

Testimony of Greg Penner  
2135 NE Territorial Place  
503-329-2511

Re: DuPont Annexation

I have several concerns about the annexation.

**Criteria 16.84.040.A.3**

Traffic on Territorial Road is already heavy. Adding another city street with more houses at a point on the road where visibility is already less than ideal is a concern. As it is now, turning on and off of Territorial Road in the area of the proposed annexation is dangerous at times, and adding more traffic will only make it more so.

**Criteria 16.84.040.A.4**

We are very concerned about water management, and potential harmful effects on our septic systems and wells for our property and the Spillum's next door.

Surface water flowing from the new roofs and roads can have a negative effect on our drain fields. We are very concerned about the way the water will be managed, and that it might disrupt our septic systems.

Likewise the depth, placement and construction of the drywell(s) have the ability to contaminate wells on both our Spillum and our properties. Both families depend on their wells, and any deterioration of them would have significant negative impacts, which could only be solved by going on city water and sewer. Since we are outside the city now, that could be an expensive prospect for us. As Mr Spillum suggests, if that happens we'd like the city to waive the hookup fee for sewer and water.

Finally, there is great concern about increased usage of Territorial Place. For the last 20 years at least the city has stated that Territorial Place is a county road that is to be maintained by the property owners. We property owners have been the sole entities maintaining both Territorial Pl and Spitz Rd. Now the city claims that they have owned both those roads since 1994. It is suspicious, and concerning, that suddenly the city claims ownership when it is in their benefit, after neglecting all responsibility until then.

Territorial Place is a single track gravel road that is signed as a dead end. Territorial Place cannot bear any increase in traffic. We are greatly concerned that new neighborhood drivers will use it as a shortcut, and park goers will use it for park access. There is no parking on Territorial Place and no turnaround. Any more traffic on Territorial Place would have a significant negative impact.

In addition, turning on to Territorial Place from Territorial Road, in either direction, is a dangerous maneuver. Creating a situation in which more vehicles use the road will decrease the safety of all drivers in that area.

For all of these reasons we oppose the annexation in question.

If the annexation is approved, we need to ensure that our concerns are addressed in the planning of the development.

We need to be consulted and included in the decisions about water management and dry wells.

And we need Territorial Place to be dead ended at the proposed Spitz Way. We need proper and significant signage at Territorial Road identifying it as a dead end, and informing the public there is no parking and no park access.

In both the neighborhood meeting and at the Planning Commission hearing, Rick Givens, representing the developer, has stated their agreement with making Territorial Place a dead end. At the Planning meeting he said "We have no objection whatsoever to that being closed off. In fact we think that would be an excellent idea."

If we were assured, as conditions of approval of the annexation, that we will be involved in insuring that our domestic water supply and septic areas will be adequately protected and that Territorial Place will becoming a true dead end, we would withdraw our opposition to the annexation. Otherwise we have engaged legal council to determine our next steps.

City File No: Ann 18-01/ZC 18-01

*In Regards TO: DuPont Annexation + Zone Change*

Comments for the Canby City Council meeting May 15, 2018 from Jay Spillum and family, Residents of 2121 NE Territorial RD, Canby, OR.

Hello City Council:

As I stated in my letter submitted prior to the April 23 Planning commission meeting, My family and I have many concerns related to the proposed annexation, and have been generally opposed to it.

1. In reference to Annexation Regulation 16.84.005 (background). It says "The city charter requires unless mandated by state law, annexations, delayed annexations, and extension of city services may only be approved by a majority vote among the electorate. It seems odd that language is still in there if it is no longer the case. Does the new state exception to this rule also include the required vote on services? The City of West Linn where I grew up still votes on annexations. Is it just up to a decision of the Council? Is there a way to bring that vote back to the people such as in West Linn? Are you really serving the will of the people here?

2. In reference to Annexation Regulation 16.84.040A.4,5&6 (statement of availability of services, demand, etc...) I am concerned about increased traffic on territorial road. This development is not that big, but they all add up. I was told recently that the population of Canby is expected to nearly double in 12 years, and that the traffic on Territorial Road will be horrendous. Has the Council considered removing the status of Territorial Rd as a truck route to help alleviate some of the traffic. Do many other cities send through trucks winding down neighborhood streets instead of the Hwy? I also second Clint Coleman's request from the April meeting to reduce the speed of Territorial Rd from 30 to 25 mph from Hwy 99 down the hill and through the bend. The new entrance of this development may add to the confusion of traffic flow here. We are also very concerned about traffic on Territorial place and agree with the planning commissions recommendation to block it off in some fashion. Mr. Givens thought it was a good idea also and stated it was nothing more than a goat path. One that my Neighbors and I have been solely maintaining for many years. Buying gravel and using shovels, wheel barrows, rakes and picks, as well as our time and sweat. The City would tell us it was County and the County would tell us it was privately maintained.

I read comments from a rep' of Curran-Mcleod engineering at the Aug. 31, 2016 pre-application meeting stating that the spacing between a public road and a driveway was 150 ft. Concerns about the Church and Spitz were raised, but not my driveway which is very close to the new proposed N. Vine St entrance. Should I be concerned when my driveway was there first?

I am very concerned about preserving the quality of our well water, and the viability of our septic drainfield which is in the upper yard close to the development. Will our well water quality suffer? Will my septic drainfield be overwhelmed from runoff and cause the water to back up? The neighbors and I plan on having our wells tested again before the development and later down the road. If our well or septic systems were determined to be compromised as a result of the development, forcing us to hook up to City sewer and or water, I would like to get it in writing that the City would waive the hookup fees as a condition of the annexation approval. My neighbors and I have sought legal council in these areas and would prefer to avoid that route further if at all possible.

3. In reference to Regulation 16.84.040A.3 (effects on community). It seems like there will be increased activity, noise, pollution, and decreased privacy and aesthetically pleasing country views in the area. I

would like to see a 6 ft wooden fence built along the West side of the development to help retain some sense of privacy on both sides. I also reiterate our desires that the development remain low density and that the number of houses should not increase from the concept plan of 10 total, including the one existing home.

Thank you for your time and consideration of these concerns.