# AGENDA CANBY PLANNING COMMISSION REGULAR MEETING City Council Chambers December 10, 1990 - 7:30 p.m.

# I. ROLL CALL

#### II. BUSINESS FROM THE AUDIENCE

# III. COMMUNICATIONS

#### IV. UNFINISHED BUSINESS

**CONTINUED PUBLIC HEARING--CUP 90-06**, a request by Dave Nelson. The applicant is requesting approval to construct a 147-unit mobile home park on property identified as Tax Lot 1790 of Tax Map 4-1E-4C. The property is generally located east of the Canby Community Park and south of S. Elm Street.

#### V. NEW BUSINESS

# VI. PUBLIC HEARING

**CPA 90-02**, a request by Wayne Scott for approval of a proposed Comprehensive Plan Amendment to change the current zoning from Light Industrial (M-1) to Residential (R-1) for Tax Lot 100 of Tax Map 3-1E-27C. The applicant proposes to develop this 7.81 acre lot into 26 single family residential lots. The parcel is located south and west of Territorial Road and north of 99E.

MLP 90-12, a request by Southern Pacific Transportation Company for approval of a minor land partition to divide a 31.7 acre parcel into three lots containing 4.60 acres, 5.80 acres and 20.49 acres, respectively. The property is located north of Highway 99E, west of S. Elm Street and east of the Willamette River (Tax Lot 400 of Tax Map 4-1E-5).

CUP 90-09, a request by Canby Union High School. The applicant is requesting approval to construct a pole building to be used by the Agricultural Department on property identified as Tax Lot 701 of Tax Map 4-1E-4B. The property is located adjacent to high school building on the west side of the site.

#### ADJOURNMENT

VII.

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

Kurt Schrader, Chair Linda Mihata, Vice-Chair Don Bear John Zieg Wade Wiegand Robert Westcott Henry Fenske

# - STAFF REPORT-



# **APPLICANT:**

Wayne Scott 11310 S. Macksburg Road Canby, OR 97013

# **OWNER:**

Wayne Scott 11310 S. Macksburg Road Canby, OR 97013

# **LEGAL DESCRIPTION:**

Tax Lot 100 of Tax Map 3-1E-27C

# LOCATION:

Northwest of Hwy. 99E between Redwood and Territorial

# COMP. PLAN DESIGNATION:

Light Industrial

#### CPA 90-02

FILE NO.:

#### STAFF:

Robert G. Hoffman, AICP, Director of Planning

#### DATE OF REPORT:

November 30, 1990

#### DATE OF HEARING:

December 10, 1990

# ZONING DESIGNATION:

M-1 Light Industrial

# I. APPLICANT'S REQUEST:

The applicant is requesting approval to amend the Comprehensive Plan to propose use of Tax Lot 100 of Tax Map 3-1E-27C for Low Density Residential Land Use rather than Light Industrial Land Use.

Staff Report - CPA 90-02 Page 1 of 7

#### II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. It is a single parcel affecting a limited area. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

- A. The remainder of the Comprehensive Plan of the city, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment.
- B. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area. (Ord. 740, Section 10.8.80, 1984)

# III. FINDINGS:

#### A. Background and Relationships

- 1. Property Identification:
  - a. The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 100 of Tax Map 3-1E-27C. The applicant is requesting amendment of the Comprehensive Plan Land Use from light industrial to low density residential. It is 7.81 acres in size.
  - b. The property is located northwest of Hwy. 99E between Territorial and Redwood.
  - c. There are existing residences to the north and southwest. A large vacant tract used to raise sheep owned by the same owner as the subject parcel lies to the northwest.
  - d. The parcel along with the adjacent parcel was recently annexed to the City and came into the City under the Comprehensive Plan District classifications for the parcels and was zoned accordingly. On the application for annexation, the applicant stated his intended use for the property was single family residential.

Staff Report - CPA 90-02 Page 2 of 7

# 2. Site Characteristics

The site is generally flat. There is a drainage creek along the north side of the subject property. The soil is Latourel Loam, a welldrained soil. It has been used for pasture and has minimal trees on it. It is suited for homesite development, but roads and building will need to be designed for the limited ability to support a load.

# B. Comprehensive Plan Analysis

1. Citizen Involvement

This quasi-judicial land use review and hearing process is a major element of Canby's Citizen Involvement process.

2. Urban Growth

The subject parcel was recently annexed and is therefore within the UGB and within the city limits. It is appropriate for urban development.

3. Land Use

The industrial and commercial land section of the Comprehensive Plan on pages 47-50 outlines the rationale for the policy and mapped distribution of industrial and commercial land use.

