

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers
Monday, April 14, 1997
7:30 p.m.

I. ROLL CALL

II. MINUTES
March 24, 1997

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION DISCUSSION OF PLANNING ISSUES

V. FINDINGS

VI. PUBLIC HEARINGS

CUP 97-02, an application by Canby School District #86 for approval to extend the approval for CUP 93-01 and retain the three existing modular classroom buildings at Knight Elementary School. The project is located at 811 S.W. 5th Avenue [Tax Lot 1400 of Tax Map 3-1E-33CB].

VAR 97-03, an application by Rod Shippee for approval to locate a pond and waterfall structure in the backyard of the residence at 830 S.E. 7th Avenue, in variance to the minimum setback from the property line permitted by the Zoning Ordinance. The property is located on the north side of S.E. 7th Avenue, west of S. Pine Street [Tax Lot 2100 of Tax Map 4-1E-3BB].

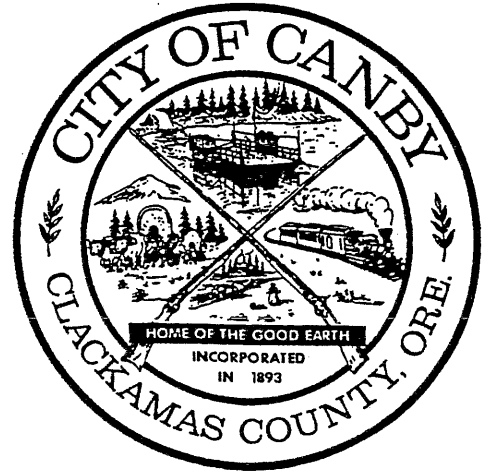
VII. COMMUNICATIONS

VIII. OLD BUSINESS

IX. DIRECTOR'S REPORT

X. ADJOURNMENT

- STAFF REPORT -



APPLICANT:

Rod Shippee
830 S.E. 7th Avenue
Canby, OR 97013

FILE NO.:

VAR 97-03
(Shippee)

OWNER:

Same

STAFF:

Lawrence Vasquez
Assistant City Planner

LEGAL DESCRIPTION:

Tax Lot 2100 of Tax Map 4-1E-3BB

DATE OF REPORT:

April 4, 1997

LOCATION:

North of S.E. 7th Avenue,
east of S. Pine Street

DATE OF HEARING:

April 14, 1997

COMP. PLAN DESIGNATION:

Medium Density Residential

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to retain an existing pond/waterfall, 5 1/2' in height, in the backyard of the property located at 830 S.E. 7th Avenue, in variance to the required minimum setback of 3' for all structures over 30" above grade.

II. APPLICABLE CRITERIA:

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

16.88.150.D Standards and Criteria.

A variance may be granted only upon determination that all of the following conditions are present:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control, and
2. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone; and
3. Granting of this variance will not be materially detrimental to the intent or purposes of the City's Comprehensive Plan or the Land Development and Planning Ordinance; and
4. Granting of this variance will not be materially detrimental to other property within the same vicinity; and
5. The variance requested is the minimum variance which will alleviate the hardship; and
6. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives, acting in deliberate violation of these or other City regulations.

III. OTHER APPLICABLE CRITERIA:

- | | | |
|----|-----------|------------------------------------|
| A. | 16.16.030 | Development Standards in R-1 Areas |
| B. | 16.04.040 | Accessory structures or use |
| C. | 16.04.550 | Setback |
| D. | 16.04.590 | Structure |
| E. | 16.04.680 | Yard |

IV. BACKGROUND:

The applicant, Rod Shippee, is requesting approval to retain an existing pond/waterfall structure in the backyard of the home located at 830 S.E. 7th Avenue, (Tax Lot 2100 of Tax Map 4-1E-3BB). The pond/waterfall is 5 1/2' in height, and is within the 3' setback of the rear property line. According to Mr. Shippee, the existing pond/waterfall was constructed prior to his purchase of the property (prior to 11/95).

The request for a variance is the result of a neighborhood dispute between Mr. Shippee and a neighbor. The dispute between the neighbors came to the City's attention when Mr. Shippee's neighbor constructed a fence taller than the maximum permitted height. Upon receipt of a complaint, the Code Enforcement Officer visited with Mr. Shippee's neighbor, and the fence was reduced to the maximum allowed height (6 feet). Mr. Shippee's neighbor filed a complaint about the proximity of the pond/waterfall to the property line.

No additional complaints regarding the location of the pond/waterfall had been received by the City. Mr. Shippee met with Steve Floyd, the Code Enforcement Officer, and Jim Wheeler, the Planning Director, in an attempt to understand the enforcement process. In an attempt to resolve the issue, Mr. Shippee is now requesting approval to retain the pond/waterfall in its existing location.

The Planning and Building office has required that above-ground pools, more than 30" above grade, meet standard setbacks because they are deemed to be 'structures' and require building permits. Structures more than 30" above grade, closer than 3 feet to the property line, can also be intrusive to neighboring properties. This application represents such a situation.

V. REVIEW FOR CONFORMANCE TO SECTION 16.88.150.D.:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control.

Staff finds that the pond/waterfall structure, is not an extraordinary circumstance that applies to this property and does not apply generally to other properties in the City, within the same zone. Although the pond/waterfall structure was in existence prior to the applicant's purchase of the property, the location of the structure is not an extraordinary circumstance resulting from the property's tract size, shape, or topography.

In order to attain the minimum rear setback, the applicant must take apart the concrete structure and move it 3' from the property line. Staff believes that there are no extraordinary circumstances that prevent this from occurring. Therefore, staff believes that this criteria **has not been met**.

- B. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the City and within the same zone.

The applicant's property is similar in characteristic to other low density residential lots within the City. Rear yard setbacks for low density residential property must be in conformance with R-1 development standards, Section 16.16.030 of the Land Development and Planning Ordinance. The subject property owner maintains the same property rights as property owners in the same zone and, therefore, must meet the minimum 3' setback standards. Staff believes that this criteria **has not been met**.

- C. Granting of this variance will not be materially detrimental to the intent or purposes of the City's Comprehensive Plan or the Land Development and Planning Ordinance.

The Comprehensive Plan designates the area as Medium Density Residential and the R- 1 zone conforms with the category designation in the Comprehensive Plan. As previously stated, the R-1 zone development standards, including the minimum 3' rear yard setback for structures over 30" in height, also apply to the property. Granting of the variance will be materially detrimental to the intent or purpose of Section 16.16.030(C) of the Land Development and Planning Ordinance in that above ground pools, more than 30" above grade must meet setback requirements. Therefore, staff believes that this criteria **has not been met**.

- D. Granting of this variance will not be materially detrimental to other property within the same vicinity.

The City Code Enforcement Officer received a complaint from Mr. Shippee's neighbor that the pond/waterfall leaks onto their property and is actually situated within the rear yard setback of Mr. Shippee's property. Staff believes that this record is sufficient to show that the granting of the use will be materially detrimental to other property with the same vicinity. Staff believes that this criteria **has not been met**.

