

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers
Monday, August 11, 1997
7:30 p.m.

I. ROLL CALL

II. MINUTES

July 14, 1997
July 28, 1997

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMISSION DISCUSSION OF PLANNING ISSUES

V. FINDINGS

ZC 97-01/MLP 97-05/SUB 97-05 - Pahlisch Duncan
ANN 97-04 - Willamette Valley Homes

VI. PUBLIC HEARINGS

ANN 97-05, an application by Gramor Development Northwest, Inc. (applicant) and the Arneson Joint Trust (owner) for approval to annex 28.5 acres of land which is situated in the Urban Growth Boundary into the City of Canby. The property is currently zoned EFU (Exclusive Farm Use) and is designated as Commercial Manufacturing/Heavy Industrial in the Comprehensive Plan. The site is located southeast of the intersection of the Molalla Forest Road and State Highway 99-E (Tax Lots 900 and 901 of Tax Map 3-1E-34)

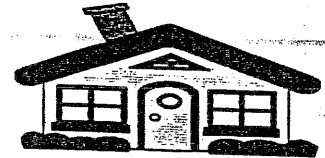
MLP 97-06, an application by Anthony Marnella (applicant) and Marlon Financial Services (owner) for approval to partition the existing 4 tri-plexes from the existing 8 duplexes. The site is located on S.E. 3rd Avenue, west of S. Knott and east of S. Ivy [Tax Map 3-1E-33DC, Supplement #2].

ANN 97-06, an application by Oregon Development, Inc. (applicant) and Larry and Betty Faist (owners) for approval to annex 39.32 acres into the City of Canby. The property is located north of N.E. 13th Avenue, and east of Valley Farms subdivision [Tax Lot 2000 of Tax Map 4-1E-3]. *Continued to November 10, 1997.*

POSTPONED

VII. COMMUNICATIONS

- VIII. NEW BUSINESS
- IX. DIRECTOR'S REPORT
- X. ADJOURNMENT



The City of Canby Planning Commission welcomes your interest in these agenda items. Please feel free to come and go as you please.

Dan Ewert, Chair
Terry Prince

Keith Stewart, Vice-Chair
John Dillon

Vern Keller
Jean Marie Tallman

Mark O'Shea

TIMELINES AND PROCEDURES

- In order not to restrict any person from testifying but, rather, to encourage everyone to do so, the Canby Planning Commission shall try to adhere as closely as possible to the following timelines:
 - Applicant (or representative[s]) - not more than 15 minutes
 - Proponents - not more than 5 minutes
 - Opponents - not more than 5 minutes
 - Rebuttal - not more than 10 minutes
- Everyone present is encouraged to testify, even if it is only to concur with previous testimony. All questions must be directed through the Chair. Any evidence to be considered must be submitted to the hearing body for public access. All written testimony received both for and against shall be summarized by staff and presented briefly to the hearing body during the Staff Report.
- The applicable substantive criteria are those listed on the agenda sheet available at the rear of the room and on page 2 of the staff report. Testimony and evidence must be directed toward the applicable substantive criteria listed on page 2 of the staff report or other criteria in the Comprehensive Plan or land use regulations which the person believes to apply to the decision.
- Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and the parties an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue.
- Prior to the conclusion of the initial evidentiary hearing, any participant may request opportunity to present additional evidence or testimony regarding the application. The Planning Commission shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony. Any such continuance or extension shall be subject to the limitations of the so-called 120-day rule, unless the continuance or extension is requested or agreed to by the applicant.
- If additional documents or evidence are provided by any party, the Planning Commission may, if requested, allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any such continuance or extension of the record requested by an applicant shall result in a corresponding extension of the so-called 120-day time period.

PLANNING COMMISSION
TESTIMONY SIGN-IN FORM

Date: August 11, 1997

PLEASE PRINT CLEARLY

NAME

ADDRESS

MICHAEL ROBINSON

900 SW 5th, SUITE 2300 PORTLAND 97204

JENNIFER WALLUCK

1397 SE 1ST AVE (P.O. Box 435) Canby

Barry Cain

9895 SE Seaway side Rd Clatsop 97015

~~Tony + Thaneila~~

17367 Canal Cir LO.

PLANNING COMMISSION
SIGN-IN FORM

Date: August 11, 1997

PLEASE PRINT CLEARLY

NAME

ADDRESS

Juan + Robertha Pineda
Jennifer Walluck
MICHAEL K. DUNCAN

1445 SE 1st Ave Canby
1397 SE 1st (P.O. Box 435)
15100 SW. Hill Hwy Beaverton 97006

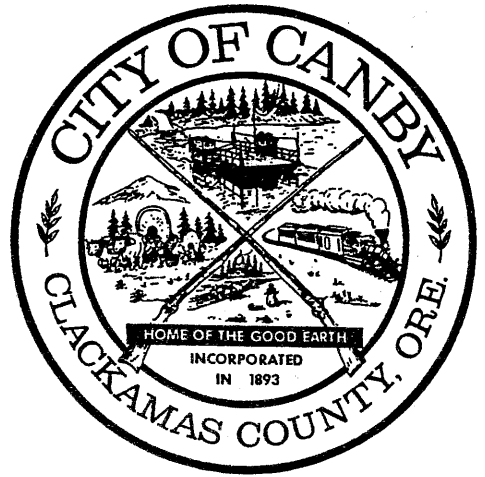
Ivy TARNELLA
Berry Cain
MICHAEL C. ROBINSON

17367 Canal Cir L.O. 97035
9857 NE Sunnyside Rd Clackamas
900 SW 5th Ave, Suite 2300 Portland 97204

Marta Hansen
Roy Fitzmev

9895 SE Sunnyside Clackamas
1691 SE 1st Canby

- STAFF REPORT -

**APPLICANT:**

Gramor Development Northwest, Inc.
9895 SE Sunnyside Road, Suite P
Clackamas, OR 97015

FILE NO.:

ANN 97-05
(Gramor)

OWNER:

Arneson Joint Trust
1445 SE 1st Avenue
Canby, OR 97013

STAFF:

James S. Wheeler
Planning Director

Dorothie Walluck
1397 SE 1st Avenue
Canby, OR 97013

LEGAL DESCRIPTION:

Tax Lots 900, 901, and 1000 of
Tax Map 3-1E-34

DATE OF REPORT:

August 1, 1997

LOCATION:

Southeast of the intersection of the
Molalla Forest Road and Highway 99-E

DATE OF HEARING:

August 11, 1997
(City Council Hearing - on
September 17, 1997)

COMP. PLAN DESIGNATION:

Tax Lot 1000: Commercial-Manufacturing

Tax Lot 901: Commercial-Manufacturing

Tax Lot 900: Commercial-Manufacturing

ZONING DESIGNATION:

County Zoning: RRFF-5
City Zoning will be: Commc'l Mfg
County Zoning: EFU
City Zoning will be: Commc'l Mfg
County Zoning: EFU
City Zoning will be: Commc'l Mfg
and Heavy Industrial

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex 31 acres, located in the 2nd phase of the Logging Road Industrial Park, immediately east of the Molalla Logging Road, and south of Highway 99-E.

II. MAJOR APPROVAL CRITERIA:

The Planning Commission forms a recommendation that the City Council may consider while conducting a public hearing. The City Council then forwards their recommendation to the Portland Metropolitan Area Local Government Boundary Commission (PMALGBC), where a final hearing and decision will be made.

- A. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:
1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.
 2. Compliance with other applicable City ordinances or policies.
 3. Capability of the City and other affected service-providing entities to amply provide the area with urban level services.
 4. Compliance of the application with the applicable section of ORS 222.
 5. Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.
 6. Risk of natural hazards that might be expected to occur on the subject property.
 7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
 8. Economic impacts which are likely to result from the annexation.

III. FINDINGS:

The applicant has submitted documentation regarding the compliance of the application proposal to the Comprehensive Plan and the annexation criteria (exhibit A). Staff will only supplement or correct where needed.

A. Background and Relationships:

The application is to annex 31 acres into the City limits. The primary purpose of the annexation is to develop approximately 15 acres for commercial-retail uses. The remaining industrial land will, most likely, be sold and developed independently of the commercial portion of the properties.

B. Comprehensive Plan Consistency Analysis

ii. Urban Growth

- **GOAL:** 1) TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.
- 2) TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITH IN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.

Policy #3: Canby shall discourage the urban development of properties until they have been annexed to the City and provided with all necessary urban services.

ANALYSIS

3. The implementation measure D of this policy states that annexations are to, generally, be in keeping with the prioritization categories for annexation. If the overall properties were divided in half, with an east half and a west half, the west half is Priority "A" and the east half is Priority "B" for annexation purposes. This portion of Priority "A" lands is the last remaining commercial/industrial lands that are in the category Priority "A". Therefore, the annexation proposal is in keeping with this policy, and the priority classification for annexation.

iv. ENVIRONMENTAL CONCERNS

- GOAL: 1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.
- 2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

Policy #1-R-A: Canby shall direct urban growth such that viable agricultural uses within the urban growth boundary can continue as long as it is economically feasible for them to do so.

Policy #1-R-B: Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority.

ANALYSIS

1-R-A. Implementation measure A states that zoning provisions which allow agricultural operations within the City limits should be maintained. There are zoning designations that do permit agricultural operations, however, the commercial-manufacturing and heavy industrial zones are not among them. Because there is no desire to maintain agricultural operations on a portion of the property, it is not prudent to attempt a partial zoning of the property. Further, the Comprehensive Plan's designation for the use of the property is in accordance with the conversion of the property to non-agricultural uses.

1-R-B. Implementation measures A states that the water and sewerage planning needs to be coordinated with annexation of the property. The sewer department has responded that adequate services are available. The water treatment plant has just completed upgrades to the capacity and have adequate facilities to service this property.

Implementation measure B requires that street and road improvements be coordinated with this policy. ODOT has supplied comments regarding this annexation application. They believe the application to be premature in that the designs for realignment of the intersection of N. Redwood Street, Highway 99-E, and S.E. 1st Avenue and a local road master plan for the industrial park have not been completed yet, and annexation of the property may constrain development of the designs. Staff's position is that

this annexation application has been facilitating, not constraining, the development of a master plan for the local road access for the industrial park and the realignment of the Highway 99-E intersection. Staff agrees that it is prudent to postpone actual development application until after the master plan for the industrial park has been completed. This has already been conveyed to the applicant, and is included in the understandings in the recommendation.

Implementation measure C and D appear to conflict with each other. Measure C seeks to encourage growth into areas that are fragmented and not conducive to productive agricultural use, and measure D looks to have annexation proposals reviewed in light of the growth phasing strategies of the Urban Growth Element. As designed by the Comprehensive Plan, the properties under annexation proposal should be the next commercial/industrial properties to be annexed and developed. The next set of commercial properties that could be annexed are further to the east, away from the existing City and services. In recent Planning Commission deliberations, there has been much discussion regarding implementation measure C, and whether it is to be interpreted as meaning that within each priority category, agricultural land is to be preserved for as long as possible. Tax Lot 1000, and a part of Tax Lot 900 are the only priority A commercial properties left to annex. Tax Lot 901 is a property that is not conducive to productive agricultural use given its lot size (2.26 acres) and the fact that it is also being used for a residence. Tax Lot 900 is the property that is being used agriculturally, and if it is to be preserved because of the agricultural use on the property, and commercial annexation/development is still to be permitted, then an illogical "leap-frogging" of development will occur. Therefore, this annexation application is appropriate and does conform to this policy.

v. **TRANSPORTATION**

■ **GOAL: TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.**

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

ANALYSIS

6. As stated in the above analysis (Policy 1-R-B of the Environmental Concerns Element), it is recommended that development plans for this property conform to the master plan that is under development for the industrial park infrastructure. At the time that actual development plans are under review, determination of the transportation facilities, both location, functionality, and intersection adequacy will be determined.

vii. ECONOMIC

■ **GOAL:** TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.

Policy #4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations.

ANALYSIS

4. Implementation measure A states that "so long as there are other reasonable alternatives to urban growth, highly productive agricultural lands will be protected from urban encroachment." Staff believes that there are not "other reasonable alternatives" to commercial growth.

Redevelopment of Downtown Commercial properties in order to accomplish a 15-acre commercial development would entail over 30 property owners (most likely), 8 City blocks, possible street closures, and removal of many residential homes. Development of property further to the east would involve extending services to property not contiguous to the City, less conforming to the growth phasing concept in the Comprehensive Plan, and would also involve reconfiguration of the Redwood/Highway 99-E intersection that would be off-site. For continued commercial growth, the proposed application does conform with this policy.

Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

In staff's review of this application, staff concludes that the proposed annexation is consistent with the policies of the Canby Comprehensive Plan.

III. CONCLUSION

Staff hereby concludes that the proposed annexation will meet the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040, specifically related to : 1) Comprehensive Plan consistency; 2) Compliance with other applicable Codes and Ordinances; 3) Capability to provide urban level of services; 4) Compliance with ORS 222 regarding annexations of contiguous properties; 5) Appropriateness of area for annexation compared to other properties; 6) Risk of natural hazards; 7) Effect of urbanization on designated open space, scenic, historic or natural resource area; and 8) Economic impacts are appropriate and beneficial.