The Plan states that those charged with Canby's future realized in the 1970's that "changes were needed to make Canby more selfsufficient and less commuter oriented. This meant providing more local employment opportunities. Commitments were made in the form of expansions to the city's water and sewer systems to serve new industrial developments... The siting and sizing of these facilities were done in a manner which would accommodate the industrial development planned in the area southeast of the present city limits."

Upon analysis of existing industry, the planners determined that "This diverse group appears to have little in common, but there are some similarities. They all take advantage of Canby's relatively low electrical rates for industries. Some rely on Canby's rail access. They all rely on Canby's relatively good freeway access for trucking in materials and trucking out finished products. They benefit from Canby's location near both Portland and Salem urban areas without experiencing the drawbacks of locations within those larger cities. They all utilize Canby's work force which contains a mixture of unskilled, semi-skilled, and high skilled workers."

There were hopes to achieve a higher percentage of local people employed in local jobs even though in its role as a service center to considerable outlying population many jobs will be filled by people who live outside the city limits. Ultimately the planners concluded "enough job opportunities are needed to meet the needs of an expanding city and a growing rural work force. As a year 2000 employment object, the city intends to provide adequate area for a labor force of 10,000 persons. As many as half of that total are likely to live outside Canby."

They also found that the employment densities of existing business in Canby in the 1970's was very low with industrial areas having seven employees per acre while "most urbanized communities will often average more than 20 employees per acre in developed commercial and industrial areas." They expected employment densities to grow and increase but not to reach 20 employees peracre on a community-wide basis. Ultimately they used eight employees per acre as the factor to determine the amount of commercial manufacturing land. They used about thirteen employees per acre to determine a need of about 400 acres of light industrial to employ 5,200 people in light industry, and about 21 employees per acre to employ about 2,000 people on 94 acres of heavy industrial land. (These low densities were based on an assumption that Canby would continue to have lower than average employment densities even though full urban services are provided and transportation access is improved.)

Most of this light industrial land was located on the proposed land use map in the southeastern quadrant of the future city boundary outside of the city limits but within the growth boundary. Another large area was located along the western city limits with a small area near the fairgrounds.

The subject parcel of this application is within a relatively small area proposed for light industry and located along a strip of land paralleling the railroad (generally between Territorial and Redwood and northwest of the tracks). Presumably this industry was intended to gain advantage from a railroad location. Access to this land from 99E had to cross the tracks at one or more locations or be from Territorial. More recent experience indicates that modern light industry is truck-oriented rather than rail-oriented. A review of the list of uses defined in the zoning ordinance as light industry will show that few of these industries use rail. Exceptions which might use rail are large food distribution facilities, industries which use <u>large</u> volumes of raw materials or a <u>large</u> lumber yard. More typical light industries are motor freight terminals and warehouses and small metal working shops.

Currently, housing exists on the portion of the proposed industrial area which is either northeast or southwest of the subject parcel.

The subject parcel is surrounded on three sides by land already occupied by housing or proposed to be subdivided for housing. The parcel is adjacent to a rail line paralleling Hwy 99E but does not have an approved access across the railroad. Access is by way of a long thin portion of the subject tax lot to Territorial. There is a creek/drainageway across the northern edge of the parcel somewhat affecting this access but culverting is possible for the accessway. The adjacent parcel to the north is owned by the same owner as the subject parcel. He wants to develop both parcels as a subdivision.

4. Environmental Concerns

The parcel has an identified creek-drainageway adjacent to the north and nearby to the south and west. These drainageways drain identified wetlands to the southeast and feed riparian waters to the north. Industrial development nearby would have to be done with great care to protect these resources. Residential development in the vicinity would be less prone to creating possible pollution. The soil is Latourel Loam and buildings and roads must be designed for its <u>limited</u> ability to support loads. This would be less difficult for residential development than industry which may need heavy loading.

5. Water, Air, Mineral, Historic and Land Resources

There are no special relative advantages of the site for industry as compared to residential use on the subject parcel when considering water, air, mineral, historic and land resources other than those already discussed under environmental concerns.

6. Scenic/Open Space

The subject parcel is adjacent to streams, wetlands and gently rolling terrain with mature stands of trees. Views from the site can be quite pleasant provided the railroad is buffered somewhat. These are advantages for residential development but not especial advantages for industry.

#### 7. Transportation

Hwy. 99E, Southern Pacific Railroad, Territorial and Redwood surround the subject property but access is not directly available to any of them without major construction. The applicant has proposed accessing this subject parcel by a new road to be constructed through his adjacent parcel with access to Territorial Road in a northerly direction. This general area is to be developed with homes. It is not practical or reasonable to bring trucks to the subject parcel this way. For industrial development, agreements from the railroad or adjacent single family home owners would be needed.

# 8. Public Facilities and Services

To this date, none of the utility service providers have expressed problems to service this area for residential development once the subdivision to the north is served. It is unknown how a major industry here would be served but small industry would not create significantly different loads than residential development.