- E. The variance requested is the minimum variance which will alleviate the hardship.

The request is for the minimum variance which will allow the retention of the pond/waterfall in its present location. Staff believes that, given the history of the pond/waterfall, the request is the minimum variance which will alleviate the hardship. Therefore, staff tentatively believes that this criteria has been met.

- F. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives, acting in deliberate violation of these or other City regulations.

As best as staff can determine, the applicant/owner has not been acting in deliberate violation of these or other City regulations. Staff believes that the placement of the pond/waterfall was not done in deliberate violation of these or other City regulations, especially by the applicant. Therefore, staff believes that this criteria has been met.

VI. CONCLUSION

Staff concludes that the variance requested to retain an existing pond/waterfall structure in the backyard of the property located at 830 S.E. 7th Avenue, in variance to the required minimum setback of 3' for all structures 30+'' above grade, does not meet criteria B, C, and D. Staff concludes that the other criteria for the granting of a variance have been met. Staff concludes that the requested variance should be denied, in that the variance is not necessary for the owner to have substantially the same property rights as owners of other property similarly zoned and located. Furthermore, staff concludes that there are no extraordinary circumstances that apply to the property which do not apply generally to other properties in the same zone. Therefore, granting of the variance will be materially detrimental to the intent or purposes of the Land Development and Planning Ordinance, and that the requested variance will be materially detrimental to other property within the same vicinity.

VII. RECOMMENDATION:

Based upon the findings and conclusions contained in this report, the information submitted by the applicant, and without benefit of public hearing, staff recommends denial of VAR 97-03.

Exhibits:

1. Application and Vicinity Map
2. Responses to Request for Comments
3. Letters from Code Enforcement Officer

VARIANCE APPLICATION

Fee: \$900

OWNER

APPLICANT

Name Rod Shippee
Address 830 S.E. 7th Ave.
City Canby State OR Zip 97013

Name Same
Address _____
City _____ State _____ Zip _____

SIGNATURE _____

Phone: _____

Township Village
3LT 14 BLK F
DESCRIPTION OF PROPERTY:

Tax Map 746 D7 Tax Lot(s) A Lot Size 66 x 103
or 4-1E-3BB 2100 (Acres/Sq. Ft.)

DOR 3 103793

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 Residential
Proposed Same

Existing Structures Pond & waterfall

Owners Comments ① Pond & waterfall is 100% NON Flammable
② Also concrete steps on side of property for firemen to go over fence
③ ALL utilities are not on easement between side yard and house to be installed by city in future because my residence immediate area is 100% built out

PROJECT DESCRIPTION

side & back yard

ZONING _____ COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if any) March 24, 86 could be cited to court

File No. VAR 97-03
Receipt No. 2393
Received by JSW
Date Received 3/2/97
Completeness Date _____
Pre-Ap Meeting _____
Hearing Date _____

EXHIBIT

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

Nov 11, 1996

→ Mayor and City Council in en

To Mike Jordan "City Administrator"

I Rod Shippers located at 830 S.E. 7th Ave. Canby, OR, received a letter from Steve Floyd. This letter from the above Code Enforcement Officer states that I am in violation of a zoning code. Enclosed is a copy of a letter that is in more detail.

On November 13, 96 I spoke with Jim Wheeler he suggested that I write you a letter with my response. Here are several points and conditions.

1) My structure is 5' ~~(feet)~~ tall - Lower than side and backyard fence code. "11"

2) Pond and waterfall is made of 8' x 8' x 16"

Commercial grade block. Total structure weighs several thousand pounds.

3) Extremely expensive to move 3' from property line

4) I was ~~told~~ told this 3' was for future utility easement, although no future homes can be

built in my area.

5) I can't afford the 900.00 Variance Application.

6) I am on Disability and can only afford month Mortgage payments, utilities and food expenses

7) Pond doesn't leak, but two tier waterfall does. If left on for more than one hour. Accidentally this

Last summer I forgot left on for more than one hour. Now I know to leave it on no more

than 45 minutes. To insure the two tier waterfall above pond doesn't leak I

can put 8 mil. Plastic Sheeting on even if waterfall is on for more

Rod Shipper
830 SE 7th Ave.
Candy OR. 97013
266-7116

I would appreciate your response to this letter. ^{be granted} Could a change in code or exception or possible delayed action on violation. Thank You.

than one hour
8) I have talked to my neighbor with no compromise in sight, although he says I haven't talked to him
9) Previous owner built this structure

Cont'd
page 2
Nov 19, 1986

← Z

↑ 25 ↓

LOT 14 BLOCK 1
TOWNSHIP VILLAGE III

CONCRETE
DRIVE

GARAGE

CONCRETE
PATIO

←
POND
LOCATION

103

35.75'

20'3"

10'

46.75'

19'

85'

25'

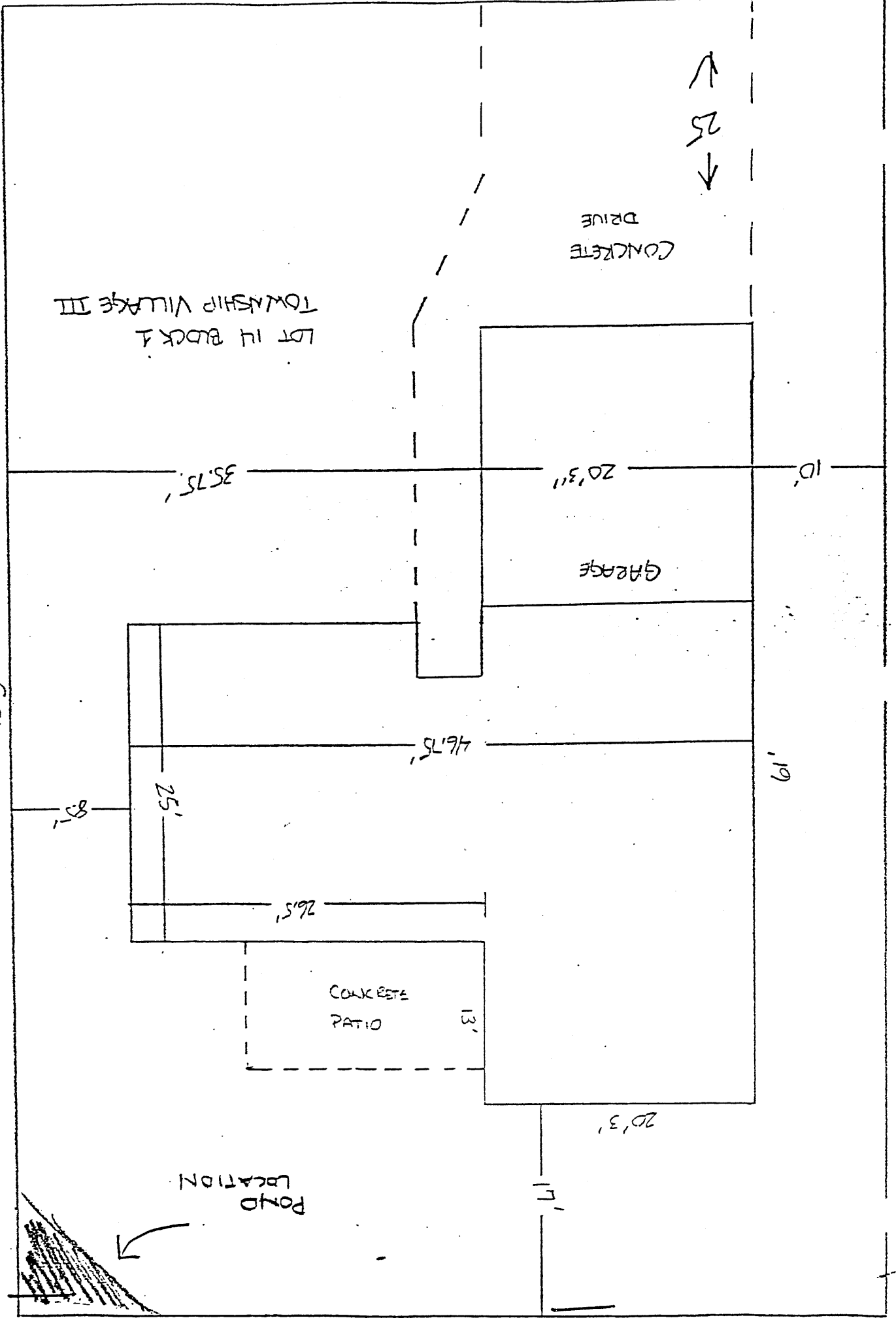
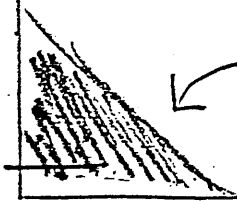
26.5'