IV. RECOMMENDATION

Based upon the findings and conclusions contained in this report (and without benefit of a public hearing), staff recommends that should the Planning Commission recommend approval of ANN 97-05 to the PMALGBC (Boundary Commission), through the City Council, the following understandings should apply:

1. The zoning classification for the property upon annexation will be C-M, Commercial Manufacturing and M-2, Heavy Industrial in accordance with the Land Use Map of the Comprehensive Plan.
2. All City and service provider regulations are to be adhered to at the time of development.
3. Development of the property will require further review by the City, in accordance with the City's Land Development and Planning Ordinance. Included in the review will be a traffic study that must be approved by ODOT.
4. Any development application shall be in conformance with the master plan that will be developed for the Industrial Park infrastructure, including the realignment of the intersection of N. Redwood and Highway 99-E.
5. The realignment of the intersection of N. Redwood and Highway 99-E will be required at time of development of the property, and will be constructed at the developer's expense (no City, County, or State funds are to be expected to pay for the improvement).

Exhibits:

- A. Application
- B. Response to Request for Comments

COPY

APPLICATION

FOR

ANNEXATION OF PROPERTY
WITHIN THE URBAN GROWTH BOUNDARY
TO THE CITY OF CANBY

BY

GRAMOR DEVELOPMENT NORTHWEST, INC.
ON BEHALF OF
DOROTHE WALLUCK
AND
IVAN LEONARD AND ROBERTHA ELLEN ARNESON
AS TRUSTEES UNDER THE
ARNESON JOINT TRUST DATED JUNE 8, 1993

SUBMITTED ON
JULY 3, 1997

EXHIBIT

A

32 pages

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Exhibits

I. SUMMARY OF INFORMATION.

A. Site Description.

This annexation application consists of two separate ownerships consisting of 2.5 acres (tax lot 1000) and 28.52 acres (tax lots 900 and 901), respectively. The areas to be annexed are located southeast of the intersection of the Mollala forest road and State Highway 99E. (See Exhibit 1.) The areas are zoned Exclusive Farm Use ("EFU") and designated "Commercial Manufacturing" and "Heavy Industrial" on the Canby Comprehensive Plan ("Plan") map. (See Exhibit 2.) The areas are not noted as "Areas of Special Concern" on the Plan map at page 61. (See Exhibit 3.) The areas are adjacent to the City on the west, south and east.

B. Surrounding Land Use and Zoning.

The Shimadzu USA Manufacturing site, annexed by the City in File No. ANN 97-01, is adjacent to this area. (See Exhibit 4.) The area southeast of State Highway 99E and the Mollala forest road is principally devoted to agricultural use with some single-family dwellings. The areas inside the City of Canby are principally devoted to industrial and commercial uses south of State Highway 99E and residential uses north of State Highway 99E.

C. Application Description.

CZO Chapter 16.84, "Annexation", contains the approval criteria and process for an annexation application. The Canby Planning Commission ("Commission") makes a recommendation to the Canby City Council ("Council"). Since the Portland Metropolitan Local Government Boundary Commission ("Boundary Commission") is empowered to make the final decision on the boundary change, the Council's action is a recommendation to the Boundary Commission. The Council's action is the City's official position. CZO 16.84.050(D).

II. APPLICABLE APPROVAL CRITERIA FOR THE ANNEXATION APPLICATION.

A. CZO 16.84.010, "Purpose".

This section sets forth the purpose and general intent of CZO Chapter 16.84. It contains no regulatory approval criteria.

B. CZO 16.84.020, "State Regulations".

This section incorporates by reference ORS Chapter 222, "Boundary Changes". (See Exhibit 5.)

ORS 222.111(1) authorizes approval of a boundary change to include areas not within a city provided those areas are contiguous to the city. These areas are contiguous to the City's boundary. (See Exhibit 1.)

ORS 222.111(2) authorizes a proposal for annexation to be initiated by the owners of real property in the territory to be annexed. The real property owners have consented to this annexation application. (See Exhibit 6.)

ORS 222.120 authorizes annexation without submitting the proposal to the City electorates for their approval or rejection. ORS 222.120(2) requires the City Council to fix a public hearing date at which time the annexation request may be heard. ORS 222.120(3) sets forth the notices required for the City Council hearing. The City will also comply with the notice requirements of ORS 197.763.

ORS 222.170(1) provides that the City Council is not required to hold an election in the contiguous territory proposed to be annexed if more than half of the owners of land in that territory also own more than half of the land in the territory, and that represents more than half of the assessed value have consented in writing to the annexation. No election is required.

The City can find that applicable requirements of ORS Chapter 222 have been satisfied.

C. CZO 16.84.040, "Standards and Criteria".

This section addresses the applicable approval criteria for an annexation application. The criteria and the responses are shown below.

1. **"Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions or policies relating to the Urban Growth Boundary":**

a. Urban Growth Element Goal 1:

"To preserve and maintain designated agricultural and forest lands by protecting them from urbanization."

b. Urban Growth Element Goal 2:

"To provide adequate urbanizable area for the growth of the city, within the framework of an efficient system for the transition from rural to urban land uses."

RESPONSE:

The Plan provides that the UGB “identifies where the city will grow within a 20-year time period and shows the general area in which city facilities and services will be extended and where annexation will occur.” (Plan at 16.) While the UGB does not require that this area be annexed to the City, it does indicate “the city’s willingness to annex this by urban services to the area, as the required annexation criteria are met.” Id. The Plan also notes that the area within the City’s UGB has been demonstrated to be necessary to accommodate long-range urban population growth. Id.

These statements are consistent with Statewide Planning Goal (“Goal”) 14 which provides that UGB’s are intended to separate “urbanizable” land from “rural” land. The Goals define urbanizable land as:

“Urbanizable lands are those lands within the Urban Growth Boundary and which are identified and

- (a) determined to be necessary and suitable for future urban uses,
- (b) can be served by urban services and facilities, and
- (c) are needed for an expansion of an urban area.”

Statements within the Plan show that this area is necessary and suitable for future urban uses and can be served by urban services and facilities. The Plan notes that the UGB has been defined to meet the community’s employment opportunities. This area is in Growth Priority Areas “A” and “B”. (See Exhibit 7; Plan map at 29.)

With respect to the need for this area, the Plan notes that a major industrial area south of State Highway 99E is anticipated. (See Exhibit 8; Plan map at 129.) Combined with the Shimadzu USA annexation, this area is appropriate for a continued industrial and commercial development which will benefit the City’s economic base. The Plan notes that the City intends to provide “appropriate locations” for a variety of industries where adverse impacts can be minimized. (See Plan map at 130.) This site easily meets this criteria because of the buffers (State Highway 99E and the Mollala forest road) between this area and existing residential areas.

The City can find that Urban Growth Element Goals 1 and 2 are satisfied.

c. Urban Growth Element Policy 1:

“Canby shall coordinate its growth and development plans with Clackamas County.”

RESPONSE:

The City will provide notice to Clackamas County of this application and will consider Clackamas County's comments.

d. Urban Growth Element Policy 3:

“Canby shall discourage the urban development of properties until they have been annexed to the city and provided with all necessary urban services.”

RESPONSE:

This annexation application will allow urban development of these properties upon City approval. These areas do not contain soils representing construction limitations. (See Plan map at 82.) Furthermore, the industrial/commercial area map identifies these areas as suitable and desirable for industrial urban development. While urban facilities and services do not currently serve these areas, such facilities and services are available within the City and can be extended to this area.

e. Land Use Element Goal 1:

“To guide the development and uses of land so that they are orderly, efficient, aesthetically pleasing and suitably related to one another.”

RESPONSE:

This annexation application represents orderly and efficient development. As noted above, these areas are within priority areas “A” and “B”, indicating that they are within an appropriate area to be annexed. The annexation contributes to efficient development of the City by annexing an area adjacent to transportation facilities and other public urban services, as well as annexing areas adjacent to the Shimadzu USA facility. Aesthetically pleasing and suitably related development can be achieved through later development proposals subject to City approval.

f. Land Use Element Policy 1:

“Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.”

RESPONSE:

Annexation of this area will result in the grouping of compatible uses by locating industrial and commercial areas near the Shimadzu USA facility. The City has previously determined that industrial and farming operations are compatible land uses. (See staff report for ANN 97-01 at 1.)

g. Land Use Element Policy 3:

“Canby shall discourage any development which will result in overburdening any of the community’s public facilities or services.”

RESPONSE:

As noted in the staff report for ANN 97-01, the City determined that utility services can become available to the property through development. Additionally, the comments from the various urban service providers in that request indicated that adequate public services were either available or could become available through development.

h. Land Use Element Policy 5:

“Canby shall utilize the land use map as the basis of zoning and other planning or a public facility’s decision.”

RESPONSE:

The City can find that this annexation request is consistent with the Plan’s land use map which shows this area designated for commercial and industrial development.

i. Environmental Element Goal 1:

“To protect identified natural and historical resources.”

j. Environmental Element Goal 2:

“To prevent air, water, land, and noise pollution, to protect lives and property from natural hazards.”

RESPONSE:

This site contains no identified natural or historical resources. (See Plan map at 77, Significant Wetlands, and Plan map at 83, Historical Sites.)

Additionally, the City can find that through the application of existing development criteria, air, water, land and noise pollution can be minimized or mitigated, and lives and property can be protected from natural hazards.

k. Environmental Element Policy 1-R-A:

“Canby shall direct urban growth such that viable agricultural uses within the urban growth boundary can continue as long as it is economically feasible for them to do so.”

RESPONSE:

The fact that the property owners desire to sell their property for urban uses indicate that they have determined that it is no longer economically feasible for them to continue agricultural uses.

l. Environmental Element Policy 3-R:

“Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.”

RESPONSE:

The City can find that applicable approval criteria required for further development of this site can be used to ensure that development activities meet the prescribed standards for air, water and land pollution.

m. Transportation Element Goal:

“To develop and maintain a transportation system which is safe, convenient and economical.”

RESPONSE:

Development of industrial and commercial uses in these areas will contribute to an economical and convenient transportation system by relying on existing and proposed roadways. Moreover, the development process will ensure the creation of a safe transportation system.

n. Public Facilities and Services Element Goal 1:

“To assure the provision of a full range of public facilities and services to meet the needs of the residents and property owners of Canby.”

RESPONSE:

The City can find, as it did with the Shimadzu USA annexation application, that adequate facilities will either be available or can be made available for future development of this property.

o. Public Facilities and Services Element Policy 1:

“Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.”

RESPONSE:

The City has provided notices to the various public facilities and services providers. Those comments can be considered by the City in its decision on this application.

p. Conclusion.

The City can find that this application satisfies the applicable approval criteria for an annexation.

2. **“Compliance with other applicable City ordinances or policies”:**

RESPONSE:

The City has determined that there are no other applicable City ordinances or policies for this annexation application.

3. **“Capability of the City and other affected service-providing entities to amply provide the areas with urban-level services”:**

RESPONSE:

The City can find that adequate urban facilities and services are available to serve this site consistent with its previous determination to annex the Shimadzu USA site. The City can condition future development upon the provision of such services.

4. **“Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222”:**

RESPONSE:

Section “B”, above, addresses the relevant provisions to ORS Chapter 222.

5. **“Appropriateness of the annexation of the specific area proposed, when compared to other properties which might reasonably be expected to be annexed to the City”:**

RESPONSE:

These areas are appropriate for annexation when compared to such other areas as might reasonably be expected to annex. Most importantly, these areas are contiguous to the city limits, are identified in the City’s industrial attraction plan map, are adjacent to major transportation facilities and are adjacent to the Shimadzu USA site. Annexation and future development of this area is consistent with the City’s recognition that this area will become a major industrial and commercial area for the City.

6. **“Risk of natural hazards which might be expected to occur on the subject property”:**

RESPONSE:

As noted above, the Plan notes no soil or natural hazard conditions that would limit development in these areas.

7. **“Affect of the urbanization of the subject property on specially-designated open space, scenic, historic or natural resource areas”:**

RESPONSE:

No specially-designated open space, scenic, historic or natural resource areas are located within these areas to be annexed.

8. **“Economic impacts which are likely to result from the annexation”:**

RESPONSE:

The City can find that the likely economic impacts will be beneficial for two reasons. First, additional commercial and industrial development will generate job and property tax revenues for the City in the future. Secondly, in general, development will be required to “pay its way” in the provision of services to this site.

D. **CZO 16.84.040(B).**

RESPONSE:

The proposed annexation does not involve property beyond the City’s Urban Growth Boundary.

III. CONCLUSION.

The City can find that the applicable approval criteria for an annexation are satisfied.

EXHIBITS

- Exhibit 1 Map of areas to be annexed
- Exhibit 2 Canby Comprehensive Plan land use map
- Exhibit 3 Canby Comprehensive Plan map showing areas of special concern
- Exhibit 4 ANN 97-01 annexation site
- Exhibit 5 Relevant provisions of ORS Chapter 222, "Boundary Changes"
- Exhibit 6 Annexation application forms
- Exhibit 7 Canby Comprehensive Plan map showing growth priority areas
- Exhibit 8 Canby Comprehensive Plan map showing industrial areas
- Exhibit 9 Legal description of areas to be annexed
- Exhibit 10 List of property owners within two hundred (200) feet of areas to be annexed

3 IE 4BC

CO. RD. NO. 2580

ANGLE OF
DLC 56

3200

1000
2.50Ac.
1397

900
26.26 Ac.
1445

901
2.26Ac.
901A1
1591

800
14.82 Ac.
1887
1891

700
19.81Ac.