# 9. Economic Element

Clackamas County contracted with Richard Carothers Associates to do an "Industrial Attraction Plan for the City of Canby, Oregon" in 1988. On page 2 of that Plan, it describes the boundaries found best to promote as the prime industrial development area for Canby. "The 520-acre study area, with the exception of a small existing Industrial Zone, lies outside of the city limits; however, all of the site is within the Urban Growth Boundary (UGB). <u>A small</u> 20 acre portion of the study area located to the north of 99-E was not studied for site enhancement at this time due to limited access consideration (the result of the Southern Pacific Railroad running along its entire southern portion). (emphasis added) The main study area is bounded on the North by Highway 99-E and S.E. First Avenue, on the South by Township Road and S.E. 13th Avenue, on the West by Pine Street, and on the East by Mulino Road."

The underlined area is the proposed light industrial area within which the subject parcel lies. It was <u>not</u> seen as a necessary area to promote for industrial development. Other areas were seen as more important. 10. Housing

The subject parcel could make a logical addition to a residential development to the north with access from Territorial. It would give better relationship to the homes which exist on adjacent parcels.

11. Energy

From an energy perspective, there do not appear to be relative advantages of industry versus residential on the subject parcel.

# C. Consistency with Other Plans

State plans and county plans do not seem to place any particular emphasis on development of sites such as the subject site for industry. In fact, the county hired a consultant to prepare an Industrial Attraction Plan which emphasizes different areas of Canby for industrial development. The subject area is already serviced by schools.

# IV. CONCLUSION

The proposal to amend the Comprehensive Plan to propose low density residential development rather than industrial development would be consistent with the intent of the Comprehensive Plan and other jurisdictions plans. At the appropriate time the adjacent parcels proposed for light industrial development should be considered for amendment. Since the site is relatively small and the assumed density of industrial development was so low for light industry, staff does not recommend adding other industrial areas in Canby to replace this area at this time.

# V. RECOMMENDATION

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the application, CPA 90-02, be approved.

# **EXHIBITS**

- 1. Applicant's application
- 2. Vicinity map

# COMPTEHENSIVE PLAN AMENDMENT APPLICATION

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OWNER			APPI	LICANT		
N. Wayna Caatt	Name	Wayne	Sco	tt		
Name Wayne Scott	 Address	11310	S.	Macksb	urg	Road
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City Canby State OR Zip 97013		266-3		State		<u>570</u>
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If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.

# NOTICE OF PROPOSED ACTION

Must be sent to DLCD 45 days prior to the final hearing See OAR 660-18-020

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List Statewide Goals Which May Apply to the Proposal: 10. Housing; 11. Public Facilities and Services; 12. Transportation; 14. Urbanization

List any State or Federal Agencies, Local Government or Local Special Service Districts Which may be Interested in or Impacted by the City of Canby

Direct Questions and Comments To Robert Hoffman, AICP, Planning Director

City of Canby

182 N. Holly, Canby, OR 97013

(Phone) 266-4021

Please Attach Three (3) Copies of the Proposal to this Form and

Department of Land Conservation and Development 1175 Court Street, N.E Salem, Oregon 97310-0590

NOTE: If more copies of this form are needed, please contact the DLCD office at 373-0050, or this form may be duplicated on green paper. Please be advised that statutes require the "text" of a proposal to be provided. A general description of the intended action is not sufficient. Proposed plan and land use regulation amendments must be sent to DLCD at least 45 days prior to the final hearing

\* FOR DLCD OFFICE USE \* \* \*

DLCD File Number

# Days Notice .

<pa>proposedform

# CITY OF CANBY COMPREHENSIVE PLAN AMENDMENT TAX LOT 100-3S 1E 27C

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**NARRATIVE:** Applicant requests a change to the Comprehensive Plan Map for the above tax lot to allow residential development rather than light industrial. Applicant is in the process of developing approximately 25 acres to the north of this lot into a residential subdivision. The 7.81 acres in this lot would provide approximately 26 single family residential lots.

Adequate access is not available to develop this property as light industrial. The property is separated from Highway 99E by the Southern Pacific right of way. Abutting property on the Northeast is accessed from Territorial and is developed with a newer single family residence. Property on the Southwest is developed with older single family residences and is accessed across the Southern Pacific right of way to highway 99E. This parcel does not provide access to any other parcels. At present and for the forseeable future there is adequate land designated as light industrial in the Canby area.

**STANDARDS & CRITERIA:** The comp. plan indicates 154 acres of light industrial property in the City and 240 acres in the UGB for a total of 394 acres of proposed industrial land. Page 51 paragraph 4 of the comp. plan indicates a desire to provide light industrial growth through development of large tracts suitable for campus type development. Tax lot 100 is not part of a tract large enough for that style of development.