13'

20'3"

17'

66.00



MOLALLA

RIVER

STATE

PARK

Oregon
Quite more than
Welcome.

VICINITY MAP

FRONTIER
GOLF
COURSE

THREE
RIVERS
FARM

CANBY FERRY

PHOENIX & HOLLY
MINIATURE
RAILROAD

WILLAMETTE

VALLEY

COUNTRY

CLUB

NE

NW

SW

SE

TO I-5 FREEMWAY

BARLOW ROAD

MOLALLA

SOUTHERN
HIGHWAY

PACIFIC

PACIFIC

170

REDWOOD

REDWOOD

REDWOOD

CANBY GROVE
CONFERENCE CENTER

KNIGHTS
BRIDGE

BAKER DR.

ASH ST.

ASPEN ST.

BIRCH ST.

BAKER

5TH PL.

6TH ST.

7TH ST.

8TH ST.

9TH ST.

10TH ST.

11TH ST.

12TH ST.

13TH ST.

14TH ST.

15TH ST.

16TH ST.

17TH ST.

18TH ST.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

7TH AVE.

8TH AVE.

9TH AVE.

10TH AVE.

11TH AVE.

12TH AVE.

13TH AVE.

14TH AVE.

15TH AVE.

16TH AVE.

17TH AVE.

18TH AVE.

19TH AVE.

20TH AVE.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

7TH AVE.

8TH AVE.

9TH AVE.

10TH AVE.

11TH AVE.

12TH AVE.

13TH AVE.

14TH AVE.

15TH AVE.

16TH AVE.

17TH AVE.

18TH AVE.

19TH AVE.

20TH AVE.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

7TH AVE.

8TH AVE.

9TH AVE.

10TH AVE.

11TH AVE.

12TH AVE.

13TH AVE.

14TH AVE.

15TH AVE.

16TH AVE.

17TH AVE.

18TH AVE.

19TH AVE.

20TH AVE.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

7TH AVE.

8TH AVE.

9TH AVE.

10TH AVE.

11TH AVE.

12TH AVE.

13TH AVE.

14TH AVE.

15TH AVE.

16TH AVE.

17TH AVE.

18TH AVE.

19TH AVE.

20TH AVE.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

7TH AVE.

8TH AVE.

9TH AVE.

10TH AVE.

11TH AVE.

12TH AVE.

13TH AVE.

14TH AVE.

15TH AVE.

16TH AVE.

17TH AVE.

18TH AVE.

19TH AVE.

20TH AVE.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

7TH AVE.

8TH AVE.

9TH AVE.

10TH AVE.

11TH AVE.

12TH AVE.

13TH AVE.

14TH AVE.

15TH AVE.

16TH AVE.

17TH AVE.

18TH AVE.

19TH AVE.

20TH AVE.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

7TH AVE.

8TH AVE.

9TH AVE.

10TH AVE.

11TH AVE.

12TH AVE.

13TH AVE.

14TH AVE.

15TH AVE.

16TH AVE.

17TH AVE.

18TH AVE.

19TH AVE.

20TH AVE.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

7TH AVE.

8TH AVE.

9TH AVE.

10TH AVE.

11TH AVE.

12TH AVE.

13TH AVE.

14TH AVE.

15TH AVE.

16TH AVE.

17TH AVE.

18TH AVE.

19TH AVE.

20TH AVE.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

7TH AVE.

8TH AVE.

9TH AVE.

10TH AVE.

11TH AVE.

12TH AVE.

13TH AVE.

14TH AVE.

15TH AVE.

16TH AVE.

17TH AVE.

18TH AVE.

19TH AVE.

20TH AVE.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

7TH AVE.

8TH AVE.

9TH AVE.

10TH AVE.

11TH AVE.

12TH AVE.

13TH AVE.

14TH AVE.

15TH AVE.

16TH AVE.

17TH AVE.

18TH AVE.

19TH AVE.

20TH AVE.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

7TH AVE.

8TH AVE.

9TH AVE.

10TH AVE.

11TH AVE.

12TH AVE.

13TH AVE.

14TH AVE.

15TH AVE.

16TH AVE.

17TH AVE.

18TH AVE.

19TH AVE.

20TH AVE.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

7TH AVE.

8TH AVE.

9TH AVE.

10TH AVE.

11TH AVE.

12TH AVE.

13TH AVE.

14TH AVE.

15TH AVE.

16TH AVE.

17TH AVE.

18TH AVE.

19TH AVE.

20TH AVE.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

7TH AVE.

8TH AVE.

9TH AVE.

10TH AVE.

11TH AVE.

12TH AVE.

13TH AVE.

14TH AVE.

15TH AVE.

16TH AVE.

17TH AVE.

18TH AVE.

19TH AVE.

20TH AVE.

BAKER

ASH ST.

ASPEN ST.

BIRCH

MYRTLE

5TH AVE.

6TH AVE.

RECEIVED MAR 21 1997

15:63

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1997

TO: FIRE, POLICE, CUB, CTA/NWT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE

The City has received VAR 97-03, an application by Rod Shippee for approval to locate a pond and waterfall structure in the backyard of the residence at 830 S.E. 7th Avenue, in variance to the minimum setback from the property line permitted by the Zoning Ordinance. The property is located on the north side of S.E. 7th Avenue, west of S. Pine Street [Tax Lot 2100 of Tax Map 4-1E-3BB].