P.S. 317
P.S. 173
P.S. 204

EF

← SITE

SE SECOND ST.

SEE MAP

3

IE

34C

86-02

SE 4TH AVE

PINE ST.

REDWOOD ST.

MOLALLA FOREST RD.

RD.

N0°34'10"E 1700.04
FROM SE 25'50" W 916722
FROM SE Sec Cor.

227.40' 287.95' 766.05' 293.30' 57.44' 675.43' 152.96 CAL

3400
15.00Ac.

R=797000 L=646.3
S LINE DLC
508.26'

1100
12.42Ac.
1976

LOT

33

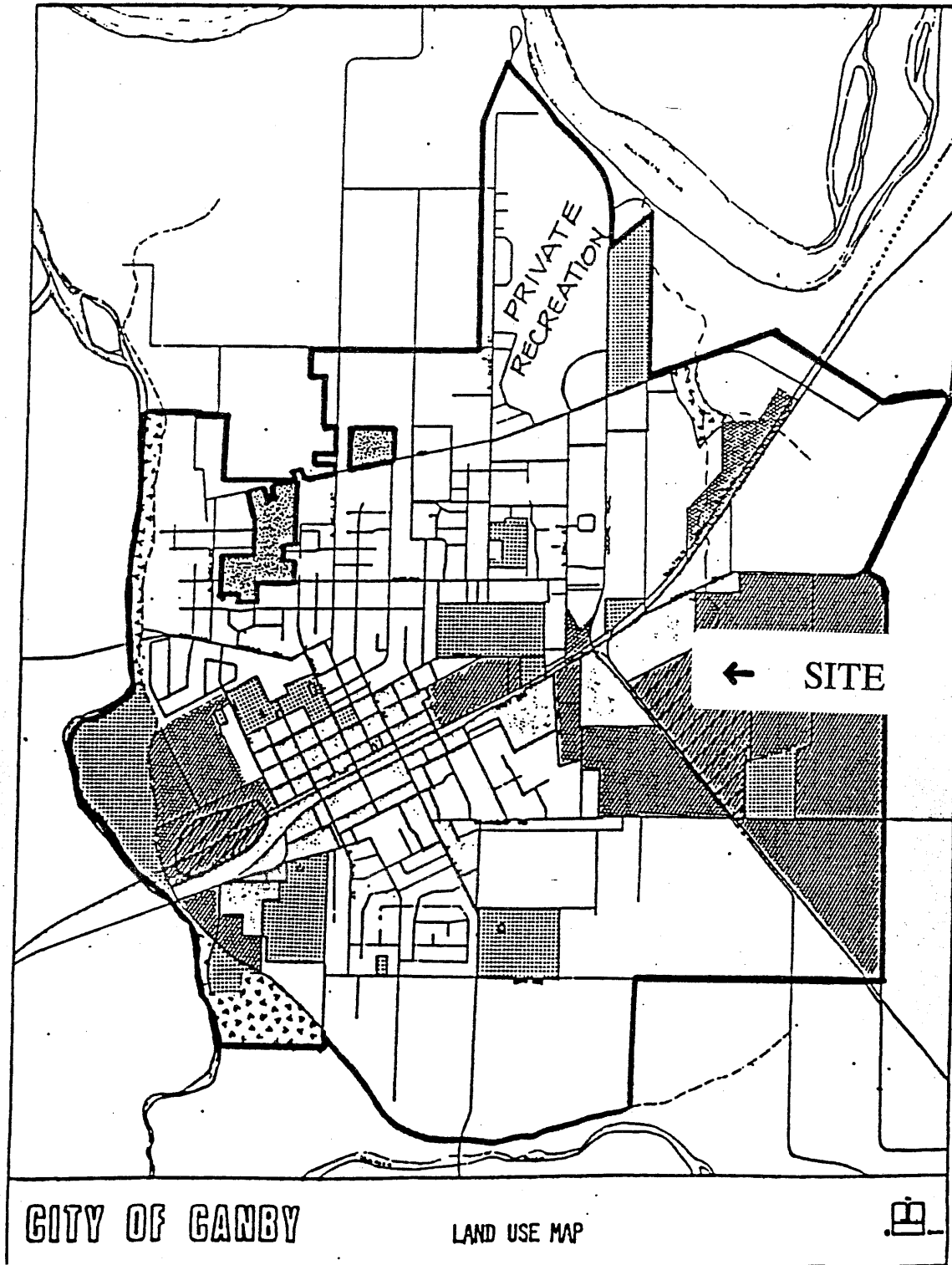
34

S TOWNSHIP

RD.

3

NOTE: The locations shown on this map are generalized. More specific information can be gained from the official land use map on file in City Hall.



CITY OF CANBY

LAND USE MAP



AGRICULTURAL



RESIDENTIAL



COMMERCIAL



PUBLIC



INDUSTRIAL

LIGHT

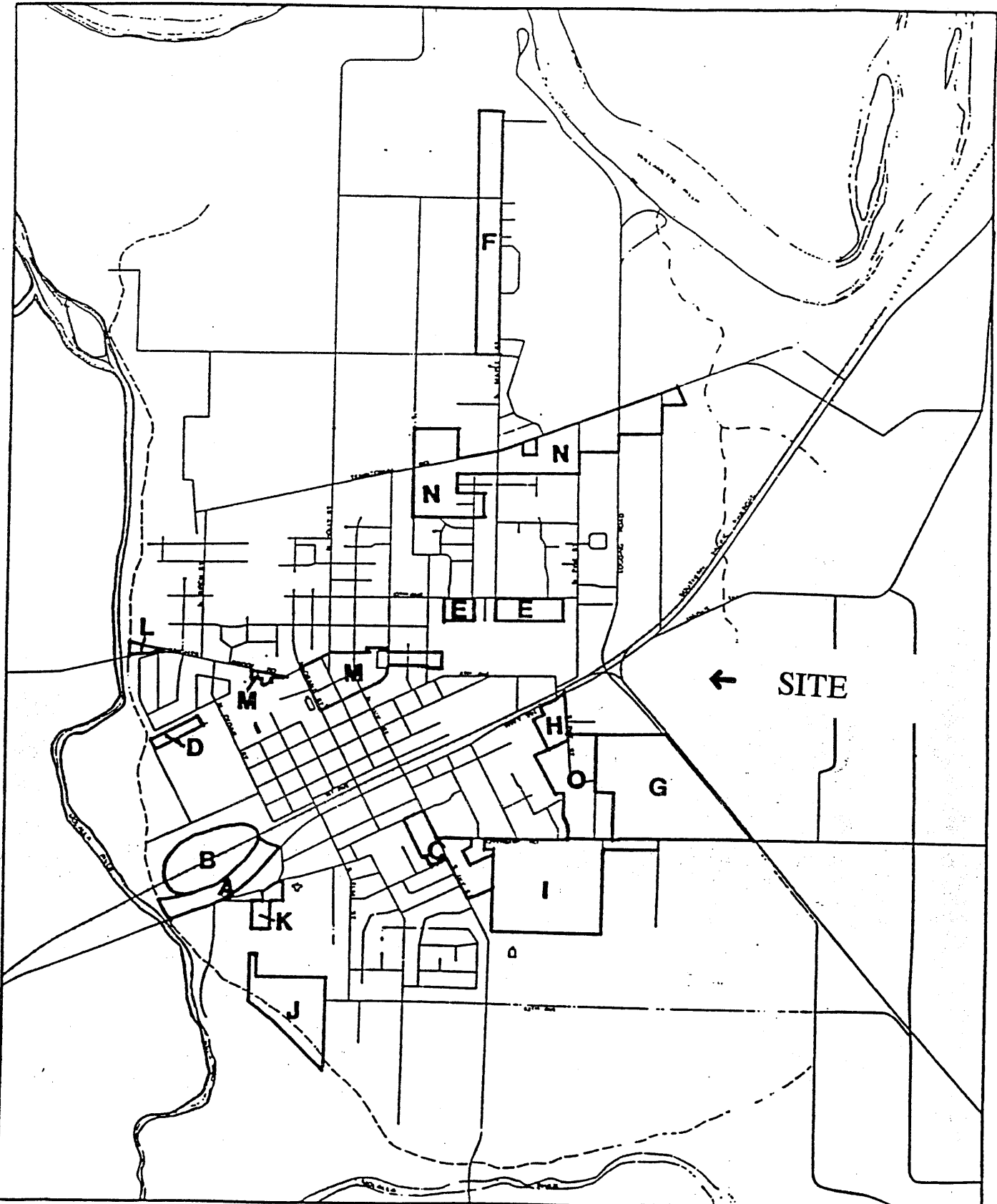


HEAVY



FLOOD/STEEP SLOPES





CITY OF CANBY AREAS OF SPECIAL CONCERN



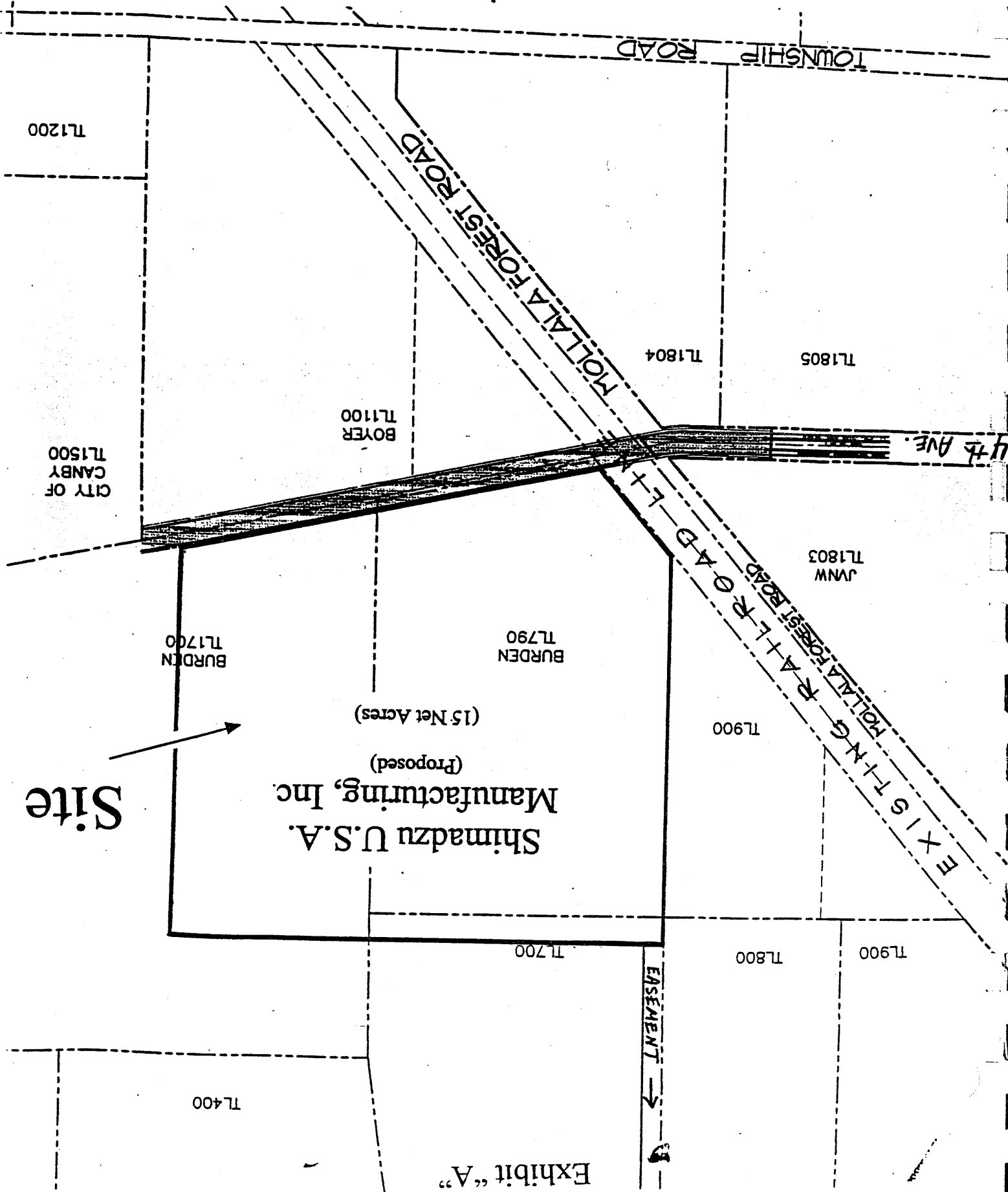


Exhibit "A"

(d) Has an assessed valuation, including improvements, of more than \$7 million

that property can only be annexed by or to a city after the city receives a petition requesting annexation from the owner of the property.

(2) Property described in subsection (1) of this section shall not be included with other territory as part of an annexation, or annexed under ORS 222.750, unless the owner of the property consents to the annexation in the form of a petition for annexation.