All public facilities for residential development are available and will be provided for this tax lot from the north. Adequate transportation facilities are not available, nor are they practical to develop for this site as light industrial.





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December 3, 1990

# RECEIVED

# DEC 0 4 1990 CIT & OF CANBY

City of Canby Planning Commission 182 N. Holly Canby, Oregon 97013

Attention: CPA 90-02

Dear Sir:

We oppose the proposed Comprehensive Plan Amendment to change the current zoning from M-1 Light Industrial to R-1 Residential on Tax Lot 100 of Map 3-1E-27C, because of the following concerns.

In Canby's book of Long Range Development Plans for streets, etc., there are no proposed streets, etc., to connect the properties in question (see maps attached) in the application proposed to develop the 7.81 parcel of land south and west of Territorial Road and north of 99E. Does the development plan show an access, easement, right of way, etc., to these properties (see map)?

If an access is in the development plans, we could if necessary, have access to both fire protection, city water and sewer services. Canby, having dealt with Southern Pacific Transportation Co.knows that at some period in time, all private crossings will be eliminated. This crossing is our <u>only</u> access to the properties in question. We would appreciate consideration of an access be taken under advisement.

Sincerely,

Dale and Linda De Vries 22781 S. Hwy. 99E Canby, Oregon 97013

Attachments









# - STAFF REPORT-

# **APPLICANT:**

FILE NO.:

MLP 90-12

Southern Pacific Transportation Co. 1 Market Plaza, Suite 225 San Francisco, CA 94105

# **OWNER:**

Southern Pacific Transportation Co.

# **LEGAL DESCRIPTION:**

Tax Lot 400 of Tax Map 4-1E-5

# LOCATION:

North side of Hwy. 99E west of Elm Street and east of the Molalla River

# COMP. PLAN DESIGNATION:

Commercial Manufacturing with a very narrow strip of Hazard Overlay near Molalla River

# STAFF:

Robert G. Hoffman, AICP Director of Planning

# **DATE OF REPORT:**

November 30, 1990

# DATE OF HEARING:

December 10, 1990

# **ZONING DESIGNATION:**

Heavy Commercial Manufacturing with a narrow strip of Hazard Overlay along the Molalla River

# I. APPLICANT'S REQUEST:

The applicant is requesting approval to divide a 31.7 acre parcel into three lots containing 4.60 acres, 5.80 acres and 20.40 acres.

# **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. No minor partitions shall be approved 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;
- 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.

# III. FINDINGS:

#### A. Location and Relationships:

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 400 of Tax Map 4-1E-5. The property consists of approximately 31.7 acres, with approximately 2300 lineal feet of frontage along Hwy. 99E.

Part of the parcel is occupied by a truck service. Adjacent to the southwest is a recreational vehicle sales and service. The northern boundary is First Avenue and First Avenue extended to the river. The post office is adjacent as is the "Rinkes" property being acquired by the City. The Southern Pacific railroad tracks traverse the entire length of Parcel III. The lot division basically follows natural topography and 30-feet embankments. Access to Parcels I and II will be from Hwy. 99E, and Parcel III access will be from Elm and First Avenue and also a 30-foot easement across Parcel I from Hwy. 99E.

# B. Conformance with the Text and Maps of the Comprehensive Plan and Other Ordinances:

#### 1. Citizen Involvement

This land use application and hearing process is a major means of fulfilling this element of the Comprehensive Plan

#### 2. Urban Growth

The subject parcel is entirely within the Urban Growth Boundary and city limits. Minor land divisions will make this property able to be more fully developed and used which is consistent with the Comprehensive Plan policies for urban growth.

#### 3. Land Use

The Canby Comprehensive Plan Map shows the subject property located in a Commercial Manufacturing district with a narrow Hazard Overlay near the Molalla River.

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

This area is one of the prime commercial industrial land use areas proposed in the Comprehensive Plan. At 25 employees per acre, the entire parcel could ultimately provide 750 jobs or almost 10 percent of the city's total jobs early in the next century. Thus, care needs to be taken to insure that this parcel can play its role in reaching its full potential. This particularly relates to access needs.

The parcel is proposed as a heavy commercial and light manufacturing area. A small portion of the parcel is in a Hazard Overlay with a steep slope along the Molalla River. This small area with a railroad bridge above it cannot be developed with the usual heavy commercial and light industrial, but needs special consideration. Land Use Policy #4 deals with restricting development here in the small steep slope area. Land Use Policy #6 deals with unique areas.

b. Unique Character

# POLICY NO. 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.

This site is identified on the map as Area of Special Concern "A."

