

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

1
2
3
4 CANBY QUALITY OF LIFE COMMITTEE,)
5 DEBBIE BELL, PAUL BELL, KAY BOEN,)
6 MARVIN BOEN, JOYCE CARONE, PAUL)
7 CARONE. EARLINE CARTER, HERBERT)
8 CARTER, BELVA CLARK, ROBERT CLARK,)
9 BILL DICKINSON, DONNA DICKINSON,)
10 DEBORAH DONOVAN, MARQUITA DUMAS, RENE)
11 DUMAS, BETTY FOSTER, ROY FOSTER,)
12 BRAD GERBER, YVETTE GERBER, LETA)
13 GRAY, RONALD GRAY, PATRICIA HILLS,)
14 INTERIORS WEST, JOAN JONES, VERLA)
15 KREBS, ALICE LOWRIE, HOWARD LOWRIE,)
16 L. D. MCCARTY, MARY JO MCGAUVVRAN,)
17 RON MCGAUVVRAN, DONNA JEAN MCMANAMON,)
18 JOHN MCMANAMON, MARY ANN MAPLES,)
19 TIMOTHY MAPLES, MR. AND MRS. TROY)
20 NELSON, MR. AND MRS. LE THI NGUYEN,) LUBA No. 96-005
21 REBECCA NUGENT, TERRI OLMSTEAD,)
22 ENA RISELING, MARK RISELING,) FINAL OPINION
23 ADELAIDE SAMPSEL, LEON SAMPSEL,) AND ORDER
24 MR. AND MRS. RONALD SANDNER, CARLA)
25 SATHER, STEVEN SATHER, GERALD) MEMORANDUM OPINION
26 THARP, MARION THARP, MR. AND MRS.) ORS 197.835(16)
27 EDWARD SEMPERBONI, GERTRUDE)
28 THOMPSON, PHYLLIS TODD, CAROLE)
29 WHEELER, AND MARK WHEELER,)
30)
31 Petitioners,)
32)
33 vs.)
34)
35 CITY OF CANBY,)
36)
37 Respondent,)
38)
39 and)
40)
41 FRED A. KAHUT,)
42)
43 Intervenor-Respondent.)
44
45

1 Appeal from City of Canby.

2

3 Jeffrey L. Kleinman, Portland, filed the petition for
4 review and argued on behalf of petitioners.

5

6 John H. Kelley, City Attorney, Canby, filed a response
7 brief and argued on behalf of respondent.

8

9 Mark J. Greenfield, Portland, and R. Roger Reif, filed
10 a response brief and argued on behalf of intervenor-
11 respondent. With them on the brief was Reif, Reif &
12 Thalsofer

13

14 GUSTAFSON, Referee; HANNA, Referee, participated in the
15 decision.

16

17

AFFIRMED

04/12/96

18

19 You are entitled to judicial review of this Order.
20 Judicial review is governed by the provisions of ORS
21 197.850.

1 Opinion by Gustafson.

2 This is petitioners' second appeal of the city's
3 approval of a waste transfer station and recycling center.
4 In Canby Quality of Life v. City of Canby, ___ Or LUBA ___
5 (LUBA No. 95-059, October 31, 1995) we remanded the city's
6 decision for interpretation and findings on two issues.

7 The city adopted additional findings in response to our
8 remand order. Petitioners appeal the city's decision on
9 remand, arguing that the city's plan and code
10 interpretations are clearly wrong, that the findings are
11 inadequate, and that there is not substantial evidence in
12 the record to support the city's findings.

13 In essence, petitioners disagree with the city's
14 decision and present extensive argument to substantiate that
15 disagreement. Petitioners do not, however, establish legal
16 error in the city's findings warranting remand or reversal
17 of the city's decision.

18 Pursuant to ORS 197.835(16), the city's decision is
19 affirmed.