(3) This section applies to property within the jurisdiction of a local government boundary commission. [1987 c.737 §3]

Sec. 10. Section 3, chapter 737, Oregon Laws 1987, is repealed on July 1, 1999. [1987 c.737 §10; 1989 c.226 §1]

222.110 [Repealed by 1957 c.613 §1 (222.111 enacted in lieu of 222.110)]

222.111 Authority and procedure for annexation, generally. (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

(3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.

(4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annex-

ation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

(5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

(6) The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart.

(7) Two or more proposals for annexation of territory may be voted upon simultaneously; however, in the city each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot. [1957 c.613 §2 (enacted in lieu of 222.110); 1959 c.415 §1; 1967 c.624 §13; 1985 c.702 §7]

222.115 Annexation contracts; recording; effect. A contract between a city and a landowner relating to extraterritorial provision of service and consent to eventual annexation of property of the landowner shall be recorded and, when recorded, shall be binding on all successors with an interest in that property. [1991 c.637 §4]

222.120 Procedure without election by city electors; hearing; ordinance subject to referendum. (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to

the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or

(c) Declare that the territory is annexed to the city where the Health Division, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.

(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

(6) The ordinance referred to in subsection (4) of this section is subject to referendum.

(7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39]

222.125 Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous ter-

ritory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Note: 222.125 was added to and made a part of ORS chapter 222 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

222.130 Annexation election; notice; ballot title. (1) The statement summarizing the measure and its major effect in the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect shall not exceed 150 words.

(2) The notice of an annexation election shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

(3) Whenever simultaneous elections are held in a city and the territory to be annexed, the same notice and publication shall fulfill the requirements of publication for the city election and the election held in the territory. [Amended by 1967 c.283 §1; 1979 c.317 §4; 1983 c.350 §33; 1995 c.79 §80; 1995 c.534 §10]

222.140 [Repealed by 1979 c.317 §26]

222.150 Election results; proclamation of annexation. The city legislative body shall determine the results of the election from the official figures returned by the county clerk. If the city legislative body finds that the majority of all votes cast in the territory favors annexation and the city legislative body has dispensed with submitting the question to the electors of the city, the city legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [Amended by 1983 c.83 §23; 1983 c.350 §34; 1985 c.702 §9]

222.160 Procedure when annexation is submitted to city vote; proclamation. This section applies when the city legislative body has not dispensed with submitting the question of annexation to the electors of the city.

If the city legislative body finds that a majority of the votes cast in the territory and a majority of the votes cast in the city favor annexation, then the legislative body, by resolution or ordinance, shall proclaim those annexations which have received a majority of the votes cast in both the city and the territory. The proclamation shall contain a legal description of each territory annexed. [Amended by 1983 c.350 §35; 1985 c.702 §10]

222.170 Effect of consent to annexation by territory; proclamation with and without city election. (1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(2) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(3) If the city legislative body has not dispensed with submitting the question to the electors of the city and a majority of the votes cast on the proposition within the city favor annexation, or if the city legislative body has previously dispensed with submitting the question to the electors of the city as provided in ORS 222.120, the legislative body, by resolution or ordinance, shall set the final boundaries of the area to be an-

nexed by a legal description and proclaim the annexation.

(4) Real property that is publicly owned, is the right of way for a public utility, telecommunications utility or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section. [Amended by 1955 c.51 §2; 1961 c.511 §2; 1971 c.673 §1; 1973 c.434 §1; 1983 c.350 §36; 1985 c.702 §11; 1987 c.447 §117; 1987 c.737 §4]

222.173 Time limit for filing statements of consent; public records. (1) For the purpose of authorizing an annexation under ORS 222.170 or under a proceeding initiated as provided by ORS 199.490 (2), only statements of consent to annexation which are filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city.

(2) Statements of consent to annexation filed with the legislative body of the city by electors and owners of land under ORS 222.170 are public records under ORS 192.410 to 192.505. [1985 c.702 §20; 1987 c.737 §5; 1987 c.818 §8]

Note: 222.173 to 222.177 were added to and made a part of ORS chapter 222 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

222.175 City to provide information when soliciting statements of consent. If a city solicits statements of consent under ORS 222.170 from electors and owners of land in order to facilitate annexation of unincorporated territory to the city, the city shall, upon request, provide to those electors and owners information on that city's ad valorem tax levied for its current fiscal year expressed as the rate per thousand dollars of assessed valuation, a description of services the city generally provides its residents and owners of property within the city and such other information as the city considers relevant to the impact of annexation on land within the unincorporated territory within which statements of consent are being solicited. [1985 c.702 §21; 1987 c.737 §6; 1987 c.818 §9]

Note: See note under 222.173.

222.177 Filing of annexation records with Secretary of State. When a city legislative body proclaims an annexation under ORS 222.125, 222.150, 222.160 or 222.170, the recorder of the city or any other city officer

ANNEXATION APPLICATION

Fee: \$1500

OWNER

APPLICANT

Name Arneson Joint Trust
Address 1445 SE First Avenue
City Canby State OR Zip 97013

Name Gramor Development Northwest, Inc.
Address 9895 SE Sunnyside Road, Suite P
City Clackamas State OR Zip 97015

SIGNATURE [Handwritten Signature] Phone: (503) 245-1976

DESCRIPTION OF PROPERTY:

Tax Map 3-1E-34 Tax Lot(s) 900, 901 Lot Size 28.5 acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be *typed onto an 8-1/2 x 11 sheet of labels*, just as you would address an envelope.

USE

Existing Agricultural
Proposed Industrial, Commercial

Existing Structures House, barn, out buildings

PROJECT DESCRIPTION

See narrative

ZONING EFU COMPREHENSIVE PLAN DESIGNATION Commercial Manufacturing/Heavy Industrial
PREVIOUS ACTION (if any) _____

File No. _____
Receipt No. _____
Received by _____
Date Received _____
Completeness Date _____
Pre-App Meeting _____
Hearing Date _____

If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.

ANNEXATION APPLICATION

Fee: \$1500

OWNER

APPLICANT

Name Dorothie Walluck

Name Gramor Development Northwest, Inc.

Address 1397 SE First Avenue

Address 9895 SE Sunnyside Road, Suite P

City Canby State OR Zip 97013

City Clackamas State OR Zip 97015

SIGNATURE *Dorothie Walluck*

Phone: (503) 245-1976

DESCRIPTION OF PROPERTY:

Tax Map 3-1E-34 Tax Lot(s) 1000 Lot Size 2.5 acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be *typed onto an 8-1/2 x 11 sheet of labels*, just as you would address an envelope.

USE

Existing Agricultural

Proposed Industrial, Commercial

Existing Structures House, barn

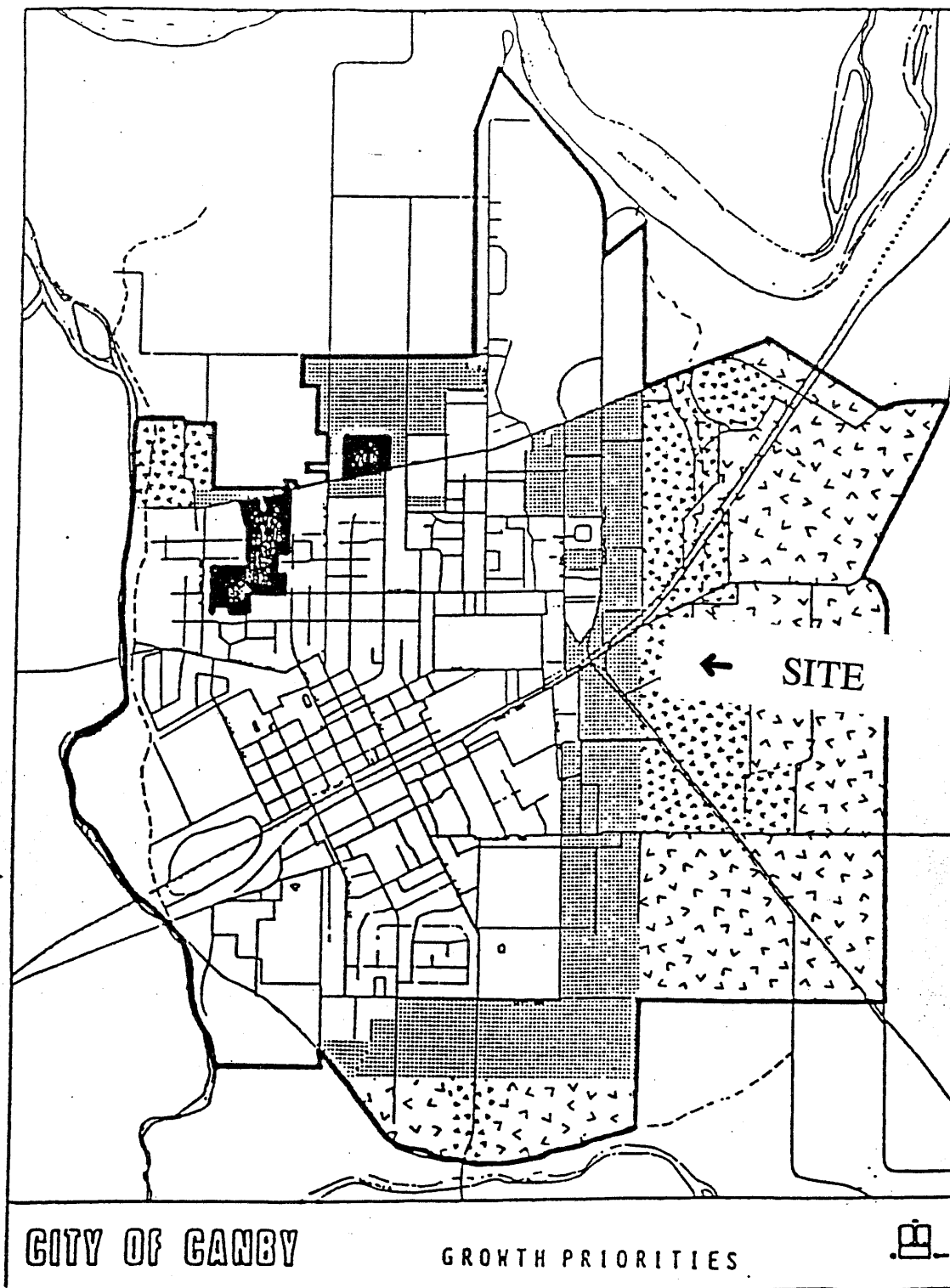
PROJECT DESCRIPTION




See Narrative

ZONING EFU COMPREHENSIVE PLAN DESIGNATION Commercial Manufacturing/Heavy Industrial
PREVIOUS ACTION (if any) _____

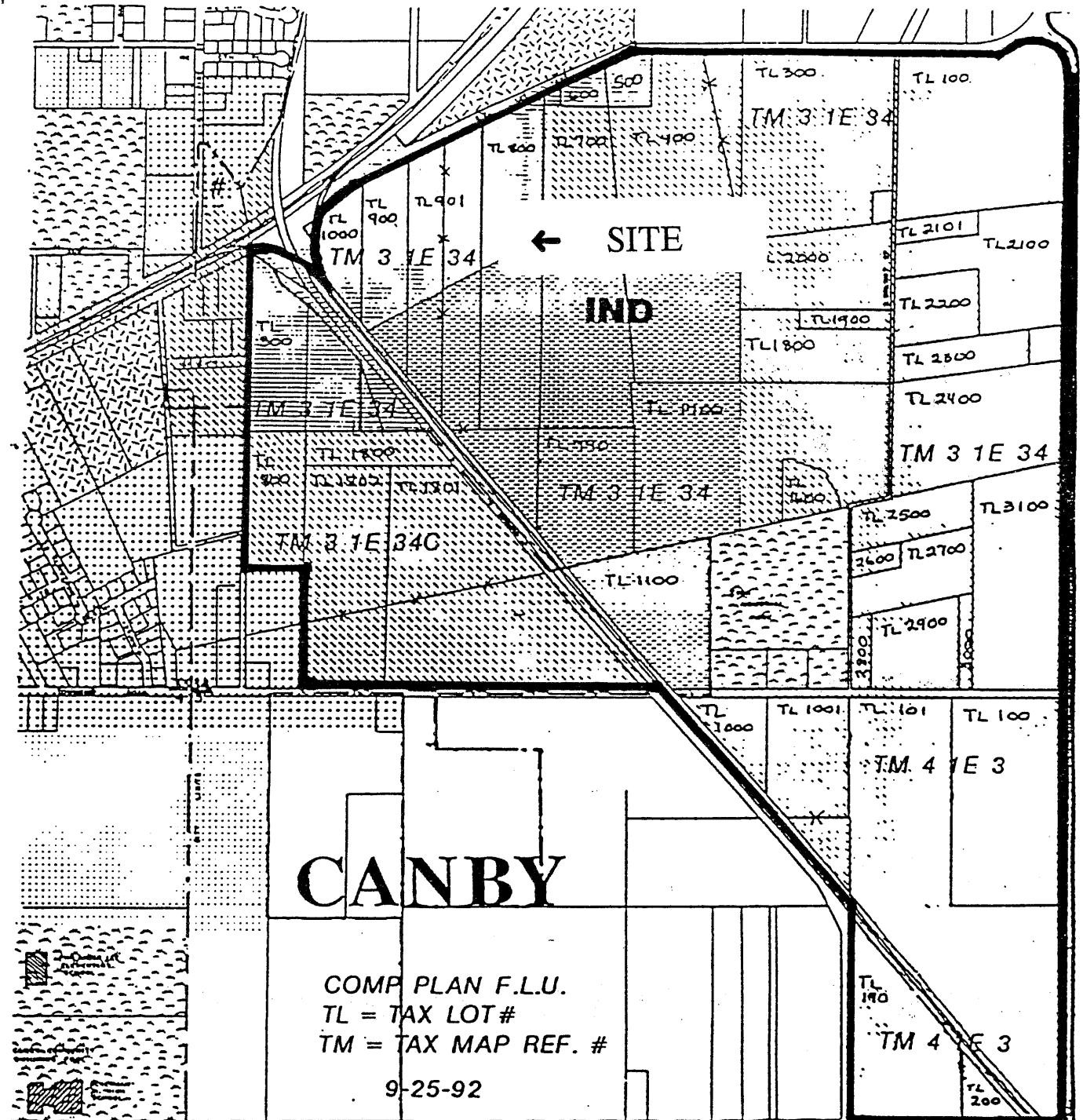
File No. _____
Receipt No. _____
Received by _____
Date Received _____
Completeness Date _____
Pre-Ap Meeting _____
Hearing Date _____

If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.



