criteria identified in the City's Comprehensive Plan and Land Development and Planning Code. Therefore, the proposed annexation should be approved.

Appendix A:

Available Platted Lots in Canby, as of July 25, 2016

Available Platted Lots in Canby by Subdivisions

As of July 25, 2016

YEAR	PLAT #	SUBDIVISION NAME	Zoning	Total Lots	Homes Permitted	R-1 Zone Lots Remaining	R-1.5 Zone Lots Remaining	R-2 Zone Lots Remaining	Total Remaining
1991	2995	North Pine Addition No. 2	R-1	13	12	1	0	0	1
2004	3947	Yorkfield	R-2	136	133	0	0	3	3
2005	4089	Kraft Place	R-1	4	1	3	0	0	3
2006	4095	Bremer Court	R-1	7	6	1	0	0	1
2006	4218	Dinsmore Estates	R-1	14	13	1	0	0	1
2006	4162	Knott Commons	R-2	10	7	0	0	3	3
2014	4396	Northwoods Estates No. 2	R-1	33	16	17	0	0	17
2015	4409	Dinsmore Estates - 2	R-1	41	41	0	0	0	0
2015	4422	Pine Meadow	R-1	19	19	0	0	0	0
2015	4423	Poplar Townhomes	R-2	6	4	0	0	2	2
2015	4433	Faist Addition Phase 6	R-1	30	13	17	0	0	17
2015	4436	Dinsmore Estates - 3	R-1.5	10	10	0	0	0	0
2016	4445	Emerald Gardens	R-2	15	0	0	0	15	15
2016	4457	Franz Meadow	R-1	18	3	15	0	0	15

Total Platted Lots Remaining in Subdivisions
as of 7/25/16

55

0

23

78

Available Platted Lots in Canby by Minor Land Partitions

As of February 25, 2016

YEAR	PLAT #	SUBDIVISION NAME	Zoning	Total Lots	Homes Permitted	R-1 Zone Lots Remaining	R-1.5 Zone Lots Remaining	R-2 Zone Lots Remaining	Total Remaining
2008	PP2008-022	Fawver	R-2	2	1	0	0	1	1
2008	PP2008-100	Kacalek	R-1	2	1	1	0	0	1
2009	PP2009-036	City of Canby	R-1	3	0	3	0	0	3
2009	PP2009-048	WVCC	R-1	2	1	1	0	0	1
2011	PP2011-038	Zimmer	R-2	3	1	0	0	2	2
2015	PP2015-004	White River Homes	R-1	2	1	1	0	0	1

Total Platted Lots Remaining MLP
as of 7/25/16

6

0

3

9

Total Buildable Residential Lots
as of 7/25/16

	R-1 Zone Lots Remaining	R-1.5 Zone Lots Remaining	R-2 Zone Lots Remaining	TOTAL REMAINING
	61	0	26	87
TOTAL SFR (R-1 & R1.5)	61			
TOTAL MFR (R-2)	26			

SFR = Single Family Residential
MFR = Multi Family Residential

2015	<u>Month</u>	<u>SFR</u>	<u>MFR</u>	<u>TOTAL Permits</u>
	Jan	4	0	4
	Feb	1	2	3
	March	6	6	12
	April	4	0	4
	May	4	3	7
	June	4	0	4
	July	13	0	13
	August	6	6	12
	Sept	8	0	8
	Oct	8	0	8
	Nov	4	0	4
	Dec	6	0	6
	Total	68	17	85

TOTAL BUILDING PERMITS - NEW RESIDENTIAL CONSTRUCTION - as of January 1, 2016

10 Year Historical Average	447 Permits	44.7 per year	3.73 per month
3 Year Historical Average	136 Permits	45.3 per year	3.78 per month
2015 Actuals	68 Permits	17 Permits	85 per year
	SFR	MFR	Total
			7.08 per month

****REMAINING BUILDABLE LOT SUPPLY - as of February 25, 2016**

	<u>Avg Permits</u>	<u>In Years</u>
10 Year Historical Average	44.7 per year	1.95 years
3 Year Historical Average	45.3 per year	1.92 years
2015 Actuals	85 per year	1.02 years

**** as of January 1, 2016**

*****REMAINING BUILDABLE LOT SUPPLY - End of 2016**

Including the following subdivisions that have been approved and are anticipated to record prior to the end of 2016

<u>SUBDIVISION NAME</u>	<u>Developer</u>	<u>Zoning</u>	<u>Total Lots</u>
Faist Addition Phase 7	Ralph Netter	R-1	6
Caitlys Place	Charlie Clark	R-1	6

10 Year Historical Average	Avg Permits	In Years
3 Year Historical Average	44.7 per year	1.80 years
2015 Actuals	45.3 per year	1.77 years
	85 per year	0.75 years

*****Estimate End of 2016**

III. Neighborhood Meeting Notes

John Meredith
377 NW Territorial Road
Canby, Oregon 97013

June 28, 2016

RE: Neighborhood Meeting for proposed annexation
1009 NE Territorial Road, Assessor Map 3 1E 28DD Tax Lot 1800

Dear Neighbor,

You are invited to attend a neighborhood meeting to discuss an annexation request for property located at 1009 NE Territorial Rd. in Canby. The site is located south of Territorial Road and east of N Oak Street. The property is 1.65 acres in size and has a home located on it. It is part of a small island of County land surrounded by the City of Canby. On the reverse side is a vicinity map of where the property is located.

The meeting will be held at 6:00pm on Wednesday, July 13th, 2016 at the Canby United Methodist Church, 1520 N. Holly St. The meeting is anticipated to last between 30 and 60 minutes.

We look forward to seeing you there. If you are unable to attend but would like to discuss the development with me, please email me at longhorn.dev@gmail.com.

Thank you,

John Meredith



Neighborhood Meeting Attendance Sheet

July 13, 2016

	Name	Address
1.	Larry McPherson	1805 N. Oak Canby
2.	Cherie L. McPherson	1805 N. Oak Canby
3.	Quint Moya	1787 N. Pine Canby
4.	Frank Scott	1027 NE Territorial Rd Canby
5.	B. V. Sill	1007 N.E. Territorial Rd Canby
6.	M. Mena	377 N.W. Territorial
7.	Pat Sural	375 PORTLAND AVE., GLADSTONE, OR
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		

NE Territorial Road & N Oak Street annexation - Neighborhood Meeting
July 14, 2016, 6:00 pm @ Canby United Methodist Church

Seven people attended the meeting including the applicant & his representative. A sign in sheet is attached.

The meeting began at 6:00 PM.

A two large Site Plans and an Aerial Map were provided that showed the existing surrounding neighborhood and the proposed annexation area. One site plan included a Shadow Plat with how lots could be configured on the site of the proposed annexation and on neighboring undeveloped properties. A large section of the City of Canby Comprehensive Plan Map was also on hand to show neighbors where surrounding land transitions from low density to medium density and from medium density to high density.

John Meredith knew all of the neighbors who were in attendance. John began the meeting by introducing Pat Sisul. Pat then discussed how the City land use process works and that the Neighborhood meeting is the first opportunity for neighbors of the development site to have input on an annexation request. Additional opportunities for input would be after application is made and the City Staff requests comments from neighbors. The third opportunity for input would be if they chose to testify at a public hearing. Then, before any development is approved, the process would be repeated with another neighborhood meeting and more hearings required for any proposed subdivision. A vote by the citizens is no longer a requirement, the State of Oregon removed that requirement earlier this year. After the discussion on the process, Pat discussed what can be constructed in an R-1.5 zone and John discussed his thoughts on what lots would have homes and which may have duplexes. Pat discussed the lot size and density requirements for single family homes and duplexes.

The neighbors who attended the meeting included The McClanahan's at the southern termination of Oak St, Trinka Morford and the Scotts who border the property to the east. Scotts are in the City of Canby, while Ms. Morford is located outside of the City in Clackamas County. The meeting was kept informal with questions being asked whenever folks had a question. Below is a summary of some of the questions/topics discussed.

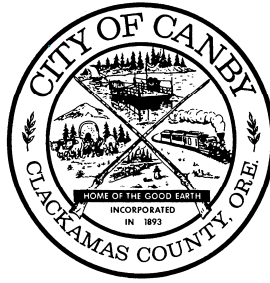
- Oak Street will see more traffic. *Oak Street will definitely see more traffic if the property is annexed and developed, but the street will be widened and sidewalks will be constructed on the east side of the street with construction of homes on the lots. The wider street will accommodate the increased traffic. Oak will continue to be a dead-end street to the south, but in time the street will be extended south and 18th Avenue will be extended east providing for connectivity. The south end of Oak Street should not see a lot of additional congestion as the Shadow Plat does not show any driveways facing Oak Street south of the 18th Avenue intersection. A traffic study will likely be required by the City prior to annexation to study the larger traffic issues in the area.*
- Will the homes be one or two stories? *Many will likely be two-story, although there is a market for both single story and 2 story homes.*

- Elaine McClanahan noted that due to the trees on the south side of this parcel and hers, the catch basin inlets at the south end of Oak Street always clog in the fall, and it is up to her to get out there and keep them cleaned out. What is being done for drainage? *The City Public Works Department mentioned that a new catch basin may have to be installed on the west side of Oak Street to fix an existing drainage problem. New inlets will be installed on the east side of the street and on 18th Avenue to collect street runoff. The runoff goes into catch basins, then to water quality manholes, then to drywells. Drywells have to meet either horizontal or vertical separation requirements from existing water wells in order to protect groundwater.*
 - What is the timing? *The project would likely go to the Planning Commission in August, then to City Council shortly after. A subdivision application would be submitted in the winter, with construction occurring in the spring and home construction beginning in late summer or fall of 2017.*
 - How does this plan match up to what Thomas Holmes had planned to do on the property to the south? *The Shadow Plan doesn't match well with Mr. Holmes plan because the Holmes annexation occurred prior to the Norm Beck annexation. When Beck annexed, the City made Beck moved the location of SE 17th Avenue where it intersected Pine Street. The adjustment of that intersection will change all of the Shadow Plans that preceded it. The biggest adjustment in the Code over the past few years is that the Code now generally wants blocks to be less than 400 feet. Because of this, the original Beck Plan, the Holmes plan and John Merediths original site plan no longer work. The City really wants an extension of 18th Avenue from Oak Street to Pine Street.*
 - None of the neighbors were opposed to the annexation. They understood that John Meredith had owned it for a number of years and was always planning on developing it. While they don't particularly want more neighbors, they generally were OK with the proposed layout and the annexation request.
-

The meeting ended at approximately 6:50 PM.

Notes prepared by Pat Sisul, Sisul Engineering

IV. Pre-application Meeting Minutes



Pre-Application Meeting

**Annexation for 1009 NE Territorial Road
December 30, 2015
10:30 am**

Attended by:

Hassan Ibrahim, Curran-McLeod Engineering, 503-684-3478
Jerry Nelzen, Public Works, 971-253-9173
Boe Teasdale, NW Natural, 503-931-38/58
Doug Quan, Canby Utility, Water, 971-563-6314

Pat Sisul, Sisul Engineering, 503-657-0188
Dan Mickelsen, Erosion Control, 503-266-0698
Mark Gunter, Public Works, 541-231-8674
Bryan Brown, Planning, 503-266-0702

This document is for preliminary use only and is not a contractual document.

