



City of Canby
Planning Department
222 NE 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: _____ Phone: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

☐ Representative Name: _____ Phone: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

☐ Property Owner Name: _____ Phone: _____
Signature: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

☐ Property Owner Name: _____ Phone: _____
Signature: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

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

- ① 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.
- ② All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations.
- ③ 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:

Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Describe the Proposed Development or Use of Subject Property

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



City of Canby
Planning Department
222 NE 2nd Avenue
P.O. Box 930
Canby, OR 97013
Ph: 503-266-7001
Fax: 503-266-1574

CHECKLIST

ANNEXATION – TYPE IV

All required application submittals detailed below must also be submitted in ELECTRONIC FORMAT on a CD, flash drive, FTP site, or via email to: PlanningApps@canbyoregon.gov

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, check or credit card. Checks should be made out to the *City of Canby*.
- ☐ ☐ **One (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** 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, an address for each unit on the site must also be included and addressed to "Occupant." A list of property owners may be obtained from a title insurance company or from the County Assessor's office.
- ☐ ☐ One (1) copy of a written statement and an electronic copy in **WORD** format 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:

- ☐ ☐ One (1) copy in written format of the minutes of the neighborhood meeting is 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 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 containing bearings and one half of the adjacent street right-of-way, if applicable.
- ☐ ☐ One (1) copy 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.
- ☐ ☐ 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 a Development Agreement intended to be approved and recorded with the property.

ANNEXATION APPLICATION – TYPE IV: APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and 2 paper copies of the preliminary plans to the City Planner, and all submittal materials must be submitted in electronic format. The City Planner shall forward the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The fee for a pre-application meeting for an annexation is indicated in the City of Canby Master Fee Schedule for Pre-Application Conferences for Type III and IV applications.
2. Prior to submitting an application, all applicants must hold a neighborhood meeting with surrounding property owners and any recognized neighborhood association representative, pursuant to the procedures described in Canby Municipal Code Section 16.89.070. In certain situations, the Planning Director may waive the neighborhood meeting requirement.
3. At the time an application is submitted to the City, payment of required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
4. 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.
5. Staff investigates the application, writes a staff report, issues public notice, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
6. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. This material will be posted by staff at least ten (10) days before the public hearing.

7. The staff report will be available to all interested parties seven (7) days prior to the hearing.
8. The Planning Commission holds a public hearing. The staff report is presented to the Commission. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant. Based on the information received during the public hearing, the Planning Commission issues a recommendation to City Council concerning what zoning designation should be applied to the property if it is annexed, and recommends that the annexation be approved, modified, or denied based on conformance with review criteria.
9. The City Council then holds a second public hearing. The Planning Commission's recommendation is presented to the Council. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant. Based on the information received during the public hearing, the Council decides what zoning designation should be applied to the property if it is annexed, and decides whether the annexation should be approved, modified, or denied.

ANNEXATION APPLICATION – TYPE IV: APPROVAL CRITERIA

Pursuant to Section 16.54.040 of the Canby Municipal Code, the Planning Commission and City Council must find that the requested zoning meets the following criteria in order to approve the zoning designation requested:

- 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; and
- 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.

(Note: if the zoning that is requested in conjunction with the annexation is not consistent with the property's comprehensive plan designation, then the applicant must also apply for a Comprehensive Plan Amendment.)

Pursuant to Section 16.84.040 of the Canby Municipal Code, the Planning Commission and City Council must find that the annexation application meets the following criteria in order to approve the Annexation request:

- A. 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 a designated DA area as shown on the City of Canby Annexation Development Map. The terms of the Development Agreement may include, but are not limited to:
 - i. Timing of the submittal of an application for zoning
 - ii. Dedication of land for future public facilities including park and open space land
 - iii. Construction of public improvements
 - iv. Waiver of compensation claims
 - v. Waiver of nexus or rough proportionality objections to future exactions
 - vi. Other commitments deemed valuable to the City of Canby

For newly annexed properties that are within the boundaries of a DA area as designated on the City of Canby Annexation Development Map: A Development Agreement shall be recorded as a covenant

running with the land, binding on the landowner's successors in interest prior to the City Council granting a change in zoning classification.

- b. A Development Concept Plan (DCP) is binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map. A Development Concept Plan shall address City of Canby infrastructure requirements including:
 - i. Water
 - ii. Sewer
 - iii. Stormwater
 - iv. Access
 - v. Internal Circulation
 - vi. Street Standards
 - vii. Fire Department requirements
 - viii. Parks and open space

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

- B. Analysis of the need for additional property within the city limits shall be provided. The analysis shall include the amount of developable land (within the same class of zoning – low density residential, light industrial, etc.) currently within the city limits; the approximate rate of development of those lands; and how the proposed annexation will affect the supply of developable land within the city limits. A supply of developable residential land to provide for the anticipated population growth over the following three years is considered to be sufficient;
- C. Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part; and proposed actions to mitigate identified concerns, if any. A neighborhood meeting is required as per Table 16.89.020 of the City of Canby Land Development and Planning Ordinance.
- D. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
- E. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
- F. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
- G. Statement outlining method and source of financing required to provide additional facilities, if any;
- H. 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.
- I. Compliance with other applicable city ordinances or policies;
- J. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222.