

**CANBY CITY COUNCIL  
WORKSHOP  
February 19, 2003**

Present: Mayor Melody Thompson, Councilors Georgia Newton, Paul Dawson, Wayne Oliver, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, City Attorney John Kelley, Finance Director Chaunee Seifried, Finance Manager Laura Dornbusch, Community Development and Planning Director John Williams, and Auditor John Merina.

Mayor Thompson called the session to order at 6:30 p.m. A light dinner was served.

The Council met in workshop session in the Canby City Hall to review the 2001-2002 audit.

Mayor Thompson adjourned the session at 7:20 p.m.

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**CANBY CITY COUNCIL  
REGULAR SESSION  
February 19, 2003**

Mayor Melody Thompson presiding. Council members present: Georgia Newton, Paul Dawson, Wayne Oliver, Randy Carson, and Teresa Blackwell. Councilor Pat Johnson absent.

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Library and Parks Director Beth Saul, Kim Scheafer, David Biskar, Irene Breshears, Lisa Pendley, Andy Kaufman & family, Jamie Johnk, Curtis & Lila Gottman, Craig Finden, Walt Daniels, Ryan Kaufman, Bev Doolittle, David Howell, Pat & Buzz Weygandt, Murray Taylor, and Ernie Graham.

Mayor Thompson called the regular session to order at 7:33 p.m., followed by the opening ceremonies.

**CITY COUNCIL COMMENDATION:** Swim Center Facilities Manager David Biskar - City Administrator Adcock read the commendation for David Biskar who saved the life of a boy at the Swim Center on February 1, 2003. Mayor Thompson presented Mr. Biskar with the Council commendation.

**PROCLAMATION:** Iwo Jima Remembrance Day - Mayor Thompson read the proclamation which proclaimed February 22, 2003 as Iwo Jima Remembrance Day. She presented Murray Taylor and Ernie Graham with the proclamation. Irene Breshears and Lisa Pendley presented the Council with individual invitations to the eighth annual Iwo Jima flag raising ceremony on February 22.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Lila Gottman asked the Council about sales for the Canby Adult Center Chicken and Dumpling dinner on March 1.

**CONSENT AGENDA:** **\*\*Councilor Carson moved to approve Minutes of the Regular Session of February 5, 2003; Accounts Payable of \$220,898.59; approval of annual liquor license renewals; and appointments of Todd Christner and Erin L. Kelley to the Bike & Pedestrian Committee. Motion was seconded by Councilor Dawson and passed 5-0.**

**COMMUNICATIONS:** Canby Kiwanis Barkdust Sale - City Administrator Adcock read a letter from the Canby Kiwanis Club who wished to use part of the City parking lot for their annual barkdust and plant sale on April 12, 2003. Staff recommended approval.

**\*\*Councilor Blackwell moved to approve the request of Canby Kiwanis for their barkdust sale. Motion was seconded by Councilor Carson.**

Councilor Newton asked that businesses in the area of 1<sup>st</sup> street be notified of the sale.

**Motion passed 5-0.**

Mayor Thompson recessed the session at 7:45 p.m. for an Urban Renewal Agency meeting.

Mayor Thompson reconvened the session at 7:50 p.m.

**NEW BUSINESS:** Discussion of Loan Applications for Sequoia Parkway - Community Development and Planning Director John Williams said this was a 1.95 million dollar loan for Sequoia Parkway. This would start the funding for the project. He asked the Council for a vote on the submittal for the loan application to the State, an ordinance that would award the engineering contract for the final design engineering, a resolution regarding the intent to reimburse, and the intergovernmental agreement.

Councilor Newton stated that they needed to make it clear to citizens that the money to repay this loan would be coming from urban renewal funds, not general funds.