SISUL ENGINEERING, Pat Sisul

- John Meredith, Longhorn Development would like to annex 1009 NE Territorial Road into the City of Canby. This parcel has one existing house on the property and will be lot 1 of the subdivision.
- North Oak Street is partially constructed and so is the south side of NE Territorial Road. The proposed site to the south as shown on the site plan, we laid out when we did the Pine Meadow development and we built off of it. I talked to Bryan Brown about the need of NE 18th Avenue and Bryan felt there was a need for putting in NE 18th Avenue. We also made provisions to break up the block between the proposed NE 17th Avenue.
- This meeting is for annexation and we not proposing the development at this time, but we really need to know if the utilities are available and if there is any reason why we would have any difficulty serving this development.
- Pat asked if Tom Holmes decided to develop his land, is there a possibility of having his storm water a part of the N Redwood Drainage System. Bryan said they did a rigorous analysis on what the capacity for this system could handle and I doubt it would have any extra room other than the N Redwood area for storm water. Jerry said we need to you look at it because we might have to do something for this area and it is a concern for us all.

CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim

- As far as sanitary sewer I do not think there will be any capacity issues in terms of the treatment plant. There is a sanitary sewer main in NE Territorial Road and I saw a manhole at the intersection of NE Territorial Road and N Oak and Jerry stated there was a cleanout at the dead end of N Oak Street. The sewer main line is 8" plastic pipe.
- N Oak Street is basically shot and there is curb partially along the west side of N Oak and no return at the intersection. You will have to do half street improvements with curb and sidewalks. Pat asked what do you mean by half street improvements on NE Territorial Road and Hassan stated we need to make it 42 feet wide, curb to curb. Pat said we would just saw cut the clean edge of the roadway and you are not talking about going to the center line and

Hassan said no. Hassan said the new standard calls for a planter strip and Jerry said we need to match the existing, which is curb tight and NE Territorial Road has parking, bike lane and sidewalk. Hassan said there are two 11 foot lanes, two 6 foot bike lanes and 8 foot parking for the 42 feet of right-of-way. N Oak Street will be a local street and the right-of-way is 34 feet of paved street and I do not know if you would be responsible for the other half and we need to come up with some money to overlay the other side. Jerry asked if we can rip it out and re-do the entire roadway and Pat said we would pay for one side and the city pay for the other half. Consensus agreed with sharing the cost of rebuilding the street. Hassan said the curb and sidewalk on the partial section of N Oak Street and looks pretty new and should be okay. You are proposing a 50 foot right-of-way and that is adequate for a local street.

- We discussed parts of the storm drainage in this area and we think it is too wet as is and drywells may not function well. Jerry said we are running into drainage issues in this area and Pat said he noticed from the storm water master plan there is an unknown size of storm drain line running down NE Territorial Road. Dan stated it would be just for overflow purposes only and Jerry said it was what he was thinking with a sedimentation manhole, drywell and overflow to the storm line and Pat said that would work for us. Jerry asked about placing catch basins at the two dead ends for the proposed John Meredith subdivision project and Pat asked if there was a drainage problems in this area. Pat said we need to be aware of the water wells in the area. Discussion ensued. Pat stated the storm water master plan projection shows a storm line coming down NE 10th Avenue, picking up all the failed drywells and piping them north on N Pine Street. Jerry said he did not know how they would do it because there is not any fall.
- Hassan said is this best option for the proposed annexation alignment of N Oak Street for future land development. Pat said Bryan and I looked at the proposed alignment for N Oak Street and if you are swinging it through and use the radiuses here you cannot get a long enough tangent in the middle to make it work. Since we could not make it work this is why we went this route because at least it met code. Discussion ensued. Bryan said we developed this proposed street plans when they developed Pine and Franz Meadow subdivisions and what was most important is we have interconnectability and we want the streets to go through. Pat said he tried to show the proposed NE 18th Avenue connecting with this proposed annexation and with these lots likely to develop and some not to develop. I tried to push the enough roadway to this side for these property owners could build a half street having two lanes of traffic without these properties being developed. Unfortunately, it does not align with the apartment's driveway and there would need to have a traffic study for this section in the future and Bryan agreed and said he would talk to our traffic consultants.

CITY OF CANBY, PUBLIC WORKS, Jerry Nelzen

- Jerry asked where the drywells would be and Pat said we do not know at this time and we would have to find the surrounding wells and go from there. Discussion ensued. Pat said we would need to place the drywells on the westerly side of N Oak Street and Jerry said he wanted to know if there would be enough fall to pipe it over and my thoughts are for the future proposed areas to make sure we can get drainage for them also. We would like to see a manhole in the center of the streets at the dead ends so you do not have to cut the roadways in the future and Hassan said Pat would need to do a profile and see what would happen with the catch basins and it would manifest itself during the design to help alleviate your future

concerns. Dan said we need to think about the water coming off of NE Territorial Road coming down onto N Oak Street because we would need a drywell just for that purpose and they would need a drywell for their own needs. Pat said if there is a need to have two drywells in this area would the city pick up the costs for one of them and Jerry said it does not matter what has to happen we just need to figure it out and do it. One drywell will not handle all the water and when the proposed subdivision is put in, it will definitely not be able to handle the storm water. I would like to have the entire storm line connected together and Pat said we could also pipe the overflow to the city's storm line and Jerry said that would be fine. Dan wanted to mention the overflow should just be for emergencies only because you will not be able to rely on it. Pat said we will put in pipe at the ends of N Oak Street and NE 18th Avenue and Jerry said to make sure there is enough fall to bring it back to the drywells in N Oak Street.

- Jerry said you know the understanding of what we need for the sewer mains and Pat said yes.
- Pat said we assume for lot 1 we would use the existing driveway approach onto NE Territorial Road and we wanted to know if lot 2's driveway approach could come off of NE Territorial Road. Bryan stated if there is an option for a lesser classification street for the driveway approaches you are always supposed to use it. Pat said he thought so.

CANBY UTILITY, WATER DEPARTMENT, Doug Quan

- We have a 6 inch PVC water line in N Oak Street located in the street and goes off to the side where the blow off is located. The water main will be changed to an 8 inch because it is dictated in our master plan and for fire flow purposes it has to be an 8 inch line. If you put in NE 18th Avenue and due to the shortness of road you will not get the fire flow from the 6 inch for a hydrant and I do not think the fire department would like the reduced flow. Pat asked who would be paying for the upsizing of the main from a 6 to an 8 inch line. Doug said good question, but since you will be tearing the entire roadway up it should be easy to accomplish. Pat said if we put in an 8 inch line on NE 18th Avenue and part of N Oak Street still utilize the 6 inch, would that work for you and Doug said no because if John does this and the others do not develop for another two to three years it will be an issue. Pat said Bryan and I will need to know for the development agreement who is paying for it and Doug said if the street will be torn up anyway and you will be putting in a new base for the road it will not be that much more to put in an 8 inch line. If this is just an annexation you are still a ways a way and Pat said it would not annex until the end of next year and it would not be a subdivision until 9 months after that. Doug said we have a few budget cycles to go through before we have to figure it out. Pat said the other option would be to put in an 8 inch line to the hydrant and leave the 6 inch and Doug said it would not be that much further to take it to the end because when the other proposed subdivisions tie in everything will be an 8 inch line.
- You will still have to have automatic blow off stations at the end. Pat said you have one already in and another just needs to be added on NE 18th Avenue and Doug concurred. Jerry said we need to discuss the problems we are having with the automatic blow off stations you have installed at Faist 6 subdivision. Doug said we are having an issue with Faist 6 and when the contractor put in the lines we discovered they dropped the service lines coming off of the blow off stations to a 4 inch and manufactures specifications are for a 6 inch line. They tied into the house lateral and I do not know why they did not use a sweep "Y" and Jerry said they used a "T". Doug said we discussed using a sweep "Y" because it would

direct the flow downstream and I think they installed a “T”. Pat said if we run into a situation where we cannot go into an end of a cleanout, do you want the lateral for the blow off station be a “Y” instead of a “T” and everyone concurred. Pat said we have to do a “Y” on private sewer and storm, but for public works it is just the opposite and everything is a “T” and if you want that from now on we can spec it. Doug said make sure they put in a 6 inch for the discharge side. Jerry asked if they make the automatic blow offs with de-chlorination and Doug said yes. Jerry wanted to know if they could have the blow off line go into our storm system and Doug said they can be configured to either storm or sewer. The dechlorination systems are a tablet feed and water just goes over them and into the line. We tested the automatic blow off at Dinsmore 3 and it worked well and Jerry said if you do a 6 inch pipe it will not hurt anything, but at Faist 6 it does not work and if we could go into the catch basin it would work much better. We would not have to worry about it flooding the houses through the sanitary sewer lines. Jerry said it is Mark’s call because he signs for the sanitary sewer system. Doug said the automatic blow off stations can be retrofitted with a dechlorination system and the consensus was to use the storm system instead of the sewer laterals. Jerry said we would like to try it on the next project and Doug said okay.

NW NATURAL, Boe Teasdale

- We have a gas line on N Oak Street and it would have to be relocated with the new road improvements and I assume you will put in a public utility easement (PUE) on the east side and Pat said yes. Boe said we usually tag along with power in the trench line and we would have to reconnect a service line at 1805 N Oak Street. Pat asked if the existing line was a joint trench and Boe said in 2005 when the line was put in, it did not specify whether it was a joint trench.
- To service lot 1 we would need to access NE Territorial Road and Pat said he did not see a service to the existing house and I would assume they are not going to change now. We will put a PUE along the frontage and Boe said that would be great for the future.

CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown

- Jerry asked if they would be doing curb tight sidewalks and Bryan said I am not sure that needs to be decided at this stage. Hassan said on the west side of N Oak Street there is existing curb tight sidewalks and Bryan asked what the right-of-way is and Hassan stated a 50 foot right-of-way, the current standard for the local streets are 50 to 62 feet.
- The development agreement is binding on all the properties located within the designated development area as shown on the Canby annexation development map. It means we are not just dealing with John Meredith’s property being annexed but we are also using the other two tax lots along N Pine Street which would be a part of the development agreement and whatever provisions are put in. With that being said if we are tying the future streets through their property and we say something in the development agreement, it would be in the best interest during your neighborhood meeting before annexation by getting them involved and letting them realize we will be dictating how their property might be developed in the future through the development agreement. Pat asked who would be signing the development agreement and Bryan said he did not know, but the owners would be signing it also by the way it was worded. Pat said we have done prior development agreements and Bryan said yes, but we have never had one that involved property other than what was being annexed.

Pat said what about Pine and Franz Meadows they were blue box and it was just signed by the individual. Bryan said the way we read this is all the owners of property in the defined development agreement area and Pat said are they subjected to same development agreement or are they subjected to a development agreement? Bryan said it does not say and I can easily interpret they should be a single development agreement that applies to the defined area on the annexation development map. Apparently we have not been doing it that way and when I read it today it seems to me we should be doing one development agreement area for the area identified on the annexation map. Pat said he did not know how we could do it because you could have one property owner not signing the agreement and nobody gets annexed. Bryan said it is the same problem with the concept plans and it again describes the ordinance you do not have to have an agreement from everyone to get the council to approve a concept development plan and the same thing could be true with a development agreement. They might not sign it, but it applies to the entire area.