- PRIORITY "A" 
- PRIORITY "B" 
- PRIORITY "C" 

NOTE: The locations shown on this map are generalized. More specific information can be gained from the official land use map on file in City Hall.



LEGEND

	URBAN GROWTH BOUNDARY
	AGRICULTURAL (outside UGB)
	LOW DENSITY RESIDENTIAL
	MEDIUM DENSITY RESIDENTIAL
	HIGH DENSITY RESIDENTIAL
	DOWNTOWN COMMERCIAL
	CONVENIENCE COMMERCIAL
	RESIDENTIAL / COMMERCIAL
	HIGHWAY COMMERCIAL
	COMMERCIAL / MANUFACTURING
	LIGHT INDUSTRIAL
	HEAVY INDUSTRIAL
	PUBLIC
	FLOOD PRONE / STEEP SLOPES
	PRIVATE RECREATION

INDUSTRIAL/COMMERCIAL DEVELOPMENT SITE INVENTORY

	Tax Map	Tax Lot	Owner	Location	Road Access	Acres	Zoning	CP Desc	In City Limits?	Water UOB	Services Available	% Vacancy	Present Use	General Needs
9.	3-1E-34C	1800	Dave Anderson	Adjacent to Tax Lots 1801 and 1802	99-E, S.Pinel Redwood (new road)	1.00 (contig. to Tax Lot 200)	M-1	Lt. Ind.	yes		Water 350' to west of site	100%		Needs local access road, sewer, electric
10.	3-1E-34C	800	Gilbert Borg	SE Township	Township, Pine	6.80	M-1	Lt. Ind.	yes		Water on site			Needs local access road, sewer, electric
11.	3-1E-34	1100	Boyer Top Soil	SE Township	Township	12.42	M-1	Lt. Ind.	yes		Rail, small water line on Township	Most	Industrial storage (mostly); small bldgs. and radio tower	Next to cemetery. Site needs sewer, eventual large water line
12.	3-1E-32DC	1500	Fred Kahut	Baker Dr./3rd Ave.	Baker; NW 3rd	4.79	M-1	Lt. Ind.	yes		10" water line, sewer	100%	Vacant	None
13.	3-1E-32DC	1400	Maynard Nofziger	Baker Dr./3rd Ave.	Baker; NW 3rd	5.03	M-1	Lt. Ind.	No	Yes	10" water line, sewer	100%	Vacant	Steep slope on western portion (10% or less of site)
14.	3-1E-34	1000	Dee Walluck	99-E, Logging Rd., SE 1st	99-E, Logging Rd., SE 1st.	2.50	County RRF-5 City C-M (once annexed)	C-M					Residence, open use	Current farming zone
15.	3-1E-34	900	Ivan Arnesen	99-E, SE 1st	99-E, SE 1st	26.26	County EFU-20 City C-M (once annexed) Southern part could be M-2	C-M Hwy. Ind. on southern 1/3	No	Yes		Mainly farming	Residence, horticulture farming	County farm zone Needs sewer, water, electric

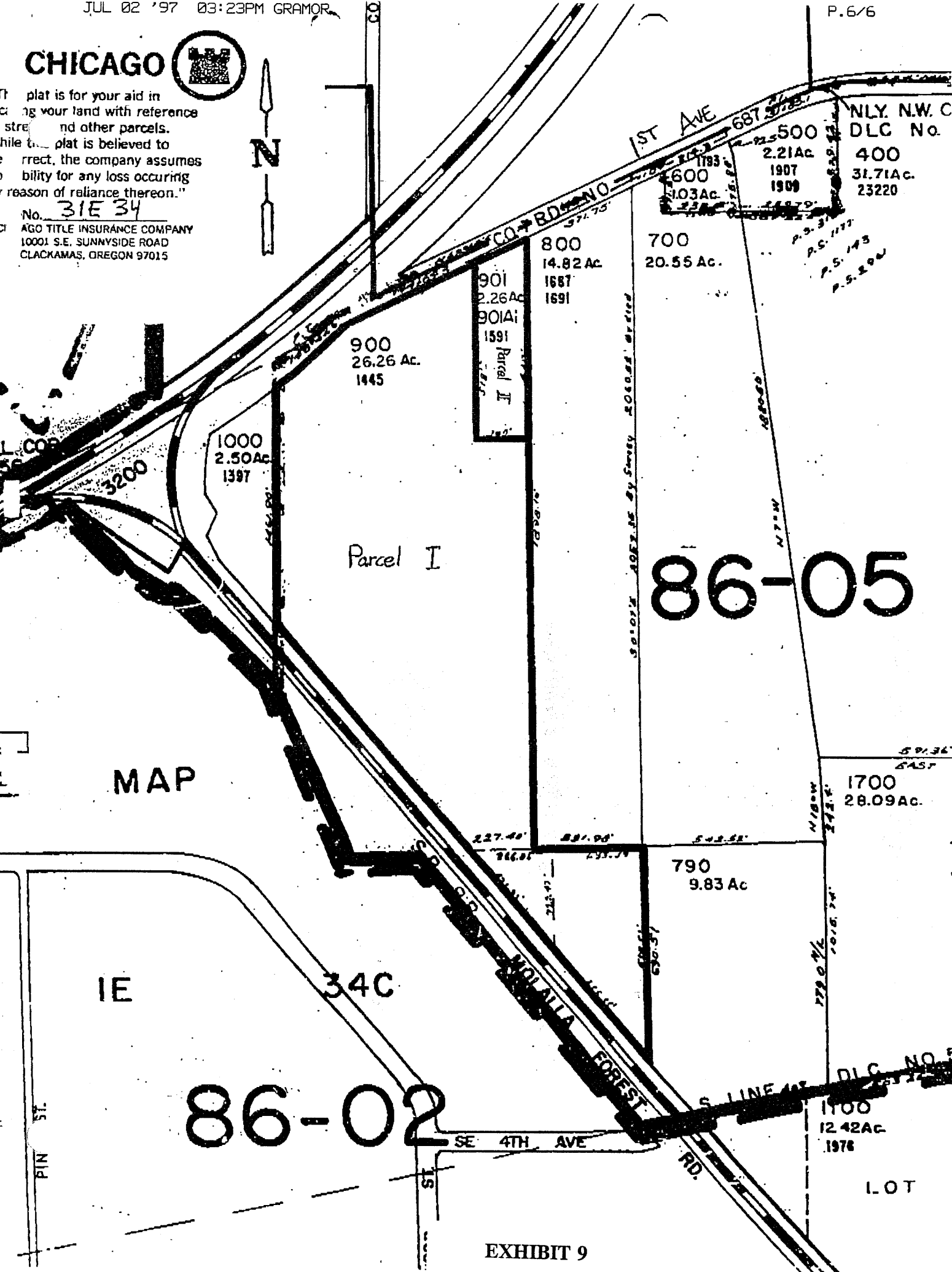
INDUSTRIAL/COMMERCIAL DEVELOPMENT SITE INVENTORY														
ID	Tract Map	Tax Lot	Owner	Location	Road Access	Acres	Zoning	GP. Desig.	In City Limits	Within UGB	Services Available	No. Vacancy	Present Use	Constraints/Needs
16.	3-1E-34	901	Ivan Arnesen	99-E, SE 1st	99-E, SE 1st	2.26	County EFU-20 City C-M (once annexed)	C-M	No	Yes			Residence, farming	County farm zone. Needs sewer, water, electric
17.	3-1E-34	800	Est. George Zimmer	S.E. 1st	99-E, SE 1st	14.82	County EFU-20 City C-M (once annexed) (southern part could be M-2)	C-M	No	Yes			Residences, farming	County farm zone. Needs sewer, water, elec.
18.	3-1E-34	700	Ray L. Burden	SE 1st	99-E, SE 1st	20.55	County EFU-20 City M-1 (once annexed) (southern 2/3 could be M-2)	Lt. Ind.	No	Yes			Residences, horticulture farming	County farm zone. Needs sewer, water, electric
19.	3-1E-34	600	John I. Gale	SE 1st	99-E, SE 1st	1.03	County RRF-3; City C-M (once annexed)	C-M	No	Yes		0	Residence	Needs sewer, water, electric
20.	3-1E-34	500	Frank Madetra	SE 1st	99-E, SE 1st	2.21	County RRF-3 City C-M (once annexed)	C-M, Lt. Ind.	No	Yes			Residence and Farming	County farm zone. Needs sewer, water, electric
21.	3-1E-34	400	Irene E. Burden	SE 1st	99-E, SE 1st	31.71	County EFU-20 City M-1 (once annexed) (southern 1/3 could be M-2)	Lt. Ind. Hvy. Ind. on southern 1/3	No	Yes			Residence and horticulture farming	County farm zone. Needs sewer, water, electric

CHICAGO



This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon."

No. **31E34**
CHICAGO TITLE INSURANCE COMPANY
10001 S.E. SUNNYSIDE ROAD
CLACKAMAS, OREGON 97015



ONLY N.W. C
DLC No.
400
31.71Ac.
23220

500
2.21Ac
1907
1909

700
20.55 Ac.

800
14.82 Ac.
1687
1691

901
2.26Ac
901A
1591
Parcel II

900
26.26 Ac.
1445

1000
2.50Ac
1397

Parcel I

86-05

1700
28.09Ac.

790
9.83 Ac

34C

86-02

1100
12.42Ac.
1976

Order No: 166404

LEGAL DESCRIPTION
"Tax Lots 900 and 901"

PARCEL I:

All that portion of the hereinafter described tract adjoining and lying Northeasterly of the right of way of the Southern Pacific Company (formerly Portland, Eugene and Eastern Railway Company); part of the Philander Lee D.L.C. No. 56 in Section 34, Township 3 South, Range 1 East, of the Willamette Meridian, more particularly described as beginning on the North boundary of said claim, North $63^{\circ}15'$ East 16.81 chains from the quarter section corner on the West line of Section 34, aforesaid; thence South 23.15 chains to a stake; thence East 11.69 chains to a basalt stone 10x6x5 inches marked "+" on top; thence North 28.76 chains to a basalt stone 11x6x6 inches set in the North boundary of said claim; thence South $63^{\circ}15'$ West 12.92 chains to the place of beginning.

EXCEPTING the portion thereof within the boundaries of roads.

AND EXCEPTING a tract in Section 34, Township 3 South, Range 1 East, of the Willamette Meridian, more particularly described as follows:

BEGINNING at the Northeast corner of the tract conveyed to Arneson, by Deed recorded March 23, 1950, in Book 429, Page 290, Deed Records, which point is North $63^{\circ}15'$ East 16.81 chains and North $63^{\circ}15'$ East 12.92 chains from the West one-quarter corner of said Section 34; thence South along the East line of the Arneson Tract 620.0 feet; thence West 160.0 feet; thence North 518.0 feet, more or less, to the North line of the said Arneson Tract; thence North $63^{\circ}15'$ East to the place of beginning.

TOGETHER WITH a parcel of land situated in the Philander Lee Donation Land Claim No. 56 in Section 34, Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, said parcel being a portion of the property described as Parcel B as conveyed to Ostrander Railway and Timber Company by Deed recorded in Volume 315 at Page 198, Clackamas County Deed Records, and more particularly described as follows:

BEGINNING at a point on the Northerly line of the above described Parcel B which is North $89^{\circ}29.6'$ East 266.05 feet from a one-inch galvanized iron pipe set at the intersection of the Easterly line of the Southern Pacific Railway Company right of way with the Northerly line of said Parcel B, which point is also the Northeasterly corner of that property conveyed to Ivan and Robertha Arneson by Deed recorded in Volume 683 at Page 37, Clackamas County Deed Records; thence along said Northerly line North $89^{\circ}29.6'$ East, 293.14 feet to a point marked by a one-inch galvanized iron pipe; thence South $0^{\circ}30.4'$ East, 690.51 feet to a point marked by a one-inch galvanized iron pipe set on said Easterly railroad right of way line; thence along said right of way line North $39^{\circ}27.5'$ West 466.85 feet to a one-inch galvanized pipe set at the most Southerly corner of said Arneson Property; thence North $0^{\circ}22.0'$ West, 327.45 feet to the point of beginning.