We would appreciate your reviewing the enclosed application and returning your comments by March 28, 1997 PLEASE. The Planning Commission plans to consider this application on April 14, 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:

"NO COMMENTS" UNLESS THIS POND IN
OVER EASEMENT

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 Pearson Date: 3/21/97

Title: ENG DEPT Agency: CTA

EXHIBIT
2



PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1997

TO: FIRE POLICE, CUB, CTA/NWT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY,
ROY, STEVE

The City has received VAR 97-03, an application by Rod Shippee for approval to locate a pond and waterfall structure in the backyard of the residence at 830 S.E. 7th Avenue, in variance to the minimum setback from the property line permitted by the Zoning Ordinance. The property is located on the north side of S.E. 7th Avenue, west of S. Pine Street [Tax Lot 2100 of Tax Map 4-1E-3BB].

We would appreciate your reviewing the enclosed application and returning your comments by March 28, 1997 PLEASE. The Planning Commission plans to consider this application on April 14, 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: Lon Harbrough Date: 3-21-97

Title: Fire Marshal Agency: Canby Fire Dist.

PLEASE RETURN ATTACHMENTS!!!

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1997

TO: FIRE, POLICE, CUB, CTA/NWT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY,
ROY, STEVE

The City has received VAR 97-03, an application by Rod Shippee for approval to locate a pond and waterfall structure in the backyard of the residence at 830 S.E. 7th Avenue, in variance to the minimum setback from the property line permitted by the Zoning Ordinance. The property is located on the north side of S.E. 7th Avenue, west of S. Pine Street [Tax Lot 2100 of Tax Map 4-1E-3BB].

We would appreciate your reviewing the enclosed application and returning your comments by March 28, 1997 PLEASE. The Planning Commission plans to consider this application on April 14, 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:

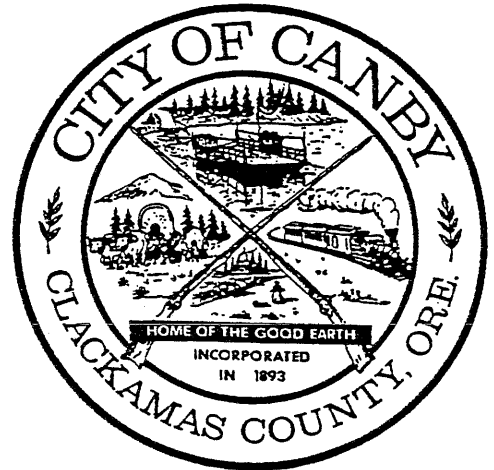
None

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 Now Date: 3/25/97

Title: POTW Supervisor Agency: City of Canby



To: Rod Shippee
833 SE 7th Ave
Canby, Oregon 97013

From: City of Canby
Code Enforcement Department

Date: February 6, 1997

Re: Zoning Code Violation

Sir,

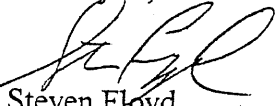
On October 22, 1996, I met with you and explained some problems with your decorative pond and fountain you have in your backyard, at that time we made a decision that your pond is in violation.

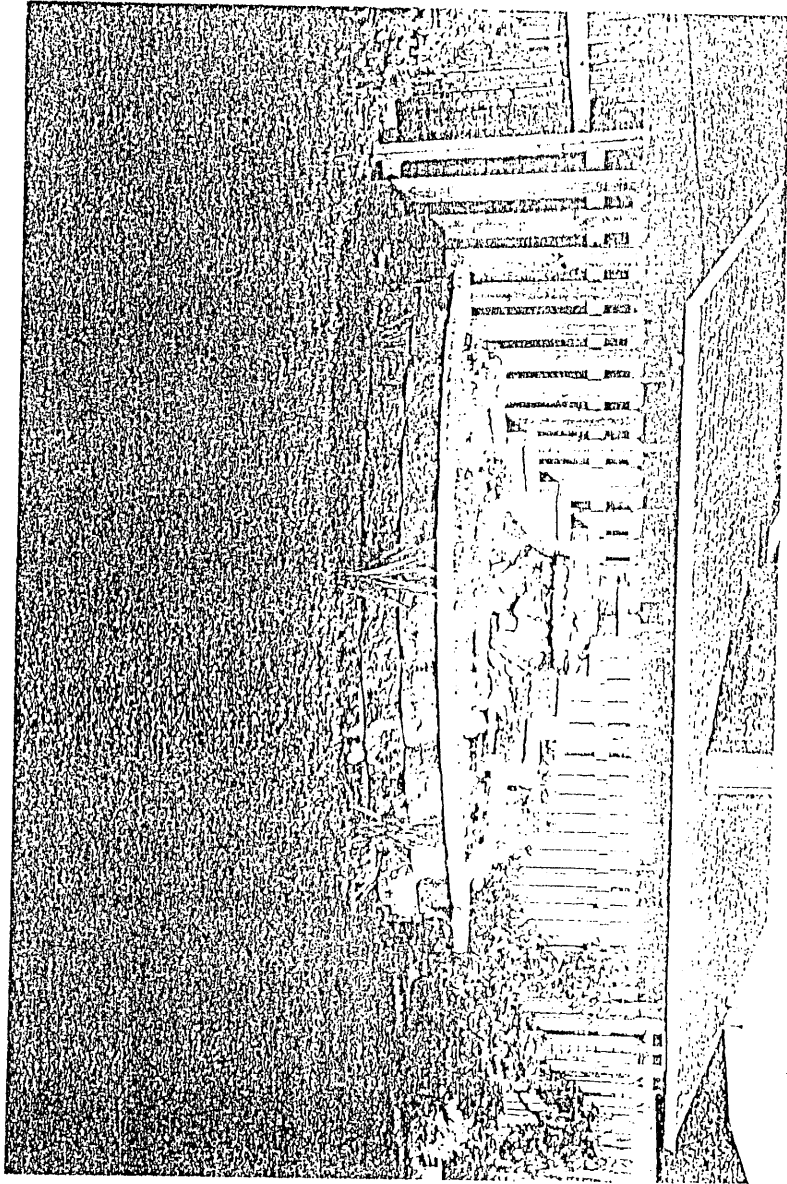
I have recently talked to your neighbor, (Mr. Bee), about the problem he was upset and he wanted the pond to be moved and the leaks stopped. He said he is willing to sign a complaint against you for the violation.