**\*\*Councilor Dawson moved to instruct City staff to proceed with the application for a loan for Sequoia Parkway. Motion was seconded by Councilor Blackwell and passed 5-0.**

**UNFINISHED BUSINESS:**

Findings, Conclusion and Final Order for Annexation 02-03 - **\*\*Councilor Carson moved to adopt the Findings, Conclusion and Final Order for ANN 02-03, A REQUEST TO ANNEX 19.91 ACRES OF LAND INTO THE CITY OF CANBY. Motion was seconded by Councilor Blackwell and passed 5-0.**

Findings, Conclusion and Final Order for Annexation 02-05 - **\*\*Councilor Dawson moved to adopt the Findings, Conclusion and Final Order for ANN 02-05, A REQUEST TO ANNEX 2.98 ACRES OF LAND INTO THE CITY OF CANBY. Motion was seconded by Councilor Carson and passed 5-0.**

**RESOLUTIONS & ORDINANCES:**

Ordinance 1113 - **\*\*Councilor Carson moved to adopt Ordinance 1113, AN ORDINANCE CREATING AN ECONOMIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH ORS 223.112 - 223.132, MAKING ASSESSMENTS, AUTHORIZING THE COLLECTION OF SAID ASSESSMENTS, ASSESSING THE COST THEREOF AGAINST THE IDENTIFIED AND BENEFITTED REAL PROPERTY, DIRECTING AN ENTRY OF SUCH ASSESSMENTS IN THE DOCKET OF THE CITY LIENS, CLASSIFYING ASSESSMENTS AS NOT SUBJECT TO CONSTITUTIONAL LIMITS AND PROVIDING FOR NOTICE OF CLASSIFICATION. Motion was seconded by Councilor Blackwell and passed 5-0 by roll call vote.**

Canby Business Revitalization Director Jamie Johnk thanked the Council for their support, along with City staff. Ms. Johnk said passing a second EID with more than 87% support was no small feat and reflected the progressive views of the business community. They looked forward to the next five years and thanked the stakeholders for their support.

Councilor Newton presented Ms. Johnk with a plaque in recognition of her commitment and leadership on behalf of the Canby community.

Ordinance 1114 - **\*\*Councilor Dawson moved to adopt Ordinance 1114, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-MCLEOD, INC. CONSULTING ENGINEERS FOR ENGINEERING SERVICES ON AN APPROXIMATE 2,300 FOOT EXTENSION OF SEQUOIA PARKWAY AND 300 FOOT EXTENSION OF SE 1<sup>ST</sup> AVENUE; AND DECLARING AN EMERGENCY to come up for second reading on March 5, 2003. Motion was seconded by Councilor Carson and passed 5-0 on first reading.**

Ordinance 1115 - **\*\*Councilor Blackwell moved to adopt Ordinance 1115, AN ORDINANCE AMENDING THE BOUNDARIES OF THE CANBY URBAN RENEWAL DISTRICT BY REMOVING APPROXIMATELY 0.14 ACRES ON THE NORTH SIDE OF SE 1<sup>ST</sup> AVENUE to come up for second reading on March 5, 2003. Motion was seconded by Councilor Newton and passed 5-0 on first reading.**

Resolution 819 - **\*\*Councilor Dawson moved to adopt Resolution 819, A RESOLUTION ANNOUNCING AN INTENTION TO REIMBURSE INCURRED COSTS ON THE SEQUOIA PARKWAY PROJECT FROM BOND PROCEEDS. Motion was seconded by Councilor Blackwell and passed 5-0.**

**Resolution 820 - \*\*Councilor Carson moved to adopt Resolution 820, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 19.91 ACRES DESCRIBED AS TAX LOTS 400 AND 500 OF TAX MAP 3-1E-28C LOCATED IN THE NORTH CENTRAL PORTION OF THE CITY, ON THE NORTH SIDE OF NE TERRITORIAL ROAD, BETWEEN N LOCUST AND N HOLLY, SOUTH OF NE 22<sup>ND</sup> AVENUE; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MAY 20, 2003 ELECTION. Motion was seconded by Councilor Blackwell and passed 5-0.**