- We have been typically taking both an annexation application and a zone change application. When you do have more than one application you get the lowest cost one at half price.
- To my knowledge we need to do a traffic impact study and it means fairly soon if you are going to make this into a February deadline to make the application. You should get a scoping started, which means giving us a \$500 deposit and we can start the scope of work.
- We do have some questions on whether John wants to do two or three family dwellings and it will be related to what we do to the traffic analysis. Whether having a duplex or a triplex could it cause any problems on the slope of the street or the nearby intersection, I do not think so for this many lots, but we should think of a trip cap which I know has come up in the past on re-zones. My thoughts are we could put it in the development agreement and it state there will be no more trips or trip capped and would be only single family homes or so many duplexes can be the possibility and be bound by it and do less of a traffic study. I can talk to the traffic engineers and see what they have to say about it. Pat said he will talk to John and see what he would like to do, either all single family homes or a mixture of single family and duplexes.

V. Triple Majority Worksheet

**ANNEXATION PETITION
CITY OF CANBY, OREGON**

By signing below I indicate my consent to and support of being annexed into the City of Canby, Oregon. I also consent to allow my signature (below) to be used for any application form required for this annexation.

Note: This Petition may be signed by qualified persons even though they may not know their property description or precinct number.

[illegible]

* PO = Property Owner
RV = Registered Voter
OV = Owner and Registered Voter

TRIPLE MAJORITY WORKSHEET

Please list all properties and registered voters included in the proposal. If needed, use separate sheets for additional listings.

PROPERTY OWNERS

Tax Lot #'s	Name of Owner	Acres	Assessed Value	Signed Petition (Y/N)
1800	John Meredith	1.65	\$249,868	Y
1800	Katherine Meredith			Y
TOTALS				
% Signed		100%	100%	100%

VI. Legal Description & Survey

2
AFTER RECORDING RETURN TO:
John T. and Katherine A. Meredith
377 NW Territorial Rd.
Canby OR 97013

Clackamas County Official Records
Sherry Hall, County Clerk

2011-001990



\$52.00

01465275201100019900020027

01/07/2011 02:09:30 PM

UNTIL REQUESTED OTHERWISE,
SEND TAX STATEMENTS TO:
John and Katherine Meredith
377 NW Territorial Road
Canby OR 97013

D-D Cnt=1 Stn=9 DIANNAW
\$10.00 \$10.00 \$16.00 \$16.00

WARRANTY DEED

LONGHORN PROPERTIES, LLC, GRANTOR, conveys and warrants to **JOHN T. MEREDITH and KATHERINE A. MEREDITH**, husband and wife, GRANTEE, the following described real property, free of encumbrances except as specifically set forth herein, in Clackamas County, Oregon:

SEE ATTACHED EXHIBIT A.

The true and actual consideration for this conveyance is \$NIL. Distribution from Grantor's limited liability company.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

DATED this 7th day of January, 2011.

LONGHORN PROPERTIES, LLC


JOHN T. MEREDITH, Manager - Grantor

STATE OF OREGON)
) ss.
County of Clackamas)

On this 7th day of January, 2011, before me, personally appeared JOHN T. MEREDITH, Manager, LONGHORN PROPERTIES, LLC, and acknowledged the foregoing instrument to be his voluntary act and deed.




Notary Public for Oregon
My commission expires: Feb 2, 2014

EXHIBIT A

LEGAL DESCRIPTION:

A parcel of land situated in the Southeast quarter of Section 28, Township 3 South, Range 1 East, of the Willamette Meridian, being part of Tract 60, CANBY GARDENS, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Tract 60; thence East along the South boundary of said Tract 60 a distance of 149.6 feet to the true point of beginning; thence continuing East along the South boundary of said Tract 60 a distance of 200.00 feet to a point which is also the Southeast corner of that certain parcel of land conveyed to Francis M. Garmire and Charlotte H. Garmire, his wife, by deed recorded September 11, 1956 in Book 516, Page 250; thence North at right angles to said South boundary a distance of 398.34 feet to the Northwesterly boundary of said Tract 60, which boundary is also the Southerly boundary of Territorial Road; thence South 69°03' West a distance of 214.13 feet along the North boundary of said Tract 60 to a point; thence South 321.83 feet to the South boundary of said Tract 60, to a point being the true point of beginning.

(2)

VII. Development Agreement

AFTER RECORDING RETURN TO:
City of Canby
P O Box 930
Canby OR 97013

UNTIL REQUESTED OTHERWISE,
SEND TAX STATEMENTS TO:
John Meredith
377 NW Territorial Road
Canby, OR 97013

DEVELOPMENT AGREEMENT (ANNEXATION)

RECITALS:

1. John Meredith hereinafter referred to as “MEREDITH”, own real property commonly described as 1009 NE Territorial Road, Canby, OR 97013 and more particularly described in the attached Exhibit A and depicted on a survey attached as Exhibit B.
2. The City of Canby, hereinafter referred to as “CANBY”, is an Oregon municipal corporation.
3. The property described in Exhibit A and depicted on Exhibit B is located within the boundaries of a designated annexation “Development Agreement Area” as shown on the City of Canby Annexation Development Map (City of Canby Municipal Code Title 16, Figure 16.84.040).
4. CANBY procedures for annexation specify the Planning Commission shall conduct a public hearing to review any proposed annexations and determine the appropriate zoning designation upon annexation. The Planning Commission shall furnish its recommendation concerning annexation and assigned zoning to the City Council. The City Council will determine whether the applicable standards and criteria of Canby Municipal Code 16.84.040 are met and will determine appropriate zoning for the property based on the criteria set forth in the Canby Municipal Code 16.54.040.
5. The purpose of this Annexation Development Agreement is to satisfy the requirements of Canby Municipal Code 16.84.040 including providing adequate public information and information evaluating the physical, environmental, and related social effects of a proposed annexation. The proposed annexation does not require the statutory development agreement of ORS 94.504 et seq.

NOW, THEREFORE, it is hereby agreed:

I. CANBY MUNICIPAL CODE 16.84.040 APPLICABLE PROVISIONS.

A. Timing of the submittal of an application for zoning. Concurrent with review of this Agreement, the Council shall consider MEREDITH’S annexation application and requests that, upon approval of the annexation by the City Council, the property described in Exhibit A shall be zoned R-1.5. This approach will insure that the development agreement as well as the annexation and zone change approvals are consistent with City Code 16.84.

B. Scope of annexation request. In addition to the property owned by MEREDITH and described in Exhibit A, MEREDITH’s annexation application shall include the southern one-half of the NE Territorial Road right-of-way, County Road No. 1485 adjacent to the MEREDITH property. The southern half of the NE Territorial Road right-of-way shall be measured from the right-of-way centerline and also as described in Exhibit A and depicted on Exhibit B. MEREDITH agrees to dedicate street right-of-way for NE Territorial Road to meet the standards of the City of Canby with future land use actions on the property as part of the development approval process.

C. Timing for Recording. MEREDITH shall have seven (7) calendar days from the date the City Council takes final action approving this Agreement, the annexation, the zone change request, to record this Agreement. A condition of approval will be attached to the annexation and zone change approval imposing this requirement.

D. Dedication of land for future public facilities including park and open space land. At the time of development, MEREDITH agrees to dedicate street right-of-way for NE Territorial Road, N. Oak Street and for other streets being created inside the property to the standards of the City of Canby and to satisfy CANBY's parkland dedication obligation through payment of the City's park system development charge.

E. Street construction/layouts, utilities, right of ways/dedications, and lots. At the time of development, City required public street improvements will be constructed to Canby Municipal Code specifications by MEREDITH. Specifically, MEREDITH agrees to improve the southern one-half of the NE Territorial Road right-of-way and the east one-half of the N. Oak Street right-of-way along the frontage of the property, and to construct a new street, NE 18th Avenue, west from N. Oak Street. The southern one-half of the NE Territorial Road right-of-way and the east one-half of the N. Oak Street right-of-way shall be measured from the right-of-way centerline. MEREDITH will position the NE 18th Avenue intersection to N Oak Street at a location deemed appropriate by the City of Canby Planning Department during the tentative plat design and approval process. Street cross section layouts, public utilities, franchise utilities, and right of way widths/associated dedications will be determined at the time of development in conformance with the Canby Municipal Code and Canby Public Works Design Standards. The submitted General Land Use Plan dated July, 2016 in conjunction with the ANN/ZC 16-?? applications is for general reference only and is non-binding. Lot sizes and layouts will be determined at the time of development and are contingent upon street cross sections and right of way widths.

F. Utility availability. At the time of development, MEREDITH agrees to ensure that utilities and infrastructure are available to serve the property described in Exhibit A at densities currently authorized in the R-1.5 zone. To the extent that additional utility or service infrastructure is required to serve the property in the future, MEREDITH agrees to provide those utilities and services in a way that is commensurate with the impacts from development and consistent with the City's Code. MEREDITH also agrees to allow connection to MEREDITH's constructed public facilities by adjacent property owners.

G. Water and Sewer. At the time of development, MEREDITH agrees to install public waterlines in all new or extended public streets and sewer lines in new City streets as is needed to serve the development. CANBY agrees that MEREDITH can connect to the public water system and that MEREDITH can connect the existing public sanitary sewer. CANBY agrees that no new sewer main is needed in NE Territorial Road along the frontage of the Meredith parcel.

H. Waiver of compensation claims. MEREDITH waives compensation or waiver of land use regulations as provided in ORS 195.300 and 195.336, as well as Measure 49, resulting from annexation and the concurrent zone change approval.

I. Rough proportionality of future exactions. To the extent that this agreement identifies right-of-way dedication, utility or service obligations, these obligations are necessary and will be limited to an amount necessary to serve this development based on the proposed development application as well as on the uses and densities permitted in the R-1.5 zone.

J. Other commitments deemed valuable to the City of Canby. MEREDITH agrees any future development will meet the requirements of the adopted CANBY Municipal Code in effect at the time of development.

II. OTHER CONSIDERATIONS.

A. Duration. This Agreement shall be effective upon CANBY, acting by and through its city council, approving this Agreement and upon its recording with the Clackamas County Recording Office. As used herein, "approval" means the granting of the approval and the expiration of the period of appeal, or if appeal is filed, the resolution of

that appeal. This Agreement shall continue in effect for a period of eight (8) years after its effective date unless cancelled as provided in Section II, C below

B. Recording. Within seven (7) calendar days after the City Council makes a final decision approving ANN/ZC 16-??, MEREDITH shall record this agreement with the Clackamas County Recorder's Office and provide a copy of the recorded agreement to the City Attorney.

C. Cancellation. This Development Agreement shall not be cancelled.

D. Modification. This Agreement may be modified, amended, or extended upon the mutual consent of MEREDITH and CANBY.

Dated this _____ day of _____, 2016.

John Meredith

CITY OF CANBY, OREGON

By: _____
Amanda Zeiber, Interim City Administrator

Dated: _____

APPROVED AS TO FORM:

By: _____

Dated: _____

APPROVED BY ACTION OF CITY COUNCIL ON _____, 2016.
CITY COUNCIL RESOLUTION NO.: _____.

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2016

Personally appeared before me, JOHN MEREDITH, and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2016

Personally appeared before me, AMANDA ZEIBER, as the Interim City
Administrator of the City of Canby, Oregon.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT "A"

Associated Land Surveyors, Inc.