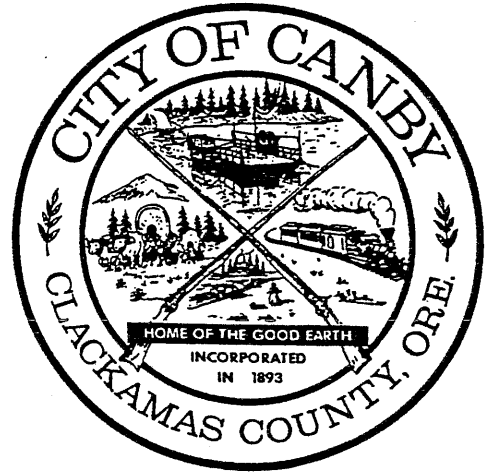
The Planning commission has looked at the fact that you are indigent and have reduced the variance fee from, \$900.00 to, \$450.00. You must apply for the variance in order to have the pond allowed. You must apply for the variance within the next forty-five days, if you fail to apply for the variance then the city will continue with the proper enforcement action and you will be cited in to court.

The structure, as it stands, needs to be moved three feet from your property line. The water leaks need to be repaired. If the structure is not brought up to code before, March 24, 1997 you will be cited into court and if you are found guilty you can be fined up to \$2,500 per day the violation exists.

Thank you,


Steven Floyd
Code Enforcement Officer





- STAFF REPORT -

APPLICANT:

Canby Elementary School District #86
811 S.W. 5th
Canby, OR 97013

FILE NO.:

CUP 97-02

OWNER:

Same

STAFF:

Lawrence Vasquez
Assistant City Planner

LEGAL DESCRIPTION:

Tax Lot 1400
of Tax Map 3-1E-33CB

DATE OF REPORT:

April 4, 1997

LOCATION:

North of NW 4th Avenue,
west of N. Grant Street [Knight School]

DATE OF HEARING:

April 14, 1997

COMP. PLAN DESIGNATION:

Public

ZONING DESIGNATION:

R-2 - High Density Residential

I. APPLICANT'S REQUEST:

The applicant is requesting approval to extend a Conditional Use Permit approved for three modular classrooms presently in use at the Knight Elementary School site.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

- 16.10 Off-Street Parking and Loading
- 16.16 R-2 High Density Residential Zone
- 16.46 Access Limitations
- 16.50 Conditional Uses
- 16.88 General Standards

- **City of Canby Comprehensive Plan:**

- I. Citizen Involvement
- II. Urban Growth
- III. Land Use
- IV. Environmental Concerns
- V. Transportation
- VI. Public Facilities and Services
- VII. Economics
- VIII. Housing
- IX. Energy

III. MAJOR APPROVAL CRITERIA

16.50.010 Authorization to Grant or Deny Conditional Uses

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.

- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

IV. FINDINGS:

A. Background and Relationships:

The applicant is proposing to retain three modular classrooms located at the Knight Elementary School site, north of N.W. 4th Avenue, west of N. Grant. The modulars were approved [DR 93-05/CUP 93-01] on November 8, 1993, with the following condition:

2. The "temporary" classroom of the subject application is approved until August, 1997, and the other "temporary" classrooms are to be removed at the end of this same period, unless extended by the Commission. Upon school unification, school planning needs to be accomplished to decide the best method for serving future school population including the current "bulge" at the second and third grade levels. The Commission will consider a request for extension of the use of "temporary" buildings after the appropriate population and building capacity and service district analyses have been accomplished.

The request is for an extension of the previous conditional use permit approval for an additional three year period. According to the District, they have completed a long-range facilities study and are projecting to add a new school building by approximately 2001. Once the new building is constructed the three modular classrooms will no longer be needed

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement Element

- **GOAL:** TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS.

Policy #1: Canby shall reorganize its citizen involvement functions to formally recognize the role of the Planning Commission in meeting the six required citizen involvement components of statewide planning goal No. 1, and to re-emphasize the city's commitment to on-going citizen involvement.

Policy #2: Canby shall strive to eliminate unnecessarily costly, confusing, and time consuming practices in the development review process.

ANALYSIS

1. The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement.

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 May 21, 1997.

ii. Urban Growth Element

- **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 #1: Canby shall coordinate its growth and development plans with Clackamas County.

ANALYSIS

1. The property is entirely within both the Urban Growth Boundary and the City Limits. No direct input from the County has been determined to be necessary or desirable, nor was any sought.

iii. Land Use Element

- **GOAL:** TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.

- Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.
- Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.
- Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.
- Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.
- Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.
- Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.

ANALYSIS

1. The subject property is the site of the Knight Elementary School campus. The adjacent surrounding properties are zoned residential. Low Density Residential (R-1) to the east, Downtown Commercial (C-1) to the south, and High Density Residential (R-2) to the west and north, the same as the subject property.
2. The extension of the conditional use permit will maintain the same intensity and density of school classroom uses that currently exist on the Knight Elementary School property.
3. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).
4. No natural hazards have been identified on the subject property.

5. The zoning of the property, R-2, High Density Residential, is consistent with the Land Use Map designation for the property. School use is a conditional use permitted in the R-2 zone and is also considered to be a part of residential area development in the Comprehensive Plan.

6. The subject property is not within any "areas of special concern" as designated in the Comprehensive Plan.

iv. **Environmental Concerns Element**

■ **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 #2-R: Canby shall maintain and protect surface water and groundwater resources.

Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.

Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.

Policy #5-R: Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.

Policy #6-R: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.

Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.

- Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
- Policy #10-R: Canby shall attempt to minimize the adverse impacts of new developments on wetlands.
- Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.
- Policy #2-H: Canby shall continue to participate in and shall actively support the federal flood insurance program.
- Policy #3-H: Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables, and shallow topsoil.

ANALYSIS

- 1-R-A. The approved development of the subject property, an elementary school, will not change as a result of the conditional use permit extension request.
- 2-R. The storm water drainage of the subject property is handled on-site. Clackamas County reviews storm water management and compliance with the Federal Clean Water Act.
- 3-R. The existing conditional use has not created a known pollution problem. Any construction activity is required to comply with prescribed standards for air, water, and land pollution, through the building permit process and the State's Department of Environmental Quality standards.
- 4-R. Insubstantial noise will be expected as a result of the continued conditional use of the property to allow for the temporary classrooms.
- 5-R. The subject property is not a sand and gravel operation, nor will the proposed partition or future use of the land hinder any sand and gravel operation. There is no sand and gravel operation within the City limits.
- 6-R. The subject property and surrounding properties are not historic sites.

7-R. The proposed conditional use of the property will not affect the scenic or aesthetic quality of the City. The visual impacts of development of the subject parcel were reviewed through the Site and Design Review process (DR 93-05).

8-R. The subject property is considered to be open space. The site has a large amount of open space which will not be affected by this proposal.

9-R. No wildlife or fish habitats are known on the subject property.

10-R. No wetlands are known on the subject property.

1-H. The subject property has no steep slopes.

2-H. The subject property is not in a flood zone.

3-H. The subject property has Canderly loam soil, a deep, well-drained soil. No expansive soils, shallow topsoil, high water table, or other potential risks associated with construction on the subject property have been identified.

v. **Transportation Element**

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

Policy #1: Canby shall provide the necessary improvement to City streets, and will encourage the county to make the same commitment to local County roads, in an effort to keep pace with growth.

Policy #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the City's growth needs.

Policy #3: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.

Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.

- Policy #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.
- 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.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.
- Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.
- Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.
- Policy #12: Canby shall actively promote improvements to State highways and connecting County roads which affect access to the City.