**Resolution 821 - \*\*Councilor Dawson moved to adopt Resolution 821, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 2.98 ACRES DESCRIBED AS TAX LOTS 602 AND 700 OF TAX MAP 3-1E-27DB LOCATED IN THE NORTHEAST QUADRANT OF THE CITY, ON THE SOUTH SIDE OF NE TERRITORIAL ROAD, JUST EAST OF N VINE STREET NEAR VINE MEADOWS SUBDIVISION; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MAY 20, 2003 ELECTION. Motion was seconded by Councilor Newton and passed 5-0.**

**Resolution 822 - \*\*Councilor Newton moved to adopt Resolution 822, A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT WITH THE CANBY URBAN RENEWAL AGENCY REGARDING THE CONSTRUCTION OF SEQUOIA PARKWAY. Motion was seconded by Councilor Carson and passed 5-0.**

**MANAGER'S REPORT:** None.

**CITIZEN INPUT:** Walt Daniels, resident of 687 N. Ash Street, Canby, thanked the Mayor and Council for their vote on Sequoia Parkway. He commended Mark Adcock and John Williams for their work on the project.

**COUNCILOR'S ISSUES:**

Councilor Blackwell passed out a letter from the General Canby Day Committee who was requesting a workshop with the Council to discuss the resolution for vendor zones. Council would come back at the next meeting with a date.

Councilor Newton said she attended a Library Board meeting and they were looking at ways to improve customer service. She reported that they were doing a patron survey and in large part



due to Marty Moretty were building their volunteer staff.

Councilor Blackwell read a memo from Transit Director Margaret Yochem regarding a \$200,000 grant to the Transit Department to buy more buses through the Congressional 5309 appropriations process.

Councilor Dawson said there were three openings on the CBR board and thanked Jamie Johnk for her work.

Planning Director John Williams said ODOT would be funding the 99E and Territorial intersection in 2006. This was a three million dollar project and included solutions to all the current problems. He directed credit to Clackamas County and ODOT for the project.

Councilor Dawson thanked John Williams and staff for speeding up the paperwork that allowed them to start the process for Sequoia Parkway.

#### **ACTION REVIEW:**

1. Approving the Consent Agenda.
2. Forwarding the request to the Canby Kiwanis Club to alert businesses on 1<sup>st</sup> about the barkdust sale.
3. Approving the loan application from the State of Oregon for Sequoia Parkway.
4. Approving Findings, Conclusion and Final Order for ANN 02-03.
5. Approving Findings, Conclusion and Final Order for ANN 02-05.
6. Approving Ordinance 1113 on second reading.
7. Approving Ordinance 1114, to come up for second reading on March 5, 2003.
8. Approving Ordinance 1115, to come up for second reading on March 5, 2003.
9. Approving Resolution 819.
10. Approving Resolution 820.
11. Approving Resolution 821.
12. Approving Resolution 822.
13. Scheduling a workshop with the General Canby Day Committee.

**\*\*Councilor Carson moved to go into Executive Session under ORS 192.660 1(f) exempt public records. Motion was seconded by Councilor Dawson and passed 5-0.**

Mayor Thompson read the executive session format and recessed the regular session at 8:20 p.m.

Mayor Thompson reconvened the regular Council session and immediately adjourned at 9:30 p.m.

EXECUTIVE SESSION  
FEBRUARY 19, 2003

Present: Mayor Melody Thompson, Councilors Georgia Newton, Paul Dawson, Wayne Oliver, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, City Attorney John Kelley, Library and Parks Director Beth Saul, Parks Supervisor Jeff Snyder, and Insurance Agent Scott Gustafson.

Mayor Thompson called the session to order at 8:25 p.m.

ORS 192.660 1(f) - The Council discussed exempt public records..

Mayor Thompson adjourned the session at 9:25 p.m.