Implementation Measure #1 and #2 state as follows:

- 1. "Area 'A' is significant because of its location on Highway 99-E, at a main entry to the City. This site has long been zoned for industrial development but has remained vacant because of topographic constraints, lack of state highway access, and limited rail access. With the installation of traffic signals at the intersection of Highway 99-E and S.W. Berg Parkway, the opportunity for major access improvements to the site can be seen. It now appears that commercial development would better utilize this area, but with a large adjacent area designated for industrial development it would seem most reasonable to allow either light industrial or general commercial development (provided that any commercial development utilize the signalized intersection for access to Highway 99-E). The development of area 'A' is expected to have an impact on access to area 'B,' which is adjacent. Area 'A' has been rezoned C-M."
- 2.

"Area 'B' is designated for Heavy Industrial use on the Land Use Map. It is unique because of its location within an old aggregate removal site, with special access, water and sewer service, and drainage concerns which result from its physical condition and location. Area 'B' will be upzoned to M-2 when all public facilities are available to serve the area and access problems have been resolved." (Area B is being acquired by the City. There has been some discussion of using this area for a park.)

Thus, access for traffic and utilities are very important to ensure this area's development success. Conditions need to deal with these aspects.

# 4. Environmental Concerns

a. Soil Suitability--The site is basically Canderly Sandy Loam with minimal slopes. It is Class II and is suitable for urban

development without serious constraints.

- b. Water Resources--Normal storm and sanitary systems will fit this site provided the usual wetwells and sanitary sewer facilities are provided. Existing service will need to be extended to serve the site.
- c. Air, Water, Noise and Land Pollution--When these sites are developed, they will need to meet development standards to protect these resources. The new design review ordinance will apply.
- d. Historic, Fish and Wildlife, and Scenic Aspects--No historic fish and wildlife, or scenic area aspects are known to exist on this site except the steep slope area with its relationship to the Molalla River.
- e. Hazards--The small portion of the site near the river is a steep slope and will need protection. The Hazard Overlay procedures of the zoning ordinance will provide reasonable protection of this slope area.

# 5. Transportation

Primary access to this parcel is currently by way of Hwy. 99E, Elm Street and First Avenue. The Comprehensive Plan proposes a new collector road across this parcel in a northerly direction generally connecting Hwy. 99E to Third Avenue in the vicinity of a Berg Road to Baker alignment. An easement/dedication should be provided to meet this objective. (This will be a signalized intersection.

# 6. Public Facilities and Service

This area currently is not served by most utilities, but they are available in the vicinity with adequate capacities to serve the additional area. Extensions will need to be provided as conditions of approval. The steep slope area could be a valuable connection between open space and recreation areas for pedestrians and bikers. Easement or dedication for this purpose needs to be investigated.

# 7. Economic

This proposed division of land and adequate provision of access and utility service can provide a valuable contribution to Canby's economy by providing sites for further commercial and industrial development.

#### 8. Housing

This section is not directly applicable except so far as jobs and income will aid in making housing opportunities available to Canby's population.

# C. Compliance with All Other Applicable City Ordinances:

1. Section 16.60.030 of the Canby Municipal Code requires all public facilities and services be available, or made available through the development of the property.

In most cases, services will have to be extended to serve the parcels of property proposed to be created. This will need to be a condition of approval.

# 2. Street/Traffic

Canby's code requires that any newly created parcels have access to public streets. Also, it requires dedication of proposed streets to adequately service the proposed parcels and aid in serving the vicinity.

As has been described earlier the proposed parcels are served by Hwy. 99E, Elm and First Streets. The state owns land along Hwy. 99E which may be accessed and vacated to add to the size of Parcels I and II. The proposed new collector street from 99E to Third Avenue in the vicinity of Berg and Baker alignment will need to be dedicated.

An easement along the slope area should be reserved for ultimate pedestrian and bike path connections. Curbs and eight-feet sidewalks will need to be provided.

#### **D. Overall Design of Parcels**

The partition as proposed will result in parcels along Hwy. 99E which are developable and which respect the natural topography. They are adequate in size and shape for heavy commercial and/or light industrial development. Parcel III lies along the railroad track and is being retained by the railroad. Once the north/south collector is in place, it will also be developable.

#### **IV. CONCLUSIONS**

Staff concludes that there will be adequate frontage on public streets to insure safe and efficient access and all necessary public services will become available through development of the property, under the conditions proposed, to adequately meet the

needs of commerce and industry. Staff concludes that the developed division of property as proposed will be consistent with the policies of the Comprehensive Plan and requirements of the Development Code.