ANALYSIS

1. No street improvement is required as a part of this conditional use approval.
2. The impact of any additional traffic that the continued conditional use will create, will be paid for through the imposition of Transportation System Development Charges.
3. The major intersection near the subject property is N. Grant and Knights Bridge Road. At this time, this intersection is not considered to be "problem intersection." The City has a Transportation Systems Plan that includes improvements of "problem intersections," and is paid, in part, by Transportation System Development Charges.
4. Sidewalks are in place along the property's street frontage on N.W. 6th Avenue and N. Grant Street.

6. The fire district and police department have responded to the Request for Comments and have indicated that both adequate services are available and no further conditions related to the conditional use permit are necessary.

7. A bike lane has been proposed along the western side of South Grant Street, but does not presently exist.

8. The extension of the conditional use on the property will have no specific use for the rail facilities that exist in Canby.

9. The proposed extension of the conditional use permit has no bearing on efforts to improve or expand nearby air transport facilities.

10. The mass transit system in operation in Canby has no direct bearing on the proposed extension of the conditional use permit. No future transit stops have been proposed. The City has adopted a Transportation Systems Plan which includes mass transit considerations. No further consideration of mass transit, in relation to the proposed development of the property, is required by the Transportation Plan.

11. The subject properties are not near the Willamette River and will have no effect on the transportation potential or use of the Willamette River.

12. The subject property is fully within the City limits and is not near any "entry point" into the City.

vi. **Public Facilities and Services**

■ **GOAL:** 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.

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.

Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

ANALYSIS

1. All needed public facilities and service providers were sent a "Request for Comments" regarding this application. A positive response was received from Public Works. The Fire and Canby Telephone returned a "No Comments" response.

The has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or services for electric, water, and telephone services which have been brought to the subject property.

2. No public improvements are required for extension of the conditional use permit.

5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. Wait Park is in the vicinity of the subject property. .

vii. Economic Element

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

Policy #1: Canby shall promote increased industrial development at appropriate locations.

Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.

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

1. The request for an extension of the conditional use permit is not industrial in nature.

2. The proposed extension of the conditional use is not commercial in nature. The continued conditional use of this site with a temporary modular classrooms, as proposed, will provide service to the school as a needed community facility.

4. The proposed extension of the conditional use is not agricultural in nature.

viii. **Housing**

■ **GOAL:** TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY.

Policy #2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.

Policy #3: Canby shall coordinate the location of higher density housing with the ability of the City to provide utilities, public facilities, and a functional transportation network.

Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the City.

Policy #5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.

ANALYSIS

2. The proposed extension of the conditional use, and the associated proposed development, will not affect housing density.

3. The proposed extension of the conditional use does not include higher density housing. Future development of the properties will not include higher density housing.

4. The proposed extension of the conditional use does not include housing for low income persons. Future development of the property will not include housing for low income persons.

5. The proposed extension of the conditional use is not a mobile home development. Future development of the properties will not include mobile/manufactured home development.

ix. **Energy Conservation Element**

■ **GOAL:** TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES.

Policy #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.

Policy #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.

ANALYSIS

2. The proposed extension of the conditional use will not significantly or adversely alter the wind and solar orientation of the industrial complex.

4. The proposed extension of the conditional use will not alter the transportation patterns or needs of the industrial complex development. The conditional use is not in conflict with the adopted Interim Transportation Systems Plan for the City.

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

Based upon the above described analysis, the proposal is consistent with or can, with conditions, be made consistent with the policies of the Comprehensive Plan.

C. Evaluation Regarding Conditional Use Approval Criteria

1. Comprehensive Plan Consistency

The previous discussion determined the proposal's relation to Comprehensive Plan consistency. The application for an extension of a conditional use permit is found to be consistent with the policies of the Comprehensive Plan.

2. Site Suitability

The site is generally flat, and is large enough to accommodate the proposed uses and buildings with the appropriate setbacks.

3. Availability of Public Services and Facilities for the Site

Utility and public safety facilities and services are available in adequate capacity to serve the proposed use.

4. Compatibility with Surrounding Uses

The proposed extension of the conditional use will allow the property to retain its three modular classroom buildings. The use of the property will not alter the character of the surrounding area in a manner which substantially limits or precludes the surrounding properties for the uses listed in the high density residential zone.

V. CONCLUSION

Based on the above analysis, and without benefit of a public hearing, staff concludes that, with appropriate conditions:

1. The proposed conditional use is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved,
2. The characteristics of the site are suitable for the proposed use,
3. That all required public facilities and services exist to adequately meet the needs of the proposed development, and that no significant increase in demand for public facilities and service will result from the extension of the conditional use, and,
4. The proposed conditional use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed.

VI. RECOMMENDATION:

Based upon the application, supporting information, and drawings submitted, facts, findings and conclusions that are part of this report, staff recommends that the Planning Commission approve CUP 97-02 for an extension of the conditional use permit for the three modular classrooms located on the Knight Elementary School site, with the following conditions:

1. The temporary classrooms are approved for a three year period beginning August 1997 and ending August 2000 and the temporary classrooms are to be removed at the end of this time period.

Exhibits:

1. Application for Conditional Use
2. Vicinity Map
3. Site Plan
4. Responses from Service Providers

CONDITIONAL USE APPLICATION

Fee: \$900

OWNER

APPLICANT

Name CAMPBELL SCHOOL DIST #36
Address 911 S.W. ST-
City CANBY State OR Zip 97013
SIGNATURE [Signature]

Name SAME
Address _____
City _____ State _____ Zip _____
Phone: 266-7861

DESCRIPTION OF PROPERTY:

Tax Map 31E33CB Tax Lot(s) 1400 Lot Size 8.75
(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 CLASSROOMS
Proposed CLASSROOMS

Existing Structures KNIGHT ELEMENTARY SCHOOL

PROJECT DESCRIPTION

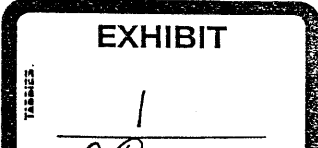
TO RENEW THE CONDITIONAL USE PERMIT FOR
MODULAR PRESENTLY BEING USED FOR CLASSROOM

ZONING _____ COMPREHENSIVE PLAN DESIGNATION _____

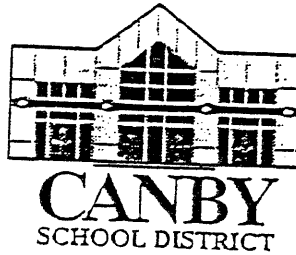
PREVIOUS ACTION (if any) _____

File No. CUP 97-01
Receipt No. 2383
Received by [Signature]
Date Received 3-7-97
Completeness Date _____
Pre-Ap Meeting _____
Hearing Date _____

* If the applicant is not the property owner, he must attach documentary evidence of his a



*"A community is known
by the schools it keeps"*



811 SW Fifth Avenue
Canby, OR 97013-3838
(503) 266-7861
Fax: (503) 263-8986

March 20, 1997

Canby City Planning Commission
182 N. Holly
Canby, OR 97013

SUBJECT: Extension of Conditional Use Permit

Dear Commission Members:

This letter is to request an extension of the City of Canby's conditional use permit which allows the Canby School District No. 86 to maintain three modular classroom buildings located on the west side of Knight Elementary School.

