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: _____ 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

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:

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

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 Check	City 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 Check	City 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.

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 preliminary plans to the City Planner, and after receiving the Planner's initials, must then make and take 16 copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The City does not charge a fee for a pre-application meeting.

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 and election deposit is required. An application will not be accepted without payment of fees and deposit. City Staff can provide you with information concerning application fees.

4. Application filing deadlines: Annexation ballot measures may be scheduled for primary or general elections held in May or November of even numbered years, or may be scheduled for special elections held in May and November of odd numbered years or March and September of any year. (Special elections & Primary elections costs must be paid by the annexation applicant). Application deadlines have been established to allow sufficient time for public hearings by both the Planning Commission and the City Council, so that a decision on the annexation application can be made in enough time to be able to meet filing deadlines for elections. It is recommended though, that applications be submitted prior to these deadlines if possible. Application deadlines are as follows:

Submit annexation application by last day of this month:	In order to meet the deadlines for an election in this month:
June	March
August	May
December	September
February	November

5. 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.

6. 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.

7. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. This material must be posted **by the applicant** at least ten (10) days before the public hearing.

8. The staff report will be available to all interested parties seven (7) days prior to the hearing.

9. 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 either approved, modified, or denied.

10. 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. If the annexation is approved, the Council refers the annexation question to city voters by directing that the annexation be placed on the next available election ballot.

11. Staff prepares the ballot title and forwards all necessary information to the Clackamas County Elections office. Staff also prepares required newspaper noticing. The election is held, and if the annexation is approved by city voters, then the City Council certifies the election results, and Staff files annexation paperwork with the Secretary of State. The Secretary of State will issue a letter confirming the filing date of the annexation, which is the date that the property is annexed into the City of Canby.

12. If city voters do not approve the annexation measure, then the property is not annexed into the City, and the property owner must make a new application to the City if they wish to attempt annexation again in the future.

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) 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.