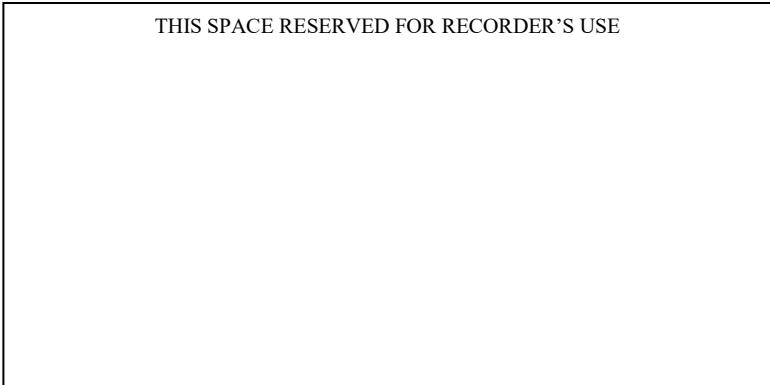


ANN 22-01/ZC 22-01
Attachment J: Development Agreement

After Recording Return To:
City of Canby
(222 NE 2nd Avenue)
PO Box 930
Canby, OR 97013



ANNEXATION DEVELOPMENT AGREEMENT

RECITALS:

1. S.T.J. 1, LLC, an Oregon Limited Liability Company, hereinafter called the “**STJ**”, owns real property commonly described as 1885 N Redwood Street, Canby, Oregon 97013 and more particularly described in attached Exhibit A and depicted on a survey attached as Exhibit B (“**Property**”).
2. The City of Canby, an Oregon Municipal Corporation, hereinafter referred to as “**CANBY**”.
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 16.84.404).
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.

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NOW, THEREFORE, it is hereby agreed:

I. CANBY MUNICIPAL CODE 16.84.040 APPLICABLE PROVISIONS.

- A. Timing of the submittal of an application of zoning. Concurrent with the review of this Agreement, the Council shall consider STJ annexation application and STJ requests that, upon approval of the annexation by the City Council, the Property shall be zoned R-2. This will ensure that the Annexation Development Agreement as well as the annexation and zone change approvals are consistent with City Code 16.84.
- B. Scope of annexation request. The annexation will include the property described in attached Exhibit A and depicted on a survey attached as Exhibit B and no other property or roadway.
- C. Timing of Recording. STJ shall have fourteen (14) calendar days from the date the City Council takes final action approving this Annexation Development Agreement, annexation and zone change, to record this document. 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. There will not be any obligation for dedication of public facilities as part of this Annexation Development Agreement. At the time of development, STJ will satisfy the CANBY parkland dedication obligation by payment of Park System Development Fees as required.
- E. Street construction/layouts, utilities, right of way dedications. At the time of development, all CANBY required public improvements will be constructed to conform with Canby Municipal Code requirements by STJ. STJ will provide right of way dedications necessary for the completion of the development, if any.
- F. Utility availability. At the time of development, STJ agrees to ensure that utilities and infrastructure are available to serve the Property described in Exhibit A and

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Exhibit B at densities currently authorized in the R-2 zone. STJ also agree to allow connection to STJ's constructed public facilities, if any, by adjacent property owners.

- G. Waiver of compensation claims. STJ 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.
- H. 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-2 zone.
- I. Other commitments deemed valuable to the City of Canby. STJ agrees any future development will meet the requirements of the adopted City of Canby Municipal Code in effect at the time of development.

II. OTHER CONSIDERATIONS.

- A. Duration. This Annexation Development 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 by City Council and expiration of the period of appeal, or if an appeal is filed, the resolution of such appeal. This agreement shall continue in effect for a period of five (5) years after its effective date.
- B. Recording. Within fourteen (14) calendar days after "approval" of annexation and zone change, STJ shall record this Annexation Development Agreement with the Clackamas County Recorder Office and provide a copy of the recorded document to the City Attorney.

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- C. Cancellation. This Annexation Development Agreement shall not be cancelled.
- D. Modification. This Annexation Development Agreement may be modified, amended, or extended upon the mutual consent of STJ and CANBY.

IN WITNESS WHEREOF, the below named parties have executed this Instrument this ____day of _____, 2022.

S.T.J. 1, LLC

By: Thomas A.W. Scott
Title: Managing Member

S.T.J. 1, LLC

Grantor
By: Jeffrey C. Scott
Title: Managing Member

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STATE OF OREGON)
) **ss:**
COUNTY OF _____)

On the _____ day of _____, 2022, personally appeared the above-named Thomas Scott, Managing Member of S.T.J. 1, LLC, on behalf of the company, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged said instrument to be his/her voluntary act and deed.

Notary Public for Oregon _____
My Commission Expires: _____

STATE OF OREGON)
) **ss:**
COUNTY OF _____)

On the _____ day of _____, 2022, personally appeared the above-named Jeff Scott, Managing Member of S.T.J. 1, LLC, on behalf of the company, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged said instrument to be his/her voluntary act and deed.

Notary Public for Oregon _____
My Commission Expires: _____

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**ACCEPTANCE BY CITY OF CANBY – APPROVED BY ACTION OF CITY COUNCIL
ON THE ____ DAY OF _____, 2022 ORDINANCE NO. _____**

CITY OF CANBY, a Municipal Corporation

By: _____
Scott Archer

Title: City Administrator

STATE OF OREGON)
) **ss:**
COUNTY OF CLACKAMAS)

On the ____ day of _____, 2022, personally appeared the above-named Scott Archer, who being duly sworn, did say that he is the City Administrator for the City of Canby, a Municipal Corporation, and said instrument was signed and sealed on behalf of said corporation and he acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon _____
My Commission Expires: _____