375 Portland Ave., Gladstone OR 503-656-9440

Exhibit A

July 20, 2016

Property description for annexation to the City of Canby

Meredith Property and Territorial Road

A portion of Tract 60, CANBY GARDENS, in the Southeast quarter of Section 28, Township 3 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

Commencing at the Southwest corner of said Tract 60; thence N89°59' E along the South boundary of said Tract 60 a distance of 149.6 feet to the Point of Beginning of the property herein described; thence continuing along said South boundary a distance of 200 feet to the Southeast corner of the tract of land conveyed to John T. Meredith and Katherine A. Meredith by Clackamas County Deed Document No. 2011-001990; thence N00°01'W along the East line thereof a distance of 398.34 feet to the Northeast corner of said Meredith property on the Southeasterly right-of-way line of Territorial Road (County Road No. 1485); thence S69°03'W along said Southeasterly right-of-way line a distance of 214.13 feet to Northwest corner of said Meredith property; thence S00°01'E along the West line thereof a distance of 321.83 feet to the Point of Beginning.

Together with the following described portion of Territorial Road (County Road No. 1485) abutting said Meredith property:

Beginning at the Northeast corner of the above described Meredith property; thence N 00°01'W along the Northerly extension of the East line thereof a distance of 32.12 feet to the center line of said Territorial Road; thence S69°03'W along said center line a distance of 214.13 feet to the intersection with the Northerly extension of the West line of said Meredith property; thence S00°01'E along said line a distance of 32.12 feet to the Northwest corner of said Meredith property on the Southeasterly right-of-way line of Territorial Road; thence N69°03'E along said line a distance of 214.13 feet to the point of beginning.

The combined areas totaling 1.80 acres.

The courses of this description are as shown on a survey filed at the Clackamas County Surveyor's Office as PS 5957.

canbyannex.doc

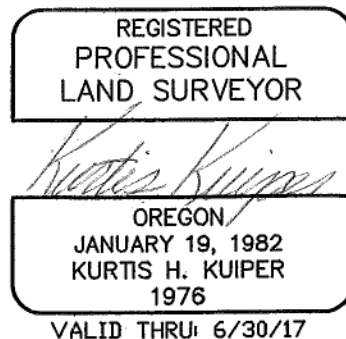


EXHIBIT "B"

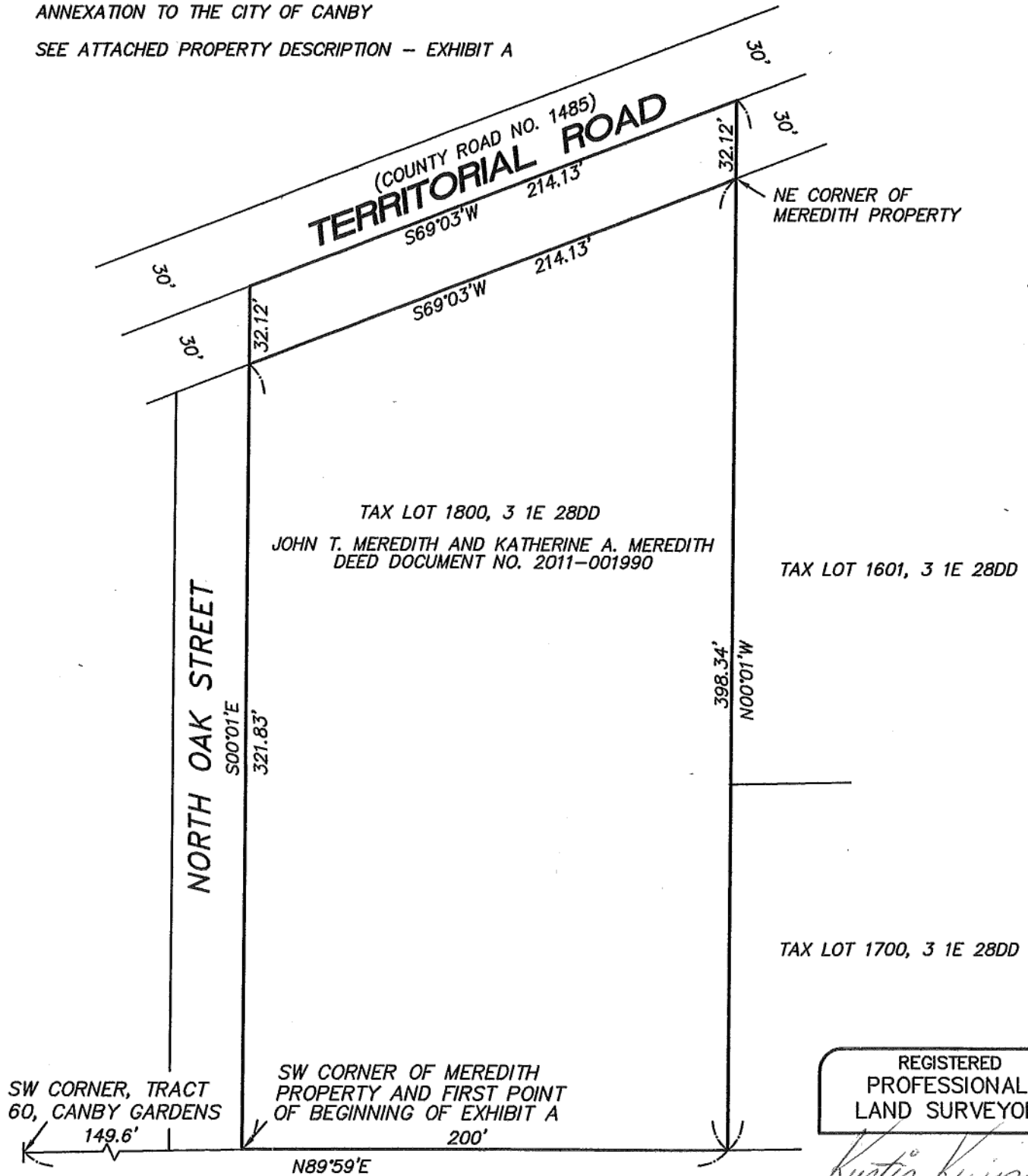
EXHIBIT B

July 20, 2016

Scale: 1" = 60'

MEREDITH PROPERTY & PORTION OF TERRITORIAL ROAD
ANNEXATION TO THE CITY OF CANBY

SEE ATTACHED PROPERTY DESCRIPTION - EXHIBIT A



SW CORNER, TRACT
60, CANBY GARDENS

SW CORNER OF MEREDITH
PROPERTY AND FIRST POINT
OF BEGINNING OF EXHIBIT A

PREPARED BY:

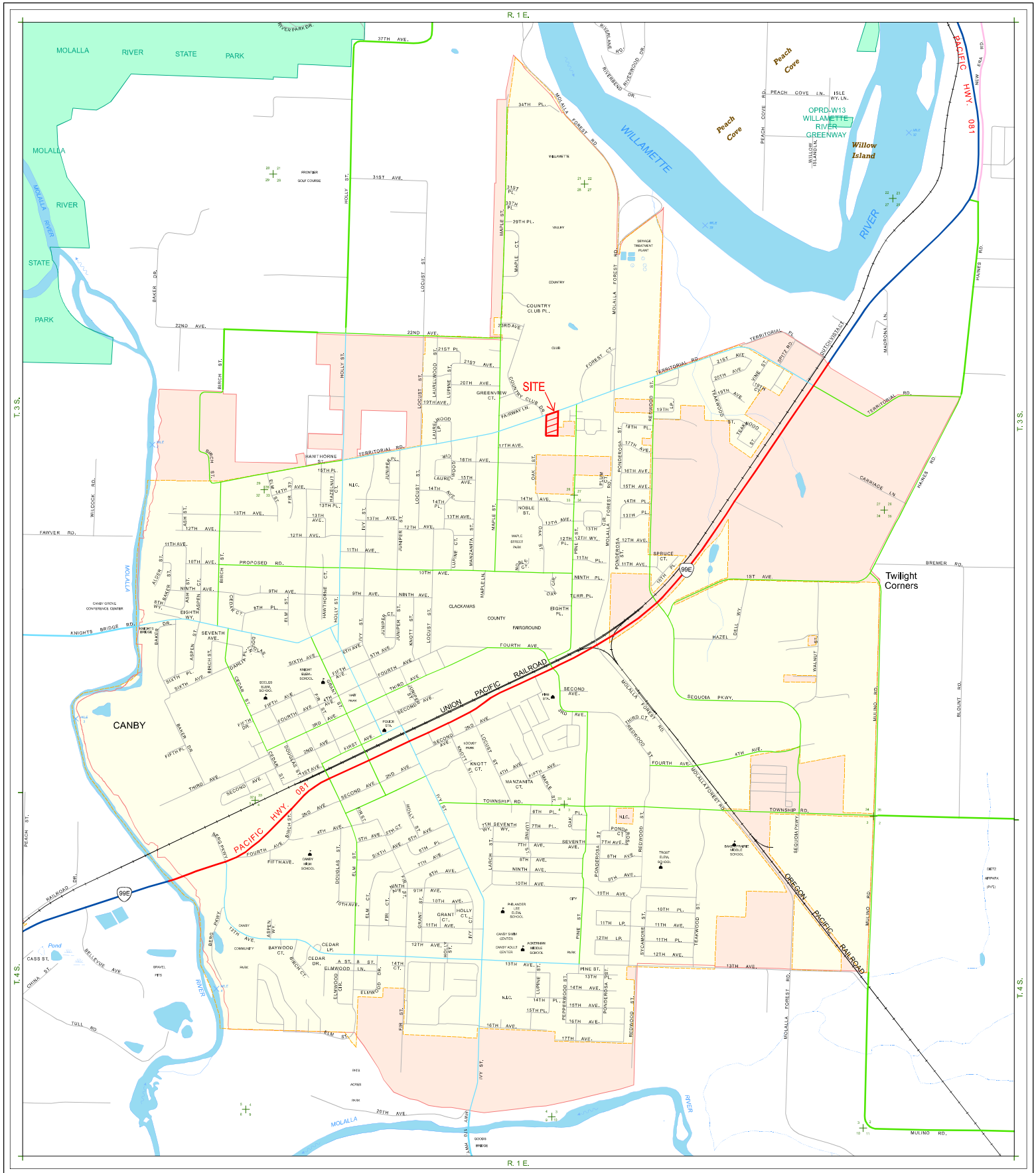
ASSOCIATED LAND SURVEYORS, INC.
375 PORTLAND AVE.
GLADSTONE, OREGON 97027
PHONE: (503) 656-9440

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kurtis Kuiper
OREGON
JANUARY 19, 1982
KURTIS H. KUIPER
1976
VALID THRU: 6/30/17
PROJECT: 1609

VIII. Maps

- a. Vicinity Map
- b. Assessor Map
- c. Comprehensive Plan Map
- d. Topographic Survey
- e. General Land Use Plan



LEGEND

FOR FURTHER FUNCTIONAL CLASSIFICATION INFORMATION, CONTACT ODOT REGION OFFICE.

	INTERSTATE		PUBLIC BUILDING
	PRINCIPAL ARTERIAL		COURTHOUSE
	MINOR ARTERIAL		HOSPITAL
	URBAN COLLECTOR		ARMORY
	RURAL MAJOR COLLECTOR		POST OFFICE
	LOCAL ROAD		LIBRARY
	INTERSTATE - US ROUTE - ORE. ROUTE		SAFETY REST AREA
	NATIONAL HIGHWAY SYSTEM ROUTE		WEIGH STATION
	CITY LIMIT		PARK & RIDE LOCATION
	URBAN GROWTH BOUNDARY		INTER-CITY TRANSIT
	RAILROAD - AMTRAK PASSENGER STATION		COMMERCIAL - GENERAL AVIATION
	GRAVEL PIT - QUARRY - ODOT STOCKPILE		PORT FACILITY
	ODOT MAINTENANCE STATION		

Published by

PREPARED DIGITALLY BY THE
OREGON DEPARTMENT OF TRANSPORTATION
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

SCALE

0 650 1,300 2,600 Feet

0 195 390 780 Meters

CANBY
POPULATION 15,910

T.3 S., R.1 E., W.M.