*Chaunee F. Seifried*

Chaunee F. Seifried  
City Recorder pro tem

*Melody Thompson*

Melody Thompson  
Mayor

*Kim Scheafer*

Prepared by Kim Scheafer  
and Susan Wood Office Specialists



OFFICE OF THE MAYOR

# Proclamation

## “Iwo Jima Remembrance Day”

*WHEREAS*, on February 23, 1945, this country's Armed Forces were engaged in one of the most strategic and bloodiest battles of World War II - the battle for Iwo Jima; and

*WHEREAS*, the Canby Veterans of Foreign Wars have deemed it fitting to erect a flagpole at the Canby Adult center in remembrance of those who took part in this great battle; and

*WHEREAS*, each year the members of the Veterans of Foreign Wars Post 6057 and their fellow veterans organizations conduct a ceremony to rededicate this memorial and replace the flags on the flagpole; and

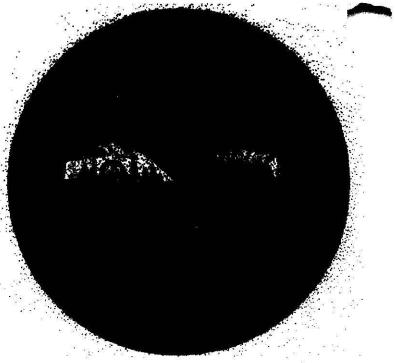
*WHEREAS*, the flagpole located at the Canby Adult Center is the only memorial in the City of Canby dedicated to our veterans who made such significant personal sacrifices during World War II in defense of this great nation; and

*NOW, THEREFORE*, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim February 22, 2003 as

## IWO JIMA REMEMBRANCE DAY

and call upon on individuals, schools, churches, organizations and business establishments in the City of Canby to proudly remember the sacrifices made by servicemen who fought so gallantly in this bloody and decisive battle. I further call upon all members of this community to join in commemorating this great event with the rededication of the flagpole at the Adult Center on February 22 at 10 A.M. Given unto my hand this 19th day of February, 2003.

Melody Thompson  
Mayor



OFFICE OF THE MAYOR

# Commendation

*David Biskar*

*Whereas, David Biskar is to be commended for his lifesaving actions while in the performance of his duties as set forth in the following citation:*

## *Citation for Lifesaving Action*

*On Saturday, February 1, 2003, David Biskar, Swim Center Facility Manager, was made aware of a serious emergency medical situation involving a young swim center patron who, while in the pool, suffered an epileptic seizure. As a result of this seizure, the young boy became incapacitated and unable to continue swimming and sank to the bottom of the pool.*

*When alerted to the situation, David Biskar immediately dove into the pool and assisted the incapacitated boy from the bottom to the pool surface. Upon bringing the boy to the surface, David continued to keep the victim above water and stabilized him until such time as the epileptic seizure subsided.*

*David directed other Swim Center employees to assist him in removing the victim from the pool and to call paramedics to the scene. Upon arrival of paramedics, the victim was attended to and taken by ambulance to an area hospital for further treatment. Thanks to David's decisive and swift actions, the victim was removed from the bottom of the pool and received proper attention and care in a significantly short period of time thereby avoiding death or serious injury.*

*David Biskar's unselfish and swift lifesaving actions on February 1, 2003 reflect great credit on himself and the Canby Swim Center staff and are in keeping with the highest tradition of public service and the recreational aquatics profession.*

*Now therefore, on behalf of the entire City Council of the City of Canby and this community, David Biskar is hereby commended for his lifesaving actions and we extend to him our most sincere gratitude and appreciation for a job well done.*

*Given on this 19<sup>th</sup> day of February, 2003.*

*Melody Thompson  
Mayor*

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

**A REQUEST TO ANNEX 2.98  
ACRES OF LAND INTO THE  
CITY OF CANBY**

) **FINDINGS, CONCLUSIONS & ORDER**  
) **ANN 02-05**  
) **(Netter)**

**NATURE OF APPLICATION**

The applicants are seeking to annex two taxlots (Tax Lots 602 & 700 of Tax Map 3-1E-27DB) totaling 2.98 acres into the City of Canby. If annexed, the applicant intends to build approximately 12 single family homes.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting of January 13, 2003. The City Council held a public hearing and considered this application at its meeting of February 5, 2003.