TOGETHER WITH a parcel of land situated in the Philander Lee Donation Land Claim in Section 34, Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, said parcel being a portion of the property described as Parcel B as conveyed to Ostrander Railway and Timber Company by Deed recorded in Volume 315 at Page 198, Clackamas County Deed Records, more particularly described as follows:

BEGINNING at a point marked by a one-inch galvanized iron pipe at the intersection of the Easterly line of the Southern Pacific Railway Company right of way with the

Order No: 166484

LEGAL DESCRIPTION

Northerly line of said Parcel B; thence along said Northerly line North 89°38' East 266.05 feet to a point marked by a one-inch galvanized iron pipe; thence South 00°22' East 327.47 feet to a point marked by a one-inch galvanized iron pipe set on said Easterly railway right of way line; thence along said right of way line North 39°27'30" West 421.93 feet, more or less, to the point of beginning.

PARCEL II:

A tract in Section 34, Township 3 South, Range 1 East, of the Willamette Meridian, more particularly described as follows:

BEGINNING at the Northeast corner of the tract conveyed to Arneson, by Deed recorded March 23, 1950, in Book 429, Page 290, Deed Records, which point is North 63°15' East 16.81 chains and North 63°15' East 12.92 chains from the West one-quarter corner of said Section 34; thence South along the East line of the Arneson Tract 620.0 feet; thence West 160.0 feet; thence North 518.0 feet, more or less, to the North line of the said Arneson Tract; thence North 63°15' East to the place of beginning.

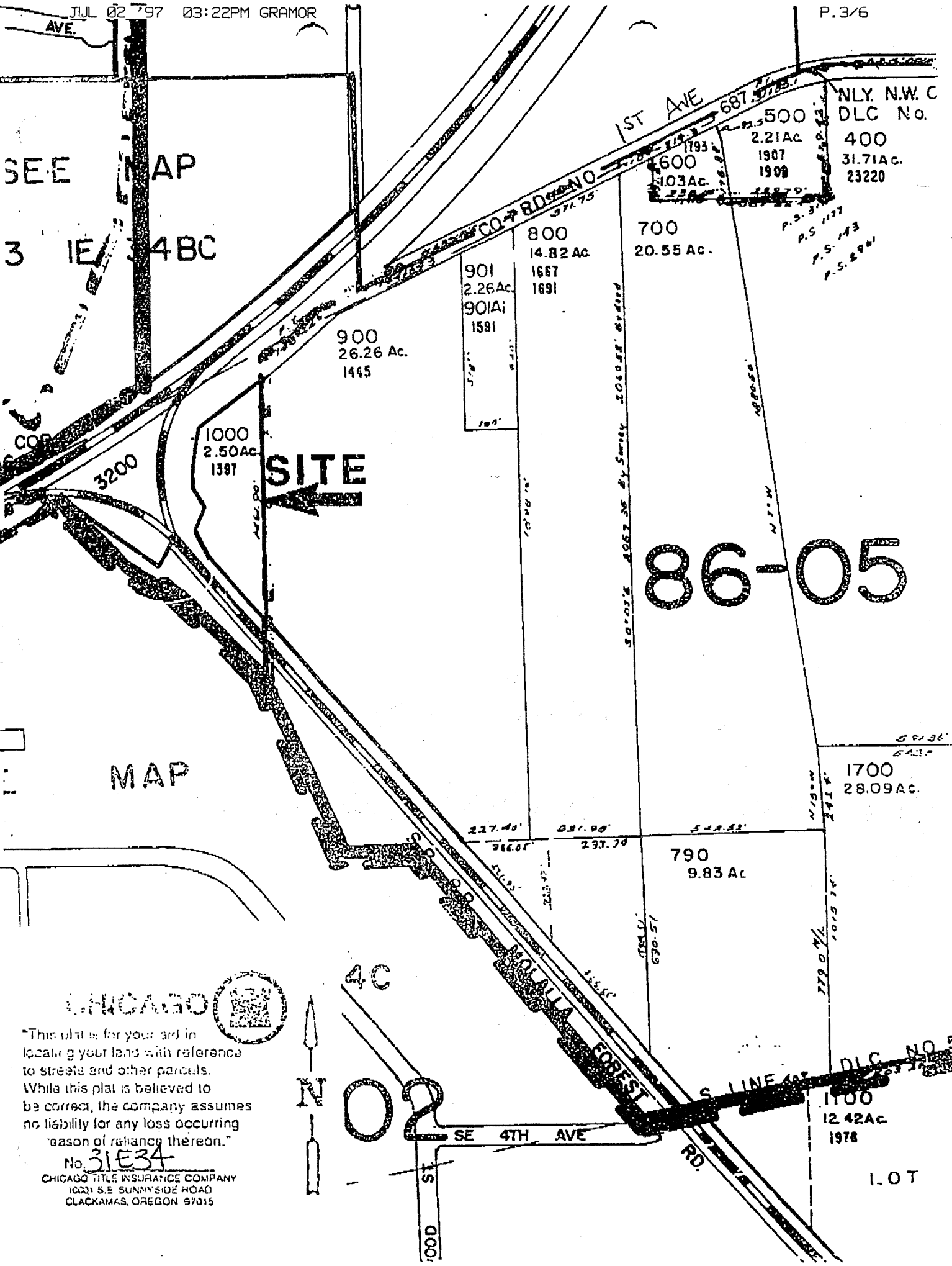
EXCEPTING from Parcels I and II described above those portions thereof conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded September 15, 1960, in Book 577, Page 110.

SEE MAP
3 1E/34 BC

MAP

SITE

86-05



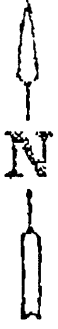
CHICAGO



"This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring reason of reliance thereon."

No. 31E34

CHICAGO TITLE INSURANCE COMPANY
10001 S.E. SUNNYSIDE ROAD
CLACKAMAS, OREGON 97015



4C

NO 2

1000 ST

SE 4TH AVE

RD.

LOT

Order No: 166477

LEGAL DESCRIPTION
"Tax Lot 1000"

That portion of the following tract lying Northerly and Easterly of the railroad right of way. Part of the Philander Lee and wife DLC, in Townships 3 and 4 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point in the center of the road leading from Canby to Oregon City, said point bears North $69^{\circ}30'$ East 667 feet from the quarter section corner between Sections 33 and 34, Township 3 South, Range 1 East, of the Willamette Meridian; thence South 320 East 275 feet; thence South 26° West 204 feet; thence South 853.50 feet; thence East 322 feet to the Southwest corner of the Raschi Tract described in Book 50, Page 351, Deed Records; thence North along the West line of said Raschi Tract, 1530 feet to the center of said road leading from Canby to Oregon City; thence South 54° West tracing said road 442 feet to the place of beginning.

EXCEPT any portion lying within the right of way of the Oregon and California Railroad Company; ALSO EXCEPT those portions conveyed to the Portland Eugene and Eastern Railroad Company by deeds recorded in Books 129, 131, and 151, at Pages 152, 402 and 60 respectively;

EXCEPT also that portion conveyed to Ostander Railway and Timber Company by deed recorded in Book 314, Page 663, Deed Records, and further EXCEPTING that portion conveyed to the State of Oregon for highway purposes by deed recorded in Book 220, Page 484, Deed Records, and that portion conveyed by deed recorded September 9, 1960, in Book 577, Page 216.

R31E34 00700
SHIMADZU U S A MANUFACTURING

R31E34 00800
Roy F & Betty J Zimmer
1691 SE 1st Ave
Canby,OR 97013

R31E34 01100
BOYER TOP SOIL INC
2001 S Township Rd
Canby,OR 97013

R31E34 01700
SHIMADZU U S A MANUFACTURING

R31E34 03200
UNION PACIFIC CORP
PO Box 2500
Broomfield,CO 80038

R31E34B 02200
Irene E Burden
23230 S Highway 99e
Canby,OR 97013

R31E34BC00200
CITY OF CANBY
PO Box 930
Canby,OR 97013

R31E34BC01900
PORTLAND GEN ELEC CO
913 N Redwood St
Canby,OR 97013

R31E34C 00100
CITY OF CANBY
PO Box 930
Canby,OR 97013

R31E34C 00200
ANDERSON PROPERTIES L L C
641 N Baker Dr
Canby,OR 97013

R31E34C 00300
WARREN LTD PARTNERSHIP 2
12033 NE Marx St
Portland,OR 97220

R31E34C 00401
EASTVIEW INVESTMENT LLC
1175 SE 1st Ave
Canby,OR 97013

R31E34C 01800
Cheryl R Anderson
641 N Baker Dr
Canby,OR 97013

R31E34C 00190
CITY OF CANBY
PO Box 930
Canby,OR 97013

R31E34C 01803
PIERPONT INVESTMENTS LLC
28120 SW Boberg Rd
Wilsonville,OR 97070

R31E34C 01804
Fred A Kahut
PO Box 550
Canby,OR 97013

R31E34C 00302
Wilhelm L & Delores R Guttormsen
12217 S Macksburg Rd
Canby,OR 97013

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: July 25, 1997

TO: FIRE, POLICE, CUB, CTA/NWT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY,
ROY, STEVE, CLACKAMAS COUNTY (Chris Christofferson), STATE ODOT

The City has received ANN 97-05, an application by Gramor Development Northwest, Inc. (applicant) and the Arneson Joint Trust (owner) and Dorothy Walluck (owner) for approval to annex a total of 31.0 acres of land which is situated in the Urban Growth Boundary into the City of Canby. The property is currently zoned EFU (Exclusive Farm Use) and is designated as Commercial Manufacturing/Heavy Industrial in the Comprehensive Plan. The site is located southeast of the intersection of the Molalla Forest Road and State Highway 99-E (Tax Lots 900, 901, and 1000 of Tax Map 3-1E-34). The properties are designated as "A" and "B" priorities for annexation.

We would appreciate your reviewing the enclosed application and returning your comments by ~~July 31, 1997~~ **PLEASE**. The Planning Commission plans to consider this application on August 11, 1997. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Gary F. [unclear] Date: 7/30/97
Title: Field Engineering Supervisor Agency: NW Natural Gas

EXHIBIT
B
8 pages

PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

None

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Steve Hanson

Date: 7/23/97

Title: Wastewater Supervisor

Agency: City of Canby

PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

Annexation - No Comments

Please check one box:

- Adequate Public Services (of your agency) are available
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Signature: Roy L. Hester Date: 7-24-1997
Title: Public Works Supervisor Agency: City of Canby

PLEASE RETURN ATTACHMENTS!!!

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[503] 266-4021

DATE: July 25, 1997

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Signature: Jerry Nipen

Date: 5/30/97

Title: Chief of Police

Agency: Canby Police

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Comments or Proposed Conditions:

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Signature: Tom Person Date: 7/24/97
 Title: ENG - DEPT Agency: CTA - NWT
DIRECT LINK OF OREGON

PLEASE RETURN ATTACHMENTS!!!

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REQUEST FOR COMMENTS

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Please check one box:

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- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Ronald M. Harbough Date: 7-24-97
Title: Fire Marshal Agency: Canby FD #62

Oregon

July 31, 1997

City of Canby
182 N. Holly
P.O. Box 930
Canby, OR 97013

DEPARTMENT OF
TRANSPORTATION

Region 1

FILE CODE:

Att: James Wheeler, Planner Director

Re: **ANN97-05: Graymor Development NW**
99E @ South First/Redwood

PLA9-2B-CAN-1E

Thank you for meeting with us on July 29th to discuss the above referenced proposal, as well as the City's intention to design a comprehensive Master Plan for this unincorporated area within the UGB of Canby.

The subject property is located adjacent to 99E, which is an ODOT Regional highway. The Department has an interest in ensuring that land uses are compatible with our goal (Oregon Highway Plan, 1991) for this facility to provide safe and efficient moderate to low-speed operation in urban and urbanizing areas with moderate interruptions to flow.

The site is bordered by 99E, South First Avenue, and the Forest Logging Road which is now under City ownership and utilized as a pedestrian/bicycle trail. Redwood Road runs north-south of 99E in this vicinity, but does not extend south of the highway. This is a skewed intersection, which is complicated by the presence of the SPRR rail line on the north side of the highway.

ODOT recently supported an Immediate Opportunity Fund grant by the state's Office of Economic Development to assist with the siting of the Shimadzu Scientific Instruments plant. This grant will help fund the extension of Fourth street east to the new Shimadzu site, and will link this area of Canby to 99E via Pine Street to the west. ODOT has an interest in seeing that this investment will have contributed to the development of an adequate local street system for this future southeast quadrant of Canby, one which will provide parallel routes that can reduce the use of 99E for local travel.

We request that the City of Canby take the following comments into consideration when reviewing the subject annexation proposal:

- ODOT does not, at this time, intend to provide the subject parcel direct access to ORE 99W. Alternative access is available via South First Avenue.
- There is no indication that developing a north-south roadway along the property's east property line will allow for an optimum (or even adequate) reconfiguration of the 99W / Redwood Street / First Avenue intersection to accommodate the short or long term traffic demands for the area. It is preferable to develop the street system for the area based on the long term traffic projections and intersection design criteria.