OREGON TRANSPORTATION MAP

Showing Federal Functional Classification of Roads
City of

CANBY

CLACKAMAS COUNTY
2013 Edition

AVAILABLE TRANSPORTATION SERVICES
SHOWN WITH YELLOW BACKGROUND

Copies Available: from the Oregon Department of Transportation, Geographic Information Services Unit, 1800 NE Oregon Street, 97114, (503) 886-1544. <http://www.oregon.gov/ODOT/IDT/IDT3/IDT3DataPages/gis/canby.aspx>

Population numbers are based on current Oregon Population Report, College of Urban and Public Affairs, Portland State University, <http://pub.apsu.edu>

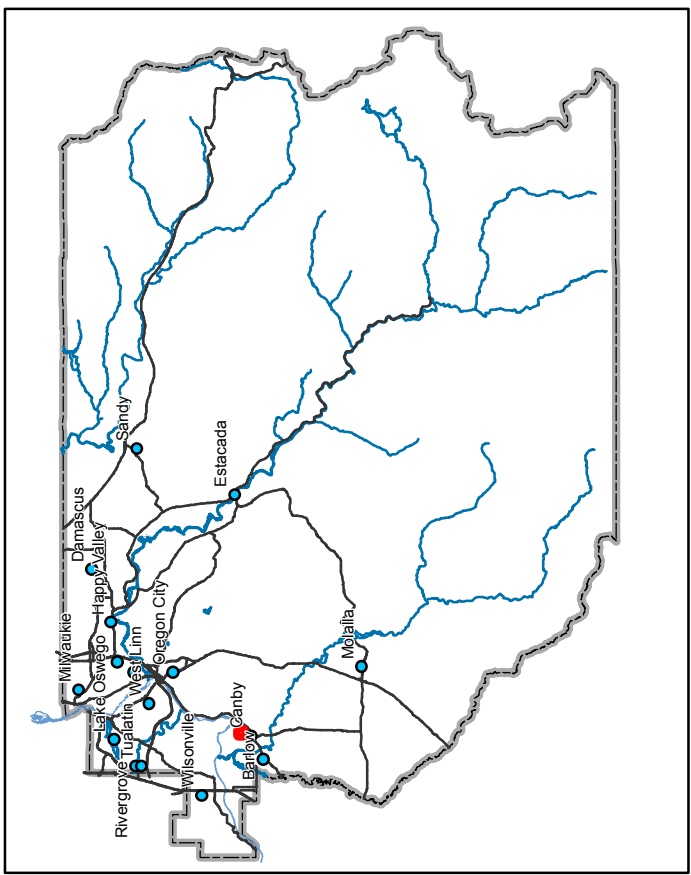
3 1 E 28DD
CANBY

S.E.1/4 S.E.1/4 SEC.28 T.3S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 100'

Cancelled Taxlots

2190
2500
1900
1901
1904
1905
1906
2200
2300
2000
2001
1500

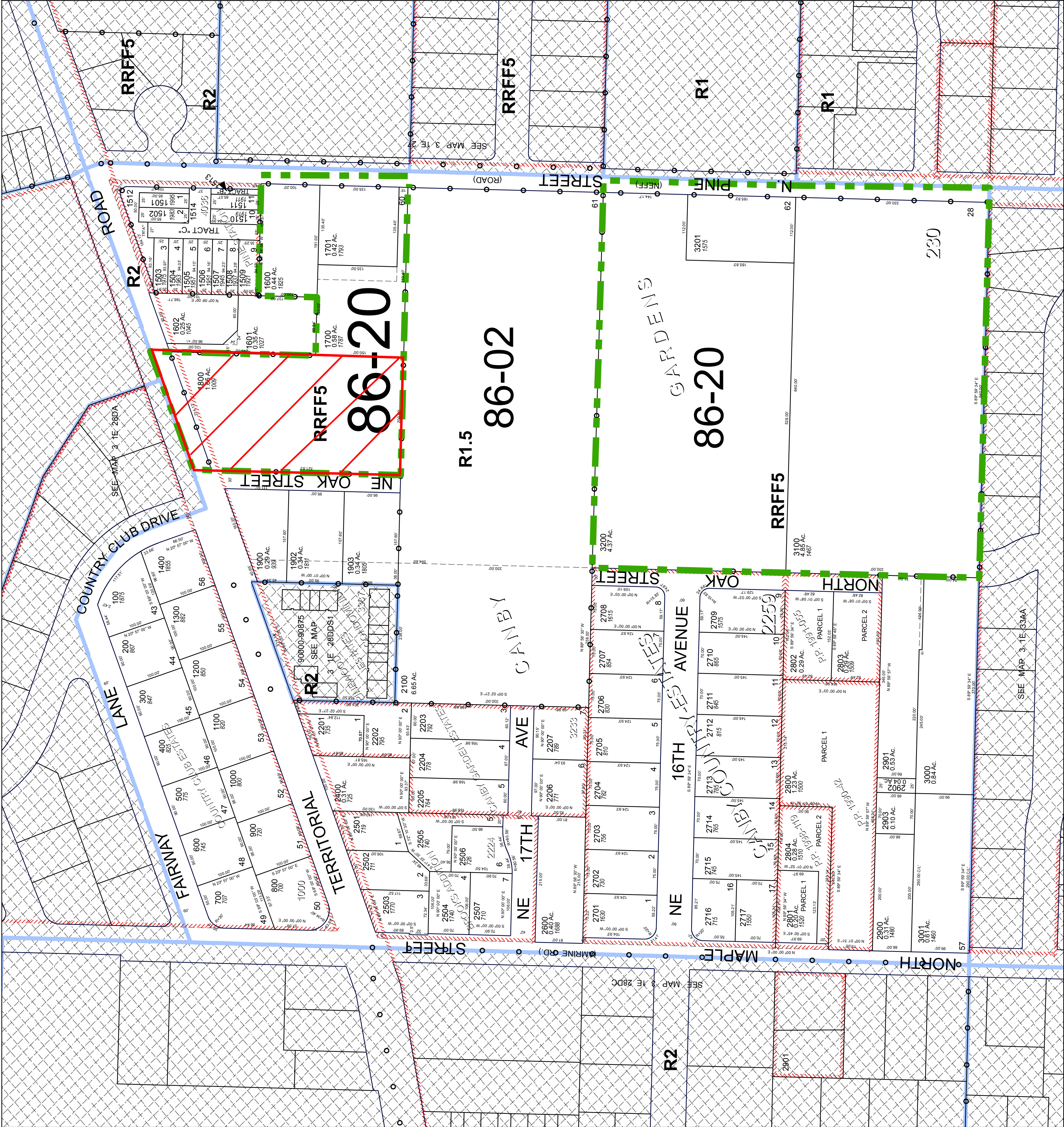
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'