**CRITERIA AND STANDARDS**

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Council shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan).
2. Analysis of the "need" for additional property within the city limits shall be provided.
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;

9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

## **FINDINGS AND REASONS**

The City Council deliberated on all input presented at the February 5, 2003 meeting, and incorporates the January 3, 2003 and January 29, 2003 staff reports, public testimony, and Council deliberations as support for its decision. The City Council accepts the conclusions regarding the annexation criteria in the January 3, 2003 and January 29, 2003 staff reports.

## **CONCLUSION**

The City Council of the City of Canby concludes that based on the findings and conclusions contained in the January 3, 2003 and January 29, 2003 staff reports, public testimony on February 5, 2003, and Council deliberations at the February 5, 2003 public hearing:

1. The land is designated as Priority "B" for annexation but is appropriate with respect to the timing of city growth and development and it will not result in any adverse impact to City services.
2. The need for this property to be annexed is due to an approximate buildable land supply of 2 years presently within the City.
3. The property is smaller, non-agricultural land.
4. Access is adequate to the site and will be further improved by development of the site.
5. The City and other affected service-providing entities have the capability to provide the area of the proposed annexation with urban level services upon future development.
6. The annexation proposal is in compliance with other applicable City ordinances and policies.
7. The annexation proposal complies with all applicable sections of the Oregon Revised Statutes.
8. No natural hazards have been identified on the site.
9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
10. No adverse economic impacts are likely to result from the annexation of the subject property.



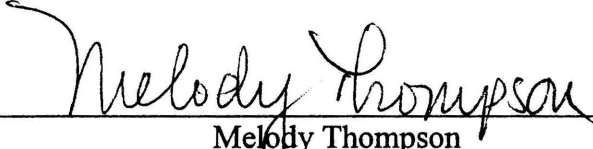
## **ORDER**

THE CITY COUNCIL OF THE CITY OF CANBY APPROVES application ANN 02-05 and sends the application to the Canby Voters for a final decision with the following understandings:

1. The zoning classification for the property will be R-1, Low Density Residential.
2. All service connection, recording costs and future development costs are to be borne by the property owners.
3. All City and service provider regulations are to be adhered to at the time of connection of services and/or future development.
4. Sidewalks and utility easements are normally conditioned as a part of new development. As no new development is proposed, sidewalks and utility easements will be required upon any future land use application including issuance of a building permit or an application for redevelopment.
5. Any costs associated with the election not covered by the initial deposit shall be the responsibility of the applicant/property owner. The costs shall be payable upon receipt of an itemized billing from the City of Canby.
6. Any future subdivision submittal shall take into consideration the planned extension of N. Vine Street and the efficient use of land adjacent to the subject property.
7. No future subdivision shall be approved without an effective stormwater management plan and facilities approved by the applicable State, County, and City agencies.

**I CERTIFY THAT THIS ORDER APPROVING** application ANN 02-05 and sending the application to the Canby Voters for a final decision was presented to and APPROVED by the City Council of the City of Canby.

DATED this 19<sup>th</sup> day of February, 2003.

  
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Melody Thompson  
Mayor

  
\_\_\_\_\_  
Clint Chiavarini  
Associate Planner

**ATTEST:**

**ORAL DECISION - February 5, 2003**

AYES: Carson, Johnson, Blackwell, Dawson, Oliver, Newton

NOES: None

ABSTAIN: None

ABSENT: None

**WRITTEN FINDINGS - February 19, 2003**

AYES: Newton, Dawson, Oliver, Carson & Blackwell

NOES: None

ABSTAIN: None

ABSENT: Johnson

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

<b>A REQUEST TO ANNEX</b>	)	<b>FINDINGS, CONCLUSIONS &amp; FINAL ORDER</b>
<b>APPROXIMATELY 19.91 ACRES</b>	)	<b>ANN 02-03</b>
<b>OF LAND INTO THE CITY OF</b>	)	<b>(Dodds/G Cam Ltd)</b>
<b>CANBY</b>	)	

**NATURE OF APPLICATION**

The applicant is requesting approval to annex two parcels (Tax Lots 400 and 500 of Tax Map 3-1E-28C) totaling 19.91 acres into the City. The site is located north of NE Territorial Road between N. Locust Street and N. Holly Street.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting of December 9, 2002. The City Council held a public hearing and considered this application at its meeting of February 5, 2003.