123 NW Flanders
Portland, OR 97209-403
(503) 731-8200
FAX (503) 731-8259

City of Canby: ANN 97-05-Graymor
ODOT Response

Page 2
July 30, 1997

and then allow the property to develop within the framework of the Master Plan now being formulated by the City.

As you explained to me in our telephone conversation today, the City intends to complete the Master Plan by year's end; Graymor NW will be participating in the plan's development and are willing to delay development application until the Master Plan is completed. We are very supportive of this process.

- To the extent that this land use action may place undesirable constraints on the reconfiguration of the ORE 99W / Redwood Street / First Avenue intersection prior to the completion of the City's TSP and Master Plan/local street plan, ODOT considers the proposed annexation application to be premature.

We recommend that the following information/understanding be included in the Decision if annexation is approved at this time:

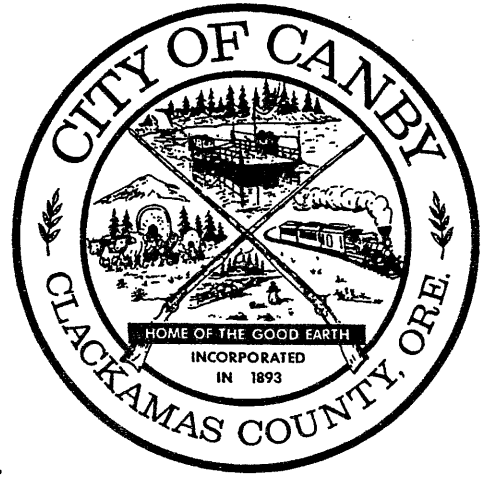
- Development of the site will require design review. At that time, ODOT will require a traffic impact analysis to be performed by the Applicant. Scope of work for the study will need to be approved by ODOT.
- Potential future improvements to the intersection of South First/Redwood/99E will be examined by ODOT for consistency with ODOT plans for 99E, the Canby TSP, rail impacts, signal warrants, and signal and access management spacing standards.

Please contact me at 731-8282 if you have questions regarding the above. I would appreciate receiving a copy of the Decision for our records. Thank you.



Sonya Kazen,
Development Review Coordinator

cc: Marty Jensvold, Bill Ciz, Traffic Section, ODOT Region 1
Thomas Picco, Planning, ODOT Region 1
Tamira Clark, Program & Funding, ODOT Region 1
Gary Hunt, Karla Keller, ODOT District 2B



-STAFF REPORT-

APPLICANT:

Anthony Marnella for Travis Hollman
4035 Douglas Way
Lake Oswego, OR 97035

FILE NO.:

MLP 97-06

OWNER:

Marlon Financial Services
P.O. Box 4056
Bellingham, WA 98227

STAFF:

Clint Chiavarini
Consultant Planner

LEGAL DESCRIPTION:

Supplemental #2 of Tax Map 3-1E-33AC

DATE OF REPORT:

August 1, 1997

LOCATION:

Marlon Townhouses,
south side of S 3rd Ave,
between S. Ivy and S. Knott Streets

DATE OF HEARING:

August 11, 1997

COMP. PLAN DESIGNATION:

High Density Residential

ZONING DESIGNATION:

R-2 (High Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 2.28 acre lot into three parcels. The current property contains 4 tri-plexes and 8 duplexes. The Applicant wishes to divide the property to group the 4 triplexes in one partition and the 8 duplexes in the other partition. A third partition will dedicate a small 10' x 132' area to the 5-plex on the neighboring property.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan,
- B. Conformance with all other requirements of the Land Development and Planning Ordinance,
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties,
- D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.
- E. In no case shall the use of a private road be approved for the partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels.

III. OTHER APPLICABLE CRITERIA

- A. 16.20.030 Development Standards in R-2 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.64 Subdivisions - Design Standards

IV. FINDINGS:

A. Location and Background

The subject property is identified on the Clackamas County Assessor's Map as Supplemental #2 of Tax Map 3-1E-33DC. The property is on the south side of S.E. 3rd Ave, between South Ivy Street and South Knott Street.

The site, Marlon East, consists of a 5-plex, 4 triplexes, and 8 duplexes. The applicant intends to separate the triplexes from the duplexes by creating two separate partitions. Additionally, the 5-plex is already on its own lot and will receive a narrow strip fronting S.E. 3rd Avenue from the partition.

All of the proposed lots will have sufficient area to accommodate current uses. From strictly a density standpoint (looking only at maximum allowable building size) the lot containing the triplexes have enough area to accommodate an additional duplex and the lot containing the duplexes could accommodate 4 additional duplexes. **No new construction is proposed at this time and the partition would not require any sort of on site improvements.**

The neighboring 5-plex has street access over the 10' x 132' strip proposed to be dedicated to the 5-plex tax lot. The dedication will allow complete ownership of this access to the owners of the 5-plex.

B. Comprehensive Plan Consistency Analysis

I. CITIZEN INVOLVEMENT

ANALYSIS

1. The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement. The Planning Commission seeks input of all citizens at the public hearing of all applications.
2. The Planning Commission adheres to acting upon applications within a sixty (60) day time period from the date of determination of a complete application. Any continuation of the review period is done with the approval of the applicant, or through admission of new information into the review process. The sixtieth day is September 19, 1997.

ii. URBAN GROWTH

ANALYSIS

The property is entirely within both the Urban Growth Boundary and the City Limits and requires no changes to the UGB. All necessary urban services are available and currently on site.

iii. LAND USE ELEMENT

ANALYSIS

Since no development is proposed on the property and the current structures met development standards at the time of construction, this criteria is not germane to the application.

iv. ENVIRONMENTAL CONCERNS

ANALYSIS

No new development will occur and therefore no additional hazards will be posed to natural or historical resources. Additionally, the partition will not, in itself, create any new pollution.

v. **TRANSPORTATION**

ANALYSIS

The proposed partition will not have any effect the current transportation system.

vi. **PUBLIC FACILITIES AND SERVICES**

ANALYSIS

All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses were received from the Streets Department, the Fire Department, and the Canby Telephone Association. The departments have indicated that adequate facilities and/or services are available. The Canby Utility Board, Police Department, City Administrator, and City Attorney have not responded to the "Request for Comments". There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or services from these providers. Sewer, electric, water, and telephone facilities are currently available on site.

There are no needed 'public improvements' for the property.

vii. **ECONOMIC**

ANALYSIS

The proposed partition does not change the use of the property and therefore will have no effect, positive or negative, on the economy of the City but will allow the current owner to sell or hold the divided lots as he sees fit.

viii. **HOUSING**

ANALYSIS

There is no proposed development on the site and will neither increase or decrease the housing stock for the City.

ix. **ENERGY CONSERVATION**

ANALYSIS

The use of the property, and therefore the energy consumption or conservation on the property will not change as a result of the partition.

Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

Review of the above analysis will show that the proposed partition, with the recommended conditions of approval, is consistent with the policies of the Comprehensive Plan.

C. Evaluation Regarding Minor Land Partition Approval Criteria

A. Conformance with the text and the applicable maps of the Comprehensive Plan.

The proposed partition is in conformance with the text and the applicable maps of the Comprehensive Plan.

B. Conformance with all other requirements of the Land Development and Planning Ordinance.

The partition, in all other respects, is in conformance with all other requirements of the Land Development and Planning Ordinance.

C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties.

The size and orientation of the proposed parcels is such that future development of the lots are both possible and feasible. Additional units could be accommodated on the property, however, none are proposed at this time.

D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

As best as staff has been able to determine, all required public facilities and services are available to adequately meet the needs of the proposed land division. No indication of difficulties have been mentioned, officially or otherwise, with regards to these public facilities and services providing service to any development.

E. In no case shall the use of a private road be approved for the partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels.

No new private roads are proposed as a part of this application.

V. CONCLUSION

1. Staff concludes that the partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that the overall design of the proposed partition will be compatible with the area.
3. Staff concludes that all necessary public services are available on the property to adequately meet

the needs of the proposed land division.

VI. RECOMMENDATION

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that should the Planning Commission approve MLP 97-06, the following conditions should apply:

For the Final Plat

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 97-06.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The final partition plat shall identify the newly created parcels in conformance with County Surveyor and County Tax Assessor standards. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent easements shall be provided to both parcels for the access to and use of the RV storage area located behind the easternmost triplex. Access to this area will be from the property containing the duplexes and use of this area will be available to all residents of Marlon East.

Notes

6. The final plat must be recorded with Clackamas County within one (1) year of the approval of the preliminary plat approval in accordance to Section 16.60.060. The mylar for the final plat must be signed by the City prior to the recording of the plat.

Exhibits:

1. Minor Land Partition Application and Project Summary
2. Minor Land Partition Plat
3. Request for Comments Responses

MINOR AND PARTITION APPLICATION

Fee: \$900

OWNER

APPLICANT

Name Thelma Financial Services
Address P.O. Box 4056
City Bellingham State WA Zip 98227
Signature: _____

Name Anthony Marnella / For Travis Hollman
Address 4035 Douglas Way
City Lake Quena State CA Zip 97035
Phone: 635-2660 x 241

DESCRIPTION OF PROPERTY:

Tax Map 31E 33 D SUPPLEMENTAL # 2 Tax Lot(s) _____ Lot Size APPROXIMATELY 2.25 ACRES / 99,491 #
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name MARION TOWNHOUSES Lot _____ Block _____

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto two (2) 8-1/2 x 11 sheets of labels, just as you would address an envelope.

USE

Existing TOWNHOUSES + APARTMENTS Proposed TOWNHOUSES + APARTMENTS

Existing Structures 1 Splex, 4 TRI-plexs, 8 Duplexs

PROJECT DESCRIPTION

MARION EAST CONSISTS OF A SPLEX, 4 TRI-plexs AND 8-DUPLEXS. THE SPLEX IS ALREADY ON ITS OWN LOT & RECORD. THE APPLICANT INTENDS TO DIVIDE THE 4 TRI-plexs FROM THE 8 DUPLEXS. THE UNIT COUNT REMAINS THE SAME & THE ACCESS REMAINS THE SAME. AN APPROXIMATE 10 X 132 STRIP ALONG THE NORTH FRONTAGE OF THE FIVE PLEX TO 3RD STREET WILL BE LOT LINE ADJUSTED BRINGING THIS STRIP TO THE FIVE PLEX.

ZONING _____ COMPREHENSIVE PLAN DESIGNATION _____
PREVIOUS ACTION (if any) N/A

File No. HLP 97-06
Receipt No. 2568
Received by [Signature]
Date Received 7-3-97
Completeness Date 7-2-97
Pre-App Meeting [Signature]
Hearing Date 8-11-97

EXHIBIT
1
3 pages

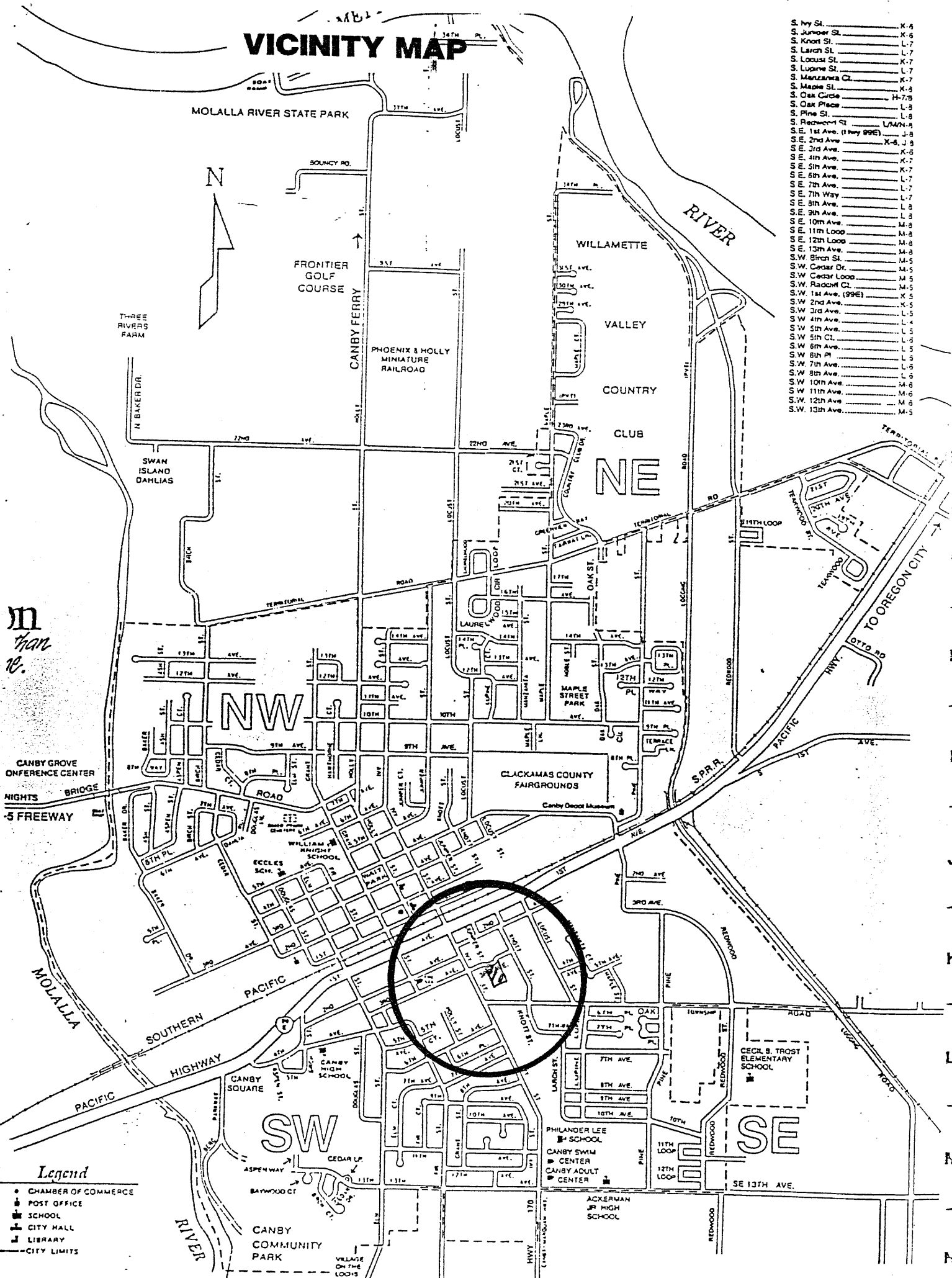
STANDARDS AND CRITERIA

Applications for a minor land partition shall be evaluated based upon the following standards and criteria:

- ~~A.~~ Conformance with the text and applicable maps of the Comprehensive Plan;
Complys
- B. Conformance with all other applicable requirements of the land development and planning ordinance;
All UNITS ARE ON PARCELS THAT WOULD ALLOW FOR MORE UNITS ⇒ NO NEW UNITS ARE BEING DEVELOPED
- ~~C.~~ The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;
Complying
- ~~D.~~ No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels;
EXISTING ACCESS
- ~~E.~~ It must be demonstrated that all required public facilities and services are available or will become available through the development, to adequately meet the needs of the proposed land division.
EXISTING

VICINITY MAP

S. Ivy St.	K-4
S. Juniper St.	K-6
S. Knott St.	L-7
S. Larch St.	L-7
S. Locust St.	K-7
S. Lupton St.	L-7
S. Manzanita Ct.	K-7
S. Maple St.	K-8
S. Oak Circle	H-7B
S. Oak Place	L-8
S. Pine St.	L-8
S. Redwood St.	UNAN-4
S.E. 1st Ave. (1st Hwy 99E)	J-8
S.E. 2nd Ave.	K-5, J-8
S.E. 3rd Ave.	K-6
S.E. 4th Ave.	K-7
S.E. 5th Ave.	K-7
S.E. 6th Ave.	L-7
S.E. 7th Ave.	L-7
S.E. 7th Way	L-7
S.E. 8th Ave.	L-7
S.E. 9th Ave.	L-8
S.E. 10th Ave.	L-8
S.E. 11th Loop	M-8
S.E. 12th Loop	M-8
S.E. 13th Ave.	M-8
S.W. Birch St.	M-5
S.W. Cedar Dr.	M-5
S.W. Cedar Loop	M-5
S.W. Racoon Ct.	L-5
S.W. 1st Ave. (99E)	M-5
S.W. 2nd Ave.	X-5
S.W. 3rd Ave.	L-5
S.W. 4th Ave.	L-4
S.W. 5th Ave.	L-5
S.W. 5th Ct.	L-5
S.W. 6th Ave.	L-5
S.W. 6th Pl.	L-5
S.W. 7th Ave.	L-5
S.W. 8th Ave.	L-5
S.W. 10th Ave.	L-9
S.W. 11th Ave.	M-9
S.W. 12th Ave.	M-9
S.W. 13th Ave.	M-5



m than 10.

- Legend**
- CHAMBER OF COMMERCE
 - POST OFFICE
 - ▣ SCHOOL
 - ▧ CITY HALL
 - ▩ LIBRARY
 - CITY LIMITS

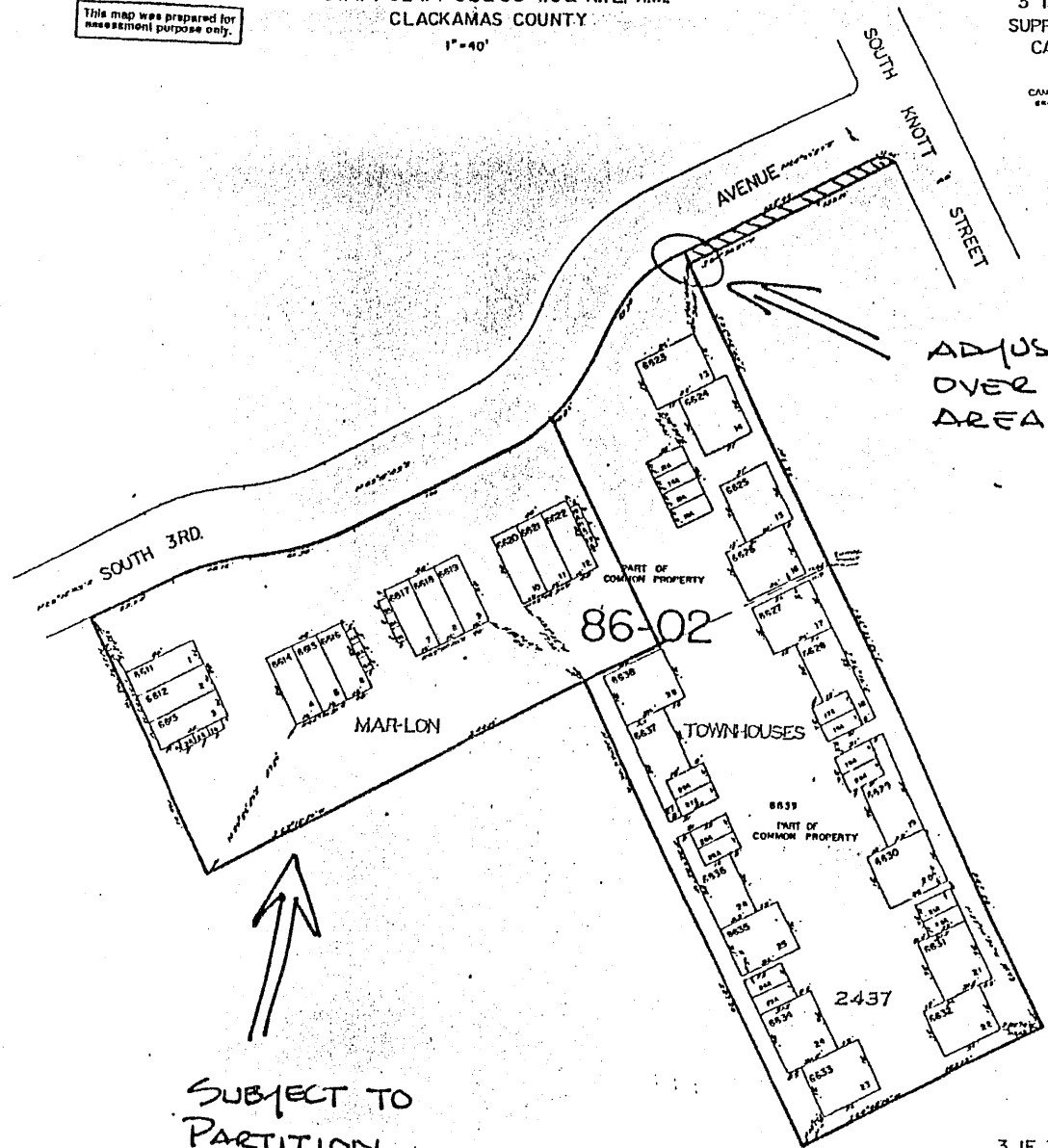
This map was prepared for
assessment purpose only.

SW 1/4 SE 1/4 SEC 33 T.3S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 40'

3 IE 33DC
SUPPLEMENTAL
CANBY

CANCELLED T.L.S.
6840

EXHIBIT
2
2 pages

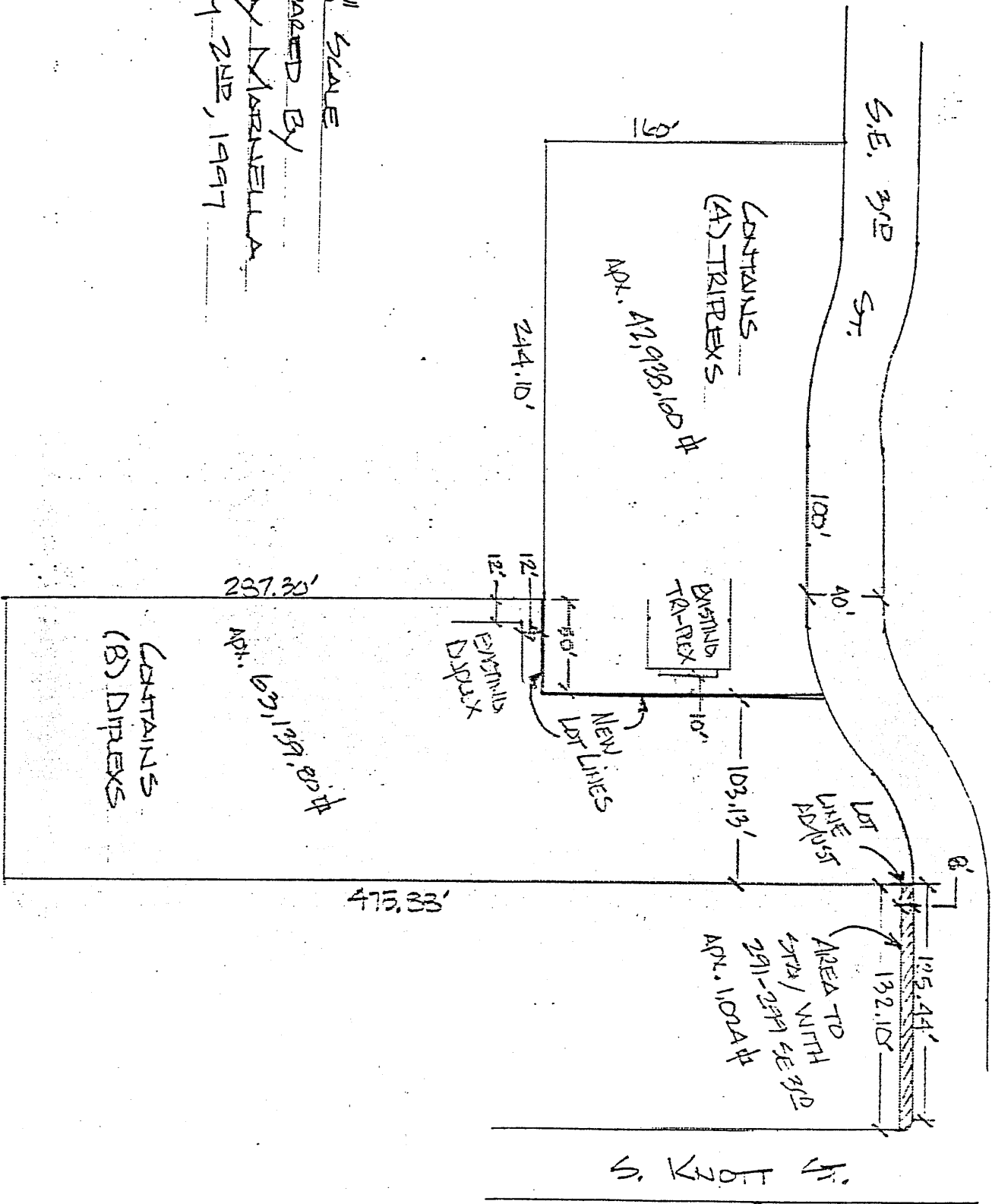


ADJUST LINE
OVER BLUE SHAD
AREA TO 5 PLEX

SUBJECT TO
PARTITION
WITH THE
CITY OF CANBY

3 IE 33DC
SUPPLEMENTAL #2
CANBY
BOOK 28

31E-33DC
SUPPLEMENTAL #2



1/8" SCALE
PREPARED BY
TONY MARVELLA
JULY 2002, 1997

S. KOTT ST.

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: July 21, 1997

TO: FIRE, POLICE, CUB, TELEPHONE/N. WILLAMETTE, MIKE JORDAN, JOHN KELLEY, ROY

The City has received MLP 97-06 an application by Anthony Marnella (applicant) and Marlon Financial Services (owner) for approval to partition an existing 12 tri-plex townhouse development into 2 separate developments with 4 and 8 tri-plexes respectively. The site is located on the south side of S.E. 3rd Avenue, west of S. Knott and east of S. Ivy [Tax Map 3-1E-33DC, Supplement #2].

We would appreciate your reviewing the enclosed application and returning your comments by July 28, 1997 PLEASE. The Planning Commission plans to consider this application on August 11, 1997. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: *Tom Harbrow* Date: 7-24-97
Title: Fire Marshal Agency: Canby FD #62

EXHIBIT	
TABLES	3
	3 Pages

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Signature: Tom Pearson
Title: ENG DEPT

Date: 7/24/97
Agency: NWT C CTA
DIRECT LINK OF OR

PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

No Comment

Call Me

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Roy

Date: 7-25-97

Title: _____ Agency: _____