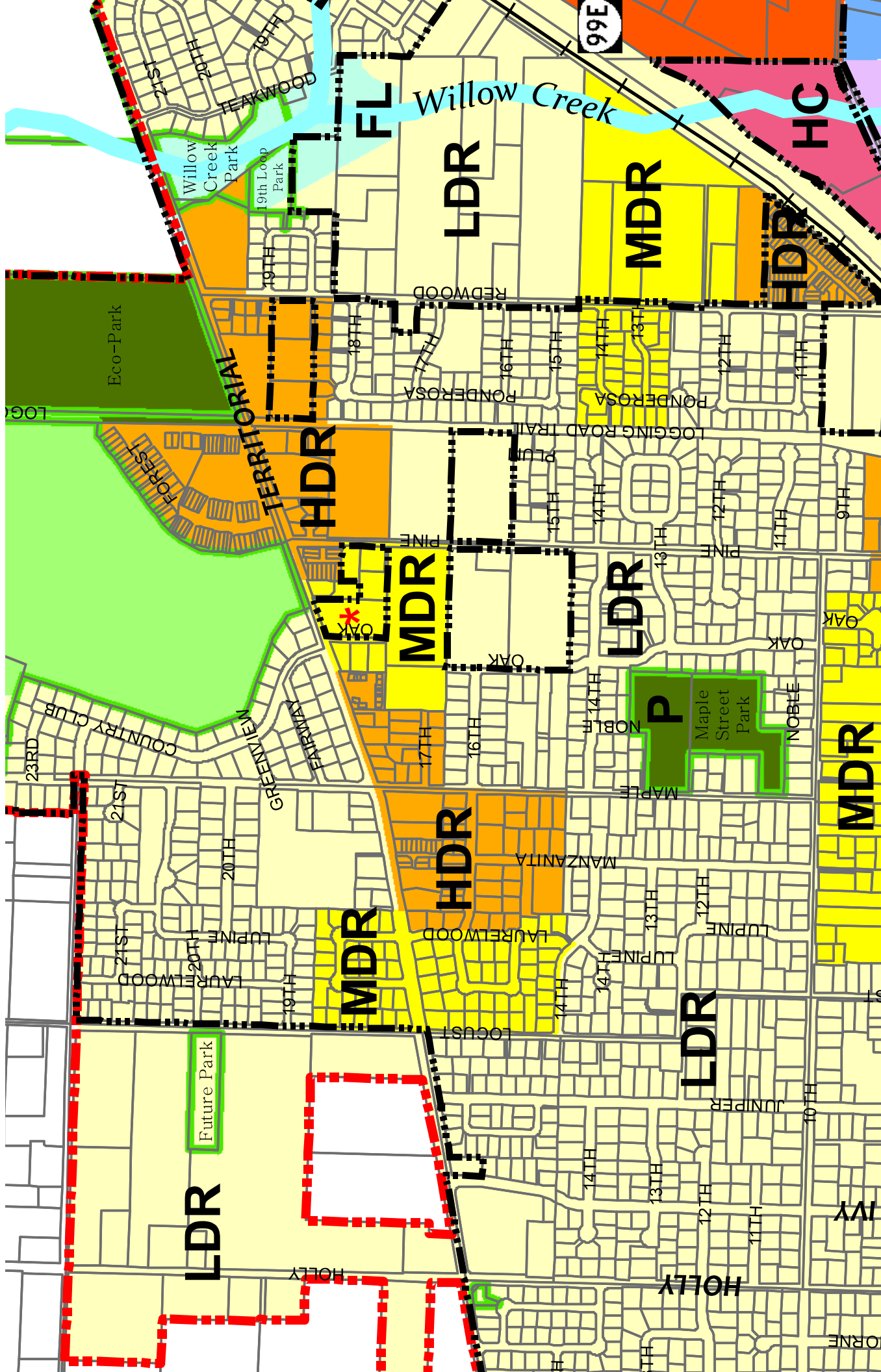


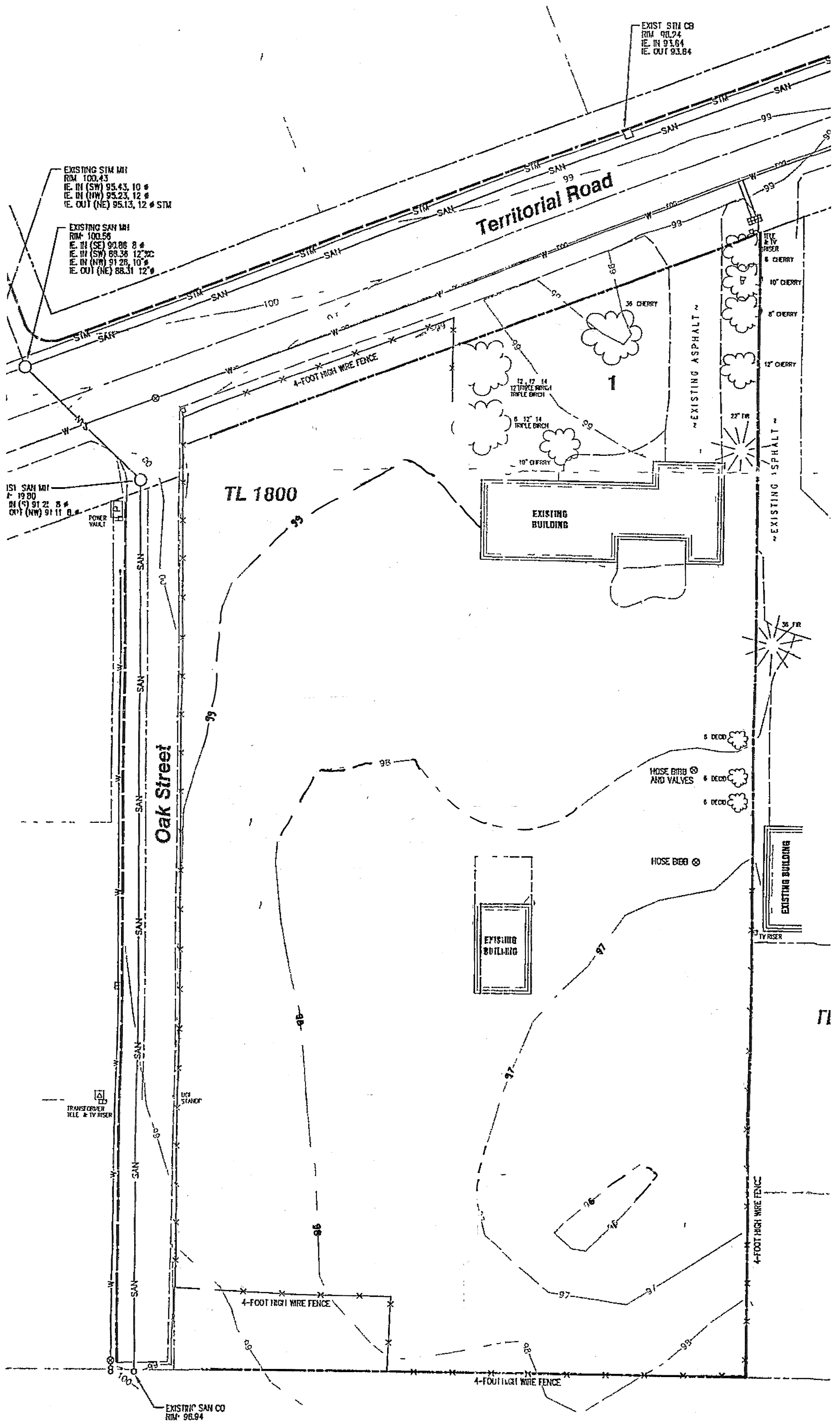
THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

3 1 E 28DD
CANBY

10/28/2015







MEMORANDUM

DATE: September 2, 2016

TO: Bryan Brown, City of Canby

FROM: Julie Sosnovske, PE
Christopher S. Maciejewski, PE, PTOE



720 SW Washington St.
Suite 500
Portland, OR 97205
503.243.3500
www.dksassociates.com

SUBJECT: Canby N Oak Street Annexation – Transportation Planning Rule (TPR) Analysis P#11010-071

This memorandum summarizes how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for a proposed annexation on NE Territorial Road, just east of N Oak Street, in Canby, Oregon. The following section describes the consistency of the annexation request (and corresponding rezone) with both the City's Comprehensive Plan and Transportation System Plan.

Transportation Planning Rule Findings

The proposed annexation is located inside Canby's Urban Growth Boundary (UGB) in unincorporated Clackamas County. It is located at 1009 NE Territorial Road, tax lot 3 1E 28DD 1800. It is currently designated Clackamas County RRFF-5 zoning. The City's comprehensive plan designation is MDR – Medium Density Residential and the proposed zoning is R 1.5 Medium Density Residential. The proposed zoning is consistent with the City's adopted Comprehensive Plan designation.

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning, and does not create a significant impact on the surrounding transportation system beyond currently allowed uses. The TPR allows a change in land use zoning in the event that a zone change would make the designation consistent with both the Comprehensive Plan and the Transportation System Plan. The allowance (found in Section 9) was added to the TPR in December 2011 and fits the circumstances of the project parcel. Specifically, section 9 states:

Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP;
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was



exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area

Each of these criteria is addressed below:

- (a) The proposed annexation, and associated proposed zoning, are consistent with the City's Comprehensive Plan and adopted Transportation System Plan (TSP), including a review of the forecasted development types and amounts from the travel demand forecasts utilized for the TSP.¹
- (b) The City of Canby has adopted the Transportation System Plan (2010) and the proposed zoning is consistent with the TSP.
- (c) This subsection applies if the area was added to the urban growth boundary (UGB). Since the parcels are already within the UGB, provisions from subsection (c) would not apply. Per email from City staff, the parcels subject to the zoning map amendment were not exempt from this rule at the time of an urban growth boundary amendment².

Based on the discussion above, all three criteria are satisfied; therefore, the proposed rezone will not have a significant effect on the transportation system. The proposed rezoning is consistent with the existing comprehensive plan map designation, as summarized in Table 1. Additionally, the transportation assessment performed as part of the City's TSP accounts for the proposed uses related to annexation of the property, therefore the proposed rezoning is consistent with the acknowledged transportation system plan.

Table 1: Proposed Annexation at 1009 NE Territorial Road, Tax Lot 3 1E 28DD 1800

	Tax Lots	Lot Size (acres)	Clackamas County Zoning	City of Canby Zoning	City of Canby Comprehensive Plan Land Use
Annexation Application	3 1E 28DD 1800	1.65 acres	RRFF-5 (Rural Residential Farm Forest)	R-1.5 (Medium Density Residential)	MDR (Medium Density Residential)

¹ Based on the estimated acreages of potentially redevelopable parcels within the same TAZ as the proposed annexation (TAZ 11 in the City of Canby TSP, 2010), approximately eight additional households were accounted for on the proposed annexation site, as part of the TSP. Based on the City's zoning code, a minimum of six (6) two, three or four-family homes per acre would be allowed, after accounting for street right-of-way and public open space requirements.

² Email from Bryan Brown, City of Canby, August 23, 2016

ORDINANCE NO. 1449

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 1.65 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOT 1800, OF SECTION 28, T3S, R1E, WM (ASSESSOR TAX MAP 3-1E-28DD) AND 0.15 ACRES OF NE TERRITORIAL ROAD RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF5) TO CITY MEDIUM DENSITY RESIDENTIAL (R-1.5) AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMIT; AND APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF CANBY AND JOHN MEREDITH, PROPERTY OWNER, FOR 1.65 ACRES OF LAND.

WHEREAS, on October 19, 2016, at a public hearing the City Council of the City of Canby approved by a vote of ____ to ____, Annexation/Zone Change 16-04 which called for the annexation of 1.80 acres into the City of Canby. Applicant and owners of the annexed property are: John and Katherine Meredith, tax lots 1800 (3S-1E-28DD) and one-half of the adjacent right-of-way located on the southeast side of NE Territorial Road. A complete legal description of the tax lots and adjacent right-of-way is attached hereto as Exhibit "A", and a map showing the location of the tax lots and adjacent right-of-way is attached hereto as Exhibit "B" and by this reference are all incorporated herein; and

WHEREAS, Pursuant to CMC 16.84.080, the City must proclaim by ordinance or resolution, the annexation of said property in the City and set the boundaries of the new property by legal description; and

WHEREAS, the zoning of the annexed land shall be designated as R-1.5 Medium Density Residential which conforms with the Canby Comprehensive Plan, and such zoning shall be indicated on the official zoning map for the City of Canby; and

WHEREAS, an application was filed with the City by the applicant/owners listed above to change the zoning of one parcel and one-half the adjacent right-of-way totaling 1.80 acres from Rural Residential Farm Forest 5-Acre (RRFF5) to Medium Density Residential (R-1.5); and

WHEREAS, in accordance with Canby Municipal Code 16.84.040 of the Canby Municipal Code, a Development Agreement is a necessary criteria to approve an annexation and execution of a Development Agreement by and between the City of Canby and Beck for 1.65 acres is a part of the annexation approval; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on September 26, 2016 after public notices were mailed, posted and printed in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the annexation, accompanying zone change, and development agreement at said public hearing and at the conclusion of the public hearing the Planning Commission voted 4-0 to recommend that the City

Council approve the applications. The written Findings, Conclusions and Order was approved by the Planning Commission and forwarded to the Council with its recommendation; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on October 19, 2016; and

WHEREAS, the Canby City Council, after considering the staff report, reviewing the record of the Planning Commission's decision and conducting its own public hearing, voted to accept the Planning Commission's recommendation; and

WHEREAS, the written Findings, Conclusions and Order was approved by the City Council on October 19, 2016; and

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. It is hereby proclaimed by the Council of Canby that 1.80 acres of property described in Exhibit "A" and shown on Exhibit "B" is annexed into the corporate limits of the City of Canby, Oregon. Said boundaries of the property are set by the legal descriptions set forth in Exhibit "A".

Section 2. The annexed land shall be rezoned from the county Rural Residential Farm Forest 5-Acre (RRFF5) to City Medium Density Residential (R-1.5) as called for in Canby's Comprehensive Plan and the Mayor, attested by the City Recorder, is hereby authorized and directed to have the zone change made to the official zoning map for the City of Canby.

Section 3. The Council hereby approves the Development Agreement by and between the City of Canby and John Meredith, attached as Exhibit "C", an as-yet-unexecuted draft copy of which is attached hereto this ordinance for which the City Administrator is hereby authorized and directed to sign the final Development Agreement at which time "Meredith" is hereby authorized to record the signed Development Agreement with the official records of Clackamas County within seven (7) calendar days from the 2nd reading of this ordinance.

SUBMITTED to the Council and read the first time at a regular meeting thereof on October 19, 2016 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on November 2, 2016, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on November 2, 2016 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

EXHIBIT "A"

Associated Land Surveyors, Inc.

375 Portland Ave., Gladstone OR 503-656-9440

Exhibit A

July 20, 2016

Property description for annexation to the City of Canby
Meredith Property and Territorial Road

A portion of Tract 60, CANBY GARDENS, in the Southeast quarter of Section 28, Township 3 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

Commencing at the Southwest corner of said Tract 60; thence N89°59' E along the South boundary of said Tract 60 a distance of 149.6 feet to the Point of Beginning of the property herein described; thence continuing along said South boundary a distance of 200 feet to the Southeast corner of the tract of land conveyed to John T. Meredith and Katherine A. Meredith by Clackamas County Deed Document No. 2011-001990; thence N00°01'W along the East line thereof a distance of 398.34 feet to the Northeast corner of said Meredith property on the Southeasterly right-of-way line of Territorial Road (County Road No. 1485); thence S69°03'W along said Southeasterly right-of-way line a distance of 214.13 feet to Northwest corner of said Meredith property; thence S00°01'E along the West line thereof a distance of 321.83 feet to the Point of Beginning.