**CRITERIA AND STANDARDS**

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Council shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan).
2. Analysis of the "need" for additional property within the city limits shall be provided.
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall

be identified;

9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;

10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

## **FINDINGS AND REASONS**

The City Council deliberated on all input presented at the February 5, 2003 meeting, and incorporates the December 2, 2002 and January 29, 2003 staff reports, public testimony, and Council deliberations as support for its decision. The City Council accepts the conclusions regarding the annexation criteria in the December 2, 2002 and January 29, 2003 staff reports.

## **CONCLUSION**

The City Council of the City of Canby concludes that based on the findings and conclusions contained in the December 2, 2002 and January 29, 2003 staff reports, public testimony on February 5, 2003, and Council deliberations at the February 5, 2003 public hearing:

1. The land is designated as Priority "A" for annexation.
2. The need for this property to be annexed is due to an approximate buildable land supply of 2 years presently within the City.
3. Although the property is larger, agricultural land, the proposed phasing scenario will ensure that the property is gradually taken out of agricultural production.
4. Access is adequate to the site and will be further improved by the improvements of the roadway, including off-site improvements volunteered by the applicant, in conjunction with development.
5. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services upon future development.
6. The annexation proposal is in compliance with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes.
8. No natural hazards have been identified on the site.
9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
10. No adverse economic impacts are likely to result from the annexation of the subject property.

## **ORDER**

**THE CITY COUNCIL OF THE CITY OF CANBY APPROVES application ANN 02-03 and sends the application to the Canby Voters for a final decision with the following understandings:**

1. The zoning classification for the property will be R-1, Low Density Residential.
2. All service connection, recording costs and future development costs are to be borne by the property owners.
3. All City and service provider regulations are to be adhered to at the time of connection of services and/or future development.
4. Sidewalks and utility easements are normally conditioned as a part of new development. As no new development is proposed, sidewalks and utility easements will be required upon any future land use application including issuance of a building permit or an application for redevelopment.
5. Any costs associated with the election not covered by the initial deposit shall be the responsibility of the applicant/property owner. The costs shall be payable upon receipt of an itemized billing from the City of Canby.
6. Prior to submittal of the annexation request to the Clackamas County Elections Division, the applicant shall have a development agreement, legally binding upon present and future owners, recorded with the property which stipulates the following:
  - The applicant shall agree to improve S. Locust Street from NE Territorial Road to the properties frontage. These off-site improvements shall meet minimum Clackamas County and City standards for street construction and width. The construction of the improvements shall take place when any phase of the development accesses N. Locust Street.
  - The applicant shall agree that the City will issue building permits for no more than 30 dwelling units within a calendar year.

**I CERTIFY THAT THIS ORDER APPROVING** application ANN 02-03 and sending the application to the Canby Voters for a final decision was presented to and APPROVED by the City Council of the City of Canby.

DATED this 19<sup>th</sup> day of February, 2003.

  
\_\_\_\_\_  
Melody Thompson  
Mayor

  
\_\_\_\_\_  
Clint Chiavarini  
Associate Planner

**ATTEST:**

**ORAL DECISION - February 5, 2003**

AYES: Carson, Johnson, Blackwell, Dawson, Oliver, Newton

NOES: None

ABSTAIN: None

ABSENT: None

**WRITTEN FINDINGS - February 19, 2003**

AYES: Newton, Dawson, Oliver, Carson & Blackwell

NOES: None

ABSTAIN: None

ABSENT: Johnson