The extension is requested for an additional three-year period. As you are aware, the District has completed a long-range facilities study which projects the District to add a new school building by approximately 2001, at which time the three modulares will no longer be required. We have been in frequent communication about our long range facility planning, and need your continued support regarding the minimal use of portable building facilities as we move to our next building project, as recommended by the district-wide Facility Task Force.

If you have any questions or concerns, I will be glad to meet with the Commission to discuss this request.

Sincerely,

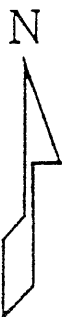
A handwritten signature in black ink that reads "Stephen Miller". The signature is written in a cursive, flowing style.

Stephen Miller
Superintendent

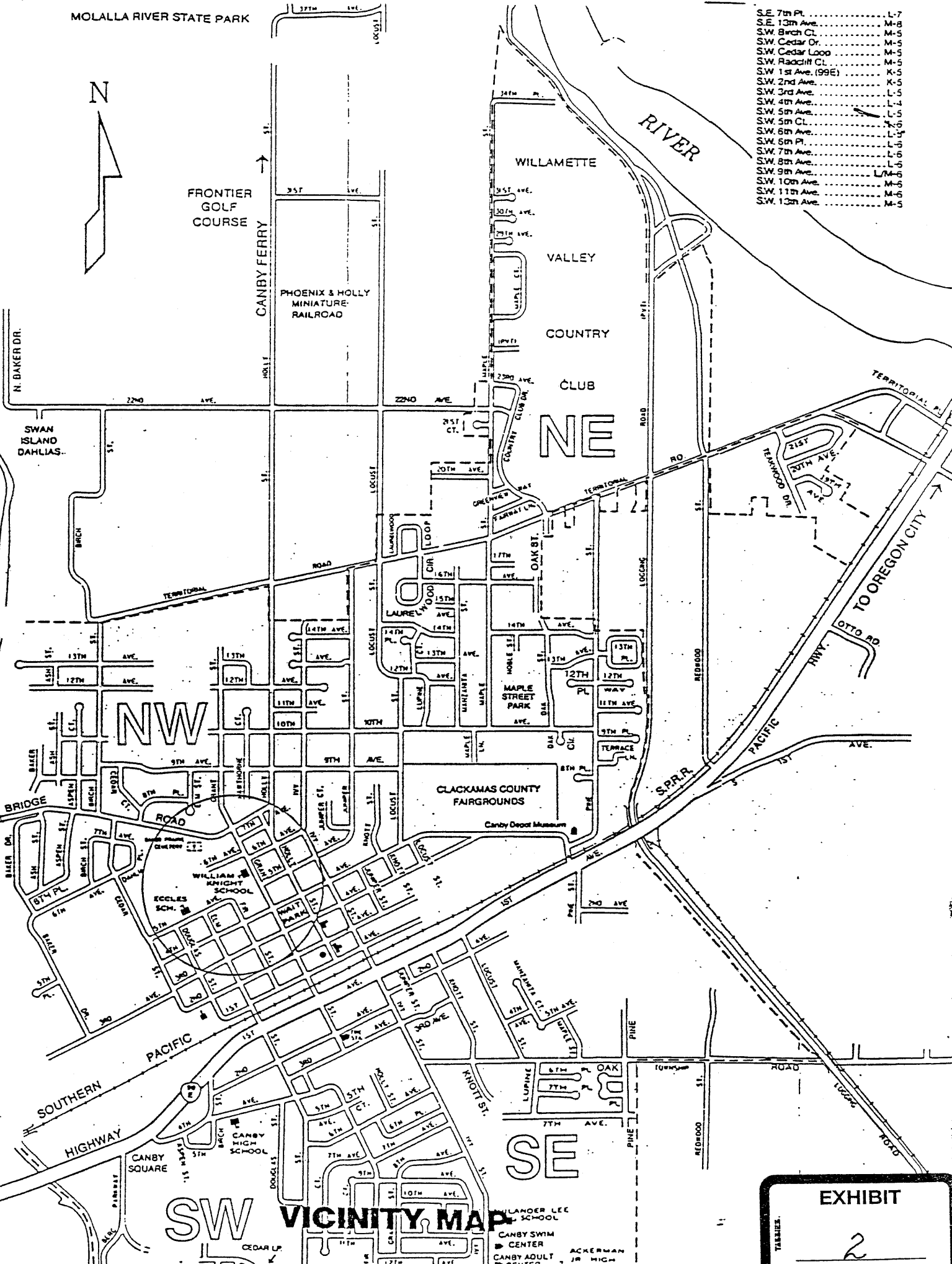
DS/kma

cc: Don Staehely

MOLALLA RIVER STATE PARK



- S.E. 7th Pl. L-7
- S.E. 13th Ave. M-8
- S.W. Birch Ct. M-5
- S.W. Cedar Dr. M-5
- S.W. Cedar Loop. M-5
- S.W. Radcliff Ct. M-5
- S.W. 1st Ave. (199E) K-5
- S.W. 2nd Ave. K-5
- S.W. 3rd Ave. L-5
- S.W. 4th Ave. L-4
- S.W. 5th Ave. L-5
- S.W. 5th Ct. K-5
- S.W. 6th Ave. L-5
- S.W. 6th Pl. L-5
- S.W. 7th Ave. L-6
- S.W. 8th Ave. L-5
- S.W. 9th Ave. L-5
- S.W. 10th Ave. M-5
- S.W. 11th Ave. M-5
- S.W. 13th Ave. M-5



EXHIBIT

2

VICINITY MAP

TABERNES

N. SIXTH AVE.

EXISTING
CLASSIFIED
HYDRAULIC
CONDUIT (S-1)

LOCATION OF HIGH
PRESSURE HYDRAULIC
CONDUIT (S-1)

EXISTING TRUSS
ROOF LAYOUT
(S-1)

LANEWAY

EXIST SCHOOL BUILDING

COVERED
PLOT AREA

EXISTING
MUSIC BLDG.