Together with the following described portion of Territorial Road (County Road No. 1485) abutting said Meredith property:

Beginning at the Northeast corner of the above described Meredith property; thence N 00°01'W along the Northerly extension of the East line thereof a distance of 32.12 feet to the center line of said Territorial Road; thence S69°03'W along said center line a distance of 214.13 feet to the intersection with the Northerly extension of the West line of said Meredith property; thence S00°01'E along said line a distance of 32.12 feet to the Northwest corner of said Meredith property on the Southeasterly right-of-way line of Territorial Road; thence N69°03'E along said line a distance of 214.13 feet to the point of beginning.

The combined areas totaling 1.80 acres.

The courses of this description are as shown on a survey filed at the Clackamas County Surveyor's Office as PS 5957.

canbyannex.doc

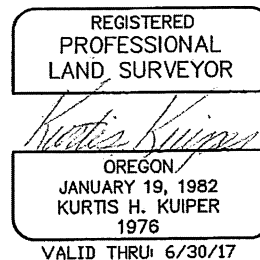


EXHIBIT "B"

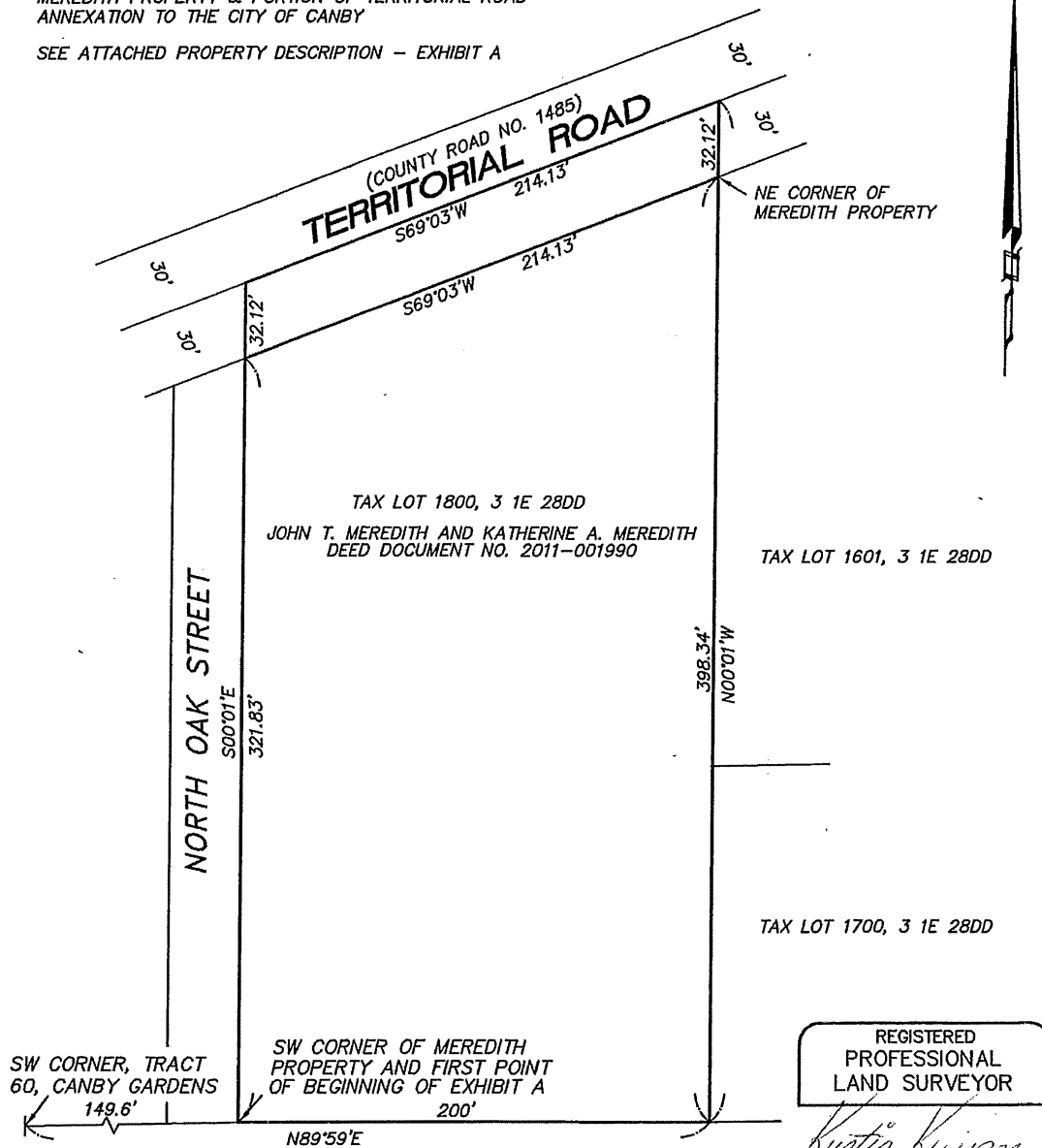
EXHIBIT B

July 20, 2016

Scale: 1" = 60'

MEREDITH PROPERTY & PORTION OF TERRITORIAL ROAD
ANNEXATION TO THE CITY OF CANBY

SEE ATTACHED PROPERTY DESCRIPTION - EXHIBIT A



PREPARED BY:

ASSOCIATED LAND SURVEYORS, INC.
375 PORTLAND AVE.
GLADSTONE, OREGON 97027
PHONE: (503) 656-9440

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kurtis Kuiper
OREGON
JANUARY 19, 1982
KURTIS H. KUIPER
1976

VALID THRU: 6/30/17
PROJECT: 1609

Exhibit "C"

AFTER RECORDING RETURN TO:
City of Canby, Attn: City Recorder
P O Box 930
Canby OR 97013

UNTIL REQUESTED OTHERWISE,
SEND TAX STATEMENTS TO:
John Meredith
377 NW Territorial Road
Canby, OR 97013

DEVELOPMENT AGREEMENT
(ANNEXATION)

RECITALS:

1. John Meredith hereinafter referred to as “MEREDITH”, own real property commonly described as 1009 NE Territorial Road, Canby, OR 97013 and more particularly described in the attached Exhibit A and depicted on a survey attached as Exhibit B.
2. The City of Canby, hereinafter referred to as “CANBY”, is an Oregon municipal corporation.
3. The property described in Exhibit A and depicted on Exhibit B is located within the boundaries of a designated annexation “Development Agreement Area” as shown on the City of Canby Annexation Development Map (City of Canby Municipal Code Title 16, Figure 16.84.040).
4. CANBY procedures for annexation specify the Planning Commission shall conduct a public hearing to review any proposed annexations and determine the appropriate zoning designation upon annexation. The Planning Commission shall furnish its recommendation concerning annexation and assigned zoning to the City Council. The City Council will determine whether the applicable standards and criteria of Canby Municipal Code 16.84.040 are met and will determine appropriate zoning for the property based on the criteria set forth in the Canby Municipal Code 16.54.040.
5. The purpose of this Annexation Development Agreement is to satisfy the requirements of Canby Municipal Code 16.84.040 including providing adequate public information and information evaluating the physical, environmental, and related social effects of a proposed annexation. The proposed annexation does not require the statutory development agreement of ORS 94.504 et seq.

NOW, THEREFORE, it is hereby agreed:

I. CANBY MUNICIPAL CODE 16.84.040 APPLICABLE PROVISIONS.

A. Timing of the submittal of an application for zoning. Concurrent with review of this Agreement, the Council shall consider MEREDITH’S annexation application and requests that, upon approval of the annexation by the City Council, the property described in Exhibit A shall be zoned R-1.5. This approach will insure that the development agreement as well as the annexation and zone change approvals are consistent with City Code 16.84.

B. Scope of annexation request. In addition to the property owned by MEREDITH and described in Exhibit A, MEREDITH’s annexation application shall include the southern one-half of the NE Territorial Road right-of-way, County Road No. 1485 adjacent to the MEREDITH property. The southern half of the NE Territorial Road right-of-way shall be measured from the right-of-way centerline and also as described in Exhibit A and depicted on Exhibit B. MEREDITH agrees to dedicate street right-of-way for NE Territorial Road to meet the standards of the City of Canby with future land use actions on the property as part of the development approval process.

C. Timing for Recording. MEREDITH shall have seven (7) calendar days from the date the City Council takes final action approving this Agreement, the annexation, the zone change request, to record this Agreement. A condition of approval will be attached to the annexation and zone change approval imposing this requirement.

D. Dedication of land for future public facilities including park and open space land. At the time of development, MEREDITH agrees to dedicate street right-of-way for NE Territorial Road, N. Oak Street and for other streets being created inside the property to the standards of the City of Canby and to satisfy CANBY's parkland dedication obligation through payment of the City's park system development charge.

E. Street construction/layouts, utilities, right of ways/dedications, and lots. At the time of development, City required public street improvements will be constructed to Canby Municipal Code specifications by MEREDITH. Specifically, MEREDITH agrees to improve the southern one-half of the NE Territorial Road right-of-way and the east one-half of the N. Oak Street right-of-way along the frontage of the property, and to construct a new street, NE 18th Avenue, west from N. Oak Street. The southern one-half of the NE Territorial Road right-of-way and the east one-half of the N. Oak Street right-of-way shall be measured from the right-of-way centerline. MEREDITH will position the NE 18th Avenue intersection to N Oak Street at a location deemed appropriate by the City of Canby Planning Department during the tentative plat design and approval process. Street cross section layouts, public utilities, franchise utilities, and right of way widths/associated dedications will be determined at the time of development in conformance with the Canby Municipal Code and Canby Public Works Design Standards. The submitted General Land Use Plan dated July, 2016 in conjunction with the ANN/ZC 16-04 applications is for general reference only and is non-binding. Lot sizes and layouts will be determined at the time of development and are contingent upon street cross sections and right of way widths.

F. Utility availability. At the time of development, MEREDITH agrees to ensure that utilities and infrastructure are available to serve the property described in Exhibit A at densities currently authorized in the R-1.5 zone. To the extent that additional utility or service infrastructure is required to serve the property in the future, MEREDITH agrees to provide those utilities and services in a way that is commensurate with the impacts from development and consistent with the City's Code. MEREDITH also agrees to allow connection to MEREDITH's constructed public facilities by adjacent property owners.

G. Water and Sewer. At the time of development, MEREDITH agrees to install public waterlines in all new or extended public streets and sewer lines in new City streets as is needed to serve the development. CANBY agrees that MEREDITH can connect to the public water system and that MEREDITH can connect the existing public sanitary sewer. CANBY agrees that no new sewer main is needed in NE Territorial Road along the frontage of the Meredith parcel.

H. Waiver of compensation claims. MEREDITH waives compensation or waiver of land use regulations as provided in ORS 195.300 and 195.336, as well as Measure 49, resulting from annexation and the concurrent zone change approval.

I. Rough proportionality of future exactions. To the extent that this agreement identifies right-of-way dedication, utility or service obligations, these obligations are necessary and will be limited to an amount necessary to serve this development based on the proposed development application as well as on the uses and densities permitted in the R-1.5 zone.

J. Other commitments deemed valuable to the City of Canby. MEREDITH agrees any future development will meet the requirements of the adopted CANBY Municipal Code in effect at the time of development.