# V. RECOMMENDATIONS

Based upon the findings and conclusions in this report, the information submitted by the applicant, and the additional information contained in the file (and without benefit of public hearing), staff recommends approval of MLP 90-12, subject to the following conditions:

- 1. The applicant shall prepare a final partition map. The final partition map shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. 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.
- 2. 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.
- 3. Easements shall be provided as required by each of the respective utilities. These easements are to be coordinated by the Director of Public Works, but generally are 12 feet along the front of each lot and the perimeter of the subject parcel and six feet along interior lot lines.
- 4. Plans to extend the sewer shall be approved for construction by the Director of Public Works, prior to the issuance of any building permits on the site.
- 5. All monumentation and recording fees shall be borne by the applicant.
- 6. All utilities must meet the standards and criteria of the providing utility authority.
- 7. A recorded offer of dedication of land for the proposed public collector shall be provided in an alignment approved by the Director of Public Works, but generally 60 feet wide and centerline with Berg Parkway.
- 8. Waiver of remonstrance for construction of the new street shall be provided.
- 9. A 30-feet wide easement shall be dedicated to the City for a pedestrian path/bike path along the top of the embankment paralleling the river. The specific alignment shall be approved by the Director of Planning.

- 10. As built drawings shall be provided to the City.
- 11. An eight-feet wide sidewalk and integral curb shall be provided along the entire length of Hwy. 99E prior to the issuance of any building permits.
- 12. Driveway cuts and curb locations must be coordinated with the State.

# **EXHIBITS**

- 1. Applicant's Application
- 2. Vicinity Map





# - STAFF REPORT-

# **APPLICANT:**

Canby Union High School, UH-1

# **OWNER:**

Canby Union High School, UH-1

# **LEGAL DESCRIPTION:**

Tax Lots 3201, 701 of Tax Map 4-1E-4B

# LOCATION:

721 S.W. 4th Avenue

**COMP. PLAN DESIGNATION:** 

Public

FILE NO.:

CUP 90-09

# **STAFF:**

Robert G. Hoffman, AICP Director of Planning

# DATE OF REPORT:

November 28, 1990

#### DATE OF HEARING:

December 10, 1990

**ZONING DESIGNATION:** 

**R-1 LOW DENSITY RESIDENTIAL** 

# I. APPLICANT'S REQUEST:

The applicant is requesting approval to construct a 30' by 60' pole building to store farm equipment for Canby High Agriculture Department. The equipment is currently stored outside.

# **II. APPLICABLE REGULATIONS:**

This is a quasi-judicial land use application. The proposed use is a conditional use in an R-1 zone. In judging whether a Conditional Use should be approved, the Planning Commission 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 that substantially limits or precludes the use of surrounding properties for the uses listed as permitted in zone.

# III. FINDINGS:

# A. Background:

- 1. Property Identification:
  - a. The subject property is identified on the Clackamas County Assessor's Map as Tax Lots 3201 and 701 of Tax Map 4-1E-4B.

en;

- b. The building is located on the High School site and is along the fence which borders the playing fields. The west edge of the building will be approximately 34 feet from the west school property line.
- c. The rear southeastern corner of Canby Square is immediately to the west.
- 2. Site Characteristics

The current site is on open area adjacent to the Ag Building of the High School. The USDA Soil Survey for Clackamas County identifies the predominant soil on the property as Canderly Sandy Loam. This is basically a Type II soil which is appropriate for urban type development without serious constraints. The site is basically flat.

# B. Comprehensive Plan Consistency Analysis

# 1. Urban Growth Boundary

The application is for a site which lies wholly within the Urban Growth Boundary and is appropriate for urban type uses and services. The proposed development is urban in use and is, therefore, consistent with the intent of the Urban Growth Boundary policies.

2. Land Use

The proposed land use in the Comprehensive Plan for the subject site is low density residential. The proposed use for the site under the subject application is for a storage building for the High School. This is an accessory use to a residentially compatible use. Thus, the proposal is consistent with the Comprehensive Plan land use proposals.

3. Environmental Concerns

The soil types are appropriate for the proposed use without serious constraints. Air and water resources are not negatively impacted. The land is proposed to be used for an appropriate urban use. There are no known noise impacts. Mineral, Historic, Scenic, Open Space and Fish and Wildlife Resources are not affected except that agricultural equipment currently stored outside will be stored inside creating a more orderly view and will better maintain equipment.

# 4. Transportation

The proposed use will be accessed from the High School west access road which enters from Fifth Avenue. Most use will be related to the agricultural building which is located to the east.

5. Public Facilities

The area appears to be served by an appropriate level of public facilities and services. Sewer service will not be needed in the pole building but serves the High School.

# 6. Economic, Housing and Energy Conservation

These Comprehensive Plan policy areas do not appear to be applicable.

# C. Zoning Consistency Analysis

The proposed use, a storage building for agricultural equipment, is an accessory use to a High School which is often found within residential areas and associated with residentially related uses. It has previously been determined to be a conditional use within the R-1 zone.