EXISTING
CORRUM
SHEED

PARKING

N. FOURTH AVE.

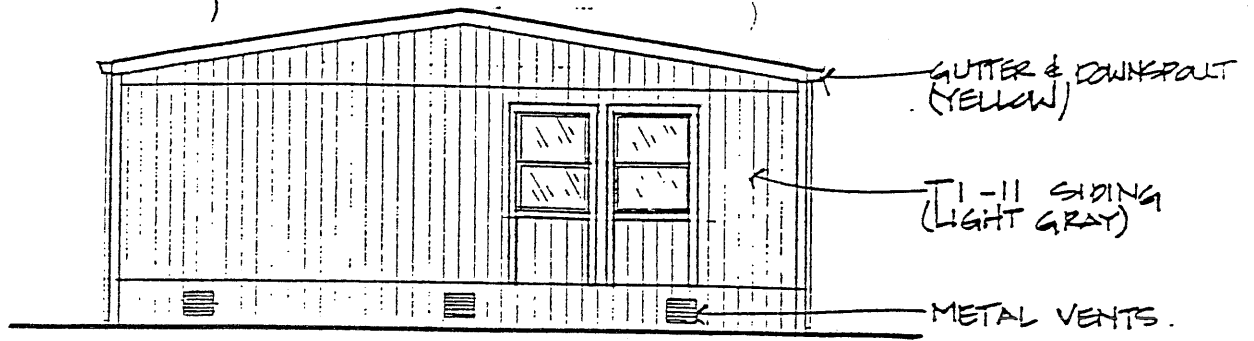
N. GRANT ST.

EXHIBIT

3

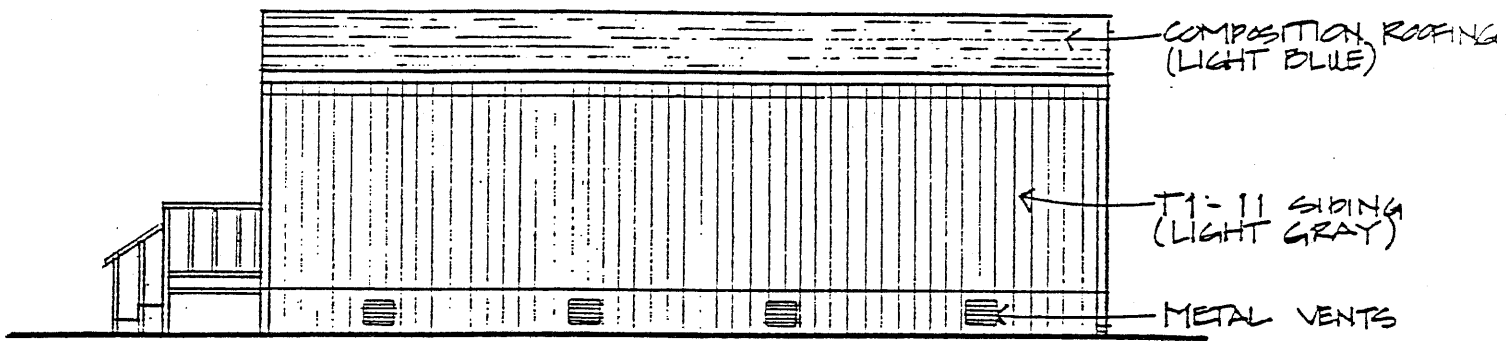
2 pages

TABLER.



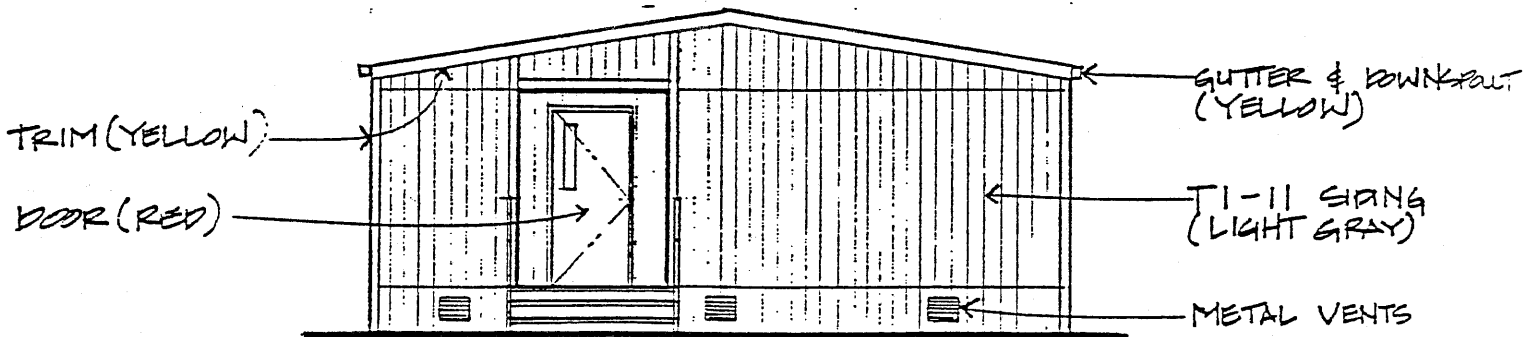
SOUTH ELEVATION

$\frac{1}{8}'' = 1'-0''$



WEST ELEVATION (EAST SIMILAR)

$\frac{1}{8}'' = 1'-0''$



NORTH ELEVATION

$\frac{1}{8}'' = 1'-0''$

KNIGHT ELEMENTARY SCHOOL
 CANBY SCHOOL DISTRICT NO. 86
 CANBY, OREGON

DATE
 AUG. 31, 1993

CLASSROOM
 NEW MODULAR STORAGE UNIT

SHEET NO.

1

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1997

TO: FIRE, POLICE, CUB, CTA/NWT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE

The City has received CUP 97-02, an application by Canby School District #86 for approval to extend the approval for CUP 93-01 and retain the three existing modular classroom buildings at Knight Elementary School. The project is located at 811 S.W. 5th Avenue [Tax Lot 1400 of Tax Map 3-1E-33CB].

We would appreciate your reviewing the enclosed application and returning your comments by March 27, 1997 PLEASE. The Planning Commission plans to consider this application on April 14, 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:

No Comment

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 Vanbrunt Date: 3/24/97

Title: Fire Marshal Agency: Canby FD #62

EXHIBIT
4

RECEIVED MAR 21 1997 215.03

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1997

TO: FIRE, POLICE, CUB, CTA/NWT NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY,
ROY, STEVE

The City has received CUP 97-02, an application by Canby School District #86 for approval to extend the approval for CUP 93-01 and retain the three existing modular classroom buildings at Knight Elementary School. The project is located at 811 S.W. 5th Avenue [Tax Lot 1400 of Tax Map 3-1E-33CB].

We would appreciate your reviewing the enclosed application and returning your comments by March 27, 1997 PLEASE. The Planning Commission plans to consider this application on April 14, 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:

NO COMMENTS

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 Pearson Date: 3/21/97
Title: ENG. DEPT Agency: CTA / NWT

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1997

TO: FIRE, POLICE, CUB, CTA/NWT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY,
ROY STEVE

The City has received CUP 97-02, an application by Canby School District #86 for approval to extend the approval for CUP 93-01 and retain the three existing modular classroom buildings at Knight Elementary School. The project is located at 811 S.W. 5th Avenue [Tax Lot 1400 of Tax Map 3-1E-33CB].

We would appreciate your reviewing the enclosed application and returning your comments by **March 27, 1997 PLEASE**. The Planning Commission plans to consider this application on **April 14, 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:

OK

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 Hester Date: 3-21-97

Title: Public Works Supervisor Agency: City of Canby