II. OTHER CONSIDERATIONS.

A. Duration. This Agreement shall be effective upon CANBY, acting by and through its city council, approving this Agreement and upon its recording with the Clackamas County Recording Office. As used herein, "approval" means the granting of the approval and the expiration of the period of appeal, or if appeal is filed, the resolution of

that appeal. This Agreement shall continue in effect for a period of eight (8) years after its effective date unless cancelled as provided in Section II, C below

B. Recording. Within seven (7) calendar days after the City Council makes a final decision approving ANN/ZC 16-04, MEREDITH shall record this agreement with the Clackamas County Recorder's Office and provide a copy of the recorded agreement to the City Attorney.

C. Cancellation. This Development Agreement shall not be cancelled.

D. Modification. This Agreement may be modified, amended, or extended upon the mutual consent of MEREDITH and CANBY.

Dated this _____ day of _____, 2016.

John Meredith

APPROVED BY ACTION OF THE CITY COUNCIL ON OCTOBER 19, 2016 THROUGH CITY COUNCIL ORDINANCE NO. 1449 ADOPTED ON NOVEMBER 2, 2016.

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2016

Personally appeared before me, JOHN MEREDITH, and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

APPROVED AS TO FORM:

By: _____
Joseph Lindsay, City Attorney

Dated: _____

CITY OF CANBY, OREGON

By: _____
Richard Robinson, City Administrator

Dated: _____

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2016

Personally appeared before me, RICHARD ROBINSON as the City Administrator of the City of Canby, Oregon.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT "A"

Associated Land Surveyors, Inc.

375 Portland Ave., Gladstone OR 503-656-9440

Exhibit A

July 20, 2016

Property description for annexation to the City of Canby

Meredith Property and Territorial Road

A portion of Tract 60, CANBY GARDENS, in the Southeast quarter of Section 28, Township 3 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

Commencing at the Southwest corner of said Tract 60; thence N89°59' E along the South boundary of said Tract 60 a distance of 149.6 feet to the Point of Beginning of the property herein described; thence continuing along said South boundary a distance of 200 feet to the Southeast corner of the tract of land conveyed to John T. Meredith and Katherine A. Meredith by Clackamas County Deed Document No. 2011-001990; thence N00°01'W along the East line thereof a distance of 398.34 feet to the Northeast corner of said Meredith property on the Southeasterly right-of-way line of Territorial Road (County Road No. 1485); thence S69°03'W along said Southeasterly right-of-way line a distance of 214.13 feet to Northwest corner of said Meredith property; thence S00°01'E along the West line thereof a distance of 321.83 feet to the Point of Beginning.

Together with the following described portion of Territorial Road (County Road No. 1485) abutting said Meredith property:

Beginning at the Northeast corner of the above described Meredith property; thence N 00°01'W along the Northerly extension of the East line thereof a distance of 32.12 feet to the center line of said Territorial Road; thence S69°03'W along said center line a distance of 214.13 feet to the intersection with the Northerly extension of the West line of said Meredith property; thence S00°01'E along said line a distance of 32.12 feet to the Northwest corner of said Meredith property on the Southeasterly right-of-way line of Territorial Road; thence N69°03'E along said line a distance of 214.13 feet to the point of beginning.

The combined areas totaling 1.80 acres.

The courses of this description are as shown on a survey filed at the Clackamas County Surveyor's Office as PS 5957.

canbyannex.doc

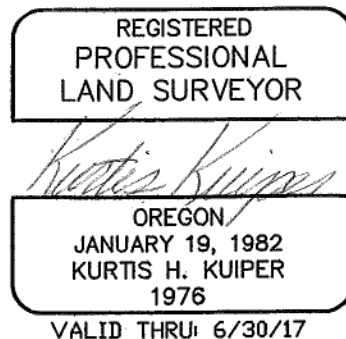


EXHIBIT "B"

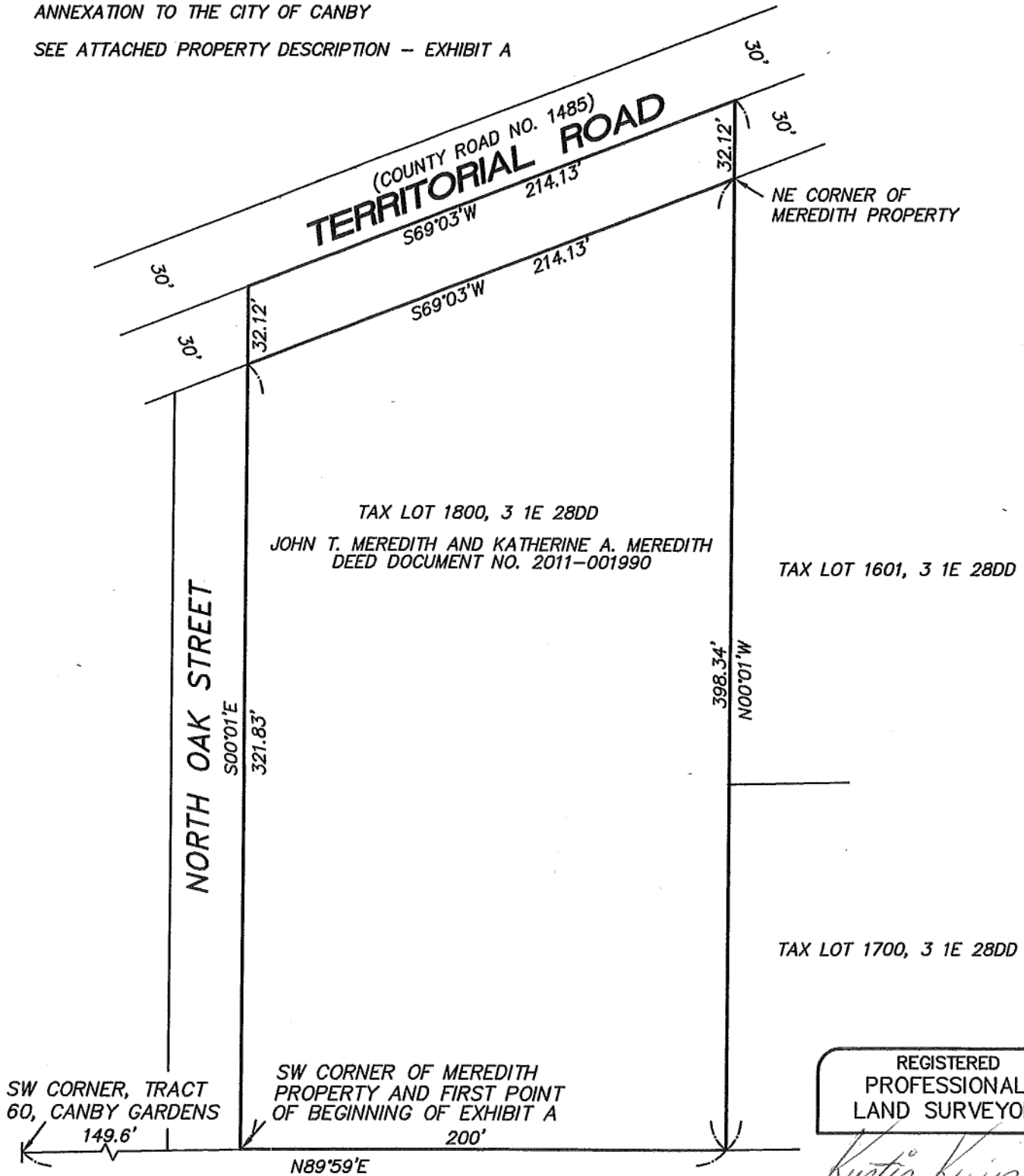
EXHIBIT B

July 20, 2016

Scale: 1" = 60'

MEREDITH PROPERTY & PORTION OF TERRITORIAL ROAD
ANNEXATION TO THE CITY OF CANBY

SEE ATTACHED PROPERTY DESCRIPTION - EXHIBIT A

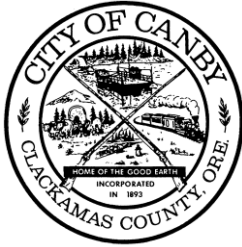


PREPARED BY:

ASSOCIATED LAND SURVEYORS, INC.
375 PORTLAND AVE.
GLADSTONE, OREGON 97027
PHONE: (503) 656-9440

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kurtis Kuiper
OREGON
JANUARY 19, 1982
KURTIS H. KUIPER
1976
VALID THRU: 6/30/17
PROJECT: 1609



BEFORE THE CITY COUNCIL
OF THE CITY OF CANBY

A REQUEST FOR APPROVAL OF	)	FINDINGS, CONCLUSION & FINAL
ANNEXATION, DEVELOPMENT	)	ORDER
AGREEMENT AND ZONE CHANGE	)	ANN/ZC 16-04
FOR PROPERTY LOCATED AT	)	
1009 NE TERRITORIAL ROAD	)	JOHN & KATHERINE MEREDITH

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change and development agreement applications **File# ANN/ZC 16-04** of 1.65 acres of real property described as Tax Lot 31E28DD01800, and 0.15 acres of NE Territorial Road right-of-way, Clackamas County, Oregon. The property is zoned County RRFF5 and is requested to be zoned City R-1.5 (Medium Density Residential).

HEARINGS

The Planning Commission considered applications **File# ANN/ZC 16-04** after the duly noticed hearing on September 26, 2016 during which the Planning Commission recommended by a 4/0 vote that the City Council approve **File# ANN/ZC 16-04** per the recommendation contained in the staff report.

The City Council considered applications **File# ANN/ZC 16-04** after the duly noticed hearing on October 19, 2016 during which the Council voted ____ to approve **File# ANN/ZC 16-04**. These findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not an annexation and zone change application shall be approved, the City Council determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the Planning Commission staff report dated September 26, 2016 and presented at the October 19, 2016 public hearing of the Canby City Council along with the Planning Commission's recommendation.

FINDINGS AND REASONS

The Staff Report was presented and written and oral testimony was received at the Council public hearing. The recommendation to approve **File# ANN/ZC 16-04** by the Planning Commission was noted by staff.

CONCLUSION

In summary, the City Council adopted the findings contained in the staff report and Planning Commission's additional findings, concluding that the annexation/zone change/development agreement applications meets all applicable approval criteria, and approved **File# ANN/ZC 16-04** as stated below. The City Council's order is reflected below.

ORDER

Based on the application submitted and the facts, findings, and conclusions of the staff report, and the supplemental findings from the public hearing, the City Council accepted the Planning Commission recommendation to the City Council to **APPROVE** the annexation and zone change applications and the development agreement **ANN/ZC 16-04** as follows:

1. ANN/ZC 16-04 be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1.5 (Medium Density Residential) as indicated by the Canby Comprehensive Plan Map and be reflected as such on the official zoning map for the City of Canby, and
3. The required Development Agreement be properly signed and recorded with the Clackamas County Recorder's Office within 7-calendar days after the City Council makes it final decision approving the annexation, and
4. Staff complete the remaining boundary change processes with the State, County, and district service providers to finalize the boundary change.

I CERTIFY THAT THIS ORDER approving **ANN/ZC 16-04** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED THIS 19th day of October 2016.

Brian Hodson
Mayor

Bryan Brown
Planning Director

ORAL DECISION –October 19, 2016

AYES:

NOES:

ABSTAIN:

ABSENT:

WRITTEN FINDINGS – October 19, 2016

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Kimberly Scheafer, MMC
City Recorder