Code Section 16.50.010 lists standards for approving a conditional use. Analysis according to this criteria follows:

1. Consistency with the Comprehensive Plan and Other Applicable Policies

The previous discussion outlined in some detail how the proposal relates to the Comprehensive Plan policies. The following discussion will relate to the requirements of this title and other applicable policies:

a. Site Suitability

The site, size, shape, location and topography are all more than sufficient for the proposed use. The area of the entire site is approximately 38 acres in size. Considering other similar facilities, this is a size that can contain the combination of current and proposed future uses and facilities without any serious constraints. No additional parking is needed since all employees and students are already on the site. This is <u>not</u> an additional classroom.

b. Parking Requirements

The same people who have already been served by school parking will be using the storage building. No additional parking spaces are required.

c. Noise and Relation to Surroundings

There should be less noise than at present since equipment will be stored inside rather than outside. The adjacent uses are commercial and industrial. The situation will be improved by inside storage. The exterior building material and roofing should be compatible with the adjacent school buildings in order to provide a unified site design.

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VANAD TO Y UD	
0661 6 - AON CONDITIONAL	USE APPLICATION
<b>M</b> 一 の 一 に N ED	APPLICANT AS COUNTY
Name Canby Union High School UH-1	NameSame
Address 721 S. W. 4th Avenue	Address
City <u>Canby</u> State <u>OR</u> Zip 97013	City State Zip
SIGNATURE	Phone 266-7861 Pat Watson
DESCRIPTION OF PROPERTY	266-5811 ex222 Max Sherman
Tax Map <u>4 IE</u> Tax	Lot(s) <u>3201</u> Lot Size <u>38 acres</u> (Acres/Sq.Ft.)
or ATTACHED	
Legal Description, Metes and Bounds Plat Name	

#### 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 <u>typed onto an 8-1/2 x 11 sheet of labels</u>, just as you would address an envelope.

#### USE

Existing Existing Structures	Proposed X
PROJECT DESCRIPTION	
See_attached	
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	IPREHENSIVE PLAN DESIGNATION
	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.



d. Utilities

The location of utilities are not part of this staff report since we have no indication that they are needed. There are no conflicts known at this time.

# IV. CONCLUSION

Considering the previous analysis, staff hereby determines that the proposal is consistent with the policies of the Comprehensive Plan and meets the requirements of the conditional use approval criteria.

# V. RECOMMENDATION

Staff recommends that the Planning Commission, based on the facts, findings and conclusions of this report, approve CUP 90-09 for a pole building to be used for agricultural equipment storage with the following conditions:

- 1. The applicant shall provide proof, in an affidavit, that the pole building will be used by the same people who are currently served by the existing parking area.
- 2. No plumbing will be provided.
- 3. The exterior building materials and roofing shall be of a type and material compatible with the adjacent school buildings as determined by the Planning Director.
- 4. The water easement in the vicinity will be provided protection and the proposed 34-foot setback from property lines shall be provided.

# EXHIBITS

Application Site Plan Description of Proposal The proposed building for the Aq Dept. at Canby High is a  $30 \times 60$  pole building. The purpose of this building is for the storage of the farm equipment presently stored along the fence where the building will be placed.

The pole building will be placed along the fence that boarders the playing fields, it will be in line with the current tractor shed already on the site. The building, to be built by M & W Pole buildings of Canby, will fit the architecture of the buildings near it.

This building will enhance the appearance of the Agriculture facilities at Canby High since it will provide an order place to store and protect the equipment presently occupying the site. The west end of the building will be approx. 34 feet from the School property line.



This Indenture Witnesseth, That Geo. H. Brown

and Minnie G. Brown his wife	e,
for and in consideration of Four Thousand and no/100 DOLLARS	5.
tothem	
Union High School No. 1, Clackamas County, Oregon	
the following, described real estate, situate in <u>Clackamas</u> All the following described real property situate in the County of Clacka- nas, State of Oregon: <u>Beginning in the center of the Northwest quarter of Section Four (4)</u> Fownship Four (4) South of Range One (1) East of the Willamette Meridian, running thence West 2.50 chains; thence North 11 40/100 chains to the sout boundary line of Philander Lee's Land claim; thence North 78° 15' East 2.55/100 chains to the Northwest corner of Wm. Knight's preemption Land Claim; thence South 11 80/100 chains to the place of beginning, containing	 ħ
wo and ninety one hundredths (2.91/100) acres more or less.	
Also the following described Tract: Beginning at the Southeast corner of the Northwest quarter of Northwest quarter of Section Four (4) in Township Four (4) South Range One (1) East of the Willamette Meridian; thence South 16.10 chains; thence West 15.05 chains; thence North 6.35 chains; thence East 10 chains; thence North 20.7 chains to the Philander Lee's boundary; thence North 78° 15' East along said Lee's boundary 2.35 chains; thence South 11.00 chains to a point due West of the beginning corner; thence East 2:50 chains to the place of be- ginning, containing Seventeen (17) acres more or less.	5
Also the following described tract; Beginning at a point 6.50 chains West and 5.40 chains South of the Southeast corner of the Donation Land Claim of L. A. Seely in Township Four South of Range One East of the Willamette Meridian; running thence South 8.50 chains; thence East 11.50 chains; Thence North 8.50 chains; Chence west 11.50 chains to the place of beginning, containing nine 77/100 acres, situated in the County of Clackamas and State of Oregon.	
To Habe and to Hold, the said premises with appurtenances, unto the said Union High School	•••
Nol, Clackemas County, Oregon	
ints heirs and assigns forever; and	
do hereby covenant to and with the said	
Union High School No. 1, Clackamas County, Oragon	
1.15. heirs and assigns, that	38
and that We will warrant and defend the same from all lawful claims whatsoever: <u>Provided only th</u> <u>used and</u> <u>said property must be/retained for school purposes only except that</u> which is used for highways or streets, and in the event of a violation of this provision said property shall revert to and vest in grantors. Jn Witness Whereof, Wa have hereunto set <u>Our</u> hand Sand seals this <u>20th</u>	
day ofOctober	
Signed, Sealed and Delivered in the Presence of <u>Harley</u> <u>Jewens</u> <u>Heet Brown</u> (SDAI Marie Dunmire. Minnie J B10-URISDAI	
WARRANTY DEED-28919-Oregon City Enterprise.	

0. 492. DEED-CORPORATION WARRANTY.	Printed and for Sale by Glass & Frudhomme Company, Portland, Or.
Know All Men by Chose Pro.	sents, That The City of Canby
a duly incorpo	rated City in Clackamas County Oregon.
incorporated City	rated under the laws of the State of <u>Oregon</u> in
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Union High School District #	1 of Clackamas County Oregon.
veirs and assians forever, the following of	lescribed parcel of real estate, situate, lying and being in the
County ofClackamas	and State of Oregonto-wit:
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Meridian; Running thence	South 5.40 Chs. Thence East 5 Chains
Thence North 12.60 Chair	18 to the South Boundry of the Infination 78° 151 West 5.45 Chains to the East
	ey Claim; Thence South six Chains to the ting herefrom the South 5.40 acres thereof;
	of Clackamas County Oregon, the property erein by M.Francis Nelson and Bertie Wilson
Nelson, hes wife, and pe	ing three and a fraction acres of land.
Together with the tenements, hered	itaments and appurtenances thereunto belonging, or in any-
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TO HAVE AND TO HOLD the same	to the said <u>Union High School District</u> #1
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does covena	int with the said Union High School District #1
	<u>its</u> legal representatives forever, that said corporation is
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• •	and that it will, and its successors shall,
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WARRANT AND DEFEND the same heirs and assigns forever, against the	e lawful claims and demands of all persons whomsoever
IN WITNESS WHEREOF The	City of Canby pursuant
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#### DATE: November 14, 1990

#### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the City of Canby Planning Commission on Monday, December 10, 1990 at 7:30 p.m., in the City Council Chambers, N.W. Second Avenue, Canby, to consider **CUP 90-09**, an application by Canby Union High School. The applicant is requesting approval to construct a pole building to be used by the Agricultural Department. The property is located at 721 S.W. Fourth (Tax Lot 701 of Tax Map 4-1E-4B).

The applicable criteria for this review is set forth in Chapter 16.50.010 of the Canby Municipal Code. Copies of the criteria are available from the Planning Department located at 182 N. Holly. All testimony and evidence shall be directed to the applicable criteria or the person providing testimony shall state which other criteria they believe applies to the application.

Anyone wishing to comment on the proposed Conditional Use may do so by submitting written or verbal testimony at the hearing.

Failure of an issue to be raised at a hearing, in person or by letter, or failure to provide sufficient specificity to afford the Planning Commission an opportunity to respond to the issue, precludes an appeal to the State Land Use Board of Appeals.

A copy of the application and record are available for inspection at no cost, in the office of the Canby Public Works Department, 182 N. Holly, Canby, Oregon, during regular working hours (8:00 a.m. to 5:00 p.m.).

A copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing, and will be provided at reasonable cost. City Planner is Bob Hoffman, 266-4021.

Notice of this hearing is as provided in Section 16.88.130 of the Land Development and Planning Ordinance (#740), as adopted February 1, 1984.

Publish: Canby Herald

Tuesday, November 19, 1990 Tuesday, November 26, 1990

FILE: CUP 90-09